ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 117.

An Act for inclosing the Open Fields of *Newbold Verdon* and *Newbold Heath*, in the County of *Leicester*.

[18th *May* 1810.]

WHEREAS there are in the Parish of *Newbold Verdon* in the County of *Leicester*, several Open Fields, and certain Parcels of Meadow and Pasture Land, Commonable Places, and Waste Lands, used or enjoyed with the said Fields, reputed to contain together Three hundred Acres, or thereabouts; and also divers anciently inclosed Lands and Tenements; and there are also in the said County of *Leicester*, certain Open Commonable Grounds and Waste Lands, known by the Name of *Newbold Heath*, containing by Estimation Six hundred Acres, or thereabouts, whereon the Owners and Occupiers of certain ancient Messuages and Cottages, Scites of Messuages and Cottages, Lands and Tenements, within the Parish of *Newbold Verdon* aforesaid, and within the Hamlet or Chapelry of *Barleston* in the Parish of *Market Bosworth* in the said County, are or claim to be entitled to have and enjoy a Right of Common: And whereas Sir *Edmund Cradock Hartopp* Baronet, and *John Pares* Esquire, are or claim to be Lords of the Manor of *Newbold Verdon* aforesaid, and as such claim to be entitled to the Soil of the said Waste Lands; and *George Greenway* Gentleman is Patron of the Rectory of *Newbold Verdon* aforesaid, and the Reverend *Giles Prickett* Clerk, is the present Rector thereof: And whereas the Right Honourable *George Harry* Earl of *Stamford* and *Warrington* claims to be Lord of the Manor of *Barleston* aforesaid, (as Parcel of his Honor of *Winchester*), and as such claims to be entitled to the Soil of the said Waste Lands, or some Part thereof; and *Eleanor Frances Pochin* Widow, is Patron of the Rectory of *Market*

Bosworth, to which *Barleston* is a Chapelry, and the Reverend *Thomas Wright* Clerk, is the present Rector thereof: And whereas the said Sir *Edmund Cradock Hartopp*, and *John Pares*, and *Mary Sneap* Widow, *John Kirkman* Esquire, *William Holmes* Clerk, *George Hood* Gentleman, and others, are the Proprietors of the said Open Fields and Parcels of Meadow and Pasture Land, used or enjoyed therewith, and of anciently inclosed Lands and Tenements in *Newbold Verdon* aforesaid: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas the Lands in the said Open Fields are intermixed, and otherwise inconveniently situated for the respective Proprietors and Occupiers, and the said Open and Commonable Grounds and Waste Lands in their present State yield but little Profit; and it would be very beneficial to the several Persons interested in the same respectively to have the same divided and inclosed, and allotted unto and amongst the several Persons interested therein respectively, according to their several and respective Rights and Interests therein; and it would also be advantageous and convenient if such Compensations as herein after provided were made in Lieu of Tithes, Moduses, and Ecclesiastical Payments, as well in respect of the inclosed Estates in the Parish of *Newbold Verdon* aforesaid, as of the said Open Lands and Grounds; but such Division, Allotment, Inclosure, and Compensations, cannot be made and effectually established 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 *John Burcham* of *Connisby* in the County of *Lincoln*, *John Smith* of *Sheepshead* in the County of *Leicester*, and *Samuel Stone* of *Knighton* in the said County of *Leicester*, Gentlemen, and their Successors, to be nominated and appointed in Manner herein-after mentioned, shall be and they are hereby appointed Commissioners for dividing, setting out, allotting, and inclosing the said Fields, Meadows, Pastures, and other Open Commonable Grounds and Waste Lands, and for carrying the Purposes of the said recited Act and this Act into Execution, (save and except such Parts of the said recited Act as are hereby varied or altered); and all Acts, Matters, and Things authorized or directed to be done and executed by the said Commissioners in pursuance of the said recited Act and this Act, or either of them, (except in regard to the setting out and Ascertainment of the Limits or Boundaries of any Parish, Manor, Township, Hamlet, District, or Place, upon the said Open Commonable Grounds and Waste Lands, or of any Parish, Manor, Township, Hamlet, District, or Place adjoining thereto, pursuant to the said recited Act, in which Ascertainment the Concurrence of all the said Commissioners shall be necessary), may be done and executed by any Two of them, and the same shall be as good, valid, and effectual to all Intents and Purposes whatsoever, and shall have the same Force and Effect as if such Acts, Matters, and Things had been done and executed by all the Commissioners herein named, or to be appointed in Manner herein-after mentioned.

Commissioners.

For appointing new Commissioners.

II. And be it further enacted, That in case the said *John Burcham*, or any Person to be nominated or appointed a Commissioner in his Room;

or

or Stead by virtue of this Act, shall die, refuse to act, or become incapable of acting as such Commissioner in the Execution of the said recited Act and this Act, then and in such Case it shall and may be lawful to and for the Rector of the Rectory of *Newbold Verdon* aforesaid, for the Time being, by any Writing under his Hand and Seal, within One Month after such Death, Refusal, or Incapacity as aforesaid, shall be made known to him, by Notice in Writing, signed by any of the said Commissioners, to be left at the usual Place of Abode of the Rector of the said Rectory of *Newbold Verdon* for the Time being, to nominate and appoint a proper Person (not interested in the said intended Division and Inclosure) to be a Commissioner in the Room or Stead of the said *John Burcham*, or of such other Person nominated or appointed in his Room or Stead so dying, or refusing or becoming incapable to act as aforesaid, and so from Time to Time, as often as any Commissioner to be nominated and appointed by the Rector of the said Rectory of *Newbold Verdon* for the Time being as aforesaid, shall die, or refuse or become incapable to act as such Commissioner in the Execution of the said recited Act and this Act; and in case the said *John Smith*, or any Person to be nominated and appointed a Commissioner in his Room or Stead by virtue of this Act, shall die, or refuse or become incapable to act in the Execution of this Act and of the said recited Act, then and in every such Case it shall and may be lawful to and for the major Part in Value (such Value to be ascertained according to the Land Tax Assessment for that Year) of the Owners and Proprietors of Lands and Hereditaments within the Parish of *Newbold Verdon* aforesaid, who shall attend in Person or by their Agents or Proxies, at a Meeting to be holden for that Purpose, (of which Meeting Fourteen Days Notice at the least shall be given by Advertisement, signed with the Name or Names of any One or more of the said Commissioners, in the *Leicester Journal*, if then published, and if not, then in some other Newspaper printed or circulated in the said County of *Leicester*, and which Notice the surviving or remaining Commissioners or Commissioner are and is hereby required to give or cause to be given, within Twenty-one Days after such Death, Refusal, or Incapacity shall be known to them or him) to nominate, elect, and appoint, by any Instrument in Writing under their Hands, or under the Hands of their Agents or Proxies, some fit and proper Person (not interested in the said Division and Inclosure) to be a Commissioner in the Room or Stead of the said *John Smith*, or of such other Person nominated and appointed in his Room or Stead so dying, or refusing or becoming incapable to act as aforesaid, and so from Time to Time as often as any such Case shall happen; and in case the said *Samuel Stone*, or any Person to be nominated and appointed by virtue of this Act a Commissioner in his Room or Stead, shall die, refuse to act, or become incapable of acting in the Execution of this and the said recited Act, then and in every such Case the major Part in Value (such Value to be ascertained according to the Number of Common Rights) of the Owners and Proprietors of Messuages, Cottages, Lands, and Hereditaments, within the Hamlet or Chapelry of *Barleston* aforesaid, entitled to any Right of Common, in, over, or upon the said Open Commonable Grounds and Waste Lands, or any Part thereof, who shall be present in Person, or by their respective Agents or Proxies, at a Meeting to be holden for that Purpose (of which Meeting Fourteen Days Notice by Advertisement shall be given by any One or more of the said Commissioners in the *Leicester Journal*, if then published, and if not, then in some other Newspaper circulated in the said County

of *Leiceſter*, and which Notice the ſurviving or remaining Commiſſioners or Commiſſioner are and is hereby required to give or cauſe to be given, within Twenty-one Days after ſuch Death, Refuſal, or Incapacity ſhall be known to them or him), ſhall and they are hereby empowered, in Conjunction with the Lord of the ſaid Manor of *Barleſton* for the Time being, and the Rector of the Rectory of *Market Boſworth* aforeſaid for the Time being, or their reſpective Agents or Proxies, to nominate and appoint, by any Writing under the Hands of the major Part in Value as aforeſaid of ſuch Owners and Proprietors and Agents or Proxies aforeſaid, and of the Lord of the ſaid Manor of *Barleſton*, and Rector of the ſaid Rectory of *Market Boſworth*, or their reſpective Agents or Proxies, ſome fit and proper Perſon (not intereſted in the ſaid Diviſion and Incloſure) to be a Commiſſioner in the Room or Stead of the ſaid *Samuel Stone*, or of ſuch other Perſon to be nominated and appointed in his Room or Stead ſo dying, or refuſing to act, or becoming incapable of acting as aforeſaid, and ſo from Time to Time as often as any ſuch Caſe ſhall happen; and every Commiſſioner ſo to be nominated and appointed ſhall, after taking and ſubſcribing the Oath preſcribed in that Behalf, have the like Power and Authority for carrying the ſaid recited Act and this Act into Execution, and ſhall be ſubject and liable to the like Rules, Regulations, and Reſtrictions, as if he had been originally nominated a Commiſſioner in and by this Act.

If Perſons authorized neglect to appoint a new Commiſſioner within the Time preſcribed, the acting Commiſſioners to make ſuch Appointment.

III. Provided always, and be it enacted, That if the Rector of the ſaid Rectory of *Newbold Verdon* for the Time being, or the ſaid Proprietors of Lands and Hereditaments within the ſaid Pariſh of *Newbold Verdon*, or the ſaid Owners and Proprietors of Meſſuages, Cottages, Lands, and Hereditaments, within the ſaid Hamlet or Chapelry of *Barleſton*, and the Lord of the ſaid Manor of *Barleſton*, and Rector of the ſaid Rectory of *Market Boſworth*, either or any of them reſpectively, by themſelves, or by their reſpective Agents or Proxies, ſhall make Default in nominating and appointing any new Commiſſioner ſo directed to be nominated and appointed by him and them reſpectively as aforeſaid, within the reſpective Times for that Purpoſe limited and in Manner aforeſaid, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſurviving or remaining Commiſſioners or Commiſſioner, and they and he are and is hereby required, from Time to Time, by Writing under their Hands or his Hand, within One Month next after the Expiration of ſuch reſpective Times ſo allowed for nominating and appointing ſuch new and ſucceeding Commiſſioner or Commiſſioners as aforeſaid, to nominate and appoint a proper Perſon (not intereſted in the ſaid Diviſion and Incloſure) to be a Commiſſioner in the Room or Stead of every ſuch Commiſſioner ſo dying, refuſing, or becoming incapable to act as aforeſaid; and every Commiſſioner ſo nominated and appointed ſhall, after taking and ſubſcribing the Oath preſcribed in that Behalf, have the like Power and Authority for carrying the ſaid recited Act and this Act into Execution, and ſhall be ſubject and liable to the like Rules, Regulations, and Reſtrictions, as if he had been originally nominated a Commiſſioner in and by this Act.

Umpire to be appointed for ſettling any Difference between the Commiſſion-

IV. And for the Purpoſe of ſettling and determining any Difference of Opinion or Diſpute that may happen to ariſe between the ſaid Commiſſioners in regard to the ſetting out and Aſcertainment of the Limits or Boundaries of any Pariſh, Manor, Townſhip, Hamlet, Diſtrict, or Place, upon the ſaid Open Commonable Grounds and Waſte Lands, or of any Pariſh,

Pariſh, Manor, Towniſhip, Hamlet, Diſtrict, or Place adjoining thereto; be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby required (previous to their entering upon the Enquiry reſpecting ſuch Limits or Boundaries) by Writing under their Hands, to nominate and appoint ſome Barriſter at Law, or other proper Perſon (not intereſted in the ſaid Diviſion and Incloſure) who ſhall be willing to act as an Umpire; and ſuch Umpire is hereby authorized and required to enquire into, ſettle, aſcertain, and determine any ſuch Difference in Opinion or Diſpute which ſhall ſo happen to ariſe between the ſaid Commiſſioners; and the Determination of ſuch Umpire ſhall be deemed and taken to be the Determination of the ſaid Commiſſioners, and ſhall be final and concluſive upon the ſaid Commiſſioners and all other Perſons concerned therein, ſo far as the Determination of the ſaid Commiſſioners is, by the ſaid recited Act or this Act made final and concluſive: Provided always, that in caſe the Perſon ſo nominated by the ſaid Commiſſioners ſhall die, refuſe to act, or become incapable of acting, then it ſhall be lawful for the ſaid Commiſſioners, and they are hereby required from Time to Time, to nominate and appoint ſome other proper Perſon (not intereſted in the ſaid Diviſion and Incloſure) as Umpire in the Room or Stead of the Perſon ſo dying, or refuſing, or becoming incapable to act as aforeſaid; and in caſe any ſuch Umpire ſhall neglect to ſettle and determine ſuch Difference or Diſpute within Two Calendar Months next after the ſame ſhall have been referred to him by the ſaid Commiſſioners, ſuch Neglect ſhall be deemed and taken to be a Refuſal to act within the Intent and Meaning of this Act.

Ers as to Manerial or Parochial Boundaries.

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

Umpire to be ſworn before he acts.

'I *A. B.* do ſwear, That I will faithfully, honeſtly, and impartially, according to the beſt of my Skill and Ability, execute and perform the Powers and Authorities repoſed in me as an Umpire by virtue of an Act paſſed in the Fiftieth Year of the Reign of King *George* the Third, intituled, *An Act for incloſing the Open Fields of* Newbold Verdon *and* Newbold Heath *in the County of* Leiceſter, according to Equity and good Conſcience, and without Favour or Affection, Prejudice or Malice, to any Perſon or Perſons whomſoever.

'So help me GOD.'

Which Oath it ſhall be lawful for either of the ſaid Commiſſioners to adminiſter, and he is hereby required to adminiſter the ſame; and ſuch Oath, when ſo taken and ſubſcribed by ſuch Umpire, and alſo the Appointment of every ſuch Umpire, ſhall be annexed to and inrolled with the Award of the ſaid Commiſſioners.

Proprietors to pay their own Expences at Meetings.

VI. And be it further enacted, That the Proprietors, and their Attornies and Agents, ſhall pay their own Expences when they attend the ſaid Commiſſioners at any Meetings to be held for putting this and the ſaid recited Act into Execution; and in ſuch Caſes as the Objection or Approbation of the Proprietors to any Act, Matter, or Thing, to be done or propoſed to be done in purſuance of the ſaid recited Act and this Act, is directed to be made or teſtified at any Meeting or Meetings, it ſhall be lawful for the Proprietors to attend at ſuch Meeting or Meetings by their reſpective

respective Agents or Proxies, whose Acts or Votes shall be as effectual as if such Proprietors were present in Person.

Notice to be given of Meetings.

VII. And be it further enacted, That the said Commissioners shall, and they are hereby required to give or cause publick Notice to be given in the Newspaper called the *Leicester Journal*, if then published, and if not, then in some other Newspaper usually circulated in the said County, of the Time and Place of their First and every subsequent Meeting for the Execution of the said recited Act and this Act, at least Fourteen Days before any such Meeting shall be holden, (Meetings by Adjournment only excepted); and in case Two of the said Commissioners shall not meet at the Day and Place appointed for any Meeting, or to which any Meeting shall be adjourned, it shall be lawful for the Commissioner present at such Time and Place, and to and for the Clerk or Clerks to the said Commissioners, in case none of the said Commissioners shall attend, to adjourn the said Meeting, to be holden on any future Day, not exceeding Ten Days from the Day of Adjournment, at the same or some other convenient Place; and the Commissioner or Clerk or Clerks making such Adjournment, is and are hereby required to give Notice thereof to the absent Commissioner or Commissioners Four Days before such Meeting: Provided always, That all Meetings for executing the Powers of this Act or the said recited Act, shall be holden at *Newbold Verdon* or *Barleston* aforesaid, or within Eight Miles thereof.

Other Notices.

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

Commissioners to determine Differences respecting Rights.

IX. And be it further enacted, That if any Dispute or Difference shall arise between any of the Persons interested or claiming to be interested in any of the Lands and Grounds to be divided and inclosed pursuant to or otherwise affected by this Act, or in any Part or Parts thereof, touching or concerning the respective Shares, Rights, or Interests, which they or any of them have or claim to have in, over, or upon the same, or touching or concerning any Allotment or Compensation to be made in Lieu thereof, or touching or concerning any other Matter or Thing relating to the said Division, Inclosure, and Allotments, then and in every such Case it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered to examine into, hear, and determine the same respectively, but so that no Two of the said Commissioners shall have Power to determine Parochial or Manerial Limits or Boundaries without the Concurrence of the other Commissioner: Provided always, that nothing herein contained shall authorize the said Commissioners to determine the Title to any Messuages, Cottages, Lands, Tenements, or other Hereditaments whatsoever.

But not to determine Titles to Estates.

Power to award Costs relative to disputed Claims or Objections.

X. And be it further enacted, That in case the said Commissioners shall upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of this or of the said recited Act, see cause to award any Costs, then and in such Case it shall and may be lawful to and for the said Commissioners, and they are hereby empowered,

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

Parties may try their Rights by an Issue at Law.

XI. And be it further enacted, That in case any Person or Persons interested or claiming to be interested in the said intended Division and Allotments, shall be dissatisfied with any Determination of the said Commissioners, touching or concerning any Claim or Claims of the Right to the Soil of the said Open Commonable Grounds and Waste Lands, or any Part or Parts thereof, or of any Rights of Common, Tithes, Moduses, or other Rights or Interests, in, over, or upon the Lands and Grounds to be divided, allotted, and inclosed, pursuant to or otherwise affected by this Act, or any Part or Parts thereof, or touching or concerning any other Matter or Thing relating to the Execution of this Act, then and in every such Case it shall be lawful for the Person or Persons so dissatisfied, to proceed to a Trial at Law, of the Matter so determined by the said Commissioners at the then next Assizes, or at the Assizes following the next, to be holden for the said County of *Leicester*; and for that Purpose the Person or Persons who shall be so dissatisfied with the Determination of the said Commissioners, shall cause an Action to be brought upon a feigned Issue, against the Person or Persons in whose Favour such Determination shall have been made, within Three Calendar Months next after such Determination of the said Commissioners; and the Defendant or Defendants in such Action or Actions shall, and he, she, or they, is and are hereby required to name an Attorney or Attornies, who shall appear thereto, or file Common Bail, and accept One or more Issue or Issues, whereby such Claim or Claims, and the Right or Rights thereby insisted on, may be tried and determined, such Issue or Issues to be settled by the proper Officer of the Court in which the said Action or Actions shall be commenced, in case the Parties shall differ about the same; and the Verdict or Verdicts which shall be given in such Action or Actions shall be binding, final, and conclusive, upon all and every Person and Persons whomsoever, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall be lawful for the Court to do, as is usual in other Cases; and after such Verdict or Verdicts shall be obtained and not set aside by the Court, the said Commissioners shall, and they are hereby required to act in Conformity thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials.

XII. Provided

Or Determination of Commissioners to be final.

XII. Provided always, and be it enacted, That the Determination of the said Commissioners touching such Claim or Claims of Right to the Soil of the said Open Commonable Grounds and Waste Lands, or of any Rights of Common, Tithes, or other Rights or Interest, in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, shall, in case such Determination shall not be so objected to, or being objected to, such Action or Actions at Law shall not be brought and proceeded in within the Time, and in Manner herein for that Purpose mentioned, be final and conclusive upon all and every Person and Persons.

Parties dying, Actions not to abate.

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

In case of Deaths of Parties before Actions brought, the same to be carried on and defended in their Names.

XIV. Provided always, and be it further enacted, That if any Person or Persons in whose Favour any such Determination as aforesaid shall have been made, and against whom any Action or Actions might have been brought if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time herein-before limited for bringing such Action or Actions, it shall be lawful for the Person or Persons who might have brought such Action or Actions against the Person or Persons so dying, to bring the same within the Time so limited as aforesaid against such Person or Persons as if actually living, and to serve the Clerk or Clerks to the said Commissioners with Process for commencing such Action or Actions, in the same Manner as the Party or Parties might have been served therewith if living; and it shall thereupon be incumbent on the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions, in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein in the same Manner as if such Person or Persons had been actually living, and the Rights of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

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

XV. Provided also, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioners to determine any Right between any Parties contrary to the Possession of any such Parties, except in Cases of Encroachments; but in case the said Commissioners 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.

Allowing the Trial of Manerial or Parochial Boundaries by an Issue at Law instead of Appeal to the Quarter Sessions.

XVI. And be it further enacted, That if any Person or Persons shall consider himself, herself, or themselves, prejudiced or aggrieved by the Determination of the said Commissioners or Umpire (as the Case may be) respecting the Limits or Boundaries of any Parish, Manor, Township, Hamlet, or Place, upon the said Lands and Waste Grounds hereby directed to be divided, allotted, and inclosed, or of any Parish, Manor, Township, Hamlet, or Place, adjoining thereto, as the same shall be set out and ascertained by the said Commissioners pursuant to the said recited Act, and shall by Writing under his, her, or their Hand or Hands, give Notice to the said Commissioners within One Calendar Month next after such Determination

mination of his, her, or their Desire to have the same determined by an Issue at Law instead of an Appeal at the Quarter Sessions, under the Provision of the said recited Act, then and in such Case it shall be lawful for the Person or Persons so dissatisfied with such Determination to have the same ascertained by the Trial of an Issue at Law under the Provisions of this Act in Cases of any disputed Claims of Right; and the Action or Actions for trying such Issue shall or may be brought against the Party or Parties in whose Favour such Determination shall have been made, or such One or more of them as the said Commissioners shall think proper and direct.

No Turf to be taken away after the passing of the Act under the Penalty of Five Pounds.

XVII. And be it further enacted, That if any Person or Persons after the passing of this Act, shall cut, dig, get, or take away, any of the Turf or Soil of the Waste Grounds or Lands to be inclosed by virtue of this Act, for any Use or Purpose whatsoever, without the Licence and Consent of the said Commissioners first had or obtained in Writing (which Licence the said Commissioners may grant, under such Restrictions, as they shall think proper), then and in every such Case, upon due Proof made before the said Commissioners on Oath, which Oath the said Commissioners are hereby empowered to administer, the said Commissioners shall and they are hereby required, by Warrant under their Hands and Seals, directed to any Person or Persons whomsoever, to cause any Sum of Money not exceeding Five Pounds, to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so offending in the Premises, rendering the Overplus (if any) on Demand to the Person or Persons whose Goods and Chattels shall be so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale; and the Money so to be levied as aforesaid, shall be applied towards the Payment of the Costs, Charges, and Expences of obtaining and executing this Act.

Commissioners may assign Encroachments for Roads.

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

Directions as to Repair of Private Roads fenced out.

XIX. And be it further enacted, That all such of the private Carriage Roads to be set out by the said Commissioners by virtue of the said recited Act, as shall be directed to be fenced on both Sides, shall be formed, completed, and repaired, by and at the Expence of the same Persons, and in like Manner as is by such Act directed with respect to publick Roads, except so far as the said Commissioners shall in and by their Award, otherwise order or direct concerning the same.

Encroachments to be allottable.

XX. And be it further enacted, That all such Intakes and Encroachments made on the said Open Commonable Grounds and Waste Lands as have been made within the Space of Sixty Years now last past, for which no Grant, Licence, or Consent shall have been obtained from the Lord or Lords of the said respective Manors, shall be deemed and

considered Part and Parcel of the said Grounds and Lands to be allotted and inclosed, as if the same were actually lying open and unincloſed.

Encroachments adjoining the Hall Farm and Wool Pit Closes to be allotted to the Lords of the Manor of Newbold Verdon.

XXI. Provided always, and be it enacted, That in case any such Intakes or Encroachments shall lie or be situate next or near adjoining to the *Hall Farm* and *Wool Pit Closes* in *Newbold Verdon* aforesaid, belonging to the said Sir *Edmund Cradock Hartopp* and *John Pares*, such Intakes or Encroachments shall be allotted to them as the Lords of the said Manor of *Newbold Verdon*, if the said Commissioners shall adjudge them to be entitled by virtue of this Act to the Quantity of Land contained in such Intakes or Encroachments, Quality and Situation being considered; and such Allotment when so made, shall be and be deemed to be in Satisfaction of the Whole or Part of the Allotments to be made to them as such Lords by virtue of this Act, as the Case may be.

Great Gabriel Pool on the Heath reserved to the Lords of the Manor of Newbold Verdon.

XXII. And be it further enacted, That an ancient Fish Pool, or Parcel of Land covered with Water, called *The Great Gabriel Pool*, situate on *Newbold Heath* aforesaid, together with a Border or Margin round the same, of the Width of Three Yards from High Water Mark, shall not be deemed or considered as Part of the Land or Ground authorized by this Act to be set out and allotted, but the same, with convenient Access thereto, shall and may be for ever hereafter had, held, and enjoyed by the said Sir *Edmund Cradock Hartopp* and *John Pares*, their Heirs and Assigns, or such other Persons, and in such and the same Manner as the said Pool would have belonged to or gone in case this Act had not been made, freed from all Right of Common in or upon the same.

Allotments for Repairs of Roads.

XXIII. And be it further enacted, That the said Commissioners shall, and they are hereby required, as soon as conveniently may be after setting out publick Roads and Highways, as by the said recited Act directed, to set out and allot unto and for the Surveyors of the Highways of the several Parishes and Places, or Parish or Place, within which the said Lands and Grounds hereby directed to be inclosed respectively lie, so much and such Part or Parts of the said Grounds and Lands, not exceeding Two Acres in the Whole, and in such Places within the several Parishes or Places, or Parish or Place, to the Surveyors of the Highways whereof the same shall be allotted, as the said Commissioners shall think proper, for getting Stone, Gravel, or other Materials, for the Repairs, from Time to Time for ever, of the publick and private Roads and Highways within such respective Parishes and Places, or Parish or Place, in case there shall be Land found yielding such Materials, but not otherwise; and such Land shall be and is hereby vested in the said Surveyors of the Highways for the Time being of such respective Parishes or Places, Parish or Place, in Trust, for such Purpose as aforesaid; and the Herbage arising thereon shall belong to the said Surveyors, or such other Person or Persons, or be disposed of in such Manner as the said Commissioners shall, by the Award which they are by the said recited Act required to make, direct, or appoint, which Direction they are hereby required to make.

Allotments to Lords of Manors.

XXIV. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required to set out and allot unto and for the Lords or Lord of the several and respective Manors or Manor within which the Waste Lands hereby directed to be inclosed, or any Part thereof,

thereof, are or is respectively situate, lying, and being (exclusive of any other Allotments or Compensation to be made to them respectively, by virtue of this Act, either as Owner or Owners of Lands, or for Commonage), so much and such Part and Parts of the Waste Lands to be inclosed within their or his respective Manors or Manor, as they the said Commissioners shall adjudge to be equal in Value to One Sixteenth Part of the same respectively (after the Allotments for Roads and Repairs of Roads shall be made), and such respective Sixteenth Parts to be in lieu and full Compensation and Satisfaction of and for the Right and Interest of the Lords or Lord of the several and respective Manors or Manor in and to the Soil of the said Waste Lands.

The Lords Allotments to be set out as desired.

XXV. Provided always, and be it further enacted, That the Allotments or Allotment to be made to the Lords or Lord of the Manors or Manor, or Owners or Owner of the Soil of the said Waste Lands, in pursuance of this Act, shall be set out in such Situations or Situation as he or they respectively shall desire, but so as not to interfere with the general Convenience of the other Persons interested in the said intended Division and Inclosure.

Allotments to the Rector of Newbold Verdon for Tithes of the Fields and Waste Lands in that Parish.

XXVI. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required to set out and allot to and for the Rector of the Rectory of *Newbold Verdon* aforesaid for the Time being (exclusive of any other Allotments to be made to such Rector for Glebe Lands or Commonage), so much and such Part and Parts of the Lands and Grounds hereby directed to be inclosed, as Quantity, Quality, and Situation considered, shall (after the several Allotments for Roads and Repairs of Roads) be, in the Judgement of the said Commissioners, equal in Value to One Fifth Part of the said Open Fields and Parcels of Meadow and Pasture Land used or enjoyed therewith, and One Ninth Part of all or such Parts of the said other Commonable Grounds and Waste Lands as are situate, lying, and being within the said Parish of *Newbold Verdon*; and such Allotment shall be and be deemed and taken to be in lieu and full Compensation, Satisfaction, and Discharge of and for all and all Manner of Tithes and other Ecclesiastical Dues and Payments whatsoever, arising, renewing, increasing, happening, or becoming due, or which can, shall, or may hereafter arise, renew, increase, happen, or become due, from, out, or in respect of the same Lands and Grounds for or in respect of the Tithes whereof such Allotment is directed to be made (Easter Offerings, Mortuaries, and Surplice Fees excepted).

Allotment to the Rector of Market Bosworth for Tithes of the Waste Lands in the Chapelry of Barleston.

XXVII. And be it further enacted, That the said Commissioners shall, and they are hereby also authorized and required to set out and allot, to and for the Rector of *Market Bosworth* with the Chapelry of *Barleston* aforesaid for the Time being (exclusive of any other Allotment to be made to such Rector for Commonage), so much and such Part and Parts of the said Open Commonable Grounds and Waste Lands as, Quantity, Quality, and Situation considered, shall (after the several Allotments for Roads and Repairs of Roads) be, in the Judgement of the said Commissioners, equal in Value to One Ninth Part of such Part or Parts (if any) of the said Open Commonable Grounds and Waste Lands as is or are situate, lying, and being within the said Hamlet or Chapelry of *Barleston*; and such Allotment shall be and be deemed and taken to be, in lieu and full Compensation,

tion, Satisfaction, and Discharge of and for all and all Manner of Tithes, and other Ecclesiastical Dues and Payments whatsoever, arising, renewing, increasing, happening, or becoming due, or which can, shall, or may hereafter arise, renew, increase, happen, or become due, from out or in respect of the same Lands and Grounds, for or in respect of the Tithes whereof such Allotment is directed to be made, (*Easter* Offerings, Mortuaries, and Surplice Fees excepted.)

Residue to be divided amongst the Persons entitled.

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

Tithes of anciently inclosed Estates in Newbold Verdon to be compensated for out of Proprietors Allotments.

XXIX. Provided always, and be it further enacted, That the said Commissioners shall and may, and they are hereby authorized and required to assign, set out, allot, and award, to and for the Rector of the said Rectory of *Newbold Verdon* for the Time being, in Satisfaction for the Tithes, Moduses, or other Ecclesiastical Payments, arising or growing due, or payable for or in respect of all and every the anciently inclosed Lands and Tenements in the Parish of *Newbold Verdon* aforesaid, for or in respect of which the said Rector is intitled to Tithes, Moduses, or other Ecclesiastical Payments, belonging to Proprietors of, or Persons intitled to Commonage on, or otherwise interested in the said Lands and Grounds hereby directed to be inclosed, or any Part or Parts thereof, at the Time of making the Division and Allotments herein-before authorized, so much and such Part or Parts of the respective Shares and Proportions of the Proprietors of such anciently inclosed Lands and Tenements, of and in the said Lands and Grounds hereby directed to be inclosed, as Quantity, Quality, and Situation considered, shall be in the Judgement of the said Commissioners equal in Value to the following Proportions of such anciently inclosed Lands and Tenements as are subject or liable to Tithes in Kind; (that is to say), One Fifth Part of such Lands as are now in Tillage, One Tenth Part of Wood Lands and Land covered with Water, and Two Seventeenth Parts of all other Lands and Grounds; or equal in Value to the Amount of any Modus or other Ecclesiastical Payment due or payable to the Rector of the said Rectory of *Newbold Verdon* for the Time being, for or in respect of any such anciently inclosed Lands or Tenements, covered by any Modus, or otherwise exempt from Payment of Tithes in Kind; and such Allotments shall be, and be deemed and taken to be in lieu of, and as a full Recompence and Satisfaction for all Tithes, Moduses, and other Ecclesiastical Payments, due or payable to the Rector of the said Rectory for the Time being, out of or for the Lands or Tenements in respect whereof such Allotments are to be made (*Easter* Offerings, Mortuaries, and Surplice Fees excepted).

XXX. Provided

If Allotments insufficient, or Proprietors desirous of retaining Part, the Compensation for Tithes to be made up out of their ancient Inclosures.

XXX. Provided always, and be it further enacted, That in case the Share and Proportion or Shares and Proportions of any such Proprietor or Proprietors of anciently inclosed Lands and Tenements of and in the said Lands and Grounds to be inclosed, shall not be sufficient to make such Compensation as aforesaid, for the Tithes, Moduses, and other Ecclesiastical Payments (Easter Offerings, Mortuaries, and Surplice Fees excepted) due or payable out of or from his, her, or their respective anciently inclosed Lands and Tenements; or in case the Proprietor or Proprietors of any such anciently inclosed Lands and Tenements shall be desirous of retaining any Part of his, her, or their respective Shares or Allotments of the said Lands and Grounds hereby directed to be inclosed, and shall, by themselves or Agents, signify the same in Writing to the said Commissioners in due Time, then and in every such Case the said Commissioners shall, and they are hereby authorized and directed to assign, set out, allot, and award unto and for the Rector of the said Rectory of *Newbold Verdon* for the Time being, so much and such convenient Part or Parts of the anciently inclosed Lands and Tenements belonging to such Proprietor or Proprietors within the said Parish of *Newbold Verdon*, as the said Commissioners shall adjudge and determine to be, together with the Share or Proportion or Shares or Proportions of such Proprietor or Proprietors of and in the said Lands and Grounds hereby directed to be inclosed, or so much thereof (if any) as shall be allotted to the Rector of the said Rectory as aforesaid, such Satisfaction and Compensation as aforesaid for the Tithes, Moduses, or other Ecclesiastical Payments (except as before excepted) due or payable to the Rector of the said Rectory for the Time being, out of or from the anciently inclosed Lands and Tenements of or belonging to such Proprietor or respective Proprietors: Provided, that any Allotment or Allotments which shall be so made out of the anciently inclosed Lands and Tenements of the said Sir *Edmund Cradock Hartopp* and *John Pares* in *Newbold Verdon* aforesaid, shall be taken from and out of certain Closes or Parcels of Land, called the *First Flamson's Close* and *Second Flamson's Close*, containing Eleven Acres or thereabouts, now in the Occupation of *Thomas Gilbert*, and a certain Farm or Lands called *The Halifax Farm*, containing Ninety-eight Acres, or thereabouts, now or late in the Occupation of *Thomas Thornewell*.

Tithes of ancient Inclosures belonging to Persons not interested in the Lands to be inclosed, to be commuted for by convenient Parts of their Inclosures, or by Lands belonging to other Persons, on an Equivalent being paid in Money.

XXXI. And be it further enacted, That if the Proprietor or Proprietors of, or Person or Persons interested in any anciently inclosed Lands and Tenements within the said Parish of *Newbold Verdon*, for or in respect of which the Rector of the said Parish is entitled to any Tithes or any Moduses or other Ecclesiastical Payments, shall not be entitled to any Allotment, Share, or Proportion of the said Lands and Grounds hereby directed to be inclosed, then and in every such Case the said Commissioners shall, and they are hereby authorized and directed to assign, set out, and allot and award unto and for the Rector of the said Rectory of *Newbold Verdon* for the Time being, in lieu of and as a full Recompence and Satisfaction for all Tithes, Moduses, or other Ecclesiastical Payments due or payable for or in respect of such last-mentioned anciently inclosed Lands and Tenements (Easter Offerings, Mortuaries, and Surplice Fees excepted), so much and such convenient Part or Parts of such last-mentioned anciently inclosed Lands and Tenements respectively, or of the Allotment or Allotments to be made by virtue of this Act, or any inclosed Lands belonging to any other Person or Persons who shall be willing to have a sufficient

sufficient Part or Parts deducted or taken from his, her, or their Allotment or Allotments, or other Lands, as in the Judgement of the said Commissioners shall be such Compensation as aforesaid for such Tithes, Moduses, or other Payments; and the said Commissioners shall, and they are hereby required to fix and determine what Sum or Sums of Money shall be paid by the Proprietor or Proprietors of or Person or Persons interested in any such anciently inclosed Lands and Tenements, for the Tithes whereof such Compensation shall be made by or out of the Allotments or Lands belonging to any other Person or Persons as an Equivalent for the Part or Parts thereof deducted or taken for such Purpose; and such Sum or Sums of Money, when so fixed and determined, shall be paid to the said Commissioners at such Place or Time, Places or Times, as the said Commissioners shall appoint; and in case of Non-payment thereof in Manner aforesaid such Sum and Sums of Money shall and may be levied and recovered by the said Commissioners, by such Ways and Means as the Costs, Charges, and Expences of obtaining and executing this Act can or may be levied or recovered; and the Receipt or Receipts of the said Commissioners shall be a full and sufficient Discharge for all and every Sum and Sums of Money so to be paid to the said Commissioners as aforesaid; and such Sum and Sums of Money when received by the said Commissioners, shall be by them applied in or towards paying and defraying the Proportion of the Costs, Charges, and Expences of obtaining and executing this Act, to be paid by such Person or Persons from whose Allotment or Allotments or inclosed Lands any Deduction or Deductions shall have been made, for making such Compensation as aforesaid, for the Tithes of the Lands and Tenements belonging to any Person or Persons not being entitled to any Allotment or Share or Proportion of the said Lands and Grounds hereby directed to be inclosed, and the Overplus of such Money (if any) after defraying such Costs, Charges, and Expences, shall be paid to the Person, if only One, and if more than One, shall be divided amongst the several Persons from whose Allotment or Allotments or Lands such Deduction or Deductions shall have been made as aforesaid, in such Shares and Proportions as the said Commissioners shall think right and proper; and such Money, or such Shares and Proportions of such Money, shall be paid to such Person or several Persons, if he, she, or they shall be Tenant or Tenants in Fee Simple of the Allotment or Allotments or Lands from which Deduction or Deductions shall have been made as aforesaid; or otherwise such Money, or such Shares or Proportions of such Money, shall be applied and disposed of in Manner by the said recited Act directed, in case any Money is to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the same Uses.

Tithes to cease on Allotments being fenced.

XXXII. And be it further enacted, That when and as soon as the Lands and Grounds to be set out and allotted as aforesaid, as and for a Satisfaction or Compensation for Tithes, Moduses, or other Ecclesiastical Payments, shall be inclosed and fenced in Manner by this Act directed, all the Lands and Grounds by this Act directed to be divided, allotted, and inclosed, and all Encroachments whatsoever in or upon the same, and also all the anciently inclosed Lands or Tenements in the Parish of *Newbold Verdon*, the Tithes, Moduses, or other Payments of or for which shall

ſhall be commuted for by ſuch Allotment or Allotments, ſhall be and the ſame are hereby declared to be freed, diſcharged, and exonerated, of and from all Tithes both great and ſmall, and all other Eccleſiaſtical Dues and Payments whatſoever, (Mortuaries, Eaſter Offerings, and Surplice Fees excepted), ariſing, renewing, happening, or increaſing out of and from the ſame reſpectively.

Not to prejudice Right to Tithes (except ſuch as ſhall be compenſated for) or Surplice Fees.

XXXIII. Provided always, and be it further enacted, That nothing herein contained ſhall prejudice or take away the Right of the Rectors of *Newbold Verdon* and *Market Boſworth* reſpectively for the Time being, or of any other Rector, Vicar, or Perſon whomſoever, to any Tithes, Moduſes, or other Payments in lieu of Tithes, (except ſuch Tithes in reſpect whereof the ſaid Allotments ſhall be made), *Eaſter* Offerings, Mortuaries, or Surplice Fees to them reſpectively due, and payable within their reſpective Pariſhes or Tithings: Provided alſo, that nothing herein contained ſhall extend or be conſtrued to extend in any wiſe to prejudice or affect any Moduſes, Compoſitions, or other Payments in lieu of Tithes, except ſuch as ſhall be commuted for by virtue of this Act.

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

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

Watercourſes may be turned.

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

Proviſion for feneing the Allotments in lieu of Tithes, &c.

XXXVI. And be it further enacted, That the ſeveral Allotments herein-before directed to be made unto and for the Rectors of the ſeveral Rectories of *Newbold Verdon* and *Market Boſworth* aforeſaid reſpectively, in lieu of Tithes, Moduſes, and other Eccleſiaſtical Payments, and alſo any other Allotment or Allotments of any Part or Parts of the ſaid Lands and Grounds hereby directed to be incloſed, which may be made to the Rectors of the ſaid Rectories reſpectively for the Time being, for or in reſpect of any Meſſuages or Glebe Lands belonging to the ſaid Rectories reſpectively,

reſpectively, ſhall (at the Expence of the ſeveral Proprietors of, and Perſons intereſted in, the Lands and Grounds hereby directed to be incloſed, excluſive of the Rectors of the ſaid Rectories reſpectively, rateably and in Proportion to their reſpective Shares, Rights, and Intereſts of and in the ſame, and of and in the anciently incloſed Lands and Tenements which ſhall be exonerated by ſuch Allotments) be, within ſuch Time as the ſaid Commiſſioners ſhall appoint, incloſed and ring-fenced, with Quickſet Hedges and Ditches, to be guarded on each Side with Poſts and double Rails ſufficiently ſubſtantial to ſtand till ſuch Fences ſhall be ſo grown up as not to need guarding any longer, together with ſuch proper Gates and Poſts as the ſaid Commiſſioners ſhall direct and appoint, without any Deduction from ſuch Allotment or Allotments on Account of ſuch Expences; which reſpective Mounds and Fences, or ſuch Part or Parts thereof as the ſaid Commiſſioners ſhall direct or appoint, ſhall for ever afterwards be kept in Repair by the reſpective Rectors of the ſaid Rectories for the Time being for ever; but no Diviſion-Fence or Fences ſhall be required to be made to ſeparate any particular Allotment or Allotments which may be made to the Rectors of the ſaid reſpective Rectories, or either of them, from any adjoining Allotment or Allotments that may be made to them reſpectively.

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

XXXVII. And be it further enacted, That all the Lands that ſhall be allotted in virtue of this Act to the ſeveral Proprietors of, and Perſons intereſted in the Lands and Grounds to be incloſed (other than thoſe to be allotted to the Rectors of the ſaid Rectories of *Newbold Verdon* and *Market Boſworth*), ſhall be fenced in ſuch Manner, and within ſuch Time, and all publick and private Gates and Stiles ſhall be made, and at all Times for ever afterwards repaired and maintained by and at the Expence of ſuch Proprietors and Perſons intereſted, in ſuch Proportion and Manner as the ſaid Commiſſioners ſhall by their ſaid Award direct or appoint; and that convenient Gaps and Openings ſhall be left in the ſaid Fences and Incloſures for the Paſſage of Cattle, Carts, and Carriages, in and through the ſame, for ſuch Space of Time after the Execution of the ſaid Award, not exceeding Six Calendar Months, as the ſaid Commiſſioners ſhall direct.

Fencing acroſs Freeboards, Balks, or Ditches.

XXXVIII. And be it further enacted, That where any Parcel of Land to be allotted by virtue of this Act ſhall abut upon or adjoin any Freeboard, Balk, or Ditch, belonging to any Common Field or incloſed Lands or Grounds next adjoining to the Lands and Grounds hereby directed to be incloſed, the Perſon or Perſons to whom ſuch Parcel of Land ſhall be allotted, ſhall and may, and is and are hereby empowered to ſet up and erect Gates, or any other Sort of Fence, in, over, upon, and acroſs ſuch Freeboard, Balk, or Ditch, for dividing the ſaid Parcels of Land, and raiſing and preſerving the Quickſets, Banks, Wood Plants, and other Mounds and Fences to be made and raiſed thereupon, until ſuch Time as the Owner or Owners of ſuch Freeboard, Balk, or Ditch, ſhall ſufficiently, at his or their own Expence, have ditched, mounded, and fenced out the ſame Freeboard, Balk, or Ditch, from the ſame Parcel of Land or Incloſure adjoining thereto, and alſo that it ſhall be lawful for the Owners and Occupiers of the reſpective Allotments to be made by virtue of this Act, to place Rails or other Fence acroſs the Outſide or boundary Ditch of the adjoining Allotment or Allotments, where it ſhall be neceſſary for completing the

Fence of any Inclo'ure, but ſo as not to injure his, her, or their Neighbour's Fence or Ditch.

For preventing Quickſets being damaged by Sheep or Lambs.

XXXIX. And be it further enacted, That no Sheep or Lambs ſhall be kept in any of the new Incloſures to be made by virtue of this Act, during the Space of Ten Years from and after the Allotments ſhall be marked or ſtaked out, and directed to be entered upon, unleſs the Perſon or Perſons keeping ſuch Sheep or Lambs ſhall and do, at his, her, or their own Expence, fence or guard his, her, or their Neighbour's Quickſets adjoining the Incloſures wherein ſuch Sheep or Lambs ſhall be kept, ſo as to prevent any Damage being done to ſuch Quickſets by ſuch Sheep or Lambs; and it ſhall not be lawful for any Perſon or Perſons to turn or put, or cauſe to be turned or put, any Sheep, Lambs, Horſes, Aſſes, or other Beaſts or Cattle, into any of the Ways, Lanes, or Roads, on either Side of which any newly planted Fence ſhall be growing.

Allotments to be made for Freeboards.

XL. And be it further enacted, That in all Caſes where any of the Lands to be divided and incloſed by virtue of this Act ſhall adjoin to any Freeboard, Balk, or any Screed or Parcel of Land left on the Outſide of the Fences of any adjoining Pariſh or Townſhip, ſuch Freeboard, Screed, or Parcel of Land, ſhall be deemed to be ſituated within the Pariſh, Townſhip, and Manor to which it adjoins, and Part of the Lands to be divided and incloſed by virtue of this Act; and the ſaid Commiſſioners ſhall ſet out and allot unto the Owner or Owners of ſuch Freeboard, Screed, or Parcel of Land, ſuch Allotment in lieu thereof as ſhall be equal in Value to ſuch Freeboard, Screed, or Parcel of Land, which laſt mentioned Allotment ſhall be deemed to be Part of the Pariſh, Townſhip, and Manor, to which ſuch Freeboard, Screed, or Parcel of Land formerly belonged.

Commiſſioners to direct the Courſe of Huſhandry.

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

and may by Warrant or Warrants under their Hands and Seals directed to any Perſon or Perſons whomſoever, cauſe ſuch Sum or Sums of Money to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo neglecting or refuſing to pay the ſame, rendering to the Owner or Owners of ſuch Goods and Chattels, the Overplus (if any) when demanded, after the Charges and Expences attending ſuch Diſtreſs and Sale are fully ſatisfied and paid.

After Allotments made Rights of Common to ceaſe, or may be ſuſpended or extinguiſhed earlier.

XLII. And be it further enacted, That immediately after all the Allotments to be made in purſuance of this Act ſhall, by Order of the ſaid Commiſſioners be marked or ſtaked out, all Right of Common in or upon the ſaid Open Commonable Grounds or Waſte Lands, ſhall ceaſe and be for ever extinguiſhed: Provided nevertheleſs, that it ſhall be lawful for the ſaid Commiſſioners, at any other Time, by Notice in Writing under their Hands, to be affixed upon the principal Doors of the Church of *Newbold Verdon* and the Chapel of *Barleſton*, to order and direct all or any Part of the Right of Common, in or upon the ſaid Commonable Grounds and Waſte Lands, or any Part or Parts thereof, to be extinguiſhed, or the Exerciſe thereof ſuſpended, for and during ſuch Time or Times as ſhall be expreſſed in ſuch Writing; and all ſuch Rights of Common, as the ſaid Commiſſioners ſhall, by ſuch Writing, order and direct to be extinguiſhed, or the Exerciſe thereof to be ſuſpended as aforeſaid, ſhall from the Time mentioned in ſuch Writing, ceaſe, determine, and be extinguiſhed, or the Exerciſe thereof ſhall be ſuſpended accordingly.

Allotment to Rector of Newbold Verdon as an Equivalent for a detached Incloſure belonging to the Rectory.

XLIII. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required to ſet out and allot unto and for the Rector of the ſaid Rectory of *Newbold Verdon* for the Time being, all that ſmall Croft or ancient Incloſure belonging to the ſaid Sir *Edmund Cradock Hartopp* and *John Pares*, containing, by Eſtimation Three Roods and Twenty Perches, with the Buildings ſtanding thereon, now in the Occupation of *Thomas Gilbert*, lying contiguous to the Rectory Houſe belonging to the ſaid Rectory of *Newbold Verdon*; and alſo ſo much and ſuch Part of the Share and Proportion of the ſaid Sir *Edmund Cradock Hartopp* and *John Pares*, of and in the Lands and Grounds hereby directed to be incloſed, or of ſuch other anciently incloſed Lands and Tenements as aforeſaid, belonging to them in the ſaid Pariſh of *Newbold Verdon*, as together with the ſaid Croft or ancient Incloſure the ſaid Commiſſioners ſhall adjudge and determine to be an Equivalent and full Compenſation for a certain Cloſe or ancient Incloſure, belonging to the ſaid Rectory of *Newbold Verdon*, containing by Eſtimation Six Acres, lying remote from the Rectory Houſe, or any other Lands belonging to the ſaid Rectory, at the Extremity of the ſaid Pariſh, adjoining the Liberties or Hamlets of *Oſbaſton* and *Barleſton*, and ſurrounded by Incloſures belonging to the ſaid Sir *Edmund Cradock Hartopp* and *John Pares*, and a ſmall Slip of Land belonging to *Joſias Cockſhutt Twiſleton*, Eſquire; which ſaid Cloſe or ancient Incloſure, now belonging to the ſaid Rectory, from and after ſuch Croft and other Land of the ſaid Sir *Edmund Cradock Hartopp* and *John Pares*, ſhall be ſet out and allotted to the Rector of the ſaid Rectory of *Newbold Verdon* ſhall be veſted in, and go, remain, and be to the ſaid Sir *Edmund Cradock Hartopp* and *John Pares*, or ſuch and the ſame Perſons, for ſuch and the ſame Eſtates and Intereſts reſpectively, and in ſuch and the ſame Manner as the ſaid Croft and Lands, ſo to be allotted

allotted to the ſaid Rector in lieu thereof, would have gone or been ſubject to, in caſe this Act had not been made, freed, exonerated, and diſcharged from all Tithes, Dues, and Payments to the Rector of the ſaid Rectory of *Newbold Verdon* for the Time being.

Power for the Rectors of Newbold Verdon and Market Boſworth to grant Leaſes reſpectively.

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

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

XLV. And be it further enacted, That from and immediately after the Allotments herein-before directed to be made ſhall be marked and ſtaked out, and the ſaid Commiſſioners ſhall have directed the ſame to be entered upon by the Perſons for whom the ſame ſhall be intended, all and every Leaſe and Leaſes and other Agreement and Agreements, at rack or extended Rent, ſubſiſting, of all or any Part or Parts of the ſaid Lands and Grounds to be incloſed, and of all or any Part of the Tithes to be commuted for, and of all Lands and Tenements within the Pariſh of *Newbold Verdon*, to be exonerated from Tithes by virtue of this Act alone, or with any Meſſuages or other Lands, Tithes, Tenements, or Hereditaments, ſhall ceaſe, determine, and be void, as to all the Premiſes comprized in ſuch Leaſe or Leaſes or Agreement or Agreements, the reſpective Owners or Proprietors who have made any ſuch Leaſe or Leaſes, Agreement or Agreements, making ſuch Satisfaction to his, her, or their reſpective Leſſee or Leſſees, Tenant or Tenants, on Account thereof, or as an Equivalent for the ſame, as the ſaid Commiſſioners ſhall think equitable, and direct; and that it ſhall and may be lawful for the ſaid Commiſſioners, and they are hereby authorized, under their Hands, to aſcertain, direct and appoint what Rent or Share or Proportion of Rent ſhall be paid by the ſeveral Tenants of all or any of the Lands to be incloſed, or Commonage thereon, or the Tithes thereof, in their reſpective Holdings, to their reſpective

ſpective Landlords, from the paſſing of this Act until the Time ſuch Land ſhall be marked and ſtaked out, and directed to be entered upon by the new Proprietors thereof: Provided always, that if there ſhall be any Leaſe of Lands, Part of which ſhall be ſituate in the ſaid Pariſh of *Newbold Verdon*, or in the ſaid Hamlet or Chapelry of *Barleſton*, and Part in any adjoining Pariſh, Hamlet, or Place, all and every ſuch Leaſe and Leaſes upon rack Rent now ſubſiſting may be vacated; but where any Land ſhall have been taken in Exchange, which Land ſhall be under Leaſe, and wholly ſituate in any adjoining Pariſh, Hamlet, or Place, the Leaſe of ſuch laſt mentioned Land ſhall not be vacated.

Expences of obtaining and carrying this Act into Execution, to be paid by the Proprietors.

XLVI. And be it further enacted, That all the Coſts, Charges and Expences incident to and attending the obtaining and paſſing of this Act, and of ſurveying, admeaſuring, planning, valuing, dividing, and allotting the Lands and Grounds to be divided, allotted, and incloſed, and the anciently incloſed Lands and Tenements to be exonerated and diſcharged from Tithes by virtue of this Act, and of ring-fencing the Allotments herein-before directed to be made to the Rectors of the ſeveral Rectories of *Newbold Verdon* and *Market Boſworth* aforeſaid, and of forming, completing, and repairing the Roads to be ſet out by the ſaid Commiſſioners, and the Coſts and Charges of preparing and enrolling the Award to be made by the ſaid Commiſſioners, and all the Coſts, Charges, and Expences of the ſaid Commiſſioners, their Clerks, Aſſiſtants, and Servants, and all other neceſſary Expences of carrying the ſaid recited Act and this Act into Execution, ſhall be borne and defrayed by the ſeveral Proprietors of and Perſons intereſted in the Lands and Grounds hereby directed to be allotted and incloſed (excluſive of the Rectors of the ſaid Rectories reſpectively), and the Owners of the anciently incloſed Lands and Tenements to be exonerated and diſcharged from Tithes; and all ſuch Coſts, Charges, and Expences, together with the Proportions thereof to be paid by the ſeveral Perſons hereby made liable to the Payment thereof, ſhall be ſettled and adjuſted by the ſaid Commiſſioners, and ſhall be paid at ſuch Time and Place or Times and Places, and to ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall appoint, either before or after the Execution of their ſaid Award: Provided always, that the ſaid Commiſſioners ſhall, and they are hereby required to apportion the Coſts, Charges, and Expences of obtaining and executing this Act, and regulate all ſuch Rate or Rates as they ſhall make for raiſing the ſame, ſo and in ſuch Manner as that ſuch Perſons as are intereſted in the ſaid Open Fields, Paſtures, Meadows, Commonable Places, and Waſte Lands uſed therewith, or in the ſaid other Open Commonable Grounds and Waſte Lands hereby directed to be incloſed only, ſhall be charged only a fair Proportion, according to the Extent of their reſpective Rights; and ſo that the Perſons intereſted in only the ſaid Lands and Grounds hereby directed to be incloſed ſhall not be charged for or in reſpect of any additional Expence attending or occaſioned by the Exoneration of the ſaid anciently incloſed Lands and Tenements in the Pariſh of *Newbold Verdon* from Tithes, but that the Charges and Expences aforeſaid may be borne and paid by the ſeveral Perſons made liable to the Payment thereof in due and juſt Proportion.

Power to recover Expences of the Act in caſe of Non-payment.

XLVII. And be it further enacted, That in caſe any Perſon or Perſons ſhall refuſe or neglect to pay his, her, or their Proportion of ſuch Charges and Expences, according to ſuch Apportionment as aforeſaid, at the reſpective

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

For borrowing Money.

XLVIII. And whereas some of the Owners and Proprietors of and Persons interested in the said Lands and Grounds to be inclosed, and the said anciently inclosed Lands and Tenements to be exonerated from Tithes by virtue of this Act, may have occasion or be desirous to borrow Money to defray their respective Shares and Proportions of the Charges and Expences of obtaining and carrying this Act into Execution; be it therefore enacted, That it shall and may be lawful to and for the Proprietors and Owners of, and all other Persons whomsoever interested in such Lands, Grounds, and Tenements, being a Tenant or Tenants for Life, with or without Impeachment of Waste, Tenant or Tenants in Fee Tail, general or special, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, and also to and for the Husbands, Guardians, Trustees, and Committees of any of the said Owners or Proprietors, being under Coverture, Minors, Idiots, Lunatics, or beyond the Seas, or labouring under any other Disability whatsoever; and also, to and for all Persons acting as Guardians, Trustees, or Committees of any Owners or Proprietors, bring under any Disability or Incapacity whatsoever, whether such Owners or Proprietors respectively be Tenants for Life, with or without Impeachment of Waste, Tenants in Fee Tail, general or special, or Tenants by the Courtesy of *England*, or for Years determinable on any Life or Lives (other than and except the respective Rectors of the said respective Rectories, and their Successors, for or in respect of any Allotments made to them as Rectors as aforesaid, and other than and except the Surveyors of the Highways of the said respective Parishes, for or in respect of any Allotment or Allotments made to them, as Surveyors as aforesaid), by any Deed or Deeds, Writing or Writings, under their respective

Hands and Seals, to be duly executed in the Preſence of, and atteſted by Two or more credible Witneſſes, to charge the Freehold Part, and by Surrender or Surrenders duly paſſed according to the Cuſtom or Cuſtoms of the Manor or Manors, whereof the ſame is, are, or ſhall be holden, to charge the Copyhold Part of ſuch Lands and Grounds as ſhall be allotted to ſuch Owners and Proprietors reſpectively, or of ſuch Lands and Tenements belonging to them reſpectively, as ſhall be exonerated from Tithes, with any Sum or Sums of Money not exceeding Five Pounds for each and every Acre thereof, for defraying their reſpective Proportions of the Charges and Expences of obtaining and executing this Act, and of incloſing and ſubdividing their reſpective Allotments as the ſaid Commiſſioners ſhall think proper for ſuch Purpoſes, the ſame to be paid to ſuch Perſon or Perſons, and applied for the Purpoſes aforeſaid, in ſuch Manner as the ſaid Commiſſioners ſhall direct and appoint, and for ſecuring the Repayment of ſuch Sum and Sums of Money, with Intereſt for the ſame, to grant, mortgage, leaſe, demiſe, ſurrender, or otherwiſe ſubject their ſaid reſpective Allotments or incloſed Lands or Tenements, or any Part thereof, unto any Perſon or Perſons, who ſhall advance and lend ſuch Sum or Sums of Money reſpectively, his, her, or their Heirs, Executors, Adminiſtrators, or Aſſigns, for any Term or Number of Years as to the Freehold Part thereof, and for ſuch Eſtate, Term, or Intereſt, as to the Copyhold Part thereof, as ſhall be conformable to the Cuſtoms of the reſpective Manors, ſo that every ſuch Grant, Mortgage, Demiſe, Surrender, or Security be made, with a Proviſo or Condition to ceaſe and be void, or with an expreſs Truſt to be ſurrendered when ſuch Sum or Sums of Money thereby to be ſecured, and the Intereſt thereof ſhall be fully paid and ſatisfied; and ſo that in every ſuch Grant, Mortgage, Demiſe, Surrender, or Security which ſhall be made by any Perſon or Perſons intereſted in, or entitled unto the Premiſes, for the Term of their natural Lives only, or by his, her, or their Guardian or Guardians, Truſtee or Truſtees, Committee or Committees, there be contained a Proviſo or Covenant, that the Owner or Proprietor of the ſaid Premiſes ſhall duly pay and keep down the Intereſt of any Sum or Sums of Money, to be thereby ſecured during their reſpective Lives, and no Perſon afterwards becoming ſeiſed or poſſeſſed of the ſaid Premiſes, ſhall be liable to the Payment of any further or larger Arrear of Intereſt, than for One Year preceding the Time that the Title to ſuch Poſſeſſion ſhall have commenced; and every ſuch Grant, Mortgage, Leaſe, Demiſe, or Surrender of the ſaid Premiſes, ſhall be good, valid, and effectual in the Law, for the Purpoſes thereby intended.

Commiſſioners may deduct from Allotments of Perſons empowered to raiſe Money for Expences what ſhall be deemed equivalent, and allot the ſame to ſuch Perſons as will pay the Sum to be raiſed.

XLIX. And be it further enacted, That in caſe any of the Owners or Proprietors of, or Perſons intereſted in, the Lands to be incloſed or exonerated from Tythes, by virtue of this Act, or the Huſbands, Guardians, Truſtees, Committees, or Attornies, of or for any ſuch Owners, Proprietors, or Perſons, and who by virtue of the ſaid recited Act, or this Act, ſhall have Power to raiſe Money on Mortgage for paying and defraying their reſpective Proportions of the Charges aud Expences incident to, or attending the obtaining of this Act, and carrying the ſame into Execution, ſhall, inſtead of exerciſing ſuch Power of borrowing Money as aforeſaid, be deſirous of having Land deducted or taken from their reſpective Allotments, equivalent to the Amount in Money with which they are by the ſaid recited Act or this Act enabled to charge their reſpective Allotments or incloſed Lands and Tenements, and ſhall, by themſelves

or

or Agents, ſignify the ſame in Writing to the ſaid Commiſſioners, in due Time, then, and in every ſuch Caſe, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and directed, to deduct from the reſpective Allotments to be made to ſuch Perſons as aforeſaid reſpectively, ſo much Land as ſhall, in the Judgement of the ſaid Commiſſioners, be equal in Value to ſuch Sum or Sums of Money as ſuch reſpective Perſons ſhall be warranted or empowered by virtue of the ſaid recited Act or this Act, to raiſe or charge for the Purpoſes aforeſaid, and to allot and award the ſame to ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall think proper, and who ſhall pay ſuch Sum or Sums of Money as aforeſaid; and the ſaid Land ſhall be thenceforth held by ſuch Perſon or Perſons as his, her, or their private and abſolute Property, diſcharged of all Incumbrances affecting the ſame.

Money advanced to be repaid with Intereſt.

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

Exchanges may be made.

LI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, to ſet out, allot, and award, any Lands, Tenements, or Hereditaments, in the Pariſh of *Newbold Verdon* aforeſaid, and the Hamlet or Chapelry of *Barleſton* aforeſaid, or either of them, in Lieu of, and in Exchange for, any other Lands, Tenements, and Hereditaments whatſoever, within the ſaid Pariſh, and Hamlet or Chapelry reſpectively, or within any adjoining Pariſh, Hamlet, Townſhip, or Place, provided that all ſuch Exchanges be aſcertained, ſpecified, and declared, in the Award of the ſaid Commiſſioners, or ſome other Deed or Deeds, Inſtrument or Inſtruments, in Writing, under their Hands and Seals, to be executed previous to, or at the ſame Time as their Award, and inrolled in ſuch and the like Manner as their Award is directed to be inrolled, and be made with the Conſent of the Owner or Owners, Proprietor or Proprietors, of the Lands, Tenements, or Hereditaments, which ſhall be ſo exchanged, whether ſuch Owner or Owners, Proprietor or Proprietors, ſhall be a Body or Bodies Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail, General or Special, or by the Courteſy of *England*, or for Years determinable on any Life or Lives, or with the Conſent of the Guardians, Truſtees, Feoffees for Charitable or other Uſes, Huſbands, Committees, or Attornies of, or acting for, any ſuch Proprietors or Owners aforeſaid, who at the Time of making ſuch Exchange or Exchanges ſhall be reſpectively Infants, Femes Covert, Lunaticks, or under any other legal Incapacity, or who ſhall be beyond the Seas, or otherwiſe diſabled to act for themſelves, himſelf, or herſelf, ſuch Conſent to be teſtified in Writing, under the Common Seal of the Body Politick, Corporate, or Collegiate, and under the Hands of the other Parties conſenting reſpectively; and all and every ſuch Exchange and Exchanges ſo to be made, ſhall be good, valid, and effectual in the Law, to all Intents and Purpoſes whatſoever: Provided nevertheleſs, that no Exchange ſhall be made of any Lands, Tene-

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

This Act not to affect any Will or Settlement.

LII. Provided always, and be it enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to revoke, make void, annul, or affect any Settlement, Deed, or Will, or to prejudice any Perſon or Perſons having any Right or Claim of Dower, Jointure, Rent, Debt, Charge, or Incumbrance, in, out of, upon, or affecting any of the Lands, Tenements, or Hereditaments, to be divided, allotted, incloſed, or exchanged, by virtue of the ſaid recited Act or of this Act, or any Part or Parts thereof reſpectively, but that the ſeveral Perſons to whom ſuch Lands, Tenements, or Hereditaments, ſhall be aſſigned, allotted, or given in Exchange, by virtue of this Act as aforeſaid, ſhall be ſeiſed and poſſeſſed thereof reſpectively, to ſuch and the ſame Uſes, and to and for ſuch and the ſame Eſtates, and with ſuch and the ſame Powers and Authorities for making Leaſes, and otherwiſe, and ſubject to the ſame Wills, Limitations, Conditions, Settlements, Truſts, Proviſoes, Remainders, Reverſions, Debts, Charges, and Incumbrances, as the ſeveral Lands, Tenements, or Hereditaments, in Right or Reſpect or in Lieu whereof ſuch Allotments or Exchanges ſhall be made to them reſpectively, would have been ſubject to, and charged with or affected by, in caſe this Act had not been made, except in ſuch Caſes as is herein otherwiſe directed and provided.

Power to ſell Common Rights before Award.

LIII. And be it further enacted, That if any Perſon or Perſons hath or have ſold, or contracted or agreed to ſell, or ſhall, at any Time before the Execution of the ſaid Award of the ſaid Commiſſioners, ſell or contract, or agree to ſell, his, her, or their Right, Intereſt, or Property, in, over, or upon, the Lands and Grounds hereby directed to be divided, allotted, and incloſed, or any Part thereof, to any other Perſon or Perſons, then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized and required to make the Allotment or Allotments of Land unto the Vendee or Purchaſer in every ſuch Sale, Contract, or Agreement, or to his or their Heirs or Aſſigns, for or in reſpect of ſuch Right, Intereſt, and Property, ſo ſold or contracted, or agreed to be ſold as aforeſaid, and every ſuch Vendee or Purchaſer, and his, her, or their Heirs and Aſſigns, ſhall and may, from and after the Execution of the ſaid Award, hold and enjoy the Land ſo to be allotted to him, her, or them as aforeſaid, in the ſame Manner to all Intents and Purpoſes as the Vendor in every ſuch Sale, Contract, or Agreement, might, could, or ought to have held and enjoyed the ſame, in caſe ſuch Sale, Contract, or Agreement, had not been made, or ſuch Right, Intereſt, or Property, had been veſted in ſuch Vendor at the Time of making ſuch Allotment or Allotments as aforeſaid.

LIV. And

Accounts to be examined and balanced by Two Magiſtrates annually.

LIV. And be it further enacted, That Once at leaſt in each and every Year during the Execution of this Act (ſuch Year to be computed from the Day of paſſing thereof), the ſaid Commiſſioners ſhall, and they are hereby required to make a true and juſt Statement or Account of all Sums of Money by them received and expended, or due to them for their own Trouble and Expences in the Execution of this Act; and ſuch Statement or Account when ſo made, together with the Vouchers relating thereto, ſhall be by them laid before Two of His Majeſty's Juſtices of the Peace, for the Time being, of the ſaid County of *Leiceſter* (not intereſted in the ſaid intended Diviſion and Incloſure), to be by them examined and balanced; and the Balance ſhall be by ſuch Juſtices ſtated in the Book of Accounts to be kept in the Office of the Clerks to the ſaid Commiſſioners, and no Charge or Item in ſuch Accounts ſhall be binding on the Parties concerned, or valid in Law, unleſs the ſame ſhall have been duly allowed by ſuch Two Juſtices as aforeſaid.

Perſons aggrieved may appeal to the General Quarter Seſſions.

LV. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved, by any Thing done in purſuance of this Act (other than and except ſuch Orders and Determinations of the ſaid Commiſſioners as are by the ſaid recited Act or this Act directed to be final or concluſive, and ſave and except in ſuch Caſes wherein an Iſſue at Law ſhall be tried as herein-before directed), then and in every ſuch Caſe, he, ſhe, or they, may appeal to the General Quarter Seſſions of the Peace which ſhall be held for the ſaid County of *Leiceſter*, within Six Calendar Months after ſuch Cauſe of Complaint ſhall have ariſen; and the Juſtices of the ſaid Quarter Seſſions are hereby required to hear and determine the Matter of every ſuch Complaint, and make ſuch Order therein, and to award ſuch Coſts, as to them ſhall ſeem reaſonable, and by their Warant to levy the Coſts which ſhall be ſo awarded, by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties liable to pay the ſame, rendering the Overplus, (if any), to the Owner or Owners, after deducting the reaſonable Charges; which Determination of the ſaid Juſtices ſhall be final and concluſive to all Parties concerned, and ſhall not be removed by *Certiorari*, or any Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*, or elſewhere.

Saving Rights of Lords of Manors.

LVI. And be it further enacted, That nothing herein contained ſhall prejudice, leſſen, or defeat the Right, Title, or Intereſt of the ſaid Sir *Edmund Cradock Hartopp* and *John Pares*, or of the ſaid *George Harry* Earl of *Stamford* and *Warrington*, or of any other Perſon or Perſons, who is or are, or ſhall or may be reſpectively for the Time being, Lord or Lords of any Honor or Honors, Manor or Manors, within the Limits whereof the ſaid Lands and Grounds hereby directed to be incloſed, or any Part thereof reſpectively, are or is comprized of, in, or to any Seigniories, Royalties, Fiſheries, Free Warrens, or other Rights, Cuſtoms, and Services incident or belonging to ſuch Honor or Honors, Manor or Manors; but that the ſaid Lords herein named, and ſuch other Lord or Lords for the Time being, ſhall and may at all Times hereafter hold and enjoy the ſame, and all Rents and Services, Courts, Perquiſites and Profits of Courts, Fines, Free Warrens, Franchiſes, Goods and Chattels of Felons and Fugitives, Felons of themſelves, Perſons put in Exigent, Waifs, Eſtrays, Deodands, Eſcheats, and all other Royalties, Privileges, Pre-

eminences, and Appurtenances, to such Honor or Honors, Manor or Manors respectively, incident, belonging, appending, or appertaining (except the Right of the Soil of such of the said Waste Lands as shall, in virtue of this Act, be allotted to any other Person or Persons, and the Right of Common that can or may be claimed by such Lord or Lords as such), in as full, ample, and beneficial a Manner, as they respectively could or might have held and enjoyed the same, in case this Act had not been made.

General Saving.

LVII. Saving always to the King's most Excellent Majesty, His Heirs and Successors; and to all Bodies Politick and Corporate, and their Successors, and to all and every Person and Persons whomsoever, his and their Heirs, Executors, Administrators, and Assigns, all such Estate, Right, Title, Interest, Claim, and Demand whatsoever (other than and except such as is and are hereby expressed, meant, and intended to be barred, destroyed, or extinguished), as they, every, or any of them, had or enjoyed in, to, or out of the Lands and Grounds hereby directed to be divided, allotted, and enclosed, or might or could have held and enjoyed therein, in case this Act had not been made.

Publick Act.

LVIII. And be it further enacted, That this Act shall be printed by the Printer to the King's most Excellent Majesty; and a Copy thereof so printed, 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. 1810.