ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 120.

An Act for incloſing Lands in the Pariſhes of *Saint Nicholas* and *Saint John* in *Newport*, *Saint Peter* in *Eaſtgate*, *Saint Mary le Wigford*, *Saint Martin*, and *Saint Swithin*, in the City of *Lincoln*, and in that Part of the Pariſh of *Saint Margaret* which lies within the ſaid City; and for ſetting out and appropriating certain Lands within the ſaid City, as a Common Paſture, for the Purpoſes therein mentioned. [7th *July* 1803.]

WHEREAS there are divers Open Arable Fields, Meadows, and Paſtures, called or known by the ſeveral Names of *Lincoln Fields*, *The Long Leys*, *Ruſhy Hill*, *The Short Leys*, and *The Oxpaſture*, ſituate within the ſeveral Pariſhes of *Saint Nicholas* and *Saint John* in *Newport*, and *Saint Peter* in *Eaſtgate*, all in the ſaid City of *Lincoln*, and in that Part of the Pariſh of *Saint Margaret* which lies within the ſaid City, containing together by Eſtimation One thouſand five hundred Acres or thereabouts, all which Fields, Meadows, and Paſtures are the ſeparate and known Property of divers Perſons (except ſome Parcels of Waſte Lands lying within or adjoining to the ſaid Fields), but ſubject, as to Part of the ſaid Lands, to various Rights of Common thereon: And whereas there are certain Commons, called *Carholme* and

The Fen, ſituate within the Pariſh of *Saint Mary le Wigford* in the ſaid City of *Lincoln*, containing together Three hundred Acres or thereabouts, on which Commons the Freemen of the ſaid City reſiding in the Northern Diſtrict thereof, and the Inhabitants of the ſame Diſtrict, and of the Bail and Cloſe of *Lincoln*, the Senior and Junior Vicars of the Cathedral Church of the Bleſſed Virgin *Mary* of *Lincoln*, and the Patent Officers of the ſaid Cathedral Church, and alſo the Owners and Occupiers of the ſaid Open Fields, Meadows, and Paſtures are reſpectively entitled to, or have uſed and exerciſed Rights of Common at certain Seaſons of the Year according to certain Rates, Stints, or Proportions reſpectively; and there are certain other ſmall Parcels of Open Meadow or Paſture Land, called *Lammas Grounds*, ſituate in different Pariſhes within the ſaid City, as herein-after is mentioned, which are the ſeparate and known Properties of certain Perſons, but whereon or on ſome Part whereof reſpectively the ſaid Freemen and Inhabitants reſiding in the ſaid Northern Diſtrict, and in the ſaid Bail and Cloſe, and the ſeveral other Perſons aforeſaid, and alſo the Owners and Occupiers of the ſaid Open Fields, Meadows, and Paſtures have certain Rights of Common; (that is to ſay), *The Wong*, ſituate in the ſaid Pariſh of *Saint Mary le Wigford*, *The Two Carlines Pieces*, *The Shooting Leys*, and *The Two Somerby Pieces*, all in the Pariſh of *Saint Martin*, *The Croft*, in the Pariſh of *Saint Swithin*, and *The Park Cloſe*, in the Pariſh of *Saint Margaret*; and there are alſo ſome ſmall Parcels of Waſte Land herein-after mentioned lying within the ſaid City, but not appropriated to any particular Pariſh: And whereas the Mayor, Sheriffs, Citizens, and Commonalty of the ſaid City of *Lincoln*, are Lords of the Manor of the ſaid City of *Lincoln* and County thereof, and the Right Worſhipful the Dean and Chapter of the Cathedral Church of the Bleſſed Virgin *Mary* of *Lincoln*, and *Judith Ball* Widow, their Leſſee, are entitled to a certain Manor within the ſaid City of *Lincoln*, called *Newport Manor*; and the ſaid Dean and Chapter, and *John Wilſon* Eſquire, as their Leſſee, are alſo entitled to another Manor within the ſaid City of *Lincoln*, called *Cauſe Manor*: And whereas the ſaid Dean and Chapter of the ſaid Cathedral Church of *Lincoln* are Impropriators of the Rectory of the ſaid Pariſh of *Saint Nicholas*, and *Francis Wragg* Eſquire is their Leſſee; and the ſaid Dean and Chapter and their ſaid Leſſee claim to be entitled to all the Great Tythes growing or renewing within the ſaid Pariſh of *Saint Nicholas*; and the ſaid Dean and Chapter are Patrons of the Vicarage of the ſaid Pariſh of *Saint Nicholas*, and the Reverend *William Hett* is Vicar thereof, and as ſuch entitled to certain Glebe Lands and to the Small Tythes ariſing in the ſaid Pariſh: And whereas the Worſhipful *Robert Wharton* Maſter of Arts, Chancellor of the ſaid Cathedral Church of *Lincoln*, and the Reverend *Anthony Reynolds*, as his Leſſee, claim to be entitled to a Portion of the Great and Small Tythes growing, renewing, or ariſing within ſome or One of the ſaid Pariſhes; and the ſaid Dean and Chapter, as Proprietors of a certain Farm called *Cauſe Farm*, and *John Wilſon* Eſquire, as their Leſſee, are entitled to a certain other Portion of the Great and Small Tythes ariſing alſo within ſome or One of the ſaid Pariſhes; and the ſaid Dean and Chapter, and the Directors or Governors of *The Lincoln Houſe of Induſtry*, as their Leſſees, are entitled to certain Great and Small Tythes ariſing from certain Lands within the ſaid Fields: And whereas the Reverend *Henry Bromfield*, as Prebendary of the Prebend of *Dunholme*, in the

the ſaid County of *Lincoln*, and *Robert Randes Wood*, as his Leſſee, are entitled to the Great Tythes ariſing within the ſaid Pariſh of *Saint John*, and the Reverend *William Hett* is Vicar of the Vicarage of the ſaid Pariſh of *Saint John*, which is Parcel of and appendant to the Vicarage of *Dunholme* aforeſaid, of which the ſaid Prebendary is Patron; and the ſaid *William Hett*, as Vicar as aforeſaid, is entitled to the Small Tythes of the ſaid Pariſh of *Saint John*: And whereas the Worſhipful *John Pretyman* Doctor of Divinity, Precentor of the ſaid Cathedral Church of *Lincoln*, is Impropriator of the Rectory of the ſaid Pariſh of *Saint Peter* in *Eaſtgate*, and as ſuch is entitled to all Tythes, both Great and Small, growing, renewing, or ariſing within the ſame Pariſh, and the Reverend *George Coxe* is Perpetual Curate of the ſame Pariſh: And whereas the Reverend *Luke Heſlop*, Prebendary of the Prebend of *Haydor cum Walton*, founded in the ſaid Cathedral Church of *Lincoln*, is Impropriator of the Rectory of the ſaid Pariſh of *Saint Margaret*, and *Michael Newton* Eſquire is his Leſſee thereof; and the ſaid Prebendary and the ſaid *Michael Newton*, as his Leſſee, are entitled to all the Great and Small Tythes growing, renewing, or ariſing within the ſaid Pariſh of *Saint Margaret*: And whereas the Reverend *John Ord* Doctor of Divinity, Prebendary of the Prebend of *Gretton*, founded in the Cathedral Church of *Lincoln*, is Patron of the Vicarage of the ſaid Pariſh of *Saint Mary le Wigford*, and the Reverend *William Durance* is Vicar of the ſaid Pariſh, and is entitled to all the Tythes, both Great and Small, ariſing and renewing within the ſame Pariſh: And whereas the ſaid *Judith Ball*, *John Wilſon*, *Robert Waring Darwin* (Doctor of Medicine), *Edward Darwin*, and *Francis Otter* Eſquires, and divers other Perſons, are Owners and Proprietors of or intereſted in all the Reſidue of the ſaid Open Fields, Meadows, and Paſtures before mentioned, and which are intended by this Act to be divided and incloſed: And whereas an Act was paſſed in the Forty-firſt Year of the Reign of His preſent Majeſty King *George* the Third, intituled, *An Act for conſolidating in One Act certain Proviſions uſually inſerted in Acts of Incloſure; and for facilitating the Mode of proving the ſeveral Facts uſually required on the paſſing of ſuch Acts*: And whereas it would be a great Convenience and Advantage to all Perſons intereſted if a certain Part of the ſaid Common, called *Carholme*, and the ſaid Open Meadow or Paſture Lands called *The Short Leys* and the *Oxpaſture*, which adjoin thereto, were laid together, ſet out, and appropriated as and for a Common, to be uſed and enjoyed by the Freemen of the ſaid City reſident in the ſaid Northern Diſtrict, and by the Inhabitants of the ſaid Diſtrict, and of the Bail and Cloſe of *Lincoln*, the ſaid Senior and Junior Vicars, and the ſaid Patent Officers excluſively, at ſuch Times, and according to ſuch Rates, Stints, and Proportions as the preſent Commons are now uſed and enjoyed by them as herein-after is mentioned, and to be ſeparated and divided from all the other Lands and Grounds adjoining thereto, and freed and diſcharged of and from all other Rights of Common thereon by any other Perſon or Perſons whomſoever; and if all the Reſidue of the ſaid Open Fields, Meadows, Paſtures, *Lammas* Grounds, Commons, and Waſte Lands (the Eſtates and Property wherein are now inconveniently diſperſed and intermixed with each other, and which are in their preſent State incapable of any effectual Improvement), were divided and incloſed, and ſpecifick Parts thereof allotted to the ſeveral Perſons intereſted therein, in Proportion to their reſpective

reſpective Rights, Property, and other Intereſts, freed and diſcharged of and from all Rights of Common whatſoever; and if a Compenſation and Satisfaction were made for all Tythes and Payments in lieu of Tythes ariſing or payable from or in reſpect of all and every the ſaid Lands and Grounds intended to be divided, allotted, and incloſed by the Authority of this Act; and from or in reſpect of the old incloſed Lands within the ſaid ſeveral Pariſhes of *Saint Nicholas*, *Saint John*, *Saint Peter* in *Eaſtgate*, and *Saint Margaret*, and each of them (with ſuch Exceptions nevertheleſs as are herein-after mentioned); but as ſuch Diviſion, Allotment, and Incloſure 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 *Samuel Turner* of *Buſlingthorpe*, *John Burcham*, of *Coningſby*, both in the County of *Lincoln*, and *William Whitelock* of *Brotherton*, in the County of *York*, Gentlemen, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be and they are hereby appointed Commiſſioners for dividing, allotting, and incloſing the ſaid Open Fields, Meadows, Paſtures, *Lammas* Grounds, Commonable and Waſte Lands, and for ſetting out and appropriating the ſaid Common called *Carholme*, and for carrying the Purpoſes of the ſaid recited Act and this Act into Execution, and ſubject to the Regulations of the ſaid recited Act, except in ſuch Caſes where the ſame are hereby varied or altered.

Commiſſioners.

Two Commiſſioners may act.

II. And be it further enacted, That it ſhall be lawful for any Two of the ſaid Commiſſioners to do and perform every Act and Thing neceſſary to be done in purſuance of this or the ſaid recited Act, and to put in Force and execute all and every the Powers and Authorities in this Act contained or referred to; and the ſame ſhall be as valid and effectual, to all Intents and Purpoſes, as if done, performed, or executed by all the ſaid Commiſſioners.

For appointing new Commiſſioners.

III. And be it further enacted, That if any of the Commiſſioners appointed by this Act, or who ſhall be elected in the Manner herein-after mentioned, ſhall die, refuſe, or be diſabled to act, before the Powers and Authorities hereby veſted in them ſhall be fully executed, a new Commiſſioner in the Place of any ſuch Commiſſioner ſo dying, refuſing, or being diſabled to act, ſhall be elected in Manner following; (that is to ſay), if the ſaid *Samuel Turner* ſhall die, refuſe, or be diſabled to act, it ſhall be lawful for the ſaid Mayor, Sheriffs, Citizens, and Commonalty of the ſaid City of *Lincoln*, by Writing under their Common Seal, within Two Calendar Months next after ſuch Death, Refuſal, or Diſability ſhall be ſignified to them in Writing by the other Commiſſioners or Commiſſioner, to appoint a Commiſſioner, not intereſted in the ſaid Diviſion, Allotment, and Incloſure, in the Place and Stead of the ſaid *Samuel Turner*, and ſo from Time to Time as often as the Commiſſioner appointed by the ſaid Mayor, Sheriff, Citizens, and Commonalty ſhall die, refuſe, or become incapable to act; and in caſe the ſaid *John Burcham* ſhall die, refuſe, or become diſabled to act, it ſhall be lawful for the ſaid Dean and Chapter of the ſaid Cathedral Church for the Time being,

being, by Writing under their Common Seal, within Two Calendar Months next after such Death, Refusal, or Disability shall be signified to them in Writing by the other Commissioners or Commissioner, to elect and appoint a new Commissioner, not interested in the said Division, Allotment, and Inclosure, in the Place and Stead of the said *John Burcham*, and so from Time to Time as often as the Commissioner appointed by the said Dean and Chapter shall die, refuse, or become incapable to act; and in case the said *William Whitelock* shall die, refuse, or be disabled to act, it shall be lawful for the major Part in Value of the Proprietors and Persons interested in the Lands and Grounds directed by this Act to be divided, allotted, and inclosed, or their known Agents or Attornies (except the said Mayor, Sheriffs, Citizens, and Commonalty, and the said Dean and Chapter), who shall be present at a publick Meeting to be held for that Purpose in the City of *Lincoln* aforesaid, in pursuance of a Notice to be given in Writing to be affixed on the principal outer Door of the Parish Church of *Saint Peter*, in *Eastgate*, in the said City, at least Fourteen Days before such Meeting, by Writing under their Hands, to appoint a Commissioner, not interested in the said Division, Allotment, and Inclosure, in the Room and Stead of the said *William Whitelock*, and so from Time to Time as often as any Commissioner, so to be appointed by the said Proprietors, shall die, or refuse, or become incapable to act; and in case the said respective Parties, or any of them, shall make Default in appointing any such new Commissioner within Two Calendar Months after the Death of any Commissioner, or his Refusal to act, or becoming incapable of acting, and such Notice thereof as aforesaid, 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 appoint a Commissioner, not interested in the said Division, Allotment, and Inclosure, in the room of every Commissioner so dying, refusing, or becoming incapable of acting as aforesaid; and every Commissioner to be appointed as aforesaid shall have the like Power and Authority in all Respects as the Commissioner in whose Place he shall be appointed was vested with by virtue of this Act; and that in the mean Time and until such new Commissioner or Commissioners shall be appointed in Manner aforesaid, the surviving or remaining Commissioners or Commissioner shall and may proceed in the Execution of any of the Powers vested in them by this Act, such Acts of the said Commissioners as are hereby or by the said recited Act made final and conclusive, only excepted.

Parties neglecting to appoint Commissioners, remaining Commissioners to appoint.

Until Appointment of Commissioners, remaining Commissioners to act.

IV. And be it further enacted, That a true and perfect Survey and Admeasurement shall be made of all the Lands and Grounds hereby intended to be divided, allotted, and inclosed, and also of all the antient inclosed Lands and Grounds within the said Parishes of *Saint Nicholas*, *Saint John*, *Saint Peter* in *Eastgate*, and of so much of the said Parish of *Saint Margaret* as lies within the said City of *Lincoln*, by *Anthony Bower*, of the said City, Surveyor, pursuant to the Directions contained in the said recited Act; or in case of his Death, Neglect, or Refusal to act, or becoming incapable of acting, then by such Person or Persons as the said Commissioners shall for that Purpose appoint.

Survey.

Commissioners and Surveyors Allowance.

V. And be it further enacted, That out of the Money that shall 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 for each and every Day he shall be employed in travelling to, returning from, and attending in the Execution of this Act, and no more; and at all Meetings to be held in pursuance of this Act, the said Commissioners shall, out of such Allowance, defray their own Expences; and that there shall be paid to the Surveyor or Surveyors appointed and to be appointed for the Purposes of this Act, so much 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 an adequate Recompence and Satisfaction for all his Expences and Charges whatsoever in 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 required respectively by virtue of this Act.

Commissioners to give Notice of Meetings.

VI. And be it further enacted, That the said Commissioners shall cause Notice to be given in the said Church of *Saint Peter* in *Eastgate*, on some *Sunday* immediately after Divine Service, or otherwise in Writing, to be affixed upon the principal outer Door of the said Church, of the Time and Place of their First and every other Meeting for the Execution of this Act, at least Ten Days before any such Meeting shall be held (Meetings by Adjournment only excepted); and that the said Commissioners shall and may adjourn any such Meeting from Time to Time, 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, 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 Commissioner making such Adjournment is hereby required to give Notice thereof to the absent Commissioners.

Other Notices how to be given.

VII. Provided always, 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 Advertisements in the Newspaper called *The Lincoln, Rutland, and Stamford Mercury*, or in case the same shall not be then published, then in some other Newspaper printed or circulated in the said County of *Lincoln*.

Commissioners may determine Disputes.

VIII. And be it further enacted, That if any Dispute or Difference shall arise between any of the Proprietors or Persons interested, or claiming to be interested in the said intended Division, Allotment, and Inclosure, it shall be lawful for the said Commissioners to hear, adjudge, and determine such Differences, 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 the Difference shall arise, and what the Allotment in lieu of such Lands or Hereditaments shall be: Provided always, that nothing in this Act contained shall authorize the said Commissioners

missioners to determine the Title to any Messuages, Lands, or Hereditaments whatsoever.

Power to assess Costs.

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

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

X. Provided always, and be it enacted, That in case any Person or Persons interested or claiming to be interested in the said intended Division or Allotment, 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 Fields, Meadows, Pastures, Commons, and Waste Land, or any Part or Parts thereof, or of any Rights of Common, or Interests in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, or 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 City 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 for Trial of a feigned Issue against the Person or Persons in whose Favour such Determination shall have been made, within Six 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 feigned 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 and to all and every Person or Persons whomsoever, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial or new Trials

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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, or of any Rights of Common, or Interests in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof which shall not be objected to, or being objected to, the Party or Parties objecting not causing such Action at Law to be brought and proceeded in as aforesaid, shall be final and conclusive to all Parties.

Determination of Commissioners to be final if not objected to, or no Action brought.

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

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

Allotments for repairing Roads, &c.

XII. And be it further enacted, That the said Commissioners shall set out and allot unto the Surveyors of the Highways in each of the said Parishes of *Saint Nicholas*, *Saint John*, *Saint Peter* in *Eastgate*, and *Saint Margaret* respectively, such Parcels of Land (Part of the Lands and Grounds hereby intended to be divided and allotted), as the said Commissioners shall think necessary, not exceeding Five Acres in the whole, as and for publick Sand, Gravel, Clay, and Stone Pits; and the same Allotments, when set out, shall for ever thereafter be used by the Surveyors of the Highways for repairing the publick Roads, and by the Proprietors of Lands, Tenements, and Hereditaments within the said Parishes respectively interested therein, and their Tenants for the Time being, to such Extent, in such Manner, and under such Rules and Regulations, as the said Commissioners shall in and by their Award direct and appoint.

For stopping up ancient Roads through the old Inclosures.

XIII. And be it further enacted, That it shall be lawful for the said Commissioners to divert, turn, stop up, or alter, any of the old or accustomed Roads passing by or along, or leading through any of the old Inclosures, in the said Parishes of *Saint Nicholas*, *Saint John*, *Saint Peter* in *Eastgate*, and *Saint Margaret*, *Saint Martin*, and *Saint Mary le Wigford*, or any of them, which they the said Commissioners shall judge to be useless or unnecessary, and to set out and allot such Roads as Part of the Lands and Grounds by this Act directed to be divided and inclosed, to any of the said Owners and Proprietors interested therein as aforesaid; provided, that no such old or accustomed Roads or Road as last mentioned, shall be stopped up, diverted, or altered, without the Order of Two Justices of the Peace for the County of *Lincoln*, or some Division thereof, in such Manner as is directed by the said recited Act, but subject to an Appeal to the General Quarter Sessions in Manner as in the said Act mentioned.

Extinguishment of Commoners and Proprietors Rights over certain Lands.

XIV. And be it further enacted, That, from and after the passing of this Act, all Rights of Common whatsoever at any Time belonging to, or exercised, enjoyed, or claimed, by the said Freemen of the said City of *Lincoln*, resident in the said Northern District thereof, the said Inhabitants

habitants of the ſaid Diſtrict, and of the Bail and Cloſe of *Lincoln*, and the ſaid Vicars and Patent Officers of the ſaid Cathedral Church, in, over, and upon the ſaid Open Fields, and the ſaid Waſte Lands lying within or adjoining thereto, and the ſaid Meadows and Paſtures, called *The Long Leys*, *New Cloſe*, and *Ruſhy Hill*, ſhall ceaſe, determine, and be for ever extinguiſhed; and that all Rights of Common upon the ſaid Land, called *The Short Leys* and *Oxpaſture*, ſhall from thenceforth be ſuſpended, until the ſame ſhall be ſet out and appointed as a Common by the ſaid Commiſſioners as herein-after is expreſſed; and that from thenceforth all Rights of Common whatſoever at any Time belonging to or exerciſed, enjoyed, or claimed by the ſaid Owners and Proprietors of the ſaid Fields, Meadows, and Paſtures, or their reſpective Tenants, in, over, and upon the ſaid Commons, called *Carholme* and *The Fen*, ſhall ceaſe, determine, and be for ever extinguiſhed.

Appropriation of the Weſt Common.

XV. And be it further enacted, That the ſaid Commiſſioners ſhall, as ſoon as conveniently may be after the paſſing of this Act, ſet out, aſſign, and appropriate, ſo much of the South Part of the ſaid Common called *Carholme*, as ſhall not be ſet out for the ſaid Owners and Proprietors as herein-after is directed, and the Whole of the ſaid Grounds, called *The Short Leys* and *Oxpaſture*, as the ſame are bounded by a certain Ditch running from the Top of the Wong to *Carholme* Gate, on or towards the North Weſt, by the ſaid Common called *Carholme*, on or towards the South, and by the ſaid Ground called *The Wong*, belonging to *John Wilſon* Eſquire, and other Lands on or towards the Eaſt, to be laid together as a Common, and from thenceforth to be called *The Weſt Common*, and to be for ever thereafter uſed and enjoyed by the ſaid Freemen of the ſaid City of *Lincoln*, reſident in the Northern Diſtrict thereof, and by the Inhabitants of the ſaid Diſtrict and of the Bail and Cloſe of *Lincoln*, and by the ſaid Senior and Junior Vicars, and the Patent Officers of the ſaid Cathedral Church, according to ſuch Rates and Stints, and at ſuch Times and in ſuch Manner as the ſaid Commons, called *Carholme* and *The Fen*, are now and have been heretofore uſed and enjoyed by the ſaid Freemen and other Perſons as aforeſaid reſpectively; and the Soil of the ſaid Weſt Common ſhall for ever thereafter be veſted in the ſaid Mayor, Sheriff, Citizens, and Commonalty, as Lords of the ſaid Manor of the City of *Lincoln* and County thereof; and the ſaid Commiſſioners ſhall divide and ſeparate the ſaid Common, or order and direct the ſame to be divided and ſeparated from the Lands adjoining thereto, by good and ſufficient Fences, in ſuch Manner as they ſhall think proper, where the ſame are not already ſo divided, and which Fences ſhall be made and for ever thereafter maintained and kept in Repair, by the Owners or Occupiers of the ſeveral Lands which ſhall adjoin to ſuch Common; and that the ſaid Common ſhall, from and after ſuch Time as the ſaid Commiſſioners ſhall appoint by their Award, or by Writing under their Hands, be held, uſed, and enjoyed, as laſt before mentioned, freed and diſcharged of and from all Eſtates, Rights, Intereſts, and Claims, of or in any Perſon or Perſons, Bodies Politick or Corporate whatſoever, other than the ſaid Mayor, Sheriffs, Citizens, and Commonalty of the ſaid City of *Lincoln*, and the ſaid Freemen and Inhabitants reſident as aforeſaid, and the ſaid Senior and Junior Vicars and Patent Officers of the ſaid Cathedral Church.

For aſcertaining the Value of Rights of Common over the Lammas Grounds.

XVI. And be it further enacted, That in lieu of and in Exchange for the ſaid Lands, called *The Short Leys* and *The Oxpaſture*, and for making a Satisfaction and Compenſation for the ſame, the ſaid Commiſſioners ſhall, in the Firſt Place, make a fair and juſt Eſtimate and Valuation of the Rights of Common which the ſaid Freemen and Inhabitants reſident as aforeſaid are entitled to, in and upon the ſaid Parcels of Meadow and Paſture, called *Lammas Grounds*, herein-before enumerated and ſpecified, and they ſhall, in every Caſe where they ſhall deem it proper and expedient, ſet out and allot ſuch Parcel or Parcels of the ſame Lammas Grounds reſpectively, in lieu of the Rights of Common thereon, as they ſhall judge equivalent to the Value of ſuch Rights, or otherwiſe the ſaid Commiſſioners ſhall fix, aſcertain, and appoint, the Sum or Sums of Money to be paid by the Proprietors of the ſame Lands or Grounds reſpectively, for the Purchaſe of ſuch Rights of Common thereon, and the Sum or Sums of Money ſo fixed ſhall be paid by ſuch Proprietors reſpectively, to the ſaid Commiſſioners, at ſuch Time or Times as they ſhall appoint, and ſhall be applied by them for or towards, and in Satisfaction of the Charges and Expences attending the obtaining and paſſing this Act, and carrying the ſame into Execution; and the ſaid ſeveral Parcels of Land, called *Lammas Grounds*, or ſo much thereof reſpectively as ſhall remain after ſuch Allotments ſhall be made therefrom, in lieu of the Common Rights thereon as aforeſaid, as the Caſe may be, ſhall, from and immediately after the ſaid Sum or Sums of Money ſhall be ſo aſcertained and paid to the ſaid Commiſſioners, or ſuch Allotments therefrom ſhall be ſet out and allotted as aforeſaid, be held and enjoyed by the ſeveral Proprietors thereof, freed and abſolutely diſcharged of and from all ſuch Rights of Common in and upon the ſame as aforeſaid, and ſhall and may be incloſed and held in Severalty by them the ſaid Proprietors reſpectively, from ſuch Time as the ſaid Commiſſioners ſhall by their ſaid Award, or by any Writing under their Hands, direct and appoint.

For allotting an Equivalent in lieu of the Short Leys and Ox Paſture.

XVII. And be it further enacted, That the ſaid Commiſſioners ſhall in the next Place ſet out, aſſign, and allot, the ſaid ſeveral Pieces and Parcels of Land ſo to be taken and ſet out from the ſaid Lammas Grounds, in lieu of the Rights of Common thereon, and the ſaid ſeveral Parcels of Waſte Land, in Manner herein-after directed; (that is to ſay), all that Parcel of Waſte Land called *Motherby Hill*, ſituate in the ſaid Pariſh of *Saint Martin*, and all that other Parcel of Waſte Land called *Sawpit Hill* in ſaid City of *Lincoln*, near to the County Hoſpital, and all other the Waſte Lands within the ſeveral Pariſhes herein-before mentioned, (except certain Waſtes called *Newport Green*, and the Pits on the Weſt thereof, and *Ruſhy Hill*, in lieu of which an Allotment is herein-after directed to be made to the ſaid Lords of the ſaid Manors), and the Whole of the ſaid Common called *The Fen*, which ſhall remain after the Allotment to be taken therefrom in lieu of the Tythe thereof, as herein-after is mentioned, and alſo ſo much of the Weſt End or Part of the ſaid Common called *Carholme*, after taking from ſuch Part thereof as lies within the ſaid Pariſh of *Saint Mary le Wigford*, an Allotment in lieu of the Tythes thereof, as herein-after is mentioned, as together with the Amount of the ſeveral Sums of Money which ſhall be paid to the ſaid Commiſſioners for the Purchaſe of the ſaid Common Rights, and the Value of the ſaid ſeveral Parcels of the ſaid Lammas Grounds to be ſet out in lieu of ſuch Common Rights, and the ſaid Waſte Lands (except as aforeſaid) and

the

the ſaid Fen, ſhall in the Judgement of the ſaid Commiſſioners be equal in Value to and a fair Equivalent and Satisfaction for the ſaid Grounds called *The Short Leys* and *Oxpaſture*, ſo given up in Exchange by the ſaid Proprietors, and to be aſſigned and appropriated with ſuch Part of the ſaid Common called *Carholme* as aforeſaid, as a Common Paſture for ſuch Freemen and other Commoners as aforeſaid; and the ſaid ſeveral Pieces of Land to be ſo taken and ſet out from the ſaid Lammas Grounds, the ſaid Parcels of Waſte Land before deſcribed (except as aforeſaid), the ſaid Fen, and ſo much of the Weſt End or Part of the ſaid Common called *Carholme* as laſt mentioned, ſhall be deemed and conſidered as Part of the Lands and Grounds to be divided, allotted, and incloſed, by virtue of this Act, and ſhall be allotted unto and amongſt the Owners and Proprietors of the ſaid Open Fields, Meadows, and Paſtures, or ſome of them, in Proportion to their reſpective Rights and Intereſts: Provided always, that the ſaid Commiſſioners ſhall not in any Event, nor on any Account whatever (except as herein-after is mentioned) ſet out or aſſign to or for the ſaid Owners of the ſaid Open Fields, Meadows, and Paſtures, any Part of the ſaid Common called *Carholme*, which lies on the South Eaſt Side of a Line now drawn and marked thereon by Stakes, beginning at the North Weſt Corner of the Fence dividing *Carholme* from the *Oxpaſture*, and extending from thence over the ſaid Common called *Carholme*, to certain old Incloſures in the ſaid Pariſh of *Saint Mary le Wigford*, Part of a Farm called *The Waves Farm*.

Allotment to the Vicar of *St. Mary le Wigford* in lieu of Tythe.

XVIII. And be it further enacted, That the ſaid Commiſſioners ſhall ſet out and allot unto and for the ſaid *William Durance*, as Vicar of the ſaid Pariſh of *Saint Mary le Wigford* aforeſaid, ſuch Piece or Parcel, or ſuch Pieces or Parcels of the ſaid Common called *The Fen*, and of ſo much of the Weſt End or Part of the ſaid Common called *Carholme* as lies in the ſaid Pariſh of *Saint Mary le Wigford*, and which ſhall be divided and incloſed under and by virtue of this Act, as ſhall in the Judgement of the ſaid Commiſſioners be equal in Value to Two ſeventeenth Parts of the ſaid Common called *The Fen*, and of ſo much of the ſaid Weſt End or Part of the ſaid Common called *Carholme* as lies in the ſaid Pariſh of *Saint Mary le Wigford* as aforeſaid, and which ſhall be divided and incloſed under and by virtue of this Act, in lieu of and in full Satisfaction for all Great and Small Tythes, ariſing, belonging, or payable to the ſaid *William Durance*, out of or from the ſaid Common called *The Fen*, and of ſuch Part of the ſaid Weſt End or Part of *Carholme* as lies in the ſaid Pariſh of *Saint Mary le Wigford* aforeſaid, and which ſhall be divided and incloſed as aforeſaid under or by virtue of this Act.

For making Compenſation for Allotment in lieu of Tythe of the Pariſh of *St. Mary le Wigford*.

XIX. Provided always, and be it further enacted, That in caſe the ſaid Fen, after the Allotment to be taken therefrom for the Tythe thereof as aforeſaid, and the ſaid Weſt End or Part of *Carholme* ſo ſtaked out from the South Eaſt Side thereof as aforeſaid, after the Allotment taken alſo from ſuch Part thereof as lies in the ſaid Pariſh of *Saint Mary le Wigford*, in lieu of the Tythe thereof alſo, ſhall in the Judgement of the ſaid Commiſſioners be inſufficient to make up a fair Equivalent for the ſaid Lands or Grounds called *The Short Leys* and *Oxpaſture*, that then it ſhall and may be lawful to and for the ſaid Commiſſioners to add to the ſaid Weſt End or Part of *Carholme* ſo ſtaked out as aforeſaid, and ſet out and aſſign the ſame accordingly to the ſaid Owners of the ſaid Open Fields,

Fields, Meadows, and Paſtures; ſo much Land or Ground along and on the South East Side of the ſaid Line, marked by Stakes as aforeſaid, as ſhall in the Judgement of the ſaid Commiſſioners be equal in Value to the Land or Ground which ſhall be ſet out and allotted to the ſaid *William Durance*, in lieu of and for the Tythe of the ſaid Common called *The Fen*; and ſo much of the Weſt End or Part of the ſaid Common called *Carholme*, as lies in the ſaid Pariſh of *Saint Mary le Wigford*, and which ſhall be divided and incloſed as aforeſaid.

Corporation of *Lincoln* may erect a Stand, *etc.* on the Weſt Common.

XX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Mayor, Sheriff, Citizens, and Commonalty, from Time to Time and at all Times from and after the paſſing of this Act, to erect and build a Stand and any other Buildings whatſoever in and upon any Part or Parts of the ſaid Weſt Common, which they ſhall judge convenient or proper for the Purpoſes of the Meeting for the publick Races uſually held or to be held there, and to do, make, and execute, all ſuch Orders, Rules, and Regulations, and other Acts, Matters, and Things, for conducting the ſame with Regularity, Safety, and Convenience, as they ſhall judge neceſſary and expedient; all which Stands and Buildings ſo to be at any Time erected, ſhall be veſted in and ſhall be the abſolute Property of the ſaid Mayor, Sheriffs, Citizens, and Commonalty.

To prevent the making of Carriage Roads over the Weſt Common.

XXI. And be it further enacted, That, from and after the ſaid Weſt Common ſhall be ſo appropriated as aforeſaid, if any Perſon or Perſons ſhall, at any Time or Times thereafter, make or cauſe to be made any Carriage Road or Roads over any Part of the ſaid Common to or from any Lands or Grounds adjoining or near thereto, or to or from the Navigation for any Purpoſe whatſoever (other than and along the preſent Turnpike Road leading from the ſaid City of *Lincoln*, acroſs the ſaid Common), every ſuch Perſon or Perſons ſhall on Conviction for every ſuch Offence before any One of His Majeſty's Juſtices of the Peace of the ſaid City of *Lincoln* or County of *Lincoln*, on the Information and Oath of One or more Witneſs or Witneſſes, forfeit and pay any Sum of Money not exceeding Twenty Shillings nor leſs than Ten Shillings, to be levied and recovered by a Warrant or Warrants under the Hand and Seal of ſuch Juſtice, by Diſtreſs and Sale of the Goods and Chattels of ſuch Offender or Offenders; and every ſuch Penalty or Forfeiture, after the ſame ſhall be paid, ſhall, by the Juſtice or Juſtices before whom ſuch Conviction ſhall take place, be directed to be paid One Half Part thereof to the Informer or Informers, and the other Half Part thereof to the Uſe of the Poor of ſuch Pariſh within the ſaid City of *Lincoln*, as the ſaid Juſtice or Juſtices may think proper.

Appointment of a Place for holding *St. Hugh*'s Fair, in room of the old Place.

XXII. And whereas the ſaid Mayor, Sheriffs, Citizens, and Commonalty, of the ſaid City of *Lincoln*, have immemorially held a publick Fair called *Saint Hugh's Fair*, for the Sale of Horſes, Cattle, and Sheep, in and upon the ſaid Piece or Parcel of Ground called *The Croft*, ſituate within the ſaid Pariſh of *Saint Swithin*, upon the Twenty-eighth Day of *November* in every Year, and the Situation and Acceſs to the ſame being found inconvenient for that Purpoſe; be it therefore enacted, That, from and immediately after the paſſing of this Act, the ſaid Fair ſhall ceaſe to be held in or upon the ſaid Piece or Parcel of Ground called *The Croft*, and that the ſaid Croft ſhall from thenceforth be poſſeſſed and enjoyed by the

the Owner or Owners thereof for ever thereafter, freed and discharged of and from all Right, Power, or Claim, in or by the said Mayor, Sheriffs, Citizens, and Commonalty, to hold the said Fair, or any other Fair in or upon the same Parcel of Ground, or in or by any other Person or Persons whomsoever, to meet or assemble upon, or to drive, lead, or bring any Cattle or other Stock in or upon the same Parcel of Ground for Sale, or for the Purpose of the said Fair, or of any other Fair whatsoever; and that from thenceforth it shall and may be lawful to and for the said Mayor, Sheriffs, Citizens, and Commonalty, and they are hereby authorized and empowered to hold the said Fair, called *Saint Hugh's Fair*, upon the said Twenty-eighth Day of *November* in every Year, or on such other Day or Days as shall be appointed and legally established for holding the same, in and upon a certain Street or Place called *Broadgate*, in the Parish of *Saint Swithin* within the said City, and in and upon the Roads and Wastes thereto adjoining, in such Manner and for the same Purposes as the said Fair hath hitherto been accustomed to be held in and upon the said Parcel of Ground called *The Croft*.

Parochial Division.

XXIII. And be it further enacted, That the said Commissioners shall, in the next Place, set out and divide the said Open Arable Fields, and the said Meadows, Pastures, and Commons, called *The Long Leys*, *Rushy Hill*, and such Part of *Carholme* as does not lie in the said Parish of *Saint Mary le Wigford*, and which shall be so set out, to be allotted to the said Proprietors as before mentioned, and also all the said Waste Lands hereinbefore mentioned and specified, into Four or more distinct and separate Parts, One or more of such Parts for each of the said Parishes of *Saint Nicholas*, *Saint John*, *Saint Peter* in *Eastgate*, and *Saint Margaret*, according and in Proportion to the Value of the several Lands, Common Rights, and Estates in the said Open Fields, Meadows, Pastures, and Commons, lying within the same Parishes respectively; and in making such Division the said Commissioners shall pay due Regard to the Quantity, Quality, and Situation of the Lands and Grounds so to be allotted to each Parish respectively.

Allotments to Tythe Owners for Glebe and Common Right.

XXIV. And be it further enacted, That the said Commissioners shall, in the next Place, set out and allot unto and for the Dean and Chapter of the Cathedral Church of *Lincoln*, Impropriators of the said Rectory of *Saint Nicholas*, and to the said *Francis Wragg* as their Lessee, and to the said *William Hett* as Vicar thereof as aforesaid, and to the said *Robert Wharton* Chancellor of the said Cathedral Church, and as such entitled to a Portion of Tythes as herein-before mentioned, and to the said *Anthony Reynolds* as his Lessee thereof, and to the said Dean and Chapter, and the said *John Wilson* their Lessee, in Right of the said Farm called *Cause Farm*; and to the said *John Pretyman* Precentor of the said Cathedral Church, and Impropriator of the Rectory of the said Parish of *Saint Peter* in *Eastgate*, and to the said *Luke Heslop* Prebendary of the said Prebend of *Haydor cum Walton*, and to the said *Michael Newton* as his Lessee, and to the said Reverend *Henry Bromfield*, and the said *Robert Randes Wood* as his Lessee, and the said *William Hett* as Vicar as aforesaid, and the said Dean and Chapter, and the said Directors and Governors as their Lessees, such several Parcels of Lands, Part of the Lands and Grounds which shall be set out for the Shares of the said Four Parishes of *Saint Nicholas*, *Saint John*, *Saint Peter* in *Eastgate*, and *Saint Margaret* respectively,

respectively, as shall in the Judgement of the said Commissioners be equal in Value to and a full Compensation for the unincloſed Glebe Lands belonging to them respectively in the said Open Fields, Meadows, Pastures, Commons, and Waste Lands, by this Act directed to be divided and incloſed.

Tythe Allotments.

XXV. And be it further enacted, That the said Commissioners shall, in the next Place, set out and allot unto and for the said several Impropriators and their respective Lessees, and the said Vicars and such other Tythe Owners as aforesaid, and their several Successors, Heirs, and Assigns respectively, such Pieces and Parcels of the Lands and Grounds which shall be set out and assigned for the Shares of the said Four Parishes last mentioned respectively, as shall in the Judgement of the said Commissioners be equal in Value to One-Fifth Part of all the Lands lying within the Ring Fence of the said Open Arable Fields, hereby directed to be divided and incloſed, which are not Waste Lands, and to One-Eighth Part of all other the Lands and Grounds whatsoever, both open and incloſed, situate within the said Four Parishes last before named, or any of them, which are subject to the Payment of Tythes to the said Tythe Owners, or any of them, and which shall remain, after all publick and private Roads and Ways, the Allotments for furnishing Materials for the Repairs thereof; and the Allotments to the said respective Tythe Owners in lieu of their Glebe Lands and Common Rights, shall be set out and deducted (except as herein-after is next mentioned).

Tythe of old Incloſure.

XXVI. Provided always, and be it further enacted, That in case the Owners of any Homesteads, Gardens, Orchards, or incloſed Lands and Grounds within the said Four Parishes last named, or any of them, intended to be exonerated from Tythes, shall not be entitled, upon the said Division, to any Allotment of or from the Lands and Grounds hereby directed to be divided and allotted, or shall be entitled to so small a Portion thereof as shall be inadequate to exonerate his or their Homesteads, Gardens, Orchards, or old Incloſures from such Tythes, then and in every such Case the said Homesteads, Gardens, Orchards, and old incloſed Lands respectively, shall remain subject to the Payment of Tythe as heretofore.

Commissioners to divide Tythe Allotments.

XXVII. And be it further enacted, That the said Commissioners shall and may, and they are hereby authorized and required, to apportion, set out, and divide, the said Allotments so to be made to the said Tythe Owners respectively as aforesaid, in lieu of Tythes, between and amongst the said Impropriators and their Lessees, and the said Vicars and other Tythe Owners respectively, and their several Successors, Heirs, and Assigns, in such Parts, Shares, and Proportions, as the said Commissioners shall adjudge and determine to be an equal and just Compensation for their respective Rights and Interests in and to the Great and Small Tythes, arising out of and from the Lands and Grounds hereby directed to be divided and incloſed.

Allotments to be in lieu of Tythes.

XXVIII. And be it further enacted, That the several Parcels of Lands so to be set out and allotted to the said several Impropriators and their Lessees, the said Vicars and other Tythe Owners respectively, shall be in lieu and in full Satisfaction for all Glebe Lands and Right of Common belonging

belonging to them respectively, and also for all Great and Small Tythes, Compensations, and other Payments, arising, belonging, and payable to the said several Impropriators and their Lessees, and the said Vicars and other Tythe Owners respectively, out of or from all and every or any of the Lands and Grounds hereby directed to be divided and inclosed, and such other Lands and Grounds as shall be exonerated from the Payment of Tythes (Mortuaries, *Easter* Offerings, and Surplice Fees excepted); but all such Great and Small Tythes shall continue payable as heretofore to the said Impropriators and their Lessees, and the said Vicars and other Tythe Owners respectively, until the several Allotments so to be made to them shall be set out and inclosed, and Notice given to them to enter thereon respectively.

Allotment to the Lords of the Manor.

XXIX. And be it further enacted, That the said Commissioners (after setting out the publick and private Roads and Ways, and Lands, for getting Materials for repairing the same, and for Tythes as aforesaid) shall, in the next Place, and they are hereby authorized and required to set out and allot unto the said Mayor, Sheriffs, Citizens, and Commonalty of the said City of *Lincoln*, and their Successors, (as Lords of the said Manor of the said City of *Lincoln*), in lieu of and as a Compensation for their Right to and Interest in the Soil of certain Pieces of Waste Land called *Newport Green*, and the Pits lying on the West thereof, and a certain Piece of Ground called *Rushy Hill*, directed by this Act to be divided, allotted, and inclosed, such Plot or Parcel of Land as shall in the Judgement of the said Commissioners be equal in Value to One Twentieth Part of the said Waste Land above mentioned: Provided, that in case it shall be found that the said Dean and Chapter shall be entitled to any Part of the said Wastes above mentioned, as Lords of the said Manor of *Newport*, or the said Manor called *Cause Manor*, that then the said Commissioners shall allot so much and such Parts of the said One-Twentieth Part of the said Wastes so to be allotted to the said Mayor, Sheriffs, Citizens, and Commonalty, as aforesaid, to the said Dean and Chapter or their Lessees, as they the said Commissioners shall deem to be an Equivalent for the Right of Soil of the said Dean and Chapter in and to the said Waste Lands, or any Part thereof.

General Allotments.

XXX. And be it further enacted, That after the said Commissioners shall have made the several Allotments herein-before directed, from and out of the said Portions of the said Lands and Grounds hereby directed to be divided, allotted, and inclosed, which shall be allotted for the Shares of the said Parishes of *Saint Nicholas*, *Saint John*, *Saint Peter* in *Eastgate*, and *Saint Margaret* respectively, they shall, in the next Place, set out, allot, divide, and award, all the Residue and Remainder of the said several Portions and Shares of the said Fields, Meadows, Pastures, Commons, and Waste Lands, so set out and allotted to and for the same Parishes respectively, unto and amongst the several Person and Persons, Bodies Politick and Corporate, who at the Time of making such Allotments shall be entitled to any Estate, Property, Right, or Interest, in the same Lands and Grounds, (except the said Impropriators and their Lessees, the said Vicars, and other Tythe Owners and their respective Successors, Heirs, and Assigns, as such Tythe Owners, and the said Lords of the said Manors), according to their respective Interests therein, in such Quantities, Shares, and Proportions, and in such Parts and Places within

within the ſame Pariſhes reſpectively, as by the ſaid Commiſſioners ſhall be adjudged and determined to be a juſt and fair Compenſation and Satisfaction for the ſeveral and reſpective Lands and Grounds, Rights of Common, and other Intereſts of each of the ſaid Proprietors therein, and ſhall allot ſome Part of the Share or Shares of each Party, as near to the Homeſteads, or ſome other of the preſent incloſed Lands or Tenements belonging to ſuch Party reſpectively, as conveniently may be.

Power to make Drains.

XXXI. And be it further enacted, That the ſaid Commiſſioners ſhall and may, and they are hereby authorized and required (by ſuch Agents, Workmen, and Labourers, as they ſhall think fit to employ) to enlarge and make deeper, alter, ſtop up, or divert, all or any of the antient or preſent Drains, Sewers, or Watercourſes, in, over, or through any of the Lands and Grounds hereby directed to be divided, allotted, and incloſed, and to enlarge, raiſe, alter, improve, or rebuild, all or any of the Bridges, Tunnels, Arches, or other Works already made thereon, and alſo to ſet out, appoint, and make ſuch new Drains, Sewers, Banks, Tunnels, Outlets, Bridges, Engines, and other Works, as they ſhall judge neceſſary, in, through, or over the ſame, of ſuch Dimenſions, and in ſuch Courſes and Directions, as the ſaid Commiſſioners ſhall think proper and expedient, for the more effectual Drainage and Security of the ſaid Lands and Grounds.

To protect the Navigation of the River *Foſdyke.*

XXXII. Provided always, and be it further enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, to authorize and empower the ſaid Commiſſioners, or any Perſon or Perſons to whom any of the Lands and Grounds hereby directed to be divided and incloſed, ſhall be allotted by virtue of this Act, to interfere, alter, or meddle with the Navigation of the River *Foſdyke*, or any of the Banks, Towing Paths, Roads, Bridges, or other Works, made or to be made for the keeping, maintaining, and preſerving the ſaid Navigation, or to make any new Work, or to divert any of the Drains, Streams, or Waters which ſupply the ſaid Navigation, or do any Act that may obſtruct or injure the ſaid Navigation, or in anywiſe affect the good State and Condition thereof; nor ſhall any Thing herein contained extend or be conſtrued to extend to invalidate, leſſen, alter, or take away any of the Rights, Powers, and Authorities of the Owner or Owners, Leſſee or Leſſees, of the ſaid Navigation, but that the ſame Rights, Powers, and Authorities, ſhall be and continue as fully to all Intents and Purpoſes as if this Act had never been made, any Thing herein contained to the contrary thereof in anywiſe notwithſtanding; ſo as that the ſaid Commiſſioners are not prevented or reſtrained from altering or enlarging any of the preſent Outfalls for the Waters diſcharged from the ſaid Lands and Grounds hereby intended to be divided, allotted, and incloſed, into the ſaid River *Foſdyke*, if the ſame ſhall be deemed neceſſary or expedient, or from cauſing Fences to be erected acroſs the Towing Paths on the Banks of the ſaid River, ſubject to the Owner or Owners of ſuch Fences for the Time being, making and maintaining good and ſufficient Gates therein, ſo that the Right of towing or haling Veſſels along the ſaid Banks may not be impeded, or the ſaid Navigation be anywiſe injured or deſtroyed.

XXXIII. And

Tythe Allotments to be fenced.

XXXIII. And be it further enacted, That the ſeveral Allotments to be made by virtue of this Act to the ſaid ſeveral Tythe Owners before named, and their reſpective Heirs, Succeſſors, and Aſſigns, for or in reſpect of the Glebe Lands, Common Rights, and Tythes reſpectively, ſhall, as ſoon as conveniently may be after ſetting out the ſame, be incloſed and fenced with Double Ring or Outermoſt Fences of Oak Poſts and Three Batten Rails, with a ſufficient Ditch on each Side thereof, and planted with good thriving Quickſets (except on ſuch Sides and Parts of the ſaid Allotments as ſhall be directed by the ſaid Commiſſioners to be fenced by the Proprietors of any other Allotments lying next thereto), and a good ſubſtantial Gate, with Two Oak Poſts fixed in each Allotment; and the Expences of all the ſaid Fences and Gates ſhall be paid, borne, and defrayed by the Proprietors of all and every the Allotments to be made by virtue of this Act (except the ſaid Tythe Owners reſpectively their Heirs, Succeſſors, and Aſſigns, and the ſaid Lords of the ſaid Manors), in Proportion to the Value of ſuch their Allotments, to be ſettled, adjuſted, and determined by the ſaid Commiſſioners.

Settlements, &c. not to be affected; nor Wills revoked.

XXXIV. Provided always, and be it further enacted and declared, That nothing in this Act contained ſhall extend, or be conſtrued or adjudged to extend, to revoke, make void, annul, or alter any Settlement, Will, Deed, or Leaſe, or to prejudice any Perſon having any Right or Claim of Dower, Jointure, Annuity, Rent, Debt, Charge, or Incumbrance whatſoever in, out of, upon, or affecting any of the Lands, Tenements, or Hereditaments hereby directed to be divided and allotted, or which ſhall be exchanged or aſſigned in Compenſation for any other Eſtate or Right in purſuance of this or the ſaid recited Act; but as well the Lands allotted, as the Tenements or other Hereditaments which ſhall be aſſigned in Exchange or in Compenſation for any other Eſtate or Right, ſhall, immediately after ſuch Exchange, Allotment, or Aſſignment ſhall be made, be veſted, remain, and enure, and the ſeveral Perſons to whom the ſame ſhall be allotted, aſſigned, or given in Exchange as aforeſaid, ſhall thenceforth ſtand and be ſeiſed and poſſeſſed thereof reſpectively, to, for, and upon ſuch and the ſame Uſes, Eſtates, Intents, Truſts, and Purpoſes reſpectively, and ſubject and liable to ſuch and the ſame Wills, Settlements, Limitations, and Remainders, Conditions, Charges, Tenures, and Incumbrances, as the ſeveral Lands, Tenements, and Hereditaments in reſpect whereof ſuch Allotments, Aſſignments, and Exchanges ſhall have been made, ſhould or would have ſtood ſeverally limited, ſettled, veſted, or ſubject or liable to, or been held by in caſe the ſame had not been allotted, aſſigned, or exchanged, and this Act had not been made; ſave and except ſuch Rents and Services as have not been compenſated for and extinguiſhed, and ſuch Leaſes and Tenancies at Rack Rent as ſhall become void by virtue of this Act, and ſubject nevertheleſs to all ſuch Mortgages and Sales as ſhall be made by Authority of this or the ſaid recited Act.

For fencing over Free Boards:

XXXV. And be it further enacted, That in all Caſes where any of the Lands and Grounds directed by this Act 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 Townſhip or Place, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required to ſet out and allot ſuch Freeboard, Screed, or Parcel

cel of Lands as Part of the Lands and Grounds to be divided, allotted, and incloſed, to ſuch of the ſaid Proprietors of the ſame Lands and Grounds, and to appropriate the ſame to ſuch of the ſaid Four Pariſhes before named, and in ſuch Manner as they ſhall think proper; and to order, direct, and cauſe to be made any Fence and Fences whatſoever over, in, upon, and acroſs ſuch Freeboard, Screed, or Parcel of Land unto and ſo as to adjoin upon the Fences of ſuch adjoining Townſhip or Place; and that the ſaid Commiſſioners ſhall ſet out and allot unto the Owner or Owners of ſuch Freeboard, Screed, or Parcel of Land, and in lieu thereof ſuch Piece or Parcel of Land as ſhall be equal in Value thereto; and the Fence and Fences adjoining on ſuch Freeboard, Screed, or Parcel of Land, and now belonging to any ſuch adjoining Townſhip or Place, ſhall for ever thereafter be maintained and ſupported by and at the Expence of ſuch Perſon and Perſons as have hitherto maintained and ſupported the ſame, and their reſpective Heirs and Aſſigns; and every Allotment ſo to be ſet out and aſſigned in lieu of ſuch Freeboard, Screed, or Parcel of Land, ſhall be deemed and taken to be Part of the Pariſh, Townſhip, or Place wherein ſuch Freeboard, Screed, or Parcel of Land is ſituate.

And Allotments in lieu thereof.

Leaſes at Rack Rent to be void.

XXXVI. Provided alſo, and be it further enacted, That all Leaſes, Agreements, and Tenancies at Rack Rent now ſubſiſting of any Part or Parts of the Lands and Grounds hereby directed to be divided, allotted, and incloſed, or which ſhall be exchanged in purſuance of this or the ſaid recited Act; and all Meſſuages, Cottages, Lands, and Tenements ſituate in the ſeveral Pariſhes aforeſaid held therewith, ſhall ceaſe and be void at ſuch Time or Times as the ſaid Commiſſioners ſhall, by Writing under their Hands, direct or appoint; ſo as the reſpective Leſſors and Landlords of ſuch Meſſuages, Lands, or Tenements do before or at the reſpective Times at which ſuch Leaſes or Tenancies ſhall be directed to ceaſe, make and pay ſuch Satisfaction to the reſpective Leſſees or Tenants for the Loſs which ſhall be ſuſtained by the Determination of ſuch Leaſes reſpectively, as ſhall be mutually ſettled and agreed between them, or as the Commiſſioners, being thereto required by either of the Parties, ſhall aſcertain and direct; and the ſaid Commiſſioners being ſo required, are empowered and directed to appoint a reaſonable and proportionable Part, according to the Seaſon of the Year, of the Rent reſerved on any ſuch Leaſe or Agreement, to be paid to the Leſſor or Landlord, for and in reſpect of the Time which ſhall have elapſed between the laſt Day on which any Payment of the Rent ſhall have become due, and the Determination of any ſuch Leaſe or Agreement; and ſuch Part of the Rent ſhall be recoverable by ſuch Ways and Means, as may by Law be uſed for the Recovery of Rents in Arrear: Provided always, that if there ſhall be any Leaſe of Lands, Part of which ſhall lie in any of the ſaid ſeveral Pariſhes, and Part in any adjoining Pariſh, all and every ſuch Leaſe and Leaſes upon Rack Rent now ſubſiſting, may be vacated; but where any Land ſhall have been taken in Exchange, which Land ſhall be under Leaſe and wholly ſituate in an adjoining Pariſh, the Leaſe of ſuch laſt mentioned Lands ſhall not be vacated.

Power to the Precentor as Impropriator of *St. Peter's* in *Eaſtgate*, to leaſe.

XXXVII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid *John Pretyman* and his Succeſſors, Precentors of the ſaid Cathedral Church of *Lincoln* for the Time being, with the Conſent

ſent of the Lord Biſhop of *Lincoln*, to grant a Leaſe or Leaſes of all or any Part or Parts of the Lands and Grounds to be allotted to the ſaid Precentor or his Succeſſors by virtue of this Act, for any Term not exceeding Twenty-one Years in Poſſeſſion, to be computed from the Expiration of Six Months next after the Execution of the ſaid Award; ſo as no Fine, Foregift, or other improper Conſideration be paid or contracted to be paid for the granting of any ſuch Leaſe; and ſo as no ſuch Leaſe be made diſpuniſhable for Waſte; and ſo as the Rents reſerved in every ſuch Leaſe be made payable to the ſaid Precentor for the Time being, and his Succeſſors, quarterly; and that Powers of Re-entry for Nonpayment of ſuch Rent or Rents and other uſual and neceſſary Powers and Covenants be contained therein; and ſo as the Leſſee or Leſſees in every ſuch Leaſe do ſeal and deliver a Counterpart of the ſame; any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

Proprietors may ſell their Allotments before the Execution of the Award.

XXXVIII. And be it further enacted, That it ſhall be lawful for any Perſon who ſhall be entitled to any Allotment to be made by virtue of this Act, to mortgage, ſell, demiſe, and diſpoſe of all his or her Eſtate, Right, Title, or Intereſt therein at any Time before the Execution of the ſaid Award; and on a proper Conveyance, Mortgage, Leaſe, Aſſurance, or other Diſpoſition being executed or paſſed of the ſame, every ſuch Aſſurance or Diſpoſition ſhall be good, valid, and effectual in the Law; but ſubject to all Mortgages, Settlements, and Incumbrances affecting the Meſſuages, Lands, and Hereditaments in reſpect whereof ſuch Allotments ſhall be made.

Courſe of Huſbandry over the Open Fields.

XXXIX. And be it further enacted, That, from and after the paſſing of this Act, until the Execution of the Award of the ſaid Commiſſioners, all the Open Fields hereby directed to be divided, allotted, and incloſed, 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 the ploughing, folding, tilling, ſowing, and laying down the ſame; and it ſhall and may be lawful to and for the ſaid Commiſſioners to order and direct ſuch Sum and Sums of Money in reſpect thereof, to be paid by any Perſon or Perſons intereſted in the ſaid Open Fields, his, her, or their Tenant or Tenants, as they the ſaid Commiſſioners ſhall think reaſonable; and the ſaid Commiſſioners ſhall ſet and impoſe ſuch pecuniary Penalties and Forfeitures upon any Perſon or Perſons not conforming to ſuch Orders and Regulations, as they ſhall think neceſſary, not exceeding Ten Pounds for any One Offence, to be paid to ſuch Perſon and Perſons, and for ſuch Purpoſes as the ſaid Commiſſioners ſhall appoint; and in caſe any Perſon or Perſons, who ſhall be directed to pay any Sum or Sums of Money, Penalty, or Forfeiture, on any of the Accounts aforeſaid, ſhall neglect or refuſe to pay the ſame on Demand, then and in ſuch Caſe it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized and required to raiſe and levy the ſame by ſuch Ways and Means as the Coſts, Charges, aad Expences of obtaining and executing this Act may be raiſed and levied.

Tenants to be allowed Satisfaction for Crops.

XL. And be it further enacted, That the Tenants or Occupiers of the ſaid Open Arable Fields ſhall be allowed to ſow, reap, and take away the ſame Kinds of Corn or Grain upon or from the ſame Number of Acres,

Acres, and in, upon, and from the ſame Fields, Lands, and Grounds, as and for their following or waygoing Crops, without paying any Rent, or making any Satisfaction or Compenſation for the Standage thereof, as they would have been reſpectively entitled to if they had quitted their Farms at *Lady Day* or *May Day*, in the Year of our Lord One thouſand eight hundred and four, and this Act had not been made, provided that they ſhall have purſued the ſame Courſe of Huſbandry with their Fallows and other Lands as hath been the uſual Cuſtom in the ſaid Fields; but in caſe they ſhall vary therefrom, or ſhall have ſown ſuch Lands with Corn as ought, in the due Courſe of Huſbandry, to have been fallowed, the ſaid Commiſſioners are hereby empowered to compel ſuch Tenants reſpectively to make Satisfaction for the ſame, by making ſuch Charges upon their following Crops, to be paid before the ſame ſhall be taken off the Ground, as to them ſhall ſeem reaſonable and proper: Provided nevertheleſs, and the ſaid Commiſſioners are hereby directed, authorized, and empowered, by ſome Writing or Writings under their Hands, to aſcertain and appoint what Recompence and Satisfaction in Money ſhall be paid by the Owner or Owners of ſuch Lands and Grounds, from which ſuch following or waygoing Crops ſhall be reaped and taken as aforeſaid, for the Standage of ſuch Crops, to the Perſon or Perſons to whom ſuch Lands and Grounds ſhall be allotted by virtue of this Act; but if in either of the ſaid Caſes ſuch Charges, Recompence, and Satisfaction ſhall not be paid at the Time and in the Manner to be appointed by the ſaid Commiſſioners, then the ſaid Commiſſioners ſhall and may, by any Warrant or Warrants under their Hands and Seals, directed to any Perſon or Perſons whomſoever (which Warrant they are hereby directed and empowered to grant accordingly), cauſe the ſame to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons required to make ſuch Satisfaction and Recompence as aforeſaid, together with the Coſts and Charges of ſuch Diſtreſs and Sale, rendering the Overplus (if there ſhould be any) to the Owner or Owners of ſuch Goods and Chattels.

Recompence for Standage of Crops.

Old Swarth not to be ploughed.

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

Expences of the Act to be paid.

XLII. And be it further enacted, That the Charges and Expences of the ſaid Commiſſioners in and concerning the Powers and Authorities hereby veſted in them, and all Coſts, Charges, and Expences preparatory to or in applying for obtaining and paſſing of this Act, and of ſurveying, valuing, dividing, and allotting the Lands and Grounds hereby directed to be divided and incloſed, and of ſurveying and valuing the ſaid antient incloſed Lands, and of making Compenſation for Tythes as aforeſaid, and of ſetting out, forming, and making the publick and private Roads and Ways, Banks, Bridges, Drains, and Watercourſes, and of incloſing the Allotments hereby directed to be made to the ſaid ſeveral Tythe Owners and their reſpective Heirs, Succeſſors, and Aſſigns, in

in lieu of Tythes, Glebe, and Common Rights, and of preparing and inrolling the Award of the ſaid Commiſſioners, and all other reaſonable Expences and Charges of the ſaid Commiſſioners and Surveyor, and other neceſſary Expences to be incurred in the Execution of this Act, ſhall be borne and defrayed by all the Proprietors of Lands and Grounds which ſhall be allotted by virtue of this Act, or of any old Incloſures which ſhall be thereby diſcharged of Tythes (except the ſaid Mayor, Sheriffs, Citizens, and Commonalty, and the ſaid Freemen and Inhabitants reſident as aforeſaid, and the ſaid ſeveral Impropriators and their reſpective Leſſees, the ſaid Vicars, and the ſaid other Tythe Owners, and their reſpective Heirs, Succeſſors, and Aſſigns), according to the Value of the Lands and Grounds which ſhall be allotted to ſuch Proprietors reſpectively, or which he, ſhe, or they ſhall be entitled to, or which ſhall be otherwiſe benefited by the ſaid Diviſion, Allotment, and Incloſure, in ſuch Shares and Proportions, and at ſuch Time or Times, either before or after the Execution of the ſaid Award, as the ſaid Commiſſioners ſhall direct or appoint.

Tythe Owners not to be charged with any Expences.

XLIII. Provided always, and it is hereby enacted, That the ſaid Mayor, Sheriffs, Citizens, and Commonalty, the ſaid Freemen and Inhabitants of the ſaid Northern Diſtrict of the ſaid City, and of the Bail and Cloſe of *Lincoln*, and the ſaid ſeveral Impropriators and their Leſſees, the ſaid Vicars, and the ſaid other Tythe Owners before named, and their reſpective Succeſſors, Heirs, and Aſſigns, ſhall not, in virtue or by means of ſuch Rights and Characters reſpectively, be charged with any Expences whatſoever preparatory to, or for obtaining and paſſing this Act and carrying the ſame into Execution; any Thing herein contained or that may appear to be contained to the contrary notwithſtanding.

Expences of Exchanges and Partitions, by whom to be paid.

XLIV. And be it further enacted, That all Coſts, Charges, and Expences attending the making of any Exchanges or Partitions by virtue of this or the ſaid recited Act, ſhall be paid, borne, and defrayed by the ſeveral Perſons making ſuch Exchanges and Partitions, in ſuch Manner and in ſuch Proportions as the ſaid Commiſſioner ſhall by their Award order or direct: Provided always, that the ſaid Proprietors, their Attornies and Agents, ſhall pay their own 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 and Agents to pay their own Expences.

Appointment of Auditor.

XLV. And be it further enacted, That *William Hutton* of *Gate Burton*, in the ſaid County of *Lincoln*, Eſquire, ſhall be and he is hereby appointed Auditor of the ſaid Commiſſioners Accounts; and in caſe of his Death or Refuſal to act, then ſome other fit and proper Perſon, not intereſted in the Premiſes, ſhall be appointed Auditor for that Purpoſe, in like Manner as is herein-before provided for the Appointment of a new Commiſſioner in the Place of the ſaid *William Whitelock*, and ſo from Time to Time as often as Occaſion ſhall require; in which Appointment of Auditor the ſaid ſeveral Impropriators and their Leſſees, the ſaid Vicars, and the ſaid other Tythe Owners, and their reſpective Heirs, Succeſſors, and Aſſigns, ſhall alſo be entitled to vote; and the Accounts of the ſaid Commiſſioners for the Time being, containing a true Statement of all Sums of Money received and expended by, or due to them for their own Time and Expences, ſhall, at leaſt Once in every Year from the

passing of this Act, until such Accounts shall be finally allowed and settled, together with the Vouchers relating to the same, be examined by the said Auditor for the Time being, and the Balance thereof shall be stated by him 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 be valid in Law, unless the same shall be duly allowed by the said Auditor.

Money advanced by Proprietors to be repaid with Interest.

XLVI. And be it further enacted, That if any of the Proprietors or Persons interested in the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any other Person or Persons on his, her, or their Behalf, shall advance and pay any Money in Discharge of the Fees or other Expences of obtaining and executing this Act, the Money so paid and advanced shall be repaid and satisfied, by the Direction of the said Commissioners, together with lawful Interest for the same, by and out of the Money to be raised as aforesaid for paying the Expences of carrying this Act into Execution.

Where the Award is to be deposited.

XLVII. And be it further enacted, That the Award to be made by the said Commissioners, when inrolled in Manner directed by the said recited Act, shall be deposited in the Parish Church of *Saint Peter* in *Eastgate* aforesaid.

Persons aggrieved may appeal to the Quarter Sessions.

XLVIII. 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 as to such Claims, Matters, and Things as are herein-before directed or authorized to be tried, settled, or determined by the Verdict of a Jury, or where any of the Clauses or Provisions of the said recited Act or of this Act shall express that the same shall be final and conclusive), 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 Part of *Lindsey* in the said County of *Lincoln*, within Six Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioners, or One of them, 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 said General Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and to make such Order, and award such Costs and Damages as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs and Damages which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale; and the Determination of the said Justices shall be final and conclusive 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:

XLIX. Saving

XLIX. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and to all and every the Perſon or Perſons, Body or Bodies Politick or Corporate, his, her, and their Heirs, Succeſſors, Executors, and Adminiſtrators, (except the ſeveral Perſons to whom any Allotment or Allotments ſhall be made in purſuance of this Act, in reſpect of the Intereſts or Property for which ſuch Allotments ſhall be made, and thoſe claiming under them or in Remainder after them, and except all and every Perſon and Perſons, Bodies Politick and Corporate, whoſe Rights and Intereſts are meant and intended to be barred, deſtroyed, extinguiſhed, altered, or changed, by virtue of this Act), all ſuch Right, Title, and Intereſt, 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; but no ſuch Perſon or Perſons, Bodies Politick or Corporate, his, her, or their Heirs, Succeſſors, Executors, or Adminiſtrators, ſhall have Power to defeat the End or Deſign of this Act, or to avoid, or in anyway to impeach or affect any of the Diviſions or Allotments, or other Acts or Determinations of the ſaid Commiſſioners, ſo to be made as aforeſaid, but ſhall be bound and concluded thereby, and ſhall accept ſuch Allotments in lieu of all ſuch Lands, Rights of Common, Tythes, and other Intereſts, as he, ſhe, or they, have therein or would have been entitled to in caſe this Act had not been made. General Saving.

L. 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. Declaring the Act Publick.

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