ANNO SEXTO

GULIELMI IV. REGIS.

Cap. 2.

An Act for inclosing Lands in the Parish of *Wootton* in the County of *Bedford*. [30th *March* 1836.]

WHEREAS there are within the Parish of *Wootton* in the County of *Bedford* divers Open Fields, Commons, and Commonable and Waste Lands and Grounds, and also divers inclosed Lands and Homesteads: And whereas *Joseph Francis Buckworth* Esquire, in right of Dame *Mary* his Wife, is or claims to be Lord of the Manor of *Wootton*, and the Master, Fellows, and Scholars of the College of the Lady *Frances Sydney Sussex* in the University of *Cambridge* are or claim to be Lords of the Manors of *Pilling Shingaye* otherwise *Pilling Shinggay*, and *Pilling* alias *Pilling Rowsbery*, all the said Manors being within the said Parish of *Wootton*: And whereas the said *Joseph Francis Buckworth* and Dame *Mary* his Wife, in right of the said *Mary*, are Impropriators of the Impropriate Rectory of *Wootton* aforesaid, and in right thereof are entitled to all the Great or Rectorial Tithes (except as herein-after mentioned), and also to certain Glebe Lands within the said Parish; and *John Jenkyn* Clerk is the Patron of the Advowson of the Vicarage of *Wootton* aforesaid, and the said *John Jenkyn* is Vicar of the said Vicarage, and entitled to all the Vicarial Tithes, and to the Great or Rectorial Tithes of certain Lands called the *Hooes*, and certain other Lands, and also to certain Glebe Lands within the said Parish; and *Lucy Monoux* Spinster is entitled to the Great or Rectorial Tithes of certain other Lands belonging to her in the said Parish, formerly the Property of Sir *Philip Monoux* Baronet, deceased: And whereas the said *Joseph Francis Buckworth* and *Mary* his Wife, in right of the said *Mary*, *Lucy Monoux*, the said Master, Fellows,

Fellows, and Scholars, *Ann Hind* Widow, *John Berry*, and divers other Persons, are Owners and Proprietors of or interested in the said Open Fields, Commons, and Commonable and Waste Lands and Grounds, and the said inclosed Lands and Homesteads: And whereas an Act was passed in the Forty-first Year of the Reign of King *George* the Third, intituled 41 G. 3. c. 109. *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 an Act was passed in the First and Second Year of the Reign of His late Majesty 1 & 2 G. 4. c. 23. King *George* the Fourth, intituled *An Act to amend the Laws respecting the inclosing of Open Fields, Pastures, Moors, Commons, and Waste Lands in* England: And whereas it would be of Advantage to the Persons entitled to or interested in the said Open Fields, Commons, and Commonable and Waste Lands and Grounds, if the same were divided and allotted unto and amongst them according to their respective Rights and Interests therein, and held in Severalty, and if the same or Parts thereof were inclosed, and, as well as the said inclosed Lands and Homesteads or Parts thereof, exonerated from Tithes; but the several Purposes aforesaid 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 *Thomas Bloodworth* of *Kimbolton* in the County of *Huntingdon*, Gentleman, *Alexander Watford* of *Cambridge* in the County of *Cambridge*, Gentleman, and *Joseph Tween* of *Knebworth* in the County of *Hertford*, Gentleman, and their Successors, to be appointed as herein-after mentioned, shall be and they are hereby appointed Commissioners for setting out, allotting, and inclosing the said Open Fields, Commons, and Commonable and Waste Lands and Grounds, and for carrying into execution the Powers and Provisions of this Act and also of the said recited Acts, except as far as the same are hereby varied or altered.

Appointment of Commissioners.

Commissioners to make a Declaration.

II. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act until he shall have made and subscribed the following Declaration; that is to say,

'I *A. B.* do solemnly and sincerely declare, That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the several Trusts, Powers, and Authorities vested and reposed in me as a Commissioner by virtue of an Act passed in the Sixth Year of the Reign of King *William* the Fourth, intituled [*set forth the Title of this Act*], according to Equity and good Conscience, and without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever.'

And such Declaration shall be in lieu of and as a Satisfaction for the Oath or Affirmation required by the said recited Act of the Forty-first Year of the Reign of King *George* the Third to be taken and subscribed by Persons acting as Commissioners in the Execution of an Act for dividing, allotting, or inclosing any Lands or Grounds; and such Declaration shall be to all Intents and Purposes as valid and effectual as the Oath or Affirmation in lieu whereof it shall have been so made and subscribed.

III. And

For appointing new Commissioners.

III. And be it further enacted, That if before all the Powers and Authorities hereby reposed in the said Commissioners shall have been fully executed and performed the said *Thomas Bloodworth*, or any other Commissioner to be appointed in his Stead as herein-after mentioned, shall die, or refuse to act, or become incapacitated, or neglect for the Space of Three Calendar Months to act as a Commissioner in the Execution of this Act and the said recited Acts, it shall be lawful for the said *Joseph Francis Buckworth*, or the Lord or Lords, Lady or Ladies of the said Manor of *Wootton* for the Time being, and he, she, or they is and are hereby required, within Twenty-eight Days next after such Death, Refusal, Incapacity, or Neglect shall be made known to him, her, or them, by Writing under his, her, or their Hand or Hands to appoint some other fit Person (not interested in the Lands and Grounds hereby intended to be divided, allotted, and inclosed,) to be a Commissioner in the Place or Stead of the said *Thomas Bloodworth*, or of any other Commissioner to be appointed in his Stead, and so from Time to Time as often as any Commissioner to be appointed by the said *Joseph Francis Buckworth*, or the Lord or Lords, Lady or Ladies of the said Manor of *Wootton* for the Time being, shall die, neglect, become incapable, or refuse to act as aforesaid; and if the said *Alexander Watford*, or any other Commissioner to be appointed in his Stead as herein-after mentioned, shall die, or refuse to act, or become incapacitated or neglect for the Space of Three Calendar Months to act as a Commissioner in the Execution of this Act and the said recited Acts, before all the Powers and Authorities hereby reposed in the said Commissioners shall be fully executed and performed, then and in every such Case it shall be lawful for the Vicar of the said Vicarage for the Time being, at any Time within Twenty-eight Days next after such last-mentioned Death, Refusal, Incapacity, or Neglect shall be made known to him, by Writing under the Hand of the said Vicar to appoint any other Person (not being interested in the said Inclosure) to be a Commissioner for the Purposes of this Act and the said recited Acts in the Place of the said *Alexander Watford*, or of any other Commissioner to be appointed in his Stead; and if the said *Joseph Tween*, or any other Commissioner to be appointed in his Stead as herein-after mentioned, shall die, or refuse to act, or become incapacitated, or neglect for the Space of Three Calendar Months to act as a Commissioner in the Execution of this Act and the said recited Acts, before all the Powers and Authorities hereby reposed in the said Commissioners shall be fully executed and performed, then and in every such Case the Proprietors or Persons interested in the said Open Fields, Commons, and Commonable and Waste Lands and Grounds hereby directed to be divided, allotted, and inclosed, (except the said Lord or Lords, Lady or Ladies, and Vicar,) or the major Part of them in Value, such Value to be ascertained by the Land Tax Assessment of the said Parish of *Wootton* for the then current Year, who shall be present in Person, or by their respective Attornies or Agents, at a Meeting to be appointed for that Purpose by the surviving or remaining Commissioners or Commissioner, or by any Three or more of such Owners or Proprietors, within Twenty-eight Days after such last-mentioned Death, Refusal, Incapacity, or Neglect shall be known, (of which Meeting Notice shall be given by the surviving or remaining Commissioners or Commissioner, or by any Three or more of such Owners and Proprietors, or their respective Attornies or Agents, by affixing such Notice on the principal outer Door of the Parish Church of *Wootton* upon some *Sunday* before Divine Service, and

and causing the same to be inserted in some Newspaper then printed or circulated in the said County of *Bedford*, Fourteen Days at least before such Meeting,) shall and may elect and by Writing under their Hands nominate and appoint a proper Person (not being interested in the said Inclosure) to be a Commissioner in the Place and Stead of the said *Joseph Tween*, or of any other Commissioner to be appointed in his Stead; but if the said respective Parties shall neglect to make any such Appointment or Appointments as aforesaid, then and in every such Case the surviving or remaining Commissioners or Commissioner shall and they and he are and is hereby required forthwith, by any Instrument or Writing under their or his Hands or Hand, to appoint another Person (not interested in the Premises) to be a Commissioner for the Purposes of this Act and the said recited Acts in the Place and Stead of the Commissioner so dying, or refusing or neglecting to act, or becoming incapable of acting as aforesaid; and every Person so to be appointed a Commissioner as aforesaid shall, after making and subscribing the Declaration herein-before mentioned, have such and the like Powers and Authorities in all respects for carrying this Act and the said recited Acts into execution as if he had been named a Commissioner in and by this Act; and the Instrument appointing every Commissioner to be elected and appointed by virtue of this Act, and a Duplicate thereof, shall be enrolled with the General Award of the Commissioners; and a Copy of such Instrument, attested by the proper Officer of the Court where the same shall be enrolled, shall be full and sufficient Evidence thereof.

Appointment of Commissioners to be enrolled, and a Copy thereof to be Evidence.

What shall be deemed a Refusal of a Commissioner to act.

IV. And be it further enacted, That if any Commissioner named or appointed by or under the Authority of this Act, and not being prevented by Sickness or other unavoidable Cause, shall neglect to attend any Two successive Meetings appointed to be held under this Act by the Commissioners for the Time being, such Neglect shall be deemed an absolute Refusal on the Part of such Commissioner to act or proceed further in the Execution of this Act.

Appointment of Surveyor.

V. And be it further enacted, That it shall be lawful for the said Commissioners to appoint a Surveyor for the Purposes of this Act and the said recited Acts; and in case of the Death, Refusal, Neglect, or Incapacity of the Person so appointed to act as such Surveyor whilst the Powers of this Act and the said recited Acts are carrying into execution, then the Commissioners for the Time being shall be and they are hereby authorized to appoint another Surveyor in his Stead, and so from Time to Time to make a new Appointment as often as the said Office shall be vacant by reason of the Death, Refusal, Neglect, or Incapacity to act of any Surveyor; but no Commissioner acting in the Execution of the Powers hereby given shall be employed to act as Surveyor in the Execution of this Act during the Time he shall so act as Commissioner.

Allowance to Surveyor.

VI. And be it further enacted, That it shall be lawful for the Commissioners for the Time being to allow the Surveyor for the Time being acting under this Act, for his Time and Trouble, any Sum not exceeding One Shilling and Sixpence *per* Acre of uninclosed Lands, and One Shilling *per* Acre of inclosed Lands, for surveying, measuring, mapping, and planning the said Lands, and also any Sum not exceeding Two Pounds Two Shillings for each and every Day he shall be actually

and wholly employed in the Business of the said Division, Allotment, and Inclosure, except such surveying, measuring, mapping, and planning; and which said several Allowances shall be in full Satisfaction for the Time, Trouble, and all the travelling and other Expences of such Surveyor in and about the Execution of this Act and the said recited Acts.

Surveyor to make a Declaration.

VII. And be it further enacted, That no Person shall be capable of acting as Surveyor for the Purposes of this Act until he shall have made and subscribed a Declaration before any One or more of the said Commissioners (who are hereby empowered to administer the same) in the Words or to the Effect following; (that is to say,)

'I do solemnly and sincerely declare, That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the several Trusts, Powers, and Authorities vested and reposed in me as Surveyor by virtue of an Act passed in the Sixth and Seventh Year of the Reign of His Majesty King *William* the Fourth, intituled [*here set forth the Title of this Act*], according to Equity and good Conscience, and without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever.'

Penalty on making false Declaration.

VIII. And be it further enacted, That any Person making and subscribing a Declaration under the Authority of this Act, and who shall wilfully and corruptly make and subscribe such Declaration knowing the Allegations thereof or any of them to be untrue, shall be subject to the like Pains and Penalties to which Persons guilty of wilful and corrupt Perjury are or may be liable.

Commissioners to appoint a Clerk.

IX. And be it further enacted, That the said Commissioners shall and they are hereby authorized and empowered to appoint a Clerk to assist them in the Execution of the Powers of this Act and the said recited Acts, and, if Occasion shall require, to remove from Time to Time any such Clerk and to appoint another in his Stead, as to them shall seem right and proper.

Allowance to Commissioners and Clerk.

X. And be it further enacted, That out of the Monies which shall be raised for defraying the Expences of obtaining and passing this Act, and executing the same and the said recited Acts, the said Commissioners and the Clerk to be appointed by the said Commissioners as herein-before directed shall respectively be paid for each and every Day they shall travel or be employed in any Business relating to the Execution of this Act or the said recited Acts, during the first Two Years next after the passing of this Act, the Sum of Three Pounds and Three Shillings, and no more, and after the Expiration of the said Two Years, until the Powers granted by this Act shall be fully executed and performed, the Sum of Two Pounds and Two Shillings, and no more, for each and every Day they shall be respectively employed as aforesaid, in full Satisfaction for their Time and Trouble, and for the several Expences which they shall be put unto during their several Journies and Attendances in the Execution of this Act or the said recited Acts, other than and except the Expences for the Use of the Room in which the Meetings shall be holden for carrying this Act and the said recited Acts into execution, and the Costs and Expences of drawing, preparing, copying, ingrossing, and enrolling

rolling the Award of the said Commissioners, and of Advertisements, Printing, and Stationery.

General Notices.

XI. And be it further enacted, That all Notices necessary to be given by the said Commissioners in Cases not hereby or by the said recited Acts otherwise provided for or directed shall be given and published by Advertisement to be inserted in the *Northampton Herald* and *Cambridge Independent Press*, or One of them, or in some other Newspaper circulated in the said County of *Bedford*, and by affixing the same upon One of the principal Doors of the Parish Church of *Wootton* aforesaid.

Meetings.

XII. And be it further enacted, That the said Commissioners shall and they are hereby required to cause Notice to be given and published as aforesaid of the Time and Place of their First Meeting for the Execution of this Act at least Seven Days before such Meeting shall be held, and shall give at least Seven Days Notice of every subsequent Meeting (Meetings by Adjournment only excepted); and all Meetings of the said Commissioners shall be held within the said Parish, or at some Place within the Distance of Eight Miles from the Boundary thereof; provided that if at any Meeting appointed to be holden as aforesaid only One of the said Commissioners shall attend, such Commissioner so attending shall and may adjourn such Meeting to such Time within the Space of Twenty-eight Days from the Date of such Adjournment, and to such Place within the Limits aforesaid, as he shall think most convenient; and if no Commissioner shall attend it shall be lawful for the Clerk of the said Commissioners to adjourn such Meeting in like Manner.

One Commissioner or Clerk may adjourn.

For regulating the Duration of Meetings.

XIII. And for regulating the Duration of all Meetings to be held for the Purposes of this Act, be it enacted, That a Day shall be deemed to consist of Eight Hours in all Meetings to be held between the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September*, and of Six Hours between the Twenty-ninth Day of *September* and the Twenty-fifth Day of *March*; and that any Meeting to be holden for the Purposes of this Act of a less Duration than Eight Hours or Six Hours (as the Case may be) shall be charged as only Half a Day, and the said Commissioners and Clerk shall be paid accordingly; and a Book shall be kept by the said Commissioners or their Clerk, in which shall be entered the several Days on which the said Commissioners shall hold their Meetings, and in such Book shall also be entered at what Hours the said Commissioners and their Clerk were respectively present at such Meetings, and at what Hour they respectively left the same; and such Book shall be signed by such Commissioners and their Clerk at the Termination of each Meeting, and shall be open for the Inspection of any Person or Persons interested in the said Inclosure, or his or their Agents or Attornies, during all the Meetings to be held in pursuance of this Act; and all such Persons shall and may take Copies of or Extracts from such Book without paying any thing for the same: Provided also, that it shall not be lawful for the said Commissioners to retain or to pay themselves or such Clerk, out of any Monies to be received by them or over which they may have any Control in the Execution of this Act, any Sum or Sums of Money on account of the Allowance herein-before directed to be made to such Commissioners and Clerk respectively beyond One Third of such Allowance as they shall be entitled to as aforesaid until after the Expiration of Six Calendar

Calendar Months from the Date of the said Award, or in case the Accounts of the said Commissioners shall be appealed against, then not until such Appeal shall have been heard and decided: Provided nevertheless, that in case of the Decease of the said Commissioners or either of them, or of the said Clerk, previous to the Execution of the said Award, the Commissioners or Commissioner for the Time being shall, after the Expiration of the Period allowed for Appeal against the said Accounts herein-after directed to be made and stated, pay to the Executors or Administrators of such deceased Commissioners or Commissioner, or of such deceased Clerk, such Sum of Money as shall appear by the said Accounts to be due to them.

Proprietors to pay their own Expences at Meetings.

XIV. And be it further enacted, That all the Proprietors and Persons interested in the said Allotment and Inclosure, their Attornies and Agents, shall pay their own Expences when they or any of them shall attend at any of the Meetings to be held in pursuance of this Act.

Commissioners to settle Disputes.

XV. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties who now are or before the Execution of the Award of the said Commissioners may be interested in the said intended Division and Allotment, touching any Claim or Claims, Rights or Interests in the said Lands to be divided and inclosed or allotted by virtue of this Act, or any other Matter or Thing relating to the said intended Division, Inclosure, or Allotment, it shall be lawful for the said Commissioners and they are hereby required, upon Examination of Witnesses upon Oath (which Oath the said Commissioners are hereby authorized to administer), or of any other proper Evidence, to inquire into, hear, and determine the same: Provided always, that nothing herein contained shall authorize or empower the said Commissioners to determine the Title to any Lands, Tenements, or Hereditaments whatsoever, nor to determine any Right between any of the Parties contrary to the Possession of such Parties, except in Cases of Encroachment as herein-after mentioned; but in case the said Commissioners shall be of opinion against the Right of the Party so in Possession they shall forbear to make any Determination thereupon until the Possession shall have been given up by such Party, or recovered from such Party by Ejectment or other due Course of Law.

Power to award Costs.

XVI. And be it further enacted, That in case the said Commissioners shall, upon the hearing or determining of any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of the said first-recited Act or of this 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 Party or Parties whose Claim or Claims, Objection or Objections, shall be thereby disallowed or over-ruled; and in case the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who shall be liable to pay such Costs or Charges, shall refuse or neglect to pay the same on Demand, then it shall be lawful for the said Commissioners and they are hereby authorized and required, by Warrant under their Hands and Seals, directed to any Person or Persons whomsoever, to cause such Costs and Charges to be levied by Distress

and Sale of the Goods and Chattels of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, so neglecting or refusing to pay the same, rendering the Overplus (if any), on Demand, to the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale; and if there shall not be any Goods or Chattels whereon to levy the same, or in case the Party ordered to pay such Costs be a Body Politic, Corporate, or Collegiate, then and in either of the said Cases it shall be lawful for the Party or Parties in whose Favour such Costs shall be awarded to recover the same by Action or Actions of Debt or on the Case, in which Action or Actions it shall be sufficient for the Plaintiff to declare that the Defendant is indebted to him in the Sum specified in the Order of Adjudication made by the said Commissioners, and in consequence of such Order, without setting forth any other Proceedings under this Act.

Allowing Parties to try their Rights at Law.

XVII. And be it further enacted, That in case any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, interested or claiming to be interested in the said Division and Allotment, shall be dissatisfied with any Determination of the said Commissioners for the Time being touching or concerning any Claim or Claims, Rights, or Interests in, over, upon, or out of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part or Parts thereof, or touching or concerning any Matter or Thing whatsoever relating to the Division, Allotment, or Inclosure by this Act directed, it shall be lawful for the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, so dissatisfied with any such Determination, to cause an Action to be brought in one of His Majesty's Courts of Record at *Westminster*, upon a feigned Issue, against the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, in whose Favour such Determination shall have been made, within Three Calendar Months next after the Determination of the said Commissioners shall have been notified in Writing to the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, against whom such Determination shall have been made, or to his, her, or their known Agent or Attorney; and the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, so dissatisfied as aforesaid, shall proceed to a Trial at Law of the Matter so determined by the said Commissioners at the next or the second Assizes to be holden for the said County of *Bedford* after such Action or Actions shall have been so commenced; 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, and accept One or more Issue or Issues whereby such Claim or Claims, Objection or Objections, and the Right or Rights thereby insisted on, may be tried and determined (such Issue or Issues to be settled by the proper Officer of the Court in which such Action or Actions shall be commenced in case the Parties shall differ about the same); and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding, and conclusive upon all and every Persons and Person, Bodies and Body Politic, Corporate, and Collegiate 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 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, Right or Rights, Interest or Interests thereby determined, according to the Event of such Trial or Trials: Provided always, that if no such Action at Law as aforesaid shall be commenced within the Time herein-before limited, or if any such Action shall be commenced, and the Plaintiff or Plaintiffs therein shall not proceed to Trial within the Time and in manner herein-before mentioned, then the Determination of the said Commissioners shall be final, binding, and conclusive to all Intents and Purposes whatsoever.

Death of Parties not to abate Actions or Suits.

XVIII. Provided also, and be it further enacted, That if any of the Parties, Plaintiffs or Defendants, 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; and if any Person or Persons in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action might have been brought if living, shall die before any such Action shall have been brought, and before the Expiration of the Time herein-before limited for bringing the same, it shall be lawful for the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate respectively, who might have brought such Action 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 in the same Manner as the Party or Parties so dying 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 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 every such Action.

Suits not to delay the Execution of the Act.

XIX. And be it further enacted, That if any Suit or Suits shall be commenced or prosecuted touching or concerning the Right, Title, or Interest of any Person or Persons, or Party or Parties, in or to any Lands, Tenements, Tithes, or Hereditaments whatsoever for or in respect of which any Right of Common or other Rights or Interests in, over, or upon the said Lands hereby directed to be divided and inclosed or allotted, or any Part thereof, shall be claimed, such Suit or Suits shall not impede, delay, or hinder the said Commissioners from proceeding in the Execution of the Powers vested in them by this Act or the said recited Acts, but the said Division and Allotment shall be proceeded in notwithstanding such Suit or Suits; and the said Commissioners shall award the Allotment or Allotments in respect of the Hereditaments to which such Suit or Suits shall relate to the Person or Persons, Party or Parties, who shall be in the actual Possession or Enjoyment of such Hereditaments, and the same Allotment or Allotments shall follow the Event of any such Suit or Suits, and may be had and taken by the Person or Persons or Party or Parties who upon the Determination of such Suit or Suits shall become entitled to the same.

Death of Parties not to delay the Execution of the Act.

XX. And be it further enacted, That if any of the Parties interested in the said Division and Allotment shall die before the same shall be completed, the Powers and Authorities hereby given to the said Commissioners shall not be thereby determined or suspended, but the said Commissioners shall proceed in the Execution of the Powers given to them by this Act and the said recited Acts in such Manner as they might have done in case such Party or Parties were still living; and the Share or Shares of the Person or Persons so dying shall be allotted to the Person or Persons who shall by Law become entitled to the same, and shall be accepted and taken by him, her, or them according to the Directions of this Act and the said recited Acts, and he, she, or they shall be liable to the Charges and Expences and the several Provisions of this Act and of the said recited Acts.

Extinguishment of Rights of Common.

XXI. And be it further enacted, That it shall be lawful for the said Commissioners, by Notice for that Purpose under their Hands to be affixed on One of the outer Doors of the Parish Church of *Wootton* aforesaid on the *Sunday* previous to the Meeting by this Act appointed to be held for receiving Objections to Allotments, and before Divine Service, to order the Rights of Common in, upon, and over the Lands and Grounds hereby directed to be divided and inclosed or allotted, or any Part thereof, to be extinguished; and after the Time to be mentioned in and fixed by any such Notice all such Rights of Common as shall be thereby directed to be extinguished shall cease and be extinguished accordingly; any Law, Usage, or Custom to the contrary thereof notwithstanding.

Power to shorten Boundary Fences.

XXII. And be it further enacted, That for the Purpose of shortening or rendering straight the Boundary Fences between the Lands and Grounds by this Act directed to be divided and inclosed or allotted and the old inclosed Lands in the said Parish of *Wootton*, or between such Allotments and inclosed Lands, or any of them, and the Lands and Grounds in any adjoining Manor, Parish, or Place, it shall be lawful for the said Commissioners, with the Consent of the Lord or Lords, Lady or Ladies of the Manor or Manors in which the Lands are respectively situate, and the Owners of the Lands adjoining to such Boundary Fences, testified by Writing under their respective Hands, or under the Common Seal of any of them being a Corporation Aggregate, to alter and straighten or shorten the same Boundary Fences, or any of them, or any Part or Parts thereof, and to set out, ascertain, and determine such Boundaries as the said Commissioners shall think proper for the Purposes aforesaid; and after such Boundaries shall be so set out, ascertained, and determined, the same shall be made, fenced, ditched, or mounded by such Person or Persons, in such Manner, and at such Time or Times as the said Commissioners shall order and direct; and such Boundaries shall for ever thereafter be deemed and taken to be the Boundaries between the said Allotments and inclosed Lands respectively, or (as the Case may be) between the said Parish of *Wootton* and any adjoining Manor, Parish, or Place; any Law, Usage, or Custom to the contrary notwithstanding.

Commissioners empowered to set out Boundaries to Manors.

XXIII. And be it further enacted, That it shall be lawful to and for the said Commissioners and they are hereby directed, upon the Request in Writing of the respective Lords for the Time being of the several Manors within the said Parish of *Wootton*, or any One or more of them,

to ascertain, set out, and declare, in manner by the said recited Act directed, the Limits and Boundaries of such Manors respectively; and the Boundaries which shall be ascertained and set out by the said Commissioners, and declared in and by their Award, shall be and for ever remain the Boundaries of the several and respective Manors within the said Parish of *Wootton*, subject to Appeal in manner herein-after mentioned.

Commissioners to set out Drains and Watercourses.

XXIV. And be it further enacted, That the said Commissioners shall and may set out, appoint, and make such common Ponds, Catchwater and other Drains, Ditches, Watercourses, Tunnels, and Banks, in, through, over, and upon the Lands and Grounds hereby directed to be divided and inclosed or allotted, and such Bridges over any Watercourses through or adjoining the same, and also enlarge, alter, turn, scour, and cleanse all or any of the present Drains, Ditches, or Watercourses, as to them the said Commissioners shall seem proper and necessary; and the Costs and Expences of making, enlarging, widening, altering, turning, scouring, and cleansing of such Ponds, Drains, Ditches, Watercourses, Tunnels, Banks, and Bridges, when the same shall be first made and done in pursuance of this Act, shall be raised and levied by the said Commissioners in the same Manner and by the same Means as the other Costs and Expences of carrying this Act into execution; but all such Ponds, Drains, Ditches, Watercourses, Tunnels, Banks, and Bridges shall at all Times afterwards be repaired, cleansed, scoured, and maintained by such Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, and in such Manner, as the said Commissioners shall in and by their said Award order and direct.

Ancient Roads may be widened and new Roads set out through inclosed Lands, with Consent of Proprietors.

XXV. And be it further enacted, That it shall be lawful for the said Commissioners to cause any ancient Roads, Lanes, or Highways within the said Parish to be widened and extended to a convenient Breadth not exceeding Thirty Feet, on making Recompence and Satisfaction to the respective Owners of the Lands to be taken for that Purpose, and also (by and with the Consent of the Proprietor or Proprietors or Trustee or Trustees of any ancient Inclosures within the said Parish) to set out and appoint any public or private Carriage Roads, Bridleways, and Footpaths that they shall deem expedient or necessary through or over any of the ancient Inclosures within the said Parish, making such Recompence and Satisfaction as aforesaid to the respective Proprietors thereof.

Power to divert and stop up Roads between old Inclosures.

XXVI. And be it further enacted, That it shall be lawful for the said Commissioners, by any Order in Writing under their Hands, to stop up, discontinue, divert, or alter any public Carriage Road, Bridleway, or Footpath leading through or over the Lands and Grounds to be allotted by virtue of this Act, or passing or leading through, over, or between any of the inclosed Lands in the said Parish; and the Soil of the Roads and Ways so to be stopped up or discontinued shall be deemed and taken to be Part of the Lands and Grounds to be divided and allotted by virtue of this Act.

Proceedings previously to diverting and stopping up Highways.

XXVII. Provided always, and be it further enacted, That before any public Carriage Road, Highway, Bridle Road, or Footway shall be discontinued, stopped up, diverted, or altered by the said Commissioners, the said Commissioners shall cause to be affixed at each End of the said Highway

Highway so proposed to be discontinued, stopped up, diverted, or altered, a Notice to the Effect that such public Carriage Road, Highway, Bridle Road, or Footway is intended to be discontinued, stopped up, diverted, or altered, as the Case may be, by the Commissioners acting under or by virtue of this Act; and the said Commissioners shall also cause the same Notice to be inserted in One Newspaper published or generally circulated in the said County of *Bedford* for Four successive Weeks, and shall also cause a like Notice to be affixed on the Doors of the Parish Church of *Wootton* aforesaid on the Four *Sundays* of the said Four successive Weeks, and shall cause a like Notice to be lodged with the Clerk of the Peace for the County of *Bedford* within Ten Days after the Date of such Notice; and the said Clerk of the Peace shall, at the General Quarter Sessions which shall be holden for the said County of *Bedford* next after such Notice shall be lodged with him as aforesaid, file and enrol the same amongst the Records or Proceedings of the said Court of Quarter Sessions; and after the said several Notices shall have been so affixed, published, filed, and enrolled as aforesaid, the said public Carriage Road, Highway, Bridle Road, or Footway shall be and shall be deemed to be discontinued, stopped up, diverted, or altered, as the Case may be, subject however to such Appeal to the Court of General Quarter Sessions for the County of *Bedford* as is herein-after mentioned.

Persons who may think themselves aggrieved if such Highway should be ordered to be stopped up or diverted may appeal.

XXVIII. Provided also, and be it further enacted, That it shall be lawful for any Person who may think that he would be injured or aggrieved if any such Carriage Road, Highway, Bridle Road, or Footway should be discontinued, stopped up, diverted, or altered, to make his Complaint thereof by Appeal to the Justices at any General or Quarter Sessions of the Peace to be holden for the said County of *Bedford* within Four Calendar Months next after the Date of such Notice, giving to the said Commissioners or their Clerk Ten Days Notice in Writing of such Appeal, together with a Statement in Writing of the Grounds thereof: Provided also, that it shall not be lawful for the Appellant to be heard in support of such Appeal unless such Notice and Statement shall have been so given as aforesaid, nor on any hearing of Appeal to go into or give Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid.

In case of Appeal, Jury at Sessions to determine whether old Highway may be discontinued

XXIX. And be it further enacted, That in case of such Appeal the Justices at the said Quarter Sessions shall, for the Purpose of determining whether the public Highway so intended to be discontinued, stopped up, diverted, or altered, or whether the said Party appealing would be injured or aggrieved, impannel a Jury of Twelve disinterested Men out of the Persons returned to serve as Jurymen at such Quarter Sessions; and if after hearing the Evidence produced before them the said Jury shall return a Verdict that the public Highway so discontinued, stopped up, diverted, or altered is wholly unnecessary, or may beneficially to the Public be discontinued, altered, or diverted, and that the Party appealing would not be injured or aggrieved, then the said Court of Quarter Sessions shall dismiss such Appeal; and in that Case the said Court of Quarter Sessions shall award the Costs and Expences of resisting the said Appeal to be paid by the Party appealing to the said Commissioners, and the same shall be recoverable from the said Party in such and the same Manner as any Penalties and Forfeitures are recoverable under

under the said recited Act passed in the Forty-first Year of the Reign of King *George* the Third; but if the said Jury shall return a Verdict that the Highway so discontinued or stopped up is not unnecessary, or that the Highway so diverted or altered could not beneficially to the Public be so diverted or altered, or that the Party appealing would be injured or aggrieved by the said Highway being discontinued, stopped up, diverted, or altered, as the Case may be, the said Court of Quarter Sessions shall allow such Appeal, and shall make an Order for restoring the said Highway so discontinued, stopped up, diverted, or altered by the Order of the said Commissioners, to its original State; and in that Case the said Court of Quarter Sessions is hereby authorized and required to award to the Party or Parties giving Notice of Appeal such Costs and Expences as shall be incurred in prosecuting such Appeal; and such Costs and Expences shall be paid by the said Commissioners, and shall be raised by the said Commissioners in such and the same Manner as they are hereby directed or empowered to raise the Money necessary for discharging the Costs, Charges, and Expences of this Act.

Costs to be awarded on Appeal against stopping up Highways.

XXX. Provided always, and be it further enacted, That from and after the Dismissal of any such Appeal as aforesaid the Order or Award of the said Commissioners for discontinuing, stopping up, diverting, or altering any such public Carriage Road, Highway, Bridle Road, or Footway, shall be final and conclusive, and be of full Force and Effect, any thing in this Act or in the said recited Acts contained to the contrary notwithstanding.

If Appeal dismissed, Order of Commissioners to be final.

XXXI. And be it further enacted, That when and so soon as any of the public Roads to be set out by virtue of the said first-recited Act and this Act shall be made and completed, it shall be lawful for any Two or more of His Majesty's Justices of the Peace for the said County of *Bedford*, if they shall think fit, from Time to Time to certify and declare, under their Hands and Seals, any of such public Carriage Roads so to be set out to be fully and sufficiently formed, repaired, and completed; and such Road or Roads, or so much thereof as shall in any such Certificate be described or certified, shall thenceforth be supported and kept in repair by such Persons and in like Manner as the public Roads within the said Parish of *Wootton* are or ought to be by Law amended and kept in repair; and every such Certificate shall, at the General or Quarter Sessions of the Peace to be holden for the County of *Bedford* next after the Date thereof, be filed of Record by the Clerk of the Peace for the said County of *Bedford*.

Justices may certify Roads in part.

XXXII. And be it further enacted, That all Encroachments or Inclosures taken or made from or on any Part of the said Lands hereby directed to be divided and inclosed or allotted within Twenty Years next before the passing of this Act, and all other Encroachments or Inclosures at any Time taken or made from or on any Part of the said Lands, for which any annual Rent or other Money Payment or Acknowledgment shall have been assessed or made within Twenty Years next before the passing of this Act, shall be deemed Part and Parcel of the Lands by this Act directed to be divided and inclosed or allotted; and in case any Dispute shall arise touching any such Encroachments or Inclosures, or the

Encroachments within Twenty Years to be considered as allottable Land.

Extent or Duration thereof, such Dispute shall be settled and determined by the said Commissioners.

Commissioners to direct the Course of Husbandry.

XXXIII. And be it further enacted, That the said Commissioners shall, so soon after the passing of this Act as conveniently may be, and from Time to Time as they shall think fit, by Writing under their Hands to be affixed on One of the outer Doors of the Parish Church of *Wootton* aforesaid, order and direct what Course of Husbandry, and what Stint or Rule of stocking and enjoying, shall be respectively observed and used in, over, and upon the Lands to be divided, allotted, and inclosed by virtue of this Act, until such Time as they shall have completed the said Division, Allotment, and Inclosure, as well with respect to the laying down, ploughing, sowing, fallowing, manuring, and tilling thereof, as to the stocking and feeding the Commonable Lands and Fallows or Stubbles upon the said Lands or Grounds, to make such Recompence for the same as they shall think right, and shall and may make such further Orders and Regulations touching the Conduct of the Farmers and Occupiers within the said Parish of *Wootton*, for preventing them from ploughing up, committing Waste or Destruction upon, or improperly managing or stocking, any of the said Lands or Grounds to be divided, allotted, and inclosed, until the said Division, Allotment, and Inclosure shall be completed, as to the said Commissioners shall seem proper and expedient; all which Orders and Regulations shall be binding and conclusive upon all Parties interested therein; and the said Commissioners shall and may set and impose such pecuniary Penalties and Forfeitures on every Person not conforming to such Orders and Regulations as they shall think necessary, not exceeding the Sum of Five Pounds *per* Acre in case of cross-cropping or withholding from the Land its due Proportion of Manure, or Ten Pounds in any other Case, for One Offence, and shall and may also settle, adjudge, and determine, in all Cases where the Tenant is entitled by Agreement to the Manure arising from the Lands in his Occupation, by whom such Tenant shall be compensated for any such Manure left or given up by him; and such Penalties, Forfeitures, and other Sum and Sums of Money so to be settled, ordered, adjudged, and determined to be paid for or on account of the several Matters and Things aforesaid shall be recovered and recoverable in the Manner directed in and by the said first-recited Act with respect to the Levying and Recovery of Penalties.

Satisfaction to be made for Tillage, &c.

XXXIV. And be it further enacted, That the Proprietors whose Allotments on the said Division shall have been tilled, ploughed, sown, folded, or manured, or shall have been otherwise improved, by any of the former Proprietors or Occupiers thereof, shall pay to the Person or Persons respectively who shall have tilled, ploughed, sown, folded, manured, or otherwise improved the same or any Part thereof, his, her, or their Executors or Administrators, such Sum and Sums and at such Time and Times as the said Commissioners shall think reasonable and shall by Writing under their Hands order and direct; and if by the Mismanagement of any of the former Proprietors or former Occupiers, or by reason of the preceding Course of Husbandry or Treatment of the Land, or by any other Means, it shall happen that the Allotment or Allotments to any Proprietor or Proprietors shall not contain a due and reasonable Proportion of Land in a proper State for Wheat or other Tilth Crop, or if any such

Allotment or Allotments shall, in the Judgment of the said Commissioners, be from any Cause in a worse Condition to be occupied than the Average of the Land allotted by virtue of this Act, then the Person or Persons to whom any such Allotment or Allotments shall be made shall receive such Compensation and Satisfaction from any of the said former Proprietors or from any of the said former Occupiers thereof as the said Commissioners shall determine and adjudge to be just and equitable, and shall by Writing under their Hands order and direct; and in case any of the Sums which shall by the said Commissioners be ordered and directed to be paid as aforesaid shall not be paid to the Person or Persons to whom the said Commissioners shall order and direct the same to be paid, and at the Time or Times to be by the said Commissioners appointed for 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.

Allotments for Gravel Pits.

XXXV. And be it further enacted, That the said Commissioners shall and may and they are hereby authorized and empowered to set out, allot, and award, from and out of the Lands and Grounds hereby intended to be divided, allotted, and inclosed, One or more Piece or Parcel or Pieces or Parcels of Land, not exceeding in the whole Two Acres, as and for public Stone, Sand, and Gravel Pit or Pits, with convenient Roads to and from the same respectively, to be used for the Repair of the public and private Roads within the said Parish of *Wootton*; and the Herbage growing and renewing in and upon such Piece or Parcel or Pieces or Parcels of Land and Ground respectively shall be vested in such Person or Persons as the said Commissioners shall in and by their Award order or direct.

Allotments to the Lords of Manors in lieu of Right to Soil of Waste and Commons.

XXXVI. And be it further enacted, That the said Commissioners shall, in the next place, set out, allot, and award unto and for the Lords and Lady of the said Manors respectively, and the Lord or Lords, Lady or Ladies of any other Manor or Manors respectively within or extending into the said Parish of *Wootton*, if any such there be, such Parcel or Parcels of the Lands or Grounds hereby intended to be divided, allotted, and inclosed as shall in the Judgment of the said Commissioners be equal in Value to One Eighteenth Part of all the Commons and Waste Grounds hereby intended to be divided, allotted, and inclosed within such Manors respectively, in lieu of and in full Compensation and Satisfaction for all the Right and Interest of such Lord or Lords, Lady or Ladies in and to the Soil of the said Commons and Waste Grounds.

Allotment to Impropriator in lieu of Glebe Lands.

XXXVII. And be it further enacted, That the said Commissioners shall, in the next place, set out, allot, and award unto and for the Impropriators or Impropriator of the Impropriate Rectory of *Wootton* aforesaid for the Time being such Parcel or Parcels of the Lands and Grounds hereby intended to be divided, allotted, and inclosed as in the Judgment of the said Commissioners shall be a full Equivalent and Compensation for the Glebe Lands belonging to the said Impropriators or Impropriator, and for the Right of Common belonging thereto in the said Lands and Grounds hereby intended to be divided, allotted, and inclosed.

XXXVIII. And

Allotment to the Vicar in lieu of Glebe Land.

XXXVIII. And be it further enacted, That the said Commissioners shall, in the next place, set out, allot, and award unto and for the said *John Jenkyn* and his Successors, Vicars of the said Vicarage, such Parcel or Parcels of the Lands and Grounds hereby intended to be divided, allotted, and inclosed as in the Judgment of the said Commissioners shall be a full Equivalent and Compensation for the Glebe Lands belonging to the said Vicarage, and for the Right of Common belonging thereto in the said Lands and Grounds hereby intended to be divided, allotted, and inclosed.

Allotments in lieu of Tithes.

XXXIX. And be it further enacted, That the said Commissioners shall and they are hereby required, in the next place, to set out and allot, for and in lieu and satisfaction of and for all the Great and Small Tithes, and all Moduses, Compositions, and other Payments in lieu of Tithes, and all Ecclesiastical Dues and Payments whatsoever, (except *Easter* Offerings, Mortuaries, and Surplice Fees,) arising, issuing, renewing, or payable within the said Parish of *Wootton*, such Parcel or Parcels of the said Lands hereby intended to be divided or allotted and inclosed as shall in the Judgment of the said Commissioners be equal to One Fifth Part in Value of all Arable Lands and Grounds, One Tenth Part in Value of all the Woodlands, and One Eighth Part in Value of all Meadows, Pastures, Commons, and other Lands and Grounds within the said Parish of *Wootton* which are severally subject or liable to the Payment of both Great and Small Tithes, and also equal in Value, regard being had to the Proportions aforesaid, to the Tithes issuing and payable out of such of the Lands in the said Parish as are subject to Great Tithes only or to Small Tithes only, and also equal in Value to such Moduses, Compositions, and other Ecclesiastical Payments in lieu of Tithes as aforesaid, and which shall remain after the public and private Roads, Sewers, Drains, and Watercourses, and the Allotments for Stone and Gravel Pits, shall be taken and deducted therefrom; which said Parcel or Parcels of Land so directed to be set out, allotted, and awarded for Tithes, Moduses, and other Ecclesiastical Payments as aforesaid, shall be in full Satisfaction and Discharge of and for the several Great and Small Tithes, and all Moduses, Compositions, and other Payments in lieu of Tithes, and all Ecclesiastical Dues and Payments whatsoever, (except as aforesaid,) arising, issuing, renewing, or payable within the said Parish of *Wootton*; and the said Commissioners shall and they are hereby directed and required to apportion, divide, allot, and award the same Parcel or Parcels of Land to and between the said Impropriators or Impropriator and Vicar and the said *Lucy Monoux* in such Parts, Shares, and Proportions as the said Commissioners shall adjudge and determine to be a just Compensation, Equivalent, and Satisfaction for their respective Parts, Shares, Proportions, Rights, and Interests of and in the Tithes, Moduses, and other Ecclesiastical Payments for and in respect of which such Parcel or Parcels of Land shall be set out as aforesaid.

What shall be deemed Arable Land.

XL. And be it further enacted, That the said Commissioners, in valuing and ascertaining the Amount of Tithes, shall not in any Case deem and consider as Meadow or Pasture Land any Lands or Grounds which shall have been in Tillage at any Time within the Space of Seven Years immediately preceding the passing of this Act.

XLI. Pro-

Tithes and Compositions to be rendered and be payable until Allotments are set out and Possession authorized to be taken.

XLI. Provided always, and be it further enacted, That until the said Allotments for and in lieu of Tithes shall be made and set out in pursuance of this Act, and until Possession thereof shall be authorized to be taken, or until such other Time as the said Commissioners shall appoint by Writing under their Hands, such Tithes, Moduses, Payments, and Compositions in lieu of Tithes, shall continue payable and be received and enjoyed in such Manner as they would or might have been payable, received, or enjoyed respectively in case this Act had not been passed; and if any Dispute or Difference shall arise between any Persons touching or concerning the Proportion of Tithes, Moduses or other Payments or Compositions in lieu of Tithes, which ought to be rendered or paid for or in respect of the Time which shall have elapsed between the last Day of rendering such Tithes or Payments of such Compositions and the Time of making and setting out and authorizing Possession to be taken of the Allotments to be made in lieu thereof in pursuance of this Act, the said Commissioners shall and they are hereby authorized and required, on Application to them made for that Purpose, either before or after the Execution of their Award, to hear and finally determine the same.

Proprietors of old Inclosures, &c. not having sufficient open Field Lands to make Compensation in Money for Tithes.

XLII. And be it further enacted, That in case there are any Homesteads, Gardens, Orchards, or inclosed Lands or Grounds in the said Parish of *Wootton* subject to or liable to the Payment of Tithes in Kind, the respective Proprietors whereof shall not happen to be entitled to any or a sufficient Quantity or Share, Rights or Interests of or in any Lands and Grounds divided and inclosed under the Authority of this Act, to make Compensation for such Tithes, such Proprietors shall respectively pay or cause to be paid unto such Person or Persons and at such Time or Times as the said Commissioners shall direct or appoint such Sum or Sums of Money as, in the Judgment of the said Commissioners, shall be a just and full Compensation and Satisfaction for the Tithes of such Homesteads, Gardens, Orchards, or inclosed Lands or Grounds respectively, or such Parts of the same for which the Proprietors thereof may not be possessed of Land or Common Right sufficient to make such Compensation as aforesaid; and the said Proprietors shall also pay such Sum or Sums of Money as the said Commissioners shall determine to be just and fair for the Proprietors of such old inclosed Lands to contribute towards defraying the Costs, Charges, and Expences of obtaining and passing this Act and carrying the same into execution; and in case any Person or Persons shall refuse or neglect to pay such Sum or Sums of Money at the respective Days and Times to be appointed for Payment thereof, it shall be lawful for the said Commissioners, by any Warrant or Warrants under their Hands and Seals, directed to any Person or Persons whomsoever, to cause such Sum or 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, 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 Warrants or 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 Sum or Sums of Money from the Time the same shall be directed by the said Commissioners to be paid as aforesaid; or otherwise it shall be lawful for the said Commissioners, or any Person or

Expences of Proprietors of inclosed Lands.

How such Compensation and Expenses are to be raised.

Persons authorized by them, to enter upon and take possession of the Lands and Tenements belonging to the Person or Persons so refusing or neglecting to pay as aforesaid, and which shall have been discharged from Tithes by virtue of this Act, and to receive and take the Rents and Profits thereof until thereby or therewith or otherwise such Sum and Sums of Money, and the Costs and Charges so ordered and directed by the said Commissioners to be paid by such Person or Persons as aforesaid, and all the Interest on such Sum and Sums of Money, to be computed from the Time the same shall be by the said Commissioners directed to be paid as aforésaid, and also all Costs, Charges, and Expences occasioned by and attending such Entry upon and Receipt of the Rents and Profits of the same Premises, shall be fully paid and satisfied; and all and every such Sum and Sums of Money shall be applied in payment of such Parts and Proportions of the Expences of obtaining and executing this Act as ought to be paid by the respective Persons whose Lands may be set out for discharging from Tithes such Homesteads, Gardens, Orchards, or inclosed Lands or Grounds; and in case such last-mentioned Sum and Sums of Money shall be more than sufficient to pay and discharge the said respective Proportions of the Costs, Charges, and Expences of obtaining this Act and of carrying the same into execution, the Residue of such Sums and Sum of Money shall be divided amongst and paid to the several Proprietors of the said Lands whose Lands shall have been taken or appropriated for the Purpose of discharging such Homesteads, Gardens, Orchards, or inclosed Lands or Grounds from Tithes, in such Proportions as they shall be respectively entitled thereto; and if any of such last-mentioned Proprietors of the said Lands shall not be a Tenant or Tenants in Fee Simple of his, her, or their Estates therein, then such surplus Money shall be applied and disposed of in the same Manner as any Sum of Money to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Sum of Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the same Uses as the Lands so purchased or exchanged, is by this Act authorized or directed to be applied and disposed of.

Application of Monies paid or levied for Compensation and Expences.

Power for Tenants for Life, &c. of old Inclosures to charge their Estates with a Compensation for Tithes, &c.

XLIII. And be it further enacted, That it shall and may be lawful for the Husbands, Guardians, Trustees, and Committees or Attornies of such Proprietors being under Coverture, Minors, Lunatics, beyond the Seas, or under any other Disability, and for any of the said Proprietors being Tenants in Tail, or for Life or Lives, or for Years determinable on any Life or Lives, or any other Contingency, to charge the Lands or Grounds which shall be exonerated from Tithes as aforesaid with such Sum or Sums of Money so to be paid for such Exoneration, and the Proportion of the Costs and Expences incident to and attending this Act and carrying the same into execution, in respect of such Exoneration, and to grant, mortgage, surrender, lease, or demise or otherwise subject the Lands and Grounds so to be charged unto the Person or Persons who shall advance and lend such Sum or Sums of Money respectively, his, her, or their Executors, Administrators, and Assigns, for any Term or Number of Years, to and for the Payment of such Sum and Sums of Money so advanced, thereby to be secured with Interest for the same; or in case any Person or Persons in Possession, who shall or may be liable to or charged with a Share of the Expences aforesaid, or enabled by this Act or the said first-recited Act to charge such

Lands

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

Part of the inclosed Lands, &c. may be given by Consent to commute the Tithes of the Remainder.

XLIV. Provided nevertheless, and be it further enacted, That if the Owners or Proprietors of any such old Inclosure, not having any or sufficient Interest in the Lands and Grounds hereby directed to be divided and inclosed to discharge their Homesteads, Gardens, Orchards, or inclosed Lands or Grounds as aforesaid, shall be desirous of having a Part of such inclosed Lands or Grounds assigned or set apart to discharge their Homesteads, Gardens, Orchards, or inclosed Lands from the Payment of Tithes, it shall be lawful for the said Commissioners and they are hereby authorized and empowered, with the Consent of the Proprietors or Owners in Fee or in Tail or for Life in Possession of such inclosed Lands (to be signified in Writing under their Hands at or previously to such Time as shall be appointed by the said Commissioners for receiving such Consents), to deduct and set out so much and such Part or Parts of such old Inclosures as shall be equal in Value to the Tithes payable by the Owner or Owners of such inclosed Lands in respect of his, her, or their respective Homesteads, Gardens, Orchards, and inclosed Lands within the said Parish, or such Part or Parts of them for which Compensation cannot be made as before mentioned, which Part or Parts of such inclosed Lands so deducted and set apart shall be considered as Part of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, and shall be divided, allotted, and inclosed accordingly as Part thereof, and such Deductions shall for ever thereafter be deemed, taken, and considered to be a full Satisfaction for and Discharge from the Payment of such Tithes.

For fencing Tithe Allotments.

XLV. And be it further enacted, That the several Allotments hereinbefore directed to be set out, allotted, and awarded in lieu of Glebe Lands, Right of Common belonging thereto, Tithes and Compositions for Tithes as aforesaid, shall be respectively inclosed and ring-fenced on all such Parts or Sides thereof as shall not be directed by the said Commissioners to

to be made and maintained by any other Proprietor or Proprietors, and against all public Roads, with Quickset Hedges and Ditches, or other proper Mounds or Fences, with proper Rails and other Guard-fences to such Quickset Hedges, and Carriage Gates where necessary; within such Times and in such Manner as the said Commissioners shall order and appoint; and the same shall be thereafter supported and maintained for the Term of Seven Years, or until the Quicksets shall have become sufficient Fences of themselves, by or at the Expence of all or such of the Proprietors of the Lands and Grounds which shall be exonerated from Tithes, or from any Modus, Composition, or other Payment in lieu of Tithes, by virtue of this Act, and in such Manner and Proportions as the said Commissioners shall by any Writing under their Hands, or by their Award, order and appoint; and after the said Term of Seven Years, or after the said Quicksets shall have become proper Fences of themselves, such Proportions of the said Fences as the said Commissioners shall order and appoint shall thenceforth for ever be preserved, repaired, and maintained by and at the Expence of the said Impropriators and Vicar respectively: Provided always, that nothing in this Act contained shall extend, or be deemed or construed to extend, to charge any of the Tithe-free Lands in the said Parish with any Part of the Expence of such Fences beyond the Value of any Modus now payable out of such Lands.

Rector to be exonerated from Keep of Bull and Boar.

XLVI. And be it further enacted, That after the Allotments of Glebe Lands and Rights of Common and Tithes are set out the Impropriator of the said Rectory for the Time being shall be for ever exonerated from keeping a Bull and Boar for the Use of the present or future Owners or Occupiers of any Homestead Lands or Grounds within the said Parish of *Wootton*.

Saving for the Earl of Ashburnham.

XLVII. Provided always, and be it further enacted, That nothing herein contained shall extend to affect the Lands of the Earl of *Ashburnham* in the said Parish of *Wootton*, or any Modus or other Right or Interest in the same Lands, without the Consent of the said Earl, his Heirs or Assigns, to be signified to the said Commissioners within Two Calendar Months next after the passing of this Act, by Writing under the Hand or Hands of the said Earl, his Heirs or Assigns.

For erecting Buildings on the Vicar's Allotment.

XLVIII. And whereas, in order to the convenient and advantageous Occupation of the Allotment or Allotments to be set out to the Vicar of the said Vicarage as aforesaid, and to render the same of greater Value, it may be necessary that Farm-buildings and Conveniences should be erected thereon, and that the same Allotment or Allotments should be divided with proper Hedges, Ditches, Mounds, or other sufficient Fences, with Gates or Stiles in the said Fences, and Arches and Watercourses where requisite: And whereas the erecting of such Buildings and Conveniences, and the subdividing of such Allotment or Allotments, will probably be more beneficial to the Successors of the said Vicar than to himself; be it therefore further enacted, That it shall be lawful for the said Vicar and his Successors, by and with the Consent in Writing of the Bishop of the Diocese for the Time being, to erect and make, or cause to be erected and made, such Farm-buildings and Conveniences, Subdivision Fences, Ditches, Drains, Arches, Watercourses, Gates, and Stiles

upon the Allotment or Allotments so as aforesaid to be set out and allotted unto the said Vicar and his Successors, as the said Vicar for the Time being, with the Consent in Writing of the said Ordinary, shall think necessary and proper for the Occupation of the Lands to be allotted to the said Vicar and his Successors (which Buildings and Conveniences the said Vicar and his Successors are hereby required to cause to be insured, equal to the Value thereof, annually in some of the Offices in *London* established for Insurance from Fire); and for raising Money to defray the Expences thereby occasioned it shall be lawful for the said Commissioners and they are hereby required, upon the Request in Writing of the Vicar for the Time being, and with the Consent in Writing of the said Bishop, to sell or dispose of, either by public Auction or private Contract, for the most Monies that can be reasonably obtained for the same, and to convey and assure so much and such Part or Parts, not exceeding in the whole, in the Judgment of the said Commissioners, One Tenth Part in Value of the Lands and Grounds to be allotted to the said Vicar and his Successors by virtue of this Act, as in the Judgment of the said Commissioners shall be deemed sufficient to raise a competent Sum for the Purposes aforesaid, and for defraying the Expences attending such Sale; and the Purchaser or Purchasers paying such Purchase Monies shall not be obliged to see to the Application or in anywise answerable for the Misapplication or Nonapplication thereof, or of any Part thereof, but shall be effectually discharged by the Receipt or the Receipts of the said Commissioners for the same; and the Monies arising from such Sale or Sales shall be laid out and expended, under the Direction and with the Approbation of the said Commissioners, for the Purposes aforesaid; and thereupon and so soon as such Farm-buildings and Conveniences, Sub-division Fences, Ditches, Drains, Arches, and Watercourses, Gates and Stiles, shall have been completed respectively, the same shall be repaired, amended, maintained, upheld, and supported by the said Vicar for the Time being, and, if necessary, rebuilt and reinstated by him and them in the same Manner as other Buildings upon and belonging to the said Vicarage; and in the meantime, and until the same Monies shall be so laid out and expended, the same, or so much thereof as can, shall be invested by the said Commissioners in Exchequer Bills, to be deposited in the Hands, Custody, and Possession of some *London* Banker or Bankers to be mutually named by the said Vicar and the said Ordinary by some Writing to be addressed to the said Commissioners under the respective Hands of the said Vicar and the said Ordinary, which shall from Time to Time be sold by Order of the said Commissioners as required; and upon Payment of the full Purchase Monies for such Allotment or Allotments, or Part or Parts thereof, the Purchaser or Purchasers shall respectively have and take to himself, herself, or themselves, and his or their respective Heirs and Assigns, an absolute Estate of Inheritance in Fee Simple of and in the Land and Hereditaments which shall be comprised in such his, her, or their respective Purchase or Purchases, and for which such Consideration Money shall have been paid as aforesaid, and the same Land or Hereditaments to be so sold as aforesaid shall be conveyed and assured unto the respective Purchaser or Purchasers thereof; and a Conveyance or Conveyances thereof, made and executed by the said Commissioners, shall be valid and effectual in Law to vest the same in such respective Purchaser or Purchasers thereof, his Heirs and Assigns, discharged of and from all other Titles, Charges, and Incumbrances whatsoever;

Power to raise Money for such Purpose by Sale.

soever; and in case there shall be any Overplus of the said Purchase Monies remaining after answering all the Purposes aforesaid, the same shall be applied and disposed of in the same Manner as any Sum of Money to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Sum of Money ought to be laid out in the Purchase of other Lands and Hereditaments to be settled to the same Uses as the Lands so purchased or exchanged, is by this Act authorized or directed to be applied and disposed of; but in case it shall appear to the said Vicar for the Time being, and the said Ordinary, inexpedient or disadvantageous to the said Vicarage that the Sale of any Part of such Allotment should be made for the Purposes aforesaid, then it shall and may be lawful to and for the said Vicar and his Successors, by any Deed or Deeds, Writing or Writings, under his and their Hand and Seal or Hands and Seals, and attested by Two or more credible Witnesses, by and with the Consent in Writing of the said Ordinary, to charge such Allotment or Allotments so as aforesaid to be set out for the said Vicar and his Successors, and the Buildings and Conveniences so to be erected thereon, with such Sum or Sums of Money, not exceeding Two Years clear Income, as the said Commissioners shall think necessary for the Purposes of and in order to be applied for paying and defraying the Charges and Expences of erecting and making the said Farm-buildings, Conveniences, Subdivision Fences, Ditches, Drains, Arches, and Watercourses, Gates and Stiles, and in applying for and in obtaining the Consent of the Ordinary of the Diocese, and in the Exercise of the Powers given to and vested in the said Vicar for the Time being by virtue of this Act and the said recited Acts, which Sum or Sums of Money shall be paid to such Person or Persons as the said Commissioners shall nominate or appoint, in order to be applied or disposed of accordingly; and for securing the Repayment of such Sum or Sums of Money, with Interest for the same, to grant, mortgage, lease, or demise the Allotment or Allotments as aforesaid to be set out unto and for the said Vicar and his Successors, and the Buildings and Conveniences so to be erected thereon, unto such Person or Persons as shall advance and lend the same, his, her, and their Executors, Administrators, and Assigns, for any Term or Number of Years, so as every such Grant, Mortgage, Lease, or Demise be made with a Proviso to cease and be void, or with an express Trust or Condition to be surrendered, when the Sum or Sums of Money thereby to be secured, with the Interest thereof, shall be respectively paid and fully satisfied; and such Mortgagee or Mortgagees advancing and lending the Money so to be borrowed shall not be obliged to see to the Application or be anyways answerable for the Misapplication of such Monies or any Part thereof; and the said Vicar and his Successors for the Time being shall be and is hereby required and made liable, at the End of every Year after the Commencement of the said Term of Years, to pay to the Person or Persons to whom such Grant, Mortgage, Lease, or Demise shall be made, his, her, or their Executors, Administrators, or Assigns, One Fortieth Part of the Principal Money so to be borrowed, until the whole thereof shall by such annual Payment be paid off and discharged, and also to pay and keep down the Interest of the said Monies so to be borrowed; and it shall and may be lawful to and for the Person or Persons who shall advance and lend such Monies, his or their Executors, Administrators, and Assigns, for the more easily recovering the said One Fortieth Part of the said Principal and

Power to raise Money by a Charge on the Allotments not exceeding Two Years clear Income.

One Fortieth Part of the Money so borrowed to be yearly paid off.

the whole of the Interest which is required annually to be paid, to have, use, exercise, and take such and the same Powers and Remedies, by Entry and Distress upon the same Premises so to be charged, mortgaged, and demised, and by Sale of such Distress, as by the Laws now in force are provided for and given to Landlords for Recovery of Rents in arrear: Provided always, that in case any such Entry shall be made in order to distrain for the said Principal and Interest, or any Part thereof, as last aforesaid, the respective Tenants of the said mortgaged Premises on which such Entry shall be made shall and may and they are hereby authorized to pay such Principal and Interest, and the reasonable Costs of such Entry, and deduct the same from the Rents payable by them to the said Vicar and his Successors in respect of the said Premises.

Allotment of the Residue.

XLIX. And be it further enacted, That the said Commissioners shall apportion, divide, set out, and allot the Residue and Remainder of the said Lands and Grounds by this Act directed or authorized to be divided and inclosed or allotted unto and amongst the several Persons, and Bodies Politic, Corporate, or Collegiate, who at the Time of making such Allotments shall be entitled to any Estate, Right, or Interest therein, in such Quantities, Shares, Proportions, and Situations as by the said Commissioners shall be adjudged and determined to be a just and equitable Compensation and Satisfaction for their several and respective Lands, Grounds, Rights of Common, and Interests therein, after making such Compensation for Tithes as is herein provided; and the said Allotments shall be fenced in, and the several and respective Mounds and Fences for dividing and inclosing the same shall be made, and for ever thereafter maintained and supported, in such Manner as the said Commissioners shall in and by their Award order and direct.

Power to allot detached Inclosures.

L. And be it further enacted, That detached Closes or inclosed Lands surrounded by allottable Lands shall be deemed Part and Parcel of the Lands and Grounds to be divided and allotted by virtue of this Act.

Power to allot ancient Inclosures, with Consent of the Proprietors.

LI. And be it further enacted, That it shall be lawful for the said Commissioners, at the Request and with the Consent in Writing of the respective Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, seised or possessed of any inclosed Lands or Grounds within the said Parish of *Wootton*, to order and direct such inclosed Lands and Grounds, or any Part thereof, to be considered as allottable Lands, and as Part and Parcel of the Lands hereby directed to be divided and allotted, and to divide and allot the same accordingly; but such Allowances shall be made to the respective Owners of such inclosed Lands and Grounds, on account of the Situation, or any other beneficial Circumstances attending the same, as the said Commissioners shall adjudge to be fair and reasonable; and the said Commissioners are hereby authorized and required to set out, allot, and award unto and for the respective Owners of such inclosed Lands and Grounds, in lieu thereof, so much and such Part or Parts of the Lands and Grounds hereby directed to be divided and allotted as the said Commissioners shall think reasonable and just, subject to the Orders and Directions herein contained.

Allotment to be made by 5 Nov. 1836.

LII. And be it further enacted, That the said Commissioners shall and they are hereby required to set out and allot all the said Lands and Grounds

Grounds by this Act directed to be divided and allotted unto and amongst the several Proprietors or Persons interested therein, on or before the Fifth Day of *November* next ensuing the passing of this Act, or as soon afterwards as Circumstances will permit.

Pieces of Land by the Sides of Roads may be allotted.

LIII. And be it further enacted, That all Pieces and small Parcels of uninclosed Waste Land lying by the Side or Sides of any public Roads or Lanes within the said Parish of *Wootton*, which in the Judgment of the said Commissioners may be conveniently inclosed without incommoding the public Intercourse on such Roads or Lanes, or rendering such Roads of less Breadth than Thirty Feet respectively, and which if this Act had not passed would have been vested in the Lord of the Manor, shall be deemed Part of the Lands and Grounds intended to be divided, allotted, and inclosed under and by virtue of this Act.

For defraying the Expences of the Act and of its Execution.

LIV. And be it further enacted, That the Costs, Charges, and Expences incident to and attending the passing of this Act shall be paid out of the first Monies to be raised by the said Commissioners under the Authority of this Act; and that the same, and also the several Sums of Money and Allowances hereby directed or authorized to be paid and allowed to the said Commissioners, Clerk, and Surveyor, for their Expences, Time, and Trouble, and all other Costs, Charges, and Expences necessarily incurred in and about the carrying this Act and the said recited Acts into execution, shall be borne and defrayed by the several Owners and Proprietors of and Persons interested in the said Lands and Grounds to be divided, inclosed, allotted, or exonerated from Tithes by virtue of this Act, (other than and except the said Impropriators or Impropriator and Vicar for the Time being, and the said *Lucy Monoux*, in respect of their Glebe Lands and Lands to be allotted to them respectively in lieu of Tithes, and subject also to the Proviso herein-before contained with respect to the Tithe-free Lands in the said Parish,) in such Shares and Proportions, and at such Time or Times, and shall be paid to such Person or Persons, as the said Commissioners shall by Writing or Writings under their Hands, to be affixed upon the principal Church Door of the said Parish of *Wootton* at least Twenty-one Days before the Time of Payment, order and direct; and in case any Person or Persons shall refuse or neglect to pay his, her, or their Portion of such Costs, Charges, and Expences as aforesaid within the Time limited for that Purpose, and to such Person or Persons as the said Commissioners shall appoint, then and in such Case the said Commissioners shall and may, by Warrant under their Hands and Seals, directed to any Person or Persons whomsoever, cause the same, together with lawful Interest, to be computed from the Day on which the same ought to have been paid as aforesaid, 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 Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of taking and making such Distress and Sale; or it shall and may be lawful to and for the said Commissioners, or any Person or Persons authorized by them, immediately after such Neglect or Refusal, to enter into and upon the Premises so to be allotted to such Person or Persons, and demise the same, and receive and take the Rents, Issues, and Profits thereof, until thereby or therewith or otherwise such Share or Proportion, Shares or Proportions, with lawful Interest for the same,

to

to be computed from the Time such Sum of Money shall be ordered to be paid, and also all the Costs, Charges, and Expences occasioned by or attending such Entry upon and Receipt of the Rents and Profits of the said Premises, shall be fully paid and satisfied.

Power to make additional Rate in case of Deficiency.

LV. Provided always, and be it further enacted, That if at any Time after the Allotments shall have been staked out it shall appear to the said Commissioners, either before or after the Execution of their Award, that the Money to arise by the previous Rate or Rates shall not be sufficient to defray the Costs, Charges, and Expences aforesaid, then the Deficiency shall be made up and raised from Time to Time by a Rate or Rates to be made and levied upon the several Persons interested in the said Lands and Grounds hereby directed to be divided, inclosed, allotted, and exonerated from Tithes (other than and except the said Impropriators or Impropriator and Vicar respectively), in such Shares and Proportions, within such Time or Times, and to be paid to such Person or Persons, as the said Commissioners shall from Time to Time direct, nominate, and appoint; and in case any Person herein-before made subject to the Payment of any Money towards such Costs, Charges, and Expences as aforesaid shall neglect or refuse to pay his or her Share or Proportion of any such Rate or Rates within the Time or Times to be respectively appointed as aforesaid, or at any Time after, upon Demand, the same shall and may be levied and recovered in the Manner directed by this Act with respect to the previous Rate.

Power to recover Monies due at the Execution of the Award.

LVI. Provided always, and be it further enacted, That if at the Time of the Execution of the said Award there shall remain due from any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, any Sum or Sums of Money which shall have been adjudged, ordered, or directed to be paid by virtue of this Act, it shall be lawful for the said Commissioners, and they are hereby authorized and required, to levy and raise the same in like Manner as they might or could have done before the Execution of their Award.

Power for Commissioners to borrow Money.

LVII. And be it further enacted, That it shall be lawful for the said Commissioners, from Time to Time as they in their Discretion shall think fit, to borrow of any Person or Persons willing to lend the same such Sum or Sums of Money as may be deemed necessary for paying the Expences of applying for and obtaining and executing this Act; and the Person or Persons who shall lend or advance any such Sum or Sums of Money, or any other Money, for the Purpose of defraying the Costs, Charges, or Expences of obtaining and passing this Act, shall be repaid the same out of the Monies which shall be raised or collected in pursuance of this Act, with Interest for the same from the Time of lending or advancing each such Sum respectively as aforesaid.

Notice to be given of Meeting for receiving Applications for Situation of Allotments.

LVIII. And be it further enacted, That the said Commissioners, shall and they are hereby required to give Seven Days Notice of a Meeting for receiving Applications from the Owners and Proprietors of the Lands and Grounds hereby directed to be divided, inclosed, or allotted, touching the Situation in which they may be desirous of having their Allotments set out and allotted.

Meeting to be held to give Information of the Allotments.

LIX. 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, inclosed, or allotted by virtue of this Act, and also the respective Shares and Proportions by them proposed to be allotted to such Proprietors respectively in lieu thereof, the said Commissioners shall hold a Meeting at some convenient Time and Place when and where the Proprietors may be informed of such Allotments, and see the same set out and delineated upon a Map or Plan to be produced for their Inspection; and the said Commissioners shall adjourn such Meeting to some convenient Time, to be held at the same Place, for the Purpose of enabling the said Proprietors in the meantime to view their respective Allotments; and if any of the said Proprietors at such adjourned Meeting so to be held shall be dissatisfied with the proposed Allotments, the said Commissioners shall then, or at some other Time or Place to be appointed by them for that Purpose, receive Statements in Writing of the Complaints and Objections of any Proprietor or Proprietors against any such Allotment or Allotments, and shall forthwith, or as soon after as conveniently may be, determine the same; and such Determination shall be binding and conclusive on all Parties interested in such Allotment or Allotments.

Directions for fencing Allotments.

LX. And be it further enacted, That the several and respective Allotments to be made of the Lands hereby directed to be divided and inclosed within the said Parish of *Wootton*, after the Division thereof, shall, within Six Calendar Months, to be computed from the signing and sealing of the Award of the said Commissioners, or within any shorter Space of Time to be appointed by the said Commissioners, be inclosed and fenced, and the Hedges, Ditches, and Fences thereof shall be made in such Manner, and under and subject to such Regulations and Restrictions, as the said Commissioners shall by Writing under their Hands, or in or by their Award, direct or appoint; and the Fences of such Allotments where the same shall adjoin any public or private Road or Way, and in such other Place or Places as the said Commissioners shall think fit, shall be guarded with good and substantial Posts and Rails, or otherwise, and with such Ditches on either or each Side thereof as the said Commissioners shall direct or appoint; all which said Fences shall be so planted and guarded as aforesaid by and at the proper Costs and Charges of the respective Persons to whom the same shall be respectively allotted, in such Manner, Shares, and Proportions as the said Commissioners shall in and by their said Award order and direct.

Gates may be erected in certain Cases across Roads.

LXI. And be it further enacted, That the respective Proprietors of the Lands and Grounds to be divided, allotted, and inclosed by virtue of this Act shall have full Power and Liberty, from Time to Time and at all Times after the Execution of the said Award, to set up and continue a Swing Gate or Swing Gates across any Part or Parts of the public or private Bridleways or private Carriage and Drift Roads to be made and set out through their respective Allotments, or across any Freeboard or Mereway, for keeping out Cattle and separating such Proprietors Allotments, so as such Gate or Gates shall not prevent any Person or Persons entitled to use the said Roads, with or without Horses, Cattle, or Carriages, from passing or repassing along such Roads, or enjoying any Right, Title, or Property which he, she, or they ought to have or enjoy over such

such Road, Freeboard, or Mereway; but nothing herein contained shall extend to empower or authorize any Person to erect or place any Gate across or upon any public Carriage Road whatsoever.

Power to make Exchanges.

LXII. And be it further enacted, That it shall be lawful for the said Commissioners to set out, allot, and award any Lands, Tenements, and Hereditaments within the said Parish of *Wootton* in lieu of and in exchange for any other Lands, Tenements, or Hereditaments within the said Parish of *Wootton* or any adjoining Parish, 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 of the Lands, Tenements, or Hereditaments which shall be so exchanged, whether such Owner or Owners shall be a Body or Bodies Politic, Corporate, or Collegiate, or a Tenant or Tenants in Fee Simple, or in Fee Tail, General or Special, or for Life, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, by and with the Consent of the Lessor or Lessors thereof, but not otherwise, or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such 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 Exchanges and Exchange so to be made shall be good, valid, and effectual in the Law to all Intents, Effects, and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Lands, Tenements, or Hereditaments held in right of any Church or Chapel or other Ecclesiastical Benefice, without the Consent, testified as aforesaid, of the Patron thereof, and of the Bishop of the Diocese in which such Lands, Tenements, or Hereditaments so to be exchanged shall be situate: Provided always, that all the Costs, Charges, and Expences attending the making of any Exchanges or Partitions shall be borne, paid, and defrayed by the several Persons making such Exchanges or Partitions, in such Shares and Proportions, and at such Time, and to such Person or Persons as the said Commissioners shall by any Writing under their Hands direct or appoint.

Costs of Exchanges and Partitions by whom to be paid.

Application of Monies paid for Purchase or Exchange, if amounting to 200*l.*

LXIII. And be it further enacted, That whenever any Sum of Money is, under the Provisions of the said first herein-before recited Act or this Act, to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor or Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the same Uses, it shall and may be lawful to and for the said Commissioners, out of

of such Sums, to defray such Proportion of the Expence of passing this Act, and of carrying the same and the said recited Acts into execution, as shall (if any) be charged upon any of the Lands, Tenements, or Hereditaments of the Person or Persons, Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, Feoffee, Executor, Administrator, Husband, Guardian, Committee, or Trustee in Possession of the Lands, Tenements, or Hereditaments so purchased or exchanged, or on which such Timber or Wood actually grew, and also the Expence of any permanent Improvement, such as building, subdividing, draining, or planting, and the like, which shall in the Judgment of the said Commissioners be proper to be made, and shall be made, under their Direction, upon any Land to be by virtue of this Act allotted to such Person or Persons, Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, Feoffee, Executor, Administrator, Husband, Guardian, Committee, or Trustee respectively; and in case the Surplus of such Money shall amount to or exceed the Sum of Two hundred Pounds the same shall with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer at *Westminster*, to be placed to his Account there *ex parte* the Commissioners for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His late Majesty King
1 G. 4. c. 35. *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes,* and the General Orders of the said Court, and without Fee or Reward; and shall, when so paid in, there remain until the same shall, by Order of the said Court, made upon a Petition to be preferred to the said Court in a summary Way by the Person or Persons, Body or Bodies who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Payment or Discharge of any Debt or Debts or other Incumbrances, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments belonging to such Person or Persons, Body or Bodies, or settled therewith to the same Uses, as the said Court of Exchequer shall authorize to be purchased or redeemed, or paid or discharged, or such Part or Parts thereof as shall be necessary; or until the same shall, upon the like Application, in a summary Way, be laid out, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the afore-mentioned Lands, Tenements, or Hereditaments stood limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the said Money may, by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or Government or Real Securities; and in the meantime and until the said Bank Annuities or Government or Real Securities shall be ordered by the said Court to be sold for the Purposes aforesaid the Dividends and annual Produce of

the said Consolidated or Reduced Bank Annuities, or Government or Real Securities, shall from Time to Time be paid, by Order of the said Court, to the Person or Persons, Body or Bodies, who would for the Time being have been entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled.

When less than 200*l.* and amounting to 20*l.*

LXIV. And be it further enacted, That in case the Surplus of such Money shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons, Body or Bodies, for the Time being entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased or exchanged, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, Lunacy, or other Incapacity, with the Approbation of the said Commissioners, to be signified in Writing under their Hands, be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the Person or Persons, Body or Bodies, who for the Time being would be entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, such Nomination to be approved of by the said Commissioners, and such Nomination and Approbation to be signified in Writing under the Hands or Common Seal (as the Case may be) of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and the Produce arising thereon and therefrom, shall be by them applied in like Manner as is herein-before directed with respect to the Money to be paid into the Bank in the Name of the Accountant General of the Court of Exchequer, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

When under 20*l.*

LXV. And be it further enacted, That in case the Surplus of such Money shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to the Person or Persons, Body or Bodies, who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased or exchanged, for his, her, or their own Use and Benefit; or in case of Infancy, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committeee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

The Vicar, with Consent of the Bishop of the Diocese and Patron of the Living, may lease Allotments.

LXVI. And be it further enacted, That it shall be lawful for the Vicar for the Time being of the said Vicarage, and for all other Persons to whom any Allotment shall be made from the Lands and Grounds hereby authorized to be divided, allotted, and inclosed, with respect to any Lands or Hereditaments belonging to any Church, Chapel, or other Ecclesiastical Living or Benefice, by Indenture under his or their Hand and Seal or Hands and Seals, with the Consent of the Bishop of the Diocese, and of the Patron of the said Vicarage, Church, Chapel, or other Ecclesiastical Living or Benefice, for the Time being respectively, to lease or demise all or any Part or Parts of the Allotment or Allotments to be se

out and allotted to him or them by virtue of this Act, to any Person or Persons whomsoever, for any Term not exceeding Twenty-one Years, to commence within Twelve Calendar Months next after the passing of this Act, so that the Rent or Rents for the same shall be thereby reserved and made payable to the Vicar or other Incumbent or Persons entitled thereto for the Time being by equal quarterly Payments in every Year, and so that there be thereby also reserved and made payable the best and most improved Rent or Rents that can be reasonably had or gotten for the same, without taking any Fine, Foregift, Premium, Sum of Money, or other Consideration for making or granting any such Lease or Demise; and so that no Lessee by any such Lease or Demise be made dispunishable for Waste by any express Words to be therein contained; and so that there be inserted in every such Lease or Demise a Power of Re-entry on Nonpayment of the Rent or Rents to be thereby reserved within a reasonable Time, to be therein limited, after the same shall become due; and so that a Counterpart of such Lease or Leases, Demise or Demises, be duly executed by the Lessee or Lessees to whom such Lease or Demise shall be so made as aforesaid; and every such Lease or Demise shall be valid and effectual to all Intents and Purposes, any thing in this Act or in the said recited Acts, or any Law or Usage, to the contrary notwithstanding.

When Leases granted become void before the Expiration of the Term the Vicar may grant a new Lease.

LXVII. Provided always, and be it further enacted, That in case any such Lease or Leases, Demise or Demises, so to be granted as aforesaid, shall by any means become void or forfeited, or be surrendered, before the Expiration of the Term granted by such Lease or Demise, then and in such Case and as often as the same shall happen it shall be lawful for the Vicar of the said Vicarage, or other Person or Persons entitled to any Allotment as last aforesaid, for the Time being, by and with the Consent of the Bishop of the Diocese, and of the Patron of the said Vicarage, Church, Chapel, or other Ecclesiastical Living or Benefice, for the Time being respectively, to grant a new Lease of or demise all or any Part or Parts of the Allotment or Allotments so to be set out and allotted to such Vicar or other Person as aforesaid, such last-mentioned Lease or Demise to continue for such Term of Years as shall from the Time of such Avoidance, Forfeiture, or Surrender be then to come and unexpired of the Term granted by such original Lease or Demise, subject nevertheless to the Provisions, Conditions, and Covenants contained in such original Lease or Demise, and then remaining unperformed and capable of taking effect.

Tenure of Allotments.

LXVIII. And be it further enacted, That the several Lands, Grounds, and Hereditaments to be allotted and awarded, upon the said Division, Allotment, and Inclosure, to the several Persons, Body or Bodies Politic, Corporate, or Collegiate, interested therein, shall, immediately after the same shall have been so allotted and awarded, be holden by the said several Persons, Body or Bodies Politic, Corporate, or Collegiate respectively, by and under the same Tenures, (whether Freehold, Copyhold, or Leasehold,) and subject to the same Rents, Payments, Heriots, Fines, Customs, and Services, by, under, and subject to which the several Lands, Tenements, and Hereditaments in lieu or in respect of which the same Lands, Grounds, and Hereditaments shall be so allotted and awarded were respectively held immediately before the passing of this Act; and all such Allotments shall thereupon become Freehold, Copyhold, or Leasehold, (as

(as the Case may be,) and shall be so distinguished in the Award to be made by the said Commissioners, any Law or Custom to the contrary notwithstanding.

Lands sold before Execution of Award may be allotted to Purchasers.

LXIX. And be it further enacted, That if any Person or Persons hath or have sold, or shall at any Time before the Execution of the Award of the said Commissioners sell, his, her, or their Right, Interest, and Property in the said Lands and Grounds hereby directed to be divided, inclosed, or allotted, or any Part thereof, to any other Person, then and in every such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required, upon such Sale being made, to make an Allotment of Land unto the Vendee or Purchaser in every such Sale, or to his or her Heirs or Assigns, for or in respect of such Right, Interest, and Property so sold as aforesaid; and every such Vendee or Purchaser, or his or her Heirs and Assigns, shall and may, from and after the Execution of the said Award, hold and enjoy the Lands so to be allotted to him or her as aforesaid in the same Manner to all Intents and Purposes as the Vendor in every such Sale might, could, or ought to have held and enjoyed the same in case such Sale had not been made, or such Right, Interest, or Property had been vested in such Vendor at the Time of making such Allotments as aforesaid; and it shall be lawful for any Person or Persons who shall be entitled to any Allotment or Allotments under or by virtue of this Act to give, grant, bargain, sell, surrender, demise, mortgage, limit, appoint, convey, and assure the same Allotment or Allotments, or all or any Part of his, her, or their Estate or Interest therein or Right thereto, at any Time before the Execution of the said Award; and every such Gift, Grant, Bargain, Sale, Surrender, Demise, Mortgage, Limitation, Conveyance, and Assurance shall be of the same Force and Validity as if the same had been made after the Execution of the said Award; and it shall be lawful for any Person or Persons entitled to any Allotment as aforesaid to sell and dispose of and convey the Estate in right of which he, she, or they may be entitled to any such Allotment, separate and apart from, and retaining to himself, herself, and themselves, such Allotment, Common Right, and Interest; and the said Commissioners are hereby required to award such Allotment or Allotments accordingly.

Empowering the Commissioners, upon Application, to sell Part of Allotments to defray Expences.

LXX. And be it further enacted, That it shall be lawful for the said Commissioners, on Application made to them in Writing by any of the Owners or Proprietors for the Time being of Lands, Tenements, or Hereditaments in the said Parish, or by any of the Husbands, Guardians, Trustees, Committees, or Attornies of or for any such Owners or Proprietors being under Coverture, Minors, Idiots, Lunatics, or beyond the Seas, or under any other Disability or Incapacity, or by the Persons acting as such Guardians, Trustees, Committees, or Attornies, or by any of the said Owners or Proprietors being Tenant in Tail or for Life or Lives, or any other Contingency, or by any Trustees or Feoffees for charitable, parochial, or other Uses, to sell any Part of any Allotment to be made by virtue of this Act to the Persons by whom or on whose Behalf any such Application shall be made, for the Purpose of raising a Sum of Money sufficient to defray the proportionable Part of the Costs, Charges, and Expences of obtaining and carrying into execution this Act and the said recited Acts, and of fencing, subdividing, and inclosing his,

his, her, or their Allotment or Allotments, as shall in or by such Rates or Assessments be charged upon such Parties, and of the Costs, Charges, and Expences of making and completing such Sale; and such Sale shall be made by the said Commissioners in such and the same Manner, and subject to such and the like Rules and Regulations, as are mentioned and prescribed in and by the said first-recited Act in respect of the Sale of Lands towards defraying the Expences of obtaining and carrying into execution any Act for dividing, allotting, and inclosing any Lands or Grounds; and every such Allotment for which the full Purchase Money shall be paid shall be vested in the said Commissioners, and be conveyed, by Lease and Release executed by such Commissioners, to the Purchaser thereof, at the Expence of such Purchaser, unto and to the Use of or in Trust for such Purchaser and his Heirs, or as he shall appoint, and shall be inclosed and held by such Purchaser in Severalty; and the Receipt of the said Commissioners shall be a good and sufficient Discharge to the Purchaser for the Purchase Money; and such Purchase Money shall be applied by the said Commissioners in or towards defraying such Costs, Charges, and Expences; and if any Surplus shall remain in the Hands of the said Commissioners such surplus Money shall be paid to the Parties from whose Allotment such Sales shall be so made respectively; and the Shares of such of them as shall be Tenants in Fee Simple shall be paid to them respectively, and the Shares of the other Proprietors of such surplus Money shall be applied and disposed of in manner in this Act directed with respect to Money to be paid into the Bank of *England* for the Purchase or Exchange of Lands, Tenements, or Hereditaments, or of Timber or Wood growing thereon.

Persons having limited Interests may raise Money by Mortgage for Expences.

LXXI. And be it further enacted, That it shall be lawful for all Husbands, Guardians, Trustees, or Committees of any of the Owners or Proprietors of any of the Lands and Grounds to be by virtue of this Act divided, inclosed, or allotted, being under Coverture, Infants, Lunatics, Idiots, or Persons beyond the Seas, or otherwise incapacitated, Tenants in Tail or for Life only, or Feoffees for charitable or other Uses, or any of them, by and with the Consent of the said Commissioners, testified in Writing under their Hands and Seals, from Time to Time to charge the Lands and Grounds which shall be so set out and allotted to them respectively by virtue of this Act with any Sum or Sums of Money which the said Commissioners shall in their Discretion judge necessary, for the Purpose of inclosing, fencing, and dividing his or their respective Allotments, and for defraying the Expences of carrying this Act into execution, not exceeding Five Pounds for every Acre of such Lands and Grounds respectively, and for securing the Repayment of any Sum and Sums of Money, with Interest, to grant, mortgage, lease, or demise, or otherwise subject the Lands and Grounds so to be set out and allotted as aforesaid, or any Part thereof, to any Person or Persons who shall advance and lend the same respectively, his, her, or their respective Executors, Administrators, and Assigns, for any Term or Number of Years; so as such Grant, Demise, Lease, or Mortgage be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered, when such Sum or Sums of Money thereby to be secured, with the Interest thereof, shall be fully paid and satisfied; and so as in every such Grant, Demise, Lease, or Mortgage which shall be made by or on behalf of any Person or Persons

interested in or entitled to any such mortgaged Premises for the Term of his, her, or their natural Life or Lives, there be contained a Covenant to pay and keep down the Interest of the said Money to be secured during his, her, or their respective Life or Lives, in such Manner as that no Person afterwards becoming possessed of such Lands and Grounds shall be subject or liable to pay any further or larger Arrear of Interest than for Six Calendar Months preceding the Time when the Title to such Possession shall accrue or commence; and every such Grant, Mortgage, Lease, or Demise so to be made in pursuance of this Act shall be good, valid, or effectual in the Law for the Purposes thereby intended.

Tenants for Life, &c. not to raise more Money by Sale than they may charge on their Allotments.

LXXII. Provided always, and be it further enacted, That it shall not be lawful to raise by such Sale and Mortgage or Charge as herein-before mentioned, or by either of those Means, any greater Sum of Money for the Purposes aforesaid than such Owners or Proprietors might have borrowed or charged upon their Allotments for such Purposes, reckoning Five Pounds for every Acre thereof, under or by virtue of the said first-recited Act: Provided also, that in all Cases where the Money so raised by any such Sale shall not be equal to the Money which might be borrowed or charged on such Allotments as aforesaid, it shall be lawful for the Owners or Proprietors Part of whose Lands shall be sold as aforesaid to charge their Allotments with any Sum not exceeding the Excess or Difference.

Mortgages may be assigned.

LXXIII. And be it further enacted, That all and every Persons and Person to whom any Grant, Mortgage, Lease, or Demise shall be made by virtue of this Act as a Security for any Sum or Sums of Money by them, him, or her lent and advanced on the Credit of and for the Purposes mentioned in this Act, or who shall be entitled to the Money thereby secured, shall and may from Time to Time, by any Deed or Deeds, Surrender or Surrenders, Writing or Writings, under their, his, or her Hands and Seals or Hand and Seal, to be executed in the Presence of and attested by One or more credible Witness or Witnesses, assign and transfer the same Security or Securities, or the Principal Money and Interest thereby secured, and all Benefit and Advantage thereof, and all their, his, or her Estate, Right, Title, or Interest and Term of Years then to come and unexpired of, in, or to the same, unto any Person or Persons whomsoever, who may again in like Manner assign the same, and so *toties quoties;* and such Mortgagee or Mortgagees, Assignee or Assignees, his, her, or their Executors or Administrators, and all Persons claiming under them or any of them, shall and may use, take, and pursue all such lawful Methods, Causes, and Expedients in Law or Equity for recovering and obtaining Possession of the Premises so to be mortgaged, demised, or assigned as aforesaid, in case of Nonpayment of the Principal Money and Interest to be thereby secured, or any Part thereof respectively, as is or are used, taken, and pursued in Cases of the like Nature.

Leases at Rack Rent to be void.

LXXIV. And be it further enacted, That from and immediately after the Allotments herein directed to be made shall be marked and staked out, and the said Commissioners shall have directed the same to be entered upon by the Persons respectively to or for whom the same shall be intended, all and every Leases and Lease, and other Agreements and Agreement at Rack Rent, subsisting of all or any Part or Parts of the said Lands hereby directed to be divided and inclosed or allotted, or to be discharged from Tithes as aforesaid, and of any Right of Common thereon,

thereon, and of the Messuages or Tenements and Homesteads respectively belonging thereto, for any Term or Terms of Years not exceeding Twenty-one Years, (save and except such Leases and Agreements as by the express Terms thereof are not to be void in case of an Allotment in Severalty or Inclosure,) shall cease, determine, and be void as to all such Lands and Rights of Common respectively, but not as to any inclosed Tithe-free Lands or other Hereditaments comprised therein, such Compensation being paid to or allowed by the respective Landlords whose Leases or Agreements shall be so vacated, as the said Commissioners shall by Writing under their Hands order and direct in that Behalf; and it shall be lawful for the said Commissioners and they are hereby authorized by Writing under their Hands to ascertain, direct, and appoint what Rent or Share or Proportion of Rent shall be paid by the several Tenants of the Lands to be inclosed by virtue of this Act, or the Rights of Common thereof in their respective Holdings, to their respective Landlords, from the Time of passing this Act until such Lands shall be marked and staked out and be directed to be entered upon as aforesaid, and also to order and direct what Proportion and Amount of the whole Rent reserved upon such Lease or Leases, Agreement or Agreements, shall be paid by such Tenants from the Time of passing this Act to their respective Landlords for the Messuages, Homesteads, or ancient Inclosures comprised in such Lease or Leases, Agreement or Agreements, until the Expiration thereof, and which are not meant or intended to be made void as to such Messuages, Homesteads, or ancient Inclosures; provided that no Lease or Agreement comprising Messuages, Homesteads, or ancient Inclosures only shall be made void by this Act.

Beneficial Leases *not to* be *vacated.*

LXXV. Provided also, and be it further enacted, That nothing in this Act contained shall extend to set aside or make void any beneficial Lease or Leases from any Body or Bodies Politic, Corporate, or Collegiate, or any Person or Persons, of any Lands, Tenements, or Hereditaments in the said Parish, but the Person or Persons entitled to such beneficial Lease or Leases shall and may hold and enjoy his, her, and their several and respective Terms at and under the same Rents and Covenants as are specified in his, her, or their respective Leases from the same Body or Bodies Politic, Corporate, or Collegiate, or other Person or Persons respectively.

Deeds, Wills, &c. not to be affected.

LXXVI. Provided also, and be it further enacted, That nothing in this Act contained shall extend to revoke, annul, make void, alter, vary, or in anywise affect any Grant, Assurance, Limitation of Use or Uses, Declaration of Trust, or any Deed or Will whatsoever (except such Leases and Agreements as are herein-before mentioned), or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Rent-charge, Annuity, Debt, Rent, Incumbrance, or other Claim or Demand out of, upon, or affecting any of the Lands or Grounds hereby directed to be divided and inclosed or allotted, or any of the Messuages, Lands, or Hereditaments which shall be exchanged or parted with in pursuance of this Act; but that as well the Lands allotted and exchanged as the Hereditaments which shall be assigned in Partition or in Compensation for any other Estate or Right by virtue of this Act or the said recited Acts, or either of them, shall, immediately after such Allotment, Exchange, Partition, or Assignment, remain and enure, and

the several Persons to whom the same shall be allotted, assigned, or given in Exchange or on Partition 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, Remainders, Conditions, Charges, and Incumbrances in all respects, as the several Lands, Tenements, and Hereditaments in respect whereof such Allotments, Exchanges, Partitions, and Assignments 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, exchanged, parted with, or assigned as aforesaid, and this Act had not been passed, save and except such Leases and Tenancies at Rack Rent as shall become void by virtue of this Act, and except where any other of the Provisions of this Act are to the contrary, and subject nevertheless to all such Mortgages and Sales as shall be made by Authority hereof or of the said first-recited Act.

Separate Allotments to be made for Lands under different Titles.

LXXVII. And be it further enacted, That when the Proprietor or Proprietors of Lands or other Hereditaments which shall be inclosed, allotted, or exchanged by virtue of this Act shall hold their said respective Lands or other Hereditaments under different Titles and for different Estates, the said Commissioners shall, upon the Request of the said respective Proprietors in Writing under their Hands, ascertain and distinguish the Lands or other Hereditaments held for each of such Estates and under each of such Titles respectively, and shall accordingly in their Award set out and distinguish distinct and several Allotments for such respective Lands or other Hereditaments.

Alterations may be made in the Allotments before the Award.

LXXVIII. And be it further enacted, That it shall be lawful for the said Commissioners at any Time before the executing of their final Award to make any such Alterations in the Allotments or in the Fences which they may have set out and ordered, or in any of the Orders and Directions relating thereto which they have made in pursuance of this Act or the said recited Acts, as they may think right and expedient; and in case any Person or Persons shall be injured by any such Alteration on account of any Expences he, she, or they may have incurred or otherwise, the said Commissioners shall ascertain and determine what Recompence shall be made to him, her, or them for such Injury, and shall either pay the Amount thereof out of the Monies to come to their Hands in the Execution of this Act, or shall order and direct by whom and in what Manner such Recompence shall be made; the same to be levied and recovered, in case of Nonpayment, in the same Manner as the Costs and Charges of obtaining and executing this Act may be levied and recovered by virtue of this Act or the said recited Act passed in the Forty-first Year of the Reign of King *George* the Third, in case the same are raised by a Rate upon Proprietors.

When Allotments are omitted to be distinguished by the Award the Defect may be re-

LXXIX. And be it further enacted, That if for Want of Information or other Cause the said Commissioners shall have omitted to distinguish in their Award the several Tenures under which any of the said Lands or other Hereditaments are or shall be holden, or the several Rents, Payments, Fines, Heriots, Customs, and Services to which the same are or shall be subject, or the different Estates or Titles for or under which the same

medied by a separate Instrument.

same are or shall be held, or to set out and award several and distinct Allotments as is hereby required, it shall be lawful for the said Commissioners and they are hereby authorized, at any Time within Twelve Calendar Months after the Date and Execution of their Award, upon Request in Writing to them made by the respective Proprietors of any such Allotments, Lands, or other Hereditaments, or other Persons interested therein, or their Agents, to do all such Acts as shall be necessary for supplying such Omission; and for that Purpose to examine Witnesses, and proceed as if their Award had not been made; and by any Deed or Instrument under their Hands and Seals to distinguish, ascertain, and set out the Allotments, Lands, and Hereditaments held by different Tenures, and the several Rents, Payments, Fines, Heriots, Customs, and Services to which the same respectively are subject, and also the Allotments, Lands, and Hereditaments held by, for, or under different Estates or Titles respectively, in the same Manner as they are hereby authorized to do in their Award; and every such separate Instrument shall be enrolled and deposited with the Award of the said Commissioners, and shall thenceforth be deemed and taken to be Part thereof to all Intents and Purposes whatsoever; and all Expences which shall be reasonably incurred in or about any such subsequent Inquiry or separate Instrument as aforesaid, and the Enrolment thereof, shall be paid by the Person or Persons who shall have requested the said Commissioners to make and execute the same, or by his, her, or their Heirs, Executors, or Administrators.

Award to be made and deposited.

LXXX. And be it further enacted, That as soon as conveniently may be after the said Division and Allotment shall be completed the said Commissioners shall form, draw up, and execute an Award, which, together with a proper Map or Plan thereto annexed, shall within Ten Days after the Execution thereof be delivered to the Clerk of the Peace for the County of *Bedford*, who is hereby required to deposit and keep the same among the Records of the said County, for the Reception whereof the Fee of Three Pounds Three Shillings, and no more, shall be paid, and for the Inspection and Perusal whereof the Sum of One Shilling, and no more, shall be paid; and the said Award shall, from and after the Delivery thereof to the said Clerk of the Peace, be deemed and taken to be enrolled within the Intent and Meaning of the said first-recited Act; and a Copy of the said Award, and of the said Map or Plan, signed by the said Commissioners, shall within the Time aforesaid be deposited within the Parish Church of *Wootton* aforesaid, and there kept in a proper Box to be provided for that Purpose; and the said Award, and the said Copy thereof, and any other Copy of the said Award or of any Part or Parts thereof, attested by the Clerk of the Peace for the Time being of the said County or his Deputy (for every Sheet of which containing One hundred Words Sixpence, and no more, shall be paid), shall from Time to Time and at all Times thereafter be admitted and allowed as legal Evidence of the Matters and Things therein contained in all Courts whatsoever.

Accounts to be audited.

LXXXI. And be it further enacted, That once at least in every Three Calendar Months during the Execution of this Act (to be computed from the Time of passing thereof) the said Commissioners shall and they are hereby required to make a true and just Statement and Account of all the

the Sums of Money by them received and expended or applied in the Execution of this Act, and in such Statement or Account shall be particularly stated and specified the several Items and Articles for which each particular Sum has been paid and disbursed; and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by them laid before One of His Majesty's Justices of the Peace for the County of *Bedford*, not interested in the said Inclosure, to be by him examined and balanced; and such Balance shall be stated in the Book of Accounts to be kept in the Office of the Person acting as Clerk to the said Commissioners, and an Abstract of such Account shall, within Fourteen Days after the same shall have been so examined and balanced be published in some Newspaper circulated in the County of *Bedford*, and no Charge or Item in such Account shall be binding on the Parties concerned or valid in Law unless the same shall have been allowed by such Justice, and until such Account or the Abstract thereof shall have been so published as aforesaid, subject nevertheless to the Power of Appeal herein-after contained.

Power of Appeal.

LXXXII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any thing done or omitted to be done in pursuance of the said recited Acts or this Act, (other than and except as to the Allotments, and except such Claims, Matters, and Things as are herein-before directed or authorized to be ascertained, settled, tried, or determined by any Issue at Law, or where by any of the Provisions of the said recited Acts or of this Act the Determinations, Acts, or Proceedings of the said Commissioners are directed to be final or conclusive, or where any other Remedy is herein provided,) he, she, or they may appeal to any General or Quarter Sessions of the Peace which shall be holden for the County of *Bedford* within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioners and to the Party or Parties concerned Ten Days Notice in Writing of such Appeal and the Matter thereof (except with respect to the Accounts of the Commissioners, which, notwithstanding the same shall have been examined and balanced as aforesaid, may be appealed against at any Time within Six Calendar Months after the depositing of the Award with the Clerk of the Peace for the said County of *Bedford*, on giving to the said Commissioners such Notice as last aforesaid); and the Justices (not interested in the Premises) at the said General or Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and to make such Order and award such Costs as to them in their Discretion shall seem reasonable, and by their Order or Warrant 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) to the Owner or Owners of such Goods and Chattels after deducting the reasonable Charges of such Warrant, Distress, and Sale; and the Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous and vexatious or without Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants as to them in their Discretion shall seem reasonable, and to be levied in manner aforesaid.

Interpretation Clause.

LXXXIII. And be it further enacted, That in the Construction of this Act the Word "Parish" shall be understood to mean the Parish of *Wootton;* and that the Word "County" shall be understood to mean the County of *Bedford;* and that the Word "Justices" shall be understood to mean Justices of the Peace for the County of *Bedford;* and that the Word "Trustees" shall be construed to mean the Persons charged with the Execution of a Trust, by whatever Name they are designated; and that the Word "Rector" shall be understood to include Impropriator; and that the Word "Impropriator" shall be understood to mean Impropriator of the Impropriate Rectory of *Wootton* aforesaid, and to include Rector, and also to include Vicar, and any other Person or Persons entitled to any Great Tithes growing, arising, renewing, happening, or payable within the said Parish of *Wootton*, so far as regards such Tithes, or any Right or Liabilities incident or relating thereto; and that the Word "Vicarage" shall include all Rights belonging or appertaining or reputed to belong or appertain to the Vicar for the Time being, or to the Vicarage of *Wootton* aforesaid, or incident or relating thereto; and the Word "Landlord" shall include any Person of or under whom any Lands, Tenements, or Hereditaments are held or occupied, although such Person may not be the Owner of the Freehold or Inheritance thereof; and wherever in this Act, in describing, stating, mentioning, or referring to any Person or Party, Matter or Thing, the Word importing the Singular Number or the Masculine Gender only is used, the same shall be understood to include and shall be applied to several Persons or Parties as well as one Person or Party, and Females as well as Males, and several Matters or Things as well as one Matter or Thing respectively, unless there be something in the Subject or Context repugnant to such Construction; and that no Misnomer or inaccurate Description, Statement, or Notice of any Person, Manor, Impropriator, Rector, Rectory, Vicar, Vicarage, Church, College, Office, Officer, Place, Property, Right, Title, Interest, Matter, or Thing stated, described, mentioned, or referred to in or by this Act, or in any Deed, Notice, or Proceeding required by this Act, shall hinder the full Operation of this Act with respect to such Person, Manor, Impropriator, Rector, Rectory, Vicar, Vicarage, Church, College, Office, Officer, Place, Property, Right, Title, Interest, Matter, or Thing, provided that the Statement, Description, Name, Mention, Notice, or Reference of or to such Person, Manor, Impropriator, Rector, Rectory, Vicar, Vicarage, Church, College, Office, Officer, Place, Property, Right, Title, Interest, Matter, or Thing be such as to be commonly understood.

General Saving of Rights.

LXXXIV. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every Persons and Person, Bodies Politic, Corporate, and Collegiate, his, her, and their Heirs, Successors, Executors, and Administrators, all such Right, Title, Estate, and Interest, Claim and Demand, (other than and except such as are expressly barred and compensated for or intended to be barred and compensated for and extinguished by this Act,) as he, they, every or any of them, could or might have had, held, and enjoyed of, in, to, or out of the said Lands authorized to be divided, allotted, and inclosed, or any Part thereof, in case this Act had not been passed.

LXXXV. And

LXXXV. 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. Act to be printed by the King's Printer.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the King's most Excellent Majesty. 1836.