

ANNO QUINTO

GEORGII IV. REGIS.

***

Whitfield in the County of *Northampton*; and Four hundred and eighteen Acres One Rood and Thirteen Perches of inclosed Coppices, One hundred and fifty-five Acres and Six Perches of open Plains and Ridings, lying in the Liberties or Precincts of *Silston* otherwise *Silverston* otherwise *Silveston Burnham* in the said County of *Northampton*; and that the Soil and Timber, with the Right of Herbage and Feed for Deer, in such Part of the said Walk as lies in the Parish of *Whitfield*, and with the right of Herbage and Feed for Deer in such Part of the said Walk as lies in the Liberties or Precincts of *Silston* otherwise *Silverston* otherwise *Silveston Burnham*, are the Property of His Majesty in right of His Crown: And whereas the Most Noble *George Henry* Duke of *Grafton*, under and by virtue of certain Letters Patent of His late Majesty King *Charles* the Second, made in the Twenty-fifth Year of his Reign, is seised of and entitled to all the Underwood and Bushes growing and renewing and renewable in such Part of the said Walk as lies in the Parish of *Whitfield* aforesaid; and the said Duke is also seised and entitled, under or by virtue of the same Letters Patent, to the Residue of the said Walk of *Hasleborough*, consisting of Four hundred and eighteen Acres One Rood and Thirteen Perches of Coppices, and One hundred and fifty-five Acres and Six Perches of open Plains and Ridings, situate in the Liberties or Precincts of *Silston* otherwise *Silverston* otherwise *Silveston Burnham* aforesaid, and the Soil, Timber, Underwood, Trees, and Bushes of every kind thereon, subject only to Herbage and Feed for Deer as before-mentioned: And whereas the said Duke of *Grafton*, under and by virtue of certain Letters Patent of His said late Majesty King *Charles*, made in the Thirty-second Year of his Reign, and of certain other Letters Patent of Her late Majesty Queen *Anne*, made in the Eleventh Year of her Reign, is entitled to hold and enjoy the Office of Warden or Ranger of the said Forest of *Whittlewood*, and Master of the Game therein: And whereas the Provost, Fellows, and Scholars of *Worcester* College in the University of *Oxford* are Lords of the Manor of *Whitfield* aforesaid, and claim to be entitled to certain Estovers and Pannage, and other Rights in, over, and upon *Hasleborough* Walk aforesaid: And whereas the Owners and Proprietors of Lands in the Parishes, Townships, Liberties, Hamlets, or Precincts of *Whitfield*, *Whittlebury*, *Silston* otherwise *Silverston* otherwise *Silveston Burnham*, *Potterspury* with *Yardley*, *Gobion*, *Passenham*, and *Denshanger*, (which Parishes and Places are styled and known as In-towns) claim, subject to His Majesty's and the said Duke of *Grafton*'s Rights in the said Forest, to be entitled to certain Rights of Common in, over, and upon the said Forest: And whereas the Owners and Proprietors or Tenants of Lands in the Parishes, Townships, Liberties, Hamlets, or Precincts of *Syresham* with *Crowfield*, *Paulerspury* with *Heathencote*, *Grafton Regis*, *Alderton*, *Wicken*, *Lillingston Lovell*, *Lillingston Dayrell*, *Wappenham*, and *Slapton* (which last-mentioned Parishes and Places are styled and known as Out-towns) also claim, subject to His Majesty's and the said Duke of *Grafton*'s Rights in the said Forest, to be entitled to certain Rights of Common in, over, and upon the said Forest, which said Rights of Common are more particularly exercised over that Portion of the said Forest called *Hasleborough*, by the Owners or Proprietors

tors

tors or Tenants of Lands in the respective Parishes, Townships, Liberties, Hamlets, or Precincts of *Whitfield*, *Silston* otherwise *Silverston* otherwise *Silveston Burnham* (as Part of the In-towns), and *Syresham* with *Crowfield*, *Wappenham*, and *Slapton* (as Part of the Out-towns): And whereas certain poor Inhabitants of the said last-mentioned Parishes or Places claim to be entitled to a Right to gather Sere and Broken Wood in the said Forest Two Days in the Week in every Year: And whereas the Soil of the said Walk of *Hasleborough* is peculiarly well suited to the Growth and Cultivation of Timber, but from the Mixture of Property and Rights now existing in and over the said Walk, the same cannot be as fully improved and made as productive as it might otherwise; and it would be a great Benefit and Advantage to His Majesty and the Public, if that Portion of the said Forest of *Whittlewood* called *Hasleborough Walk* were disafforested, and divided, allotted, and inclosed; and if a Portion of the said Coppice Lands, Coppices, and open Plains were allotted to His Majesty, His Heirs and Successors, for the Growth and Preservation of Timber: And whereas an Act was passed in the Forty-first Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for consolidating in one Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas an Act was passed in the First and Second Years of the Reign of His present Majesty, intituled *An Act to amend the Laws respecting the inclosing of open Fields, Pastures, Moors, and Waste Lands in* England: 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 *William Custance* of *Great Russell-street Bloomsbury* in the County of *Middlesex* Gentleman, *Richard Kitelee* of *Castlethorpe* in the County of *Buckingham* Gentleman, and *Richard Howes* of the Town of *Northampton* in the County of *Northampton* Gentleman, and their Successors, to be nominated and appointed in Manner herein-after mentioned, shall be and they are hereby appointed Commissioners for dividing, allotting, and inclosing that Portion of the Forest of *Whittlewood* called *Hasleborough Walk*, and the said Coppice Lands, Coppices, and open Plains, Ridings, Lawns, and Lodge Grounds aforesaid, and for carrying into execution the several Purposes of this Act, in such Manner as is herein-after provided and directed, and with such of the Powers and subject to such of the Rules, Orders, Regulations, Restrictions, and Provisions contained in the said recited Acts of the Forty-first Year of the Reign of His said late Majesty King *George* the Third, and the First and Second Years of the Reign of His present Majesty, as are not varied, altered, or otherwise provided for by this Act; and that all Acts, Matters, or Things authorized or necessary to be done and executed by the said Commissioners, for effecting the Purposes aforesaid, may be done and executed by any Two of them, and the same shall be as valid and effectual as if such Acts, Matters, and Things had been done and executed by all the Commissioners.

41 G. 3. c. 109

1 & 2 G. 4. c. 23

Appointment of Commissioners.

II. And

For appointing new Commissioners in Cases of Vacancy.

II. And be it further enacted, That in case the said *William Custance*, or any Person to be nominated and appointed a Commissioner in his Room or Stead by virtue of this Act, shall die or refuse to act, or become incapable of acting as such Commissioner, then and in such Case it shall and may be lawful for the Commissioners of His Majesty's Woods, Forests, and Land Revenues, or the Surveyor General of the Land Revenues for the Time being, within One Calendar Month after such Death, Refusal, or Incapacity as aforesaid shall be made known by Notice in Writing, signed by any of the said Commissioners, to nominate and appoint a proper Person, not interested in the said intended Division and Inclosure, to be a Commissioner in the Room or Stead of the said *William Custance*, or of such other Person so nominated or appointed in his Stead, so dying, refusing, or becoming incapable to act as aforesaid; and so from Time to Time as often as any Commissioner to be nominated and appointed by the Commissioners of His Majesty's Woods, Forests, and Land Revenues, or by the Surveyor General of the Land Revenue for the Time being, shall die, refuse, or become incapable to act as such Commissioner in Execution of this Act; and in case the said *Richard Kitelee*, or any Person to be nominated or appointed a Commissioner in his Room or Stead by virtue of this Act, shall die, refuse, or become incapable to act in the Execution of this Act, then and in every such Case it shall and may be lawful for the said Duke of *Grafton* to nominate and appoint, by Writing under his Hand, some fit and proper Person, not interested in the said Division and Inclosure, to be a Commissioner in the Room or Stead of the said *Richard Kitelee*, or such other Person nominated or appointed in his Room or Stead so dying, refusing, or becoming incapable to act as aforesaid, and so from Time to Time as often as any Commissioner so to be nominated or appointed shall die, refuse, or become incapable to act as a Commissioner in the Execution of this Act; and in case the said *Richard Howes*, or any Person to be nominated or appointed by virtue of this Act a Commissioner in his Room or Stead, shall die, refuse to act, or become incapable of acting in the Execution of this Act, then and in every such Case it shall and may be lawful for the Persons claiming Rights of Common in, over, and upon the said Forest, in respect of any Lands in the said Parishes, Townships, Liberties, Hamlets, or Precincts of *Whitfield*, *Silston* otherwise *Silverston* otherwise *Silveston Burnham*, *Syresham* with *Crowfield*, *Wappenham*, and *Slapton*, or any or either of the said Parishes or Places, or the major Part of them possessing the greatest Number of Acres, attending a Meeting to be held by Notice given in the *Northampton Mercury*, and on the Church and Chapel Doors of the said last named several Parishes or Places, at least Fourteen Days before such Meeting, to nominate or appoint by any Instrument in Writing under their Hands a proper Person (not interested in the said intended Division and Inclosure) to be a Commissioner in the Room or Stead of the said *Richard Howes*, or of such other Person to be nominated and appointed in the Room or Stead of him so dying, refusing, or becoming incapable to act as aforesaid, and so from Time to Time as often as any such Case or Cases shall happen; and every Commissioner so to be nominated and appointed shall, after taking and subscribing

scribing the Oath prescribed in that Behalf, have the like Power and Authority for carrying the said recited Act and this Act into Execution, and shall be subject and liable to the like Rules, Regulations, and Restrictions, as if he had been originally nominated a Commissioner in and by this Act.

In case no Appointment shall be made, the remaining Commissioner or Commissioners to appoint.

III. And be it further enacted, That if the Commissioners of His Majesty's Woods, Forests, and Land Revenues, or the Surveyor General of the Land Revenue for the Time being, or the said Duke of *Grafton*, or the said Persons claiming Rights of Common as aforesaid, or any of them respectively, shall make default in nominating and appointing any new Commissioner so to be nominated and appointed by them respectively as aforesaid, within the respective Times for that Purpose limited, and in Manner aforesaid, then and in every such Case it shall and may be lawful for the surviving or remaining Commissioners or Commissioner, and they and he are and is hereby required, from Time to Time, by Writing under their or his Hands or Hand, within One Calendar Month next after the Expiration of such respective Times so allowed for nominating such new and succeeding Commissioners as aforesaid, to nominate and appoint a proper Person or Persons, not interested in the said Division and Inclosure, to be a Commissioner or Commissioners in the Room or Stead of every such Commissioner or Commissioners so dying, refusing, or becoming incapable to act as aforesaid; and every Commissioner so nominated and appointed shall, after taking and subscribing the Oath prescribed in that Behalf, have the like Powers and Authority for carrying the said recited Act and this Act into Execution, and shall be subject and liable to the like Rules, Regulations, and Restrictions, as if he had been originally appointed a Commissioner in and by this Act.

Commissioner not attending Three successive Meetings, to be deemed a Refusal to act.

IV. And be it further enacted, That if any of the said Commissioners hereby nominated shall refuse or neglect to attend at the First Meeting appointed to be holden for carrying this Act into Execution, and duly qualify himself, by taking and subscribing the Oath prescribed in that Behalf, or if any of the said Commissioners shall, at any Time after the First Meeting, wilfully absent himself from any Three following succeeding Meetings appointed to be holden by virtue of this Act, or having been absent from Two successive Meetings, shall not attend during the whole of the Third or next succeeding Meeting, such Meetings being known to him, either by his being present at the Appointment thereof, or by Notice thereof having been given to him, or left at his last or usual Place of Abode by the Clerk or Clerks to the said Commissioners, and such Commissioners not having been prevented by Sickness or other reasonable Excuse, to be allowed by the other Commissioners, from attending or continuing at such Meetings; or if any Commissioner, to be nominated and appointed in Manner by this Act directed, shall not attend and qualify himself to act as a Commissioner in the Execution of this Act, at the First Meeting of the said Commissioners after his Nomination or Appointment, or shall thereafter wilfully absent himself from Three following successive Meetings to be holden by virtue of this Act, or having been absent from Two successive Meetings, shall not attend during the whole of

the Third or next succeeding Meeting, such Meetings being known to him, either by his being present at the Appointment thereof, or Notice thereof in Writing having been given to him, or left at his last or usual Place of Abode, by the Clerk to the said Commissioners, and such Commissioner not being prevented by Sickness or other reasonable Cause, to be allowed by the other Commissioners, from attending or continuing at such Meetings, then and in every such Case such Absence or Non-attendance shall be deemed and taken to be a Refusal to act within the Intent and Meaning of this Act.

Surveyor appointed to survey and measure, map, &c.

V. And be it further enacted, That *John Durham* of *Dunstable* in the County of *Bedford* Land Surveyor shall be and he is hereby nominated and appointed Surveyor for viewing, surveying, and measuring the said Walk called *Hasleborough Walk*, and the said Coppice Lands, Coppices, and open Plains, Ridings, Lawns, and Lodge Grounds aforesaid; and he is hereby accordingly authorized and directed, as soon as conveniently may be after the passing of this Act, to view, survey, and measure the said Walk called *Hasleborough Walk*, and the said Coppice Lands, Coppices, and open Plains, Ridings, Lawns, and Lodge Grounds aforesaid, and all the Buildings and Encroachments whatsoever made in and upon the same, and to describe and lay down the same, by way of Map or Plan, whereon, or in a Book of Reference to be annexed thereto, shall be set forth the Number of Statute Acres, Roods, and Perches of the said Walk called *Hasleborough Walk*, and the said Coppice Lands, Coppices, and open Plains, Ridings, Lawns, and Lodge Grounds aforesaid, and the several Buildings and Encroachments made thereon, and of what such Encroachments respectively consist, and the Names of the several Persons holding and enjoying the same; and that when and so soon as the said Surveyor shall have finished and completed the said Survey, Map, or Plan, he shall, by Notice in Writing under his Hand, apprize the said Commissioners thereof, and appoint a Time and Place for a Meeting with them, of which Fourteen Days previous Notice at least shall be given unto each of the said Commissioners, at which Meeting the said Surveyor shall deliver unto the said Commissioners present at such Meeting his Survey, and Plan, and Book of Reference, and shall subscribe the same with his Name in the Presence of the said Commissioners, who shall attest the same; and the said Surveyor shall take and subscribe the following Oath; (that is to say),

Survey to be delivered to the Commissioners, and certified on Oath.

Oath.

"I *A. B.* do swear, That by virtue and in pursuance of an Act made in the Fifth Year of the Reign of King *George* the Fourth, intituled *An Act* [*here insert the Title of this Act*], I have taken a true and exact Admeasurement and Survey of the said Walk called *Hasleborough Walk*, and the Coppice Lands, Coppices, and open Plains, Ridings, Lawns, and Lodge Grounds therein directed by the said Act to be inclosed, and of all the Buildings and Encroachments whatsoever made in and upon the same, to the best of my Judgment and Ability; and that the Survey, Map, or Plan, and Book of Reference whereunto I have now set my Hand, are and do contain a just and true Description, Survey, and Admeasurement and Account of the said Walk called *Hasleborough Walk*, and the Coppice Lands, Coppices, and open Plains, Ridings, Lawns, and Lodge Grounds, and of all the Buildings and Encroachments in

'and upon the same, with the Names of the several Persons holding 'and enjoying the same respectively, and that the same were made 'and taken by me according to the best of my Knowledge, Inform- 'ation, and Belief, and the true Intent and Meaning of the said 'Act, without Favour, Affection, or Partiality to any Person or 'Persons: And I do further swear, That I will faithfully, impartially, 'and honestly, according to the best of my Skill and Judgment, 'execute the several other Trusts reposed in me as a Surveyor by 'virtue of the said Act, without Favour or Affection, Prejudice or 'Partiality, to any Person or Persons whomsoever.

'So help me GOD.'

One Commissioner may administer the Oath.

Which Oath it shall and may be lawful to and for any One or more of the said Commissioners to administer; and the said Oath, when so taken, shall be written on Parchment, and subscribed by the said Surveyor, and duly attested by the said Commissioners under their Hands, and shall be enrolled with the Award to be made by the said Commissioners.

For electing new Surveyors in case of Death.

VI. Provided always, and be it enacted, That in case the said Surveyor hereinbefore appointed, or any other Surveyor or Surveyors to be appointed as hereinafter mentioned, shall die, or refuse, or neglect to act, or become incapable of acting in the Execution of the said recited Act and this Act, then and in every such Case it shall and may be lawful for the said Commissioners, by Writing under their Hands and Seals, to nominate and appoint some other fit and proper Person (not interested in the said intended Division and Inclosure) to be a Surveyor in the Room or Stead of every Surveyor so dying, refusing, or neglecting to act, or becoming incapable of acting in the Execution of the said recited Act and this Act; and every Surveyor so nominated and appointed shall have the like Powers and Authorities, and shall be subject and liable to the like Rules, Regulations, and Restrictions, as if he had been originally named a Surveyor in and by this Act.

Surveyor to make a Survey and Plan of Lands;

VII. And be it further enacted, That as soon as conveniently may be, the said Surveyor shall proceed to make an accurate Survey and Plan of the Whole or such Parts as the said Commissioners shall direct, as well of all Messuages, Cottages, and Scites thereof, as of all Lands and Grounds in whatsoever Manor, Parish, Township, Hamlet, or Place the same are situate, in respect whereof the Owners or Occupiers of the same respectively are entitled to a Right of Common upon the open commonable Lands and Grounds to be allotted and inclosed by virtue of this Act, or any Part thereof, (save and except such Lands and Grounds as have been already surveyed, and as are hereinafter directed not to be again surveyed or planned,) and shall enquire and find out in and by the Survey and Plan thereof, and in a Book of Reference to the same set forth, a minute and exact Account of all and singular the Premises so surveyed, and the Quantity and Contents of each several Field, Inclosure, and Parcel of Land thereof, with the Names of all and every the Owners and Occupiers thereof respectively, thereby distinguishing such of the Premises as are of a Freehold Tenure, from such as are of Copyhold,

and to set forth, in a Book of Reference to the Plan, an exact Account of the Premises sur-

or

veyed, and the Names of the Owners.

or Customary, or Leasehold Tenures, and of what particular Manors, or Lordships, or Persons, the said Copyhold, or Customary, or Leasehold Tenements are severally and respectively holden.

Proprietors producing approved Surveys, &c. already made, to be allowed for them.

VIII. And be it further enacted, That it shall and may be lawful for any Person or Persons, having in his, her, or their Custody or Possession any actual Survey, Map, or Plan of any Lands or Grounds, in respect whereof the Owners or Occupiers are entitled to Rights of Common or other Rights in, over, or upon the said Walk called *Hasleborough Walk*, and the said Coppice Lands and Coppices, and open Plains, Ridings, Lawns, and Lodge Grounds aforesaid, to produce and deliver such Surveys, Maps, or Plans to the said Commissioners, at such Time or Times as they shall appoint for that Purpose, and the said Commissioners shall thereupon enquire, on the Oath as well of the Person or Persons producing and delivering such Surveys, Maps, and Plans respectively, as of such other Person or Persons as they shall think fit, (which Oath the said Commissioners or any One of them are and is hereby authorized to administer), into the Authenticity and Accuracy of every such Survey, Map, or Plan; and in Cases where the Commissioners shall be satisfied that such Surveys, Maps, or Plans are authentic, and have been accurately made, and will answer the Purpose of a new Survey, (but not otherwise,) they the said Commissioners shall deliver the same over to the said Surveyor, with Directions to insert and copy the same into his Survey of the said Walk called *Hasleborough Walk*, and the said Coppice Lands, Coppices, and open Plains, Ridings, Lawns, and Lodge Grounds aforesaid, instead of making a new Admeasurement and Plan of the Lands and Grounds so comprised and described in the Maps and Plans approved as aforesaid; and that the said Commissioners shall allow, pay, and satisfy for such approved Surveys, to the Person or Persons to whom the same shall belong, such Sum and Sums of Money as the said Commissioners shall think proper, out of the Monies to be raised by them for the Purposes of this Act.

Meetings of Commissioners, of which Notice shall be given.

IX. And be it further enacted, That the First Meeting of the said Commissioners for putting this Act into Execution shall be held at *Towcester* in the County of *Northampton* on *Monday* the Fifth Day of *July* One thousand eight hundred and twenty-four, or as soon after as Circumstances will admit; and the said Commissioners shall cause Notice in Writing to be affixed upon each of the principal outer Doors of the several Churches or Chapels of the Parishes or Places of *Whitfield*, *Silston* otherwise *Silverston* otherwise *Silveston* *Burnham*, *Syresham* with *Crowfield*, *Wappenham*, and *Slapton*; and also a like Notice, by Advertisement, to be inserted in such Newspaper or Newspapers usually circulated in the County of *Northampton* as the said Commissioners shall direct, of the Time and Place of their First and every future Meeting (Meetings by Adjournment only excepted,) for the Execution of the Powers hereby and by the said recited Acts vested in them, Eight Days at least before the Times appointed for such respective Meetings; and in case only One of the said Commissioners shall attend at the Time and Place appointed for any Meeting, or to which any Meeting shall be adjourned,

journed, it shall be lawful for such Commissioner, or for the Clerk to the said Commissioners, in case no Commissioner shall attend, to adjourn the said Meeting to be holden on any future Day, not exceeding Twenty-one Days from the Day of the Adjournment, at the same or some other convenient Place within Six Miles of the said Forest; and the Commissioner or Clerk making such Adjournment is hereby required to give timely Notice thereof to the absent Commissioners.

Directing how other Notices are to be given.

X. And be it further enacted, That all other Public Notices requisite or necessary to be given by the said Commissioners shall be given by Advertisement, to be inserted in such of the Public Newspapers usually circulated in the said County of *Northampton* as the said Commissioners shall direct.

Parties dissatisfied with the Decisions of the Commissioners, as to Parish Boundaries, may try the same by an issue at Law.

XI. And be it further enacted, That if any Person or Persons, Bodies Politic, Corporate, or Collegiate, shall consider himself, herself, or themselves prejudiced or aggrieved by the Determination of the said Commissioners respecting the Limits or Boundaries of any Parishes, Manor, Township, Hamlet, District, or Place upon the said Coppice Lands, Coppices, and open Plains, Ridings, Lawns, and Lodge Grounds in *Hasleborough Walk* aforesaid, hereby directed to be divided and inclosed, or of any Parish, Township, Manor, Hamlet, District, or Place adjoining thereto, as the same shall be set out and ascertained by the said Commissioners pursuant to the said recited Act, and shall by Writing under his, her, or their Hand or Hands give Notice to the said Commissioners, within Two Months next after such Determination, of his, her, or their Desire to have the same determined by an Issue at Law, instead of an Appeal to the Quarter Sessions, under the Provisions of the said Act, then and in such Case it shall be lawful for the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, so dissatisfied with such Determination, and giving such Notice, to have the same ascertained by a Trial of an Issue at Law, in Manner herein-after directed, within Three Calendar Months after such Determination.

Claims of Right to be produced.

XII. Provided always, and be it enacted, That all Persons having or claiming any Right or Interest in or upon or over the Lands and Grounds hereby directed to be divided, allotted, and inclosed, shall, by themselves or their Agents, deliver their respective Claims in Writing to the said Commissioners, at a Meeting to be holden for that Purpose, in Manner directed by the said recited Act of the Forty-first Year of the Reign of His late Majesty, of which Meeting Twenty-one Days Notice in Writing, under the Hands of the said Commissioners, expressing the Purpose of such Meeting, shall be given in the Manner herein-before directed.

Commissioners may settle Disputes as to Rights or Interests claimed.

XIII. And be it further enacted, That in case any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said intended Division and Inclosure, touching or concerning the respective Rights and Interests which they or any of them shall have or claim to have in the same, or touching or concerning any other Matter or Thing relating to the said Division or Inclosure,

Inclosure, it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered to examine into and hear and determine the same respectively: Provided always, that nothing herein contained shall authorize the said Commissioners to determine the Title to any Messuages, Lands, Tenements, or other Hereditaments whatsoever.

Power to assess Costs relative to disputed Claims and Objections.

XIV. And be it further enacted, That in case the said Commissioners shall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of this or of the said recited Act, see cause to Award any Costs, then and in such Case it shall and may 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, either to the Public Account, for or towards the Expences occasioned in or relating to the investigating, settling, and determining of such Claim or Claims, if finally disallowed, or to the Party or Parties in whose Favour any Determination of the said Commissioners shall be made, by the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, whose Claim or Claims, Objection or Objections, shall be thereby disallowed or over-ruled; and in case the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, who shall be liable to pay such Costs and Charges, shall neglect or refuse to pay the same on Demand, then and in every such Case it shall and may be lawful for the said Commissioners, and they are hereby authorized and required, by Warrant under their Hands, directed to any Person whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand to the Person or Persons, or 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.

Allowing Parties to try their Rights by an Issue at Law.

XV. 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 intended Division and Allotments, shall be dissatisfied with any Determination of the said Commissioners, touching or concerning any Claim or Claims of any Right of Common, or other Rights or Interests whatsoever, in, over, or upon the said Forest, or that Part thereof hereby directed to be divided, allotted, and inclosed, or any Part or Parts thereof, then and in every such Case it shall be lawful for the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, so dissatisfied, to bring or cause to be brought an Action or Actions at Law, in One of His Majesty's Courts of Record at *Westminster*, against the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, in whose Favour such Determination shall have been made, or against the said Commissioners, if the Subject of their Determination shall be of such a Nature as will affect the Persons in general interested in the said Division and Inclosure, or within Three Calendar Months next after the Determination of the said Commissioners shall have been notified in Writing to

the

the Party or Parties against whom such Determination shall have been so made, or to his, her, or their known Agent or Attorney; and thereupon the Person or Persons, Body or Bodies Politic or Corporate, so dissatisfied, shall proceed to a Trial, to be holden at the next or the following Assizes to be holden for the said County of *Northampton*, after such Action or Actions shall have been commenced; and the Defendant or Defendants in such Action or Actions shall, and he, she, or they is and are hereby required to name an Attorney or Attornies, who shall appear thereto, or file Common Bail, and accept One or more Issue or Issues, whereby such Claim or Claims, and the 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 the said Action or Actions shall be commenced, in case the Parties shall differ about the same; and the Verdict or Verdicts which shall be given in such Action or Actions shall be binding, final, and conclusive upon all and every Person and Persons whomsoever, Body and Bodies Politic, Corporate, or Collegiate, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall be lawful for the Court to do as is usual in other Cases; and after such Verdict or Verdicts shall be obtained and not set aside by the Court, the said Commissioners shall and they are hereby required to act in conformity thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials, and the Costs and Charges payable by the said Commissioners in such Action or Actions shall be paid and discharged out of the Monies to be raised by them for the Purposes of this Act.

Determination of Commissioners to be final.

XVI. Provided always, and be it enacted, That the Determination of the said Commissioners touching such Claim or Claims of any Right of Common, or other Rights or Interests in, over, or upon the said Forest hereby directed to be divided, allotted, and inclosed, or any Part thereof, shall (in case such Determination shall not be so objected to, or being objected to, such Action or Actions at Law shall not be brought and proceeded in within the Time and in Manner herein for that Purpose mentioned) be final and conclusive upon all and every Person and Persons, Body and Bodies Politic, Corporate or Collegiate.

Actions not to abate by Death of Parties.

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

Trials not to suspend the Execution of the Powers of the Act.

XVIII. Provided always, and be it enacted, That no such Difference, Dispute, or Proceeding, touching the Title to any Lands, Tenements, or Hereditaments, shall impede or delay the said Commissioners in the Execution of this Act, but the Division or Inclosure hereby directed to be made shall be proceeded in, notwithstanding any such Difference, Suit, or Proceeding; and the said Commissioners shall, by proper Marks and Bounds, set out the Lands and Grounds which shall

shall be allotted in lieu of such litigated Property, so that the same may be distinguished from any other Lands and Grounds, and may be had and taken by the Person or Persons who, upon the Determination of such Difference or Suit, shall be entitled to the same.

In case of Death of Parties before Actions brought, the same to be carried on and defended in their Names.

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

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

XX. Provided also, and be it further enacted, That nothing in this Act shall extend or be construed to extend to enable the said Commissioners to determine any Right between any Parties contrary to the Possession of any such Parties (except in Cases of Encroachment) within Twenty Years before the passing of this Act, but in case the said Commissioners shall be of Opinion against the Right of the Person or Persons so in Possession, they shall forbear to make any Determination thereupon until the Possession shall be given up or recovered from such Person or Persons by Ejectment or other due Course of Law.

Commissioners to set out Roads.

XXI. And be it further enacted, That the said Commissioners shall and they are hereby required to set out such and so many Private Roads and Ways as shall be necessary for giving to His Majesty, His Heirs, Successors, and Assigns, and to his Surveyor General of his Woods, and the Deputy Clerk and Servants of such Surveyor General, and also to the said Duke of *Grafton* and his Heirs, convenient Access to the Allotments of His said Majesty and of the said Duke.

Commissioners may stop up Roads.

XXII. And be it further enacted, That the said Commissioners shall and may turn or abate and stop up, or order to be turned, abated, and stopped up, any ancient Carriage Road or Way, Roads or Ways, or ancient Footway or Path, Footways or Paths, in, through, upon, or over any of the said Coppice Lands, Coppices, and open Plains, Ridings, Lawns, and Lodge Grounds hereby directed to be divided and inclosed, where they shall judge it requisite or expedient, with the Concurrence of Two Justices of the Peace acting in and for the

said County of *Northampton*, and subject to the Rules, Orders, Restrictions, and Rights of Appeal contained in and in the Manner directed by the said first recited Act with respect to the stopping up of any old or accustomed Road or Roads, and also subject to the Rules, Orders, and Directions mentioned and contained in an Act passed in the Fifty-fifth Year of the Reign of his said late Majesty King *George* the Third, intituled *An Act to amend an Act of the Thirteenth Year of His present Majesty, for the Amendment and Preservation of the Public Highways, so far as the same relates to Notices of Appeal against turning or diverting a Public Highway, and to extend the Provisions of the same Act to the stopping up of unnecessary Roads*, but subject to an Appeal to the Quarter Sessions, as in the said Acts mentioned. 55 G. 3. c. 68.

Power to turn Watercourses.

XXIII. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby empowered, to direct, order, and award all Streams of Water, Springs, and Watercourses, within the said Coppice Lands, Coppices, and open Plains, Ridings, Lawns, and Lodge Grounds, hereby directed to be divided and inclosed, to be carried and conveyed in such Courses, and through such of the Lands and Grounds so hereby directed to be divided and inclosed, as they in their Discretion shall think necessary and proper: Provided always, that no such Streams of Water, Springs, or Watercourses shall be diverted or turned without the Consent in Writing of the Person or Persons from or into whose Lands the same shall be carried and conveyed.

Allotment to His Majesty of the Coppice Lands, &c. in the Parish of Whitfield.

XXIV. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to set out and allot unto and for the King's Majesty, His Heirs and Successors, as His and Their own proper Demesne Lands and Estates, together with all and singular the Buildings, Timber Trees, Wood, and Underwood standing and being thereon respectively, Three full Fourth Parts of the said Coppice Lands and Coppices in *Hasleborough Walk* aforesaid, situate within the Parish of *Whitfield* aforesaid, the Soil, Timber, and Herbage whereof is vested in and the Property of His Majesty as herein-before mentioned, and which are by this Act to be divided and inclosed; and which said Allotment shall from and after and so soon as the same shall be fenced in and severed from the Lands adjoining thereto, independent and without Reference to the Time when the other Allotments shall be made, become and remain the absolute Property of His Majesty, His Heirs and Successors, freed, exonerated, and for ever discharged from all Rights of the said Duke of *Grafton*, and all other Persons, to the Underwood growing and renewing and renewable in the said Coppice Lands and Coppices, and from all Rights of Common of Pasture and Turbary, Common of Estovers, and all other Rights of what Nature or Kind soever, (saving the Rights of the said Duke as Master of the Game as herein-after mentioned.)

Commissioners to ascertain the Value of the Duke of

XXV. And be it further enacted, That the said Commissioners shall and they are hereby empowered and required to calculate and ascertain the Value of the Rights of the said Duke of *Grafton*, under the said

Grafton's Rights to the Underwood of the Coppices in the Parish of Whitfield, and to make a proportionate Allotment to him, out of the King's Three-fourths.

said Letters Patent of the Twenty-fifth Year of the Reign of His said Majesty King *Charles* the Second, to the Underwood and Bushes growing, renewing, and renewable in the said Coppice Lands and Coppices in the said Parish of *Whitfield*; and having calculated and ascertained such Value, to set out and allot unto and for the said Duke, and the Heirs Male of his Body, so much and such Part or Share of the said Three Fourth Parts of the said Coppice Lands and Coppices herein-before directed to be set out and allotted unto and for His Majesty, His Heirs and Successors as aforesaid, as shall be in the Judgment and Determination of the said Commissioners a full Equivalent and Compensation for and in lieu of the Rights and Claims of the said Duke to the Underwood of the said Coppice Lands and Coppices under the said Grant as aforesaid, and of all other Rights and Benefits of him the said Duke in relation thereto, (save his Right as Master of the Game as aforesaid.)

Commissioners to allot to the Duke of Grafton Three-fourths of the Coppice Lands in the Parish of Silston.

XXVI. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to set out and allot unto and for his Grace the Duke of *Grafton*, and the Heirs Male of his Body, as his and their own proper Demesne Lands and Estates, together with all and singular the Buildings, Timber Trees, Wood, and Underwood, and Bushes standing and being thereon respectively, Three full Fourth Parts of the said Coppice Lands and Coppices in *Haseborough Walk* aforesaid, situate within the Liberties or Precincts of *Silston* otherwise *Silverston* otherwise *Silveston Burnham* aforesaid, the Soil, Timber Trees, Underwood, and Bushes whereof are vested in and the Property of the said Duke as herein-before mentioned, and which are also by this Act to be divided and inclosed; and which said Allotment shall from and after and so soon as the same shall be fenced in and severed from the Lands adjoining thereto, independent and without Reference to the Time when the other Allotments shall be made, become and remain the absolute Property of the said Duke and the Heirs Male of his Body, freed, exonerated, and for ever discharged from all Rights of His Majesty to the Herbage thereof, and the Feed and Pasturage for Deer, and all Forestial and other Rights of His said Majesty, if any, in and over the same, and also from all Rights of Common of Pasture, Turbary, Common of Estovers, and all other Rights of what Nature or Kind soever.

Commissioners to ascertain the Value of His Majesty's Forestial Rights in the Coppice Lands in Silston, and to make a proportionate Allotment to His Majesty out of the Duke's Three-fourths.

XXVII. And be it further enacted, That the said Commissioners shall and they are hereby empowered and required to calculate and ascertain the Value of the Rights of His Majesty to the Herbage and Pasturage and Feed for Deer in the said Coppice Lands and Coppices, situate in the said Liberties or Precincts of *Silston* otherwise *Silverston* otherwise *Silveston Burnham*, and of the Forestial and other Rights of His Majesty, if any, in, upon, and over the same; and having calculated and ascertained such Value, to set out and allot unto and for the King's Majesty, His Heirs and Successors, so much and such Parts and Part of the said Three-fourths of the said Coppice Lands and Coppices in the Liberties or Precincts of *Silston* otherwise *Silverston* otherwise *Silveston Burnham*, herein-before directed to be set out and allotted unto and for the said Duke, and the Heirs Male of his Body, as shall, in the Judgment and Determination of the said

said Commissioners, be a full Equivalent and Compensation for and in lieu of the Rights of His said Majesty to the Herbage of the said last-mentioned Coppice Lands and Coppices, and of the Feed and Pasturage of Deer, and the Forestial and all other Rights of His said Majesty, if any, in, upon, and over the same.

Allotment to certain Persons in lieu of their Rights of Common.

XXVIII. And be it further enacted, That the said Commissioners shall set out and allot Three hundred and seventy-six Acres, Part of the said Coppice Lands, Coppices, open Plains, and Ridings in *Hasleborough Walk* aforesaid respectively, situate in the said Parishes, Liberties, or Precincts of *Whitfield* and *Silston* otherwise *Silverston* otherwise *Silveston Burnham*, (that is to say) Two hundred and twenty-one Acres of such Part as is in the Parish of *Whitfield*, and One hundred and fifty-five Acres of such Part as is in the Liberties or Precincts of *Silston* otherwise *Silverston* otherwise *Silveston Burnham*, in such Allotments as the said Commissioners shall think fit, and in the most convenient Situation or Situations, unto and for the Use of the several Persons claiming or entitled in respect of Lands in the said respective Parishes, Liberties, or Places of *Whitfield*, *Silston* otherwise *Silverston* otherwise *Silveston Burnham*, *Syresham* with *Crowfield*, *Wappenham*, and *Slapton*, certain Rights of Common in and over the said Walk of *Hasleborough* and Forest of *Whittlewood*; and such Allotment or Allotments shall become the Property of the said several last-mentioned Persons within the said Parishes and Places entitled as aforesaid to Rights of Common, and shall be by the said Commissioners allotted in Severalty unto and amongst them, in such Shares and Proportions as they shall be respectively entitled thereto, freed and discharged of and from all Right of Soil, or other Right or Claim of the King's Majesty, His Heirs and Successors, and of the said Duke of *Grafton* and the Heirs Male of his Body, and also from all Rights of Common and other Rights of the Owners or Occupiers of Lands, Tenements, or Hereditaments, in Parishes or Places having common Rights within the said Forest, which have no Allotment or Allotments provided for them under this Act.

Allotment of all the Remainder of the open Lands.

XXIX. And be it further enacted, That all the Remainder of the said open Plains and Ridings, and also the whole of the Lawns and Lodge Grounds in *Hasleborough Walk* aforesaid, lying in the said Parishes, Liberties, or Precincts of *Whitfield* and *Silston* otherwise *Silverston* otherwise *Silveston Burnham*, shall be divided and allotted in Manner following, (that is to say,) the said Commissioners shall and they are hereby required to set out and allot unto and for the King's Majesty, His Heirs and Successors, as his and their own proper Demesne Lands and Estates, together with all and singular the Buildings, Timber Trees, Wood, and Underwood, standing and being thereon respectively, such Part thereof as are situate in the Parish of *Whitfield*, (the Soil, Timber, and Herbage whereof is vested in and the Property of His Majesty,) which said Allotment shall be and become and remain the exclusive and absolute Property of His Majesty, His Heirs and Successors, and shall be held and enjoyed freed and discharged from all Rights and Claims in and over the same, in such and the same Manner as the Allotment of Coppice Lands and Coppices, herein-before directed to be made to His said Majesty, is by this

this Act to be held and enjoyed; and the said Allotments of open Plains, Ridings, Lawns, and Lodge Grounds, and of Coppice Lands and Coppices, shall be taken and be in full Compensation and Discharge of all Rights of Soil, Timber, Herbage, Pasture, Feed for Deer, and all Forestial and other Rights of His Majesty in, upon, and over that Portion of the said Forest of *Whittlewood* called *Hasleborough Walk*; and the said Commissioners shall and they are hereby required in the next Place to set out and allot unto and for the said Duke of *Grafton* and the Heirs Male of his Body, as his and their own proper Demesne Lands and Estates, together with all and singular the Buildings, Timber Trees, Wood, and Underwood standing and being thereon respectively, the Remainder of such of the said open Plains and Ridings as are situate within the Liberties or Precincts of *Silston* otherwise *Silverston* otherwise *Silveston Burnham*, (the Soil, Timber, Wood, and Underwood whereof are vested in and the Property of the said Duke,) which said Allotment shall be and become and remain the exclusive Property of the said Duke of *Grafton*, and the Heirs Male of his Body, and shall be held and enjoyed freed and discharged from all Rights and Claims in and over the same, in such and the like Manner as the Allotment of Coppice Lands and Coppices herein-before directed to be made to the said Duke is to be held and enjoyed; and the said Allotments of open Plains, Ridings, and Coppice Lands and Coppices, so to be made to the said Duke, shall be taken and be in full Compensation and Discharge of all Rights of Soil, Timber, and Underwood of the said Duke, and of all his Rights as Warden and Ranger of the said Forest, and all other Rights of the said Duke, (except his Right as Master of the Game as herein-after mentioned,) in, upon, and over that Portion of the said Forest of *Whittlewood* called *Hasleborough Walk*

In making the Allotments to the King and Duke of Grafton, those Parts are to be selected which are best adapted to the Growth of Timber.

XXX. And be it further enacted, That in making and setting out the said Allotments of the said Coppice Lands, Coppices, open Plains, and Ridings, Lawns, and Lodge Grounds, the said Commissioners shall and they are hereby required to set out and allot unto and for the King's Majesty and the said Duke of *Grafton*, in their respective Allotments, such Parts and Portions of the same as shall in the Judgment of the said Commissioners be best adapted, from the Nature of the Soil and other Circumstances, for the Growth and Cultivation of Timber; provided the same do not affect or prejudice the Claim of Situation of the several Allotments to the Proprietors of the said several Parishes or Places.

Allotment to the Poor in lieu of their Claims to Sere and broken Wood.

XXXI. And be it further enacted, That the said Commissioners shall and they are hereby empowered and required to settle and adjust such Compensation as they may think proper to be made unto the poor Inhabitants of the said several Parishes, Townships, Liberties, Hamlets, or Precincts of *Whitfield*, *Silston* otherwise *Silverston* otherwise *Silveston Burnham*, *Syresham* with *Crowfield*, *Wappenham*, and *Slapton*, in lieu of any Rights that they may establish to the Satisfaction of the said Commissioners to Sere and broken Wood within the said Walk of *Hasleborough*; and the said Commissioners shall and may set out and allot unto and for the Use of the said poor Inhabitants such Part or Parts, Share or Shares of the respective Allotments of the

the said open Plains and Ridings, herein-before directed to be set out and made unto and for the King's Majesty and the said Duke of *Grafton* respectively, as shall in the Judgment of the said Commissioners be a full Equivalent and Compensation for all such Rights so established; which said Allotment or Allotments hereby directed to be set out and made shall be vested in the respective Rectors, Churchwardens, and Overseers of the Poor of the said respective Parishes or Places for the Time being, the Rents and Profits of which shall be by them applied and disposed of in such Manner as may be deemed most beneficial by the Majority of the Inhabitants to be assembled at the First General Annual Vestry for each Parish or Place, to be held on or after the Twenty-fifth Day of *March* in each and every Year for ever, for the poor Inhabitants of the said respective Parishes or Places, (except that no Part thereof shall be applied in Aid of any Rate or Rates to be made for the Relief of the Poor, or other Purposes of the said Parishes or Places, or any of them).

Reserving the Timber and Woods to His Majesty and the Duke of Grafton for a limited Time.

XXXII. Provided always, and be it further enacted, That all the Timber and other Trees, Underwood, Bushes, Hollies, and Thorns, and Standels, standing, growing, and being on those Parts of the said Coppice Lands and Coppices, and open Plains and Ridings within the said Parish of *Whitfield*, herein-before directed to be set out and allotted in lieu of Rights of Common and Rights to Sere and broken Wood, shall remain and be the Property of His Majesty; and that all the Timber and other Trees, Underwood, Bushes, Hollies, and Thorns, and Standels, standing, growing, and being on those Parts of the said Coppice Lands and Coppices, open Plains and Ridings within the said Liberties or Precincts of *Silston* otherwise *Silverston* otherwise *Silveston Burnham*, also herein-before directed to be set out and allotted in lieu of Rights of Common and Rights to Sere and broken Wood, shall remain and be the Property of the said Duke of *Grafton*; and it shall and may be lawful for the Commissioners of His Majesty's Woods, Forests, and Land Revenues, and the said Duke of *Grafton* respectively, their Surveyors, Agents, and Workmen, to cut down and carry away, or otherwise to dispose of the said Timber and other Trees, Underwood, Bushes, Hollies, and Thorns, and Standels, and to enter on the said last-mentioned Coppice Lands, Coppices, open Plains and Ridings, for that Purpose, from Time to Time as Occasion may require, for the Space of Eighteen Months from the passing of this Act; but the Person or Persons to whom the Lands herein-before mentioned shall be allotted in lieu of Rights of Common and Rights to Sere and broken Wood as aforesaid, shall be at liberty to take the Timber and other Trees, Underwood, Bushes, Hollies, and Thorns, and Standels, standing, growing, or being thereon, at a fair Valuation, if they shall think proper so to do.

Rights of Common to be extinguished.

XXXIII. And be it further enacted, That after all the Allotments herein-before directed to be set out and made shall, by Order of the said Commissioners, be marked and staked out, the said Allotments shall be deemed and taken in full Compensation, Satisfaction, and Discharge of all Rights of Common whatsoever, and all Rights to Sere and broken Wood, and other Rights, which the Persons interested in the Allotment and Inclosure, or any other Persons claiming Rights

of Common, Sere or broken Wood, or other Rights, in any Part of the said Forest, or any of them, could or might have had or been entitled to in, over, and upon that Portion of the said Forest of *Whittlewood* called *Hasleborough Walk*, or any Part thereof, and from that Time all Right of Common whatsoever, and all Right to Sere and broken Wood, and other Rights in, upon, or over that Portion of the said Forest called *Hasleborough Walk*, shall cease and be for ever annulled, abolished, and extinguished: Provided nevertheless, that it shall be lawful for the said Commissioners, at any Time before the Execution of their Award, by Notice in Writing under their Hands, to be affixed on the principal outer Doors of the Churches or Chapels of the said several Parishes or Places of *Whitfield*, *Silston* otherwise *Silverston* otherwise *Silveston Burnham*, *Syresham* with *Crowfield*, *Wappenham*, and *Slapton*, to order and direct all or any Part of the Rights of Common or Rights to Sere and broken Wood in, over, or upon that Portion of the said Forest of *Whittlewood* called *Hasleborough Walk* to be extinguished, or the Exercise thereof to be suspended for and during such Time or Times as shall be expressed in such Writing; and all such Rights of Common and Rights to Sere and broken Wood as the said Commissioners shall by such Writing order and direct to be extinguished, or the Exercise thereof to be suspended as aforesaid, shall from the Time mentioned in such Writing cease, determine, and be extinguished, or the Exercise thereof shall be suspended accordingly; any Law, Usage, or Custom to the contrary thereof in anywise notwithstanding.

No Right of Common to be exercised in the Remainder of the Forest by the Inhabitants, of or in Right of Property in the Parishes of Whitfield, Silston, &c.

XXXIV. And be it further enacted, That from and after the said Allotments of the said Walk called *Hasleborough Walk*, in lieu of Rights of Common and of Sere and broken Wood, shall, by Order of the said Commissioners, be marked out, made, and set out, no Person or Persons shall have, claim, or exercise any Rights or Right of Common of any Kind whatsoever, or any Right or Rights to Sere and broken Wood, or other Rights, in, upon, or over the Remainder or any Part of the said Forest of *Whittlewood*, for or in respect of any Messuages, Lands, Tenements, Premises, or other Property situate in, or as being an Inhabitant or Inhabitants of any of the said Parishes, Townships, Liberties, Hamlets, or Precincts of *Whitfield*, *Silston* otherwise *Silverston* otherwise *Silveston Burnham*, *Syresham* with *Crowfield*, *Wappenham*, or *Slapton*, or any of them.

Allotment for Estovers to Worcester College, if entitled.

XXXV. And be it further enacted, That the Commissioners shall and they are hereby empowered and required to examine, enquire into, and ascertain whether the Provost, Fellows, and Scholars of *Worcester* College, in the University of *Oxford*, have any Right of Estovers and Pannage, or other Rights in, over, and upon *Hasleborough Walk* aforesaid; and in case the said Commissioners shall ascertain that the said Provost, Fellows, and Scholars have any such Right of Estovers and Pannage, or other Rights, or the said Provost, Fellows, and Scholars shall establish any such Rights by an Action of Law, then the said Commissioners shall and they are hereby empowered and required to set out and allot, unto and for the said Provost and Scholars of *Worcester* College, such Part or Parts of the Allotments of the said open Plains and Ridings hereinbefore

before directed to be set out and made unto and for the King's most Excellent Majesty and the said Duke of *Grafton* respectively as shall in the Judgment of the said Commissioners be a full Equivalent and Compensation for any Estovers and Pannage and other Rights, (except the Rights of Common which the said Provost, Fellows, and Scholars shall be entitled to in respect of their Lands within any of the Parishes herein-before mentioned,) which they shall establish to the Satisfaction of the said Commissioners, or by Action at Law.

Claims of the Verderors to be settled by the Commissioners.

XXXVI. And be it further enacted, That the said Commissioners shall and they are hereby authorized to settle and adjust such Compensation as they may think proper to be made to the Verderors of the said Forest of *Whittlewood*, or either of them, in lieu of any Right or Rights they may establish to the Satisfaction of the said Commissioners, which will be affected or injured by the Division, Allotment, and Inclosure of that Part of the said Forest called *Hasleborough Walk*; such Compensation to be made either by the Payment of any Sum or Sums of Money, or by the Allotment of any Portion or Portions of the said open Plains and Ridings, Lawns and Lodge Grounds, herein-before directed to be allotted to His Majesty and the said Duke of *Grafton* respectively, as the said Commissioners shall direct.

Land to be sold for Payment of Expences.

XXXVII. And be it further enacted, That the said Commissioners shall set out and allot such Part and Parts of the said Coppice Lands, Coppices, open Plains and Ridings, Lawns and Lodge Grounds, herein-before directed to be set out and allotted unto and for His said Majesty and the said Duke of *Grafton* respectively, as shall in the Judgment of the said Commissioners be most proper to be sold, for the Purpose of raising a sufficient Sum of Money to defray and discharge all the Costs, Charges, and Expences incident to and attending the passing of this Act, and also of preparing and enrolling the Award to be made by the said Commissioners, and of surveying, admeasuring, planning, dividing, and allotting the Lands and Grounds within that Portion of the said Forest of *Whittlewood* called *Hasleborough Walk* to be divided and allotted by virtue of this Act, and all Charges of the said Commissioners, their Assessors, Clerks, Surveyors, Assistants, and Servants, and for raising such Sum and Sums of Money as the said Commissioners shall direct to be paid, by way of Compensation to the Verderors of the said Forest as aforesaid, and all other Expences of carrying this and the said recited Acts into Execution; and the said Commissioners shall and they are hereby required to sell the Lands and Grounds so set out and allotted, as to them shall seem most proper, to any Person or Persons for the best Price or Prices that can be gotten for the same, by public Auction or Auctions to be holden for that Purpose; and the Person or Persons so purchasing the same at such public Auction shall immediately pay, by way of Deposit, into the Hands of the said Commissioners, or such Person or Persons as they shall direct and appoint, One-fifth Part of his, her, or their Purchase Money, and shall pay the Remainder thereof within Three Calendar Months next after the said Sale, or at such other Times as the said Commissioners shall appoint; and in Default thereof, the Money so deposited shall be forfeited, and

and applied for carrying this Act into Execution; and the Allotment or Allotments for which the whole of such Purchase Money shall not have been so paid, or for which there shall be no Bidding at such Auction, shall be again put up to Sale, and sold by public Auction, in Manner aforesaid, for the best Price or Prices that can be gotten for the same, or be sold by the said Commissioners, by Private Contract, for any Sum or Sums of Money not less than the remaining Four-fifths of the Price or respective Prices for which the same was or were before respectively sold; and every Allotment for which the full Purchase Money shall be paid shall be immediately thereupon absolutely discharged of and from all Claims, Charges, and Incumbrances thereon, and be vested in Fee Simple in and be thenceforth held in Severalty by such Purchaser or Purchasers thereof respectively, as his, her, or their private and absolute Property, and shall be allotted accordingly by the said Commissioners; and the said Purchase Money shall be applied by the said Commissioners in defraying such Costs, Charges, and Expences, and making such Payments as herein directed.

Power for certain Persons incapacitated to sell their Allotments.

XXXVIII. And be it further enacted, That it shall be lawful for the said Commissioners, on Application being made to them in Writing by any of the Husbands, Guardians, Trustees, Committees, or Attornies of or for any of the said Proprietors or Persons interested in the Premises, 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 respectively, or by any of the Proprietors of the Lands hereby directed to be divided, allotted, and inclosed, or any Part thereof, who are, or is, or shall be Tenant or Tenants in Tail, or for any Life or Lives, or on any other Contingencies, to sell the Allotment or Allotments to be made by virtue of this Act to such incapacitated Proprietor or Proprietors, or other Person or Persons by whom or on whose Behalf any such Application shall be made as aforesaid, such Sale to be made by the said Commissioners, in such and the like 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 to the Sale of any Lands authorized to be sold for paying the Expences of obtaining and carrying into Execution any Act for dividing, allotting, and inclosing any Lands and Grounds; and each and every Allotment for which the full Purchase Money shall be paid shall be conveyed by the said Commissioners, at the Expence of such Purchaser or Purchasers, unto and to the Use of or in Trust for such Purchaser or Purchasers, and his, her, or their Heirs respectively, or as he, she, or they shall appoint, and shall be inclosed and held by such Purchaser or Purchasers respectively in Severalty; and the Receipt of the said Commissioners shall be a good and sufficient Discharge to such Purchaser or Purchasers for the said Purchase Money, which shall be applied and disposed of by the said Commissioners in the same Manner as is directed by this Act with respect to the Money which is thereby directed to be paid into the Bank of *England*, for the Purchase or Exchange of any Lands, Tenements, or Hereditaments to be settled to the same Uses, or of Timber or Wood growing thereon, and which ought to be laid out

out in the Purchase of other Lands, Tenements, and Hereditaments, as therein mentioned.

For making Exchanges.

XXXIX. 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, Liberties, or Precincts of *Whitfield* and *Silston* otherwise *Silverston* otherwise *Silveston Burnham* aforesaid, or in either of them, in lieu of and in Exchange for any other Lands, Tenements or Hereditaments within the said Parishes, Townships, or Liberties, or within any adjoining Parish 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 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 Exchanges 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 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 shall be paid, borne, and defrayed by the several Persons making such Exchanges, 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.

Allotments to be delineated on a Plan.

XL. And be it further enacted, That when and so soon as the said Commissioners shall have ascertained the respective Rights of the Persons interested in the said intended Division and Inclosure, and also the respective Shares and Proportions by them proposed to be allotted to such Persons respectively in lieu thereof, they the said Commissioners shall give Notice, in Manner aforesaid, of the Day or Days and Place where all Persons may peruse a Schedule of such intended Allotments, and inspect the Map or Plan whereon the same shall be delineated, and may have and receive a Copy of such Schedule as far as the same relates to each Person respectively; and as some Persons may, on Perusal of the said Schedule, and Inspection

of such Map or Plan, be dissatisfied with their intended Allotments, the said Commissioners shall give Notice of One Meeting at least to be held by them, for hearing Complaints and Objections against any such intended Allotments, and for hearing and determining all such Objections, and their Determination in the Premises, as to Quality and Situation, shall be final, binding, and conclusive upon all Parties.

Commissioners of Woods, with the Consent of the Treasury, may purchase Allotments.

XLI. And be it further enacted, That it shall and may be lawful for the Commissioners of His Majesty's Woods, Forests, and Land Revenues (by and with the Consent and Approbation of the Lords Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*), as well before as after the making of the Award of the said Commissioners, to agree with and to purchase from any other Person or Persons who shall be entitled to any Allotment of Land under this Act, all or any Part of their respective Allotments to be made to them under this Act, or to exchange with such Person or Persons, or with the Owners or Proprietors of any Lands or Grounds adjoining the said Forest of *Whittlewood* (when they shall be willing to exchange rather than sell the same), any of the Allotments hereby to be made to His said Majesty for any Allotment to be set out under this Act, or for an equal Quantity in value of the same to His Majesty, His Heirs and Successors, in His or Their Right as of Fee, such Lands so purchased or taken in Exchange to be enclosed and appropriated, in the same Manner as His Majesty's Allotments under this Act, to the Growth and Preservation of Timber.

Boundary Fence between Sholebrook Walk and Hasleborough Walk to be made and maintained at the Expence of His Majesty.

XLII. And be it further enacted, That a good and sufficient Boundary Fence or Fences shall be made, and for ever afterwards maintained, at the Expence of His Majesty, His Heirs and Successors, between that Part of the said Forest of *Whittlewood* called *Sholebrook Walk* and the said Walk of *Hasleborough* aforesaid, so as to exclude and prevent the Deer, and Horses and Cattle depasturing in other Parts of the said Forest, from straying and trespassing into and over the said Coppice Land, Coppices, open Plains, Ridings, Lawns, and Lodge Grounds by this Act to be divided, allotted, and enclosed; and the Boundary Fences of the said several Allotments to be made to His said Majesty and to the said Duke of *Grafton* respectively, by virtue of this Act, shall be made at the joint Expence of His said Majesty and of the said Duke, in such Proportions as the said Commissioners shall order and direct, and shall afterwards be repaired, maintained, and supported as the said Commissioners shall also direct.

Boundary Fences of Allotments to be at the joint Expence of His Majesty and the Duke of Grafton.

Fences of the Turnpike Road.

XLIII. And be it further enacted, That good and sufficient Boundary Fences, to consist of Two Rows of White Thorn Quicksets, guarded by Posts and Rails, shall be made parallel to the Turnpike Road leading from *Northampton* to *Oxford*, for all the Allotments on each Side of the said Road, at the joint Expence of His said Majesty and the said Duke of *Grafton*, in such Proportions as the said Commissioners shall order and direct, such Fences to be afterwards repaired, maintained,

maintained, and supported by the Owners or Proprietors of the said Allotments on each Side of the said Turnpike Road respectively,

Other Fences to be made and maintained according to the Directions of the Commissioners.

XLIV. And be it further enacted, That all other Fences in pursuance of this Act to be made for dividing and enclosing the said Coppice Lands, Coppices, open Plains and Ridings, Lawns and Lodge Grounds, within that Part of the said Forest of *Whittlewood* called *Hasleborough Walk*, to be divided, allotted, and inclosed by virtue of this Act, shall be made and for ever thereafter repaired and maintained by and at the Expence of the Proprietors and Persons interested in such Coppice Lands, Coppices, open Plains and Ridings, Lawns and Lodge Grounds, in such Proportions and within such Time and in such Manner as the said Commissioners shall in and by their Award direct and appoint.

Allotments to remain of the same Tenure.

XLV. Provided always, and be it enacted, That all and every the Allotments to be made in pursuance of this Act, for or in respect of any Freehold Estates, shall be deemed and taken to be held and enjoyed as Freehold Estates, and all and every the Allotments to be made for or in respect of any Copyhold or Customary Estates, held of any Manor or Manors, in which the Lands and Grounds to be enclosed by virtue of this Act respectively lie or are situate, shall be deemed or taken to be as Copyhold or Customary Estates, and shall be held of the Lords thereof, under the same Rents and by the same Customs and Services as the Copyhold or Customary Lands and Hereditaments for which they were so allotted are or ought to have been held, and shall pass by the like Surrenders as the Copyhold or Customary Lands and Hereditaments in respect whereof such Allotments shall be made now pass.

Sale of Allotments before the Execution of the Award.

XLVI. Provided always, and be it further enacted, That if the said Duke of *Grafton*, or any of the Persons interested in the said Division and Inclosure, shall sell, or shall, at any Time hereafter and before the Execution of the said Award, sell his, her, or their Right, Interest, or Property to any Allotment to be made to him or them under and by virtue of this Act, or any Part thereof, to any other Person or Persons, then it shall be lawful for the said Commissioners, and they are hereby authorized and required, to make an Allotment of Land unto the Vendee or Purchaser in such Sale, or to his or her Heirs or Assigns, for or in respect of such Right, Interest, and Property sold; and every such Vendee or Purchaser, and his and her Heirs and Assigns, shall and may, after the Completion of such Sale, hold the Land and Ground so to be allotted to him, her, or them aforesaid in the same Manner, pursuant to the Terms of such Sale, 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.

Right to Tithes not to be prejudiced nor the Manner of Payment affected by this Act.

XLVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice, lessen, or defeat the Right, Title, or Interest of the several Rectors, Vicars, and Lay Impropriators for the Time being of the said respective Parishes, Liberties, or Precincts of *Whitfield* and *Silston* otherwise

otherwise *Silverston* otherwise *Silveston Burnham*, or either of them, or any other Person or Persons whomsoever, in or to any Tithes, great or small, arising or renewing out of or payable for or in respect of any Lands, Tenements, or Hereditaments within the same Parishes respectively, but that such great and small Tithes shall be paid and payable at all Times hereafter in such and the same Manner as they would have been in case this Act had not been made.

Duke of Grafton and the Commissioners empowered to agree for the Discharge from Tithes.

XLVIII. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Duke of *Grafton*, in respect to the several Allotments to be set out and made to him in the said Parishes, Liberties, or Precincts of *Whitfield* and *Silston* otherwise *Silverston* otherwise *Silveston Burnham* in lieu of Rights of Common, and for the said several Persons to whom or for whose Use the said Allotments shall be set out and made in the said Parish of *Whitfield* in lieu also of Rights of Common, or for the Majority of such Persons, not being fewer than Three-fifths, to compound and agree with the said Rectors of the said Parishes or Places of *Whitfield* and *Silston* otherwise *Silverston* otherwise *Silveston Burnham*, or either of them, having obtained the Consent in Writing of the Patron or Patrons of the said Benefices, and of the Bishop of the Diocese, or with any Lay Impropriator entitled to the Tithes within the said Parishes or Places, or either of them, for an Allotment to be made to such Rector or Rectors, or Lay Impropriator or Impropriators, in lieu of and in Discharge of the Tithes arising and payable out of the said Coppice Lands, Coppices, open Plains and Ridings, Lawns and Lodge Grounds, so to be set out and allotted to the said Duke of *Grafton*, and to the said Persons in lieu of their Rights of Common, by virtue of this Act; and the Amount of such Composition and the Portion of Land to be given in lieu of Tithes being agreed upon, such Agreement shall be reduced into Writing, and shall be signed by the respective Parties thereto; and also, in case the same shall be made with any Rector, shall be also approved and signed by the Patron of the Benefice, and Bishop of the Diocese; and the said Agreement being so signed and approved (where necessary), shall be certified and delivered to the said Commissioners, who shall recite the same in their Award, and shall mark and set out such Portion or Part in Value of the said Coppice Lands, Coppices, or open Plains and Ridings, Lawns and Lodge Grounds, as shall in such Agreement be specified, out of the Allotments of the said Duke of *Grafton*, on the said Persons receiving Allotments in lieu of Rights of Common, (as the Case may be,) to the Rector, Vicar, or Lay Impropriator, Party to such Agreement; and such Agreement being so made, certified, and delivered to the said Commissioners, and the Allotments therein specified being made and set out in lieu of Tithes, the Residue of the Coppice Lands, Coppices, open Plains and Ridings, Lawns and Lodge Grounds in such Agreement mentioned, shall be for ever thereafter freed and discharged from all Payments of Tithes, and Compositions in lieu of Tithes, and shall be held and enjoyed, so freed and discharged, by the said Duke of *Grafton*, or by the said other Persons, as the Case may be, Party or Parties to the said Agreement; and all such Allotment or Allotments in lieu of Tithes shall, if made to any Rector or Vicar, be annexed to the Benefice

fice of such Rector, and shall be held and enjoyed by the Incumbent for the Time being, in the same Manner as other Lands annexed to such Benefice are held and enjoyed; and in case the same shall be made to any Lay Impropriator, the same shall be held and possessed by the same Tenure and Estate, and subject to the same Restrictions, Charges, and Incumbrances, as the Tithes, in lieu of which such Allotment or Allotments shall be made and set out, were held, possessed, and subject to.

Deer to be removed.

XLIX. And be it further enacted, That the Commissioners of His Majesty's Woods, Forests, and Land Revenues, or the Surveyor General of His Majesty's Woods and Forests for the Time being, are and is hereby required, within One Year after the passing of this Act, to cause all the Deer in that Portion of the said Forest of *Whittlewood* called *Hasleborough Walk*, by this Act to be divided and inclosed, to be removed from and out of the said Walk; and after the said Division and Inclosure shall be made, no Deer whatever shall be kept in any Part of *Hasleborough Walk* aforesaid, or within the Limits thereof.

Hasleborough Walk to be disafforested from and after a Day to be named by the Commissioners.

L. And be it further enacted, That the said Commissioners shall, by Notice in Writing to be published as aforesaid, appoint a Day after which that Portion of the said Forest of *Whittlewood* called *Hasleborough Walk* shall be disafforested, and after the said Day to be named by the said Commissioners as aforesaid, all Right of Soil and Game of Deer, and all other Forestial Rights and Privileges whatsoever, of the King's Majesty, His Heirs and Successors, and His or Their Lessee or Lessees, and of all other Persons whomsoever, within, upon, and over the said Walk of *Hasleborough*, (except the Rights of the said Duke of *Grafton* as Master of the Game) upon and over the Allotments to His said Majesty and himself, shall cease, determine, and be for ever extinguished, and the whole of the said Walk of *Hasleborough* shall be disafforested to all Intents and Purposes whatsover.

After Hasleborough Walk is disafforested, no Rabbits to be kept.

LI. And be it further enacted, That from and after the said Walk called *Hasleborough Walk* shall be disafforested, no Rabbits shall be kept on any of the Allotments directed to be made by virtue of this Act to His Majesty and the Duke of *Grafton*, or either of them, on any Account or Pretence whatsoever.

Penalties for Persons damaging Trees, &c.

LII. And for the better Preservation of Trees, Woods, Underwoods, Heritors, and Standels growing, or which may hereafter be planted and nourished to grow or be growing, in or upon any Part of the said Allotments so to be made in pursuance of this Act, as well before as after the same shall be divided by Fences into the several Allotments as aforesaid; be it further enacted, That all Persons whomsoever who shall, from and after the passing of this Act, unlawfully cut down, split, bark, peel, damage, deface, destroy, or carry away any Timber Tree or other Tree, Wood, or Covert, or green Stick, or any Heritor and Standel, within any of the Allotments to be made by virtue of this Act, not being the Owners thereof, shall be subject and liable to all such Pains, Penalties, and Punishments as are provided

by the Laws and Statutes of the Realm to be brought, given, imposed, or inflicted upon any Person or Persons committing the like Offence or Offences in the Lands, Grounds, Woods, or Coppices being enclosed, and the private Property of any of His Majesty's Subjects.

For preserving Quicksets.

LIII. And be it further enacted, That no Sheep or Lambs shall be kept in any of the new Inclosures to be made by virtue of this Act during the Space of Seven Years from the Execution of the said Award, unless the Person or Persons keeping any such Sheep or Lambs shall and do, at his, her, or their own Expence, fence or guard his, her, or their Neighbours' Quicksets adjoining the Inclosures wherein such Sheep or Lambs shall be kept, so as to prevent any Damage being done to such Quicksets by such Sheep or Lambs; and it shall not be lawful for any Person or Persons to turn or put, or cause to be turned or put, any Sheep, Lambs, Horses, Asses, or other Beasts or Cattle, into any of the Ways, Lanes, or Roads, on either Side of which any newly planted Fence shall be growing.

Surplus produced by Sale to be divided between Proprietors in Fee according to their Interests.

LIV. And be it further enacted, That in case such Part or Parts of the said open Plains, Ridings, Lawns, and Lodge Grounds hereby directed to be sold as herein-before mentioned, shall be sold for more Money than will be required to defray such Costs, Charges, and Expences as aforesaid, then and in such Case One Half of such surplus Money shall be appointed and appropriated unto and for His said Majesty, His Heirs and Successors, and the remaining Half shall be appointed and appropriated to and for the said Duke of *Grafton*, his Heirs and Assigns.

Compensation for Commissioners, Clerks, and Surveyors.

LV. And be it further enacted, That out of the Money which shall be raised for defraying the Expenses of obtaining and passing this Act, and of executing the same and the said recited Acts, so far as the same shall affect the Inclosure of that Portion of the said Forest called *Hasleborough Walk* aforesaid, the said Commissioners who shall act in the Execution of the Trusts and Powers of this Act shall be paid the Sum of Three Guineas each, and no more, for each and every Day he or they shall be attending in or about the Execution thereof, and in travelling to and from the Meetings necessary for that Purpose, the same to include and be in Satisfaction of all Costs and Expences in travelling and otherwise, which he or they shall be put to in executing the same; and the Clerk to the said Commissioners shall be paid and allowed, for each and every Day he shall in like Manner be attending, such Sum as the said Commissioners or any Two of them shall think just and reasonable, not exceeding Three Guineas a Day; and that the Surveyor shall be paid and allowed for his Pains and Trouble such Sum or Sums of Money as the Commissioners shall think just and reasonable; and that every Proprietor, Attorney, and Agent, who shall attend the said Commissioners at any of their Meetings to be held in pursuance of this Act, shall pay his own Expences at all such Meetings; and in such Cases as the Objection or Approbation of the Proprietor of any Act, Matter, or Thing to be done or proposed to be done in pursuance of the said recited Acts and this Act is directed to be made and testified at any

Meeting

Meeting or Meetings, it shall be lawful for the Proprietor to attend such Meeting or Meetings by their respective Agents or Proxies, duly authorized in Writing under their respective Hands, whose Acts or Votes shall be as effectual as if such Proprietors were present in Person.

Accounts to be examined and balanced by Two Justices, and no Items in the Account shall be binding, unless allowed by them.

LVI. And be it further enacted, That once at least during the Execution of this Act, and within One Month previous to the Execution of their Award as herein-after mentioned, the said Commissioners shall, and they are hereby required, to make a true and just Statement or Account of any Sums of Money by them or any of them received and expended, or due to them for their own Trouble and Expences in the Execution of this Act; and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by them, if required, laid before Two or more of His Majesty's Justices of the Peace for the said County of *Northampton*, not interested in the said intended Division and Inclosure, to be by them examined and balanced, such Justices being hereby authorized to take or call such Aid or Assistance in such Examination as they shall think fit, and to charge the incidental Expences; and the Balance shall be by such Justices stated in the Books of Account to be kept in the Office of the Clerk of the said Commissioners; and no Charge or Item in such Accounts shall be binding on the Parties concerned or valid in the Law, unless allowed by Two Justices of the Peace as aforesaid.

Award to be made on or before the 1st July 1826.

LVII. And be it further enacted, That the said Commissioners, or the major Part of them, shall proceed in the Execution of this Act and the said recited Acts with all possible Dispatch, until the whole of their Proceedings shall be completed; and that the Award of the said Commissioners shall be made and executed on or before the First Day of *July* in the Year One thousand eight hundred and twenty-six, and when the same shall be enrolled in Manner directed by the said recited Acts, it shall be deposited and left with the Clerk of the Peace for the said County of *Northampton*, to be by him kept among the Records of the said County, where the same shall and may be inspected and perused at all seasonable Times in the Day-time, for ever thereafter, by any Person or Persons whomsoever, paying the Sum of Five Shillings, and no more, to the said Clerk of the Peace for every such Inspection and Perusal.

Attested Copy of Award and Plan of Allotments to be left with the Commissioners of Woods, &c

LVIII. And be it further enacted, That the said Commissioners shall and they are hereby required to make a Copy, attested under their Hands, of their Award, and also a Map or Plan of all the Allotments, and transmit the same to the Commissioners of His Majesty's Woods, Forests, and Land Revenues, or to the Surveyor General of His Majesty's Woods and Forests for the Time being, within Three Calendar Months next after the making and executing of the said Award, to be by them or him filed and kept amongst the Muniments of their or his Office; and also an authenticated Duplicate thereof to the Auditor of the Land Revenue; such respective Map and Duplicate to be produced, read, and received in Evidence on all Occasions where any Question, Doubt, or Controversy may arise relating to or affecting

ing the Rights or Interests of His Majesty, His Heirs or Successors, in respect of such Allotment or Allotments, Rights or Interests.

Duplicate of Award, &c. to be made if required.

LIX. And be it further enacted, That the said Commissioners shall, at the Request, Costs, and Charges of any Person or Persons, Bodies Politic, Corporate, or Collegiate, having an Allotment of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, at any Time within the Space of Six Months after depositing the said general Award as aforesaid, make or execute a Copy or Copies of the said general Award, and Surveys or Plans, or any of them, or any Part or Parts thereof respectively, for the Use of every Person or Persons, Bodies Politic, Corporate, and Collegiate, requesting the same; and every such Copy, without being enrolled, and on Paper stamped according to Law for Copies of Records, at all Times thereafter shall be admitted as legal Evidence in all Courts whatsoever.

Parties aggrieved may appeal to the General Quarter Sessions.

LX. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this or the said recited Acts, (other than and except such Orders and Determinations as are by the said recited Act made in the Forty-first Year of the Reign of His late Majesty, or by this Act, directed to be made final and conclusive, and save and except in such Cases wherein an Issue at Law shall be tried as herein-before directed), then and in every such Case he, she, or they may appeal to the General Quarter Sessions of the Peace, which shall be held in the said County of *Northampton*, within Three Months after such Cause of Complaint shall have arisen, on giving to the said Commissioners Twenty-one Days previous Notice of such Appeal; and the Justices of the said Quarter Sessions are hereby required to hear and determine the Matters of every such Complaint, and make such Order therein, and to award such Costs as to them shall seem reasonable, and by their 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, after deducting the reasonable Charges; which Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed by Certiorari, or any Writ or Writs whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

Saving the Duke of Grafton's Rights, as Master of the Game.

LXI. Provided always, and be it further enacted, That nothing herein contained shall or shall be deemed or construed to extinguish, prejudice, or interfere with any Right or Rights, Claims or Interest of the said Duke of *Grafton*, as Master of the Game of the said Forest of *Whittlewood*; except in and over such Portions of the said Lands as shall be allotted to the Commoners, or as shall be sold to defray Expences, but the said Duke may and he is authorized and empowered to exercise and enjoy all such Rights, Claims, and Interests, and all Rights and Liberties of hunting, and all other Rights relating to Game, in, over, and upon all the said Coppice Lands, Coppices, open Plains and Ridings in *Hasleborough Walk* aforesaid, by this Act to be divided and inclosed, and to put in

force all the same Powers for the Preservation of the Game therein (except Deer) as he may or is entitled to exercise, enjoy, and put in force in any other Part of the said Forest of *Whittlewood*, or which he might have exercised, enjoyed, and put in force in the said Walk of *Hasleborough*, in case this Act had not been passed, (except as to the Commoners' Allotments, and those to be sold as aforesaid.)

Appointment of Commissioners for Silverston.

LXII. And whereas there are, within the Liberties or Precincts of *Silston* otherwise *Silverston* otherwise *Silveston Burnham* aforesaid, several open and common Fields, Meadows, Pastures, commonable Lands, Woods, and Grounds, which are reputed to contain Seven hundred Acres or thereabouts, and also several old inclosed Lands, Woods, and Grounds, which are reputed to contain together Five hundred Acres or thereabouts, (over and above and exclusive of the said Lands, Woods, and Grounds, within the said Walk of the said Forest): And whereas the said *George Henry* Duke of *Grafton* is also Lord of the several Manors called *Silston Luffield* and *Silston* otherwise *Silveston Burnham* aforesaid, within which the said open Field and old inclosed Lands, Woods, and Grounds are situate: And whereas the King's most Excellent Majesty is entitled to the Perpetual Advowson, Right of Patronage, and Presentation of, in, and to the Rectory and Parish Church of *Greens Norton* with *Whittlebury* in the said County of *Northampton* and *Silston* otherwise *Silverston* otherwise *Silveston Burnham* aforesaid annexed, and the Reverend *Thomas Fawcett* Clerk is Rector of the said Rectory and Church, and as such is entitled to all the Tithes, both great and small, arising, renewing, and yearly increasing in, upon, out of, and from the said open and common Fields, Meadows, Pastures, and other commonable Lands and Grounds, and certain Homesteads, Orchards, Gardens, Closes, Woods, and other ancient inclosed Lands or Grounds of and within the said Liberties or Precincts (exclusive of the Lands, Woods, and Grounds comprised within the said Walk), or to certain Moduses, Payments, or Compositions in lieu thereof respectively (except as hereafter mentioned): And whereas *John Malsbury Kirby* Gentleman, *Richard Gardiner* of *Silston*, *Richard Gardiner* of *London*, *William Elliott*, *John Sheppard*, *Samuel Sheppard*, *Richard Liddington*, *Thomas Liddington*, *William Whitlock*, *Edward Amos*, *George Amos*, *Lewis Gardiner*, *John Liddington*, and *Thomas Pittam* are Owners or Proprietors of certain open Field Lands in *Silston* otherwise *Silverston* otherwise *Silveston Burnham* aforesaid, which they claim to be Tithe free: And whereas *John Jackson Blencowe* Esquire is Owner or Proprietor of Two several Pieces of Ground in *Silston* otherwise *Silverston* otherwise *Silveston Burnham* aforesaid, called *Botterills* or *Butteridge*, *Butteris* or *Buttersfield*, and *Monkswood*, containing together by Estimation One hundred and twelve Acres or thereabouts, in and over which the Proprietors of the said open and common Fields in respect to their different Rights and Interest in and over the said Fields have a certain Right of Common, but which Rights and Interests were granted and leased to one *Samuel Blencowe* Esquire, the late Father of the said *John Jackson Blencowe*, by a certain Indenture bearing Date the Fifth Day of *June* One thousand seven hundred and eighty-one, by the then Proprietors of the said open Fields, for the Considerations therein mentioned, for a Term of

One hundred Years, commencing from the Feast Day of the Annunciation of the Blessed Virgin *Mary* then last past, as, under, and subject to the Payment of the Yearly Rent or Sum of Nine Pounds, payable Half Yearly, the Reversion of which Right of Common (subject to the said Lease) is in the said Proprietors of the said open and common Fields: And whereas the said *John Malsbury Kirby*, *Richard Gardiner* of *Silston*, *Richard Gardiner* of *London*, *William Whitlock*, *Edward Amas*, *George Amos*, *Thomas Barford*, and divers other Persons, are the Owners or Proprietors of all the rest of the open Field Lands and Grounds, within the said Liberties or Precincts of *Silston* otherwise *Silverston* otherwise *Silveston Burnham* aforesaid, (exclusive as aforesaid), and in respect thereto are entitled to certain Rights of Common in and over the same and the said Forest: And whereas the Lands of the several Owners and Proprietors of the open and common Fields, Meadows, Pastures, and other commonable Lands and Grounds within the said Liberties or Precincts of *Silston* otherwise *Silverston* otherwise *Silveston Burnham* aforesaid, lying intermixed and dispersed in and over the said Fields, and in their present State and Cultivation are incapable of any considerable Improvement, and it would be very advantageous to the Proprietors thereof and Persons interested therein, to have the same divided and inclosed, and specific Parts allotted to the respective Proprietors thereof, according to their respective Rights and Interests therein in Manner hereinafter mentioned: Be it therefore enacted, That all the said open and common Fields, Meadows, Pastures, and other commonable Lands, Woods, and Grounds, of and within the said Liberties or Precincts of *Silston* otherwise *Silverston* otherwise *Silveston Burnham* aforesaid, over and above such Part and Parts thereof as are situate within the said Walk, and herein-before directed to be divided, allotted, and inclosed, shall, as soon as conveniently may be after the passing of this Act, be divided, allotted, and inclosed, in the Manner and subject to the Rules, Orders, Directions, and Regulations mentioned and contained in the herein-before recited Acts, (except in such Cases where the same are hereby altered or varied,) and as hereinafter enacted and mentioned, and for which Purpose that the said *Richard Kitelee* and *Richard Howes*, and their Successors, to be elected in Manner hereinafter mentioned, shall be and they are hereby appointed Commissioners for valuing, qualifying, and appraising, dividing, setting out, allotting, and inclosing the said open and common Fields, Lands, and Grounds of and within the said Precincts or Liberties of *Silston* otherwise *Silverston* otherwise *Silveston Burnham* aforesaid, and for putting so much of this Act and the said recited Acts into Execution relating thereto, as is not herein otherwise specially provided for and enacted; and that it shall be lawful for them, the said *Richard Kitelee* and *Richard Howes*, as such last-named Commissioners or their Successors, to do and perform every Act and Thing requisite to be done by virtue of this Act, and to put in force and execute all and every the Powers and Authorities in them vested by this and the said recited Acts, unless they shall differ in Opinion upon any of the Matters to them referred by virtue of this Act, in which Case it is hereby further enacted, that the before-named *William Custance* shall be and he is hereby appointed

pointed a Third Commissioner for putting this Act and the said recited Acts into Execution, with respect to such Matters or Things only on which the said *Richard Kitelee* and *Richard Howes*, or their Successors, shall differ in Opinion as aforesaid, and that in such Case it shall be lawful for any Two of the said Commissioners, or their Successors, to do and perform every Act and Thing requisite to be done by virtue of this Act; and that all Notices required by this and the said recited Acts, or either of them, to be given or published in any public Newspaper, of setting out public Carriage Roads, and of reading or executing the Award of the Commissioners, shall be given and published in the *Northampton Mercury*; or if that Newspaper shall not then be published, in some other Newspaper published or usually circulated in the said County of *Northampton*.

For electing new Commissioners.

LXIII. Provided always, and be it further enacted, That in case the said *Richard Kitelee*, or any Commissioner to be appointed by the major Part in Value of such of the Owners and Proprietors of the said Lands and Grounds as hereinafter mentioned, shall die, or refuse to act, or become incapable of acting as a Commissioner in the Execution of this and the said recited Acts, the major Part in Value of the Owners and Proprietors for the Time being of the Lands and Grounds hereby intended to be divided and inclosed (except the said Rector) shall and may by any Writing under their Hands, within Twenty-one Days after such Death, Refusal or Incapacity as aforesaid, nominate and appoint some other fit and proper Person (not interested in the said intended Division and Inclosure) to be a Commissioner in the Place and Stead of the said *Richard Kitelee*; and in case the said *Richard Howes*, or any Commissioner to be appointed by the said *Thomas Fawcett*, or his Successors, Rectors as aforesaid, as hereinafter mentioned, shall die or refuse to act, or become incapable of acting as a Commissioner as aforesaid, the said Rector may and shall, by any Writing under his Hand within the Time aforesaid, nominate and appoint some other fit and proper Person (not interested in the said intended Division and Inclosure) to be a Commissioner in the Place and Stead of the said *Richard Howes*; and in case the said *William Custance* shall die, or refuse to act, or become incapable of acting as a Commissioner as aforesaid, the said *Richard Kitelee* and *Richard Howes*, or their respective Successors, shall, within Twenty-one Days after such Death, Refusal, or Incapacity as aforesaid, elect and appoint some other fit and proper Person to be a Commissioner in the Place and Stead of the said *William Custance*; and if it shall happen that the Persons herein-before last authorized or empowered to appoint any such Commissioner shall not make such Appointment within the Time herein-before for that Purpose limited, then and so often as the Case shall happen the surviving acting Commissioner from Time to Time shall, within Forty Days next after the Expiration of such Time allowed for the appointing such new or succeeding Commissioner as aforesaid, elect and appoint some other fit and proper Person to be a Commissioner in the Place and Stead of such Commissioner so dying, refusing, or becoming incapable of acting as aforesaid; and every such new and succeeding Commissioner so to be appointed shall, from and immediately after his Appointment, and having taken and subscribed the Oath by this Act required

required to be taken and subscribed by the Commissioners, have such and the like Powers and Authorities for carrying this and the said recited Acts into Execution, to all Intents and Purposes as if he had been originally named and appointed in and by this Act, all which Appointments shall be annexed to and inrolled with the Award of the said Commissioners.

Appointment of Clerk.

LXIV. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to appoint a Clerk to assist them in the Execution of the Powers of this and the said recited Acts, and may from Time to Time remove such Clerk and appoint another in his Place and Stead, when it shall seem meet to the said Commissioners so to do.

Appointment of Surveyor for Silston open Fields.

LXV. And be it further enacted, That the before-named *John Durham* shall be and he is hereby appointed Surveyor of the said open and common Fields, Meadows, Pastures, and other commonable Lands and Grounds, Gardens, Orchards, Homesteads, Closes, Woods, and other ancient inclosed Lands and Grounds of and within the Liberties or Precincts of *Silston* otherwise *Silverston* otherwise *Silveston Burnham* aforesaid; but if he shall die, neglect, or refuse to act or qualify himself, or become incapable to act as Surveyor in the Execution of this and the said recited Acts, then the said Commissioners shall appoint some other fit and competent Person, not interested in the said Lands and Grounds, to be the Surveyor for the Purposes of this Act, and the said recited Acts: Provided always, that the said *John Durham*, or such other Person so to be appointed Surveyor as aforesaid, before he shall proceed to act as such Surveyor, shall take and subscribe an Oath, or being a Quaker, shall affirm in the following Form of Words: (that is to say,)

'I *A. B.* do swear [or affirm, *as the Case may be*] that I will faithfully, impartially, and honestly do, execute, and perform the several Duties incumbent on me as Surveyor, under and by virtue of an Act passed in the Fifth Year of the Reign of King *George* the Fourth, [*here insert the Title of this Act,*] according to the best of my Skill and Judgment, and according to Equity and good Conscience, and without Partiality, Favour, or Affection, Prejudice or Malice, to any Person or Persons whomsoever.

'So help me GOD.

[*Or, being a Quaker, omit the Words* 'So help me God.']

which Oath or Affirmation either of the said Commissioners, or any Justice of the Peace for the said County of *Northampton*, is hereby empowered and required to administer; and the said Oath or Affirmation, so taken and subscribed by such Surveyor, shall be annexed to and enrolled and deposited with the Award of the said Commissioners, and an Office Copy of the Inrolment thereof shall be admitted as legal Evidence on all Occasions.

Commissioners not attending to be deemed a

LXVI. Provided also, and be it further enacted, That if either the said *Richard Kitelee* or *Richard Howes* shall refuse or neglect to attend at the First or Second Meeting appointed to be held for putting this

Act

Act into Execution and qualify himself in Manner by the said recited Acts directed, (Notice being given to him of such intended Meeting under the Hand of the other Commissioner,) or if either of them shall at any Time after the said First or Second Meeting wilfully absent himself from any Two succeeding Meetings of such Commissioners, (Notice in Writing being first given by the Clerk to the said Commissioners,) such Commissioner not being prevented by Sickness or other reasonable Cause, (to be allowed by the other Commissioner attending at such subsequent Meetings,) or if any Commissioner to be hereafter elected or appointed in Manner aforesaid shall not attend and qualify himself at the First or Second Meeting of the said Commissioners after such Election, or shall thereafter absent himself in Manner aforesaid (after such Notice and without such Cause as last herein-before is mentioned,) such Absence shall be deemed and taken to be a Refusal to act. Refusal to act.

LXVII. And be it further enacted, That the said Commissioners shall and they are hereby required to give Public Notice by affixing such Notice on the principal outer Door of the Chapel of *Silston* otherwise *Silverston* otherwise *Silveston Burnham* aforesaid, belonging to the said Rectory, upon some *Sunday* before Divine Service, of the Time and Place of their First and every subsequent Meeting for executing the Powers hereby vested in them, at least Eight Days previous to such Meeting, (Meetings by Adjournment only excepted,) which said Meetings shall be had within the Liberties or Precincts of *Silston* otherwise *Silverston* otherwise *Silveston Burnham* aforesaid, or within Eight Miles from the Boundary thereof, and that all other Notices necessary or requisite to be given by the said Commissioners in pursuance of this Act, or the said first-recited Act, shall be given by Writing affixed on the principal outer Door of the said Chapel of *Silston* otherwise *Silverston* otherwise *Silveston Burnham* aforesaid, and in such Newspaper as aforesaid. Meetings and Notices.

LXVIII. Provided always, and be it further enacted, That if at any Meeting appointed to be held by the said *Richard Kitelee* and *Richard Howes*, or their respective Successors, in pursuance of this Act, it shall happen that only One of the said Commissioners shall attend, that then and so often such Commissioners so attending shall and may adjourn such Meeting to such Time within the Space of Fourteen Days, and to such Place within the Distance before mentioned, as he shall think most convenient; and if no Commissioner shall attend, it shall be lawful for the Clerk to the said Commissioner to adjourn such Meeting for any Time not exceeding Fourteen Days to the Place last appointed. Adjournment by One Commissioner or their Clerk.

LXIX. And for preventing unnecessary Delay in the Execution of the Powers hereby given, be it further enacted, That all Persons claiming any Lands, Tithes, Shares, or Common Right, or any other Interest in or upon the said open and common Fields, Meadows, and Pastures hereby intended to be divided and inclosed, or the said Gardens, Orchards, Homesteads, or old Inclosures respectively, which shall be exonerated from Tithes, or exchanged under and by virtue of this Act, shall produce their respective Claims in Writing to the said Commissioners, Claims to be delivered in at some Meeting appointed for the Purpose.

Commissioners, distinguishing the Freehold from the Copyhold, or by whatsoever other Tenure the same is or are held, at some Meeting to be appointed by the said Commissioners for that Purpose, and leave the same with them; and if any Dispute shall arise between any of the Parties interested in the said Lands and Grounds hereby intended to be divided and inclosed, or in any of the said Gardens, Orchards, Homesteads, Home Closes, or ancient Inclosures respectively, touching their respective Shares and Proportions thereof, or the Tithes issuing thereout, or any Right of Common or other Interest which they or any of them shall claim to have therein, it shall be lawful for the said Commissioners, and they are hereby required by the Examination of Witnesses upon Oath, (which Oath any One of the said Commissioners is hereby empowered to administer), or upon proper and sufficient Enquiry and Evidence to be brought and adduced in that Behalf, to hear and determine the same; and their Determination therein shall be final, binding, and conclusive upon all Parties: Provided always, that nothing in this Act contained shall authorize the said Commissioners to determine the Title to any Messuages, Cottages, Lands, Tenements, or Hereditaments whatsoever, nor to determine any Right between any Parties contrary to the Possession of any of such Parties, (except in case of Encroachment as hereinafter directed,) but in case the said Commissioners shall be of opinion against the Right of the Person or Persons so in Possession, he shall forbear to make any Determination thereupon until the Possession shall have been given up by such Person or Persons, or recovered from such Person or Persons by Ejectment or other due Course of Law.

Commissioners may award Costs.

LXX. And be it further enacted, That in case the said Commissioners shall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of this Act or the said recited Acts, see Cause to award any Costs, it shall be lawful for them, and they are hereby empowered, upon Application made to them for that Purpose, to settle, assess, and award such Costs and Charges as they shall think reasonable to be paid to the Party or Parties, Body or Bodies Politic, Corporate, or Collegiate, in whose Favour any Determination of the said Commissioners shall be made, by the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, 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 and Charges, shall neglect or refuse to pay the same on Demand, then and in such Case it shall be lawful to and for the said Commissioners, and they are hereby authorized and required, by Warrants 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) upon Demand to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale: Provided always, that in case the Person or Persons, Body or Bodies

Politic, Corporate, or Collegiate, whose Claim shall have been so over-ruled or disallowed by the said Commissioners, shall cause an Action to be brought in Manner herein mentioned, and shall upon the Trial of such Action, establish the Claim which shall have been so over-ruled or disallowed by the said Commissioners, the Costs and Charges so assessed and awarded by the said Commissioners shall not, nor shall any Part thereof, be paid by or levied upon the Goods and Chattels of the Person or Persons by whom the said Commissioners shall have awarded the same to be paid as aforesaid.

Allowing Parties to try their Rights at Law.

LXXI. Provided always, 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 Inclosure shall be dissatisfied with any Determination of the said Commissioners, touching or concerning any Claim or Claims, or other Rights or Interests in, over, or upon the Lands and Grounds hereby intended to be divided and inclosed, or any Part thereof, it shall be lawful for the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, so dissatisfied with such Determination of the said Commissioners, to cause an Action to be brought 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 such Determination shall have been notified in Writing to the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, against whom such Determination shall have been so 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 at the following Assizes to be holden for the said County of *Northampton* after such Action or Actions shall have been so commenced; and the Defendant or Defendants in such Action or Actions shall, and he, she, or they is and are hereby required to name an Attorney or Attornies, who shall appear thereto, and file common Bail, and accept One or more Issue or Issues, whereby such Claim or Claims, 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 the said Action or Actions shall be commenced, in case the Parties shall differ about the same; and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding, and conclusive upon all and every Person and Persons, Body or Bodies Politic, Corporate, or Collegiate whomsoever, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall be lawful for the Court to do, as is usual in other Cases; and after such Verdict or Verdicts shall be obtained, and not set aside by the Court, the said Commissioners shall and they are hereby required to act in conformity thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials: Provided always, that the Determination of the said Commissioners touching such Claim or Claims, or other Rights or Interests in, over, or upon the Lands and Grounds hereby directed to be divided and inclosed, or any Part thereof which shall

shall not be objected to, or being objected to, the Party or Parties objecting not causing such Action at Law to be brought and proceeded in as aforesaid, shall be final, binding, and conclusive upon all Parties.

Actions not to abate by Death of Parties.

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

Provision in case of Death of Parties before Actions brought.

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

Suits respecting Titles not to impede the Execution of this Act.

LXXIV. And be it further enacted, That if any Suit or Suits shall be commenced or prosecuted touching or concerning the Title of any Person or Persons in or to any Lands, Tenements, or Hereditaments within the said Liberties or Precincts of *Silston* otherwise *Silverston* otherwise *Silveston Burnham* aforesaid, 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 by the said recited Acts; but the said Division and Allotment shall be proceeded in notwithstanding such Suit or Suits, and the Allotment or Allotments to which any such Suit or Suits shall relate, may be had and taken by the Person or Persons who, upon the Determination of such Suit or Suits, shall become entitled to the same.

Encroachments within 20 Years, to be deemed Part of Waste.

LXXV. And be it further enacted, That all Encroachments which at any Time within Twenty Years from the passing of this Act have been made upon the Lands and Grounds by this Act directed to be divided, allotted, and inclosed, shall be deemed Part thereof, and shall be divided and allotted accordingly; and in case any Dispute or Difference shall arise touching any such Encroachments, or the Extent or Duration thereof, such Dispute or Disputes shall be determined by the said Commissioners.

LXXVI. And

Allotment to the Lord of the Manors.

LXXVI. And be it further enacted, That the said Commissioners shall and they are hereby required to set out and allot unto and for the said *George Henry* Duke of *Grafton*, Lord of the several Manors of *Silston Luffield* and *Silston* otherwise *Silveston Burnham* aforesaid, within which the Lands and Grounds hereby intended to be divided and inclosed do lie in Severalty, so much and such Part or respective Parts of the Waste Lands and Grounds hereby intended to be divided and inclosed, as in the Judgment of the said Commissioners shall be an Equivalent and Compensation for all his Right and Interest in and to the Soil of such Waste Lands and Grounds.

Allotments to the other Proprietors.

LXXVII. And be it further enacted, That the said Commissioners shall and they are hereby required to set out, divide, assign, and allot all the then Residue of the Lands and Grounds in *Silston* otherwise *Silverston* otherwise *Silveston Burnham* aforesaid, hereby intended to be divided and inclosed, unto and amongst the several Persons being Owners and Proprietors thereof, or otherwise interested therein, in such Quantities, Shares, and Proportions, and in such Parts and Shares as the said Commissioners shall adjudge and determine to be a just and proportionable Compensation and Satisfaction for their respective Lands, Grounds, Shares, Interests, Rights of Common, and other Property therein; and that the said Commissioners, in making such Division and Allotment shall have a due regard to the Quality as well as Quantity of the Lands and Grounds so to be divided and allotted, and to the Situation of the Houses, Buildings, Homesteads, ancient Inclosures, and other Lands and Hereditaments of the several Persons unto and for whom the same shall be respectively set out and allotted, so that no undue Preference be given to any Person or Persons whomsoever; and that the several Allotments be made consistent with the convenient Partition of the whole.

Old Inclosures may be allotted, with Consent of Proprietors.

LXXVIII. And be it further enacted, That it shall and may be lawful for the said Commissioners, by and with the Consent in Writing of the respective Owners of the said old inclosed Lands or Grounds lying within the said Liberties or Precincts of *Silston* otherwise *Silverston* otherwise *Silveston Burnham* aforesaid, to order and direct the same inclosed Lands or Grounds, or such Part or Parts thereof as the respective Owners thereof shall consent in Writing to be divided and allotted, and the same shall be divided and allotted as Part and Parts of the Lands and Grounds hereby directed to be divided, allotted and inclosed, and thereupon such Allowances shall be made to the respective Owners thereof, on account of the Difference in Value between old inclosed Land and open and common Field Land, as the said Commissioners shall adjudge to be just and reasonable; and the said Commissioners shall and they are hereby required to set out, allot, and award unto and for the respective Owners of such old Inclosures, in lieu thereof, so much and such Plot or Plots of Land, Part of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, as they the said Commissioners shall think reasonable, subject to the Rules, Orders, and Directions in this and the said recited Acts contained.

Compensation for great and small Tithes, by a Corn Rent.

LXXIX. And in order to make Compensation to the said *Thomas Fawcett* and his Successors, Rectors as aforesaid, in lieu of all the great and small Tithes, which are intended to be extinguished by virtue of this Act, be it further enacted, That the said Commissioners shall and they are hereby authorized and required, in the First Place, to make or cause to be made distinct or separate Valuations of such of the Lands and Grounds in *Silston* otherwise *Silverston* otherwise *Silvestón Burnham* aforesaid, hereby intended to be divided and inclosed, and of such of the Homesteads, Orchards, Gardens, Homecloses and Woods, and Wood Grounds, and other old Inclosures belonging to Proprietors having open Field Lands within the Liberties or Precincts of *Silston* otherwise *Silverston* otherwise *Silveston Burnham* aforesaid, as are subject to the Payment of great and small Tithes, or to any Composition in lieu thereof; and also of the said One hundred and fifty-five Acres herein-before directed to be set out and allotted to the several Persons claiming or entitled in respect of Lands in the said several Parishes or Places of *Whitfield, Silston* otherwise *Silverston* otherwise *Silveston Burnham, Syresham, Crowfield, Wappenham*, and *Slapton*, to certain Rights of Common in and over the said Walk of *Hasleborough* and Forest of *Whittlewood*; and also of such of the Homesteads, Orchards, Gardens, Homecloses, Woods, and Wood Grounds, and other old Inclosures belonging to the Proprietors, not having open Field Lands within the Liberties or Precincts of *Silston* otherwise *Silverston* otherwise *Silveston Burnham* aforesaid, as are subject to the Payment of great and small Tithes, or to any Composition in lieu thereof, who shall respectively request the same to be discharged therefrom; and the said Commissioners shall, from and by means of the *Northampton Mercury* Newspaper, enquire what hath been the Average Price of a *Winchester* Bushel of good marketable Wheat at the Town of *Northampton* during the Term of Seven Years next preceding the Sixth Day of *January* One thousand eight hundred and twenty-four, and shall in and by their said Award set forth such Average Price, and ascertain what Quantity of such Wheat shall in their Judgment (according to the said Average Price as aforesaid) be equal in Value to One Sixth Part of the Value of all the Lands now Arable or in Tillage, to One Ninth Part of the New Value of all the Lands now Meadow, Pasture, or Greensweard, (except the said Woods, and Wood Ground, and the said One hundred and fifty-five Acres,) and to One Tenth Part of the New Value of the said Woods and Wood Grounds, and the said One hundred and fifty-five Acres, within the said Liberties or Precincts of *Silston* otherwise *Silverston* otherwise *Silveston Burnham* aforesaid, subject to the Payment of Tithes according to the respective Valuations to be made as aforesaid, distinguishing the Quantity of such Wheat in respect of the Lands belonging to every such Proprietor respectively; and from and after the Execution of the said Award there shall be issuing and payable out of the Lands and Estates belonging to the respective Proprietors within the said Liberties or Precincts of *Silston* otherwise *Silverston* otherwise *Silveston Burnham* aforesaid, whose Lands and Estates shall be exonerated from great and small Tithes by virtue of this Act, such Sum or Sums of Money as shall be equal in Value to the respective Quantities of Wheat so to be ascertained and set forth as aforesaid; which

which said respective Yearly Rents or Sums of Money shall be in lieu of and in full Satisfaction and Compensation for all the Tithes payable to the said *Thomas Fawcett* and his Successors, Rectors of *Greens Norton* with *Whittlebury* and *Silston* otherwise *Silverston* otherwise *Silveston Burnham* aforesaid, from and out of the said several Lands and Estates for which the said Sum and Sums shall be given, and shall be payable by equal Half Yearly Payments, on the Fifth Day of *April* and the Tenth Day of *October* in every Year, free and clear from all manner of Parochial Taxes whatsoever, and also from all other Taxes now imposed, except the Land Tax to be ascertained rateably according to the Proportion in which the Lands charged with the Payment of such Yearly Rents or Sums of Money shall contribute, the First of the said Payments to be made on such of the said Days as the said Commissioners by their said Award or any Writing under their Hands shall direct.

Annual Payments may be regulated by the Price of Wheat.

LXXX. And be it further enacted, That immediately after the Expiration of Seven Years from the Time of the First Payment directed by the said Commissioners, the Average Price of such Wheat as aforesaid shall be again enquired of and ascertained, for which Purpose the said *Thomas Fawcett* or his Successors, Rectors as aforesaid, and the major Part in Value of the Proprietors of Lands and Estates so to be exonerated from Tithes as aforesaid, shall and may, and they are hereby required, within Three Months next after the Expiration of the said Seven Years, to elect and choose Two fit and proper Persons not interested therein, One by the said *Thomas Fawcett*, or his Successors, Rectors as aforesaid, and the other by such Proprietors, to be Arbitrators, who shall immediately thereafter, by the *Northampton Mercury*, so long as the Average Price of Wheat sold at the Market of the said Town of *Northampton* shall be published therein, and afterwards by the *London Gazette*, so long as the Average Price of Wheat shall be published therein, and afterwards by such other Ways and Means as to them shall appear to be most expedient, enquire of, ascertain, and fix the Average Price of a *Winchester* Bushel of good marketable Wheat at the said Town of *Northampton*, where such Wheat shall be openly and publicly sold during the whole Market, and not at particular Times thereof, or on particular Contracts only, for the Term of Seven Years then next preceding; and after such Average Price shall have been so ascertained and fixed, in case it shall appear from the Report of the said Two Persons to be chosen as aforesaid, that the Average Price of a Bushel of such Wheat is more or less than the Average Price thereof set forth in the said Award by the Value of Three-pence or upwards, the Amount of all Payments of the said respective Yearly Rents or Sums of Money shall be increased or diminished in Proportion to such Variation, so as to be equal to the Value of the respective Quantities of Wheat, according to the Average Price which shall have been last ascertained and fixed thereon as aforesaid; and so from Time to Time after the End of every succeeding Term of Seven Years, the Average Price of Wheat shall be again enquired of and ascertained, by which all future Payments to the said *Thomas Fawcett* and his Successors, Rectors as aforesaid, shall and may be regulated and varied whenever the Average Price of a *Winchester* Bushel

Bushel of Wheat shall be found to be more or less than the Average Price thereof set forth in the Report of the Persons to be chosen as aforesaid to ascertain the Value thereof during the then next preceding Term of Seven Years by the Value of Three-pence or upwards, and in like Manner at the End of every Term of Seven Years for ever; and for the due Execution of the Directions hereinbefore contained, the said *Thomas Fawcett* and his Successors, Rectors as aforesaid, is hereby required within One Month after the End of every Seven Years, to be computed as aforesaid, to cause due Notice in the Chapel of *Silston* otherwise *Silverston* otherwise *Silveston Burnham* aforesaid, belonging to the said Rectory, immediately after Divine Service, or by affixing such Notice on the principal outer Door of the said Chapel, that such Seven Years have elapsed, which Notice shall also specify the Name and Place of Abode of the Person he shall elect and choose as an Arbitrator for the Purpose aforesaid; and in case the major Part in Value of the before-mentioned Proprietors shall not, within One Month from the Publication of the said Notice, leave a Notice in Writing with the officiating Minister at the said Chapel, or at the Rectory House in *Greens Norton* aforesaid, containing the Name and Place of Abode of such Person as they shall elect and choose as an Arbitrator for the Purpose aforesaid, then it shall and may be lawful for the said *Thomas Fawcett* and his Successors, Rectors as aforesaid, and he is hereby authorized to elect and choose One other fit and proper Person as an Arbitrator, to be joined to the One so to be by him nominated as aforesaid, which Person so to be elected and chosen shall have the like Powers and Authorities in the Premises as if the major Part in Value of the Proprietors had joined in such Election; Provided always, that if the said Rector shall not give such Notice, specifying the Name and Place of Abode of the Arbitrator which shall have been by him elected as aforesaid, then it shall be lawful for the major Part in Value of the said Proprietors to elect and choose Two fit and proper Persons to be Arbitrators for the Purpose aforesaid; which said Two Persons shall have the like Power and Authority in the Premises as if the said Rector had made such Election and given such Notice; but in case the said Arbitrators shall not agree in opinion touching the Matter aforesaid, then the same shall be fixed and settled by some Person to be by the said Arbitrators, by Writing under their Hands, appointed Umpire, who shall by such Ways and Means as aforesaid fix and settle the same; and if either of the said Arbitrators shall refuse or neglect to act in the Premises, then the Matter shall be fixed and settled by the other of the said Arbitrators by such Ways and Means as aforesaid; and the Determination to be had and made by such Arbitrator or Umpire as herein-before directed shall be reduced into Writing, and signed and sealed by the Persons or Person making the same, and shall be binding and conclusive, and be forthwith deposited with the Clerk of the Peace of the said County, and by him kept with the Public Records in his Custody; and in case no Election of Arbitrators shall be made as aforesaid within Three Calendar Months next after the Expiration of any such Term of Seven Years, then the said Yearly Rents or Sums of Money, as the same shall have been last fixed by virtue of this Act, shall continue payable to the said Rector for the

Space

Space of Seven Years then next ensuing; and the Rector of the said Parish of *Greens Norton* with *Whittlebury* and *Silston* otherwise *Silverston* otherwise *Silveston Burnham* aforesaid annexed may have and exercise such and the like Powers and Remedies for recovering the said respective Yearly Rents or Sums of Money, when the same shall be in arrear, as by Law are provided and given to Landlords for Recovery of Fee Farm and Rack Rents in arrear; and that upon the Death, Cession, or Resignation of the present or any future Rector of the said Rectory, a full proportionate Part of the said Yearly Rents or Sums of Money shall be payable to and received by him, his Executors or Administrators, up to the Day of his Death, Cession, or Resignation, as the Case shall be, from the then last Day of Payment.

For apportioning Tithe Rent.

LXXXI. And whereas it may be necessary and convenient for some One or more of the said Proprietors at future Periods to sell and dispose of his, her, or their Estate or Estates in the Liberties or Precincts of *Silston* otherwise *Silverston* otherwise *Silveston Burnham* aforesaid, or of some Part thereof, and others may be divided by Will or let to separate and distinct Tenants or otherwise, and upon a Division of any or either of the said Estate or Estates in Manner aforesaid it may be necessary and convenient to the Owner or Owners thereof for the Time being to divide and apportion the Yearly Tithe Rent Charge thereon respectively, be it further enacted, That it shall and may be lawful to and for the Owner or Owners of each and every Estate in the said Liberties or Precincts of *Silston* otherwise *Silverston* otherwise *Silveston Burnham* aforesaid, for the Time being, upon a Division thereof either by Sale or otherwise, to apportion and charge each and every Part of the Estate so divided with a due and fair Proportion of the Yearly Rent so charged thereon, and set forth by the said Commissioners, provided in every such Division due regard be had to the Quantity of Acres in and the Rate by the Acres ascertained by the said Commissioners upon the whole or any Part of every such Estate, and that each and every Division may be made to bear a fair and just Proportion of the said Yearly Rent so ascertained by the said Commissioners as near as may be; and as the Power of recovering the Arrears of such Rent is herein-before extended to the whole of each and every Estate, the said Powers shall continue and remain until such Division of the said Estate, and an Apportionment of the said Yearly Rent, shall be made known to the said Rector of *Silston* otherwise *Silverston* otherwise *Silveston Burnham* aforesaid, by a written Notice from such Owner or Owners, setting forth the Divisions of such Estate, and the Yearly Rent-charge upon each such Division, and until a Duplicate of such Notice shall be recorded in the Office of the Archdeacon of *Northampton*, for the Inrolment whereof any Sum not exceeding Two Shillings shall be paid; and a Copy of the Record of which Notice, authenticated by the proper Officer for the Time being, for which Two Shillings and no more shall be paid, shall at all Times be deemed and taken as legal Evidence; and from and after such Notice the Power of Recovery of the Rents so apportioned and being in arrear shall extend only to the Lands or Hereditaments liable to the Payment thereof as specified in such Notice.

For regulating Yearly Tithe Rents, Commissioners to make Schedules of Allotments.

LXXXII. And in order to prevent any Difficulty to the said Rector or his Successors by the Division of any Estate by Sale or otherwise, and to facilitate the future regulating the said Yearly Tithe Rents or Sums of Money, be it further enacted, That the said Commissioners shall and they are hereby required to make or cause to be made Three complete Schedules or Descriptions of each and every Allotment and Parcel of ancient Inclosure, with the Name of the Owner thereof, the exact Measure in Acres, Roods, and Perches, the Yearly Tithe Rents or Sums of Money issuing out of each respectively, and the Quantity of Wheat which is to govern each of the said future Yearly Rents, payable to the said Rector, and the Rate by the Acre by which the said Rents shall be charged as aforesaid, and such other Requisites as shall be judged proper or necessary by the said Commissioners to render every Matter respecting the said Yearly Rents or Sums clear and plain in future; One of which said Schedules or Descriptions shall be signed by the said Commissioners, and delivered to the said Rector, another annexed to the Award of the said Commissioners hereinafter directed to be made, and the other to the Copy of the said Award.

Corn Rent to be in lieu of Tithes.

LXXXIII. And be it further enacted, That the several Yearly Rents or Sums of Money, so to become payable as aforesaid to the said *Thomas Fawcett* and his Successors, Rectors as aforesaid, shall be and they are hereby vested in him or them, and shall be accepted and taken by him or them in full Bar of and Satisfaction and Compensation for all such Tithes and Compositions, in lieu of such Tithes for or in respect of which any such Compensation shall be allotted, set out, or made as aforesaid; and that from and immediately after the Execution of the said Award, or such other Time as the said Commissioners shall by any Writing under their Hands, to be affixed on the principal Door of the said Chapel of *Silston* otherwise *Silverston* otherwise *Silveston Burnham* aforesaid, on some *Sunday* for that Purpose, limit or appoint all Tithes and Compositions in lieu of Tithes last mentioned, now due and payable within the said Liberties or Precincts of *Silston* otherwise *Silverston* otherwise *Silveston Burnham* aforesaid, (save and except Surplice Fees, *Easter* Offerings, and Mortuaries,) shall cease, determine, and be for ever extinguished, any Usage or Custom to the contrary thereof notwithstanding.

Tithes payable till the Allotments shall be made.

LXXXIV. Provided always, and be it further enacted, That until the said Division and Allotments shall be made and entered upon in pursuance of this Act, the said *Thomas Fawcett* and his Successors, Rectors as aforesaid, shall be entitled unto, and shall have, receive, and enjoy the Tithes of all Kinds in such Manner as he or they could or might have had, received, and enjoyed the same in case this Act had not been made; and if any Dispute or Difference shall arise between any of the Parties interested in the said Lands hereby intended to be inclosed and exonerated from Tithes, and the Parties interested in the Tithes hereby intended to be extinguished, or any of them, touching or concerning the Proportion of the Payment or Compositions in lieu of Tithes which ought to be rendered or paid, for and in respect of the Time which shall have elapsed between the then last Day of Payment of such Compositions

sitions and the Time of the Commencement of the said Corn Rent to be made in pursuance of this Act, the said Commissioners shall, and they are hereby authorized and required, on Application to them made for that Purpose, before or after the signing of their Award, to hear and determine the said Disputes and Differences, and their Determination therein shall be final, binding, and conclusive upon all Parties: Provided that nothing herein contained shall extend or be construed to extend to prejudice, lessen, or defeat the Right or Title of the said *Thomas Fawcett* and his Successors, Rectors as aforesaid, of, in, or to any great or small Tithes, or other Dues, Payments, Moduses, Acknowledgments, or Compositions to which he, they, or any or either of them is, are, shall or may be entitled, and which shall annually or otherwise arise, renew, or increase, out of, from, or in respect of the Messuages, Cottages, or Tenements, Orchards, Home Closes, Homesteads, Woods, or ancient inclosed Lands or Grounds within the said Liberties or Precincts of *Silston* otherwise *Silverston* otherwise *Silveston Burnham* aforesaid, for which no Allotment or Compensation in lieu thereof shall have been made by the Power given in this Act, but all such last mentioned great and small Tithes, Dues, Payments, Moduses, Acknowledgments, or Compositions shall be and remain due and payable in such and the same Manner to the said *Thomas Fawcett* and his Successors, Rectors as aforesaid, as the same were payable before the making and passing of this Act, or would have been payable in case this Act had not been made, nor shall any thing in this Act contained extend or be construed to extend to prejudice, lessen, or defeat the Right or Title of the said *Thomas Fawcett* and his Successors, Rectors as aforesaid, of, in, or to all or any Mortuaries, *Easter* Offerings, or Surplice Fees, arising or to arise within the said Liberties or Precincts of *Silston* otherwise *Silverston* otherwise *Silveston Burnham* aforesaid, but the same shall always remain due and payable to the said *Thomas Fawcett* and his Successors, Rectors as aforesaid, in such and the same Manner as before the making and passing of this Act.

Allotments to be fenced by the Proprietors.

LXXXV. And be it further enacted, That all and every the Allotment or respective Allotments which shall or may be made of the said Lands and Grounds in pursuance of this Act shall be inclosed, hedged, ditched, or otherwise fenced by and at the Expence of the respective Persons to whom the same shall be allotted, (other than and except the said *Thomas Fawcett*, and his Successors, Rectors as aforesaid), within such Time and in such Manner as the said Commissioners shall direct; and if any such Person shall neglect or refuse to inclose, hedge, ditch, or fence the same, in the Manner and within the Time aforesaid, then and in every such Case it shall be lawful for the Person or Persons interested in the Lands next adjoining to such unfenced Land to exhibit a Complaint in Writing against the Person who ought to have fenced the same, before any Justice of the Peace for the County of *Northampton*, not interested in the Lands to be inclosed, who shall thereupon summon the Parties concerned, and enquire into the Nature of the Complaint, and examine all proper Witnesses upon Oath (which Oath such Justice is hereby empowered to administer), and after such Summons and Examination had and taken, shall and may,

may, if he shall see Cause, direct the Person or Persons exhibiting such Complaint to make such Fences, and when the same shall be so made such Justice shall and may ascertain the Expences of doing thereof, and by Warrant under his Hand and Seal, directed to the Person or Persons exhibiting such Complaint as aforesaid, or to any other Person or Persons, cause the Expence so to be ascertained to be levied by Distress and Sale of the Goods and Chattels of the Person so refusing or neglecting as aforesaid, rendering the Overplus (if any) to the Owner of such Goods and Chattels, after deducting the Costs and Charges of such Distress and Sale.

Allotments to be held under the same Tenure as the Premises in respect of which such Allotments were made.

LXXXVI. And be it further enacted, That all Lands and Hereditaments which shall be allotted by virtue of this or the said recited Act to any Person or Persons shall be held under the same Tenure, Rents, Customs, and Services as the Messuages, Cottages, Lands, and other Hereditaments, in respect of which such Allotments shall be respectively made or given, were respectively held under or enjoyed by such Person or Persons as aforesaid before the passing of this Act, or would have been held under and enjoyed in case this Act had not been passed; and the several Lands and Hereditaments which shall be allotted for any Freehold Messuages or Cottages, Lands or Hereditaments, shall be deemed Freehold, and shall be held of the Lord or Lords of the Fee thereof under the same Rents or other Payments as the Freehold Messuages, Cottages, Lands, and Hereditaments for which they were allotted were before that Time held under; and the several Lands and Hereditaments which shall be allotted for any Copyhold or Customary Messuages, Cottages, Lands, or Hereditaments shall in like Manner be deemed Copyhold or Customary Lands and Hereditaments, and shall be held of the Lord or Lords of the Fee or Fees thereof, under the same Rents and by the same Customs and Services as the Copyhold or Customary Messuages, Cottages, Lands, and Hereditaments for which they were so allotted were or ought to have been held under, and shall pass by the like Surrenders and Admittances as the Copyhold or Customary Messuages, Cottages, Lands, and Hereditaments, in respect whereof such Allotments shall be made, do now pass by; and that all and every Person and Persons, to whom such Copyhold or Customary Lands and Hereditaments shall be allotted as aforesaid, may, at any Court which shall be holden for the Manor or Manors whereof such Copyhold or Customary Lands and Hereditaments shall be respectively holden after the Execution of the Award of the said Commissioners, be admitted Tenant and Tenants to the same without paying any Fine or other Charge to the Lord or Lords or to the Steward or Stewards of the said Manors, (save and except for the Stamp Duties and Parchment requisite to be used for the Copies of such Admissions respectively, and the customary Fees to the Steward or Stewards of the said Manors respectively); but in case the Person or Persons to whom such Copyhold or Customary Lands and Hereditaments shall be allotted shall die without Admission thereto, then the Customary Fines and other Payments shall be due and payable on the Admission of the Person or Persons entitled to such Copyhold or Customary Lands and Hereditaments; and after every such First Admission as aforesaid, the Copyhold or Customary

tomary Lands and Hereditaments so to be allotted as aforesaid shall at all Times be held under and subject to the same Tenures, Fines, and other Payments as the present Copyhold or Customary Messuages, Cottages, Lands, and Hereditaments, in respect whereof such Lands and Hereditaments were allotted, are now held under and are subject to, any Law, Usage, or Custom to the contrary notwithstanding.

Allotments to enure to the same Uses.

LXXXVII. And be it further enacted, That the Lands and Grounds so to be allotted and awarded upon the said Division and Inclosure, to and for the several Parties concerned, and the several Messuages, Cottages, Lands, Tenements, old Inclosures, new Allotments, and other Hereditaments, which shall be exchanged by virtue or in pursuance of this Act or of the said recited Acts, shall, immediately after such Allotments and Exchanges are made, be, remain, and enure; and the several Persons to whom the same shall be respectively allotted, or given in Exchange as aforesaid, shall from thenceforth stand and be seised or possessed thereof, to such and the same Uses, Estates, Trusts, and Purposes, subject to such and the same Wills, Settlements, Limitations, Powers, Remainders, Leases, (except Leases at Rack Rent), Charges, Tenures, Rents, Services, and Incumbrances, as the several and respective Messuages, Lands, Tenements, old Inclosures, new Allotments, or Exchanges, which shall be respectively made or taken as aforesaid, are now held under or subject or liable to be charged with or affected by in case this Act had not been made.

For making Exchanges.

LXXXVIII. 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 Liberties or Precincts of *Silston* otherwise *Silverston* otherwise *Silveston Burnham* aforesaid, in lieu of and in exchange for any other Lands, Tenements, or Hereditaments within the said Liberties or Precincts, or within any adjoining Parish 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 Curtesy 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 Exchange and Exchanges so to be made shall be good, valid, and effectual

fectual in the Law to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchanges 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 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 paid, borne, and discharged by the several Persons making such Exchanges and 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.

Commissioners to sell Common Rights over Botterills Field and Monkswood, to pay Part of the Expences.

LXXXIX. And be it further enacted, That the said Commissioners hereby appointed or to be appointed for the Inclosure of the open and common Fields of *Silston* otherwise *Silverston* otherwise *Silveston Burnham* aforesaid shall and they are hereby required, at such convenient Time and Place as they shall deem meet, not only to cause the said Yearly Rent or Sum of Nine Pounds, payable to the Owners and Proprietors of the said Fields for their common Rights in and over the said several Pieces of Land or Ground called *Botterills* or *Butteridge*, *Butteris* or *Buttersfield*, and *Monkswood*, under the before-mentioned Demise or Lease to the said *Samuel Btencowe*, for and during the Remainder of the said Term of One hundred Years, which shall be therein then to come and unexpired, but also the Reversion or Remainder in Fee Simple of and in such common Rights, subject to the said Demise or Lease of and in the same several Pieces of Land or Ground, to be put up for Sale in One or more Lot or Lots, by public Auction, in Manner by the said recited Act of the Forty-first Year of the Reign of His late Majesty directed, first causing at least Three Weeks previous Notice to be given in some Newspaper, circulated in the said County of *Northampton*, of the Time and Place to be appointed for that Purpose; and on Payment of the full Purchase Money to the said Commissioners, the same shall be by them assigned and conveyed, at the Expence of such Purchaser or Purchasers, unto and to the Use of or in Trust for such Purchaser or Purchasers, and his, her, or their respective Heirs, Executors, Administrators, and Assigns respectively, or as he, she, or they shall appoint; and the Receipt or Receipts of the said Commissioners shall be a good and sufficient Discharge or Discharges to such Purchaser or Purchasers for the said Purchase Money, which shall be applied and disposed of by the said Commissioners (after Payment thereout of the Expences incident to and attending such Sale) in or towards the Costs and Expences of such respective Owners or Proprietors, so entitled to such common Rights, in carrying this Act and the said recited Acts into Execution, in a proper and due Proportion according to their respective Rights: Provided nevertheless, that if the major Part in Value of the Proprietors present at a Meeting to be called by Notice to be given on the said Chapel Door of *Silston* aforesaid, at least Five Days previous to such Meeting, shall be desirous that the same shall be disposed of by private Contract, on certain Terms, to be by them named, then the said Commissioners are hereby empowered and required to dispose of the same accordingly.

XC. And

The Remainder of the Expences of carrying into Execution the Act for the Inclosure of Silston open Fields, how to be defrayed.

XC. And be it further enacted, That the Remainder of the Charges of surveying, mapping, admeasuring, valuing, dividing, and allotting the Lands and Grounds in *Silston* otherwise *Silverston* otherwise *Silveston Burnham* aforesaid, hereby intended to be divided and inclosed, not being Part of the *Hasleborough Walk*, and of the old Inclosures which shall be exonerated from Tithes, or exchanged, and of preparing the Award or Instrument of the said Commissioners, and all other Charges and Expences in and about the carrying this Act and the said recited Acts into Execution, so far as they shall affect the same only, and all and every Sum and Sums of Money, Recompence, or Satisfaction which the said Commissioners for the Inclosure of *Silston* otherwise *Silverston* otherwise *Silveston Burnham* aforesaid, are hereby directed, authorized and empowered to make or pay, and which they shall direct to be made or paid by or to any Person interested in the said Division and Inclosure, shall from Time to Time, as the same shall be expended, be paid, borne, and defrayed by the several Owners and Proprietors of, and Persons interested in, the said last-mentioned Lands and Grounds so intended to be divided, exchanged, and inclosed, and exonerated from Tithes as aforesaid, (other than and except the said *Thomas Fawcett* and his Successors, Rectors as aforesaid for the Time being), and the same shall be settled by the said Commissioners at such Time and Times, and in such Proportion and Proportions, as they by their said Award or Instrument, or by any Writing under their Hands, either before or after the Execution of the said Award or Instrument, shall order and direct, Notice whereof in Writing under their Hands shall from Time to Time be affixed on the Door of the said Chapel of *Silston* otherwise *Silverston* otherwise *Silveston Burnham* aforesaid, at least Twenty Days before the Time such Payment shall be required; and in case any of the Parties aforesaid shall refuse or neglect to pay his, her, or their Share or Proportion, Shares or Proportions, of such Charges and Expences, or any Part thereof, or of the Charges and Expences of inclosing, hedging, ditching, draining, or fencing as aforesaid, at the respective Times to be limited and appointed by the said Commissioners to such Person or Persons as they shall appoint to receive the same, then and in such Case the said Commissioners shall and may by Warrant or Warrants under their Hands and Seals, directed to any Person or Persons whomsoever, cause the same, together with the Interest thereof, after the Rate of Five Pounds *per Centum per Annum* from the Time such Payment ought to have been made, to the Time of making thereof, 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) to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of taking and making such Distress and Distresses, Sale and Sales; or otherwise it shall be lawful for the said Commissioners to enter into and upon the Premises so to be allotted to such Person or Persons so neglecting or refusing to pay as aforesaid, and to receive the Rents and Profits thereof, until thereby or therewith the Share or Shares, Proportion or Proportions, of the said Charges and Expences awarded or appointed by the said Commissioners to be paid by such Person or Persons as aforesaid, and the Interest thereof, and all Costs, Charges, and Expences occasioned by and attending such Entry upon and Perception

tion of the Rents and Profits of the said Premises, shall be fully paid and satisfied, or may let and secure such Allotment or Allotments, or other Premises, to any Person or Persons whomsoever, who shall pay to the said Commissioners such Proportion or Proportions of the said Charges and Expences, for such Term or Number of Years as the said Commissioners shall think sufficient to reimburse to such Person or Persons the Money by him or them advanced respectively.

Lands may be deducted from Allotments in lieu of and equivalent to the Expences.

XCI. And be it further enacted, That it shall be lawful for the said Commissioners, if they shall think the Measure expedient, to deduct, from any Allotment or Allotments to be set out by virtue of this Act, so much Land as in the Judgment of the said Commissioners shall be equivalent to the Part or Proportion of the Expences of executing this and the said recited Acts, which ought to be paid in respect of such Allotment or Allotments, and of inclosing, hedging, ditching, and fencing such Allotment or Allotments, after deducting thereout the Share or Proportion of the Owner or Owners of such Allotment or Allotments in and to the Money to arise from Sale of the said Common Rights over the said Pieces of Ground called *Botterills* or *Butteridge*, *Butteris* or *Buttersfield*, and *Monkswood*; and the Land so deducted shall be allotted to or amongst the Proprietor or Proprietors, who shall pay the same Expences in proportion to the Sums they shall respectively pay or contribute thereto, but under the Restriction, however, that no such Deduction shall be made by the said Commissioners without the previous Consent in Writing of the respective Proprietors or Persons seised or entitled in possession for any Estate of Inheritance less than an Estate in Fee Simple, or in Tail, or for Life or Lives, or as Lessee under any beneficial Lease, for any Term of Years either absolute or determinable on
M Lives, of or to such Allotment or Allotments, or of the Husbands, Guardians, Trustees, Committees, or Attornies of any such Proprietor or Proprietors being Femes Covert, Infants, Lunatics, or beyond the Seas, or under any other legal Disability of acting for themselves.

Power to mortgage.

XCII. And be it further enacted, That it shall be lawful for the said Husbands, Guardians, Trustees, or Committees of any of the said Owners or Proprietors, being under Coverture, Infants, Lunatics, Idiots, or Persons beyond the Seas, or otherwise incapacitated, Tenant in Tail, or for Life only, (other than and except the said *Thomas Fawcett* and his Successors, Rectors as aforesaid,) 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 in *Silston* otherwise *Silverston* otherwise *Silveston Burnham* aforesaid, which shall be so assigned and allotted or given in Exchange 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 defraying the Expences of carrying this Act into Execution, and for other Purposes before mentioned, so far as it respects the same, not exceeding Five Pounds for every Acre of such Lands and Grounds respectively, and for securing the Repayment of such Sum and Sums of Money with

with Interest, to grant, mortgage, lease, or demise, or otherwise subject the Lands and Grounds so to be assigned and allotted or given in Exchange as aforesaid, or any Part thereof, to such Person or Persons as 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 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 thereby secured during his, her, or their respective Life or Lives, in such Manner as that no Person or Persons afterwards becoming possessed of such Lands and Grounds shall be subject or liable to pay any future or larger Arrear of Interest than for One Year 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, and effectual in the Law for the Purposes thereby intended, notwithstanding the want of Title in the said Husbands, Guardians, Trustees, or Committees, or in the Persons acting as such Guardians, Trustees, or Committees, or in the said Tenants in Tail, or for Life; any Settlement, Will, Use, Trust, Remainder, Limitation, or other Impediment or Incumbrance then in being or capable of taking effect to the contrary notwithstanding.

Mortgages may be assigned.

XCIII. And be it further enacted, That all and every Person and Persons 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 him, her, or them 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 his or their Hand and Seal, or Hands and Seals, to be executed in the Presence of, and attested by Two or more credible 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 his, her, or their Estate, Right, Title, or Interest, and Term of Years then to come and unexpired of, in, and 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, Courses, and Expedients in Law or Equity, for recovering or 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, as is or are used, taken, and pursued in Cases of the like Nature.

Securing Money charged on Copyholds.

XCIV. Provided always, and be it further enacted, That all Money charged upon Copyhold Lands shall be secured by Mortgage or Mortgages, or Assignments thereof, in the Court of the Lord of the said Manor of *Silston* otherwise *Silverston* otherwise *Silveston Burnham* aforesaid, and on such Mortgage or Mortgages, or Assignment or Assignments thereof, the customary Court Charges and Fees usually paid to the Steward on such Occasions be paid.

Proprietors may sell Allotment instead of mortgaging.

XCV. And whereas it may be more for the Interest and Convenience of some Persons to raise Money for effecting the Purposes of this Act by Sale of Part of the Allotments made to them by virtue thereof, instead of mortgaging the same as herein-before mentioned, be it therefore further enacted, That it shall be lawful to and for the Husbands, Guardians, Trustees, or Committees of any of the said Owners or Proprietors being under Coverture, Infants, Lunatics, Idiots, or Persons beyond the Seas, or otherwise incapacitated, Tenants in Tail or for Life only, or any of them, by and with the Consent of the said Commissioners, testified in Writing under their Hands and Seals, to sell and convey to any Person or Persons who shall be willing to purchase the same, such Part and so much of the Lands and Grounds which shall be so assigned, allotted, or given in Exchange to them respectively, by virtue and in pursuance of this Act, as will raise Money sufficient for the Purposes of defraying such Person or Persons Proportion of the Expences of carrying this Act into Execution, and for other the Purposes herein-before mentioned, after the Money to arise by Sale of the said common Rights in and over the said Pieces of Ground called *Botterills* or *Butteridge*, *Butteris* or *Buttersfield*, and *Monkswood*, shall have been first paid and applied for the Purposes aforesaid, and every such Sale and Conveyance so to be made as aforesaid shall be good, valid, and effectual in the Law, notwithstanding the Want of Title in the said Husbands, Guardians, Trustees, or Committees, or in the Persons acting as Guardians, Trustees, or Committees, or in the said Tenants in Tail or for Life; any Settlement, Will, Use, Trust, Remainder, Limitation, or other Impediment or Incumbrance then in being or capable of taking effect to the contrary thereof notwithstanding: Provided always, that every such Sale, where the same shall be of Copyhold Property, shall be made by the customary Surrender and Admission in the Court of the Lord of the said Manor of *Silston* otherwise *Silverston* otherwise *Silveston Burnham* aforesaid, on which the usual Fines to the Lord of the said Manor, and Court Charges and Fees, payable to the Steward thereof, on such Occasions, shall be paid.

Tenants for Life may charge the Expences of Inclosure.

XCVI. And be it further enacted, That it shall and may be lawful for any Tenant or Tenants for Life or Lives, or in Tail, of any Allotment or Allotments to be made by virtue and in pursuance of this Act, or of any of the ancient inclosed Lands which shall be exchanged or exonerated from Tithes by any Deed or Deeds, Surrender or Surrenders in Writing, or by his, her, or their last Will and Testament, duly executed according to Law, to charge such Allotment or Allotments, or such ancient inclosed Lands respectively, with such Sum or Sums of Money as shall be appointed by the said Commissioners to be paid, and which shall have been paid accordingly by such

Tenant or Tenants for Life or Lives, or in Tail, for his, her, or their Share or Proportion of the Expences of carrying into Execution this Act, and of the Division and Inclosure to be made in pursuance thereof, to be paid to such Person or Persons, and in such Manner, Share, and Proportion as he, she, or they shall think fit, with Interest for the same, to commence from the Day of the Death of such Tenant or Tenants for Life or Lives or in Tail respectively; and every such Charge so to be made by any such Tenant or Tenants for Life or Lives, or in Tail, shall be good, valid, and effectual in the Law for the Purposes thereby intended, notwithstanding any Settlement, Will, Trust, Demise, Mortgage, Use, Limitation, or Remainder whatsoever, of or concerning the said Lands and Grounds, or any Part or Parts thereof, then in being or capable of taking effect to the contrary.

Proprietors not to raise more Money by Sale than authorized to charge.

XCVII. Provided always, and be it further enacted, That it shall not be lawful by virtue of this Act to raise by such Sale or by Deduction to be made from any Allotment or Allotments, or by mortgaging or charging by virtue of this Act, any further or greater Sum of Money for the Purpose of defraying the Costs, Charges, and Expences of carrying into Execution this Act, and of fencing, enclosing, and subdividing such Allotment or Allotments, than such Owners or Proprietors would have been empowered or authorized to borrow or charge upon his, her, or their Allotment or Allotments, reckoning Five Pounds for each and every Acre thereof, under or by virtue of the said first recited Act, for the Purpose of defraying the Costs, Charges, and Expences of executing this Act: Provided always, that in all Cases where the Money so raised by such Sale shall not be equal or amount to the Sum or Sums of Money that might be borrowed or charged on such Allotment or Allotments, reckoning Five Pounds for each and every Acre thereof, then and in every such Case it shall be lawful for the Owner or Proprietor, Part of whose Lands shall be so sold as aforesaid, to charge his, her, or their Allotment or Allotments by virtue of the said first recited Act or this Act with any Money towards Payment of any Costs, Charges, and Expences in executing this Act, not exceeding the Excess or Difference.

Application of Compensation if amounting to 200*l.*

XCVIII. And be it further enacted, That whenever any Sum of Money is, under the Provisions of the said recited Act of the Forty-first Year of the Reign of His late Majesty 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, 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 for the same Uses, it shall and may be lawful to and for the said Commissioners out of such Sum to defray such Proportion of

of the Expence of passing this Act, and of carrying the same and the said recited Act 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 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 Lands 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, 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 present
1 G. 4. c. 5. Majesty King *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 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 standing settled therewith, or to the same or the like Uses, Trusts, Intents, or Purposes 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, be laid out in a summary Way by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to and for and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the aforementioned Lands, Tenements, or Hereditaments stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime and until such Order can 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,

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 or Interests 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 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.

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

XCIX. Provided always, 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 for the Time being entitled to the Rents and Profits of the Lands, Tenements, or 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 respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be appliedin 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 who for the Time being would be entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by them applied in like Manner as is herein-before directed with respect to the Money so 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.

Where under 20*l.*

C. Provided also, 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 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 or Benefit, or in case of Infancy, Idiotcy, or Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

Commissioners to make Silston Award in Three Years.

CI. And be it further enacted, That the said Commissioners for the Inclosure of the open Fields, Lands, and Grounds within the Liberties or Precincts of *Silston* otherwise *Silverston* otherwise *Silveston Burnham* aforesaid shall and they are hereby authorized and required, within Three Years from the passing of this Act, to make

and publish their Award in Writing of and concerning the several Matters and Things directed to be done by them in pursuance of this Act, in such Manner, and to cause the same to be enrolled within such Time and at such Place as is set forth and directed by the said Act of the Forty-first Year of His late Majesty; and also to cause a Copy of such Award to be fairly written on Parchment, in a Book, with an alphabetical Index and Reference to the principal Matters therein contained, and a reduced Plan, signed by the said Commissioners, annexed thereto, to be deposited in the said Chapel of *Silston* otherwise *Silverston* otherwise *Silveston Burnham* aforesaid, for the Use of the Proprietors of Lands and Tenements and Persons interested in the said intended Division and Inclosure, to be referred to and inspected by them respectively from Time to Time as Occasion may require, and which shall be admitted as Evidence of the said Award by all Judges, Justices, and others.

Extract of Award to be transmitted to the Surveyor General of Land Revenue.

CII. And be it further enacted, That the said Commissioners shall and they are hereby required to make an Extract on Parchment, under their Hands and Seals, of so much of their said Award as shall contain an accurate Description of the Allotment or Allotments which shall be made to the said *George Henry* Duke of *Grafton*, together with such Allotment or Allotments as may be contained in such Award, and transmit the same, together with a Map or Plan of such Allotment or Allotments, to the said Commissioners of His Majesty's Woods, Forests, and Land Revenues or to the Surveyor General of His Majesty's Land Revenues, for the Time being, within Six Calendar Months after the making and executing the said Award, to be by them or him filed and kept among the Muniments of their or his Office, and to be produced and admitted in Evidence, on all Occasions, where any Question, Doubt, or Controversy may arise relating to or affecting the Rights or Interests of His Majesty, His Heirs and Successors.

Commissioners to account Yearly.

CIII. 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 passing thereof,) the said Commissioners shall and they are hereby required to make a true or just Statement or Account of all Sums of Money by them received and expended, or due to them for their own Trouble and Expences in the Execution of this Act, and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by them laid before some One or more of His Majesty's Justices of the Peace of and for the County of *Northampton*, not interested in the said Inclosure, to be by him or them examined and balanced, and such Balance shall be by such Justice or Justices stated in the Book of Accounts to be kept in the Office of the Clerk to the said Commissioners, and no Charge or Item in the said 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.

Allowance to Commissioners of Silston open

CIV. And be it further enacted, That out of the Money which shall be raised as herein-before mentioned for defraying the Expences of carrying this Act into Execution, so far as respects dividing, allotting,

lotting, and inclosing the open and common Fields, Lands, and Grounds within the said Liberties or Precincts of *Silston* otherwise *Silverston* otherwise *Silveston Burnham* aforesaid, there shall be paid to each Commissioner, and their Clerk, as a Recompence for his Pains and Trouble, the Sum of Three Pounds and Three Shillings, and no more, for each Day he shall be attending in the Execution of this Act or the said recited Acts, and in travelling to and from such Meetings (including all travelling Charges and Expences whatsoever, except the Money they shall pay to the Servants, and for the Room or Rooms in which such Meetings shall be held.) Fields, and their Clerks.

CV. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any thing done in pursuance of this Act, (other than and except such Orders and Determinations of the said Commissioners as are by the said first recited Act or this Act directed to be final, binding, and conclusive, and except in such Cases wherein an Issue at Law shall be tried as herein mentioned) then and in every such Case he, she, or they may appeal to the General Quarter Sessions of the Peace which shall be holden for the said County of *Northampton*, 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, Fourteen Days Notice of such Appeal, and of the Matter thereof, and the Justices, not interested in the Premises, in their said General Quarter Sessions, are hereby required to hear and determine the Matter of every such Appeal, and to make such Order and Award such Costs and Damages as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs and Damages 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 of Distress and Sale, and the Determination of the said Justices shall be final and conclusive upon 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, 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 such Costs shall be levied in manner aforesaid. Appeal to Quarter Sessions.

CVI. And be it further enacted, That nothing herein contained shall extend or be construed to extend to defeat, lessen, or prejudice the respective Rights, Titles, or Interests of the said Lord of the said several Manors or either of them, of, in, and to the Seigniories and Royalties within the same Manors, as incident and belonging thereto, but that the said Lord or Lords for the Time being shall and may from Time to Time and at all Times for ever hereafter receive, have, hold, and enjoy the same and all Rents and other Payments, Fines, Customs, Services, Courts, Perquisites, and Profits of Courts, Franchises, Privileges, and all other Rights, Royalties, Seigniories, and Appurtenances whatsoever to the said several Manors and each of them Saving Rights of Lords of Manors.

them belonging or appertaining, in as full, ample, and beneficial a Manner, to all Intents and Purposes, as they could or might have received, held, and enjoyed the same in case this Act had not been passed, except so far as the same shall be compensated under or by virtue of this Act.

General Saving.

CVII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all Bodies Politic, Corporate, or Collegiate, and their Successors, and to all and every Person and Persons whomsoever, his and their Heirs, Executors, Administrators and Assigns, all such Estate, Right, Title, Interest, Claim and Demand whatsoever (other than and except such as is and are hereby expressed, meant, and intended to be barred, destroyed, or extinguished) as they, every, or any of them had or enjoyed in, to, or out of that Portion of the said Forest of *Whittlewood* called *Hasleborough Walk*, or as they, every, or any of them now have or hath or could have had or enjoyed therein in case this Act had not been made.

Public Act.

CVIII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act; and shall be judicially taken Notice of as such by all Judges, Justices, and others, without specially pleading the same.

LONDON: Printed by George Eyre and Andrew Strahan, Printers to the King's most Excellent Majesty. 1824.