ANNO QUINQUAGESIMO TERTIO

# GEORGII III. REGIS.

## *Cap.* 154.

### An Act for incloſing Lands in the Townſhip of *Spalford* and *Wigsley*, in the County of *Nottingham*.

[3d *June* 1813.]

WHEREAS there are within the Townſhip of *Spalford* otherwiſe *Spaldforth*, in the Pariſhes of *Cliſton* and *Girton*, in the County of *Nottingham*, and in the Townſhip of *Wigsley* otherwiſe *Wiggeſly*, in the Pariſh of *Thorney*, in the ſaid County, divers Open Moors, Meadows, Waſtes, and other Commonable Lands, containing in the Whole One thouſand Acres, or thereabouts; and alſo divers incloſed Lands, containing together about One thouſand Acres: And whereas Sir *William Earle Welby* Baronet is Lord of the Manors of *Spalford* otherwiſe *Spaldforth*, and *Wigsley* otherwiſe *Wiggeſly* aforeſaid: And whereas the Reverend *Edmund Cartwright* Doctor in Divinity, Prebendary of the Prebend of *South Scarle*, in the ſaid County of *Nottingham*, founded in the Cathedral Church of the Bleſſed Virgin *Mary* of *Lincoln*, is, in Right thereof, entitled to ſuch Tythes, or Portion or Portions of Tythes ariſing within the ſaid Townſhip of *Spalford* otherwiſe *Spaldforth*, or cuſtomary Payments in lieu thereof, as of Right belong to the ſaid Prebend; and *Richard Hutton* Eſquire, and *Richard Edmonds* Gentleman, are the Leſſees thereof for Lives: And whereas *Edward Mills* Clerk, Prebendary of the Prebend of *Clifton*, in the ſaid County of *Nottingham*, founded in the ſaid Cathedral Church, is, in Right thereof, entitled to ſuch Tythes, or Portion or Portions of Tythes ariſing within the ſaid Townſhip of *Spalford* otherwiſe *Spaldforth*,

or cuſtomary Payments in lieu thereof, as of Right belong to the ſaid laſt-mentioned Prebend; and *Humphrey Waldo Sibthorp* Eſquire is the Leſſee thereof for Lives: And whereas the Right Reverend *George* Lord Biſhop of *Lincoln*, in Right of his See, is Patron of the ſaid Prebends of *South Scarle* and *Cliſton*: And whereas the ſaid *Edmund Cartwright*, in Right of his ſaid Prebend, is Patron of the Vicarage of *South Scarle* aforeſaid; and *Thomas Henry Cave Orme* Clerk, is Vicar of the ſaid Vicarage, and as ſuch is entitled to ſuch Tythes, or Portion or Portions of Tythes ariſing within the ſaid Townſhip of *Spalford* otherwiſe *Spaldforth*, or cuſtomary Payments in lieu thereof, as are of Right due and payable to the Vicar of the Vicarage of *South Scarle* aforeſaid: And whereas the ſaid *Edward Mills*, in Right of his ſaid Prebend, is Patron of the Vicarage of *North Clifton*, in the ſaid County of *Nottingham*, and is alſo Vicar of the ſaid Vicarage, and as ſuch is entitled to ſuch Tythes, or Portion or Portions of Tythes ariſing within the ſaid Townſhip of *Spalford* otherwiſe *Spaldforth*, or cuſtomary Payments in lieu thereof, as are of Right due and payable to the Vicar of the Vicarage of *North Clifton* aforeſaid: And whereas *Nevile George Nevile* Eſquire is Impropriator of *Thorney*, in the ſaid County of *Nottingham*, and as ſuch Owner of and entitled to all ſuch Tythes ariſing within the ſaid Townſhip of *Wigsley* otherwiſe *Wiggesly*, or cuſtomary Payments in lieu thereof, as are of Right due and payable to ſuch Impropriator: And whereas the ſaid *Nevile George Nevile* is Patron of the Vicarage of *Thorney* aforeſaid, and *John Penroſe* Clerk is Vicar of the ſaid Vicarage, and as ſuch is entitled to receive and take ſuch Tythes ariſing within the ſaid Townſhip of *Wigsley* otherwiſe *Wiggesly*, or cuſtomary Payments in lieu thereof, as are of Right due and payable to the Vicar of the ſaid Vicarage of *Thorney*: And whereas the ſaid Sir *William Earle Welby*, the Right Honourable *John* Lord *Brownlow*, and others, are Owners and Proprietors of the ſaid Open Moors, Meadows, Waſtes, and other Commonable Lands, and are reſpectively entitled to Rights of Common and other Rights therein, in different Proportions: 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 and other Property of the ſeveral Owners and Proprietors of the ſaid Meadows, lie intermixed and diſperſed, and it would be of great Advantage to the ſeveral Perſons intereſted therein, and in the ſaid Moors, Waſtes, and other Commonable Lands, if the ſame were divided and incloſed, and ſpecific Parts thereof allotted to and amongſt the ſeveral Owners and Perſons intereſted therein, in Proportion to their reſpective Rights, Properties, Rights of Common, and other Intereſts; and if in Conſideration of an adequate Compenſation or Equivalent in Land, all the Lands in the ſaid Townſhips, as well open as incloſed, were exonerated from Tythes; but ſuch Diviſion, Allotment, Incloſure, and Exoneration from Tythes, cannot be effected without the Aid and Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That *John Cragg* of *Threckingham*, in the County of *Lincoln*, *John Burcham* of *Conings by*, in the ſaid County of *Lincoln*, and *William Aſhton* of *Brandon*, in the Pariſh of *Hough-upon-the Hill*, in the ſaid County of *Lincoln*, Gentlemen, and their Succeſſors (to be elected in Manner herein-after mentioned)

Commiſſioners.

ſhall be, and they are hereby appointed Commiſſioners for ſetting out, dividing, allotting, and incloſing, or otherwiſe improving all the Open Moors, Meadows, Waſte and other Commonable Lands within the Townſhips of *Spalford* otherwiſe *Spaldforth*, and *Wigsley* otherwiſe *Wiggesly* aforeſaid, and for carrying this Act into Execution, purſuant to the Powers, Directions, Regulations, Reſtrictions, and Proviſions herein-after contained, and with, under and ſubject to ſuch of the Powers, Directions, Regulations, Reſtrictions and Proviſions contained in the ſaid recited Act, as are not repugnant to or altered, or otherwiſe provided for by any of the Clauſes, Proviſions, or Regulations contained in this Act; and it ſhall be lawful for any Two of the ſaid Commiſſioners, or their Succeſſors, to be elected as herein-after mentioned, and they are hereby fully authorized and empowered to execute, do and perform all and every Act, Matter, and Thing required and neceſſary to be done and performed by and in purſuance of this Act or of the ſaid recited Act, as fully and effectually, to all Intents and Purpoſes, as if all the Commiſſioners herein-before appointed had been preſent, and had executed, done and performed the ſame; any Thing in this or the ſaid recited Act to the contrary thereof notwithſtanding.

For electing new Commiſſioners.

II. And be it further enacted, That if any of the Commiſſioners appointed by this Act, or who ſhall have been elected in Manner herein-after mentioned, ſhall, before the Execution of all the Powers and Authorities hereby and by the ſaid recited Act in them reſpectively veſted, die, decline or refuſe to act, or become incapable of acting, a new Commiſſioner or Commiſſioners in the room of every ſuch Commiſſioner ſo dying, declining or refuſing to act, or becoming incapable of acting, ſhall be appointed in Manner following; (that is to ſay) if the ſaid *John Cragg* ſhall die, decline or refuſe to act, or become incapable of acting, it ſhall be lawful for the ſaid Sir *William Earle Welby*, or the Lord or Lords of the Manors of *Spalford* otherwiſe *Spaldforth*, and *Wigsley* otherwiſe *Wiggesly* aforeſaid, for the Time being, by Writing under his or their Hand or Hands, to appoint ſome fit and proper Perſon, not intereſted in the Premiſes, to be a Commiſſioner in the room of the ſaid *John Cragg*; and ſo from Time to Time as often as any Commiſſioner ſo to be appointed as laſt aforeſaid, ſhall die, decline, or refuſe to act, or become incapable of acting; and that in caſe the ſaid *John Burcham* ſhall die, decline or refuſe to act, or become incapable of acting, it ſhall and may be lawful to and for the ſeveral Owners, Perſons, Bodies Politic or Corporate, ſeiſed or entitled for ſome Eſtate of Freehold or Inheritance of or to Tythes in the ſaid reſpective Townſhips, by Writing under their reſpective Hands, to appoint ſome fit and proper Perſon, not intereſted in the Premiſes, to be a Commiſſioner in the room of the ſaid *John Burcham*; and ſo from Time to Time as often as any Commiſſioner ſo to be appointed as laſt aforeſaid ſhall die, decline or refuſe to act, or become incapable of acting; and that in caſe the ſaid *William Aſhton* ſhall die, decline or refuſe to act, or become incapable of acting, it ſhall and may be lawful to and for the Majority in Value (ſuch Value to be aſcertained by the Land Tax Aſſeſſments or other ſufficient Means) of the Proprietors of or Perſons intereſted in the Lands and Grounds to be divided, incloſed, and exonerated from Tythes in purſuance of this Act, (except the ſaid Sir *William Earle Welby*, or the Lord or Lords of the ſaid Manors for the Time being, and except alſo the ſeveral Owners of or Perſons intereſted in the Tythes ariſing within the ſaid reſpective Townſhips) or their reſpective Agents or Attornies, who ſhall be preſent at a Meeting to be held for that Purpoſe

Purpoſe in ſome convenient Place in the ſaid Pariſh of *Thorney*, in purſuance of a Notice in Writing, ſpecifying the Time, Place, and Purpoſe of ſuch Meeting, to be affixed upon the principal Outer Door of each of the Pariſh Churches of *Clifton*, *Girton* and *Thorney* aforeſaid, at leaſt Fourteen Days before ſuch Meeting, by Writing under their reſpective Hands, to appoint ſome fit and proper Perſon, not intereſted in the Premiſes, to be a Commiſſioner in the Room and Stead of the ſaid *William Aſhton*; and ſo from Time to Time as often as any Commiſſioner ſo to be appointed by the ſaid Proprietors as laſt aforeſaid, ſhall die, decline, or refuſe to act, or become incapable of acting; and in caſe the ſaid ſeveral Parties, or any of them, ſhall make Default in appointing any ſuch new Commiſſioner within Two Calendar Months next after the Vacancy ſhall happen, then the ſurviving or remaining Commiſſioners or Commiſſioner are and is hereby authorized and required from Time to Time, by Writing under their or his Hands or Hand, within One Calendar Month after the Expiration of the ſaid Two Calendar Months, or as ſoon afterwards as conveniently may be, to appoint ſome fit and proper Perſon or Perſons, not intereſted in the Premiſes, to be a Commiſſioner or Commiſſioners in the room of every Commiſſioner dying, declining, or refuſing to act, or becoming incapable of acting as aforeſaid; and every Commiſſioner to be appointed as herein directed, ſhall have the like Power and Authority to act in the Execution of the ſaid recited Act and this Act, as the Commiſſioner in whoſe room he ſhall be appointed, was veſted with by virtue of this Act.

Surveyor appointed.

III. And be it further enacted, That ſuch Survey and Admeaſurement of the Lands and Grounds hereby directed to be divided and incloſed, and of ſuch of the incloſed Lands and Hereditaments in the ſaid Townſhips, or either of them, as in the Judgment of the ſaid Commiſſioners ſhall be requiſite or neceſſary for the Purpoſes of this Act, ſhall be made by *William Taylor* of the City of *Lincoln*, Land Surveyor; and in caſe of his Death, Neglect, or Refuſal to act, or becoming incapable of acting, then by ſuch other Perſon or Perſons as the ſaid Commiſſioners ſhall appoint.

Oath to be taken by Surveyor.

IV. And be it further enacted, That the ſaid *William Taylor*, or any other Perſon who ſhall be appointed by the ſaid Commiſſioners to take a Survey, Admeaſurement, and Plan of all the Lands and Grounds in the ſaid reſpective Townſhips, in purſuance of the ſaid recited Act and this Act, ſhall not be capable of acting as a Surveyor until he ſhall have taken and ſubſcribed the following Oath; which Oath the ſaid Commiſſioners, or any One of them, are or is hereby authorized and required to adminiſter; (that is to ſay)

'I do ſwear, that I will faithfully, impartially, and honeſtly, according to the beſt of my Skill and Ability, execute and perform the ſeveral Powers and Authorities veſted and repoſed in me as a Surveyor by virtue of an Act paſſed in the Fifty-third Year of the Reign of *George* the Third, intituled [*here ſet forth the Title of this Act*], according to Equity and good Conſcience, and without Favour or Affection, Prejudice or Partiality, to any Perſon or Perſons whomſoever.

'So help me GOD.'

Which Oath, when ſo taken and ſubſcribed, ſhall be annexed to and enrolled with the Award of the ſaid Commiſſioners.

V. And

Commissioners to give Notice of their Meetings.

V. And be it further enacted, That the said Commissioners shall and they are hereby required to cause Notice to be given either in the Newspaper called *The Nottingham Journal*, or in some other Newspaper printed or circulated in the County of *Nottingham*, and the Newspaper called *The Lincoln, Rutland, and Stamford Mercury*, or in some other Newspaper printed or circulated in the County of *Lincoln*, or on the principal Outer Doors of each of the Parish Churches of *Clifton*, *Girton* and *Thorney* aforesaid, of the Time and Place of their First and every other Meeting for the Execution of this Act, at least Seven Days before any such Meeting shall be held (Meetings by Adjournment only excepted); and that the said Commissioners shall and may adjourn any such Meeting from Time to Time, and from Place to Place, as they shall see Occasion, for the further Execution of this Act; and in case Two Commissioners shall not meet at the Time and Place appointed for any Meeting, or to which any such Meeting shall be adjourned, it shall be lawful for the Commissioner present at such Time and Place to adjourn the said Meeting to any future Day, not exceeding Twenty-one Days from the Day of Adjournment; and the said Commissioner making such Adjournment, is hereby required to give Notice thereof to the absent Commissioners.

Other Notices how to be given.

VI. And be it further enacted, That all other Notices required by the said recited Act to be made and given by the said Commissioners, shall be so made and given, by Writing to be affixed on the principal Outer Door of each of the Parish Churches of *Clifton*, *Girton* and *Thorney* aforesaid, or by Advertisement in the said Newspapers; or if those Newspapers shall not then be published, in some other Newspaper or Newspapers printed or circulated in the said County of *Nottingham*, and also in the County of *Lincoln*.

Places where Meetings to be held.

VII. Provided always, and be it further enacted, That all Meetings of the said Commissioners for putting this Act in Execution, shall be held at *Thorney* aforesaid, or within the Distance of Eight Miles from the Boundary of the said respective Townships or Parishes, or any of them.

Commissioners to settle Disputes.

VIII. And be it further enacted, That if any Dispute or Difference shall arise or happen between any of the Parties interested or claiming to be interested in the Division or Allotments intended to be made by virtue of this Act, touching or concerning any of the Estates, Claims, Rights or Interests, in or to the said Open Moors, Meadows, Wastes, and other Commonable Lands within the said respective Townships of *Spalford* otherwise *Spaldforth*, and *Wigsley* otherwise *Wiggesly*, or any Part or Parts thereof, or touching or concerning the respective Rights and Interests which they or any of them shall have or claim to have, in, upon, or over the same, or touching or concerning any other Matter or Thing relating to such Division and Allotments; it shall be lawful for the said Commissioners and they are hereby respectively authorized and required to examine into, hear and determine the same: Provided that nothing in this Act contained shall authorize the said Commissioners to determine the Title to any Lands or Hereditaments, or any Right between any of the Parties interested in the said Lands and Grounds, contrary to the Possession of any such Parties; 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

Commissioners not to determine Titles nor Rights contrary to the Possession.

termination thereupon until the Poſſeſſion ſhall have been given up by or recovered from ſuch Perſon or Perſons by Ejectment or other due Courſe of Law.

Power to aſſeſs Coſts.

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

Allowing Parties to try diſputed Rights by an Iſſue at Law.

X. Provided always, and it is hereby enacted, That in caſe any Party or Parties making any Claim or Claims in purſuance of this or the ſaid recited Act, or any Perſon or Perſons objecting thereto, ſhall be diſſatisfied with the Determination of the ſaid Commiſſioners, and ſhall by Writing under his, her, or their Hand or Hands, or the Hand or Hands of his, her or their known Agent or Attorney reſpectively, ſignify the ſame to the ſaid Commiſſioners, or any of them, within One Calendar Month next after any ſuch Determination ſhall be made; in ſuch Caſe, but not otherwiſe, it ſhall be lawful for the Perſon or Perſons ſo diſſatisfied with ſuch Determination, to have the ſubject of ſuch Claim or Objection in reſpect of which ſuch Determination ſhall be made, tried at Law by an Action to be brought by him, her, or them, againſt any Perſon or Perſons in whoſe Favour any Determination ſhall have been ſo made, upon a feigned Iſſue, to be ſettled by the proper Officer of the Court wherein ſuch Action ſhall be brought, in caſe the Parties ſhall differ about the ſame; ſuch Action to be brought within Two Calendar Months next after any ſuch Determination ſhall have been made; and the Defendant or Defendants in ſuch Action ſhall, and he, ſhe, or they is and are hereby required to file Common Bail, or appear to ſuch Action, accept a Declaration, and plead to Iſſue, and the Plaintiff or Plaintiffs ſhall thereupon proceed in ſuch Action ſo as to have the ſame tried and determined at the Firſt Aſſizes to be holden for the ſaid County of *Nottingham*, after the Expiration of One Calendar Month from the Commencement of ſuch Action; and the Verdict of the Jury on ſuch Trial, if the ſame ſhall be ſatisfactory to the Court, ſhall be binding, final and concluſive upon all the Parties intereſted therein; but it ſhall be lawful for the Court wherein ſuch Action ſhall be brought, to ſet aſide ſuch Verdict, and order a new Trial to be had thereupon, and alſo upon ſufficient Cauſe ſhewn, to put off the Trial of ſuch Iſſue, as is uſual in other Caſes; and after ſuch Verdict ſhall be obtained and not ſet aſide by the Court, the

the ſaid Commiſſioners ſhall, and they are hereby required to act in conformity to the Verdict or Verdicts thereupon given, and to allow or diſallow the Claim or Claims thereby determined, according to the Event of ſuch Trial or Trials: Provided that all Determinations of the ſaid Commiſſioners which ſhall not be objected to in due Time, or being objected to if the diſſatisfied Party or Parties ſhall not cauſe ſuch Action at Law to be brought and proſecuted as aforeſaid, ſhall be abſolutely binding, final, and concluſive, unto and upon all Parties and Perſons whomſoever.

If any of the Parties die, Proceedings not to abate. Allowing Actions to be brought after the Death of Parties.

XI. And be it further enacted, That if any of the Parties in any Action to be brought in purſuance of this Act 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; and if any Perſon or Perſons in whoſe Favour any ſuch Determination as aforeſaid ſhall have been made, and againſt whom any ſuch Action or Actions might have been brought if living, ſhall die before any ſuch Action or Actions ſhall have been brought, and before the Expiration of the Time herein-before limited for bringing ſuch Action or Actions, it ſhall be lawful for the Perſon or Perſons, Bodies Politic or Corporate reſpectively, who might have brought ſuch Action or Actions againſt the Perſon or Perſons ſo dying, to bring the ſame within the Time ſo limited as aforeſaid, againſt ſuch Perſon or Perſons as if actually living, and to ſerve the Clerk of the ſaid Commiſſioners with Notice of ſuch Action or Actions in the ſame Manner as the Party or Parties might have been ſerved therewith if living; and it ſhall 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 thereon in the ſame Manner as if ſuch Perſon or Perſons had been actually living; and the Rights of all Parties ſhall be equally concluded by the Event of ſuch Action or Actions.

Power to diſcontinue Roads between old Incloſures.

XII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and empowered to ſtop up any old public Carriage Road, Bridleway or Footpath, leading through and over the Lands and Grounds intended to be divided and incloſed by virtue of this Act, or paſſing or leading through any of the old Incloſures in the ſaid Townſhips of *Spalford* otherwiſe *Spaldforth*, and *Wigsley* otherwiſe *Wiggesly*; and the Soil of the Roads or Ways ſo to be ſtopped up, ſhall be deemed and taken as Part of the Lands and Grounds to be divided or allotted by virtue of this Act, or ſhall be allotted and diſpoſed of in ſuch other Manner, and to ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall direct or award: Provided that no ſuch Carriage Road, Bridleway or Footpath, paſſing or leading through old Incloſures, ſhall be ſtopped up without the Concurrence and Order of Two Juſtices of the Peace acting in and for the County, Diviſion, Parts or Diſtrict in which ſuch Roads or Ways are ſituated, and not chargeable towards the Repair thereof; which Order ſhall be ſubject to Appeal at the Quarter Seſſions for the ſame County, Diviſion, Parts or Diſtrict, in like Manner and under ſuch Powers and Reſtrictions as if the ſame had been originally made by ſuch Juſtices.

Roads dividing Pariſhes or Places, to

XIII. And be it further enacted, That in caſe any public Carriage Roads or Highways to be ſet out under the Powers and Proviſions of this or the ſaid

be made up in the whole Thirty Feet broad.

said recited Act, shall be set out or continued in any Situation or Direction where the said Townships of *Spalford* otherwise *Spaldforth*, and *Wigsley* otherwise *Wiggesly*, or either of them, are or is divided from an adjoining Parish or Place, and where there now is or usually hath been a public Bridle Road or Meerway, and such adjoining Parish or Place hath hitherto been charged or liable or ought to be charged with One-half Part of the Repairs and Support of the said Road or Way, then and in such Case the said Commissioners shall and they are hereby authorized to set out so many Feet only, or so much of the said Land, from and out of the said Lands and Grounds hereby directed to be divided, allotted and inclosed, as will enlarge the Breadth of such Road or Way to Thirty Feet at least.

Valuation of Lands to be taken.

XIV. And be it further enacted, That the said Commissioners shall, and they are hereby required to view and value the Lands directed to be divided and inclosed, and the Gardens, Orchards, Homesteads and Inclosures directed to be exonerated from Tythes by virtue of this Act; which Valuation shall be reduced into Writing, either in a Book or on a Plan, and then deposited at some Public-house in *Thorney* aforesaid, for the Inspection of every and any Person interested in such Valuation, or his or her Agent; and the said Commissioners shall cause to be affixed on the principal Outer Door of each of the said Parish Churches of *Clifton*, *Girton*, and *Thorney*, and to be inserted in some Newspaper or Newspapers in the same Manner as other Notices are required to be given by this Act, a Notice of the Place where such Book or Plan shall be deposited, at least Fourteen Days before any Allotment shall be set out, under the Authority of this Act; and that after such Book or Plan shall be so published, a Meeting of the Commissioners shall be held for receiving Objections thereto, of which Meeting such Notice shall be given as last aforesaid.

Drains to be made.

XV. And be it further enacted, That the said Commissioners shall and may scour out, widen and alter all such ancient Ditches, Drains, Watercourses, Tunnels, Gates and Bridges in the said respective Townships, and also shall and may set out, widen and make any new Ditches, Drains, Watercourses, Tunnels, Gates and Bridges, as well in, through and over the Lands and Grounds hereby intended to be divided, allotted and inclosed, as also in, through and over any Inclosures within the said Townships, making such Satisfaction to the Proprietors of such Inclosures for the Damage done thereby, as they shall think reasonable (the Expence thereof to be raised and defrayed as the other Expences of obtaining and executing this Act are herein-after directed to be raised and defrayed) and of such Depth, Breadth, and Dimensions, and in such Directions as the said Commissioners shall think proper; and the said Commissioners shall and may, and they are hereby directed and required in and by their Award to order and determine by whom and at whose Expence, and at what Time, and in what Manner, the said Ditches, Drains, Watercourses, Tunnels, Gates, and Bridges shall be afterwards cleansed, scoured and maintained; and also shall and may direct, order and award, all and any of the Streams, Springs, and Watercourses within the said Lands and Grounds hereby directed to be divided, allotted, and inclosed, to be carried, diverted, and turned in such Courses, and through, over and across such Parts of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, as they

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the ſaid Commiſſioners ſhall in their Diſcretion judge proper for the watering the ſeveral Allotments to be made as aforeſaid; provided that no ſuch Streams, Springs and Watercourſes ſhall be diverted or turned without the Conſent in Writing of the reſpective Proprietors, from or out of whoſe Lands the ſame ſhall be diverted, and into whoſe Lands the ſame ſhall be turned: Provided always, nevertheleſs, that nothing in this Act contained ſhall authorize and empower the ſaid Commiſſioners to make, maintain, alter, divert, enlarge, widen or ſet out any Ditches, Drains, Sewers, Watercourſes, Tunnels, Bridges, Engines or other Works, which ſhall or may in any Manner injure, prejudice, or overflow any of the Lands or Grounds within the Townſhips of *Swinethorpe*, in the County of *Lincoln*, and of *Harby* and *Thorney*, in the County of *Nottingham*, any or either of them; any Thing herein contained to the contrary thereof in anywiſe notwithſtanding.

Allotments for getting Materials for repairing the Roads.

XVI. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required to ſet out, aſſign, and allot ſuch convenient Parcels of Ground, Part of the Lands by this Act directed to be divided and incloſed, as they ſhall think proper, not exceeding Two Acres in each of the ſaid reſpective Townſhips of *Spalford* otherwiſe *Spaldforth*, and *Wigsley* otherwiſe *Wiggesly*, for the Purpoſe of getting Materials for repairing the public Roads and Highways within the ſaid reſpective Townſhips, and for ſuch other Purpoſes as the ſaid Commiſſioners ſhall by their Award direct; and ſuch Parcels of Land ſhall be veſted in the Surveyor or Surveyors for the Time being of the Highways within the ſaid reſpective Townſhips for the Purpoſes aforeſaid; and the ſame ſhall be incloſed and fenced, and ſuch Fences ſhall be maintained by ſuch Perſon and in ſuch Manner as the ſaid Commiſſioners ſhall direct; and the Graſs and Herbage thereof ſhall belong to and be taken and enjoyed by ſuch of the Proprietors of the Lands by this Act directed to be divided, as the ſaid Commiſſioners ſhall by their Award direct or appoint.

Allotment to the Lord of the Manors.

XVII. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required to ſet out and allot unto and for the ſaid Sir *William Earle Welby*, or the Lord or Lords of the Manors of *Spalford* otherwiſe *Spaldforth*, and *Wigsley* otherwiſe *Wiggesly* aforeſaid, out of the ſaid Moors or Waſte Lands hereby directed to be divided and incloſed, in lieu of and as a full Recompence and Satisfaction for the Right of the Lord or Lords of the ſaid reſpective Manors to the Soil of all the Waſte Lands in the ſaid reſpective Manors, ſuch Parcel or Parcels of Land as in the Judgment of the ſaid Commiſſioners ſhall be equal in Value to One Twentieth Part of the Waſte Lands within the ſaid reſpective Manors, after making a reaſonable Deduction and Allowance for the Roads and the Allotments for repairing the ſame, and the Compenſation for the Tythes of ſuch Waſte Lands.

Allotment for Glebe.

XVIII. And be it further enacted, That the ſaid Commiſſioners ſhall, in the next Place, ſet out and allot unto the ſaid *Edmund Cartwright* and *Edward Mills*, Prebendaries as aforeſaid, and their Leſſees reſpectively, the ſaid *Thomas Henry Cave Orme* and *Edward Mills* reſpectively, and their Succeſſors, Vicars as aforeſaid, the Impropriator of *Thorney* aforeſaid, for the Time being, and the ſaid *John Penroſe* and his Succeſſors, Vicars as aforeſaid, ſuch Parts and Proportions of the Lands and Grounds directed by

by this Act to be divided, as shall in their Judgment be a full Equivalent and Compensation for their respective Glebe Lands and Rights of Common, over and upon the said Lands and Grounds so directed to be divided as aforesaid.

Allotments for Tythes.

XIX. And be it further enacted, That the said Commissioners shall and they are hereby required, in the next Place, to set out for the said *Edmund Cartwright* and *Edward Mills*, Prebendaries as aforesaid, and their Successors respectively, and their respective Lessees, the said *Thomas Henry Cave Orme* and *Edward Mills* respectively, and their Successors, Vicars as aforesaid, the said Impropriator of *Thorney* for the Time being, and the said *John Penrose* and his Successors, Vicars as aforesaid, in Severalty, according to their respective Estates and Interests therein, so much and such Parts of the Lands and Grounds in the said respective Townships of *Spalford* otherwise *Spaldforth*, and *Wigsley* otherwise *Wiggesly*, as shall in the Judgment of the said Commissioners be equal in Value to One Fifth Part of all the Arable Lands, as well open as inclosed (for which Purpose Two Third Parts in Value of all the Tytheable inclosed Lands, except of Woods, shall be deemed Arable), One Ninth Part of the Moors, Commons, and Waste Lands, Two Seventeenth Parts of the Wood Lands, and One Eighth Part of the Open Meadows, and of all other Lands and Grounds lying within the said respective Townships, subject or liable to Tythes in Kind, as a full Compensation for all the Tythes arising within the said respective Townships: Provided nevertheless, that the Tythe Compensations in respect of all the Lands in the said Township of *Spalford* otherwise *Spaldforth*, inclosed in or before the Year One thousand seven hundred and sixty-seven, and also in respect of the Moors and Waste Lands in that Townships, shall be made by Allotment or Allotments in the Open Moor or Moors within such Townships; and that at least Four Fifth Parts in Value of such Compensation in respect of the inclosed Lands and Wood Lands subject to Tythes, in the said Township of *Wigsley* otherwise *Wiggesly*, shall be by Allotment or Allotments from the inclosed Lands of the said Sir *William Earle Welby*, his Heirs or Assigns, in that Township, adjoining a Wood belonging to *Thomasin Pym* Widow, the Open Moors, and the *Thorney* Road; and the Remainder of the Compensation in respect of the said inclosed Lands and Wood Lands subject to Tythes, and of all other the Lands and Grounds so subject, situate in such last-mentioned Township, shall be by Allotment or Allotments in the Open Moor or Moors of that Township; and in order to recompense the said Sir *William Earle Welby*, his Heirs or Assigns, for the Allotment or Allotments to be made from his inclosed Lands as aforesaid, in lieu of the other Proprietors of Estates, the following Parcels of Land belonging to other Proprietors, situate in the Township of *Wigsley* otherwise *Wiggesly* aforesaid, shall be assigned and awarded to him by the said Commissioners; (that is to say) a Parcel of Land equal in Value to the Share and Proportion of the said *Thomasin Pym*, of the Compensation to be made in respect of her inclosed Tytheable and Wood Lands to be taken from her inclosed Lands, abutting on the Open Moor on or towards the South, so as to adjoin inclosed Lands of the said Sir *William Earle Welby*, on or towards the North and West, and inclosed Lands of the said *Thomasin Pym*, on or towards the East, a Parcel of inclosed Land containing Five Acres and Three Roods, or thereabouts, belonging to *Thomas Colton*, bounded by the Open Moor on or towards the East, by the Two Parcels of Land herein-after described, containing Four Acres and One Rood, on or towards

towards the South, by the *Thorney* Road on or towards the Weſt, and by incloſed Lands of the ſaid Sir *William Earle Welby*, on or towards the North; Two Parcels of incloſed Land containing Four Acres and One Rood, or thereabouts, belonging to *Thomas Foſter* and *Charles Foſter*, bounded by the Piece or Parcel of Land herein-after deſcribed, on or towards the Eaſt, by a private Road on or towards the South, by the *Thorney* Road on or towards the Weſt, and by the ſaid Parcel of Land, containing Five Acres and Three Roods herein-before deſcribed, on or towards the North; and a Parcel of incloſed Land, now or heretofore in Two Cloſes, containing Three Acres and Two Roods, or thereabouts, belonging to *Henry Hole*, bounded on or towards the Eaſt by the Open Moor, on or towards the South by the ſaid private Road, on or towards the Weſt by the Parcels of Land herein-before deſcribed, containing Four Acres and One Rood, and on or towards the North by the ſaid Parcel of Land herein-before deſcribed, containing Five Acres and Three Roods; and in caſe there ſhall be any Difference in the reſpective Values of the ſaid ſeveral incloſed Lands of the ſaid *Thomas Colton*, *Thomas Foſter*, *Charles Foſter*, and *Henry Hole*, and the Compenſations which ought to be made to the ſaid Sir *William Earle Welby* as aforeſaid, ſuch Difference to be adjuſted between the reſpective Parties, out of their ſeveral Intereſts in the ſaid Open Moors and Waſte Lands in the Townſhip of *Wigsley* otherwiſe *Wiggesly* aforeſaid, in ſuch Manner as the ſaid Commiſſioners ſhall think juſt and equitable; and ſuch Deduction ſhall be made from the Share, Right, and Intereſt of any other Proprietor or Proprietors in the Open Moors and Waſte Lands in ſuch Townſhip, who do not give up incloſed Lands to the ſaid Sir *William Earle Welby* as a Recompence as aforeſaid, and added to his the ſaid Sir *William Earle Welby*'s Share, Right, and Intereſt therein, as the ſaid Commiſſioners ſhall alſo think juſt and equitable.

Commiſſioners to divide the Allotments for Tythes between the Impropriators and Vicars.

XX. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized and required to ſet out, divide, allot, and award the Lands to be ſet out for or in lieu of Tythes ariſing from the Lands and Grounds within the ſaid Townſhips, unto and amongſt the ſaid *Edmund Cartwright* and *Edward Mills*, and their Succeſſors, as Prebendaries as aforeſaid, and their Leſſees reſpectively, and the ſaid *Thomas Henry Cave Orme*, and *Edward Mills* reſpectively, and their Succeſſors, Vicars as aforeſaid, and the ſaid *Nevile George Nevile*, as ſuch Impropriator as aforeſaid, and the ſaid *John Penroſe* and his Succeſſors, Vicars as aforeſaid, in ſuch Shares and Proportions as the ſaid Commiſſioners ſhall adjudge and determine to be a proportionable, equal and juſt Compenſation for their ſeveral and reſpective Rights and Intereſts in and to the Great and Small Tythes ariſing, happening, increaſing or growing due within the ſaid reſpective Townſhips; provided that the Lands ſo to be ſet out and allotted to the ſaid *Nevile George Nevile*, as ſuch Impropriator as aforeſaid, be ſet out and allotted adjoining the ſaid Wood of the ſaid *Thomaſin Pym* and *Thorney* Road aforeſaid.

Money Payments to be made in lieu of Tythes of old Incloſures, where the Owners have not Property

XXI. Provided always, and be it further enacted, That in caſe any of the Owners or Proprietors of any Meſſuages, Tenements, Gardens, Orchards or Incloſures within the ſaid Townſhips, ſhall not be entitled to Lands or Common Rights in the ſaid Lands by this Act directed to be divided, allotted, and incloſed, ſufficient to make ſuch Compenſation for the Tythes thereof as aforeſaid, and ſuch Compenſation ſhall be taken for the

in the Open Lands sufficient to discharge the same.

the Lands hereby directed to be allotted, then and in every such Case Compensation shall be made for such Deficiency by and out of the Property in the said Lands hereby directed to be divided, allotted, and inclosed, belonging to the said several other Proprietors, in such Manner as the said Commissioners shall appoint; and such Person or Persons who shall be entitled to or possessed of any such Messuages, Tenements, Gardens, Orchards, or Inclosures, shall pay or cause to be paid to such Person or Persons, and at such Time or Times as the said Commissioners shall direct or appoint, such Sum or Sums of Money as they the said Commissioners shall think equivalent to and a full Satisfaction and Compensation for the Tythes of the said Messuages, Tenements, Gardens, Orchards, or Inclosures; which Sum and Sums of Money shall be applied towards Payment of the Costs, Charges, and Expences of obtaining and passing this Act, and carrying the same into Execution, and shall and may be levied and recovered in like Manner as the Costs, Charges, and Expences of obtaining and passing of this Act, and carrying the same into Execution, can or may be levied or recovered; and the Surplus (if any) of such Sum or Sums of Money shall be appropriated in the Manner directed by the said Act of the Forty-first Year of the present Reign, with respect to Money to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, for the Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of Lands to be settled to the same Uses.

Allotment of the Residue.

XXII. And be it further enacted, That the Residue of the said Open Moors, Meadows, Wastes, and other Commonable Lands hereby directed to be divided, shall by the said Commissioners be set out and allotted unto, for, between or amongst the several and respective Persons who at the Time of making such Allotments shall be entitled to any Estate, Property, Right of Common or other Right or Interest whatsoever therein, according to their respective Interests, for and in lieu of and as a Recompence and Compensation for all such their respective Rights and Interests: Provided nevertheless, that in making such Division and Allotments, one Half of the Residue of the Open Moors and Waste Lands that shall be adjudged to belong to and be situate within the said Township of *Wigsley* otherwise *Wiggesly*, shall be set out and allotted unto and amongst the several Owners and Proprietors of ancient Commonable Messuages, Houses and Toftsteads in the said Township, interested therein respectively, according to the Number, but without regard to the Value of such their respective Messuages, Houses and Toftsteads; and the other Half thereof within the said Township, unto and amongst the several Owners and Proprietors of Lands in such Township, appertaining to such Messuages, Houses and Toftsteads so interested as aforesaid, in Proportion to the Value of such their respective Lands to be ascertained by the said Commissioners: Provided also, that upon such Division and Allotment, the Owners and Proprietors of Toftsteads in the said Township of *Wigsley* otherwise *Wiggesly*, shall have and be entitled only to Half the Compensation that shall be adjudged to belong to Messuages or Houses.

Commissioners to give Notice of Allotments being made,

XXIII. And be it further enacted, That the said Commissioners, when and so soon as they shall have finally settled and determined upon the several Allotments to be made to the respective Proprietors and Persons interested, shall cause the same to be staked out, and forthwith give Notice upon

the principal Outer Door of each of the said respective Parish Churches of *Clifton*, *Girton* and *Thorney*, of their having completed all the said Allotments, and appoint some convenient Time and Place where every Proprietor may receive a Schedule of his or her own Allotments respectively, and shall by some Writing under their Hands to be published as aforesaid, order and appoint at what Time or Times the said Proprietors may and are required to enter upon their respective Allotments, and how and when and by whom the same are to be fenced, and from what Time or Times the Right of Common or Pasturage thereon shall cease and be extinguished. and of Common Rights being extinguished, before the Execution of the Award.

XXIV. And whereas the Proprietors and Persons interested in the Open Meadow of *Spalford* otherwise *Spaldforth* aforesaid, directed to be divided and allotted, may be desirous of stocking and depasturing their Allotments in common, and of sharing such Produce as may grow thereon, under proper Regulations; be it further enacted, That the said Commissioners shall, and they are hereby fully authorised and empowered on Application of the Parties interested, or Four-fifths thereof in Number and Value, at any Meeting of the said Commissioners before the Allotments shall be staked out, to award, order, and direct all the Allotments in the said Open Meadow to be laid together and ring-fenced, and to be stocked and depastured in common, and to make such Orders and Regulations for the equitable Enjoyment thereof, and for the Participation of any Produce growing or to grow thereon, as the said Commissioners may think beneficial and proper for the several Parties interested therein; and in case any Owner or Owners of Tythes shall have Allotment or Allotments in the said Meadow, his or their Allotment or Allotments therein shall not be ring-fenced or fenced off from the rest of the Allotments in pursuance of the Directions herein-after contained, but shall be stocked and depastured in common, and subject to such Orders, Regulations, and Participations, as the other Allotment or Allotments in the said Meadow, if all the Allotments therein are laid together on such Application as aforesaid. Allotments to be ring-fenced.

XXV. And be it further enacted, That the Allotment or Allotments to be made and set out for the said Prebendaries and their Lessees, and the said *Nevile George Nevile*, and the said Vicars respectively, in lieu of or for Glebe, Common Rights and Tythes, shall be severally ring-fenced and fenced against all public Carriage Roads, and on all such Parts and Sides of such Allotments respectively as shall not be ordered by the said Commissioners to be fenced by any other Proprietor, with good and clean Quickets Two Years old, guarded on both Sides by good Oak Posts, and Oak, Ash, Birch, or Fir Rails, and Three Rails high, and a good Oak Gate, properly Hung, and a Pair of Oak Posts to each Allotment, at such Times and by such Person or Persons as the said Commissioners shall appoint; such Fences to be made at the Expence of the other Proprietors whose Lands shall be exonerated from Tythes by virtue of this Act, or such of them as the said Commissioners shall appoint; and without any Deduction from the Allotment or Allotments so to be made and set out in lieu of or for Glebe, Common Rights and Tythes on account of such Expence; but that such Parts of the said Ring-fencing (after having been made as aforesaid) as the said Commissioners shall think reasonable, shall from thenceforth and for ever afterwards be supported, maintained, and repaired by the respective Persons to whom such Allotments shall be respectively made, in such Manner as For fencing Glebe Tythe and other Allotments.

the ſaid Commiſſioners ſhall in and by their Award direct or appoint; and that the ſeveral other Allotments to be made by virtue of this Act, ſhall be incloſed, hedged, ditched, or otherwiſe fenced, and ſuch Fences for ever thereafter repaired by and at the Expence of the reſpective Perſons to whom the ſame ſhall be allotted, within ſuch Time and in ſuch Proportions and Manner as the ſaid Commiſſioners ſhall direct.

Gaps to be left.

XXVI. Provided always, and be it enacted, That convenient Gaps and Openings ſhall be left in the Fence, to be made by virtue of this Act, for the Space of Six Calendar Months next enſuing the Execution of the Award of the ſaid Commiſſioners, for the Paſſage of Cattle, Carts, and Carriages in and through the ſame, unleſs the ſaid Commiſſioners ſhall by their ſaid Award, or by any other Inſtrument in Writing under their Hands, order the ſame to be ſooner fenced and made up.

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

XXVII. And be it further enacted, That it ſhall be lawful for any Perſon or Perſons who ſhall be entitled to or intereſted in any Allotment or Allotments to be made by virtue of this Act, to ſell, mortgage, demiſe and diſpoſe of all his, her, or their Eſtate, Right, Title and Intereſt therein, at any Time before the Execution of the ſaid Award, and every ſuch Sale and Diſpoſition ſhall be good, valid, and effectual in the Law; and alſo that it ſhall be lawful for any Perſon or Perſons intereſted in the ſaid Allotment, Diviſion, and Incloſure, at any Time not leſs than One Calendar Month before the Execution of the ſaid Award, to ſell and diſpoſe of all ſuch Eſtate, Right, Title, Intereſt and Property, as he, ſhe, or they ſhall then have in or to the ſaid Open Moors, Waſtes, and other Commonable Lands, or in or to any Allotment or Allotments to be made in reſpect thereof by virtue of this Act, ſeparate from the Eſtate in Right of which he, ſhe, or they ſhall be ſo entitled; and it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required to allot the ſame to the Purchaſer or Purchaſers thereof reſpectively.

Eſtates held by different Tenures to be diſtinguiſhed.

XXVIII. And be it further enacted, That the ſaid Commiſſioners, after having made the ſeveral Allotments hereby directed to be made, ſhall in their Award take notice of, diſtinguiſh, and ſet forth whether the ſame are Freehold, Copyhold, or Leaſehold; and that where the Proprietor or Proprietors of any Lands or Hereditaments which ſhall be allotted, exchanged, or parted by virtue of this or the ſaid recited Act, ſhall hold their reſpective Lands or Hereditaments by different Tenures, or for different Eſtates or under different Titles, the ſaid Commiſſioners ſhall, upon the Requeſt of ſuch reſpective Proprietors in Writing under their Hands, aſcertain and diſtinguiſh the Lands or other Hereditaments held by each of ſuch Tenures for each of ſuch Eſtates, and under each of ſuch Titles reſpectively, and ſhall accordingly in their ſaid Award ſet out and diſtinguiſh diſtinct and ſeveral Allotments for ſuch reſpective Lands or other Hereditaments; and where from the Want of the neceſſary Information before the ſaid Commiſſioners, or from any other Cauſe, their Award ſhall omit diſcriminating as herein before is mentioned, ſuch different Titles and different Eſtates and different Tenures, and within Twelve Calendar Months after the making of the ſaid Award, Requeſt ſhall be made to the ſaid Commiſſioners by any Perſon or Perſons intereſted, by Writing under his, her, or their Hand or Hands, to have ſuch Omiſſion ſupplied by a ſeparate Inſtrument or Inſtruments, then and in every ſuch Caſe the ſaid Commiſſioners are hereby authorized

authorized to do every Thing neceſſary for ſupplying ſuch Omiſſion; and, ſo far as that Purpoſe will require, to examine Witneſſes, and in every other Reſpect to proceed and act as if the Award had not been made; and when they ſhall have obtained what they ſhall think ſufficient Information, they are hereby alſo required, by any Deed under their Hands and Seals, to aſcertain and diſtinguiſh the Difference of Tenures, Eſtates, and Titles reſpectively, and accordingly to make diſtinct and ſeveral Allotments in the ſame Manner as is hereby required, where ſuch Determination ſhould be contained in the ſaid Award; and every ſuch ſeparate Inſtrument, after having been duly executed by the ſaid Commiſſioners, ſhall have the ſame Effect as if it was contained in the ſaid Award, and ſhall be delivered unto the Perſon or Perſons upon whoſe Requeſt the ſaid Omiſſion ſhall have been ſupplied, or the Perſon or Perſons to whom the Cuſtody of the Deeds and Writings concerning the Title to the Premiſes in Queſtion ſhall, in the Opinion of the ſaid Commiſſioners, moſt properly belong for the Time being; and all Expences which ſhall be reaſonably incurred in and about any ſuch ſupplementary Inſtrument as aforeſaid, ſhall be payable by the Perſon or Perſons who ſhall have ſo requeſted the ſaid Commiſſioners as aforeſaid, or by his, her, or their Heirs, Executors, or Adminiſtrators.

Power to make Exchanges.

XXIX. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners to aſſign and ſet out any Allotment or Allotments to be made by virtue of this Act, or any Part or Parts of ſuch Allotment or Allotments, or any Meſſuages, old Incloſures, Lands, Tenements, or other Hereditaments, ſituate or ariſing within the ſaid Pariſhes of *Clifton*, *Girton* and *Thorney*, or any of them, in lieu of and exchange for any other Meſſuages, old Incloſures, Lands, Tenements, or other Hereditaments, ſituate or ariſing in the ſaid Pariſhes or any of them, or within any Pariſh or Place adjoining thereto; ſo as every ſuch Exchange be made by the Award of the ſaid Commiſſioners, or by ſome Inſtrument to be executed by them previous to the Execution of their Award, and be ſet forth or referred to in ſuch Award, and be made with the Conſent and Approbation of the reſpective Proprietors, or Perſon or Perſons, Bodies Politic or Corporate, ſeiſed of or beneficially entitled to the Hereditaments which ſhall be ſo exchanged for any Eſtate of Freehold or Inheritance, or by and with the Conſent of the Huſbands, Truſtees or Guardians, Committees or Attornies of or for any ſuch Proprietors, who at the Time of making any ſuch Exchange, ſhall be under Coverture, Minors, Lunatics, beyond the Seas, or under any other Diſability or Incapacity of acting for themſelves, or of the major Part of any Truſtees for charitable or public Uſes reſpectively; and ſo as every ſuch Exchange of Lands, Tenements, or Hereditaments holden in Right of any Church, Chapel, or other Eccleſiaſtical Benefice, be alſo made with the Conſent of the Lord Biſhop of the Dioceſe in which ſuch Lands, Tenements, or Hereditaments ſhall lie or be ſituated, and of the Patron or Patrons thereof for the Time being; ſuch Conſents to be reſpectively teſtified by Writing under the Hands of the conſenting Parties, or under the Common Seal of any of them, being a Corporation Aggregate; and every ſuch Exchange ſo to be made and declared, ſhall be for ever good, valid, and effectual in the Law, to all Intents and Purpoſes whatſoever.

Expences of Exchanges and Partitions

XXX. Provided always, and be it further enacted, That all the Coſts, Charges, and Expences attending the making and completing of any Exchanges

by whom to be paid.

changes and Partitions, shall be paid, borne, and defrayed by the several Persons making such Exchanges and Partitions, in such Manner and Proportions as the said Commissioners shall order and direct.

Power to vacate Leases.

XXXI. And be it further enacted, That all and every Lease and Leases or Agreements for Leases at Rack Rents or from Year to Year now subsisting, of all, every, or any Part or Parts of the Lands and Grounds in the said respective Townships of *Spalford* otherwise *Spaldforth*, and *Wigsley* otherwise *Wiggesly*, which are hereby directed to be divided, or which shall be exchanged by virtue of this Act, and of all Messuages, Homesteads, and Inclosures situate in the said Parishes of *Clifton*, *Girton* and *Thorney*, which are let therewith respectively, shall, immediately from and after dividing, allotting, and exchanging the same Lands and other Hereditaments respectively, or at such other Time or Times as the said Commissioners shall by any Writing or Writings under their Hands direct, cease, determine, and be void; and the respective Owners of such Lands and Hereditaments shall make such Satisfaction or Compensation to such Lessee or Lessees, Tenant or Tenants, for the Loss or Damage he, she, or they respectively shall thereby sustain, and in such Manner as such Owners and their Lessee or Lessees, Tenant or Tenants respectively shall agree upon, or in case they disagree, then as the said Commissioners shall appoint to be paid to such Lessee or Lessees, Tenant or Tenants respectively, on account thereof; and in case the Money directed by the said Commissioners to be paid on the Account aforesaid, shall not be paid at the Times by them appointed, the same shall be recoverable at the Suit of the Person or Persons respectively to whom the same shall be directed to be paid, by Action of Debt in any of His Majesty's Courts of Record at *Westminster*, or by the same Ways and Means as are herein provided for the Recovery of the Money directed to be paid towards defraying the Expences of passing and executing this Act.

But not Leases of old inclosed Lands only.

XXXII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to determine, prejudice, or affect any Lease or Agreement of or concerning any inclosed Lands or Hereditaments, situate in the said respective Townships of *Spalford* otherwise *Spaldforth*, and *Wigsley* otherwise *Wiggesly*, in which Lease or Agreement no Part of the Lands or Grounds directed to be inclosed, or any Interest therein, is comprised; but that it shall be lawful for the said Commissioners, upon the Application of either Party interested in any such Lease for any longer Term than One Year from the passing of this Act, to ascertain and determine what increased Rent shall be paid or allowed to the respective Lessor or Lessors in respect of the Benefit derived by the Exoneration of the said Lands from the Payment of Tythes in Kind; and such Advance or Increase of Rent shall be paid to and recovered by the Lessor or Lessors in the same Manner and on the same Days as the Rents reserved in such Leases shall be payable respectively.

Wills, Settlements, &c. not to be affected.

XXXIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed, deemed, adjudged, or taken to revoke, make void, alter, annul, or in any Way affect any Grant, Assurance, Limitation of Use, Declaration of Trust, or any Deed, Will, Settlement or Lease whatsoever, (Leases or Agreements for Leases at Rack Rents only excepted) or to prejudice any Person or Persons having any

Right or Claim of Dower, Jointure, Portion, Debt, Rent, Incumbrance, or other Claim or Demand, out of, upon, or affecting any of the Lands, Grounds, or Hereditaments which ſhall be ſet out, allotted, awarded, exchanged, or parted by Authority of this Act; but that ſuch Lands, Grounds, Tenements and Hereditaments ſhall reſpectively be, remain and enure, and be held and enjoyed, and the ſeveral Proprietors to whom the ſame ſhall be ſet out, allotted, awarded, or given in Exchange, or on Partition as aforeſaid, ſhall ſtand and be ſeiſed and poſſeſſed thereof reſpectively, under and liable to the ſame Uſes, Truſts, Eſtates, and Intereſts, and ſubject to ſuch and the ſame Wills, Settlements, Leaſes, Powers, Proviſoes, Limitations, Remainders, Charges, Incumbrances, and Demands, as the Lands, Intereſt, or Property, in reſpect whereof the ſame were made, would have been ſubject or liable to, or been affected by, in caſe ſuch Allotments, Exchanges, and Partitions had not been made, or this Act had not paſſed; but ſubject nevertheleſs to the Proviſions contained in this Act.

Allotments for Glebe, Common Right, and Tythes, declared to be in full Compenſation.

XXXIV. And be it further enacted, That the Allotments which ſhall be ſet out and awarded to the reſpective Prebendaries and their Succeſſors and Leſſees, to the ſaid *Thomas Henry Cave Orme* and *Edward Mills* as Vicar reſpectively, and their Succeſſors, to the Impropriator of *Thorney* aforeſaid, for the Time being, and to the ſaid *John Penroſe* and his Succeſſors, in reſpect of Glebe, Right of Common, and Tythes, ſhall be in lieu of and full Satisfaction and Compenſation for all Glebe Lands and Rights of Common in and upon the Lands and Grounds hereby directed to be divided and incloſed; and alſo of and for all the Great and Small Tythes, Moduſes, Compoſitions, and other Payments whatſoever in lieu of Tythes, ariſing, growing, renewing, increaſing, appertaining or due or payable from, out, or in reſpect of all and every the Meſſuages, Cottages, Tofts, Homeſteads, Gardens, Orchards, incloſed Lands, Open Moors, Meadows, Waſtes, and other Commonable Lands, and all other Lands, Tenements, and Hereditaments within the ſaid Townſhips of *Spalford* otherwiſe *Spaldforth*, and *Wigsley* otherwiſe *Wiggesly*; and the ſame Tythes, Moduſes, Compoſitions, and other Payments in lieu of Tythes, ſhall, immediately from and after the making and ſetting out of the Allotments, or at ſuch other Time or Times as the ſaid Commiſſioners ſhall in and by their Award, or any Writing to be ſigned by them previous to the Execution of their Award, direct or appoint, ceaſe, determine, and be for ever extinguiſhed; but *Eaſter* Offerings, Mortuaries, and Surplice Fees ſhall not be prejudiced.

Monies advanced to be repaid with Intereſt.

XXXV. And be it further enacted, That the Money which ſhall be advanced by any Perſon or Perſons for the Purpoſe of defraying the Expences of applying for and obtaining this Act, and carrying the ſame into Execution, ſhall be repaid with lawful Intereſt to ſuch Perſon or Perſons, out of the Firſt Monies to be raiſed for defraying the Expences of obtaining and executing the ſame Act.

Commiſſioners Allowance.

XXXVI. And be it further enacted, That out of the Money that ſhall be raiſed for defraying the Expences of obtaining and executing this Act, there ſhall be paid to each of the ſaid Commiſſioners, when they ſhall have completed the ſaid Diviſion and Incloſure, and executed all the Powers and Authorities veſted in them by this Act and the ſaid recited Act, the Sum of Two hundred

dred and ten Pounds, and no more, as a Recompence for his Trouble, to be paid to them on the Execution of the Award to be made by them in purſuance of the ſaid recited Act; and in caſe of the Death or Refuſal to act of any of the ſaid Commiſſioners, the ſaid Sum of Two hundred and ten Pounds ſhall be apportioned and divided between or amongſt him and his or their Succeſſor or Succeſſors, in ſuch Manner as the other Commiſſioner or Commiſſioners ſhall direct and appoint; and that at all Meetings to be held in purſuance of this Act, and in travelling to and from the ſame, the ſaid Commiſſioners ſhall out of their reſpective Allowances defray their own Expences.

**Expence of this Act how to be paid.**

XXXVII. And be it further enacted, That the Owners of the ſaid Lands and Grounds hereby directed to be divided and incloſed, and alſo the Owners of the incloſed Lands and Hereditaments intended to be diſcharged of Tythes by virtue of this Act, ſhall pay his, her, or their Share of all the Charges and Expences of paſſing this Act, and of ſurveying, admeaſuring, and valuing the ſaid incloſed Lands, and ſettling the Compenſation for the Tythes thereof, and ſurveying, valuing, dividing and allotting the ſaid Lands and Grounds hereby directed to be divided, and of ſetting out, forming and making the public and private Roads and Ways, Banks, Bridges, Drains, and Watercourſes, and of incloſing the Allotments in lieu of Glebe, Right of Common, and Tythes, and of preparing and enrolling the Award of the ſaid Commiſſioners; and all other reaſonable Expences and Charges of the ſaid Commiſſioners, Surveyor, and other proper and neceſſary Expences in the Execution of this Act and of the ſaid recited Act, from Time to Time as the ſame ſhall reſpectively accrue, to ſuch Perſon or Perſons, in ſuch Proportion and Manner, and at ſuch Time or Times either before or after the Execution of the Award of the ſaid Commiſſioners, as they the ſaid Commiſſioners ſhall direct or appoint, according to the Extent of their ſeveral Intereſts therein, as to the ſaid Commiſſioners ſhall ſeem juſt and equitable; (the ſaid reſpective Prebendaries and their Succeſſors and Leſſees, the ſaid *Nevile George Nevile* and his Heirs, and the ſaid reſpective Vicars and their reſpective Succeſſors, in reſpect of the ſaid Allotments for Glebe Lands, Rights of Common, and Tythes, only excepted.)

**Power to borrow Money.**

XXXVIII. And be it further enacted, That it ſhall be lawful for any Proprietor or Proprietors, or Perſon or Perſons beneficially entitled to any Allotment or Allotments to be made, or any incloſed Lands or Grounds to be diſcharged from Tythes reſpectively by virtue of this Act, being Tenant or Tenants for Life or Lives, or for Years determinable on a Life or Lives, or for any Eſtate of Freehold or Inheritance, and to and for any Huſbands, Guardians, Truſtees, Committees or Attornies of any ſuch Proprietor or Proprietors, being under Coverture, Minors, Idiots, Lunatics, or beyond the Seas, or otherwiſe incapable of acting for themſelves (other than and except the ſaid reſpective Prebendaries and their Succeſſors and Leſſees, the ſaid *Nevile George Nevile* and his Heirs, and the ſaid reſpective Vicars and their reſpective Succeſſors) by and with the Conſent and Approbation of the ſaid Commiſſioners, to be teſtified by Writing under their Hands and Seals, from Time to Time, either before or after the Execution of the ſaid Award, to charge the ſaid Lands and Grounds of ſuch Proprietors or Perſons reſpectively, with any Sum or Sums of Money for and towards their reſpective Proportions of the Expences of obtaining and executing this Act, and of incloſing, ditching, fencing, and ſubdividing their

reſpective Allotments, not exceeding Five Pounds for each Acre of ſuch Lands and Grounds; and for ſecuring the Repayment of ſuch Sum or Sums of Money with Intereſt, to grant, mortgage, leaſe, or demiſe the ſaid Lands and Grounds to ſuch Perſon or Perſons as ſhall advance any ſuch Sum or Sums reſpectively, in ſuch Manner and Form as in the ſaid recited Act is directed and preſcribed in reſpect of the Mortgages or Securities thereby authorized to be made.

Auditor appointed.

XXXIX. And be it further enacted, That *William Hutton* of *Gate Burton*, in the ſaid County of *Lincoln*, Eſquire, ſhall be and he is hereby appointed Auditor of the ſaid Commiſſioners Accounts; and in caſe of his Death or Refuſal to act, then ſome other fit and proper Perſon, not intereſted in the Premiſes, ſhall be appointed Auditor for that Purpoſe, in like Manner as is herein-before provided for the Appointment of a new Commiſſioner in the Place of the ſaid *John Cragg*, and ſo from Time to Time as often as Occaſion ſhall require; and the Accounts of the ſaid Commiſſioners for the Time being, containing a true Statement of all Sums received by them, and expended, or due to them for their own Trouble and Expences reſpectively, ſhall, at leaſt once in every Year from the paſſing of this Act, until ſuch Account ſhall be finally allowed, together with the Vouchers relating to the ſame, be examined by the ſaid Auditor for the Time being, and the Balance by him ſtated in their Books of Accounts, to be kept in the Office of the Clerk of the ſaid Commiſſioners; and no Charge or Item in the ſaid Accounts ſhall be binding on the Parties concerned, or be valid in Law, unleſs the ſame ſhall be allowed by the ſaid Auditor.

Award where to be depoſited and enrolled.

XL. And be it further enacted, That there ſhall be Two Parts of the Award to be made by the Commiſſioners in purſuance of the ſaid recited Act and this Act, both which ſhall be ſigned and ſealed by the Commiſſioners, and One Part thereof when enrolled in Manner directed by the ſaid recited Act, ſhall be depoſited and kept in the Cheſt belonging to the Pariſh Church of *South Scarle* aforeſaid, and the other Part thereof ſhall be depoſited and kept in the Cheſt belonging to the Pariſh Church of *Thorney* aforeſaid.

Perſons aggrieved may appeal to the Quarter Seſſions.

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

XLII. Provided

Saving Lords Rights.

XLII. Provided alſo, and be it further enacted, That nothing in this Act contained ſhall leſſen, prejudice, or defeat the Right, Title, or Intereſt of the Lord or Lords, Lady or Ladies of the ſaid reſpective Manors of *Spalford* otherwiſe *Spaldforth*, and *Wigsley* otherwiſe *Wiggesly*, for the Time being, of, in, and to the Seigniories and Royalties incident or belonging to ſuch reſpective Manors; but that the Lord or Lords, Lady or Ladies for the Time being of the ſaid reſpective Manors, ſhall and may from Time to Time and at all Times hereafter hold, receive, take and enjoy all Rents, Fines and Services, and Profits of Courts, and all other Rights, Royalties and Privileges to ſuch reſpective Manors incident, appendant, belonging or appertaining, in as full, ample and beneficial Manner, to all Intents and Purpoſes, as he, ſhe, or they might or ought to have held and enjoyed the ſame, in caſe this Act had not been made.

General Saving.

XLIII. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and to all and every other Perſon and Perſons, Bodies Politic, Corporate and Collegiate, his, her and their Heirs, Succeſſors, Executors, Adminiſtrators and Aſſigns, (other than and except the reſpective Perſons, Bodies Politic, Corporate or Collegiate, to or for whom any Allotment or Allotments, or other Compenſation or Compenſations ſhall be made or provided by virtue or under the Authority of this Act, for or in reſpect of the Intereſts, Right, or Property for or in lieu of which ſuch Allotment or Allotments, or other Compenſation or Compenſations ſhall be made, and except ſuch other Rights and Intereſts as the Intents and Purpoſes hereby authorized ſhall abſolutely require to be barred, deſtroyed, or extinguiſhed by this Act, and all Perſons reſpectively claiming under them or in Remainder after them), all ſuch Right, Title and Intereſt as they, every, or any of them, had or enjoyed of, in, to, or in reſpect of the Lands and Grounds hereby directed to be ſet out, allotted, and awarded, in caſe this Act had not been made.

Act to be printed by the King's Printer.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1813.