

the same by
Deed after
making their
Award.

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

And be it further Enacted, That it shall and may be lawful to and for the said Commissioners to set out, allot, and award any Lands, Tenements, or Hereditaments whatsoever within the said several Parishes, or any of them, in lieu of and in exchange for any other Lands, Tenements, and Hereditaments whatsoever within the said Parishes, or within any adjoining Parish, Hamlet, Township, or Place; provided that all such Exchanges be ascer-

tained,

tained, specified, and declared in the Award of the said Commissioners, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors for the Time being seised of or entitled in Possession to the Lands, Tenements, or Hereditaments which shall be so exchanged, or to the actual Receipt of the Rents, Issues, and Profits thereof, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politic or Corporate, or a Body or Bodies Collegiate, Corporation Aggregate or Sole, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail General or Special, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, or the major Part of such Trustees respectively, Husbands, Committees, or Attornies of or acting for any such Proprietors or Owners as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Females Covert, Lunatics, or under any other legal Incapacity, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself, such Consent to be testified in Writing under the Common Seal of the Body Politic, Corporate or Collegiate, and under the Hands and Seals of the other Parties respectively; and all and every such Exchange and Exchanges so to be made shall be good, valid, and effectual in the Law, to all Intents and Purposes whatsoever; provided nevertheless, that no Exchange shall be made of any Lands, Tenements, or Hereditaments held in Right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent testified as aforesaid of the Patron thereof and of the Lord Bishop of the Diocese in which such Lands, Tenements, and Hereditaments so to be exchanged shall lie or be situate: Provided always, that the Costs, Charges, and Expences attending the making and completing any Exchanges and Partitions shall be borne and paid by the several Persons, Bodies Politic, Corporate or Collegiate, making such Exchanges or Partitions, in such Manner and in such Proportions as the said Commissioners shall order and direct; and the same shall and may be recovered in the Manner hereinafter directed for the Recovery of the Costs and Expences of passing and executing this Act.

And be it further Enacted, That the Proprietors whose Allotments on the said Division shall have been tilled, ploughed, sown, folded, or manured by any former Proprietor or Occupier thereof, shall pay unto the Person or Persons respectively who shall have tilled, ploughed, sowed, folded, or manured the same or any

Satisfaction
to be made
for Tillage,
&c.

Part

Exchanges
may be
made.

Part thereof, his, her, or their Executors or Administrators, such Sum and Sums of Money, and at such Time and Times, as the said Commissioners shall think reasonable, and shall by Writing under their Hands ascertain and direct; and if by reason of the Mismanagement of any former Occupier, or of the preceding Crop or Crops, or by any other Means, it shall happen that the Allotment or Allotments to any Proprietor shall not contain a due and reasonable Proportion of Land in a proper state of Cultivation, or if any such Allotment or Allotments shall in the Judgment of the said Commissioners be from any Cause in a worse Condition to be occupied than the Average of the Lands allotted by virtue hereof, then the Person or Persons to whom any such Allotment or Allotments shall be made shall receive such Compensation and Satisfaction from any other of the Proprietors, or from the former Occupier, as the said Commissioners shall determine and adjudge to be just and equitable; and in case any of the Sums of Money which shall by the said Commissioners be directed to be paid as aforesaid, shall not be paid to the Person or Persons and at the Time or Times to be appointed by the said Commissioners for the Payment thereof, it shall be lawful for them and they are hereby required to levy the same in like Manner as the Expences of passing this Act, and carrying the same and the said recited Act into execution, are directed to be raised and levied.

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

Provided always, and be it further Enacted and Declared, That nothing in this Act contained shall extend to revoke, make void, annul, or alter any Settlement, Deed, or Will, or to prejudice any Person having any Right or Claim of Dower, Jointure, Annuity, Rent-Charge, Debt, or Incumbrance whatsoever in, out of, upon, or affecting any of the Lands, Tenements, or Hereditaments hereby directed to be divided and allotted, or which shall be exchanged or assigned in Compensation for any other Estate or Right in pursuance of this Act respectively; but as well the Lands allotted as the Tenements and other Hereditaments which shall be assigned and taken in exchange or in Compensation for any other Estate or Right, shall immediately after such Allotment, Exchange, or Assignment shall be made, be vested, remain, and enure, and the several Persons to whom the same shall be allotted, assigned, or given in exchange as aforesaid, shall henceforth stand and be seised and possessed thereof respectively to, for, and upon such and the same Uses, Estates, Intents, Trusts, and Purposes respectively, and subject and liable to such and the same Wills, Settlements, Limitations and Remainders, Conditions, Charges, and Incumbrances, as the several Lands, Tenements, and Hereditaments

ditaments in respect whereof such Allotments, Assignments, and Exchanges shall have been made should or would have stood severally limited, settled, vested, or subject or liable to, or been held by in case the same had not been allotted, assigned, or exchanged, and this Act had not been made; save and except such Rents and Services as shall have been compensated for and extinguished, and such Leases and Tenancies at such Rent as shall become void by virtue of this Act.

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

Leases and
Tenancies at
Rack Rent
to cease.

Power to ap-
portion
Rents.

Time such Deduction shall take place; and the rest of the Rent reserved on any such Lease or Agreement shall, during the Remainder of the Term thereof, be the Rent of and for the Lands and Hereditaments in such other Parish or Parishes, Place or Places, and shall be payable and recoverable in like Manner as the entire Rent reserved by such Lease or Agreement shall immediately be for such Apportionment be payable and recoverable: Provided always, that if there shall be any Lease of Lands, Part of which shall lie in any of the said respective Parishes, and Part in any adjoining Parish or Township, all and every such Lease and Leases at Rack Rent now subsisting may be vacated; but where such Land shall have been taken in exchange, and shall be under Lease, and wholly situate in an adjoining Parish or Township, the Lease of such last-mentioned Land shall not be vacated.

Money advanced to be repaid with Interest.

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

Expences of this Act.

And be it further Enacted, That the Costs and Charges of and incident to and attending the obtaining and passing this Act, of surveying, admeasuring, planning, dividing, and allotting the Open and Common Fields, Meadows, Pastures, and other Commonable Lands and Waste Grounds hereby directed to be divided and inclosed and exonerated from Tythes, and of making the public Roads to be set out, and of preparing and inrolling the Award of the said Commissioners, and all the Charges and Expences of the said Commissioners, and of the several Persons to be employed by them, either before or after the Execution of the said Award, in, about, or concerning the Execution of this or the said recited Act, shall be borne and defrayed by all the Proprietors and Owners of or Persons having Rights or Interests in the said Lands and Grounds hereby directed to be divided, allotted, and inclosed (except the said several Rectors, Vicars, and Impropriators, and their Successors, for and in respect of the Allotments to be made to them respectively as such Rectors, Vicars, and Impropriators as aforesaid), in such Proportions, and

and shall be paid to such Person or Persons, and at such Time or Times and from Time to Time, either before or after the Execution of the said Award, as shall be settled, adjusted, determined, and directed by the said Commissioners by any Writing under their Hands; and the several Sum and Sums of Money thereby rated shall be paid to such Person or Persons, and at such Time or Times, and in such Manner as the said Commissioners shall in and by their said Award, or any other Writing under their Hands, before or after the Execution of their said Award, order, direct, or appoint; and in case any Person or Persons shall refuse or neglect to pay his, her, or their Share or Proportion of such Costs, Charges, Sums of Money, and Expences as aforesaid, within the Time, and to such Person or Persons as the said Commissioners shall appoint, then and in such Case it shall and may be lawful to and for the said Commissioners, by any Warrant or Warrants under their Hands and Seals directed to any Person or Persons whomsoever, to cause the said Costs, Charges, and Sums of Money to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so making Default in Payment as aforesaid, his, her, or their Husbands, Guardians, Trustees, or Committees, wheresoever the same shall be found, rendering the Overplus (if any) on Demand to the Owner or Owners of such Goods and Chattels, the reasonable Charges of such Warrant, Distress, and Sale being first deducted, together with Interest after the Rate of Five Pounds *per Centum per Annum*, to be computed on such Share or Shares, Proportion or Proportions, from the Time the same shall be directed to be paid as aforesaid; or otherwise it shall be lawful for the said Commissioners, or any Person or Persons authorized by them, to enter upon and take Possession of the Messuages, Tenements, Orchards, Home Closes, or other Ancient Inclosures partitioned, exchanged, or discharged from Tythes as aforesaid; and also of the several Allotments made to such Person or Persons so refusing or neglecting to pay as aforesaid, and to receive and take the Rents and Profits thereof until thereby, therewith, or otherwise, the Share or Shares, Proportion or Proportions of the said Costs, Charges, Sums of Money, and Expences so ordered and directed to be paid by such Person or Persons as aforesaid; and all Interest on such Share or Shares, Proportion or Proportions, to be computed from the Time the same shall be directed to be paid as aforesaid, and also all Costs, Charges, and Expences occasioned by or attending such Entry upon such Premises, and the Receipt of the Rents and Profits of the Premises, shall be fully paid and satisfied.

And

Allowance to
the Commis-
sioners.

And be it further Enacted, That each of the Commissioners acting in Execution of the Trusts and Powers hereby vested in them shall be allowed and paid, in Satisfaction for their Trouble and Expences, the Sum of Two Pounds Twelve Shillings and Sixpence for every Day on which they shall be respectively employed in travelling to, attending on, or returning from so acting; and at all Meetings to be held in pursuance of this and the said recited Act the said Commissioners shall pay their own Expences; and none of the said Commissioners shall be allowed for more than One Day in travelling to and One Day in travelling from the Place of Meeting.

Award.

And be it further Enacted, That the said Commissioners shall draw up and execute their Award of and concerning the several Matters and Things herein contained in manner directed by the said recited Act, and that the same shall be inrolled with the Clerk of the Peace for the Liberty of *Peterborough*, in the said County of *Northampton*, or in one of the Courts of Record at *Westminster*; and that then the same shall be deposited in the Cathedral Church at *Peterborough*, where all Persons interested may have Access thereto at proper Times to peruse the same, on payment of One Shilling to the Chapter Clerk; and that true Copies thereof upon Parchment shall be made and deposited in each of the Parish Churches of *Maxey with Deepingate*, *Northborough*, *Glington with Peakirk*, *Etton*, and *Helpstone* aforesaid, or true Extracts therefrom, so far as respects each respective Parish, shall be made on Parchment and there deposited.

Commis-
sioners to lay
their Ac-
counts be-
fore a Justice.

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

And

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

Appeal to
the Quarter
Sessions.

Provided always, and be it further Enacted, That nothing in this Act contained shall prejudice, lessen, or defeat the Right, Title, or Interest of the Lords of the several Manors within the Limits and Jurisdictions whereof the Lands and Grounds hereby intended to be divided and inclosed are situate, of, in, and to the Seigniories, Royalties, Rights, and Services incident or belonging to such Manors; but that the Lords of the said several Manors shall and may from Time to Time and at all Times hereafter respectively hold, receive, take, and enjoy all Rents, Fines, Services, and Profits of Courts, and all other Rights and Privileges to such Manors respectively appendant, belonging, or appertaining (save and except as to such, if any, as may be discharged, altered, or varied by this Act), in as full, ample, and beneficial a Manner, to all Intents and Purposes, as they might or ought to have held and enjoyed the same in case this Act had not been made.

Saving Ma-
norial Rights.

Saving Ec-
clesiastical
Jurisdiction.

Provided always, and be it further Enacted, That nothing in this Act contained shall extend or be construed to extend to alter, prejudice, affect, lessen, or defeat any Ecclesiastical Jurisdiction of the Lord Bishop of *Peterborough*, the said Dean and Chapter of *Peterborough*, and the said Master, Fellows, and Scholars, of any Power of leasing which they or any of them have by the Law now in being, except as is herein provided.

Saving
the Rights of
the Corpora-
tion of Bed-
ford Level.

Provided always, and it is hereby further Enacted, That this Act, or any thing contained herein, shall not extend or be construed to extend to empower the said Commissioners or any of them, or any other Person or Persons whomsoever, to have, use, or exercise any Power or Authority over, or to intermeddle with any of the Sewers, Drains, or Works already made by or belonging to or hereafter to be made by or belong to the Governor, Bailiffs, and Commonalty of the Company of Conservators of the great Level of the Fens, called *Bedford Level*, or to invalidate, lessen or diminish, alter or take away any of the Rights, Powers, or Authorities vested in the said Governor, Bailiffs, and Commonalty, or in the Governor, Bailiffs, and Conservators of the said Company, by virtue of an Act made in the Fifteenth Year of the Reign of King *Charles the Second*, intituled "An Act for settling the Draining of the great Level of the Fens, called *Bedford Level*," or by virtue of any other Act, Statute, or Charter whatsoever; but that all Rights, Powers, and Authorities whatsoever, which, by virtue of the said Act of the Fifteenth of *Charles the Second*, or of any other Act, Statute, or Charter whatsoever, now are vested in the said Governor, Bailiffs, and Commonalty, or in the said Governor, Bailiffs, and Conservators, or any of them, shall for ever hereafter remain, continue, and be in the said Governor, Bailiffs, and Commonalty, and in the said Governor, Bailiffs, and Conservators, and of every of them, as fully and amply to all Intents and Purposes as if this Act had not been made.

Saving
Rights of
Lords Para-
mount

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

Saving

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

And be it further Enacted, That this Act shall be printed by the Printer to the KING's Most Excellent MAJESTY, and a Copy thereof so printed shall be admitted as Evidence thereof by all Judges, Justices, and others.

Act to be
Printed by
the King's
Printer.