ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 83.

An Act for dividing, allotting, and incloſing the Open Common Fields, Meadows, Paſtures, Waſtes, and other Commonable Lands and Grounds, within the Pariſh of *Caſtle Bytham*, in the County of *Lincoln*.

[11th *June* 1803.]

WHEREAS there are within the Pariſh of *Caſtle Bytham* in the County of *Lincoln*, ſeveral Open Common Fields, Meadows, Paſtures, Waſtes, and other Commonable Lands and Grounds, containing together Two thouſand five hundred Acres or thereabouts: And whereas the Moſt Noble *Brownlow* Duke of *Ancaſter* and *Keſteven* is or claims to be Lord of the Manor of *Caſtle Bytham* aforeſaid, and as ſuch entitled to the Right of Soil of and in the ſaid Commons and Waſte Lands: And whereas *Henry Hopkinſon* Eſquire claims to be entitled to or intereſted in One-fourth Part of the ſaid Manor: And whereas the Dean and Chapter of the Cathedral Church of *The Bleſſed Virgin Mary* of *Lincoln*, are Owners of the Appropriate Rectory of *Caſtle Bytham* aforeſaid; and *Elizabeth Hopkinſon* Widow is their Leſſee, and as ſuch is entitled to the Rectorial or Great Tythes ariſing from the Tytheable Lands in *Caſtle Bytham* aforeſaid, and from the Tytheable Lands in *Counthorpe* and *Holywell*, in the ſaid Pariſh or Tything of *Caſtle Bytham*: And whereas the Right Reverend Father in God *George* Lord Biſhop of *Lincoln*, in Right of his See, and the ſaid Dean and Chapter of *Lincoln*, are Patrons of

of the Vicarage of *Caſtle Bytham* aforeſaid, and *Thoma Fanſhaw Middleton* Clerk is Vicar thereof, and as ſuch is entitled to the Vicarial or Small Tythes ariſing from the Tytheable Lands in *Caſtle Bytham*, *Counthorpe*, and *Holywell* aforeſaid: And whereas the ſaid Duke of *Ancaſter*, *Robert Heathcote* Eſquire, *Jacob Reynardſon* Eſquire, the ſaid *Henry Hopkinſon*, *John Coverley*, and others, are Owners and Proprietors of the ſaid Open Fields, Meadows, Waſtes, and other Open Commonable Lands and Grounds; and the ſaid Duke of *Ancaſter*, the Right Honourable *Brownlow* Lord *Brownlow*, the ſaid *Robert Heathcote*, the ſaid *Jacob Reynardſon*, and others, are Owners of the incloſed Lands in *Caſtle Bytham*, *Counthorpe*, and *Holywell* aforeſaid: 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 of the reſpective Proprietors in the ſaid Open Fields are very much intermixed and diſperſed in ſmall Parcels, and are inconveniently ſituate for Occupation, and in their preſent State are not capable of much Improvement; and it would be advantageous to the ſeveral Perſons intereſted therein, if the ſame were divided and incloſed, and ſpecifick Parts thereof allotted to the ſeveral Perſons intereſted therein, in Proportion to their ſeveral Rights, Shares, and Intereſts, and if Satisfaction was made for all the Tythes ariſing or payable for or in reſpect of the ſaid open and incloſed Lands; but the ſeveral Purpoſes aforeſaid cannot be effected without the Aid and Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That *Thomas Syſon* of *Empingham* in the County of *Rutland*, *John Burcham* of *Coningſby* in the County of *Lincoln*, and *John Cragg* of *Threckingham* in the ſame County, Gentlemen, and their Succeſſors to be elected in Manner herein-after mentioned, ſhall be and they are hereby appointed Commiſſioners for ſetting out, dividing, allotting, and incloſing all the ſaid Open Common Fields, Meadows and Waſtes, and other Open and Commonable Lands and Grounds, in the Pariſh of *Caſtle Bytham* aforeſaid, according to the Powers, Regulations, Reſtrictions, and Proviſions contained in the ſaid recited Act (except ſo far as they are hereby varied or altered), and according to ſuch Rules, Orders, Proviſions, and Directions as are herein-after expreſſed and contained, and for otherwiſe putting this Act in Execution; and that it ſhall be lawful for any Two of the ſaid Commiſſioners to do and perform every or any Act and Thing neceſſary to be done in purſuance of this Act, and to put in force and execute all and every the Powers and Authorities in this Act contained; and the ſame when ſo done, ſhall be as valid and effectual to all Intents and Purpoſes, as if done, performed, or executed, by all the ſaid Commiſſioners.

Commiſſioners appointed.

Two Commiſſioners may act.

Appointment of new Commiſſioners.

II. And be it further enacted, That if any of the Commiſſioners appointed by this Act, or who ſhall have been elected in purſuance thereof in Manner herein-after mentioned, ſhall die, decline, or refuſe to act, or become incapable of acting, before the Execution of all the Powers and Authorities hereby in them reſpectively veſted, then and in every ſuch Caſe, a new Commiſſioner or new Commiſſioners ſhall be elected and appointed

pointed in the Room or Stead of every Commiſſioner or Commiſſioners ſo dying, declining, or refuſing to act, or becoming incapable of acting in Manner following; (that is to ſay,) if the ſaid *Thomas Syſon* ſhall die, decline, or refuſe to act, or become incapable of acting, it ſhall be lawful for the ſaid *Robert Heathcote*, his Heirs or Aſſigns, or his or their known Agents or Attornies, by Writing under their reſpective Hands, or the Hands of a Majority of them, to elect and appoint a new Commiſſioner, not intereſted in the ſaid Diviſion and Incloſure, in the room of the ſaid *Thomas Syſon*, and ſo from Time to Time as often as any Commiſſioner ſo to be appointed as laſt aforeſaid, ſhall die, decline, or refuſe to act, or become incapable of acting; and if the ſaid *John Burcham* ſhall die, decline, or refuſe to act, or become incapable of acting, it ſhall be lawful for the ſaid Biſhop of *Lincoln*, the ſaid Dean and Chapter of *Lincoln*, and their Succeſſors, and their Leſſee or Leſſees for the Time being, and the ſaid *Thomas Fanſhaw Middleton* and his Succeſſors, Vicars of *Caſtle Bytham* aforeſaid, or the major Part of them, their known Agents or Attornies, by Writing under their reſpective Hands, to elect and appoint a Commiſſioner, not intereſted in the ſaid Diviſion and Incloſure, in the Room or Stead of the ſaid *John Burcham*, and ſo from Time to Time as often as any Commiſſioner ſo to be appointed as laſt aforeſaid ſhall die, decline, or refuſe to act, or become incapable of acting; and if the ſaid *John Cragg* ſhall die, decline, or refuſe to act, or become incapable of acting, it ſhall be lawful for the Lord or Lords of the ſaid Manor, and the Majority in Value of the Proprietors of and Perſons intereſted in the Lands and Grounds, directed by this Act to be divided, allotted, and incloſed, or his or their known Agents or Attornies (except the ſaid *Robert Heathcote*, and alſo except the ſaid Dean and Chapter of *Lincoln*, and their Succeſſors, and their Leſſee or Leſſees, in reſpect of ſuch Leaſehold Property, and the ſaid *Thomas Fanſhaw Middleton*, and his Succeſſors, Vicars as aforeſaid), who ſhall be preſent at a publick Meeting to be held for that Purpoſe, in the Pariſh Church of *Caſtle Bytham* aforeſaid, in purſuance of Notice in Writing to be affixed on One of the principal outer Doors of the ſaid Church, at leaſt Fourteen Days before ſuch Meeting, by Writing under their Hands to appoint a Commiſſioner, not intereſted in the ſaid Diviſion and Incloſure, in the Room or Stead of the ſaid *John Cragg*, and ſo from Time to Time, as often as any Commiſſioner, ſo to be appointed by the ſaid Proprietors, ſhall die, refuſe, or decline to act, or become incapable of acting; and in caſe the ſaid reſpective Parties, or any of them, ſhall make Default in appointing any ſuch new Commiſſioner for the Space of Two Calendar Months after the Death of any Commiſſioner, or of his declining or refuſing to act, or becoming incapable of acting, ſhall be known, then the ſurviving or remaining Commiſſioners or Commiſſioner ſhall 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 after the Expiration of the ſaid Two Calendar Months allowed to the reſpective Parties for appointing ſuch new Commiſſioner or Commiſſioners as aforeſaid, to elect and appoint a Commiſſioner, not intereſted in the ſaid Diviſion and Incloſure, in the room of every Commiſſioner dying, declining, or refuſing to act, or becoming incapable of acting as aforeſaid; and every Commiſſioner to be appointed as aforeſaid, ſhall have the like Power and Authority, in the Execution of this Act, as the Commiſſioner in whoſe Room or Stead he ſhall be appointed was veſted with.

III. And

Commissioners Allowance.

III And be it further enacted, That out of the Money to be raised for defraying the Expences of obtaining and executing this Act, there shall be paid to each of the said Commissioners acting in the Execution thereof, as a Recompence for his Pains and Trouble, the Sum of Two Pounds and Two Shillings, and no more, for each and every Day he shall be employed in travelling to or returning from, and attending in the Execution of this Act, and that at all Meetings to be held in pursuance of this Act, the said Commissioners shall bear and pay their own Expences; and that there shall be paid to the Surveyor or Surveyors to be appointed for the Purposes of this Act, such Sum or Sums of Money for every Acre of the Land and Ground to be surveyed and admeasured in pursuance thereof, as the said Commissioners shall adjudge to be a full Recompence and Satisfaction for all his Expences and Charges whatsoever, on attending the said Commissioners, and in surveying and admeasuring the said Lands and Grounds, and in planning and staking out the several Allotments intended to be made, and in making such Maps and Plans as may be requisite respectively by virtue of this Act.

Surveyors Allowance.

Commissioners to give Notice of Meetings.

IV. And be it further enacted, That the said Commissioners shall cause Notice to be given in the Parish Church of *Castle Bytham* aforesaid, on some *Sunday* immediately after Divine Service, or by Writing, to be affixed on One of the principal outer Doors of the said Church, and also by Advertisement to be inserted in the Newspaper called *The Lincoln, Rutland, and Stamford Mercury*, or in some other Newspaper published or generally circulating in the said County of *Lincoln*, of the Time and Place of their First and every other Meeting for the Execution of this Act, at least Seven Days before any such Meeting shall be held (Meetings by Adjournment only and always excepted), and that the said Commissioners shall and may adjourn from Time to Time, and from Place to Place, as they shall see Occasion, for the further Execution of this Act; and in case Two Commissioners shall not meet at the Time and Place appointed for any Meeting, or to which any Meeting shall be adjourned, it shall be lawful for any One of the said Commissioners present at such Time and Place, or for the Clerk to the said Commissioners, to adjourn the said Meeting to be held on any future Day, not exceeding Twenty-one Days from the Day of Adjournment, at the same or any other Place, and the Commissioners or Clerk making such Adjournment, is hereby required to give Notice thereof in Writing to the absent Commissioners.

Other Notices how to be given.

V. And be it further enacted, That all other Notices necessary or requisite to be made and given by the said Commissioners, shall be so made and given by Writing to be affixed on the principal outer Door of the said Parish Church, or by Advertisement to be inserted in the said Newspaper called *The Lincoln, Rutland, and Stamford Mercury*, or some other Newspaper circulated in the said County of *Lincoln*.

Commissioners to appoint a Clerk or Clerks.

VI. And be it further enacted, That the said Commissioners shall and may at the First or any other Meeting to be held under or by virtue of this Act, appoint a Clerk or Clerks to attend them in the Execution of this Act, and at any subsequent Meeting or Meetings may remove such Clerk or Clerks, and appoint another or others in his or their room.

VII. And

Commissioners to determine Differences, *etc.*

VII. And be it further enacted, That if any Dispute or Difference shall arise between any of the Proprietors of or Persons interested or claiming to be interested in any of the Lands, Grounds, or other Hereditaments intended to be divided and allotted by this Act, or touching or concerning any of their Rights or Interests therein, it shall be lawful for the said Commissioners, and they are hereby required and authorized to hear, adjudge, and determine such Dispute or Difference, both as to the Person or Persons to whom the Allotment shall be made, and as to the Specification of the Lands or Hereditaments about which such Dispute or Difference shall arise, and what the Allotment or Allotments in lieu of such Lands or Hereditaments should be, and every such Determination shall be binding and conclusive upon all Persons whomsoever, so far as it specifies such Lands or Hereditaments, and fixes what the Allotment or Allotments shall be in lieu thereof; but no such Determination of the said Commissioners, as to the Person or Persons to whom they shall award any such Allotment or Allotments shall exclude Persons who shall deem themselves injured by such Determination, from asserting and trying their Rights at Law or in Equity, in respect of the Title to any such Allotment or Allotments, so that no Trial or Judgement thereupon shall suspend or impede the Execution of this Act for any other Purpose: Provided always, that nothing herein contained shall authorize the said Commissioners to determine the Title to any Messuages, Cottages, Lands, or Hereditaments whatsoever.

Commissioners may award Costs on disputed Claims.

VIII. Provided always, and be it further enacted, That upon the Hearing and Determination of any such Disputes or Difference by the said Commissioners, it shall be lawful for them, and they are hereby empowered upon Application to them for that Purpose to settle, assess, and award such Costs, Charges, and Expences, as they shall think reasonable to be paid to the Party or Parties in whose Favour any such Dispute or Difference shall be determined to be paid by the Party or Parties whose Claim or Claims, Objection or Objections, shall be disallowed or overruled; and such Costs, Charges, and Expences shall and may be levied and recovered in such and the like Manner, and by such and the like Ways and Means, as the Charges and Expences of obtaining and executing this Act are hereby directed to be levied and recovered.

Allowing Parties dissatisfied to try their Rights by an Action at Law.

IX. Provided always, and be it further enacted, That in case any Person or Persons interested or claiming to be interested in the said intended Division and Allotments, shall be dissatisfied with any Determination of the said Commissioners, touching or concerning any Claim or Claims of the Right to the Soil of the said Commons and Waste Grounds, or of any Rights of Common, or other Rights or Interests, in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, 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, at the then next or at the following Assizes to be holden for the said County of *Lincoln*, and for that Purpose the Person or Persons who shall be dissatisfied with the Determination of the said Commissioners, 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; and the Defendant or Defendants

in such Action or Actions shall, and he, she, or they, is and are hereby required to name an Attorney or Attornies who shall appear thereto, or file Common Bail, and accept One or more Issue or Issues whereby such Claim or Claims, and the Right or Rights thereby insisted on, may be tried and determined (such Issue or Issues to be settled by the proper Officer of the Court in which the said Action or Actions shall be commenced, in case the Parties shall differ about the same), and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding, and conclusive upon all and every Person and 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: Provided always, that the Determination of the said Commissioners, touching such Claim or Claims of Right to the Soil of the said Commons and Waste Grounds, or other Rights or Interests, in, over, or upon the Lands and Grounds or any Part thereof, which shall not be objected to, or being objected to, the Party or Parties objecting not causing such Action or Actions at Law to be brought and proceeded in as aforesaid, shall be final, binding, and conclusive upon all Parties,

If any of the Parties die, Proceedings not to abate.

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

Commissioners to direct the Course of Husbandry.

XI. And be it further enacted, That the said Commissioners shall and may, as soon as conveniently may be after the passing of this Act (if they shall think it necessary or proper), by Writing under their Hands, to be affixed on One of the principal outer Doors of the Parish Church of *Castle Bytham* aforesaid, order and direct the Course of Husbandry that shall be used, in, over, and upon the Lands and Grounds intended by this Act to be divided, allotted, and inclosed, until they shall have made and completed the said Division and Allotments, as well with respect to the laying down, ploughing, sowing of Grass Seeds, fallowing and tilling thereof, as of the stocking and eating the Fallows and Stubbles, and also the cutting of Furze, Gorse, Thorns, or Bushes, upon the Lands intended by this Act to be divided, allotted, and inclosed, and to make such Recompence for the same as they shall think right, and by the same or any other Writing or Writings under their Hands, to be affixed on the Church Door as aforesaid, shall and may make such further Orders and Regulations touching the Conduct of the Farmers and Occupiers of Lands within the said Parish, for preventing them from committing Waste upon any of the Lands or Grounds therein, until the Division and Allotment intended by this Act shall be completed, as to the said Commissioners shall seem proper and expedient; all which Orders and Regulations of the said Commissioners shall be final, binding, and conclusive, upon all Parties concerned; and the said Commissioners shall and may set and impose such pecuniary Penalties and Forfeitures on every Person not conforming to such Orders and Regulations as they shall think necessary,

neceſſary, not exceeding the Sum of Five Pounds on any One Perſon for any One Offence; which Penalties and Forfeitures ſhall be paid to ſuch Perſon or Perſons, and ſhall be applied for ſuch Uſes and Purpoſes, as the ſaid Commiſſioners ſhall, by any Writing or Writings under their Hands, or by their Award, order, direct, and appoint; and ſhall and may alſo ſettle, adjudge, and determine what Portion of the Manure ſhall belong to the Landlords and Tenants reſpectively, in ſuch Caſes where the Tenant is entitled by Agreement to the Manure ariſing from the Lands in his Occupation; and ſuch Penalties and Forfeitures, and other Sum and Sums of Money ſo to be ſettled, adjudged, ordered, and determined to be paid for or on Account of the ſeveral Matters and Things aforeſaid, ſhall be recovered and recoverable in a ſummary Way, before any One Juſtice of the Peace for the Parts of *Keſteven* in the ſaid County of *Lincoln*, who is hereby authorized and required, upon Complaint made before him, to ſummon the Perſon or Perſons accuſed, and to examine any Witneſs or Witneſſes upon Oath, and to proceed to Judgement and Conviction as in Caſes of a ſimilar Nature; and if any ſuch Penalties or Forfeitures, or other Sum or Sums of Money ſhall be adjudged to have been incurred or to be paid, then it ſhall be lawful for any ſuch Juſtice, by Warrant under his Hand and Seal, to cauſe ſuch Penalties or Sum and Sums of Money, to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons offending or liable to pay the ſame, together with reaſonable Coſts, rendering the Overplus (if any) to the Owner or Owners of ſuch Goods and Chattels.

Satisfaction to be made for Standing Crops.

XII. And be it further enacted, That the ſaid Commiſſioners ſhall, by ſome Writing or Writings under their Hands, aſcertain, order, and appoint, what Recompence and Satisfaction in Money ſhall be made to the Owner or Owners of any Crops of Corn or Grain growing at the Time of ſuch Diviſion and Allotment, on any Land or Ground to be allotted to any Perſon or Perſons not having ſown or planted the ſame, to be paid by the Perſon or Perſons to whom ſuch Land or Ground ſhall be allotted; and in caſe of Non-payment of ſuch Recompence and Satisfaction, at the Time and in Manner to be appointed for that Purpoſe by the ſaid Commiſſioners, it ſhall be lawful for ſuch Owner and Owners of ſuch Crops, and his, her, or their Servants or Agents, to enter into and upon the Lands and Grounds whereon ſuch Crops ſhall be growing, and to cut, reap, and carry away the ſaid Crops, and diſpoſe thereof to his, her, or their own Uſe.

Againſt ploughing old Swarth.

XIII. Provided always, and be it further enacted, That no old Green Sward or Swarth Ground, Parcel of the Lands and Grounds intended to be incloſed or diſcharged of Tythes by the Authority of this Act, and which have not been ploughed or uſed in Tillage for the Space of Three Years laſt paſt before the paſſing of this Act, ſhall be ploughed or converted into Tillage after paſſing the ſame, until the making of ſuch Diviſion and Allotment thereof, and Notice given to enter upon ſuch Allotments.

Allotment for Repair of Roads.

XIV. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized and required to ſet out, allot, and award, One or more Plot or Plots, Parcel or Parcels, of the Lands and Grounds intended

intended by this Act to be divided, allotted, and incloſed, as they ſhall think proper, not exceeding in the Whole Five Acres, for the Purpoſe of getting Stone, Gravel, Sand, or other Materials for repairing the Roads and Ways within the Pariſh of *Caſtle Bytham*, and for the Erection or Repairs of Buildings in the ſame, and ſuch Plots or Parcels of Land ſhall be veſted in the Surveyor or Surveyors of the Highways of *Caſtle Bytham* aforeſaid for the Time being, upon Truſt for the Purpoſes aforeſaid; and all the Graſs and Herbage growing, ariſing, and renewing, on the ſame Allotment or Allotments, ſhall belong to and be the Property of ſuch Perſon or Perſons to whom the ſaid Commiſſioners ſhall allot the ſame, excluſive of all other Perſons whomſoever, or ſhall otherwiſe be applied to and for ſome general Parochial or other Uſe or Purpoſe, and ſhall be occupied in ſuch Manner and Form, as the ſaid Commiſſioners ſhall, in and by their ſaid Award, or by any other Writing under their Hands, order, direct, or appoint: Provided always, that it ſhall not be lawful for any Perſon or Perſons to graze or keep any Cattle in or upon any of the Roads or Ways to be ſet out by virtue of this Act, which ſhall be made into Lanes or fenced on both Sides, for the Space of Ten Years next after the making and executing the ſaid Award.

Roads not to be ſtocked for Ten Years.

Allotment for Glebe and Common Right.

XV. 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 and for the ſaid Dean and Chapter, and their Leſſee, and to the ſaid *Thomas Fanſhaw Middleton*, as Vicar of *Caſtle Bytham* as aforeſaid, and his Succeſſors, ſuch Part or Parts of the Lands and Grounds hereby directed to be divided, allotted, and incloſed, as ſhall in the Judgement of the ſaid Commiſſioners be equal in Value to, and a full Compenſation for the preſent unincloſed and Glebe Lands and Rights of Common reſpectively, belonging to the ſaid Dean and Chapter, and the ſaid *Elizabeth Hopkinſon* as their Leſſee, and the ſaid *Thomas Fanſhaw Middleton* as Vicar as aforeſaid, lying or being within the Lands and Grounds intended by this Act to be divided, allotted, and incloſed.

Allotment for Tythes.

XVI. 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 and for the ſaid Dean and Chapter, and their Leſſee, and the ſaid *Thomas Fanſhaw Middleton* and his Succeſſors, Vicars of *Caſtle Bytham* aforeſaid, ſo much of the Lands and Grounds intended by this Act to be divided, allotted, and incloſed, and of the ancient incloſed Lands in *Counthorpe* and *Holywell* aforeſaid, as ſhall in the Judgement of the ſaid Commiſſioners be equal in Value to One-fifth Part of all the Reſidue of the ſaid Open Arable Lands, and ſuch of the ancient Incloſures in *Caſtle Bytham*, *Counthorpe*, and *Holywell* aforeſaid, as at the Time of paſſing this Act ſhall be, or within Three Years prior to that Time have been, uſed in a regular Courſe of Huſbandry as Arable Lands, One-ninth Part of all the ſaid Lands, both open and incloſed, which ſhall be deemed to be Meadow or Paſture, and One-tenth Part of the Wood Lands within *Caſtle Bytham*, *Counthorpe*, and *Holywell* aforeſaid, ſubject or liable to the Payment of Tythes in Kind.

XVII. Provided

Commissioners to make a Deduction for Moduses, &c.

XVII. Provided always, and be it further enacted, That in all Cases where any Lands, Tenements, and Hereditaments, are held discharged of Tythes, or are subject to a Modus in lieu thereof, the Owner or Owners of such Lands, Tenements, or Hereditaments, shall be entitled to such Share and Proportion of the Tythe Allotments, as shall in the Judgement of the said Commissioners be equal in Value to such Tythes, or the Difference in Value between the same, and the Modus in lieu thereof; and the said Commissioners shall make a Deduction from the same Tythe Allotment accordingly in Favour of such Owners or Proprietors: Provided always, that if any Tythe Owner, or other Person or Persons, shall be dissatisfied respecting the Appropriation of the Lands to be set out in lieu of the Tythes of any Allotment or Allotments to be made in respect of any Lands, Tenements, or Hereditaments, held discharged of Tythes, or liable only to a Modus in lieu thereof, or with any Determination respecting the same, it shall be lawful for such Tythe Owner, or other Person or Persons, to try his, her, or their Right to any such Lands so to be set out in lieu of Tythes as aforesaid, by a feigned Issue, to be had in such and the same Manner, and within such and the same Time, as is herein-before directed with respect to other Issues to be had and taken under the Authority of this Act.

Tythe Allotments to be subdivided.

XVIII. And be it further enacted, That all such Allotments and Parcels of Land so to be set out and allotted in respect of Tythes as aforesaid, shall be divided, allotted, and apportioned by the said Commissioners, unto and amongst the said Dean and Chapter, and their Lessee, and the Vicar of *Castle Bytham* respectively, and the several Owners of Lands and Grounds held discharged of Tythes, or subject to a Modus in lieu thereof, according to their several and respective Estates, Rights, Shares, and Interests therein, and shall be accepted by the said Impropriators and Vicars, in lieu and full Bar and Satisfaction, Compensation, and Discharge, of and for all and all Manner of Tythes, both Great and Small, Moduses, Compositions, and other Payments whatsoever in lieu of Tythes, arising, growing, renewing, increasing, appertaining, or due or payable to them respectively, from, out, or in respect of, all and every or any Messuages, Cottages, Tofts, Homesteads, Gardens, Orchards, ancient Inclosures, inclosed Grounds, Open and Common Fields, Meadows, Pastures, Woods, Wood Grounds, Common and Waste Lands, and all other Lands, Tenements, and Hereditaments whatsoever, in *Castle Bytham*, *Counthorpe*, and *Holywell* aforesaid, or either of them (*Easter* Offerings, Mortuaries, and Surplice Fees only excepted); and that all such Tythes, Moduses, Compositions, and other Payments in lieu of Tythes, shall, immediately from and after the making and setting out the Allotment and Allotments in lieu and Satisfaction thereof, or at such other Time or Times as the said Commissioners shall, by any Writing under their Hands, or by their Award, direct and appoint, cease, determine, and be for ever extinguished.

Allotment for Manerial Rights.

XIX. And be it further enacted, That the said Commissioners shall and they are hereby required, in the next Place, to set out and allot unto and for the Lord or Lords of the Manor of *Castle Bytham* aforesaid, One Plot or Parcel of Land, Parcel of the Lands and Grounds

hereby directed to be divided, allotted, and incloſed, as ſhall in the Judgement of the ſaid Commiſſioners be equal in Value to One-twentieth Part of the then Reſidue of the Commons and Waſte Lands in *Caſtle Bytham* aforeſaid, in lieu of and as a full Compenſation and Satisfaction for the Right and Intereſt of the ſaid Lord or Lords of the ſaid Manor, in and to the Soil of the ſaid Commons and Waſte Grounds directed by this Act to be divided, allotted, and incloſed.

Allotments of the Reſidue.

XX. And be it further enacted, That, from and immediately after the ſaid Commiſſioners ſhall have ſet out Land for Roads, Ways, and Drains, and for getting Materials for the Repairs thereof, and made the ſeveral other Allotments herein-before directed, they the ſaid Commiſſioners ſhall, and are hereby authorized and required to ſet out, allot, and divide, all the Reſidue of the ſaid Open Fields, Meadows, Commons, and Waſte Lands, hereby intended to be divided, allotted, and incloſed, unto and amongſt the ſeveral Perſons who, at the Time of ſuch Diviſion, Allotment, and Incloſure, ſhall be poſſeſſed of or entitled to any Land, Right of Common, or other Property therein (except ſuch Property for which Allotments ſhall have been made in Manner before directed), in Proportion and according to the true and real Value of their ſeveral and reſpective Shares, Intereſts, Rights of Common, and other Property therein, and the ſame, when ſo ſet out and allotted, ſhall be in lieu and full Satisfaction of and for ſuch their ſaid ſeveral Shares, Rights, and Intereſts in the Lands and Grounds hereby intended to be divided, allotted, and incloſed, and ſhall be aſcertained and adjuſted by ſuch Ways and Means, and in ſuch Manner, as to the ſaid Commiſſioners ſhall ſeem juſt and expedient, ſubject nevertheleſs to the Rules, Orders, and Regulations, herein and in the ſaid recited Act contained.

Allotments, *etc.* to be concluſive upon Proprietors.

XXI. And be it further enacted, That the ſeveral Allotments, Exchanges, Partitions, Diviſions, Orders, and Directions, to be made by the ſaid Commiſſioners in purſuance of this or of the ſaid recited Act, ſhall be and the ſame are hereby declared to be binding, final, and concluſive, upon all and every the Parties intereſted, as well in the Lands and Grounds hereby directed to be divided and incloſed, as in any other Lands, Tenements, and Hereditaments, which by virtue of this or the ſaid recited Act ſhall be allotted or exchanged, divided, or exonerated from Tythes.

Proprietors of old incloſed Lands to pay a Satisfaction for Tythes.

XXII. And be it further enacted, That in caſe the Owner or Owners of any Meſſuages, Cottages, Homeſteads, Gardens, Orchards, or incloſed Lands and Grounds, in the Pariſh of *Caſtle Bytham* aforeſaid (except as far as reſpects the ſaid Hamlets or Places of *Counthorpe* and *Holywell*), ſhall not be entitled, upon the aforeſaid Diviſion and Incloſure, to a ſufficient Quantity of the Lands and Grounds hereby directed to be divided and allotted to exonerate their old Incloſures from Tythes, then and in ſuch Caſe the ſaid Commiſſioners ſhall, and they are hereby authorized and required to charge the reſpective Owners thereof with ſuch Sum and Sums of Money, as ſhall in the Judgement of

of the ſaid Commiſſioners be a juſt and full Compenſation and Satisfaction for the Fee Simple of the Tythes thereof reſpectively; and ſuch Sum and Sums of Money ſhall be paid to the ſaid Commiſſioners, and be by them applied towards defraying the Expences of obtaining and executing this Act; and in caſe of Non-payment thereof at the Time appointed for Payment thereof, the ſame ſhall be levied in ſuch Manner as is provided for raiſing and levying the Expences of obtaining and executing this Act.

Tenants for Life, &c. empowered to charge their Eſtates with Money paid for Exoneration from Tythes.

XXIII. And be it further enacted, That it ſhall be lawful for the Huſbands, Guardians, Truſtees, Committees, or Attornies, of or for any of the Owners or Proprietors of Meſſuages, Cottages, Homeſteads, Gardens, Orchards, or incloſed Lands or Grounds, in *Caſtle Bytham*, *Counthorpe*, and *Holywell* aforeſaid, not having a ſufficient Quantity of the Lands and Grounds hereby directed to be divided and allotted, to exonerate his, her, or their old Incloſures from Tythes, being under Coverture, Minors, Idiots, Lunaticks, beyond the Seas, or under any other Diſability or Incapacity, or for any of the Owners or Proprietors being Tenants in Tail, or for Life or Lives, or Years determinable on a Life or Lives, or any other Contingency, or otherwiſe intereſted as aforeſaid, to charge ſuch Meſſuages, Cottages, Homeſteads, Gardens, Orchards, or incloſed Lands or Grounds, with ſuch Sum or Sums of Money as the ſaid Commiſſioners ſhall by their Award, or by any other Writing under their Hands previous thereto, declare to have been paid for or on Account of the Exoneration of the Tythes thereof, and for their reſpective Shares of the Charges and Expences incident to and attending the obtaining, paſſing, and carrying this Act into Execution, not exceeding in any Caſe after the Rate of Five Pounds an Acre for every Acre of the Land ſo exonerated from Tythes as aforeſaid, and to grant, mortgage, ſurrender, leaſe, or demiſe, or otherwiſe ſubject ſuch Meſſuages, Cottages, Homeſteads, Gardens, Orchards, or incloſed Lands or Grounds, unto any Perſon or Perſons who ſhall advance and lend ſuch Sum and Sums of Money reſpectively, his, her, or their Executors, Adminiſtrators, and Aſſigns, for any Term or Number of Years; or in caſe any Perſon or Perſons in Poſſeſſion, who ſhall or may be liable to and charged with ſuch Sum or Sums of Money as aforeſaid, ſhall chooſe to advance, pay, or diſcharge the ſame, then it ſhall be lawful for the ſaid Commiſſioners, by any Deed or Writing under their Hands and Seals, to be atteſted by Two or more credible Witneſſes, in like Manner to grant, mortgage, ſurrender, leaſe, or demiſe, or otherwiſe ſubject the ſaid Meſſuages, Cottages, Homeſteads, Gardens, Orchards, or incloſed Lands and Grounds, to ſuch Perſon or Perſons reſpectively, paying and diſcharging the ſame, his, her, or their Executors, Adminiſtrators, and Aſſigns, for any Term or Number of Years, to and for the Payment of ſuch Sums of Money as aforeſaid, with Intereſt for the ſame, to commence on the Termination of his, her, or their Right or Intereſt in the Premiſes; ſo that every ſuch Grant, Mortgage, Surrender, Leaſe, or Demiſe, be made with a Proviſo or Condition to ceaſe or be void, or with an expreſs Truſt to be ſurrendered or re-aſſigned, when ſuch Sum and Sums of Money thereby to be ſecured ſhall have been fully paid and

and ſatisfied; and alſo with a Covenant to pay and keep down the Intereſt of ſuch Sum or Sums of Money, ſo that no Perſon or Perſons afterwards becoming entitled to any ſuch Meſſuages, Cottages, Homeſteads, Gardens, Orchards, or incloſed Lands and Grounds, ſhall be liable to pay any further or larger Arrear of Intereſt than for Twelve Calendar Months preceding the Time when the Title to ſuch Poſſeſſion ſhall have commenced; and that every ſuch Grant, Mortgage, Surrender, Leaſe, or Demiſe, ſhall be good, valid, and effectual in the Law, for the Purpoſes thereby intended: Provided always, that in caſe there ſhall be any Surplus of the Money laſt herein-before directed to be paid to the ſaid Commiſſioners, after defraying the Expences of obtaining and executing this Act, ſuch Surplus ſhall be applied in the Manner provided by the ſaid recited Act, with reſpect to the Money paid for the Purchaſe or Exchange of any Lands, Tenements, or Hereditaments, or the Timber growing thereon.

The Allotments in lieu of Tythes to be Ring-fenced by the other Proprietors.

XXIV. And be it further enacted, That the Allotments herein-before directed to be made for or in lieu of Glebe and Tythes reſpectively, ſhall be fenced on all ſuch Parts and Sides thereof, as ſhall not be ordered by the ſaid Commiſſioners to be made by any other Proprietor, or are not made and maintained by ſome other Pariſh or Perſon at the Time of making ſuch Allotment or Allotments, and againſt all publick Roads, with young thriving Quickſets, guarded on both Sides by good Oak Poſts, with Three Rails of Fir, Oak, Aſh, Elm, or other durable Wood, and a Ditch not leſs than Three Feet in Width at Top, and Two Feet in Depth, and good and ſubſtantial Gates ſhall alſo be fixed on ſuch Parts of the ſaid Fences where neceſſary, at the Expence of the reſt of the Owners and Proprietors of the Lands and Grounds directed by this Act to be divided and incloſed, and of ſuch of the Yards, Gardens, Orchards, ancient Incloſures, and Homeſteads, as ſhall be diſcharged of Tythes by virtue of this Act (except the ſaid *Brownlow* Lord *Brownlow* in reſpect of his ancient incloſed Lands in *Counthorpe* aforeſaid; and the ſaid *Jacob Reynardſon* in reſpect of his ancient incloſed Lands in *Holywell* aforeſaid), in ſuch Proportions, and ſhall be paid at ſuch Time or Times, and in ſuch Manner, as the ſaid Commiſſioners, by any Writing under their Hands, or in and by their Award, ſhall direct or appoint.

Owners of Freeboards to have Allotments in lieu thereof.

XXV. And be it further enacted, That in all Caſes where any of the Lands and Grounds by this Act intended to be divided, allotted, and incloſed, ſhall adjoin on any Freeboard, Screed, or Parcel of Land, left on the Outſide of the Fences of any adjoining Pariſh, Townſhip, or Place, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required to ſet out and allot unto the Owner or Owners of ſuch Freeboard, Screed, or Parcel of Land, ſuch Piece or Parcel of Land as ſhall be equal in Value to ſuch Freeboard, Screed, or Parcel of Land as aforeſaid; and the Fence or Fences adjoining to ſuch Freeboard, Screed, or Parcel of Land, and now belonging to any adjoining Pariſh, Townſhip, or Place, ſhall be for ever thereafter maintained and ſupported by and at the Expence of the Owner or Owners of ſuch Freeboard, Screed, or Parcel of Land reſpectively; and that the Allotment

or

or Allotments ſo to be ſet out and allotted as aforeſaid, in lieu of ſuch Freeboard, Screed, or Parcel of Land, ſhall be deemed and taken to be as Part and Parcel of the Pariſh, Townſhip, or Place, to which the ſaid Freeboard, Screed, or Parcel of Land, which it ſhall be ſo allotted in lieu of as aforeſaid, now belongs; and the ſaid Freeboard, Screed, or Parcel of Land, ſhall be deemed and taken to be as Part and Parcel of the ſaid Pariſh of *Caſtle Bytham*; any Thing herein or in the ſaid recited Act to the contrary notwithſtanding.

Proprietors may ſell the Allotment before the Execution of the Award, and the Right of Common ſeparate from the other Property.

XXVI. And be it further enacted, That it ſhall be lawful for any Perſon or Perſons who ſhall be entitled to any Allotment or Allotments under or by virtue of this Act, to give, grant, bargain, ſell, demiſe, mortgage, limit, convey, aſſure, and diſpoſe of the ſame, for all or any Part of his, her, or their Eſtate and Intereſt therein or Right thereto, at any Time before the Execution of the Award of the ſaid Commiſſioners; and every ſuch Gift, Grant, Bargain, Sale, Demiſe, Mortgage, and Diſpoſition thereof, as well by Will, or any other Conveyance and Aſſurance, ſhall be of the ſame Force and Validity as if made after the Execution of the ſaid Award; and alſo that it ſhall be lawful for any of the Owners or Proprietors of any Common Right upon the Lands and Grounds hereby directed to be divided and incloſed, to ſell and diſpoſe of the ſame, or of the Allotment or Allotments to be made and ſet out in reſpect thereof by virtue of this Act, ſeparate and diſtinct from the Eſtate in Right of which he or ſhe is entitled to the ſame, in ſuch Manner as he or ſhe might have done at any Time after the Execution of the ſaid Award; and it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and empowered to award all and every ſuch Allotment or Allotments which ſhall be ſo ſold and diſpoſed of, or be made and ſet out in lieu of any Common Right ſo ſold or diſpoſed of, to the Purchaſer or Purchaſers thereof, or other Perſon or Perſons who ſhall be entitled to the ſame by virtue of any ſuch Sale or Diſpoſition.

Power to vacate Leaſes at Rack Rent.

XXVII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, at any Time previous to the Execution of their Award, in all Caſes where they in their Diſcretion ſhall deem it neceſſary or expedient for the due Execution of this Act, by any Writing or Writings under their Hands, to determine and make void all or any of the Leaſes or Agreements for Leaſes at Rack Rent, or from Year to Year, then ſubſiſting, of the Lands and Grounds hereby directed to be exonerated from Tythes, and of all Lands and Hereditaments in *Caſtle Bytham* aforeſaid, which ſhall be exchanged by virtue of this or of the ſaid recited Act, and of the Lands and Grounds by this Act directed to be divided and incloſed, and of all other Lands and Hereditaments demiſed or agreed to be demiſed by, or comprized in ſuch Leaſes or Agreements reſpectively, either as to the Whole, or as to ſome Part or Parts only of the ſaid Hereditaments comprized in ſuch Leaſes or Agreements reſpectively, and at ſuch Time or Times in the Year as the ſaid Commiſſioners ſhall think moſt convenient and expedient, according to the Circumſtances of the Caſe; and in all Caſes where any ſuch Leaſes or Agreements ſhall be determined and made void as aforeſaid,

the ſaid Commiſſioners ſhall aſcertain and declare whether any and what Groſs Sum or Sums of Money ſhall be paid, or any and what Deduction or Abatement in the reſerved Rent or Rents ſhall be made by the Leſſors or Landlords to the Leſſees or Tenants, as a Compenſation and Satisfaction for ſuch total or partial Determination of their reſpective Leaſes or Agreements; and ſuch reduced Rents, ſo aſcertained and declared as aforeſaid, ſhall reſpectively become payable or commence at ſuch Time or Times, and in ſuch Manner as the ſaid Commiſſioners ſhall direct and appoint, and ſhall be recovered in like Manner as the original Rent reſerved by ſuch Leaſe or Agreement would have been by Law recoverable; and in Caſes where any Groſs Sum or Sums of Money ſhall by the ſaid Commiſſioners be aſcertained as a Compenſation to be paid by the Leſſor for determining ſuch Leaſe or Agreement, the ſame ſhall be paid by ſuch Leſſor, before he or ſhe is put into Poſſeſſion of the reſpective Lands and Hereditaments comprized in ſuch Leaſe or Agreement, or of the Allotments in reſpect of ſuch Tythes as aforeſaid; and in all Caſes where ſuch Leaſes or Agreements ſhall continue in force, as to the Whole, or any Part or Parts of the Hereditaments therein comprized, it ſhall be lawful for the ſaid Commiſſioners in like Manner to aſcertain and declare whether any and what additional Rent or Rents ſhall be paid by the Leſſees or Tenants to the Leſſors or Landlords, for or in reſpect of any Improvement in the annual Value of the Hereditaments comprized in ſuch Leaſes or Agreements reſpectively, by reaſon of the ſame being exonerated from Tythes, and exchanged reſpectively, or by the Lands and Grounds being divided and incloſed by virtue of this or of the ſaid recited Act; and ſuch additional Rents, ſo aſcertained and declared as laſt aforeſaid, ſhall commence at ſuch Time or Times, and in ſuch Manner, as the ſaid Commiſſioners ſhall direct and appoint, and ſhall afterwards be payable and recoverable in like Manner as the Rents originally reſerved would have been payable and recoverable if this Act had not been made; and it ſhall be lawful for the ſaid Commiſſioners in like Manner to ſettle, aſcertain, and declare the Courſe of Huſbandry to be uſed by ſuch Leſſees or Tenants during the Remainder of their ſubſiſting Leaſes and Agreements, in all Caſes where they ſhall deem it neceſſary and proper ſo to do: Provided nevertheleſs, that nothing herein contained ſhall extend to determine or make void any ſuch Leaſe or Agreement for a Leaſe at Rack Rent, of Lands ſituate in any other Pariſh or Townſhip than the ſaid Pariſh of *Caſtle Bytham*.

Lands allotted to be deemed of the ſame Tenures as the Lands in reſpect of which ſuch Allotments were formerly held.

XXVIII. And be it further enacted, That all ſuch Lands and Grounds, as ſhall by the Authority and in purſuance of this Act be allotted to any of the ſaid Proprietors, ſhall be held by ſuch Proprietors reſpectively under the ſame Tenures, Rents, Cuſtoms and Services, as the Lands or other Property in reſpect of which ſuch Allotments ſhall be made were reſpectively held and enjoyed by the ſaid Proprietors before the paſſing of this Act, or would have been held and enjoyed in caſe this Act had not been made; and the ſeveral Lands and Grounds which in the ſaid Award ſhall be diſtinguiſhed to have been allotted in lieu or in reſpect of Freehold Lands or other Property, ſhall, from the making and executing thereof, be deemed Freehold Lands, and ſhall from thence-

thenceforth be held of the Lord of the Fee, under the ſame Rents and by the ſame Services as the Freehold Lands or other Property, in lieu or in reſpect of which they were allotted, were before that Time held; and the ſeveral Lands and Grounds which ſhall be then diſtinguiſhed to have been allotted in lieu or in reſpect of Copyhold Lands, or other Property, ſhall in like Manner be deemed Copyhold or Cuſtomary, and ſhall be held of the Lord of the Fee thereof, under the ſame Rents, and by the ſame Cuſtoms, Duties, and Services, as the Copyhold Lands or other Property in lieu or in reſpect of which they were ſo allotted, were or ought to have been held, and ſhall paſs by the like Surrenders as the preſent Copyhold Meſſuages, Cottages, Lands, Tenements, and Hereditaments, in lieu or in reſpect whereof ſuch Allotment ſhall be made, are now holden under or liable to; and the Lands and Grounds which ſhall be then diſtinguiſhed to have been allotted in lieu or in reſpect of Leaſehold Lands or other Leaſehold Property, ſhall be in like Manner deemed Leaſehold, and ſhall be held under the ſame Rents as the Lands or other Property in lieu or in reſpect whereof they were ſo reſpectively allotted, were held; and the Reverſion thereof ſhall be veſted in the ſame Leſſors reſpectively, as the Reverſion of ſuch other Lands and Property were veſted before the making this Act; any Law, Cuſtom, or Uſage to the contrary notwithſtanding.

Wills and Sett'ements not to be affected.

XXIX. Provided always, That nothing in this Act contained ſhall extend or be conſtrued to extend to revoke, make void, alter, or annul any Will or Settlement, or to prejudice any Perſon or Perſons having any Right or Claim of Dower, Jointure, Portion, Debts, Rents, or Incumbrances, out of, upon, or affecting any of the Meſſuages, Buildings, Lands, or Grounds, to be divided, allotted, incloſed, exchanged, or diſcharged of Tythe as aforeſaid, or any Part or Parts thereof reſpectively; but that the reſpective Perſons to whom any Lands or Hereditaments ſhall be allotted or given in Exchange by virtue of this or of the ſaid recited Act, ſhall be ſeiſed thereof to ſuch and the ſame Uſes, and for ſuch and the ſame Eſtates, and ſubject to ſuch and the ſame Wills, Jointures, Rents, and Incumbrances, and no other, as the Meſſuages, Buildings, Lands, Grounds, and Hereditaments, whereof ſuch Perſon was ſeiſed or poſſeſſed at or immediately before the Execution of the Award to be made by the ſaid Commiſſioners, or for which or in reſpect whereof ſuch Allotments or Exchanges ſhall be made, would have been ſubject to, charged with, or affected by, in caſe this Act had not been made.

Expences of the Act.

XXX. And be it further enacted, That the Charges and Expences incident to and attending the obtaining and paſſing this Act, and of ſurveying, planning, valuing, dividing, allotting, and incloſing of the Lands and Grounds hereby authorized and directed to be divided, allotted, and incloſed, and alſo of ſurveying, planning, and valuing the ſaid Yards, Gardens, Orchards, old Incloſures, and Hereditaments, and of preparing and inrolling the Award to be made by the ſaid Commiſſioners, and all other Writings and Inſtruments to be executed by them in purſuance of this or the ſaid recited Act, and of the Charges and Expences of the ſaid Commiſſioners, their Aſſiſtants, and Servants, and all other the neceſſary

neceſſary Expences, in, about, and concerning the Execution of this Act, ſhall from Time to Time be borne, paid, and defrayed, by the ſeveral Proprietors intereſted in the Lands and Grounds hereby directed to be divided, allotted, and incloſed (except the ſaid Dean and Chapter, and their Leſſee or Leſſees, in reſpect of any Allotment or Allotments to be made to them for Glebe, or in lieu of Tythes, and alſo except the ſaid *Thomas Fanſhaw Middleton* and his Succeſſors, Vicars as aforeſaid, in reſpect of any Allotment or Allotments to be made to him or them as ſuch), in ſuch Shares and Proportions, and ſhall be paid to ſuch Perſon or Perſons, at ſuch Time or Times, and in ſuch Manner, as the ſaid Commiſſioners ſhall in and by their ſaid Award, or by any other Writing under their Hands, either previous to or after the Execution of their ſaid Award, order, direct, and appoint; and in caſe any ſuch Proprietors ſhall refuſe or neglect to pay his, her, or their Share or Proportion, Shares or Proportions, of ſuch Coſts, Charges, and Expences as aforeſaid, then and in ſuch Caſe the ſame ſhall and may be levied and recovered in Manner directed by the ſaid recited Act.

Expences of Exchanges to be paid by the Parties.

XXXI. And be it further enacted, That all Coſts, Charges, and Expences, attending the making and completing of any Exchanges or Partitions to be made by virtue of this or the ſaid recited Act, ſhall be paid and borne by the ſeveral Perſons making ſuch Exchanges or Partitions, in ſuch Manner and in ſuch Proportions as the ſaid Commiſſioners ſhall order and direct.

Award to be inrolled and depoſited in the Church of *Caſtle Bytham.*

XXXII. And be it further enacted, That the Award to be made by the ſaid Commiſſioners ſhall be inrolled in Manner directed by the ſaid recited Act, either in One of His Majeſty's Courts of Record at *Weſtminſter*, or with the Clerk of the Peace for the Parts of *Keſteven* in the ſaid County of *Lincoln*, and when ſo inrolled the ſame ſhall be depoſited in the Pariſh Church of *Caſtle Bytham* aforeſaid.

Intereſt to be paid for the Money advanced.

XXXIII. And be it further enacted, That all Monies which ſhall be advanced by any Perſon or Perſons for the Purpoſe of defraying the Expences of applying for, obtaining, and executing this Act, ſhall be repaid, with lawful Intereſt for the ſame, to ſuch Perſon or Perſons, out of the firſt Money to be raiſed under and by virtue of this Act.

Commiſſioners to lay their Accounts before *William Hutton* Eſquire Once in every Year.

XXXIV. 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 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 or Expences in the Execution of this Act, and ſuch Statement and Account when ſo made, together with the Vouchers relating thereto, ſhall be laid before aud examined by *William Hutton* of *Gate Burton*, in the ſaid County of *Lincoln*, Eſquire, Barriſter at Law, who is hereby appointed Auditor for that Purpoſe; and in caſe of his Death or Refuſal to act, then by ſuch other Barriſter at Law as ſhall be appointed for that Purpoſe by the Majority in Value of the Proprietors of, or Perſons intereſted in the Lands and Grounds hereby directed to be divided, allotted, and incloſed, or the known Agents of ſuch Proprietors and

and Persons respectively, by Writing under their respective Hands; and the Balance shall be by the said *William Hutton*, or such other Auditor, stated in the Book of Accounts to be kept in the Office of the Clerk to the said Commissioners.

XXXV. And be it further enacted, That 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 the said *William Hutton*, or such other Auditor as aforesaid.

Appeal to 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 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 except such Cases wherein an Issue at Law shall be tried as herein-before 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 Parts of *Kesteven*, within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioners, and to the Party or Parties concerned, Ten Days Notice in Writing of such Appeal, and of the Matter thereof; and the Justices (not interested in the Premises), in their 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 to all Parties concerned, and shall not be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants, as to them in their Discretion shall seem reasonable, and to be levied in Manner aforesaid.

General Saving.

XXXVII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person and Persons, Body or Bodies Politick, Corporate, or Collegiate, his, her, and their Heirs, Successors, Executors, and Administrators (except the several Persons to whom any Allotment or Allotments, or other Compensation, shall be made or provided by virtue of this Act, in respect of the Interest or Property for which such Allotment or Compensation shall be made, and except such other Rights and Interests as the Intent and Purposes of this Act shall absolutely require to be hereby barred, destroyed, or extinguished), all such Estates, Rights, Titles, and Interests, as they, every, or any of them, could or ought to have had and enjoyed, in, to, or out

of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, in case this Act had not been made.

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

XXXVIII. And be it further enacted, That this Act shall be printed by the Printer to the King's most Excellent Majesty; and when so printed may be given in Evidence in all Courts of Justice, and before all Judges and Justices whomsoever, who shall take judicial Notice thereof, in like Manner as if the same had been declared to be a publick Act.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1803.