ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

Cap. 132.

An Act for incloſing Lands in the Pariſh of *Belton*, in the County of *Leiceſter*. [20th *May* 1812.]

WHEREAS there are in the Pariſh of *Belton*, in the County of *Leiceſter*, ſeveral Open Fields, and certain Commonable Grounds and Waſte Lands, uſed or enjoyed with the ſaid Fields, reputed to contain together Four hundred Acres or thereabouts: And whereas *Edward Dawſon* Eſquire is Lord of the Manor of *Belton* aforeſaid: And whereas the ſaid *Edward Dawſon* and *Richard Fowler* Eſquire are Owners of the impropriate Rectory of *Belton* aforeſaid, in undivided Moieties: And whereas the Right Honourable *Francis* Earl of *Moira* is Patron of the Vicarage of *Belton* aforeſaid; and the Reverend *John Eddowes* Clerk is the preſent Vicar thereof: And whereas the ſaid *Edward Dawſon*, *Richard Fowler*, and others, as Proprietors of the ſaid Open Fields, and of certain ancient Meſſuages or Cottages, claim to be entitled to Right of Common on the ſaid Commonable Grounds and Waſte Lands: And whereas an Act was paſſed in the Forty-firſt Year of the Reign of His preſent Majeſty, intituled *An Act for conſolidating in One Act certain Proviſions uſually inſerted in Acts of Incloſure, and for facilitating the Mode of proving the ſeveral Facts uſually required on the paſſing of ſuch Acts*: And whereas the Lands in the ſaid Open Fields are intermixed, and otherwiſe inconveniently ſituated for the reſpective Proprietors and Occupiers, and the ſaid Commonable Grounds and Waſte Lands in their preſent State yield but little Profit; and it would be very beneficial to the ſeveral Perſons intereſted therein, to have the ſame divided and allotted unto and amongſt the ſeveral Perſons entitled

thereto, and having Right of Common, or otherwiſe intereſted therein, according to their ſeveral and reſpective Shares, Rights, and Intereſts; and it would alſo be advantageous and convenient if Compenſations were made in lieu of Tythes, Moduſes, and Eccleſiaſtical Payments of the ſaid Open Lands and Grounds, and of certain ancient incloſed Lands and Tenements in *Belton* aforeſaid; but as ſuch Diviſion, Allotment, Incloſure, and Compenſations, cannot be made, and effectually eſtabliſhed, without the Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid Open Fields, Commonable Grounds, and Waſte Lands, ſhall be divided, allotted, and incloſed, in Manner herein-after mentioned; and that *John Burcham* of *Coningsby*, in the County of *Lincoln*, and *John Smith* of *Sheepſhead*, in the ſaid County of *Leiceſter*, Gentlemen, and their Succeſſors, to be appointed in Manner herein-after mentioned, ſhall be, and they are hereby appointed Commiſſioners for dividing, ſetting out, allotting, and incloſing the ſaid Fields, Commonable Grounds and Waſte Lands, and for carrying the Purpoſes of the ſaid recited Act and this Act into Execution, (ſave and except ſuch Parts of the ſaid recited Act as are hereby varied or altered).

Commiſſioners.

Umpire.

II. And be it further enacted, That if any Difference of Opinion or Diſpute ſhall ariſe between the ſaid Commiſſioners, in the Execution of any of the Powers given to them by this or the ſaid recited Act, then and in every ſuch Caſe, the ſaid Commiſſioners are hereby required, from Time to Time, within Twenty-one Days next after ſuch Difference in Opinion ſhall ariſe, to give Notice in Writing thereof to *Samuel Stone* of *Knighton*, in the ſaid County of *Leiceſter*, Gentleman, who is hereby appointed the Umpire to ſettle ſuch Differences or Diſputes, or to ſuch other Perſon as ſhall in caſe of his Death or Refuſal or Inability to act, be appointed an Umpire in his Stead, in Manner herein-after mentioned; and that it ſhall and may be lawful to and for ſuch Umpire, within the Space of Two Calendar Months next after ſuch Notice, to enquire into, ſettle, aſcertain, and determine all ſuch Differences in Opinion, or other Diſputes, which ſhall ſo happen to ariſe between the ſaid Commiſſioners; and the Determination of ſuch Umpire ſhall be deemed and taken to be the Determination of the ſaid Commiſſioners, and ſhall be final and concluſive upon the ſaid Commiſſioners and all other Perſons concerned therein, ſo far as the Determination of the ſaid Commiſſioners is in and by the ſaid recited Act or this Act made final and concluſive.

Umpire to be ſworn before he acts.

III. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as an Umpire in the Execution of this or the ſaid recited Act, until he ſhall have taken and ſubſcribed the Oath following; (that is to ſay,)

'I do ſwear, that I will faithfully, honeſtly, and impartially, according to the beſt of my Skill and Ability, execute and perform the Powers and Authorities repoſed in me as an Umpire, by virtue of an Act paſſed in the Fifty-ſecond Year of the Reign of King *George* the Third, intituled [*inſert the Title of this Act*], according to Equity and good Conſcience, and without Favor or Affection, Prejudice or Malice, to any Perſon or Perſons whomſoever.

'So help me GOD.'

Which

Which Oath it shall be lawful for either of the said Commissioners to administer, and he is hereby required to administer the same; and such Oath when so taken and subscribed by such Umpire, shall be inrolled in like Manner as the Oath by the said recited Act prescribed to be taken by the Commissioners, is directed to be enrolled.

For appointing new Commissioners and Umpire.

IV. And be it further enacted, That in case either of the Commissioners, or the Umpire herein-before named, or to be appointed as hereinafter mentioned, shall die, refuse to act, or become incapable of acting in the Execution of the said recited Act and this Act, then, and in every such Case, it shall and may be lawful to and for the major Part in Value (such Value to be ascertained according to the Land Tax Assessment for that Year) of the Owners and Proprietors of Lands and Hereditaments in *Belton* aforesaid, who shall attend in Person, or by their Agents or Proxies, at a Meeting to be holden for that Purpose, (of which Meeting Fourteen Days Notice at the least shall be given, by Advertisement signed with the Name or Names of any One or more of the said Proprietors, in the *Leicester Journal*, if then published, and if not, then in some other Newspaper printed or circulated in the said County of *Leicester*), to nominate, elect, and appoint, by any Instrument in Writing under their Hands, or under the Hands of their Agents or Proxies, some fit and proper Person (not interested in the said Division and Inclosure) to be a Commissioner or Umpire, (as the Case may be,) in the Room or Stead of such Commissioner or Umpire so dying, or refusing or becoming incapable to act as aforesaid; and so from Time to Time, as often as any such Case shall happen; and every Commissioner and Umpire, 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 Act and this Act into Execution, and shall be subject and liable to the like Rules, Regulations, and Restrictions, as if he had been originally in and by this Act nominated a Commissioner or Umpire, (as the Case may be;) and the Appointment of every such Commissioner and Umpire shall be annexed to, and enrolled with the Award of the Commissioners.

Notice of Meetings.

V. And be it further enacted, That the said Commissioners shall, and they are hereby required to give, or cause public Notice to be given in the Newspaper called the *Leicester Journal*, if then published, and if not, then in some other Newspaper usually circulated in the said County, of the Time and Place of their First and every subsequent Meeting, for the Execution of the said recited Act and this Act, at least Ten Days before any such Meeting shall be holden, (Meetings by Adjournment only excepted); and in case only One of the said Commissioners shall attend at the Day and Place appointed for any Meeting, or to which any Meeting shall be adjourned, it shall be lawful for the Commissioner present at such Time and Place, or to and for the Clerk or Clerks of the said Commissioners, in case neither of the said Commissioners shall attend, to adjourn the said Meeting, to be holden on any future Day, not exceeding Ten Days from the Day of Adjournment, at the same or some other convenient Place; and the Commissioner, or Clerk or Clerks, making such Adjournment, is and are hereby required to give Notice thereof to the absent Commissioner Four Days before such Meeting: Provided always, that all Meetings for executing the Powers of this Act or the said recited Act,

ſhall be holden at *Belton* aforeſaid, or within Eight Miles thereof; and that the Proprietors, and their Attornies and Agents, ſhall pay their own Expences when they ſhall attend at any of ſuch Meetings.

Other Notices to be inſerted in the Leiceſter Journal.

VI. And be it further enacted, That all other public Notices neceſſary or requiſite to be given by the ſaid Commiſſioners, ſhall be given by Adverti ſement to be inſerted in the ſaid Newſpaper called the *Leiceſter Journal*, if then publiſhed, and if not, then in ſome other Newſpaper uſually circulated in the ſaid County of *Leiceſter*.

Commiſſioners to ſettle Differences.

VII. And be it further enacted, That if any Diſpute or Difference ſhall ariſe between any of the Perſons intereſted, or claiming to be intereſted, in any of the Lands and Grounds to be divided and allotted purſuant to, or otherwiſe affected by this Act, or any Part or Parts thereof, touching or concerning the reſpective Shares, Rights, or Intereſts, which they, or any of them have, or claim to have in, over, or upon the ſame, or touching or concerning any Allotment or Compenſation to be made in lieu thereof, or of the Tithes thereof, or touching or concerning any other Matter or Thing relating to the ſaid Diviſion and Allotments, then and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized and empowered, to examine into, hear, and determine the ſame: Provided always, that nothing herein contained ſhall authorize the ſaid Commiſſioners or Umpire to determine the Title to any Meſſuages, Cottages, Lands, Tenements, or Hereditaments whatſoever.

But not to determine Titles.

Power to award Coſts.

VIII. And be it further enacted, That in caſe the ſaid Commiſſioners ſhall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them in purſuance of this or the ſaid recited Act, ſee Cauſe to award any Coſts, then and in ſuch Caſe, it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby empowered upon Application made to them for that Purpoſe, to ſettle, aſſeſs, and award ſuch Coſts and Charges as they ſhall think reaſonable, to be paid to the Party or Parties in whoſe Favour any Determination of the ſaid Commiſſioners ſhall be made, by the Perſon or Perſons whoſe Claim or Claims, Objection or Objections, ſhall be thereby diſallowed or over-ruled; and in caſe the Perſon or Perſons who ſhall be liable to pay ſuch Coſts and Charges ſhall neglect or refuſe to pay the ſame on Demand, then and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized and required, by Warrant under their Hands and Seals, directed to any Perſon or Perſons whomſoever, to cauſe ſuch Coſts and Charges to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo neglecting or refuſing to pay the ſame, rendering the Overplus, (if any) upon Demand to the Perſon or Perſons whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold, after deducting the Coſts and Charges attending ſuch Diſtreſs and Sale.

Parties may try their Rights by an Iſſue at Law.

IX. And be it further enacted, That in caſe any Perſon or Perſons intereſted, or claiming to be intereſted, in the ſaid intended Diviſion or Allotments, ſhall be diſſatisfied with any Determination of the ſaid Commiſſioners or Umpire, touching or concerning any Claim or Claims of the Right to the Soil of the ſaid Open Fields, Commonable Grounds,

and

and Waſte Lands, or any Part or Parts thereof, or of any Right of Common, Tythes, Moduſes, or other Rights or Intereſts, in, over, or upon the Lands and Grounds to be divided, allotted, and incloſed, purſuant to, or otherwiſe affected by this Act, or any Part or Parts thereof, or touching or concerning any other Matter or Thing relating to the Execution of this Act; then and in every ſuch Caſe, it ſhall be lawful for the Perſon or Perſons ſo diſſatisfied to proceed to a Trial at Law, of the Matter ſo determined by the ſaid Commiſſioners or Umpire, at the then next Aſſizes, or at the Aſſizes following the next, to be holden for the ſaid County of *Leiceſter*; and for that Purpoſe the Perſon or Perſons who ſhall be ſo diſſatisfied with the Determination of the ſaid Commiſſioners or Umpire, ſhall cauſe an Action to be brought upon a feigned Iſſue, againſt the Perſon or Perſons in whoſe Favour ſuch Determination ſhall have been made, within Three Calendar Months next after ſuch Determination of the ſaid Commiſſioners or Umpire; and the Defendant and Defendants in ſuch Action or Actions ſhall, and he, ſhe, or they is and are hereby required to name an Attorney or Attornies, who ſhall appear thereto, or file Common Bail, and accept One or more Iſſue or Iſſues, whereby ſuch Claim or Claims, and the Right or Rights thereby inſiſted on may be tried and determined, ſuch Iſſue or Iſſues to be ſettled by the proper Officer of the Court in which the ſaid Action or Actions ſhall be commenced in caſe the Parties ſhall differ about the ſame; and the Verdict or Verdicts which ſhall be given in ſuch Action or Actions ſhall be binding, final, and concluſive upon all and every Perſon or Perſons 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.

Determination of Commiſſioners to be final.

X. Provided always, and be it enacted, That the Determination of the ſaid Commiſſioners or Umpire, touching or concerning any Rights of Common, Tithes or other Rights or Intereſt in, over, or upon the Lands and Grounds to be divided, allotted, and incloſed purſuant to, or otherwiſe affected by this Act or any Part thereof, ſhall (in caſe ſuch Determination ſhall not be ſo objected to, or being objected to, ſuch Action or Actions at Law ſhall not be brought and proceeded in within the Time, and in Manner herein for that Purpoſe mentioned) be concluſive upon all and every Perſon and Perſons, except in ſuch Caſes wherein a contrary Determination ſhall be made on Appeal to the Quarter Seſſions.

Parties dying, Actions not to abate.

XI. And be it further enacted, That if any of the Parties in any Action to be brought in purſuance of this or the ſaid recited 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.

In caſe of Deaths of Parties before Actions brought, the

XII. Provided always, and be it further enacted, That if any Perſon or Perſons in whoſe Favour any ſuch Determination as aforeſaid ſhall have been made, and againſt whom any Action or Actions might have been brought if living, ſhall die before any ſuch Action or Actions ſhall have been

Same to be carried on and defended in their Names.

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 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 or Clerks to the said Commissioners with Process for commencing such Action or Actions, in the same Manner as the Party or Parties might have been served therewith if living; and it shall thereupon be incumbent on the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions, in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein in the same Manner as if such Person or Persons had been actually living, and the Rights of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

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

XIII. Provided also, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioners or Umpire to determine any Right between any Parties contrary to the Possession of any such Parties, (except in Cases of Encroachments), but in case the said Commissioners or Umpire shall be of Opinion against the Right of the Person or Persons so in Possession, they or he (as the Case may be) shall forbear to make any Determination thereupon, until the Possession shall have been given up or recovered from such Person or Persons by Ejectment or other due Course of Law.

Directions as to certain Roads.

XIV. And be it further enacted, That all Turnpike Roads leading over Parts of the said Lands and Grounds hereby directed to be inclosed shall be set out Forty Feet wide; and that it shall be lawful for the said Commissioners and they are authorized and empowered, (with the Concurrence and Order of Two Justices of the Peace for the said County of *Leicester*, acting in and for the Division in which the Road or Roads, Footpath or Footpaths herein-after mentioned shall be situate, and not interested in the Repair of such Road or Roads, Footpath or Footpaths), to stop up, and to direct to be discontinued, any public Road or Roads, Footpath or Footpaths, through any Part or Parts of the Lands and Grounds in the said Parish of *Belton*, which to the said Commissioners shall appear useless or unnecessary: Provided always, that such Order so to be made shall be subject to an Appeal to the Quarter Sessions, in the like Manner, and under the same Forms and Restrictions, as if the same had been originally made by such Justices as aforesaid.

Commissioners may assign Encroachments for Roads.

XV. And be it further enacted, That in case the said Commissioners shall find it necessary or expedient to set out the whole or any Part or Parts of any Encroachments in or upon the said Open Fields, Commonable Grounds and Waste Lands, for public or private Roads, Ways, or Drains, then and in such Case it shall and may be lawful for the said Commissioners to set out the same in such Manner as to them shall seem meet and convenient.

Encroachments to be allottable and go as Part of

XVI. And be it further enacted, That all such Intakes and Encroachments made on the said Waste Lands, as have been made within the Space of Sixty Years now last past, for which no Grant, Licence, or Consent

Conſent ſhall have been obtained from the Lord of the ſaid Manor of *Belton*, nor any Rent or Acknowledgement paid to ſuch Lord, ſhall be deemed and conſidered Part and Parcel of the Lands and Grounds to be allotted and incloſed, as if the ſame were actually lying open and unincloſed: Provided always, that ſuch Intakes or Encroachments as aforeſaid, as well as all Intakes or Encroachments for which Rents or Acknowledgements have been paid to the Lord of the ſaid Manor of *Belton*, ſhall be allotted to the ſaid *Edward Dawſon*, as Lord of the ſaid Manor of *Belton*, if the ſaid Commiſſioners ſhall adjudge him to be entitled by virtue of this Act, to the Quantity of Land contained in ſuch Intakes or Encroachments, Quality and Situation being conſidered; and ſuch Allotment, when ſo made, ſhall be and be deemed to be, in Satisfaction of the Whole or Part of the Allotments to be made to him by virtue of this Act, as the Caſe may be. the Lord's Allotment.

XVII. And be it further enacted, That a certain Spot of Waſte Land, called *The Mill Hill*, ſituate near the Village of *Belton*, ſhall be allotted to the Lord of the Manor of *Belton*, in Truſt and to the Intent that the ſame ſhall and may be for ever hereafter uſed and enjoyed for the Purpoſe of holding thereon the Public Fair which is annually kept at *Belton* aforeſaid, and the beneficial Intereſt therein, ſubject to that Purpoſe, and to ſuch public and private Roads and Rights of Way as ſhall remain over the ſame, ſhall belong to and be veſted in the Lord of the ſaid Manor of *Belton* for the Time being, freed from all Tythes and Right of Common in or upon the ſame; and the Value of ſuch beneficial Intereſt (if any) ſhall be adjudged by the ſaid Commiſſioners, and be, and be deemed to be, in or towards Satisfaction of the Allotments to be made to the ſaid Lord by virtue of this Act. The Mill Hill to be allotted to the Lord of the Manor for holding the Public Fair thereon.

XVIII. 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 ſaid *Edward Dawſon*, as Lord of the Manor of *Belton* aforeſaid, ſo much and ſuch Part and Parts of the Lands to be incloſed, as they the ſaid Commiſſioners ſhall adjudge to be equal in Value to his Right and Intereſt, as ſuch, in and to the Commonable Grounds and Waſte Lands to be allotted and incloſed by virtue of this Act. Allotment to the Lord of the Manor.

XIX. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby authorized and required, to ſet out and allot, to and for the ſaid *Edward Dawſon* and *Richard Fowler*, as Impropriators as aforeſaid, and the Vicar of *Belton* aforeſaid for the Time being, ſo much and ſuch Part and Parts of the Lands and Grounds hereby directed to be incloſed, as (Quantity, Quality, and Situation conſidered,) ſhall, after the ſeveral Allotments for public Roads be in the Judgement of the ſaid Commiſſioners, equal in Value to One Fifth Part of the ſame Lands and Grounds, except ſuch Parts thereof (if any) as are legally exempt from Tythes; and ſuch Allotments ſhall be, and be deemed and taken to be in lieu and full Compenſation, Satisfaction, and Diſcharge, of and for all and all Manner of Tythes and other Eccleſiaſtical Dues and Payments whatſoever, ariſing, renewing, increaſing, happening, or becoming due, or which can, ſhall, or may hereafter ariſe, renew, increaſe, happen, or become due, from, out, or in reſpect of the ſame Lands and Grounds, (*Eaſter* Offerings, Mortuaries, and Surplice Fees excepted). Allotments in lieu of Tythes of the Open Lands.

XX. And

Residue to be divided amongst the Proprietors

XX. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to divide, set out, and allot, all the Residue of the said Open Fields, Commonable Grounds, and Waste Lands, hereby directed to be inclosed, to and amongst the several Persons who at the Time of making such Division and Allotments, shall be entitled to any Parts or Shares, or Commonage, of, in, over, or upon the same, or any Part or Parts thereof respectively, in Proportion to and in lieu of their several and respective Shares, Rights, Properties, and Interests, of, in, over, and upon the same respectively, (save and except in respect of the Manerial Rights and Tythes, for which Compensation is herein-before directed to be previously made).

Tythes of ancient Inclosures may be compensated for out of Proprietors Allotments or ancient Inclosures, &c.

XXI. Provided always, and be it further enacted, That in case any Proprietor or Proprietors of ancient inclosed Lands and Tenements in *Belton* aforesaid, (whether such Proprietor or Proprietors shall be a Body or Bodies Corporate or Collegiate, or a Tenant or Tenants in Fee Simple, or for Life, or in Fee Tail general or special, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, or Trustees or Feoffees for charitable or other Uses), or the Husbands, Guardians, Trustees, Committees, or Attornies of, or Persons acting for any such Proprietors, being under Coverture, Minors, Lunatics, or beyond the Seas, or under any other Disability or Incapacity whatsoever, shall be desirous of having his, her, or their ancient inclosed Lands and Tenements exonerated from Tythes, Moduses, or other Ecclesiastical Payments arising or growing due or payable, for or in respect of the same, to the said Impropriators and the Vicar of *Belton* aforesaid, or any or either of them respectively, and shall by Writing under his, her, or their Hand and Seal, or Hands and Seals, signify the same to the Commissioners at or before the Third Meeting to be holden for carrying this Act into Execution; then and in every such Case, the said Commissioners shall and may, and they are hereby authorized and required to assign, set out, allot, and award, to and for the said Impropriators, and the Vicar of *Belton* aforesaid for the Time being, in Satisfaction for the Tythes, Moduses, or other Ecclesiastical Payments, arising or growing due or payable, for or in respect of the ancient inclosed Lands and Tenements in *Belton* aforesaid, belonging to such Proprietor or Proprietors as aforesaid, so much and such Pieces or Parcels of Land as the said Commissioners shall adjudge and determine to be a full Compensation and Satisfaction for the Tythes, Moduses, or other Ecclesiastical Payments, (*Easter* Offerings, Mortuaries, and Surplice Fees excepted), due or payable to the said Impropriators and the Vicar of *Belton* aforesaid for the Time being respectively, out of or from the ancient inclosed Lands or Tenements of or belonging to the Persons so desiring to have the same exonerated from Tythes; and the Land so to be allotted in lieu of the Tythes, Moduses, or other Ecclesiastical Payments (except as before excepted) due or payable out of or from ancient inclosed Lands and Tenements belonging to the Proprietors of, or Persons entitled to Right of Common on the Lands and Grounds hereby directed to be divided and inclosed, shall be taken or deducted from their respective Shares and Proportions of and in the said Lands and Grounds; or in case the Share or Proportion, Shares or Proportions, of any such Proprietors, of and in the said Lands and Grounds hereby directed to be inclosed, shall not be sufficient to make such Compensation as aforesaid, or any Proprietor or Proprietors of ancient inclosed

Lands or Tenements, ſo deſiring to have the ſame exonerated from Tythes, ſhall not be entitled to any Allotment, Share, or Proportion of the ſaid Lands and Grounds, then and in every ſuch Caſe the Land ſo to be allotted in lieu of the Tythes, Moduſes, or other Eccleſiaſtical Payments (except as aforeſaid) due or payable out of or from ancient incloſed Lands or Tenements belonging to ſuch Proprietor or Proprietors reſpectively, ſhall be made up or taken as the Caſe may require, from and out of the Share or Proportion, Shares or Proportions, of and in the Lands to be incloſed of any other Perſon or Perſons who ſhall be willing to have a ſufficient Part or Parts deducted from their Allotment or Allotments, or from and out of the ancient incloſed Lands belonging to ſuch Proprietor or Proprietors as aforeſaid; provided that all ſuch Allotments in lieu of Tythes, and the ancient incloſed Lands and Tenements diſcharged thereby, ſhall be ſpecified and declared in the Award of the ſaid Commiſſioners, or in a Schedule or Schedules thereto; and the ſaid Commiſſioners ſhall, and they are hereby required to fix and determine what Sum or Sums of Money ſhall be paid by the Proprietor or Proprietors of ancient incloſed Lands or Tenements, for the Tythes whereof ſuch Compenſation ſhall be made or taken by or out of the Allotments or Lands belonging to any other Perſon or Perſons, as an Equivalent for the Part or Parts thereof deducted or taken for ſuch Purpoſe; and ſuch Sum or Sums of Money, when ſo fixed and determined, ſhall be paid to the ſaid Commiſſioners at ſuch Place or Time, Places or Times, as the ſaid Commiſſioners ſhall appoint; and in caſe of Non-payment thereof, in Manner aforeſaid, ſuch Sum and Sums of Money ſhall and may be levied and recovered by the ſaid Commiſſioners, by ſuch Ways and Means as the Coſts, Charges, and Expences of obtaining and executing this or the ſaid recited Act can or may be levied or recovered; and the Receipt or Receipts of the ſaid Commiſſioners ſhall be a full and ſufficient Diſcharge for all and every Sum and Sums of Money ſo to be paid to the ſaid Commiſſioners as aforeſaid, and ſuch Sum and Sums of Money when received by the ſaid Commiſſioners, ſhall be by them applied in or towards paying and defraying the Proportions of the Coſts, Charges, and Expences of obtaining and executing this Act, to be paid by ſuch Perſon or Perſons from whoſe Allotment or Allotments any Deduction or Deductions ſhall have been made, for or towards making ſuch Compenſation as aforeſaid for the Tythes of the Lands and Tenements belonging to any Perſon or Perſons not being entitled to a ſufficient Allotment or Share, or Proportion, of the ſaid Lands and Grounds hereby directed to be incloſed; and the Overplus of ſuch Money (if any), after defraying ſuch Coſts, Charges, and Expences, ſhall be paid to the Perſon if only One, and if more than One, ſhall be divided amongſt the ſeveral Perſons, from whoſe Allotment or Allotments, or Lands, ſuch Deduction or Deductions ſhall have been made as aforeſaid, in ſuch Shares and Proportions as the ſaid Commiſſioners ſhall think right and proper; and ſuch Money or ſuch Shares and Proportions of ſuch Money, ſhall be paid to ſuch Perſon or ſeveral Perſons, if he, ſhe, or they, ſhall be Tenant or Tenants in Fee Simple of the Allotment or Allotments, or Lands, from which Deduction or Deductions ſhall have been made as aforeſaid; or otherwiſe ſuch Money, or ſuch Shares or Proportions of ſuch Money, ſhall be applied and diſpoſed of in Manner by the ſaid recited Act directed, in caſe any Money is to be paid for the Purchaſe or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which

Money ought to be laid out in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the ſame Uſes.

Allotment for Tithes to be apportioned between Impropriators and Vicar.

XXII. Provided always, and be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby required to ſubdivide, aſſign, and allot the Allotment and Allotments to be made in purſuance of this Act, for or in lieu of Tythes and other Eccleſiaſtical Payments, (except as aforeſaid), ariſing, or growing due or payable, for or in reſpect of the Lands and Grounds to be incloſed, and for or in reſpect of the ancient incloſed Lands and Tenements which ſhall be exonerated and diſcharged from Tythes by virtue of this Act, unto and between the ſaid *Edward Dawſon* and *Richard Fowler* as Impropriators, and their reſpective Heirs and Aſſigns, and the Vicar of *Belton* aforeſaid for the Time being, in ſuch Shares and Proportions as the ſaid Commiſſioners ſhall adjudge and determine to be a juſt Satisfaction and Compenſation for their reſpective Rights and Intereſts in and to ſuch Tythes, and other Eccleſiaſtical Dues and Payments as aforeſaid, (Mortuaries, *Eaſter* Offerings, and Surplice Fees excepted).

Tithes to ceaſe on Allotments being fenced.

XXIII. And be it further enacted, That when and as ſoon as the Lands and Grounds to be ſet out and allotted as aforeſaid, as and for a Satisfaction or Compenſation for Tythes, Moduſes, or other Eccleſiaſtical Payments, ſhall be incloſed and fenced in Manner by this Act directed, all the Lands and Grounds by this Act directed to be divided, allotted, and incloſed, and all Encroachments whatſoever in or upon the ſame, and alſo all the ancient incloſed Lands or Tenements in *Belton*, the Tythes, Moduſes, or other Payments of or for which ſhall be commuted for by ſuch Allotment or Allotments, ſhall be and the ſame are hereby declared to be freed, diſcharged, and exonerated of and from all Tythes both great and ſmall, and all other Eccleſiaſtical Dues and Payments whatſoever, (Mortuaries, *Eaſter* Offerings, and Surplice Fees excepted), ariſing, renewing, happening, or increaſing out of and from the ſame reſpectively.

Not to prejudice Right to Tithes which ſhall not be commuted for, or Surplice Fees.

XXIV. Provided always, and be it further enacted, That nothing herein contained ſhall prejudice or take away the Right of the Impropriate Rectors and Vicar of *Belton* for the Time being reſpectively, or of any other Rector, Vicar, or Perſon whomſoever, to any Tythes, Moduſes, or other Payments in lieu of Tythes, (except ſuch Tythes in reſpect whereof the ſaid Allotments ſhall be made, *Eaſter* Offerings, Mortuaries, or Surplice Fees) to them reſpectively due and payable, within the ſaid Pariſh of *Belton* or the Members or titheable Places thereof: Provided alſo, that nothing herein contained ſhall extend, or be conſtrued to extend in anywiſe to prejudice or affect any Moduſes, Compoſitions, or other Payments in lieu of Tythes, except ſuch as ſhall be commuted for by virtue of this Act.

Proviſion for fencing the Allotments in lieu of Tithes.

XXV. And be it further enacted, That the Lands which ſhall in purſuance of this Act, be allotted unto and for the Impropriators and Vicar of *Belton* aforeſaid reſpectively, in lieu of Tythes, Moduſes, and other Eccleſiaſtical Payments, ſhall at the Expence of the ſeveral Proprietors of, and Perſons intereſted in, the Lands and Grounds hereby directed to be incloſed, or which ſhall be exonerated from Tythes by ſuch Allotments (excluſive of the ſaid Impropriators and Vicar reſpectively, as ſuch)

ſuch) rateably and in Proportion to their reſpective Shares, Rights, and Intereſts of and in the ſame, be, within ſuch Time as the ſaid Commiſſioners ſhall appoint, incloſed and ring-fenced with Quickſet Hedges and Ditches, to be guarded on each Side with Poſts and Double Rails, ſufficiently ſubſtantial to ſtand till ſuch Fences ſhall be ſo grown up as not to need guarding any longer, together with ſuch proper Gates and Poſts as the ſaid Commiſſioners ſhall direct and appoint, without any Deduction from ſuch Allotment or Allotments on Account of ſuch Expences; which reſpective Mounds and Fences, or ſuch Part or Parts thereof as the ſaid Commiſſioners ſhall direct or appoint, ſhall for ever afterwards be kept in Repair by the ſaid Impropriators and the ſaid Vicar for the Time being for ever reſpectively.

Directions concerning other Fences, Gates, Stiles, &c.

XXVI. And be it further enacted, That all the Lands that ſhall be allotted by virtue of this Act to the ſeveral Proprietors of and Perſons intereſted in the Lands and Grounds to be incloſed, (other than thoſe to be allotted to the Impropriators and Vicar of *Belton* as ſuch), ſhall be fenced in ſuch Manner and within ſuch Time, and all public and private Gates and Stiles ſhall be made, and at all Times for ever afterwards repaired and maintained by and at the Expence of ſuch Proprietors and Perſons intereſted, in ſuch Proportions and Manner as the ſaid Commiſſioners ſhall by their ſaid Award direct or appoint; and that convenient Gaps and Openings ſhall be left in the ſaid Fences and Incloſures for the Paſſage of Cattle, Carts, and Carriages in and through the ſame for ſuch Space of Time after the Execution of the ſaid Award, not exceeding Six Calendar Months, as the ſaid Commiſſioners ſhall direct: Provided always, that it ſhall be lawful for the Owners and Occupiers of the reſpective Allotments to be made by virtue of this Act, from Time to Time and at all Times during the Space of Seven Years from the Time of the Allotments herein-before directed to be made being marked or ſtaked out and entered upon, to ſet down and place Poſts and Rails, or make any other Fence on the Outſide of Ditches bounding their reſpective Allotments, not exceeding Four Feet from ſuch Ditches, and to back-ditch or fence ſuch Poſts and Rails or other Fence by digging within ſuch Space of Four Feet, and at any Time before the End of the ſaid Term to repair, remove, take, and carry away ſuch Poſts and Rails or other Fence, and convert the ſame to their reſpective Uſe; and alſo at all Times for ever after entering upon their reſpective Allotments, to place Rails or other Fences over or acroſs the Outſide or Boundary Ditches of the adjoining Allotment or Allotments, where it ſhall be neceſſary for completing the Fence of any Incloſure, but ſo as not to injure his, her, or their Neighbour's Fence or Ditch.

Commiſſioners may, before executing their Award, alter Allotments and private Roads.

XXVII. Provided always, and be it enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, at any Time before the Execution of their Award, to make any Alterations in the Allotments and Fences which they may have ſet out and ordered, or Private Roads made over or to ſuch Allotments as they ſhall think expedient; and in caſe any Perſon or Perſons ſhall be injured by any ſuch Alteration or Alterations, on Account of any Expences which he, ſhe, or they may have incurred, the ſaid Commiſſioners ſhall aſcertain and determine what Recompence ſhall be made to him, her, or them, and ſhall direct by whom and in what Manner ſuch Recompence ſhall be made: Provided always, that the *Long Mere*

Long Mere Furlong to be allotted to Edward Dawſon Eſq.

Mere Furlong, in a certain Field called the *Riſt Field*, adjoining the Liberty of *Long Whatton*, ſhall be ſet out and allotted to the ſaid *Edward Dawſon*, as or in Part of the Land to be allotted to him in purſuance of this Act, if the ſaid Commiſſioners ſhall adjudge him to be entitled to the Quantity of Land contained in ſuch Furlong, Quality and Situation conſidered.

Separate Allotments to be made for Eſtates held under different Titles.

XXVIII. And be it further enacted, That where the Proprietor or Proprietors of any Meſſuages, Lands, or Tenements, for or in reſpect whereof any Allotment or Allotments ſhall be made in purſuance of this Act, ſhall hold their reſpective Meſſuages, Lands or Tenements, by different Tenures, or for different Eſtates, or in different Rights, or under different Titles, the ſaid Commiſſioners ſhall upon the Requeſt of ſuch reſpective Proprietors or their Agents, in Writing under their Hands, aſcertain and diſtinguiſh the Meſſuages, Lands, and Tenements, held by each of ſuch Tenures, for each and every of ſuch Eſtates, and under each and every of ſuch Rights or Titles reſpectively, and ſhall accordingly, in their ſaid Award, aſſign and ſet out, diſtinct and ſeveral Allotments of the ſaid Lands hereby directed to be divided and allotted for ſuch reſpective Meſſuages, Lands, or Tenements; and any additional Charges and Expences which ſhall be incurred in and about ſuch Diſcrimination ſhall be borne and paid by the Perſon and Perſons who ſhall requeſt the ſaid Commiſſioners to make the ſame.

Exchanges may be made.

XXIX. 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, in the Pariſh of *Belton* aforeſaid, in lieu of and in Exchange for any other Lands, Tenements, and Hereditaments, within the ſaid Pariſh of *Belton*, or within any adjoining Pariſh, Hamlet, Townſhip, or Place; provided that all ſuch Exchanges be aſcertained, ſpecified, and declared, in the Award of the ſaid Commiſſioners, or ſome other Deed or Deeds, Inſtrument or Inſtruments, in Writing under their Hands and Seals, to be executed previous to or at the ſame Time as their Award, and inrolled in ſuch or the like Manner as their Award is directed to be inrolled, and be made with the Conſent of the Owner or Owners, Proprietor or Proprietors, of the Lands, Tenements, or Hereditaments which ſhall be ſo exchanged, whether ſuch Owner or Owners, Proprietor or Proprietors, ſhall be a Body or Bodies Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail General or Special, or by the Courteſy of *England*, or for Years determinable on any Life or Lives, or with the Conſent of the Guardians, Truſtees, Feoffees for charitable or other Uſes, Huſbands, Committees, or Attornies of or acting for any ſuch Proprietors or Owners aforeſaid, who at the Time of making ſuch Exchange or Exchanges, ſhall be reſpectively Infants, Femes Covert, Lunatics, or under any other legal Incapacity, or who ſhall be beyond the Seas, or otherwiſe diſabled to act for themſelves, himſelf, or herſelf, ſuch Conſent to be teſtified in Writing under the Common Seal of the Body Politic, Corporate or Collegiate, and under the Hands of the other Parties conſenting reſpectively; and all and every ſuch Exchange and Exchanges ſo to be made, ſhall be good, valid, and effectual in the Law, to all Intents and Purpoſes whatſoever: Provided nevertheleſs, that no Exchange ſhall be made of any Lands, Tenements, or Hereditaments held in Right of any Church, Chapel, or other Eccleſiaſtical Benefice, without

without the Consent testified as aforesaid of the Patron thereof, and of the Lord Bishop of the Diocese in which such Lands, Tenements, or Hereditaments so to be exchanged shall lie or be situate: Provided always, that all Costs, Charges, and Expences, attending the making and completing of all Exchanges and Partitions under the Powers and Authorities in this Act and the said recited Act, or either of them contained, shall be paid and borne by the several Persons, or Bodies Politic, Corporate, or Collegiate, making such Exchanges or Partitions, in such Manner, and in such Proportions, as the said Commissioners shall order and direct.

Leases and Agreements at Rack Rent to be void on Satisfaction made by Landlords.

XXX. And be it further enacted, That from and immediately after the Allotments herein-before directed to be made shall be marked and staked out, and the said Commissioners shall have directed the same to be entered upon by the Persons for whom the same shall be allotted, all and every Lease and Leases, and other Agreement and Agreements at Rack or extended Rent, subsisting of all or any Part or Parts of the Lands and Grounds to be inclosed, and of all or any Part of the Tythes to be commuted for, and of all Lands and Tenements within the Parish of *Belton*, to be exonerated from Tythes by virtue of this Act, alone or with any Messuages or other Lands, Tythes, Tenements, or Hereditaments, shall cease, determine, and be void, as to all the Premises comprised in such Lease or Leases, or Agreement or Agreements; the respective Owners or Proprietors who have made any such Lease or Leases, Agreement or Agreements, making such Satisfaction to his, her, or their respective Lessee or Lessees, Tenant or Tenants, on Account thereof, or as an Equivalent for the same, as the said Commissioners shall think equitable and direct; and that it shall and may be lawful for the said Commissioners, and they are hereby authorized under their Hands to ascertain, direct, and appoint, what Rent or Share or Proportion of Rent shall be paid by the several Tenants of all or any of the Lands to be inclosed, or Commonage thereon, or the Tythes thereof, in their respective Holdings to their respective Landlords, from the passing of this Act until the Time such Land shall be marked and staked out, and directed to be entered upon by the new Proprietors thereof: Provided always, that if there shall be any Lease of Lands, Part of which shall be situate in the said Parish of *Belton*, and Part in any adjoining Parish, Hamlet, or Place, all and every such Lease and Leases upon Rack Rent now subsisting may be vacated; but where any Land shall have been taken in Exchange, which Land shall be under Lease, and wholly situate in any adjoining Parish, Hamlet, or Place, the Lease of such last-mentioned Land shall not be vacated.

This Act not to affect any Will or Settlement.

XXXI. Provided always, and be it enacted, That nothing in this Act contained shall extend, or be construed to extend, to revoke, make void, annul, or affect any Settlement, Deed, or Will, or to prejudice any Person or Persons having any Right, or Claim of Dower, Jointure, Rent, Debt, Charge, or Incumbrance, in, out of, upon, or affecting any of the Lands, Tenements, or Hereditaments, to be divided, allotted, inclosed, or exchanged by virtue of the said recited Act or of this Act, or any Part or Parts thereof respectively, but that the several Persons to whom such Lands, Tenements, or Hereditaments shall be assigned, allotted or given in Exchange by virtue of this Act as aforesaid, shall be seised and possessed thereof respectively, to such and the same Uses, and to and for such and the same Estates, and with such and the same Powers and Authorities

for making Leaſes and otherwiſe, and ſubject to the ſame Wills, Limitations, Conditions, Settlements, Truſts, Proviſoes, Remainders, Reverſions, Debts, Charges and Incumbrances, as the ſeveral Lands, Tenements or Hereditaments, in Right or Reſpect or in lieu whereof ſuch Allotments or Exchanges ſhall be made to them reſpectively, would have been ſubject to and charged with or affected by, in caſe this Act had not been made, except in ſuch Caſes as is herein otherwiſe directed and provided.

Watercourſes may be turned.

XXXII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby empowered to direct, order, and award, all Streams of Water, Springs, and Watercourſes, within the Lands and Grounds hereby intended to be divided and incloſed, to be carried and conveyed in ſuch Courſes, and through ſuch of the ſaid Lands and Grounds ſo hereby intended to be divided and incloſed, as they in their Diſcretion ſhall think neceſſary and proper: Provided always, that no Streams of Water, Springs, or Watercourſes, ſhall be diverted or turned without the Conſent of the Perſon or Perſons from and into whoſe Lands the ſame ſhall be carried or conveyed; and that nothing herein contained ſhall authorize or empower the ſaid Commiſſioners to make any Order or Direction to the Prejudice of any Perſon or Perſons entitled to the Benefit of any Pool or Stream of Water, Spring, or Watercourſe.

Commiſſioners to direct the Courſe of Huſbandry.

XXXIII. And be it further enacted, That the ſaid Commiſſioners, until the Allotments herein-before directed to be made ſhall be marked or ſtaked out, and entered upon by the Proprietors thereof reſpectively, ſhall and may order, direct, and appoint the Courſe of Huſbandry to be uſed in the ſaid Open Fields, Commonable Grounds, and Waſte Lands; and every Perſon's Eſtate therein ſhall be uſed and occupied accordingly, as well with reſpect to the ſtocking as to the ploughing, folding, tilling, ſowing and laying down the ſame, any Uſage or Cuſtom to the contrary notwithſtanding; and that no Part of the Paſture or Graſs Land to be incloſed ſhall after the paſſing of this Act, without the Conſent and Direction of the ſaid Commiſſioners, be ploughed or broken up before the Commiſſioners ſhall have made and ſet out the Allotments to be made in purſuance of this Act, and given Permiſſion for Entry thereon; and alſo that the ſaid Commiſſioners ſhall and may order and direct ſuch Sum and Sums of Money to be paid in reſpect of the Courſe of Huſbandry to be uſed in the ſaid Fields by any Perſon or Perſons intereſted therein or any Part thereof, or by his, her, or their Tenant or Tenants, to any other Perſon or Perſons ſo intereſted, or his, her, or their Tenant or Tenants, as they the ſaid Commiſſioners ſhall think reaſonable; and in caſe any Perſon or Perſons who ſhall as aforeſaid be directed to pay any Sum or Sums of Money on the Account aforeſaid, ſhall neglect or refuſe to pay on Demand, or within Fourteen Days after ſuch Sum or Sums of Money as he, ſhe, or they ſhall as aforeſaid be directed to pay, then and in every 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 ſuch Sum or Sums of Money 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 to the Owner or Owners of ſuch Goods and

Chattels the Overplus (if any) when demanded, after the Charges and Expences attending such Distress and Sale are fully satisfied and paid.

For preventing Quickfets being damaged by Sheep or Lambs, &c.

XXXIV. 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 Ten Years from and after the Allotments shall be marked or staked out, and directed to be entered upon, unless the Person or Persons keeping such Sheep or Lambs shall and do at his, her, or their own Expence, fence or guard his, her, or their Neighbour's Quickfets adjoining the Inclosures wherein such Sheep or Lambs shall be kept, so as to prevent any Damage being done to Quickfets by such Sheep or Lambs; and it shall not be lawful for any Person or Persons to turn out or keep any Sheep, Lambs, Horses, Asses, or other Beasts or Cattle, in any of the Lanes, or of the Roads or Ways, which shall be directed to be fenced on both Sides.

Power for the Vicar of Belton to grant Leases.

XXXV. And be it further enacted, That it shall and may be lawful to and for the Vicar of *Belton* aforesaid for the Time being, by and with the Consent and Approbation of the Lord Bishop of *Lincoln*, and also of the Patron of the said Vicarage for the Time being, testified in Writing under their respective Hands and Seals, to demise or lease all or any Part or Parts of the Allotment or Allotments to be set out and allotted unto and for the said Vicar by virtue of this Act, to any Person or Persons whomsoever, for any Term or Number of Years not exceeding Twenty-one Years, to commence within Twelve Calendar Months next after the Execution of the said Commissioners Award, so as the Rent or Rents to be thereon reserved respectively be made payable to the Vicar of the said Vicarage for the Time being, Half-yearly or oftener, and so as such Lease or Leases be not made without Impeachment of Waste, and so as the Lessee or Lessees, to whom such Lease or Leases shall be made, be yearly obliged to spend, spread, and consume, in an Husband-like Manner, in and upon the Premises so to be demised, the Dung and Manure arising and to arise out of and from the Produce thereof, and so as there be contained in every such Lease or Leases Clauses of Re-entry on Non-payment of the Rent or Rents to be therein and thereby reserved, and so as the respective Lessee or Lessees, to whom such Lease or Leases shall be made, do seal, execute, and deliver a Counterpart of every such Lease or Leases; and every such Lease or Leases so to be made shall be good, valid, and effectual in the Law, to all Intents and Purposes.

Expences of obtaining and carrying this Act into Execution.

XXXVI. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, and of surveying, admeasuring, planning, valuing, dividing and allotting the Lands and Grounds to be divided, allotted, and inclosed, and the ancient inclosed Lands and Tenements to be exonerated and discharged from Tythes by virtue of this Act, and of ring-fencing the Allotments herein-before directed to be made to the Impropriators and Vicar of *Belton* aforesaid respectively as such, and of forming, completing, and repairing the Roads to be set out by the said Commissioners; and the Costs and Charges of preparing and inrolling the Award to be made by the said Commissioners; and all the Costs, Charges, and Expences of the said Commissioners and Umpire, their Clerks, Assistants, and Servants, and all other necessary Expences of carrying the said recited Act, and this Act into Execution,

Execution, ſhall be borne and defrayed by the ſeveral Proprietors of and Perſons intereſted in the Lands and Grounds hereby directed to be allotted and incloſed, (excluſive of the Impropriators and Vicar of *Belton* aforeſaid, for or in reſpect of the Allotment or Allotments to be made to them reſpectively as ſuch), and the Owners of the ancient incloſed Lands and Tenements which ſhall be exonerated and diſcharged from Tythes; and all ſuch Coſts, Charges, and Expences, together with the Shares and Proportions thereof to be paid by the ſeveral Perſons hereby made liable to the Payment thereof, ſhall be ſettled and adjuſted by the ſaid Commiſſioners, and ſhall be paid at ſuch Time and Place or Times and Places, and to ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall appoint, ither before or after the Execution of their ſaid Award.
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Power to recover Expences of the Act in caſe of Non-payment.

XXXVII. And be it further enacted, That in caſe any Perſon or Perſons ſhall refuſe or neglect to pay his, her, or their Proportion of ſuch Charges and Expences, according to ſuch Apportionment as aforeſaid, at the reſpective Days and Times to be appointed for Payment of ſuch Charges and Expences, then and in ſuch Caſe, the ſame ſhall and may be levied and recovered by any Warrant or Warrants, under the Hands and Seals of the ſaid Commiſſioners, directed to any Perſon or Perſons whomſoever, by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo making Default in Payment as aforeſaid, his, her, or their Huſbands, Guardians, Truſtees, Committees, or Attornies, whereſoever the ſame ſhall be found, rendering the Overplus (if any) upon Demand to the Owner or Owners of ſuch Goods and Chattels, the reaſonable Charges of ſuch Warrant, Diſtreſs, and Sale being firſt deducted, together with Intereſt after the Rate of Five Pounds *per Centum per Annum*, to be computed on ſuch Share or Shares, Proportion or Proportions, from the Time the ſame ſhall be directed to be paid by the ſaid Commiſſioners as aforeſaid; or otherwiſe it ſhall be lawful for the ſaid Commiſſioners, or any Perſon or Perſons authorized by them, to enter upon and take Poſſeſſion of the Premiſes to be allotted to ſuch Perſon or Perſons, or ſo exonerated from Tythes as aforeſaid, and to receive and take the Rents, Iſſues, and Profits thereof, until thereby, therewith, or otherwiſe, the Share or Shares, Proportion or Proportions of the ſaid Coſts and Charges ſo ordered and directed by the ſaid Commiſſioners to be paid by ſuch Perſon or Perſons as aforeſaid, and all Intereſt on ſuch Share or Shares, Proportion or Proportions, to be computed from the Time the ſame ſhall by the ſaid Commiſſioners be directed to be paid as aforeſaid, and alſo all Coſts, Charges, and Expences occaſioned by or attending ſuch Entry upon and Perception of the Rents and Profits of the ſaid Premiſes ſhall be fully paid and ſatisfied.

For borrowing Money.

XXXVIII. And whereas ſome of the Owners and Proprietors of, and Perſons intereſted in the ſaid Lands and Grounds to be incloſed, and the ſaid ancient incloſed Lands and Tenements to be exonerated from Tythes by virtue of this Act, may have Occaſion to borrow Money to defray their reſpective Shares and Proportions of the Charges and Expences of obtaining and carrying this Act into Execution; be it therefore enacted, That it ſhall and may be lawful to and for the Proprietors and Owners of, and all other Perſons whomſoever intereſted in ſuch Lands, Grounds, and Tenements, being a Tenant or Tenants for Life, with or without Impeachment of Waſte, Tenant or Tenants in Fee Tail, General or Special, or by

by the Courteſy of *England*, or for Years determinable on any Life or Lives; and alſo to and for the Huſbands, Guardians, Truſtees, and Committees of any of the ſaid Owners or Proprietors being under Coverture, Minors, Idiots, Lunatics, or beyond the Seas, or under any other Diſability whatſoever; and alſo to and for all Perſons acting as Guardians, Truſtees, or Committees of any Owners and Proprietors being under any Diſability or Incapacity whatſoever, whether ſuch Owners or Proprietors reſpectively be Tenants for Life, with or without Impeachment of Waſte, Tenants in Fee Tail, General or Special, or Tenants by the Courteſy of *England*, or for Years determinable on any Life or Lives, (other than and except the Vicar of *Belton* aforeſaid and his Succeſſors, for or in reſpect of any Allotments made to him as Vicar as aforeſaid), by any Deed or Deeds, Writing or Writings under their reſpective Hands and Seals, to be duly executed in the Preſence of, and atteſted by Two or more credible Witneſſes, to charge ſuch Lands and Grounds as ſhall be allotted to ſuch Owners and Proprietors reſpectively, or of ſuch Lands and Tenements belonging to them reſpectively as ſhall be exonerated from Tithes, with any Sum or Sums of Money not exceeding Five Pounds for each and every Acre thereof, for defraying their reſpective Proportions of the Charges and Expences of obtaining and executing this Act, and of incloſing and ſubdividing their reſpective Allotments, as the ſaid Commiſſioners ſhall think proper for ſuch Purpoſes; the ſame to be paid to ſuch Perſon or Perſons, and applied for the Purpoſes aforeſaid in ſuch Manner as the ſaid Commiſſioners ſhall direct and appoint; and for ſecuring the Re-payment of ſuch Sum and Sums of Money with Intereſt for the ſame, to grant, mortgage, leaſe, demiſe or otherwiſe ſubject their ſaid reſpective Allotments, or incloſed Lands or Tenements, or any Part thereof, unto any Perſon or Perſons who ſhall advance and lend ſuch Sum or Sums of Money reſpectively, his, her, or their Executors, Adminiſtrators, or Aſſigns, for any Term or Number of Years, ſo that every ſuch Grant, Mortgage, Demiſe, or Security, 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, and the Intereſt thereof ſhall be fully paid and ſatisfied; and ſo that in every ſuch Grant, Mortgage, Demiſe, or Security which ſhall be made by any Perſon or Perſons intereſted in, or entitled unto the Premiſes for the Term of their natural Lives only, or by his, her, or their Guardian or Guardians, Truſtee or Truſtees, Committee or Committees, there be contained a Proviſo or Covenant, that the Owner or Proprietor of the ſaid Premiſes ſhall duly pay and keep down the Intereſt of any Sum or Sums of Money to be thereby ſecured during their reſpective Lives, and no Perſon afterwards becoming ſeized or poſſeſſed of the ſaid Premiſes ſhall be liable to the Payment of any further or larger Arrear of Intereſt, than for One Year preceding the Time that the Title to ſuch Poſſeſſion ſhall have commenced; and every ſuch Grant, Mortgage, Leaſe or Demiſe of the ſaid Premiſes ſhall be good, valid, and effectual in the Law for the Purpoſes thereby intended.

Commiſſioners may deduct from Allotments of Perſons empowered to

XXXIX. And be it further enacted, That in caſe any of the Owners or Proprietors of, or Perſons intereſted in the Lands to be incloſed or exonerated from Tithes by virtue of this Act, or the Huſbands, Guardians, Truſtees, Committees, or Attornies, of or for any ſuch Owners, Proprietors, or Perſons, and who by virtue of the ſaid recited Act or this Act

raiſe Money for Expences what ſhall be deemed Equivalent, and allot the ſame to ſuch Perſons as will pay the Sum to be raiſed.

Act, ſhall have Power to raiſe Money on Mortgage for paying and defraying their reſpective Proportions of the Charges and Expences incident to or attending the obtaining of this Act and carrying the ſame into Execution, ſhall inſtead of exerciſing ſuch Power of borrowing Money as aforeſaid, be deſirous of having Land deducted or taken from their reſpective Allotments or Lands, equivalent to the Amount in Money with which they are by the ſaid recited Act or this Act enabled to charge their reſpective Allotments or incloſed Lands and Tenements, and ſhall by themſelves or Agents ſignify the ſame in Writing to the ſaid Commiſſioners in due Time, then and in every ſuch Caſe, it ſhall be lawful for the ſaid Commiſſioners and they are hereby authorized and directed to deduct or take from the reſpective Allotments or ancient incloſed Lands and Tenements belonging to ſuch Perſons as aforeſaid reſpectively, ſo much Land as ſhall in the Judgement of the ſaid Commiſſioners, be equal in Value to ſuch Sum or Sums of Money as ſuch reſpective Perſons ſhall be warranted or empowered, by virtue of the ſaid recited Act or this Act, to raiſe or charge for the Purpoſes aforeſaid, and to allot and award the ſame to ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall think proper, and who ſhall pay ſuch Sum or Sums of Money as aforeſaid; and the ſaid Land ſhall be thenceforth held by ſuch Perſon or Perſons as his, her, or their private and abſolute Property, diſcharged of all Incumbrances affecting the ſame.

Money advanced to be repaid with Intereſt.

XL. And be it further enacted, That if any Perſon or Perſons ſhall advance any Sum or Sums of Money for defraying the Expences of obtaining and paſſing this Act, or of carrying the ſame into Execution, every ſuch Perſon ſhall be repaid the ſame with Intereſt after the Rate of Five Pounds *per Centum per Annum*, out of the firſt Monies that ſhall be raiſed or received by the ſaid Commiſſioners or any of them by virtue of this Act, for defraying ſuch Expences.

Allowance to Commiſſioners.

XLI. And be it further enacted, That each of the ſaid Commiſſioners ſhall be paid the Sum of Two hundred Guineas in the whole, in Satisfaction of the Expence and Trouble which he ſhall incur in the Execution of the Powers given by this Act, One Half whereof ſhall be paid when and ſo ſoon as the Allotments ſhall be made and ſtaked, or marked out, and the other Half at the Execution of their Award; and that the ſaid Commiſſioners ſhall pay their own Expences at all Meetings to be held in purſuance of this or the ſaid recited Act.

Accounts to be examined and balanced by Two Magiſtrates annually.

XLII. And be it further enacted, That once at leaſt in each and every Year, during the Execution of this Act, (ſuch Year to be computed from the Day of paſſing thereof), the ſaid Commiſſioners ſhall, and they are hereby required to make a true 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 Two of His Majeſty's Juſtices of the Peace, for the Time being, of the ſaid County of *Leiceſter*, (not intereſted in the ſaid intended Diviſion and Incloſure), to be by them examined and balanced; and the Balance ſhall be by ſuch 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 ſuch Accounts ſhall be binding on the Parties

concerned, or valid in Law, unleſs the ſame ſhall have been duly allowed by ſuch Two Juſtices as aforeſaid.

Schedule and Valuation with a Map of all Lands affected by the Act to be annexed to Award.

XLIII. And be it further enacted, That the ſaid Commiſſioners ſhall annex or cauſe to be annexed, to the Award to be made by them, a Schedule and Valuation, together with a Map or Plan of all the Lands and Tenements in *Belton*, which ſhall be allotted, exonerated from Tithes, or exchanged by virtue of this Act, which Schedule ſhall expreſs the Names of the reſpective Proprietors, at the Time of ſuch Diviſion and Allotment, and the Quantity and Value of each Perſon's Eſtate in *Belton*, ſo affected by this Act at the Time of ſtaking out the Allotments, diſtinguiſhing the new Allotments from the ancient Inclоſures.

Perſons aggrieved may appeal to the General Quarter Seſſions.

XLIV. 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 the ſaid recited Act or this Act, (other than and except ſuch Orders and Determinations of the ſaid Commiſſioners as are by the ſaid recited Act or this Act directed to be final or 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 for the ſaid County of *Leiceſter*, within Four Calendar Months after ſuch Cauſe of Complaint ſhall have ariſen, on giving to the ſaid Commiſſioners and to the Party or Parties concerned, Fourteen Days Notice in Writing of ſuch Appeal and of the Matter thereof; and the Juſtices of 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 of ſuch Goods and Chattels, after deducting the reaſonable Charges of ſuch Warrant, Diſtreſs and Sale; which Determination of the ſaid Juſtices ſhall be final and concluſive to all Parties concerned, and ſhall not be removed by *Certiorari*, or any Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*, or elſewhere.

Not to prejudice Right of Common on Charnwood Foreſt, no Part of which is to be incloſed by virtue of this Act.

XLV. And whereas an Act was paſſed in the Forty-eighth Year of His preſent Majeſty's Reign, intituled *An Act for allotting and incloſing the Foreſt or Chace of* Charnwood, *otherwiſe* Charley Foreſt *or* Chace, *and* Rothley Plain, *in the County of* Leiceſter: And whereas the Proprietors of the Lands to be incloſed and allotted are or claim to be entitled in reſpect thereof to Right of Common upon the ſaid Foreſt or Chace; be it therefore enacted, That nothing herein contained ſhall prejudice the Right of Common upon the ſaid Foreſt or Chace appertaining to the Lands to be incloſed and allotted, but that ſuch Right of Common ſhall be deemed and conſidered to be as good and valid as if this Act had not been made; and that no Part of the ſaid Foreſt or Chace lying within the Manor or Pariſh of *Belton* aforeſaid, ſhall be allotted or incloſed by virtue of this Act.

Saving Rights of Lord of the Manor.

XLVI. And be it further enacted, That nothing herein contained ſhall prejudice, leſſen, or defeat the Right, Title, or Intereſt of the ſaid *Edward Dawſon*, as Lord of the ſaid Manor of *Belton*, or any future Lord

Lord or Lords thereof, of, in, or to any Seigniories, Royalties, Fiſheries, Free Warrens, Fairs, or other Rights, Cuſtoms, or Services, incident or belonging to the ſaid Manor; but that the ſaid *Edward Dawſon*, and the ſucceeding Lord or Lords of the ſaid Manor for the Time being, ſhall and may at all Times hereafter hold and enjoy the ſame, and all Rents and Services, Courts, Perquiſites, and Profits of Courts, Fines, Fairs, Tolls, Free Warrens, Franchiſes, Goods and Chattels of Felons and Fugitives, Felons of themſelves, Perſons put in Exigent, Waifs, Eſtrays, Deodands, Eſcheats, and all other Royalties, Privileges, Pre-eminences and Appurtenances, to the ſaid Manor incident, belonging, appending, or appertaining, (except the Right of the Soil of ſuch of the ſaid Waſte Lands as ſhall in virtue of this Act, be allotted to any other Perſon or Perſons, and the Right of Common that can or may be claimed by ſuch Lord as ſuch), in as full, ample, and beneficial Manner as they reſpectively could or might have held and enjoyed the ſame in caſe this Act had not been made.

General Saving.

XLVII. Saving always unto the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and to all Bodies Politic and Corporate, 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 Lands and Grounds hereby directed to be divided, allotted, or incloſed, or might or could have held and enjoyed therein, in caſe this Act had not been made.

Act to be printed by the King's Printer.

XLVIII. And be it further enacted, That this Act ſhall be printed by the ſeveral Printers to the King's moſt Excellent Majeſty, duly authorized to print the Statutes of the United Kingdom; and a Copy thereof ſo printed by any of them, ſhall be admitted as Evidence thereof, by all Judges, Juſtices, and others.

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