

ANNO SEXTO

GEORGII IV. REGIS.

CAP. CXXXII.

An Act for dividing, allotting, and inclosing the Forest of *Salcey*, in the Counties of *Northampton* and *Buckingham*; and of certain Lands in the Parish of *Hartwell* in the said County of *Northampton*. [6th *July* 1825.]

WHEREAS the King's Most Excellent Majesty, in Right of His Crown, is seised to Himself, His Heirs and Successors, of the Forest of *Salcey*, in the Counties of *Northampton* and *Buckingham*: And whereas the said Forest is computed to contain, in the Whole, One thousand eight hundred and forty-seven Acres and Twenty-three Perches, or thereabouts; of which One thousand one hundred and twenty-one Acres, Three Roods, and Twenty-four Perches are cultivated as Coppice Land, and planted with Coppices; and Four hundred and seventy Acres, Three Roods, and Thirty-seven Perches, consist of Open Plains and Ridings, the Soil and Timber whereof, and the Right of Herbage and Feed for Deer therein, are the Property of His Majesty, in Right of the Crown; and the remaining Part of the said Forest, comprising Two hundred and fifty-four Acres, One Rood, and Two Perches, is laid out as Lawns and Lodge Grounds, and with the Messuage, Buildings, Timber Trees, Wood, and Underwood standing and being thereon, are the Property of the King's Majesty, and is not subject to any Right of Common or any other Rights whatsoever (save and except the Claim of the Ranger of the said Forest therein, as hereinafter mentioned): And whereas the Most Noble *George Henry Fitzroy* 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 the said Coppice Lands and Coppices, Open Plains and Ridings, in the said Forest: And whereas *Henry* Earl of *Euston*, the Eldest Son and Heir Apparent of the said *George Henry* Duke of *Grafton*, under and by virtue of certain Letters Patent of His late Majesty King *George* the Third, made in the Forty-first Year of His Reign, holds and enjoys for the Term of his natural Life, the Office of Warden or Ranger of the said Forest, and is entitled to certain Rights and Benefits, Privileges and Patronage over the said Two hundred and fifty-four Acres, One Rood, and Two Perches, comprising the said Lawns and Lodge Grounds, and within and over the other Parts of the said Forest; and the said *Henry* Earl of *Euston* is desirous that the Compensation herein-after directed to be made for such his Rights and Interests, shall be allotted to the said Duke of *Grafton* and the Heirs Male of his Body, and shall be held and enjoyed by him and them in the same Manner as the Allotment to be made to the said Duke in lieu of his Right to Underwood and Bushes, under the before-mentioned Letters Patent of the Twenty-fifth Year of the Reign of His late Majesty King *Charles* the Second, is to be held and enjoyed: And whereas the Owners and Proprietors of Lands in the Parishes, Townships, Liberties, Hamlets, or Precincts of *Hartwell*, *Ashton*, *Quinton*, *Piddington*, and *Hackleton*, in the County of *Northampton*, and *Hanslope* in the County of *Buckingham*, claim to be entitled to certain Rights of Common in, over, and upon the said Coppice Lands and Coppices, Open Plains and Ridings, in the said Forest: And whereas certain Poor Inhabitants of the said 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 Forest 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 Forest, 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 the said Forest were disafforested, and the Commonable Lands within the same were divided, allotted, and inclosed, and Allotments made of the said Two hundred and fifty-four Acres, One Rood, and Two Perches, comprising the said Lawns and Lodge Grounds and Commonable Parts, as herein-after mentioned: 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,

41 G. 3. c. 109.

1 & 2 G. 4. c. 23.

Appointment of Commissioners.

Gentleman, *Richard Howes* of *Northampton*, in the County of *Northampton*, Gentleman, and *George Smallpiece* of *Guildford* in the County of *Surry*, Land Surveyor, and their Successors, to be nominated and appointed in Manner herein-after mentioned, shall be and they are hereby appointed Commissioners for dividing, alloting, and inclosing the said Forest, and the said Coppice Land, Coppices, and Open Plains and Ridings 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.

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 Revenue 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, or 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 the Execution of this Act; and in case the said *Richard Howes*, 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 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 Howes*, 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 *George Smallpiece*, 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,

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 of *Hartwell*, *Ashton*, *Quinton*, *Piddington*, *Hackleton*, and *Hanslope*, 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 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 *George Smallpiece*, 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 the Oath prescribed in that behalf, have the like Power and Authority for carrying the said recited Acts 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 Acts 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.

Commissioners not attending Three successive Meetings to be deemed a

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

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 Commissioner 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. Refusal to act.

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

LV. 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 Forest and the said Coppice Lands, Coppices, and Open Plains and Ridings 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 Forest and the said Coppice Lands, Coppices, and Open Plains and Ridings 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 Forest, and the said Coppice Lands, Coppices, and Open Plains and Ridings 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

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

shall attest the same; and the said Surveyor shall take and subscribe the following Oath, (that is to say,)

'I *A. B.* do swear, That by virtue and in pursuance of an Act made in the Sixth 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 Forest, and the Coppice Lands, Coppices, and Open Plains and Ridings 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 Forest, and the Coppice Lands, Coppices, and Open Plains and Ridings, 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, Information, 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 herein-before appointed, or any other Surveyor or Surveyors to be appointed as herein-after mentioned, shall die, or refuse or neglect to act, or become incapable of acting in the Execution of the said recited Acts 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 Acts 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.

Meetings of Commissioners, of which Notice shall be given.

VII. And be it further enacted, That the First Meeting of the said Commissioners for putting this Act into Execution, shall be held at *Horton* in the County of *Northampton*, on the Fifth Day of *July* One thousand eight hundred and twenty-five, or as soon afterwards as

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 Parish Churches or Chapels of the Parishes or Places of *Hartwell*, *Ashton*, *Quinton*, *Piddington*, *Hackleton*, and *Hanslope*; and also like Notice by Advertisement to be inserted in such Newspaper or Newspapers usually circulated in the Counties of *Northampton* and *Bucks*, 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, 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 Adjournment, at the same or some other convenient Place within Ten 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.

VIII. 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 Counties of *Northampton* and *Buckingham*, as the said Commissioners shall direct.

Parties dissatisfied with the Decision of the Commissioners as to Boundaries may try the same by an Issue at Law.

IX. 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 Parish, Manor, Township, Hamlet, District or Place upon the said Coppice Lands, Coppices, and Open Plains and Ridings in the said Forest, 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 Acts; and shall by Writing under his, her, or their Hand or Hands, give Notice to the said Commissioners, within Two Calendar 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, 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.

The Lawns and Lodge Grounds not to be deemed Part of the Lands to be inclosed.

X. And be it further enacted, That the said Two hundred and fifty-four Acres, One Rood, and Two Perches, comprising the said Lawns and Lodge Grounds, and which are not subject to any Right of Common, or any other Rights or Claims, save as aforesaid, shall not be deemed or taken to be Part of the Lands by this Act to

to be divided, allotted, and inclosed, further than as herein-after is directed.

Commissioners to set out Roads.

XI. 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 the Heirs Male of his Body, convenient Access to the Allotments of His said Majesty, and of the said Duke.

Commissioners may stop up Roads.

XII. 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 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 County in which such Road, Way, or Footpath shall be situated, 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.

XIII. 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 and Ridings, 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 Three-fourths of the Coppice Lands, and Two-thirds of the open

XIV. 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 in Value of common the

the said Coppice Lands and Coppices, and Two full Third Parts in Value of the said Open Plains and Ridings, by this Act to be divided and inclosed; which said Allotments shall, from and after and so soon as the same shall be fenced in and severed from the Lands adjoining thereto, 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; and such Allotments 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 the said Forest. Plains and Ridings.

XV. 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 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, Open Plains and Ridings; 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 and Two-third Parts respectively of the said Coppice Lands and Coppices, Open Plains and Ridings, 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 and Bushes of and in the said Coppice Lands and Coppices, Open Plains and Ridings, under the said Grant as aforesaid, and of all other Rights and Benefits of him the said Duke in relation thereto; and the said Commissioners shall and they are hereby empowered and required to calculate and ascertain the Value of the Rights and Interests of the said *Henry* Earl of *Euston*, as the Ranger of the said Forest, under or by virtue of the said Letters Patent of the Forty-first Year of the Reign of His late Majesty King *George* the Third, 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 Two hundred and fifty-four Acres, One Rood, and Two Perches, comprising the said Lawns and Lodge Grounds, together with the Messuage and Buildings, Timber, Underwood and Bushes, standing and being thereon, 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 Interests of the said *Henry* Earl of *Euston* under the said last-mentioned Grant; which said last-mentioned Allotments 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 of the King's Majesty, His Heirs and Successors, and from all Rights of Commissioners to ascertain the Value of the Duke of Grafton's Rights to the Underwood, and to make a proportionate Allotment to him out of the King's Allotments.

Common of Pasture and Turbary, Common of Estovers, and all Rights of what Nature or Kind soever, in and over the same; and the said Allotments of Coppice Lands and Coppices, and of Open Plains and Ridings, and the said Allotment of Lawns and Lodge Grounds, so to be made to the said Duke, shall be taken and be in full Compensation and Discharge of all Rights of Underwood, and all other Rights of the said Duke, and of the said *Henry* Earl of *Euston* as such Ranger as aforesaid, in, upon, and over the said Forest.

Allotment of the remaining Fourth of the Coppice Lands to certain Persons in lieu of their Rights of Common.

XVI. And be it further enacted, That the said Commissioners shall set out and allot the remaining Fourth Part of the said Coppice Lands and Coppices, and the remaining Third Part of the said Open Plains and Ridings, unto and for the Use of the several Persons claiming or entitled, in respect of Lands in the said respective Parishes of *Hartwell*, *Ashton*, *Quinton*, *Piddington*, *Hackleton*, and *Hanslope*, to certain Rights of Common in and over the said Forest; and such Allotment or Allotments shall become the Property of the said several Persons within the said Parishes entitled as aforesaid to Rights of Common, 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.

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

XVII. And be it further enacted, That in making and setting out the said Allotments of the said Coppice Lands, Coppices, Open Plains and Ridings, 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.

XVIII. 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 *Hartwell*, *Ashton*, *Quinton*, *Piddington*, *Hackleton* and *Hanslope*, in lieu of any Rights that they may establish to the Satisfaction of the said Commissioners, to sere and broken Wood within the said Forest; 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 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 for a limited Time.

XIX. 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 the said Coppice Lands and Coppices, and Open Plains and Ridings, 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 it shall and may be lawful for the Commissioners of His Majesty's Woods, Forests, and Land Revenues, 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 Two Years 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, 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.

XX. 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 to be 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 the said Forest 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 the said Allotments so directed to be set out to His said Majesty and the said Duke of *Grafton* respectively, shall cease, and be for ever annulled, abolished, and extinguished: Provided nevertheless, that it shall and may 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 *Hartwell*, *Ashton*, *Quinton*, *Piddington*, *Hackleton*, and *Hanslope*, to order and direct all or any Part of the Rights of Common, or Rights to sere and broken Wood, in, upon, or over the said Forest, to be extinguished, or the Exercise thereof to be suspended for and during such

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.

Claims of Verderers to be settled by the Commissioners.

XXI. 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 Verderers of the said Forest, 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 the said Forest; such Compensation to be made by the Payment of Annual Sums of Money during their respective Lives, by His Majesty and the said Duke of *Grafton* respectively, as the said Commissioners shall direct.

Land to be sold for Payment of Expences.

XXII. And be it further enacted, That the said Commissioners shall set out and allot such Part and Parts of the said Coppice Lands and Coppices, Open Plains and Ridings, 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 of the said Forest, 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 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 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

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.

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

XXIII. And be it further enacted, That all the Fences in pursuance of this Act to be made for dividing and inclosing the said Coppice Lands, Coppices, Open Plains and Ridings, 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, in such Proportions, and within such Time, and in such Manner, as the said Commissioners shall in and by their Award direct and appoint, except the Boundary Fences of the respective Allotments to be made to His Majesty and to the said Duke of *Grafton* respectively by virtue of this Act, which shall be made, repaired, maintained, and supported by and at the Expence of His Majesty and of the said Duke, in such Proportions as the said Commissioners shall direct.

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

XXIV. 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 *Hartwell*, *Ashton*, *Quinton*, *Piddington*, *Hackleton*, and *Hanslope*, or any 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 or Places 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 Commoners empowered to agree for the Discharge from Tithes.

XXV. 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 *Hartwell*, *Ashton*, *Quinton*, *Piddington*, *Hackleton*, and *Hanslope*, in lieu of Rights of Common, and for the said several Persons to whom or for whose Use the said several Allotments shall be set out and made in the said several Parishes or Places 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 several Parishes or Places of *Hartwell*, *Ashton*, *Quinton*, *Piddington*, *Hackleton*, and *Hanslope*, or any or either of them, having obtained the Consent in Writing of the Patron or Patrons of the said Benefices, and of the

the Bishop of the Diocese, or with any Lay Impropriator entitled to the Tithes within the said Parishes or Places, or any 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 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, (when 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*, or the said several 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 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 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.

XXVI. 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 the said Forest by this Act to be divided and inclosed, to be removed from and out of the said Forest; and after the said Division and Inclosure shall be made, no Deer whatever shall be kept in any Part of the said Forest, or within the Limits thereof.

Forest to be disafforested from and after a Day

XXVII. And be it further enacted, That the said Commissioners shall, by Notice in Writing to be published as aforesaid, appoint a Day after which the said Forest of *Salcey* 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 Forest, shall cease, determine, and be for ever extinguished, and the whole of the said Forest of *Salcey* shall be disafforested to all Intents and Purposes whatsoever. to be named by the said Commissioners.

XXVIII. 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 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 inclosed, and the private Property of any of His Majesty's Subjects. Penalties for Persons damaging Trees, &c.

XXIX. 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 Neighbour's 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. For preserving Quicksets.

XXX. 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 such Surplus Money shall be appointed and appropriated unto and for His said Majesty, His Heirs and Successors, and the said Duke of *Grafton*, his Heirs and Assigns, in such Shares and Proportions as the said Commissioners shall direct and appoint. Surplus produced by Sale to be divided between His Majesty and the Duke of Grafton according to their Interests, &c.

XXXI. And be it further enacted, That out of the Money which shall be raised for defraying the Expences of obtaining and passing this Act, and of executing the same and the said recited Acts, the said Compensation for Commissioners,

Clerks, and Surveyors.

said Commissioners who shall act in the Execution of the Trusts and Powers of this Act, shall be paid the Sum of Three Pounds and Three Shillings 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 Pounds and Three Shillings 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 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 Magistrates, and no Items in the Accounts shall be binding unless allowed by them.

XXXII. 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 hereinafter mentioned, the said Commissioners for the Inclosure of the said Forest 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 of July 1826.

XXXIII. And be it further enacted, That the said Commissioners for the Inclosure of the said Forest, 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* 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 Daytime, 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 Copies of Award and Plan of Allotments to be left with the Commissioners of Woods, &c.

XXXIV. 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 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.

XXXV. 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, interested in any 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 or 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.

XXXVI. 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 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 at the said Quarter Sessions are hereby required to hear and determine the Matter 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 other Writ or Writs whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

General Saving.

XXXVII. 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 the said Forest, 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.

Hartwell Open Fields Inclosure.

XXXVIII. And whereas the several Open and Common Fields, Common Meadows, Common Pastures, and other Commonable Lands and Grounds within the Manor, Parish, Township, or Liberties of *Hartwell*, in the County of *Northampton*, are reputed to contain Five hundred and eighty-seven Acres, or thereabouts; and the several anciently inclosed Lands and Grounds within the same Parish, Township, or Liberties are reputed to contain Five hundred and fifty Acres, or thereabouts: And whereas the Most Noble *George Henry* Duke of *Grafton* is entitled to the Manor of *Hartwell* aforesaid, and to a considerable Part of the said Open and Common Fields, Meadows, Pastures, and other Commonable Lands and Grounds, and several old inclosed Lands and Grounds within the same respectively, as Heir in Tail Male of his Great Great Grandfather *Henry* first Duke of *Grafton*, under and by virtue of Letters Patent, bearing Date the Twenty-first Day of *June* in the Twenty-fifth Year of the Reign of His Majesty King *Charles* the Second, as Part of the Honor of *Grafton*, the Reversion in which expectant on the Failure of Issue Male of the said *Henry* Duke of *Grafton* is now vested in His present Majesty: And whereas the Reverend *John Risley*, as Rector of the Parish of *Ashton*, is entitled to the Tithes, both Great and Small, arising, renewing, or yearly increasing in, upon, out of, and from several Pieces and Parcels of Land containing Forty-five Acres, or thereabouts, belonging to the said *George Henry* Duke of *Grafton*, lying dispersedly in the Open and Common Fields of *Hartwell* aforesaid, which are situated within the Tithing of *Ashton*: And whereas *William Castleman* Esquire is entitled to the Impropriate Rectory of *Hartwell* aforesaid, and in Right thereof is entitled to certain Glebe Lands, with Rights of Common thereto belonging, lying dispersedly in the said Open and Common Fields of *Hartwell* aforesaid, and to all the Tithes, both Great and Small, arising, renewing, and yearly increasing upon, out of, and from the said Open and Common Fields, Meadows, and Pastures of *Hartwell* aforesaid, except the said several Pieces and Parcels of Land situate within the Tithing of *Ashton*, and out of and from all the Orchards, Gardens,

Gardens, Homesteads, Homecloses, and ancient inclosed Lands and Grounds in *Hartwell* aforesaid, or such of them as are subject to the Payment of Tithes: And whereas the said *William Castleman* is the Patron of the Perpetual Curacy of *Hartwell* aforesaid, and the Reverend *William Butlin* is the Minister or Curate of the same, and as such is entitled to the Yearly Sum of Sixteen Pounds from the said Impropriator, and also to the Yearly Sum of Four Pounds payable by the Trustees of *Walley's* Charity out of a certain Estate in *Hartwell* aforesaid: And whereas *Levison Vernon* Esquire is entitled to a certain Estate situate in *Hartwell* aforesaid, and in the Parish of *Ashton*, or One of them, called *Hartwell* or *Hartwell Park*, containing Three hundred and fifty-five Acres or thereabouts, for which he claims an Exemption from all Tithes on Payment of certain Moduses or Yearly Sums in lieu of all Tithes, but the Validity of such Exemption on Payment of such Moduses or Yearly Sums not being admitted, it hath been agreed that nothing herein contained shall in any Manner establish or invalidate such Claim: And whereas the said *George Henry* Duke of *Grafton*, *William Castleman*, the Reverend *John Langham Dayrell* Clerk, the Reverend *Henry Longueville Mansell*, the Reverend *Loraine Loraine Smith*, the Honorable and Reverend *Charles George Perceval*, Clerks, and others, as Trustees for a certain Charity called *Walley's* Charity, and divers other Persons, are the Owners or Proprietors of all the Rest of the Lands and Grounds within the said Parish, Township, or Liberties of *Hartwell* aforesaid, and in respect thereof are entitled to Right of Common on, or otherwise interested in the said Open and Common Fields, Meadows, Pastures, and other Commonable Lands and Grounds within the said Parish, Township, or Liberties: 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 passing of such Acts*: And whereas another 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: 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 Parish, Township, or Liberties of *Hartwell* aforesaid, lie intermixed and dispersed in and over the said Fields, and in their present State 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 Proprietors thereof, according to their respective Rights and Interests therein, in Manner herein-after mentioned: And whereas it hath been proposed on Behalf of the said Owners and Proprietors, that Annual Sums of Money in the Nature of Rents, to be ascertained, raised, and varied in Manner herein-after directed, should be paid to the said Impropriator, or to the Person or Persons who may hereafter become entitled to the said Tithes, or the Rents hereby directed to be paid in lieu thereof, by way of Commutation, in lieu and full Satisfaction of and for the Tithes in respect of all the Lands and Tenements within the said Parish, Township, or Liberties

41 G. 3. c. 109.

1 & 2 G. 4. c. 23.

Liberties of *Hartwell* aforesaid, subject to Payment of Tithes to the said Impropriator; and the said Impropriator doth approve of such Proposal: Be it therefore enacted, That all the said Open and Common Fields, Meadows, Pastures, and other Commonable Lands and Grounds, of and within the said Parish, Township, or Liberties of *Hartwell* aforesaid, 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 herein-after enacted and mentioned; and for such Purpose that *Richard Howes* of the Town of *Northampton* in the County of *Northampton*, Gentleman, and *Richard Attwood* of the Close of the City of *New Sarum* in the County of *Wilts*, Land Surveyor, and their Successors for the Time being, to be elected in Manner herein-after 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, Meadows, Pastures, and other Commonable Lands and Grounds of and within the said Parish, Township, or Liberties of *Hartwell* aforesaid, and for carrying the several other Purposes of this Act into Execution, subject nevertheless to the Rules, Orders, and Directions herein-after contained, and also subject to the Powers and Provisions of the said recited Acts, except where the same are by this Act varied or altered: Provided always, that no Persons or Person shall be capable of acting as such Commissioners or Commissioner, nor shall any Person act as a Surveyor to be appointed as herein-after mentioned, or as an Umpire (provided any such Umpire should be appointed as herein-after mentioned), until they shall have severally taken and subscribed an Oath or Affirmation in the Words or to the Effect following, that is to say,

'I *A. B.* do swear, [*or being one of the People called Quakers*, do solemnly affirm,] That I will faithfully, impartially, and honestly do, execute, and perform the several Duties incumbent on me as a Commissioner [*or* Surveyor, *or* Umpire, *as the Case may be*] under and by virtue of an Act passed in the Sixth Year of the Reign of King *George* the Fourth, intituled *An Act* [*here set forth 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 any Justice of the Peace for the said County of *Northampton* is hereby empowered to administer; and such Oath or Affirmation when so taken and subscribed shall be annexed to and deposited with the Award of the said Commissioners herein-after directed to be made, and an Office Copy of the Enrolment thereof shall be admitted as legal Evidence on all Occasions.

Penalty on Persons acting if not qualified.

XXXIX. And be it further enacted, That if any Person not having so qualified himself according to the Provisions of this Act to act as a Commissioner or Surveyor in the Execution of this Act, shall presume to act in such Capacity, every such Person shall for every such Offence forfeit

forfeit and pay the Sum of Twenty Pounds to any Person or Persons who shall sue for the same, to be recovered by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*.

For electing new Commissioners.

XL. Provided always, and be it further enacted, in case the said *Richard Howes*, 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 *George Henry* Duke of *Grafton*, or such other Person as may hereafter succeed to the said Titles and Estates, 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 Howes*, 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, or refuse or become incapable to act as a Commissioner in the Execution of this Act; and in case the said *Richard Attwood*, or any Commissioner to be nominated or appointed by the Impropriator of *Hartwell* aforesaid for the Time being, as herein-after mentioned, shall die, or 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 such Impropriator, or such other Person or Persons as may hereafter become entitled to the said Tithes, or to the Corn Rents hereby directed to be paid in lieu thereof, by any Writing under his, her, or their Hand or Hands, to nominate and appoint some fit and proper Person (not interested in the said intended Division and Inclosure) to be a Commissioner in the Room or Stead of the said *Richard Attwood*, 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: Provided always, that in case the Person or Persons respectively herein-before enabled and authorized to appoint a Commissioner or Commissioners as aforesaid, shall respectively refuse or neglect to appoint such Commissioner in the Place or Stead of such Commissioner so dying, neglecting, refusing, or becoming incapable of acting as aforesaid, within Twenty-one Days after Notice of such Death, Refusal, or Incapacity as aforesaid, then and so often as the Case shall happen, the surviving or remaining Commissioner shall, within the Space of Forty Days next after such last-mentioned Refusal or Neglect, by Writing under his Hand, elect or appoint some other fit and proper Person (not interested in the said Division and Inclosure) to be a Commissioner in the Place and Stead of such Commissioner so dying, neglecting, refusing, or becoming incapable of acting as aforesaid; and every Commissioner so to be appointed as aforesaid shall have the same Powers and Authorities of acting in the Execution of this Act and the said recited Acts, in every respect, as the Commissioner in whose Place or Stead he shall succeed was vested with.

Appointment of Umpire.

XLI. And be it further enacted, That if the Commissioners for the Time being who shall act in the Execution of this Act shall disagree or

or differ in Opinion touching or concerning any Matter or Thing, Matters or Things, to be by them done and performed in the Execution of the Powers contained in this Act and the said recited Acts, or either of them, then and in every such Case, and as often as it shall so happen, it shall and may be lawful for the said Commissioners to refer the Matter or Matters of such Disagreement or Difference to the Umpirage of *George Smallpiece* of *Guildford* in the County of *Surry*, Gentleman, who is hereby appointed Umpire; but the said *George Smallpiece*, or any other Umpire to be named as after mentioned, shall not be called in to act, nor give an Opinion, until he shall be required by the said Commissioners in order to settle any Matter or Matters of Disagreement or Difference of Opinion between the said Commissioners; and if the said *George Smallpiece* shall die, or refuse or neglect to act, or become incapable of acting, then the said Commissioners, or, in case of their Disagreement, His Majesty's Attorney General for the Time being, shall nominate and appoint some other Person not interested in the Premises to be Umpire, to whom such Matter or Matters of Disagreement or Difference shall be referred, and so from Time to Time as there shall be occasion; and the Decision of such Umpire for the Time being, upon the Matter or Matters referred to him, shall be adopted by and be binding upon the said Commissioners, and shall be considered as their Judgment and Determination; but such Umpire shall not be a Party to or sign the said Award, nor shall any Decision made by him be noticed therein, although the said Commissioners shall in their said Award conform to the Judgment of the said Umpire in such Matters as he shall be called to decide upon as aforesaid, so far as the same are necessary to be incorporated in the said Award.

Appointment of Clerk.

XLII. 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 it shall and may be lawful for them from Time to Time to 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.

XLIII. And be it further enacted, That *John Durham* of *Dunstable* in the County of *Bedford* 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, and other ancient inclosed Lands and Grounds of and within the Parish, Township, or Liberties of *Hartwell* 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 from Time to Time 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.

Commissioners not attending to be deemed a Refusal to act.

XLIV. Provided also, and be it further enacted, That if either the said *Richard Howes* or *Richard Attwood* shall refuse or neglect to attend at the First or Second Meeting appointed to be held for putting this Act into Execution, and qualify himself in Manner herein 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 duly appointed to be held by 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.

Meetings and Notices.

XLV. 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 *Hartwell* upon some *Sunday* before Divine Service, and likewise by Advertisement in the *Northampton Mercury*, or in some other Newspaper circulated in the said County of *Northampton*, of the Time and Place of their First and every subsequent Meeting for executing the Powers hereby vested in them, at least Eight Days previously to such Meeting (Meetings by Adjournment only excepted), which said Meetings shall be held within the Parish, Township, or Liberties of *Hartwell* 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 *Hartwell* aforesaid, and in such Newspaper as aforesaid.

Adjournment by One Commissioner or their Clerk.

XLVI. Provided always, and be it further enacted, That if at any Meeting appointed to be held by the said *Richard Howes* and *Richard Attwood*, 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 Commissioners to adjourn such Meeting for any Time not exceeding Fourteen Days to the Place last appointed.

Claims to be delivered in at some Meeting appointed for the Purpose.

XLVII. 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 Interest in or upon the said Open and Common Fields, Meadows, Pastures, and other Commonable Lands and Grounds 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, distinguishing the Freehold from the Copyhold or Leasehold, or by whatsoever other Tenure

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 Closes respectively, touching the 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 (except in case of Encroachments as herein-after directed); but in case the said Commissioners shall be of Opinion against the Right of the Person or Persons in Possession, they 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.

XLVIII. And be it further enacted, That in case the 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 reasonble, 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 overruled; 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, 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: Provided always, that in case the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, whose Claim shall have been so overruled or disallowed by the said Commissioners, shall cause an Action

Action to be brought in Manner herein mentioned, and shall upon the Trial of such Action establish the Claim which shall have been so overruled 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.

XLIX. 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, or the said Tithes intended to be hereby extinguished or commuted, 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 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 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.

L. 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.

Provisions in case of Death of Parties before Actions brought.

LI. 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.

LII. 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 Parish, Township, and Liberties of *Hartwell* 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 Twenty Years to be deemed Part of the allottable Land.

LIII. And be it further enacted, That all Encroachments which at any Time within Twenty Years previous to 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.

Allotment to the Lord of the Manor.

LIV. 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

said *George Henry* Duke of *Grafton*, Lord of the Manor of *Hartwell* aforesaid, within which the Lands and Grounds 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 Reverend John Risley, as Rector of Ashton.

LV. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required, in the next Place, to set out, allot, and award unto the said *John Risley*, as Rector of *Ashton* aforesaid, and his Successors, Rectors as aforesaid for the Time being, such Plot or Plots of Land belonging to the said *George Henry* Duke of *Grafton*, hereby directed to be divided and inclosed, as in the Judgment of the said Commissioners shall be a full Equivalent and Compensation for One-sixth Part of the said several Pieces and Parcels of Land which are so subject to Tithes to the said *John Risley*, as Rector of *Ashton* as aforesaid, which are Arable or in Tillage, to One-eighth Part of the said several Pieces and Parcels which is Meadow, to One-ninth Part of the said several Pieces and Parcels which is Pasture, and to One-tenth Part of the said several Pieces and Parcels which is Wood Land, and shall remain after the public and private Roads, and the Allotments for Glebe and Common Rights, shall have been taken out and deducted.

Allotments to the other Proprietors.

LVI. 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 *Hartwell* 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 the 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

LVII. 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 Parish, Township, or Liberties of *Hartwell* 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

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.

Allotments for Glebe.

LVIII. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required, in the next Place, to set out, allot, and award unto the said Impropriator, or the Person or Persons who may for the Time being be entitled to the Glebe Lands within the said Parish, Township, or Liberties of *Hartwell* aforesaid, such Plots and Parcels of the Lands and Grounds hereby directed to be divided and inclosed, as in the Judgment of the said Commissioners shall be a full Equivalent and Compensation for the Glebe Lands and Rights of Common belonging to him or them in the said Parish, Township, or Liberties of *Hartwell* aforesaid.

Compensation for Great and Small Tithes by a Corn Rent.

LIX. And in order to raise such Annual Sums of Money as aforesaid, to be paid to the said Impropriator in Lieu and Satisfaction of such Part of the Great and Small Tithes as are by this Act intended to be commuted, 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 Valuations of all the Lands within the said Parish, Township, or Liberties of *Hartwell* aforesaid, as well old Inclosures, Homesteads, Homecloses, Gardens, and Orchards, as the Lands in the Open and Common Fields, except the said Estate called *Hartwell*, or *Hartwell Park*, and the said several Pieces and Parcels of Land within the Tithing of *Ashton* aforesaid; and in such Valuations the said Commissioners shall distinguish the Annual Value of the Lands belonging to every Proprietor respectively; and after making such Valuations, the said Commissioners shall, from and by Means of the *London Gazette*, or by such other Ways or Means as the said Commissioners shall think most proper, enquire and ascertain what hath been the average Price of a *Winchester* Bushel of good Marketable Wheat in the County of *Northampton* during the Term of Five Years immediately preceding the Tenth Day of *October* One thousand eight hundred and twenty-four, and shall in and by their said Award set forth the average Price so ascertained; and the said Commissioners shall also enquire and ascertain, and shall in and by their said Award set forth in *Winchester* Bushels and fractional Parts of a Bushel, what Quantity of such Wheat shall in their Judgment (according to such average Price, and according to the respective Valuations so to be made as aforesaid) be equal in Value to One-sixth Part of the Annual Value of all the Gardens, Farm Yards, and Orchards situate within the said Parish, Township, or Liberties of *Hartwell* aforesaid, and also of all such Parts of the Lands situate in the said Parish, Township, or Liberties as shall be in Tillage at the Time of passing this Act, and which shall have been in Tillage at any Time since the Tenth Day of *October* One thousand eight

hundred and seventeen; and also what Quantity of such Wheat shall be equal in Value to One-eighth Part of the Annual Value of all such Parts of the Lands situate as aforesaid, as shall consist of Meadow Land; and also what Quantity of such Wheat shall be equal in Value to One-ninth Part of the Annual Value of all such Parts of the Lands situate as aforesaid, as shall consist of Pasture Land or of Waste Land; and also what Quantity of such Wheat shall be equal in Value to One-tenth Part of the Annual Value of all such Parts of the Lands situate as aforesaid, as shall consist of Wood Lands, within the said Parish, Township, or Liberties of *Hartwell* aforesaid, excepting thereon respectively the said Estate called *Hartwell*, or *Hartwell Park*, and the said several Pieces and Parcels of Land within the Tithing of *Ashton* aforesaid; and the said Commissioners shall also in such Valuation distinguish and set forth the Quantity of such Wheat in *Winchester* Bushels, or the fractional Parts thereof, in respect of the Lands belonging to every separate individual Proprietor, and likewise the Annual Sum or Sums to be paid out of or in respect of each separate Messuage, Tenement, Farm, and Estate within the said Parish, Township, or Liberties respectively; and from and after the Tenth Day of *October* next after the Time of the Enrolment of the said Award as herein-after mentioned, there shall be issuing and payable from Time to Time for ever to the said Impropriator, out of the Lands and Estates belonging to the respective Proprietors within the said Parish, Township, or Liberties of *Hartwell* aforesaid, whose Lands shall be so exonerated by virtue of this Act, such Sum or Sums of Money as shall be so found, ascertained, and awarded by the said Commissioners as aforesaid, which said respective Yearly Rents or Sums of Money, the same being nevertheless subject to be varied or altered as herein-after mentioned, shall be in Lieu and full Satisfaction of and in Compensation for all the Tithes both Great and Small payable to the said Impropriator for and in respect of such Lands so to be exonerated, and shall be paid and payable free and clear of and from all Church Rates, Poor Rates, Statute Duty, Compositions to the Highways, and all other Parochial Taxes, Rates, Dues, and Assessments whatsoever, by equal Quarterly Payments, on the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October* in every Year.

Annual Payments may be regulated by the Price of Wheat.

LX. And be it further enacted, That within Two Calendar Months next after the Expiration of Five Years from the Date of the said Award, and so from Time to Time within Two Calendar Months next after the Expiration of every or any further Term of Five Years respectively, to be computed from the Date of the said Award, but at no intermediate Time or Times, it shall and may be lawful to and for the said Impropriator, or such other Person or Persons as may become entitled to the said Corn Rents under and by virtue of this Act, or to and for any Person or Persons who shall alone or collectively be the Owner or Owners of Lands within the said Parish, Township, or Liberties of *Hartwell*, which shall be charged with at least One-half Part of the Aggregate of the Annual Sums to be payable in Commutation for the said Tithes, if he, she, or they shall think proper so to do, to give public Notice by Writing to be affixed on the principal Outer Door of the said Chapel of *Hartwell* aforesaid, of his,

his, her, or their Intention to apply to the Justices of the Peace for the said County of *Northampton*, at the then next *Michaelmas* General Quarter Sessions, to be held in and for the said County of *Northampton*, to ascertain the average Price of good marketable Wheat in the County of *Northampton* aforesaid, for the Five Years next preceding such Application; and upon every such Application so to be made as aforesaid, the said Justices shall enquire into and ascertain by the *London Gazette*, or by such other Ways or Means as they shall think equitable, just, and proper, the average Price of good marketable Wheat in the said County of *Northampton* for the Five Years next preceding the Tenth Day of *October* previous to such Application; and if on any such Application as aforesaid, such average Price of Wheat shall appear to be different from what it was when last ascertained, then and in such Case the Amount of the said respective Yearly Rents or Sums of Money shall, from the Tenth Day of *October* next preceding such General or Quarter Sessions, be increased or diminished, and adjusted in Proportion to such Variation in the average Price of Wheat as shall be declared by the Order of the said Court, and which Order such Court is hereby authorized, empowered, and required to make; and the Amount of such Payments so ascertained shall remain unaltered until the same shall be again altered or varied by any subsequent Order of the said Court, to be made upon such Application and in such Manner as herein-before mentioned; and the said several Parties or Persons are hereby authorized to make such further Application from Time to Time after the Expiration of every successive Term of Five Years (but not oftener), to be computed as aforesaid, for ever, in such and the like Manner and Form as herein-before mentioned and directed; and the Costs, Charges, and Expences of making every such Application to the said Court of Quarter Sessions, and of varying and re-ascertaining the said Corn Rent payable as herein mentioned, shall be defrayed by such Person or Persons, and in such Share or Proportions, and at such Time or Times, as the said Court shall order and direct; and such Court by their Order or Warrant are hereby authorized and directed to levy or cause to be levied the Costs, Charges, and Expences so ordered to be paid, by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) on Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale.

In Default of Payments Distress may be made.

LXI. Provided always, and be it further enacted, That in case any of the several Annual Sum or Sums of Money so to be ascertained or awarded or apportioned as herein mentioned, or any of them, or any Part or Parts thereof respectively, shall be in arrear or unpaid for the Space of Ten Days next after the several Days whereon the same are hereby made payable, it shall be lawful for the said Impropriator, or the Person or Persons for the Time being entitled to the said Annual Commutation Rents or Sums of Money, or any of them, or any Part thereof, to have and exercise all such Powers and Remedies of Distress and Sale for recovering the same Commutation Rents or Sums of Money so unpaid as aforesaid, together with the Costs and Charges occasioned thereby, in, upon, from, and out of, as well such

Messuages, Farms, Lands, and Premises charged therewith respectively, as also in, upon, from, and out of all and every other the Messuages, Farms, Lands, and Tenements situate within the said Township or Liberties of *Hartwell* aforesaid, in the Tenure or Occupation of the Person or Persons who shall be so in Arrear in respect of the said Commutation Rents or Sums of Money, and from, upon, and out of the Goods and Chattels of such Person or Persons wheresoever the same shall be found, as by the Laws and Statutes of this Realm are, or is, or shall or may be given for Recovery of Rent in Arrear upon common Demise.

In case of Action of Replevin or Trespass.

LXII. And be it further enacted, That in case any Action of Replevin or Trespass shall be brought in consequence of any Distress or Distresses made under or in pursuance of this Act, it shall and may be lawful for the Defendant or Defendants in the Replevin, to avow or make Cognizance generally in Manner following; that is to say, that the Lands and Tenements whereon such Distress was made were situate within the said Parish, Township, or Liberties of *Hartwell*, and were liable to pay to the said Impropriator, or other the Person or Persons for the Time being entitled thereto, such a certain Rent in lieu of Tithes during the Time wherein the Rent distrained for incurred, which Rent was then and still remains due, without further setting forth this Act in either Case, or any other Special Matter; and that it shall be lawful for the Defendant or Defendants in any Action of Trespass, to plead the General Issue, and give the Special Matter in Evidence.

Where Property is sold or divided, such Property to be charged with a fair Proportion of the Yearly Tithe Rent.

LXIII. 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 Parish, Township, or Liberties of *Hartwell* aforesaid, or of some Part thereof, and others may be devised 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 charged 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 Parish, Township, or Liberties of *Hartwell* aforesaid for the Time being, upon a Division thereof either by Sale or otherwise, with the Consent in Writing of the said Impropriator, or of the Person or Persons for the Time being entitled to the Annual Commutation Rent proposed to be divided and apportioned, 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; but such entire Yearly Rent, and all Powers and Remedies for recovering thereof, shall continue and remain until such Division of the said Estate and such Apportionment of the said Yearly Rent shall be completed, and until a written Notice from such Owner or Owners, setting forth the Divisions of such Rent Charge upon each such Division, signed by the said Impropriator or other the Person or Persons entitled to the Commutation Rent so proposed to be divided and apportioned as aforesaid, shall be recorded in the Office of the Archdeacon of *Northampton*, for the Enrolment

Enrolment 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.

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

LXIV. And in order to facilitate the future Regulation of the said Yearly Commutation 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, upon Parchment, Three complete Schedules or Descriptions of each and every Messuage or Tenement, Homestead, Close, Field, or Inclosure of Land, as well ancient Inclosures as those which may be divided and allotted under and by virtue of this and the said recited Acts, with the Name of the Owner thereof, the exact Measure in Acres, Roods, and Perches, the Yearly Commutation Rents or Sums of Money issuing out of each respectively, and the Quantity of Wheat in *Winchester* Bushels and fractional Parcels thereof, in respect thereof, which is to govern each of the said future Yearly Commutation Rents, and also a Statement of the total Quantity of Land within the said Parish, Township, or Liberties of *Hartwell* aforesaid, belonging to each of the Owners and Proprietors thereof, and chargeable with the Payment of the said Corn Rents, and the total Quantity of Wheat, and the Amount thereof in Value, to be ascertained as aforesaid, with which all such Lands of each such Owners and Proprietors shall be so charged as aforesaid, and all such other Matters, Statements, and Schedules, and Descriptions, and all such Maps, Plans, and Surveys, as shall be judged proper and necessary by the said Commissioners to render every Matter respecting the said Yearly Rents or Sums, and the Collection and Recovery thereof, and the specific Lands chargeable therewith respectively, and the Quantities of Wheat, clear and plain; One of which said Schedules or Descriptions shall be signed by the said Commissioners and delivered to the said Impropriator, another of them shall be annexed to the Award of the said Commissioners herein-after directed to be made, and the other to the Copy of the said Award.

Corn Rent in Bar of Tithes.

LXV. And be it further enacted, That the several Yearly Rents or Sums of Money so to become payable as aforesaid to the said Impropriator, or the Person or Persons who may hereafter become entitled thereto 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 for Compensation for all 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 after the Tenth Day of *October* next after the Time of the Enrolment of the said Award, or from and after the Tenth Day of *October* in any preceding Year, in case the said Commissioners shall (and they are hereby authorized so to do) by any Writing under their Hands, to be affixed on the principal Door of the said Chapel of *Hartwell* aforesaid on some *Sunday* for that Purpose, so limit or appoint, all such Tithes and Compositions in lieu of Tithes as aforesaid, (save and except Surplice Fees, *Easter* Offerings, and Mortuaries,)

ries,) shall cease, determine, and be for ever extinguished, any Usage or Custom to the contrary thereof notwithstanding.

Tithes to be taken till Annual Rents accrue.

LXVI. Provided always, and be it further enacted, That until the said Annual Rents shall commence or accrue due and payable as aforesaid, the said Impropriator, or the Person or Persons who may hereafter become entitled to the said Tithes, 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, or enjoyed the same in case this Act had not been made: Provided also, that nothing herein contained shall extend or be construed to extend to prejudice, lessen, or defeat the Right or Title of the said Impropriator or his said Successors of, in, or to any Great or Small Tithes, or other Dues, Payments, Acknowledgements, or Compositions, to which he, or 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, Homecloses, Homesteads, Woods, or ancient inclosed Lands or Grounds within the said Parish, Township, or Liberties of *Hartwell* 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, Acknowledgements, or Compositions, shall be and remain due and payable in such and the same Manner to the said Impropriator as the same were payable before the making and passing of this Act, and 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 Rights or Title of the said Curate of, in, or to all or any Mortuaries, *Easter* Offerings, or Surplice Fees arising or to arise within the said Parish, Township, or Liberties of *Hartwell* aforesaid, but the same shall always remain due and payable to the said Curate in such and the same Manner as before the making and passing of this Act.

Allotments to Impropriator and Rector of Ashton, how to be fenced.

LXVII. And be it further enacted, That the Allotment or Allotments to be set out and allotted by virtue of this Act, to and for the Glebe Lands and Rights of Common thereto belonging, and for the Tithes to the Rector of *Ashton*, shall be ring-fenced in an effectual and substantial Manner, with Posts and Rails, and with good Ditches and Banks, as the Commissioner shall direct; the Banks to be planted with good Whitethorn Nursery Plants Three Years old, and One Line of Subdivision Fence in each Allotment where the Commissioners shall think it necessary; and the same shall be done, and afterwards properly supported and maintained for the Term of Seven Years from the passing of this Act, by or at the Expence of all or such of the Proprietors to whom the other Allotments of the said Lands and Grounds shall be set out or allotted, in such Manner and in such Shares and Proportions as the said Commissioners shall by any Writing under their Hands or by their Award order and direct; and from and after the Expiration of the said Term of Seven Years the Fences of such last-mentioned Allotment or Allotments shall be for ever thereafter maintained and kept in Repair by the Owner or Owners thereof.

Allotments to be fenced by the Proprietors.

LXVIII. 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 several Owners of Glebe Lands and Tithes for and in respect of the same respectively), 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 Examinations had and taken, shall and may, if he shall see Cause, direct the Person or Persons exhibiting such Complaint to make such Fences, and when the same shall be 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 enure to the same Uses.

LXIX. 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 said 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.

LXX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to set out, allot, and award any Lands, Tenements, or Hereditaments whatsoever within the said Parish, Township, or Place of *Hartwell* aforesaid, in lieu of and in Exchange

change for any other Lands, Tenements, or Hereditaments within the said Parish, Township, or Place, or within any adjoining Parish, Township, or Place; provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioners, and be made with the Consent of the Owner or Owners of the Lands, Tenements, or Hereditaments which shall be so exchanged, whether such Owner or Owners shall be a Body or Bodies Politic, Corporate, or Collegiate, or a Tenant or Tenants in Fee Simple, or in Fee Tail General or Special, or for Life, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, by and with the Consent of the Lessor or Lessors thereof, but not otherwise, or with the Consent of the Guardians, Trustees, Feoffees for Charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Owners as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Femes Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself, such Consent to be testified in Writing under the Common Seal or Seals of the Body or Bodies 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, 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.

Expences how to be defrayed.

LXXI. And be it further enacted, That the Charges of surveying, mapping, admeasuring, valuing, dividing, and allotting the Lands and Grounds in *Hartwell* aforesaid, hereby intended to be divided and inclosed, and of the old Inclosures which shall be exonerated from Tithes or exchanged, and for preparing the said Award of the said Commissioners, and all Maps, Plans, Surveys, Schedules, and Documents hereby directed to be made, and all other Charges and Expences in and about the carrying this Act and the said recited Act into Execution, so far as they shall affect the same only, and all and every Sum and Sums of Money, Recompense, or Satisfaction which the said Commissioners for the Inclosure of *Hartwell* 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 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 and inclosed, and exonerated from Tithes as aforesaid, (other than and except

except the said Impropriators of the Tithes of *Hartwell* aforesaid, and the said Rector of *Ashton* aforesaid, or the Person or Persons who may hereafter become entitled to the said Tithes, or to the Corn Rents hereby directed to be paid in lieu thereof, it being meant and intended, and is hereby enacted, that he and they shall severally be, and he and they accordingly hereby are exempted from the Payment of any Part of such Costs, Charges, and Expences; and all such Costs, Charges, and Expences as aforesaid shall be settled by the same 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 thereof in Writing under their Hands shall from Time to Time be affixed on the Door of the said Chapel of *Hartwell* 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 the Costs, Charges, and Expences by and attending such Entry upon and Perception 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.

Land may be deducted from Allotments.

LXXII. 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

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; and the Land so deducted shall be allotted to or amongst the 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 seized or entitled in Possession, for any Estate of Inheritance less than Estate in Fee Simple, or in Tail, or for Life or Lives, or as Lessees under any beneficial Lease for any Term of Years, either absolute or determinable on 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.

LXXIII. 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 Covertures, Infants, Lunatics, Idiots, or Persons beyond the Seas, or otherwise incapacitated, Tenant in Tail or for Life only, other than and except the said Perpetual Curate of *Hartwell* 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 *Hartwell* 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 or Sums of Money 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,

intended, notwithstanding the want of Title in the said Husbands, Guardians, Trustees, or Committees, or in the Persons acting as such Guardians, Trustees, 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.

LXXIV. 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 Purpose 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 One, Two, or more credible Witness or Witnesses, assign and transfer the same Security or Securities, or the Principal Money and Interest thereby secured, and all Benefit and Advantage thereof, and all 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, Causes, 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.

Proprietors may sell Allotments instead of mortgaging.

LXXV. 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; 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,

ment, Will, Use, Trust, Remainder, Limitation, or other Impediment or Incumbrance then in being, or capable of taking Effect, to the contrary thereof notwithstanding.

Tenants for Life may charge the Expences of Inclosure.

LXXVI. 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 for 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 Purpose 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.

LXXVII. Provided always, and be it further enacted, That it shall not be lawful by 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, inclosing, 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 Land shall be so sold as aforesaid, to charge his, her, or their Allotment or Allotments, by virtue of the said 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 20*l*.

LXXVIII. 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

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 other 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 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, and 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 Trust, 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 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, 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

1 G. 4. c. 35.

Application,

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 afore-mentioned 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, 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 Interest 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.*

LXXIX. 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 to be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same may be paid at the like Option and with the like Approbation to Two Trustees, to be nominated by the Person or Persons 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.*

LXXX. Provided also, and be it further enacted, That in case the Sum to be paid 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, 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 Hartwell Award.

LXXXI. And be it further enacted, That the said Commissioners for the Inclosure of the Open Fields, Lands, and Grounds within the Parish, Township, or Liberties of *Hartwell* 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 *Hartwell* 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.

LXXXII. 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.

Plan and Survey of the Parish of Hartwell to be made.

LXXXIII. And be it further enacted, That the said Commissioners shall and they are hereby required to make or cause to be made, for the Use of the said Impropriator, a Map or Plan and Survey of the whole of the said Parish, Township, or Liberties of *Hartwell* aforesaid, upon Vellum, and likewise a Terrier of the same Parish, Township, or Liberties, and do and shall deliver the same to the said Impropriator before or at the Time of the signing of their Award; and the Expence of such Map, Plan, or Survey and Terrier shall be defrayed out of the Monies to be raised for carrying into Execution this Act.

Commissioners to account Yearly.

LXXXIV. 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

the Day of passing thereof), the said Commissioners for the Inclosure of the Open Fields, Lands, and Grounds within the Parish, Township, or Liberties of *Hartwell* aforesaid, shall and they are hereby required to make a true and 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 Hartwell Open Fields and their Clerks.

LXXXV. 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, and inclosing the Open and Common Fields, Lands, and Grounds within the said Parish, Township, or Liberties of *Hartwell* 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 Servant, and for the Room or Rooms in which such Meetings shall be held.)

Appeal to Quarter Sessions.

LXXXVI. 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, 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

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.

Saving Rights of Lords of Manors.

LXXXVII. 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 Manor in and to the Seigniories and Royalties within the same Manor as incident and belonging thereto, but that the said Lord 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 Manor belonging or appertaining, in as full, ample, and beneficial a Manner to all Intents and Purposes, as he 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.

Not to invalidate the Exemption from Tithes claimed by Levison Vernon.

LXXXVIII. And be it further enacted, That nothing herein contained shall extend or be construed to extend either to establish or invalidate the Exemption from Tithes so claimed by the said *Levison Vernon*, in respect to the said Estate called *Hartwell* or *Hartwell Park* as aforesaid, or any Modus or Moduses in lieu of the Tithes thereof, or any Part thereof, but that the Claims to the Tithes thereof, and the Claim to the Exemption from such Tithes, shall be and remain in the same State and Condition to all Intents and Purposes as if this Act had not been passed; and that all the Powers and Authorities hereby given to the said Commissioners and other Persons, and all Surveys, Valuations, Allotments, Rents, Payments, Claims, Matters, and Things directed by this Act to be made, set out, raised, charged, paid, set up, and done, shall be exercised, made, set out, raised, charged, paid, set up, and done, so far as respects the Claims to the Tithes of the said Estate called the *Hartwell* or *Hartwell Park*, and the Claim to Exemption from the Payment of Tithes in respect thereof, in such and the same Manner as if the Estate called *Hartwell* or *Hartwell Park* were not situate in any Parish or Place, Parishes or Places, made subject to the Operation of this present Act; any Clause, Matter, or Thing herein-before contained to the contrary thereof in anywise notwithstanding; and notwithstanding the Omission of an express Exception of the said Estate called *Hartwell* or *Hartwell Park*, out of the Operation of any of the Clauses or Provisoes herein-before contained.

Public Act.

LXXXIX. 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 the same being specially pleaded.

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