ANNO QUINQUAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 18.

An Act for incloſing Lands in the Pariſh of *Haburgh*, in the County of *Lincoln*. [23d *March* 1813.]

WHEREAS there are within the Pariſh of *Haburgh*, otherwiſe *Habrough*, in the County of *Lincoln*, ſeveral Open Fields, Meadows, Paſtures, Commonable and Waſte Lands and Grounds, called *The North and South Fields*, and *The Marſhes*, which are computed to contain together about Two thouſand five hundred Acres, and the ancient Incloſures in the ſaid Pariſh are computed to contain One hundred and ſeventy Acres, or thereabouts: And whereas the Right Honourable *Charles* Lord *Yarborough* is Lord of the Manor of *Haburgh*, otherwiſe *Habrough* aforeſaid, and as ſuch is entitled to the Right of Soil of and in the ſaid Commonable and Waſte Lands and Grounds: And whereas the ſaid *Charles* Lord *Yarborough* is Owner of the Rectory Impropriate of *Haburgh*, otherwiſe *Habrough* aforeſaid, and as ſuch entitled to all the Tythes of Corn and Grain ariſing within the ſaid Pariſh, and alſo to the Tythes of Hay ariſing from the ſaid Open Fields and Meadows: And whereas the ſaid *Charles* Lord *Yarborough* is Patron of the Vicarages of *Killingholme* with *Haburgh*, otherwiſe *Habrough* aforeſaid, united; and the Reverend *William Hildyard* Clerk is Vicar thereof, and as ſuch entitled to the Tythes of Hay ariſing from the ancient Incloſures, and to all other Vicarial Tythes, or Moduſes in reſpect thereof, ariſing from the Tytheable Lands within the Pariſh of *Haburgh*, otherwiſe *Habrough* aforeſaid: And whereas the ſaid *Charles* Lord *Yarborough*, and divers other Perſons reſpectively, are Owners and Proprietors of the ſeveral Meſſuages, Cottages, and ancient Incloſures within the ſaid Pariſh of *Haburgh*, otherwiſe *Habrough* aforeſaid, and are Proprietors of and intereſted in all the

ſaid Open Fields, Meadows, Paſtures, Commonable and Waſte Lands and Grounds: And whereas the Lands and Grounds of the reſpective Proprietors in the ſaid Open Fields and Meadows lie intermixed, and diſperſed in ſmall Parcels, and the ſame, and alſo the ſaid Paſtures and other Commonable and Waſte Lands and Grounds, in their preſent State are incapable of much Improvement; and it would be of Advantage to the ſeveral Proprietors if the ſaid Open Fields, Meadows, Paſtures, Commonable and Waſte Lands and Grounds, were divided and incloſed, and ſpecific Parts thereof allotted to the ſeveral Perſons intereſted therein, in Proportion to their ſeveral Shares, Rights, and Intereſts; and if Satisfaction were to be 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 Authority of Parliament: 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:* 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 *Samuel Dickinſon* of *Thorganby*, *John Burcham* of *Coningsby*, and *Philip Skipworth* of *South Kelſey*, all in the County of *Lincoln*, Gentlemen, and their Succeſſors to be appointed as herein-after mentioned, ſhall be and are hereby appointed Commiſſioners for ſetting out, dividing, allotting, and incloſing all the ſaid Open Fields, Meadows, Paſtures, Commonable and Waſte Lands and Grounds, in the Pariſh of *Haburgh*, otherwiſe *Habrough* aforeſaid, in Manner, and according to the Rules, Orders, Powers, and Directions contained in this Act and the ſaid recited Act, ſo far as the Powers, Regulations, Directions, and Proviſions in the ſaid recited Act are not altered or controuled by or repugnant to this preſent Act; and that all Acts, Matters, and Things, done by any Two of the Commiſſioners appointed or to be appointed by virtue of this Act, ſhall, to all Intents and Purpoſes, be as valid and effectual as if the ſame were done and performed by all the ſaid Commiſſioners.

Appointment of Commiſſioners.

II. And be it further enacted, That if any of the ſaid Commiſſioners appointed by this Act, or to be ſubſtituted in Manner herein-after mentioned, ſhall, before the Completion of the ſaid Diviſion and Incloſure, die, or neglect, refuſe, decline, or become incapable to act for the Space of Forty Days, when Occaſion ſhall require his or their Attendance for the carrying of this Act and the ſaid recited Act into Execution, it ſhall be lawful from Time to Time to elect and appoint a new Commiſſioner or Commiſſioners in the Stead of him or them ſo dying, neglecting, refuſing, declining, or becoming incapable to act as aforeſaid, in the Manner following; (that is to ſay), in caſe the ſaid *Samuel Dickinſon*, or any future Commiſſioner to be appointed in his Stead, ſhall die, or neglect, refuſe, decline, or become incapable to act as aforeſaid, the ſaid *Charles* Lord *Yarborough*, his Heirs or Aſſigns, Lord or Lords of the ſaid Manor of *Haburgh*, otherwiſe *Habrough*, for the Time being, ſhall and may, by Writing under his or their Hands, appoint another Perſon (not intereſted in the ſaid Diviſion and Incloſure) to be a new Commiſſioner in the Stead of the ſaid *Samuel Dickinſon*, and of his Succeſſors reſpectively from Time

Appointment of new Commiſſioners.

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to Time, as Occaſion may require; and in caſe the ſaid *John Burcham*, or any future Commiſſioner to be appointed in his Stead, ſhall die, or ſhall neglect, refuſe, decline, or become incapable to act for the Space of Forty Days as aforeſaid, the ſaid *William Hildyard*, or his Succeſſors, Vicars aforeſaid, for the Time being, ſhall and may, by any Inſtrument or Writing under his Hand, appoint a new Commiſſioner (not intereſted in the ſaid Diviſion and Incloſure) in the Stead of the ſaid *John Burcham*, and his Succeſſors reſpectively from Time to Time, as Occaſion may require; and in caſe the ſaid *Philip Skipworth*, or any future Commiſſioner to be appointed in his Stead, ſhall die, or ſhall neglect, refuſe, decline, or become incapable to act for the Space of Forty Days as aforeſaid, then the major Part in Value (according to the Land Tax Books of Aſſeſſments, whether ſuch Land Tax ſhall have been redeemed or not) of the ſeveral Owners of and Perſons intereſted in the ſaid Open Fields, Meadows, Paſtures, Commonable and Waſte Lands and Grounds, or their Agents, to be appointed by Writing under their reſpective Hands for ſuch Purpoſe, (other than and except the Lord of the Manor, and the Vicar of *Haburgh*, otherwiſe *Habrough* aforeſaid, for the Time being,) ſhall and may, by Writing under their reſpective Hands, appoint a new Commiſſioner (not intereſted in the ſaid Diviſion and Incloſure) in the Stead of the ſaid *Philip Skipworth*, and his Succeſſors reſpectively from Time to Time, as Occaſion may require; and in caſe ſuch new Commiſſioner or Commiſſioners ſhall not be appointed by the Party or Parties, Body or Bodies Politic or Corporate, herein-before reſpectively authorized to make ſuch Appointment, within Two Calendar Months after any ſuch Vacancy as aforeſaid, and Notice thereof given by the then ſurviving and acting Commiſſioners or Commiſſioner under their or his Hands or Hand, then and in every ſuch Caſe a new Commiſſioner or Commiſſioners, to fill up ſuch Vacancy or Vacancies from Time to Time, ſhall and may be appointed by the other ſurviving and acting Commiſſioners or Commiſſioner for the Time being, by Writing under their or his Hands or Hand, at any Meeting of ſuch ſurviving Commiſſioners or Commiſſioner, of the Time and Place of which Meeting Ten Days previous Notice at the leaſt ſhall have been given in Manner herein-after mentioned; and that every ſuch new Commiſſioner, ſo to be appointed, ſhall have the ſame Powers and Authorities for carrying the Purpoſes of this Act and the ſaid recited Act into Execution, as if he had been expreſsly named and appointed by this Act.

Notice of Meetings.

III. And be it further enacted, That the ſaid Commiſſioners ſhall cauſe Notice in Writing to be given in Manner herein-after mentioned, of the Time and Place of holding their Firſt, Second, and Third Meetings, for the Purpoſe of putting this and the ſaid recited Act into Execution, at leaſt Ten Days before ſuch reſpective Meetings; and the ſaid Commiſſioners ſhall and may, after their ſaid Third Meeting, from Time to Time appoint ſuch Special and other ſubſequent Meetings for carrying into Execution the Truſts, Powers, and Authorities hereby and by the ſaid recited Act veſted in them, as they ſhall think proper, in like Manner giving Ten Days Notice in Writing of the Time and Place where each ſuch Special or ſubſequent Meeting is to be holden; but the ſaid Commiſſioners are hereby authorized and empowered, if they ſhall ſee Cauſe, without giving any public Notice, to adjourn and continue their ſaid Firſt, Second, and Third Meetings, or any of them, or any ſuch Special or other ſubſequent Meeting as aforeſaid, from Time to Time, as they ſhall ſee

convenient: Provided always, that all Meetings of the ſaid Commiſſioners ſhall be holden within the ſaid Pariſh, or within Eight Miles of the Boundary thereof.

Other Notices.

IV. And be it further enacted, That in all Caſes where Notices are required to be given to any Perſon or Perſons under this Act or the ſaid recited Act, the Delivery of the ſame, ſo far as concerns the ſaid Commiſſioners at the uſual Place of Abode of each of the ſaid Commiſſioners, or at the Office or uſual Place of Abode of their Clerk, and ſo far as concerns all other Perſons at the uſual Places of Abode of ſuch Perſons reſpectively, ſhall be deemed good Service of the ſame; and that Notices of the Meetings (except of thoſe by Adjournment) of the ſaid Commiſſioners, and of the Perambulation of the Commons and Waſte Grounds hereby directed to be divided, allotted, and incloſed, and all other public Notices directed by this Act or the ſaid recited Act to be given, ſhall be in Writing, and ſhall be ſo given by affixing the ſaid Notices reſpectively, on ſome *Sunday* in the Forenoon before or during Divine Service, on the principal Door of the Pariſh Church of *Haburgh*, otherwiſe *Habrough* aforeſaid, and alſo by cauſing the ſame to be inſerted in ſome one or more Newſpaper or Newſpapers uſually circulated in the ſaid County of *Lincoln*.

Commiſſioners to ſettle Diſputes, but not to determine Titles.

V. And be it further enacted, That if any Diſpute or Difference ſhall, before the making the Award of the ſaid Commiſſioners, ariſe between any Perſon or Perſons touching or concerning the reſpective Rights, Shares or Proportions, which any Perſon or Perſons hath or have, of, in, or to the ſaid Open Fields, Meadows, Paſtures, Commonable and Waſte Lands and Grounds, or any Part thereof, or otherwiſe relating to the Diviſion and Incloſure hereby directed and authorized to be made, then the ſaid Commiſſioners ſhall and they are hereby empowered and required to hear, enquire into, and determine all ſuch Diſputes and Differences, and all Claims and Objections which ſhall be thereupon raiſed and brought forward to the ſaid Commiſſioners, and to fix and aſcertain the Nature and Extent of the ſeveral Rights of the Perſon or Perſons, Body or Bodies Politic or Corporate, making ſuch Claim or Claims, Objection or Objections, as aforeſaid: Provided, that nothing in this Act contained ſhall authorize the ſaid Commiſſioners to determine the Title to any Meſſuages, Cottages, Lands, Tenements, or Hereditaments whatſoever.

Power to aſſeſs Coſts.

VI. Provided always, and be it further enacted, That in caſe the ſaid Commiſſioners ſhall ſee Cauſe, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to award any Coſts, it ſhall be lawful for them and they are hereby empowered to ſettle, aſſeſs, and award ſuch Coſts 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 ſuch Coſts ſhall be levied and recovered in the ſame Manner as any Penalties or Forfeitures are by the ſaid recited Act authorized to be levied or recovered.

Allowing Parties diſſatisfied with

VII. Provided always, and be it further enacted, That in caſe any Perſon or Perſons, Body or Bodies Politic or Corporate, intereſted or claiming

claiming to be interested in the said intended Division or Inclosure, shall be dissatisfied with any Determination of the said Commissioners touching or concerning the Boundaries of the said Parish of *Haburgh*, otherwise *Habrough*, or the Right of Soil, or any Right of Common or other Right or Interest in, over, and upon the Open Fields, Meadows, Pastures, Commonable and Waste Lands and Grounds, hereby directed to be divided, allotted, and inclosed, or any Part or Parts thereof, or as to the Nature, Limit and Extent of such Rights and Interests, or otherwise concerning the said Division and Inclosure, and shall by Writing under his or their Hand or Hands, or under the Hand of his or their known Agent or Attorney, or under their Common Seal respectively, give Notice of such Dissatisfaction to the said Commissioners, or their Clerk, within One Calendar Month next after every such Determination shall have been made and signified by Writing under the Hands of the said Commissioners, to the Party or Parties against whom such Determination shall have been so made, or to his or their known Agent or Attorney, it shall be lawful for the Person or Persons, Body or Bodies Politic or Corporate, so dissatisfied, to proceed to a Trial at Law of the Matter so determined by the said Commissioners at the then next or Second Assizes to be holden for the said County of *Lincoln*, and for that Purpose the Person or Persons, Body or Bodies Politic and Corporate, who shall be so dissatisfied with the Determination of the said Commissioners, shall cause an Action to be brought upon a feigned Issue against the Party or Parties in whose Favour such Determination shall have been made, within Three Calendar Months next after such Determination of the said Commissioners having been so signified as aforesaid; and the Defendant or Defendants in such Action or Actions, shall and 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, Objection or Objections, 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 brought, 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 such Court to do as is usual in other Cases,) or upon sufficient Cause shewn, to put off the Trial of such Issue or Issues; and after such Verdict or Verdicts shall be given, and final Judgment obtained thereon, the said Commissioners shall and they are hereby required to act in conformity thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials, and the Costs attending such Action or Actions shall abide the Event of the respective Trials of such Issue or Issues: Provided always, that the Determination of the said Commissioners touching such Claim or Claims, Objection or Objections as aforesaid, which shall not be objected to by such Notice to be given to the Commissioners or their Clerk as aforesaid, or being so objected to, and 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 Persons, and Bodies Politic or Corporate; and if any of the Parties, Plaintiffs or Defendants, in any Action to be brought in pursuance of this

the Commissioners Determination to try their Rights at Law.

Death of Parties not to stay Proceedings.

Provision in case of Parties dying before Action brought.

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 Death had happened; and in case any Person or Persons in whose Favour any Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time herein-before limited for bringing such Action or Actions, it shall be lawful for the Party or Parties who might have brought such Action or Actions against the Person or Persons so dying, to bring the same within the Time so limited as aforesaid against such Person or Persons as if actually living, and to serve the Clerk of the said Commissioners with Process for commencing such Action or Actions, in the same Manner as the Party or Parties might have been served therewith if living; and it shall thereupon be incumbent on the Heir or Heirs of the Person or Persons so dead, 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 such Proceedings shall be had therein, and the Costs shall follow the Event, and be recoverable 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.

Right of Possession not to be determined by the Commissioners.

VIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioners to determine the Right between any Parties contrary to the Possession of any such Parties (except in Cases of Encroachments made within the Period of Thirty Years as herein-after mentioned); but if the said Commissioners shall be of Opinion against the Right of the Person or Persons so in Possession, they shall forbear to make any Determination thereupon until the Possession shall have been given up or recovered from such Person or Persons by Ejectment, or other due Course of Law.

Encroachments.

IX. And be it further enacted, That all Encroachments which at any Time, within Thirty Years now last past, shall have been made upon the said Open Fields, Meadows, Pastures, Commonable and Waste Lands and Grounds, hereby directed to be divided and allotted, shall be deemed Part thereof, and shall be allotted accordingly.

Power to stop up old Roads.

X. And be it further enacted, That it shall be lawful for the said Commissioners to stop up any old or accustomed public Road or Roads passing or leading through any Part of the old Inclosures in the said Parish of *Haburgh*, otherwise *Habrough*, and to set out and appoint any new or other Road or Roads in, upon, or over any of the said old Inclosures, with the Concurrence of Two Justices of the Peace acting in and for the Parts of *Lindsey* in the County of *Lincoln*, and subject to the Rules, Orders, Restrictions, and Rights of Appeal, contained in and in the Manner directed by the said recited Act.

Commissioners to scour out Brooks.

XI. And be it further enacted, That the said Commissioners shall and may scour out, straighten, and widen all such Brooks, Streams, Ditches, Watercourses, Tunnels and Bridges, within the said Parish of *Haburgh*, otherwise *Habrough*, and also shall and may set out, order, and direct such new Ditches, Drains, Watercourses, Tunnels, Cloughs, Watergates,

gates, Banks and Bridges, to be made of such Depth and Breadth, and in such Situations and Directions, as they the said Commissioners shall think proper, as well in, through, over, and upon the Lands and Grounds hereby directed to be divided and inclosed, as also in, through, and over any ancient Inclosures or other Lands and Grounds within the said Parish, or any Part or Parts thereof, except Gardens, Orchards, and Homesteads (making such Satisfaction to the Owners, Lessees or Tenants, of such ancient Inclosures or other Lands or Grounds, for the Damage done thereby as the said Commissioners shall judge reasonable); and the said Commissioners shall and may and they are hereby authorized and required, in and by their General Award, to order and direct by whom and whose Expence, and at what Times and in what Manner the said Brooks, Ditches, Drains, Watercourses, Tunnels, Cloughs, Watergates, Banks and Bridges, shall be thereafter repaired, cleansed, scoured, and maintained: Provided always, that no such Brook, Stream or Watercourse, shall be diverted or turned without the Consent in Writing of the Owner or Owners of the ancient inclosed Lands and Grounds from which any such Brook, Stream or Watercourse shall be diverted, or into which any such Brook, Stream or Watercourse shall be turned.

Allotments for public Places for getting Gravel, &c.

XII. And be it further enacted, That the said Commissioners, after setting out the public Roads and Highways in Manner directed by the said recited Act, shall assign, set out, and allot such Parts of the said Lands and Grounds hereby directed to be divided, allotted, and inclosed, as the said Commissioners shall think necessary, not exceeding Two Acres in the Whole, as and for public Gravel and Sand Pits, and Places for getting Gravel or other Materials for the Repair of the Roads and Ways within the said Parish of *Haburgh*, otherwise *Habrough* aforesaid; and the same Allotments, when so set out, shall for ever thereafter be used respectively by the Surveyors of the Highways for the Time being of the said Parish, and by the Owners of Lands, Tenements, and Hereditaments, and their Tenants and Lessees for the Time being, and within the said Parish, in such Manner, and under such Rules and Regulations as the said Commissioners shall by their Award direct, but not to be elsewhere or otherwise disposed of.

In case of no Land containing Gravel or Sand, Materials to be purchased elsewhere for completing the public Roads.

XIII. Provided always, and be it further enacted, That in case there shall not be any Land to be set out as aforesaid, containing Gravel, Sand, or other Materials, necessary or proper for Repairs of Roads, then and in such Case all the public Roads to be set out by virtue of this or the said recited Act, shall be completed with such Stone, Gravel, Sand, or other Materials, as can be purchased and procured from other Parishes or Places, before the same Roads shall be declared by the Justices in their Special Sessions to be fully completed and repaired, as directed by the said recited Act.

Allotments for Glebe and Common Right.

XIV. 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 *William Hildyard*, and his Successors, Vicars as aforesaid, such Part or Parts of the Lands and Grounds, hereby directed to be divided, allotted, and inclosed, as shall, in the Judgment of the said Commissioners, be equal in Value to and a full Compensation for the present unincloſed Glebe Lands, and Right of Common (if

(if any) respectively, belonging to the said *William Hildyard*, as Vicar as aforesaid, lying and being within the Lands and Grounds intended by this Act to be divided, allotted, and inclosed.

Allotment for Tythes.

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 *Charles* Lord *Yarborough* and his Heirs, as Impropriators of *Haburgh*, otherwise *Habrough* aforesaid, and unto and for the said *William Hildyard* and his Successors, Vicars of *Haburgh*, otherwise *Habrough* aforesaid, so much of the Lands and Grounds intended by this Act to be divided, allotted, and inclosed, as shall, in the Judgment of the said Commissioners, be equal in Value to One-fifth Part of all the Arable or Tillage Lands, and One-eighth Part of all the other Lands and Grounds whatsoever, as well open as inclosed respectively, in the said Parish of *Haburgh*, otherwise *Habrough* aforesaid, subject to the Payment of Tythes in Kind, and which shall respectively remain after the several Drains and Roads, and Allotments for repair thereof, and for Glebe Lands and Common Right (if any) belonging to the said Vicarage, shall have been taken and deducted.

Commissioners to make a Deduction for Moduses, &c.

XVI. 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 Judgment 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 Allotments 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 apportioned.

XVII. 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, between the said *Charles* Lord *Yarborough* and his Heirs as Impropriators, and the said *William Hildyard* and his Successors as Vicars of *Haburgh*, otherwise *Habrough* aforesaid 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 Interest therein, and shall be accepted by the said Impropriator and Vicar 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 Rayments whatso-

ever in lieu of Tythes, ariſing, growing, renewing, increaſing, appertaining, or due or payable to them reſpectively, from, out of, 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, Common and Waſte Lands, and all other Lands, Tenements, and Hereditaments whatſoever in *Haburgh*, otherwiſe *Habrough* aforeſaid (*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 or 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, and be no longer paid and payable: Provided nevertheleſs, that not leſs than Twenty Acres of the Allotment to be made to the ſaid *William Hildyard*, as Vicar as aforeſaid, ſhall be ſet out adjoining or as near as conveniently may be to the Homeſtead of the ſaid Vicarage of *Haburgh*, otherwiſe *Habrough* aforeſaid.

Allotments to the Impropriator and Vicar to be fenced.

XVIII. And be it further enacted, That all ſuch the Outermoſt or Ring Fences as ſhall incloſe the ſaid ſeveral Allotments to be ſet out reſpectively unto and for the ſaid Impropriator and Vicar in lieu of Glebe and Tythes, and as ſhall not be liable or directed to be made and repaired by the Owners of the Lands adjoining thereto, ſhall, by the ſaid Commiſſioners, be firſt well and ſufficiently made with young thriving Quickſets, guarded by good Oak Poſts, with Three Rails of Fir, Oak, Aſh, or other durable Wood, and a Ditch not leſs than Four Feet in Width at Top, and Two Feet and a Half in Depth, and alſo with good and ſubſtantial Gates therein where neceſſary, the Charges and Expences whereof ſhall be raiſed and paid in the ſame Manner as the public Charges and Expences of this Act are hereby directed to be raiſed and paid; but that all the ſaid Fences and Gates ſhall, after the firſt making and erecting thereof, at all Times for ever thereafter be maintained and kept in Repair by and at the Expence of the ſaid Impropriator and Vicar, and their Succeſſors reſpectively.

Allotment for Manorial 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 the ſaid *Charles* Lord *Yarborough*, as Lord of the Manor of *Haburgh*, otherwiſe *Habrough* aforeſaid, one Plot or Parcel of Land, Parcel of the Lands and Grounds hereby directed to be divided and incloſed, as ſhall, in the Judgment of the ſaid Commiſſioners, be equal in Value to One-twentieth Part of the then Reſidue of the Commons and Waſte Lands in *Haburgh*, otherwiſe *Habrough* aforeſaid, in lieu of and as a full Compenſation and Satisfaction for the Right and Intereſt of the ſaid Lord of the Manor in and to the Soil of the ſaid Commons and Waſte Grounds directed by this Act to be divided, allotted, and incloſed.

Allotment of the Reſidue.

XX. And be it further enacted, That from and immediately after the ſaid Commiſſioners ſhall have ſet out Lands 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 they are hereby authorized and required to ſet out, allot, and divide

all the Reſidue of the ſaid Open Fields, Meadows, Paſtures, Commonable and Waſte Lands and Grounds 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 the 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 directed 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.

Reſpecting the Situation of Part of the Allotments to Charles Lord Yarborough.

XXI. Provided nevertheleſs, and it is hereby further enacted, That all ſuch Parts of the ſaid Open Lands and Grounds in *Haburgh*, otherwiſe *Habrough* aforeſaid, as ſhall be ſituate and lying within the Diſtance of Three hundred Yards at the leaſt from the Boundary or Diviſion Fence between the Pariſh of *Haburgh*, otherwiſe *Habrough* aforeſaid, and the adjoining Pariſh and Places of *Brockleſby*, *Newſham*, and *Cottam*, ſhall be ſet out and allotted unto and for the ſaid *Charles* Lord *Yarborough*, as Part of his Allotments to be made by virtue of this Act.

Proprietors of old incloſed Lands, not intereſted in the Fields, 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 *Haburgh*, otherwiſe *Habrough* aforeſaid, 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 the 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 Judgment 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, of the Perſon or Perſons from whoſe Allotment or Allotments a Deduction ſhall be made in reſpect of ſuch Exoneration; and in caſe of Nonpayment thereof at the Time appointed, the ſame ſhall be levied in ſuch Manner as is provided for raiſing and levying the Expences of obtaining and executing this Act; and in caſe any Surplus ſhall remain, after defraying ſuch Expences as aforeſaid, ſuch Surplus ſhall be divided and apportioned among the ſeveral Proprietors of the Lands by this Act directed to be divided, allotted, and incloſed, according to their reſpective Intereſts therein, in caſe they ſhall be ſeiſed in Fee Simple; or otherwiſe ſuch Surplus ſhall be paid into the Bank of *England*, in Manner directed by the ſaid recited Act with reſpect to the Money thereby directed to be paid for the Purchaſe or Exchange of Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Sum of Money ought to be laid out in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the ſame Uſes.

XXIII. And

Power to make Exchanges.

XXIII. 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, within the ſaid Pariſh of *Haburgh*, otherwiſe *Habrough*, in lieu of and in Exchange for any other Lands, Tenements, or Hereditaments, within the ſaid Pariſh 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, 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 as aforeſaid, who, at the Time of making ſuch Exchange or Exchanges, ſhall be reſpectively Infants, Femes Covert, Lunatics, or under any other legal Diſability, or who ſhall be beyond the Seas, or otherwiſe diſabled to act for themſelves, himſelf, or herſelf, ſuch Conſent to be teſtified in Writing under the Common Seal of the Body Politic, Corporate or Collegiate, and under the Hands of the other conſenting Parties reſpectively; and all and every ſuch Exchange and Exchanges ſo to be made ſhall be good, valid, and effectual in the Law, to all Intents and Purpoſes whatſoever: Provided nevertheleſs, that no Exchange ſhall be made of any Lands, Tenements, or Hereditaments, held in Right of any Church, Chapel, or other Eccleſiaſtical Benefice, without the Conſent, teſtified as aforeſaid, of the Patron thereof, and of the Biſhop of the Dioceſe in which ſuch Lands, Tenements, or Hereditaments, ſo to be exchanged, ſhall lie or be ſituate: Provided alſo, that all Coſts, Charges, and Expences attending the making of any Exchanges and Partitions, 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.

Leaſes at Rack Rent to be void.

XXIV. And be it further enacted, That all and every Leaſe and Leaſes at Rack Rent now ſubſiſting of all or any Part of the Lands and Grounds hereby directed to be divided and allotted, either alone or together with any other Lands or Hereditaments within the ſaid Pariſh of *Haburgh*, otherwiſe *Habrough* aforeſaid, and all Tenancies from Year to Year, or other Agreements for any Time or Term therein, ſhall ceaſe immediately on ſuch Allotments being made, the reſpective Leſſees or Tenants receiving from the reſpective Proprietors ſuch Satisfaction or Compenſation as the ſaid Commiſſioners ſhall aſcertain and award to be made on ſuch Account.

Wills and Settlements not to be affected.

XXV. Provided always, and be it further enacted, 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 Tythes as aforeſaid, or any Part

or Parts thereof respectively; but the respective Persons to whom any Lands or Hereditaments shall be allotted or given in Exchange by virtue of this 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 Persons 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.

Commissioners to direct the Course of Husbandry.

XXVI. And be it further enacted, That from and after the passing of this Act, until such Division and Allotments shall be made as aforesaid, all the Lands hereby directed to be divided and allotted shall be subject and liable to such Directions and Regulations as the said Commissioners shall from Time to Time, by Writing under their Hands appoint, as well with regard to the stocking as to the ploughing, tilling, sowing, and laying down the same, or any Part thereof; and in case any Difference or Dispute shall arise between any of the Parties interested or claiming to be interested in the said Lands, touching or concerning any Allowance for ploughing, sowing Turnips or Corn, laying with Grass Seeds, manuring or improving the said Lands, or any Part thereof, or in respect of the Tythes of or the Standage for any following or waygoing Crops, the said Commissioners shall, on Complaint made to them, hear and determine every such Difference or Dispute; and it shall be lawful for the said Commissioners to order and direct any Sum or Sums of Money in respect thereof to be paid by any Person or Persons interested in the said Lands, or any Part thereof, or his, her, or their Tenant or Tenants, to any other Person or Persons in like Manner interested therein, or his, her, or their Tenant or Tenants, as the said Commissioners shall think reasonable, not exceeding Five Pounds *per* Acre: Provided nevertheless, that the Tenants or Occupiers of such Lands shall have the Benefit of such following or waygoing Crops as they are entitled to respectively, and also of reaping and taking the same, if they elect so to do; and in case any Person or Persons who shall be directed to pay any Sum or Sums of Money on any of the Accounts aforesaid shall neglect or refuse to pay the same on Demand, then and in such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required, to raise and levy the same for the Use and Benefit of the Person or Persons entitled thereto, by such Ways and Means as the Costs, Charges, and Expences of obtaining and executing this Act, or any Part thereof, can or may be raised or levied.

No Lambs or Sheep to be kept in the new Inclosures for Seven Years.

XXVII. And be it further enacted, That for the Space of Seven Years, after the Execution of the Award of the said Commissioners, no Lambs or Sheep shall be depastured or kept in any of the intended new Inclosures to be made under this Act, unless the Persons so depasturing or keeping such Lambs or Sheep in such new Inclosures do, at their own Expence, effectually guard and fence their Neighbours Quicksets adjoining to such Inclosures respectively in which Lambs or Sheep shall be depastured and kept as aforesaid, so as to prevent any Damage or Injury being done to such Fences or Quicksets by any such Lambs or Sheep.

XXVIII. Provided

No Cattle to be turned into the Roads.

XXVIII. Provided always, and be it further enacted, That no Perſon ſhall, during the Space of Ten Years from the Execution of the ſaid Award, turn or put, or cauſe to be turned or put, any Horſes or other Cattle into any of the Roads or Ways to be ſet out by virtue of the ſaid recited Act or this Act, which ſhall be fenced on both Sides; and that in caſe any Perſon ſhall turn or put, or cauſe to be turned any Horſe or other Cattle into any of the ſaid Roads or Ways, it ſhall be lawful for the Owners or Occupiers of the Lands adjoining thereto, from Time to Time, to take, drive away, and impound the ſame as Cattle damage feaſant.

Tenants for Life, &c. of old Inclоſures, having no Open Field Land, empowered to charge their Eſtate.

XXIX. 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 *Haburgh*, otherwiſe *Habrough* 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, Lunatics, 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, and 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 at 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 reaſſigned, when ſuch Sum and Sums of Money thereby to be ſecured ſhall have been fully paid and ſatisfied, and alſo with a Covenant to pay and keep down the Intereſt of ſuch Sum and Sums of Money,

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.

Allowance to Commiſſioners and Clerk.

XXX. And be it further enacted, That out of the Monies to be raiſed for the general Purpoſes of this Act, there ſhall be paid to each of the ſaid Commiſſioners the Sum of Three Pounds Three Shillings, and no more, for each Day he ſhall be employed in travelling to and from and attending on the Execution of this or the ſaid recited Act; and the ſaid Commiſſioners are hereby authorized to appoint a Clerk to aſſiſt them, and which Clerk ſhall be paid for each Day's Attendance, any Sum not exceeding the Sum of Three Pounds and Three Shillings for his Trouble, Charges, and Attendance, as the ſaid Commiſſioners ſhall think reaſonable.

Expences of the Act.

XXXI. 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 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 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 *Charles* Lord *Yarborough* and his Heirs, as Impropriators as aforeſaid, in reſpect of any Allotment or Allotments to be made in lieu of Tythes, and alſo except the ſaid *William Hildyard* 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 Award, or by any other Writing under their Hands, 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.

Intereſt to be paid for Money advanced.

XXXII. 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 by the ſaid Commiſſioners under and by virtue of this Act.

XXXIII. Provided

XXXIII. Provided always, and be it further enacted, That the ſeveral Proprietors of the Lands and Grounds hereby directed to be divided, allotted, and incloſed, their Attornies and Agents, ſhall pay and defray their own Charges and Expences when they, or any of them, ſhall attend the ſaid Commiſſioners at any of their Meetings to be holden in purſuance of this Act. Proprietors to pay their own Expences.

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 and 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 and examined by *William Heſleden* of *Barton upon Humber*, in the ſaid County of *Lincoln*, Eſquire, who is hereby appointed Auditor for that Purpoſe; and in caſe of his Death or Refuſal to act, then by ſuch other proper Perſon as ſhall be appointed for that Purpoſe by the Majority in Value (to be aſcertained by the Land Tax Aſſeſſment) 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 Perſons reſpectively, by Writing under their reſpective Hands; and the Balance ſhall be by the ſaid *William Heſleden*, or ſuch other Auditor, ſtated in the Book of Accounts to be kept in the Office of the Clerk to the ſaid Commiſſioners; and that no Charge or Item in ſuch Accounts ſhall be binding on the Parties concerned, or valid in Law, unleſs the ſame ſhall be duly allowed by the ſaid *William Heſleden*, or ſuch other Auditor as aforeſaid. Commiſſioners to lay their Accounts before an Auditor once in every Year.

XXXV. 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 *Lindſey*, in the ſaid County of *Lincoln*; and when ſo inrolled the ſame ſhall be depoſited with the Pariſh Regiſter in the Pariſh Church of *Haburgh*, otherwiſe *Habrough* aforeſaid. Depoſit of Award.

XXXVI. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of this or the ſaid recited 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 in ſuch Caſes where 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 Parts of *Lindſey*, within Four Calendar Months next after the Cauſe of Complaint ſhall have ariſen, on giving to the ſaid Commiſſioners, and to the Party or Parties concerned, Fourteen Days Notice 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 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 Appeal to Quarter Seſſions.

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 any 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 Politic, Corporate or Collegiate, his, her, and their Heirs, Successors, 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 Interests or Property for which such Allotment or Compensation shall be made, and except such other Rights or 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 Interest, as they, every, or any of them, could or ought to have had and enjoyed, in, to, or out of the Lands hereby directed to be divided, allotted, and inclosed, in case this Act had not been made.

Act to be printed by the King's Printer.

XXXVIII. 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.

LONDON: Printed by George Eyre and Andrew Strahan,
Printers to the King's most Excellent Majesty. 1813.