ANNO QUADRAGESIMO QUINTO

GEORGII III. REGIS.

Cap. 93.

An Act for incloſing Lands in the Pariſh of *Swallow*, in the County of *Lincoln*. [27th *June* 1805.]

WHEREAS there are within the Pariſh of *Swallow*, in the County of *Lincoln*, ſeveral open and unincloſed Commons, Fields, Meadows, Paſtures, Commonable Lands, and Waſte Grounds, which are diſtinguiſhed and called or known by the ſeveral Names of *The Eaſt and Weſt Field*, *The Moor*, *The Horſe Paſture*, and *The Wold*, and contain together, by Eſtimation, Two thouſand five hundred and fifty Acres, or thereabouts: And whereas the Right Honourable *Charles* Lord *Yarborough*, is Lord of the Manor of *Swallow* aforeſaid, and claims to be entitled to or intereſted in the Soil of the ſaid Commons and Waſte Grounds: And whereas the ſaid *Charles* Lord *Yarborough* is Patron, and *George Holiwell* Clerk is Rector of the Rectory and Pariſh Church of *Swallow* aforeſaid, and in Right of the ſaid Rectory is entitled to a Meſſuage, Cottage, or Tenement, and certain Glebe Lands and Common Right within the ſaid Common Fields, Meadows, Paſtures, and other Commonable Lands and Waſte Grounds, and to all and all Manner of Tythes, both Great and Small, growing, renewing, or ariſing within the ſame Pariſh: And whereas the Maſter, Fellows, and Scholars of Trinity College in *Cambridge*, of King *Henry* the Eighth's

Foundation, claim to be Owners of a Meſſuage, Cottage, or Tenement, and Homeſtead, adjoining the ſame, and to certain Rights of Common in reſpect thereof, and alſo of certain Lands ſituate and being in the Open Arable Fields in *Swallow* aforeſaid, and containing, by Eſtimation, Twenty Acres, or thereabouts; and the Right Reverend *George* Lord Biſhop of *Lincoln*, claims to be Owner of Nine Acres of Land, or thereabouts, lying and being in the ſaid Place in *Swallow* aforeſaid, called *The Horſe Paſture*; and the ſaid *Charles* Lord *Tarborough* claims to be the Owner or Proprietor of certain Meſſuages or Farmſteads, old incloſed Lands and Grounds, and of all the Reſidue of the Lands lying in the ſaid open and unincloſed Arable Fields, and alſo to all the Reſidue and Remainder of the ſaid other open and unincloſed Paſtures, Commonable Lands, and Waſte Grounds reſpectively, lying and being in, or conſtituting the ſaid ſeveral Places in the Pariſh of *Swallow* aforeſaid, called or known as aforeſaid, by the ſeveral Names of *The Moor*, *The Horſe Paſture*, and *The Wold*; or otherwiſe is entitled to the Reſidue of the Rights of Common, Cattlegates, and other Rights and Intereſts, in or upon the ſame: And whereas an Act was paſſed in the Forty-firſt Year of His preſent Majeſty's Reign, 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 a great Part of the ſaid Open Fields is inconveniently ſituated for the Occupation thereof, and the ſaid Commons and Waſte Grounds in their preſent State yield but little Profit to the ſeveral Perſons intereſted therein; but if the ſaid Commonable and other Rights were extinguiſhed, and the ſaid Open Fields, Commons, and Waſte Grounds were divided, and ſpecific Parts and Shares thereof allotted to the ſeveral Perſons intereſted therein, according to their reſpective Eſtates, Rights, and Intereſts; and if in lieu of the Tythes ariſing as well from the ſaid Open Fields, Meadows, Paſtures, Commons, and Waſte Grounds, as the incloſed Lands within the ſaid Pariſh, an adequate Compenſation was made, and the ſaid Tythes thereof extinguiſhed, ſuch ſeveral Perſons ſo entitled or intereſted as aforeſaid, would be very materially benefited: But ſuch Diviſion, Allotment, Extinguiſhment of Tythes, and Incloſure, cannot be made and 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 *Iſaac Leatham* of *Barton*, in the Eaſt Riding of the County of *York*, Eſquire, and *Thomas Rockcliffe* of *Fulletby*, and *John Burcham* of *Coningſby*, both in the County of *Lincoln*, Gentlemen, and their Succeſſors (to be elected in Manner herein-after mentioned) ſhall be and they are hereby appointed Commiſſioners for dividing, allotting, and incloſing the ſaid Open Fields, Meadows, Paſtures, Commonable, and Waſte Lands, and for carrying into Execution as well the Powers and Proviſions of this Act, as alſo the Powers and Proviſions of the ſaid recited Act, and ſubject to the Regulations of the ſaid recited Act, except in ſuch Caſes where the ſame are by this Act varied or altered.

4 & 5 Geo. 3.

Commiſſioners for effecting the Incloſures, &c

II. And be it further enacted, That it ſhall be lawful for any Two of the ſaid Commiſſioners, to do and perform every Act and Thing neceſſary to be done in purſuance of this or the ſaid recited Act, and to put in

Two Commiſſioners may act.

force

force and execute all and every the Powers and Authorities in this and the ſaid recited Act contained; and the ſame when ſo done, performed, or executed, ſhall be as valid and effectual, to all Intents and Purpoſes, as if done, performed, or executed by all the ſaid Commiſſioners.

New Commiſſioners by whom to be appointed.

III. And be it further enacted, That if any of the Commiſſioners by this Act appointed, or who ſhall be elected in Manner herein-after mentioned, ſhall die, refuſe, or be diſabled to act, before the Powers and Authorities hereby and by the ſaid recited Act veſted in them ſhall be fully executed, a new Commiſſioner in the Place of any ſuch Commiſſioner ſo dying, refuſing, or being diſabled to act, ſhall be elected in Manner following; (that is to ſay), if the ſaid *Iſaac Leatham* ſhall die, refuſe, or be diſabled to act, it ſhall be lawful for the ſaid *Charles* Lord *Yarborough*, or ſuch other Perſon as ſhall then be Lord of the Manor of *Swallow* aforeſaid, by Writing under his Hand, within One Calendar Month next after ſuch Death, Refuſal, or Diſability, ſhall be ſignified to him in Writing by the other Commiſſioners or Commiſſioner, to appoint ſome other Perſon, not intereſted in the ſaid Diviſion, Allotment, and Incloſure, to be a Commiſſioner in the Place and Stead of the ſaid *Iſaac Leatham*, and ſo from Time to Time ſo often as the ſaid Commiſſioner, appointed by the ſaid Lord of the Manor, ſhall die, refuſe, or become incapable to act; and in caſe the ſaid *Thomas Rockcliffe* ſhall die, refuſe, or become diſabled to act, it ſhall be lawful for the ſaid *George Holtwell*, or ſuch other Perſon as ſhall then be Rector of the Rectory and Pariſh Church of *Swallow* aforeſaid, by Writing under his Hand, within One Calendar Month next after ſuch Death, Refuſal, or Diſability ſhall be ſignified to him in Writing by the other Commiſſioners or Commiſſioner, to appoint ſome other Perſon, not intereſted in the ſaid Diviſion, Allotment, and Incloſure, to be a Commiſſioner in the Place and Stead of the ſaid *Thomas Rockcliffe*, and ſo from Time to Time ſo often as the ſaid Commiſſioner, appointed by the ſaid Rector ſhall die, refuſe, or become incapable of acting; and in caſe the ſaid *John Burcham* ſhall die, refuſe, or be rendered incapable of acting, it ſhall be lawful for the ſaid Maſter, Fellows, and Scholars of Trinity College in *Cambridge*, by Writing under their Common Seal, and for the ſaid *George* Lord Biſhop of *Lincoln*, or other the Perſon then entitled to the Land of which he now ſtands ſeiſed and poſſeſſed in *Swallow* aforeſaid, in Writing under his Hand and Seal, jointly, within One Calendar Month next after ſuch Death, Refuſal, or Diſability, ſhall be ſignified to them in Writing by the other Commiſſioners or Commiſſioner, to appoint ſome other Perſon, not intereſted in the ſaid Diviſion, Allotment, and Incloſure, to be a Commiſſioner in the Place and Stead of the ſaid *John Burcham*, and ſo from Time to Time ſo often as the ſaid Commiſſioner, appointed by them the ſaid Maſter, Fellows, and Scholars, and the ſaid *George* Lord Biſhop of *Lincoln*, or ſuch other Perſon as aforeſaid, ſhall refuſe, become defunct, or incapable of acting.

Commiſſioners in default of Parties to ſupply Vacancies.

IV. Provided always, and be it further enacted, That in caſe the ſaid ſeveral Parties, or any of them, ſhall make default in appointing any ſuch new Commiſſioner, within One Calendar Month after the Death of any Commiſſioner, or his Refuſal to act, or becoming incapable of acting, and ſuch Notice thereof ſhall have been given as aforeſaid, then the ſurviving or remaining Commiſſioners or Commiſſioner ſhall, and they and he are and is hereby required, from Time to Time, by Writing under their

their Hands or his Hand, within One Calendar Month after the Expiration of the ſaid preceding One Calendar Month allowed to the reſpective Parties for appointing ſuch new Commiſſioner or Commiſſioners as aforeſaid, to appoint a Commiſſioner, not intereſted in the ſaid Diviſion, Allotment, and Incloſure, in the Room of every Commiſſioner ſo dying, refuſing, or becoming incapable of acting as aforeſaid; and every Commiſſioner ſo to be appointed as laſt-mentioned and provided, ſhall have the like Power and Authority in all Reſpects as the Commiſſioner in whoſe Place he ſhall be appointed, was veſted with by virtue of this Act; and that in the mean Time and until ſuch new Commiſſioner or Commiſſioners ſhall be appointed in Manner aforeſaid, and be duly ſworn, the ſurviving or remaining Commiſſioners or Commiſſioner ſhall and may proceed in the Execution of any of the Powers veſted in them by this Act, ſuch Acts of the ſaid Commiſſioners as are hereby or by the ſaid recited Act made final and concluſive, only excepted.

Appointment of Surveyor.

V. And be it further enacted, That every Survey, Admeaſurement, and Plan of the Lands and Grounds hereby directed to be divided, incloſed, or exonerated from Tythes, which ſhall be made for the Purpoſes of this Act, ſhall be made by *Samuel Dickinſon* of *Thurganby*, in the ſaid County of *Lincoln*, Land Surveyor; and in caſe of his Death, Refuſal, or being diſabled to act, then by ſuch other fit and proper Perſon or Perſons as the ſaid Commiſſioners ſhall, by Writing under their Hands, from Time to Time nominate and appoint.

Commiſſioners and Surveyors Allowance.

VI. And be it further enacted, That out of the Money that ſhall be raiſed for defraying the Expences of obtaining and executing this Act, there ſhall be paid to each of the ſaid Commiſſioners acting in the Execution thereof, the Sum of Two Pounds Twelve Shillings and Sixpence for every Day he ſhall ſo act, or travel for the Purpoſe of acting, or in returning Home from acting, in full Satisfaction for his Trouble and Expences; and that there ſhall be paid to the Surveyor or Surveyors appointed or to be appointed as and for the Purpoſes aforeſaid, ſo much Money for every Acre of the Land and Ground to be ſurveyed and admeaſured in purſuance of this Act, as the ſaid Commiſſioners ſhall adjudge to be an adequate Recompence and Satisfaction for all his Charges and Expences whatſoever in attending the ſaid Commiſſioners, and in ſurveying and admeaſuring the ſaid Lands and Grounds, and in planning and ſtaking out the ſeveral Allotments intended to be made, and in making ſuch Maps and Plans as may be reſpectively required by virtue of this Act or the ſaid recited Act.

Notice of Meetings.

VII. And be it further enacted, That the ſaid Commiſſioners ſhall give or cauſe Notice to be given in the Pariſh Church of *Swallow* aforeſaid, on ſome *Sunday* immediately after Divine Service, or otherwiſe in Writing, to be affixed upon the principal outer Door of the ſaid Church, of the Time and Place of their Firſt and every other Meeting for the Execution of this Act, at leaſt Six 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 to ſuch Place or Places, not exceeding Eight Miles from the ſaid Pariſh of *Swallow*, as they ſhall ſee Occaſion, for the further Execution of this Act; and in caſe Two Commiſſioners ſhall not meet at the Time

Time and Place appointed for any Meeting, or to which any Meeting ſhall be adjourned, it ſhall be lawful for any One of the ſaid Commiſſioners preſent at ſuch Time and Place, to adjourn the ſaid Meeting, to be holden on any future Day not exceeding Twenty-one Days from the Day of Adjournment, at the ſame or any other Place within the Diſtance of Eight Miles from the ſaid Pariſh of *Swallow*, as ſhall be by them deemed moſt convenient; and the Commiſſioner making ſuch Adjournment, is hereby required to give timely Notice thereof to the other Commiſſioner or Commiſſioners who ſhall be abſent at the Time of ſuch Adjournment being made.

Proprietors, &c. to pay their own Expences at Meetings.

VIII. Provided always, and be it further enacted, That the ſaid Proprietors, their Attornies and Agents, ſhall pay their own Expences when they or any of them ſhall attend the ſaid Commiſſioners at any of their Meetings to be held under or by virtue or in purſuance of the ſaid recited Act, or this Act.

Other Notices how to be given.

IX. And be it further enacted, That all other Notices which ſhall or may be neceſſary or requiſite to be made and given by the ſaid Commiſſioners, ſhall be made and given by Advertiſement in the Newſpaper, called *The Lincoln, Rutland, and Stamford Mercury*, or in caſe the ſame ſhall not then be publiſhed, then in ſome other Newſpaper printed and circulated in the ſaid County of *Lincoln*.

Commiſſioners to determine Claims and ſettle Diſputes;

X. And be it further enacted, That if any Diſpute or Difference ſhall ariſe between any of the Parties intereſted, or claiming to be intereſted, in the ſaid Diviſion and Allotments, touching or concerning the Right to the Soil of the ſaid Commons and Waſte Grounds, 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 or over the ſame, or touching or concerning any other Matter or Thing relating to the ſaid Diviſion and Allotments, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required, with all convenient Speed, to proceed to hear and determine ſuch Claims and Objections: Provided always, that nothing in this Act contained ſhall authorize or be conſtrued to empower the ſaid Commiſſioners to determine the Title to any Meſſuages, Cottages, Lands, Tenements, or Hereditaments whatſoever.

but no Titles to the Realty.

Commiſſioners to aſſeſs Coſts.

XI. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby empowered and required, upon Requeſt made to them, to award and aſſeſs ſuch Coſts and Charges as they ſhall think reaſonable, for the Uſe and Benefit of the Party or Parties in whoſe Favour ſuch Determination ſhall be made, upon or againſt the Perſon or Perſons whoſe Claim or Claims, Objection or Objections, ſhall have been diſallowed; and if, after Notice thereof to him, her, or them, given in Writing by the ſaid Commiſſioners, ſuch Coſts and Charges ſhall not be paid and diſcharged to the Perſon or Perſons entitled or authorized to receive the ſame, within the Space of Twenty-eight Days thence next following, and no Notice ſhall have been previouſly given to the ſaid Commiſſioners by the Perſon or Perſons whoſe Claim or Claims they ſhall have diſallowed, to commence an Action at Law for the Support and Maintenance of ſuch Claim or Claims ſo diſallowed, or having given

given such Notice, shall not bring such Action within the Time hereinafter limited, and prosecute the same without any wilful Delay, or having duly proceeded therein, a Verdict shall have been given and established against such Plaintiff or Plaintiffs, then and in such Cases, or any of them, they the said Commissioners shall and may, by Warrant under their Hands and Seals, levy all and every such Costs and Charges, by Distress and Sale of the Goods and Chattels of such Person or Persons so charged with, and neglecting or refusing to pay the same, together with the Charges of making and disposing of the Goods and Chattels so distrained, 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 of such Distress and Sale.

Rights of Parties may be tried by an Issue at Law.

XII. Provided always, and be it further enacted, That in case any Person or Persons interested, or claiming to be interested, in the said intended Division and Inclosure, shall be dissatisfied with any Determination of the said Commissioners, touching or concerning any of the Claims, Rights, or Interests, intended to be affected by such Determination, such Person or Persons so dissatisfied shall and may proceed to a Trial at Law of the Matter so determined by the said Commissioners, at the then next or at the following Assizes to be holden for the said County of *Lincoln*, and for that Purpose the Person or Persons so dissatisfied with the Determination of the said Commissioners shall, within Three Calendar Months next after the making of the same, Fourteen Days Notice having been previously given to the said Commissioners of his, her, or their Intention so to do, cause an Action to be brought upon a feigned Issue, against the Person or Persons in whose Favour such Determination shall have been made; 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 pending, in case the Parties shall differ about the same); and the Verdict or Verdicts which shall be given in such Action or Actions, shall be final, binding, and conclusive, upon all and every Person and Persons whomsoever, unless the Court in which such Action or Actions shall be prosecuted, shall set aside the same, and order a new Trial to be had therein, and which it shall be lawful for such Court to do, and also upon sufficient Cause shewn to put off the Trial of such Issue, 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 accordingly: Provided always, that the Determination of the said Commissioners touching such Claim or Claims, or Rights or Interests as aforesaid, which shall not be objected to, or being objected to, the Party or Parties objecting not causing such Action or Actions at Law to be brought and proceeded in as aforesaid, shall be final and conclusive upon all Parties.

Parties dying not to abate Actions.

XIII. And be it further enacted, That if any of the Parties in any Action to be brought in pursuance of this Act, shall die pending the same,

ſame, ſuch Action ſhall not abate by reaſon thereof, but ſhall be proceeded in as if no ſuch Event had happened.

Allotments for Watering Places, publick Gravel, &c.

XIV. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby authorized and required (after they ſhall have ſet out and appointed the publick Carriage Roads and Highways through and over the Lands and Grounds intended to be divided, allotted, and incloſed) to aſſign, ſet out, and allot, unto the Surveyors of the Highways within the ſaid Pariſh of *Swallow*, ſuch Part or Parts of the ſaid Commons, Meadows, Paſtures, and Waſte Grounds, hereby directed to be divided and allotted, as the ſaid Commiſſioners ſhall think neceſſary, not exceeding Four Acres in the Whole, as and for public Watering Places for Cattle, and as and for publick Sand, Gravel, Clay, and Chalk Pits, with convenient Roads or Ways to and from the ſame; and the ſame Allotment or Allotments when ſet out, ſhall for ever thereafter be uſed by the Surveyors of the Highways, and by the Proprietors of Lands, Tenements, and Hereditaments, within the ſaid Pariſh, and their Tenants for the Time being, in ſuch Manner, and under ſuch Rules and Regulations, as the ſaid Commiſſioners ſhall by their ſaid Award direct or appoint.

Allotment for Glebe.

XV. And be it further enacted, That the ſaid Commiſſioners ſhall in the next Place ſet out, allot, and award, unto the ſaid *George Holliwell*, and his Succeſſors, Rectors of the ſaid Rectory and Pariſh Church of *Swallow* aforeſaid, ſuch Plot or Plots of the Lands and Grounds hereby intended to be divided and incloſed, as ſhall in the Judgement of them the ſaid Commiſſioners be a full, equivalent, and adequate Compenſation, for all the unincloſed Glebe Lands and Common Rights, in, over, and upon the Lands and Grounds hereby directed to be divided, allotted, and incloſed, or any of them, Twenty Acres whereof at leaſt the ſaid Commiſſioners ſhall, and they are hereby required to ſet out, immediately next to and adjoining the Parſonage Homeſtead, lying within or at the Weſt End of the Town of *Swallow* aforeſaid, and the Remainder of the Lands and Grounds, in lieu of the ſaid Glebe Lands and Right of Common, at a convenient Diſtance therefrom.

Glebe Allotments to be fenced.

XVI. And be it further enacted, That the Allotments which ſhall be ſo awarded, allotted, and ſet out to the ſaid *George Holliwell*, and his Succeſſors, in lieu and Satisfaction of and for the ſaid unincloſed Glebe Lands and Right of Common, ſhall, as ſoon thereafter as conveniently may be, be incloſed and fenced with double Ring or outermoſt Fences of Oak Poſts, and Three good and ſufficient Rails in Height, with a ſufficient Ditch on each Side thereof, and planted with good thriving Quickſets (except on ſuch Sides or Parts of the ſaid Allotments as ſhall adjoin upon any old Incloſure, or be directed by the ſaid Commiſſioners to be fenced by the Proprietor of any other Allotment lying next thereto) and a good and ſubſtantial Gate, with Two Oak Poſts, ſhall alſo be ſet in each of ſuch Allotments; and the Charge and Expence of all the ſaid Fences and Gates ſhall be paid, borne, and defrayed by the Proprietors of all and every the Allotments to be made by virtue of this Act (except of the Allotments to be made in lieu of the Tythes of and belonging to the ſaid Rectory) in Proportion to the Value of ſuch Allotments,

lotments, to be ſettled, adjuſted, and determined by the ſaid Commiſſioners.

Allotment in lieu of Great and Small Tythes.

XVII. And whereas the Two Arable Fields in *Swallow* aforeſaid, called *The Eaſt and Weſt Fields*, which lie open and unincloſed as aforeſaid, contain One thouſand and forty-eight Acres, or thereabouts, over and above and excluſive of One hundred and twenty-ſeven Acres of Glebe lying diſperſedly within the ſame Fields; and the ſaid Open and Commonable Paſture Ground reſpectively, called *The Moor*, *The Horſe Paſture*, and *The Wold*, contain together One thouſand three hundred and ſeven Acres, or thereabouts; and the ancient Incloſures, being Meadow or Paſture Ground, contain Sixty-five Acres, or thereabouts, over and beſide the Homeſtead and other incloſed Ground, of and belonging to the aforeſaid Parſonage; be it therefore further enacted, That the ſaid Commiſſioners ſhall in the next Place ſet out, allot, and aſſign, ſuch Plot or Plots of the Lands and Grounds hereby directed to be divided and incloſed, as ſhall in the Judgement of them the ſaid Commiſſioners be equal in Value to One-fifth Part of all the Arable or Tillage Lands lying within the ſaid Two Open Fields, called *The Eaſt and Weſt Fields*, and alſo to One-eighth of all the other Lands and Grounds in the ſame Pariſh, as well open as incloſed, which ſhall remain after the ſeveral publick Roads, the Allotment for Repair of Roads, and the Allotment or Allotments in lieu of Glebe Lands, and the Common Rights belonging to the ſaid Parſonage, ſhall have been ſeverally taken or deducted therefrom; and which ſaid Plot or Plots, equal in Value as aforeſaid to ſuch One-fifth Part and One-eighth Part reſpectively, ſhall be in lieu and in full Satisfaction for all the Great and Small Tythes ariſing, belonging, and payable to the ſaid Rector, out of, or from all and every or any of the Lands and Grounds hereby directed to be divided and incloſed, and ſuch other the ſaid incloſed Lands and Grounds (Mortuaries, *Eaſter* Offerings, and Surplice Fees, excepted.)

Rectorial Tythe Allotments to be awarded to Lord Yarborough inſtead of the Rector.

XVIII. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required, for the Conſideration next herein-after mentioned and expreſſed, to allot and award to the ſaid *Charles* Lord *Yarborough*, and ſuch other Perſon or Perſons who, after his Deceaſe, ſhall for the Time being be ſeiſed and poſſeſſed of the ſaid Manor, Farms, Lands, Tenements, and Hereditaments, in *Swallow* aforeſaid, whereof he the ſaid *Charles* Lord *Yarborough* is now poſſeſſed, inſtead of the ſaid *George Holiwell*, and his Succeſſors, Rectors as aforeſaid, all and every the ſaid Plot or Plots of the ſaid Lands and Grounds, which, in purſuance of the Directions herein-before contained, ſhall be aſſigned and ſet out as a Compenſation for the Great and Small Tythes ariſing within the ſaid Pariſh (except the Allotment herein-before directed to be made to the ſaid Rector, in lieu of his Glebe Lands and Right of Common thereto belonging, and alſo except Mortuaries, *Eaſter* Offerings, and Surplice Fees.)

Compenſation in lieu thereof to be made to the Rector, by an Annual Corn Rent.

XIX. And be it further enacted, That in Conſideration of ſuch Plot or Plots, Allotment or Allotments, being ſo aſſigned and awarded to the ſaid *Charles* Lord *Yarborough*, and ſuch other Perſon or Perſons who after his Deceaſe, for the Time being, ſhall be ſo ſeiſed or poſſeſſed as aforeſaid,

aforesaid, instead of the same being allotted and awarded to the said *George Holiwell*, and his Successors, Rectors of the said Rectory of *Swallow* aforesaid, due Payment shall be made to him the said Rector, and his Successors, in lieu and stead thereof, of such Yearly Corn Rent or Annual Sum of Money, as under the Directions, by such Ways and Means, and in the Manner next herein-after specified and prescribed, shall be ascertained, fixed, and settled; and which said Yearly Corn Rent or Annual Sum of Money for the Time being, shall be free and clear of and from all Parochial Rates and Taxes; and which same Yearly Corn Rent or Annual Sum of Money, they the said Commissioners shall, and are hereby required to settle, ascertain, and fix in Manner following; (that is to say), they the said Commissioners shall, from the *London Gazette*, and by such other Ways and Means as they shall think most proper, ascertain and establish what hath been the Average Price of a *Winchester* Bushel of good marketable Wheat, Barley, and Oats, respectively, in the County of *Lincoln*, during the Term of Twenty-one Years next, preceding the passing of this Act (not estimating or including in such Ascertainment the Prices of the said Three several Sorts or Kinds of Grain, for the Three Years in which such Average Prices have been the highest within that Period of Time, but upon the Average of the remaining Eighteen Years of the same Term) and from thence ascertain and take One equal Third Part of the Aggregate Amount of the Bushel of the said Three several Sorts or Kinds of Corn or Grain respectively, which shall, for the Purposes of this Act, be denominated and called "The Compound Bushel or Bushel of Compound Corn;" and the said Commissioners shall, in and by their Award, by the said recited Act directed to be made and inrolled, ascertain and distinctly set forth what Quantity or Number of such Compound Bushels or Bushels of Compound Corn, shall in their Judgement be a full and fair Annual Value or Equivalent for the said Plot or Plots, Allotment or Allotments, so to be made to the said *Charles* Lord *Yarborough*, instead of the said Rector as aforesaid.

For securing Payment thereof.

XX. And, for effectually securing the Payment of such Yearly Corn Rent or Sum as shall from Time to Time be payable under and by virtue of the Directions and Provisions of this Act; be it further enacted, That the said Commissioners shall set out and particularize, as herein-after mentioned, so much and such Part of the Allotments to be made to the said *Charles* Lord *Yarborough*, as shall, in their Judgement, be equal in Value to the said Allotment or Allotments to be awarded to him, instead of the said Rector; and which said Allotment or Allotments, together with the Allotment or Allotments in lieu of the said Rectorial Tythes, shall be and is, and the same and every of them respectively, and every Part thereof, are and is hereby for ever charged, and made chargeable, with the said Yearly Corn Rent or Sum so ascertained and fixed, and to be from Time to Time ascertained and fixed in Manner herein-after mentioned; and which shall be issuing and payable out of the same accordingly, and shall be paid to the said Rector for the Time being of the said Rectory of *Swallow*, at the Parsonage House of and belonging to such Rectory, by the said *Charles* Lord *Yarborough*, and the Owners and Proprietors for the Time being of the said Allotments so made chargeable therewith, for ever, by Four equal Quarterly Payments, on such Days in the Year, and to commence at such Time as

the ſaid Commiſſioners ſhall, in and by their Award, direct and appoint; and a Plan of the Lands ſo charged ſhall be made out and ſigned by the Commiſſioners, and inrolled with their ſaid Award; and the ſaid *George Holiwell*, and his Succeſſors, Rectors as aforeſaid, ſhall and may have and exerciſe ſuch and the ſame Powers and Remedies over and upon ſuch Allotments ſo charged with, and for recovering the Yearly Corn Rent or Sum which ſhall from Time to Time be iſſuing therefrom, and made payable as herein-after mentioned, as and when the ſame, or any Part thereof, ſhall be in Arrear and unpaid, together with all Coſts and Charges thereby to be incurred, as are by Law given and provided for the Recovery of Rent Service, Rent Charge, or other Rent in Arrear; and that upon the Death, Ceſſion, Reſignation, or Removal of the preſent and every future Rector of the ſaid Rectory, he the ſaid Rector, his Executors or Adminiſtrators, ſhall be entitled unto, and receive ſo much and ſuch Part thereof, as ſhall be in Proportion to the Number of Days elapſed, to the Day of his Death, Ceſſion, Reſignation, or Removal from the then laſt preceding Day of Payment.

Corn Rent to be regulated every Seven Years, if required by either Party.

XXI. And be it further enacted, That immediately after the Expiration of Seven Years from the Execution of the ſaid Award, the Average Price of a Buſhel of Wheat, Barley, and Oats, reſpectively, as aforeſaid, ſhall be again aſcertained, for which Purpoſe the ſaid *Charles* Lord *Yarborough*, his Heirs or Aſſigns, or the major Part in Value of the Owners of the ſaid Lands ſo made chargeable with the ſaid Payment or Yearly Corn Rent to the ſaid Rector, in lieu of Tythes as aforeſaid, in caſe of the Sale or Diviſion of ſuch Lands as herein-after is mentioned, and the Rector of the ſaid Pariſh for the Time being, ſhall and may, and they are hereby required, within Three Calendar Months after the Expiration of the ſaid Seven Years, to elect and chooſe Two fit and proper Perſons, (not intereſted therein) one by the ſaid Rector for the Time being, and the other by the ſaid *Charles* Lord *Yarborough*, or ſuch other Perſon or Perſons as ſhall then be poſſeſſed of the ſaid ſeveral Allotments, on which the ſaid Corn or Annual Rent ſhall be charged as aforeſaid, or the major Part in Value of the ſeveral Owners of the ſame Allotments, to be Arbitrators, who ſhall immediately thereafter, by the *London Gazette*, ſo long as the Average Price of Wheat, Barley, and Oats, ſhall be publiſhed therein, and afterwards by ſuch other Ways and Means as to them ſhall appear to be moſt expedient, enquire of, aſcertain, and fix the Average Price of a *Winchester* Buſhel of good marketable Wheat, Barley, and Oats reſpectively, within the ſaid County of *Lincoln*, where the ſame ſhall have been openly and publickly ſold during the Whole of the Market, and not at particular Times thereof, nor on particular Contracts only, for the Term of Seven Years then next preceding; and if after ſuch Average Prices ſhall have been made out or acquired, and the Compound Buſhel or Buſhel of Compound Corn, or One equal Third Part of the aggregate Amount of the average Prices of the ſaid Three ſeveral Sorts of Corn or Grain ſhall be aſcertained and fixed, it ſhall appear from the Report of the ſaid Two Perſons to be choſen as aforeſaid, or their Umpire, in caſe they ſhould not agree, that the average Price of ſuch Compound Buſhel or Buſhel of Compound Corn, is more or leſs than the average Price thereof ſet forth in the ſaid Award, by the Value of Three-pence or upwards, the Amount of all Payments of the ſaid yearly Corn Rent or Rents ſhall be increaſed or diminiſhed in proportion

to

to such Variation, so as to be equal to One equal Third Part of the Aggregate Amount of the Average Prices of a Bushel of the said Three several Sorts or Kinds of Corn or Grain respectively, which shall have been last ascertained and fixed thereon as aforesaid; and so from Time to Time, and in such and the like Manner, after the End of every succeeding Term of Seven Years the Average Price of a Bushel of Wheat, Barley, and Oats respectively, shall be enquired of, and the Compound Bushel or Bushel of Compound Corn ascertained accordingly, by which all future Payments to the Rector for the Time being of the said Parish of *Swallow* shall and may be regulated and varied, whenever the Average Price of such a Compound Bushel, founded and established on such and the same Bush or Ground aforesaid, shall be found to be more or less than the Average Price thereof, set forth in the Report of the Persons to be chosen as aforesaid to ascertain the Value thereof, during the then next preceding Term of Seven Years by the Value of Three-pence or upwards, and in such and the like Manner, and by such and the same Ways and Means, at the Expiration of every Seven Years for ever.

Arbitrators by whom to be appointed, and what Notice to be given thereof.

XXII. And be it further enacted, That for the due Execution of the Directions herein-before contained, with respect to such Re-valuation being made as aforesaid, the Rector for the Time being of the aforesaid Rectory is hereby required, within One Calendar Month after the End of every Seven Years to be computed as aforesaid, to cause due Notice to be given in the said Parish Church of *Swallow*, immediately after Divine Service, or by affixing such Notice in Writing on the principal outer Door of such Church, specifying that such Seven Years have elapsed, and the Name and Place of Abode of the Person the said then Rector shall have nominated and appointed as an Arbitrator for the Purpose aforesaid; provided, and in case the said *Charles* Lord *Yarborough*, or other the Person or Persons then in Possession of the Allotments, on and from which the said Annual Rent shall be charged and issuing, or the major Part in Value of such several Owners thereof as aforesaid, shall not, within One Calendar Month from the Publication of the said Notice, leave a Notice in Writing with the officiating Minister of the said Parish, at the Parsonage House in *Swallow* aforesaid, containing the Name and Place of Abode of such Person as he or they shall have elected and chosen for such and the like Purpose as aforesaid, then it shall and may be lawful for the said Rector for the Time being, and he is hereby authorized to name and appoint One other fit and proper Person as an Arbitrator, to be joined to or to act with the One so by him nominated and appointed as aforesaid; and the Person so elected and chosen shall have the like Power and Authority in the Premises, as if the then Owner or Owners of the Allotments chargeable with the said yearly Corn Rent had joined in such Election and Appointment: Provided also, and in case the Rector for the Time being of the said Rectory, shall not give such specific Notice as aforesaid, then it shall be lawful for the said *Charles* Lord *Yarborough*, or other the then Owner or Owners, or the major Part of them in Value as aforesaid, to elect and appoint Two fit and proper Persons to be Arbitrators for the Purpose aforesaid, who shall have the like Power and Authority in the Premises, as if the said then Rector had made such Nomination and Appointment, and given such Notice; and in case the said Arbitrators so chosen as aforesaid, shall not agree touching the Matter aforesaid, then the same shall be adjusted, ascertained, and settled, by such other Person as they the said Arbitrators shall, by Writing under their respective

respective Hands, appoint as Umpire, and who shall accordingly, and by the Ways and Means hereby directed and prescribed, fix and settle the same; and if either of the said Arbitrators shall refuse or neglect to act in the Premises, then the Matter shall be fixed and settled in and by such and the like Means and Manner, by the other of the said Arbitrators; and the Determination to be had and made by the said Arbitrators, Arbitrator, or Umpire, as herein-before directed, shall be reduced into Writing, and signed and sealed by the Persons or Person making the same, and shall be binding and conclusive, and shall be forthwith deposited with the Clerk of the Peace for the Division of *Lindsey*, in the County of *Lincoln*, by whom the same shall be kept with the publick Records in his Custody, to be inspected at all seasonable Times by any Person or Persons requiring such Inspection, upon paying One Shilling for the same.

Corn Rent last made to continue in default of Appointment of Arbitrators.

XXIII. Provided always nevertheless, and be it further enacted, That in case no Election, Nomination, or Appointment shall be made as aforesaid, within Three Calendar Months next after the Expiration of any such Term of Seven Years, then such annual Corn Rent as shall have been last fixed by virtue of this Act, shall continue payable by the said *Charles* Lord *Yarborough*, or other the then Owner or Owners of the Allotments on and from which the same shall be charged and issuing to the Rector for the Time being of the aforesaid Rectory, for the further Term or Space of Seven Years thence next ensuing.

Corn Rent may be apportioned.

XXIV. And whereas it may be necessary and convenient for the future Owner or Owners of the Allotments or Lands so to be made chargeable with the Payment as aforesaid of the said annual Corn Rent to the Rector of the said Rectory, at some future Periods to sell and dispose of or otherwise exchange, his, her, or their Estate or Estates in the Lands so directed to be made chargeable as aforesaid, or of some Part thereof, and others may be limited by Settlements devised by Will, or in Cases of Intestacy descend to Coparceners or otherwise; and upon a Division of any of the said Lands in Manner aforesaid, it may be necessary and convenient to the Owner or Owners thereof for the Time being, to divide and apportion the said Corn Rent charged thereon; be it therefore further enacted, That it shall be lawful for the Owner or Owners for the Time being of each and every Estate of and in the said Lands, which shall so stand chargeable as aforesaid, upon a Division or Partition thereof, either by Sale or otherwise (except by Lease at Rack Rent) to apportion and charge each and every Part of the Estate so divided, with a due and fair Proportion of the said Corn Rents so charged thereon, and set forth by the said Commissioners; provided, that in every such Division due Regard be had to the Quantity of Acres in, and the Rate by the Acre ascertained by the said Commissioners, upon the Whole or any Part of such Estate, so that each and every Division may be made to bear a fair and just Proportion of the said Corn Rent, so ascertained and fixed by the said Commissioners, as near as may be; and as the Power of recovering the Arrears of such Rent is herein-before extended, the said Power shall continue and remain until such Division of the Estate, and Apportionment of the said yearly Corn Rent, shall be made known to the Rector for the Time being of the said Rectory, by a Notice in Writing from such Owner or Owners, setting forth the Divisions of such Estate, and the Corn Rent charged upon each of such Divisions; and from and after such

ſuch Notice, the Power of the Recovery of the Rents ſo apportioned and being in Arrear, together with the Coſts and Charges thereby to be incurred, ſhall extend only and be confined to the Lands liable to the Payment thereof, as ſpecified in ſuch Notice.

For regulating Corn Rents.

XXV. And, in order to prevent any Difficulty to the ſaid Rector for the Time being of the Rectory of *Swallow* aforeſaid, by the Diviſion of any Eſtate by Sale or otherwiſe as aforeſaid; be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required to make or cauſe to be made Two complete Schedules or Deſcriptions of each and every Parcel of Land, with the Name of the Owner thereof, the exact Meaſure or Quantity in Acres, Roods, and Perches, the Corn Rent iſſuing thereout, and the Quantity of ſuch Compound Buſhels as aforeſaid, which is to govern each of the ſaid future yearly Rents payable to the ſaid Rector for the Time being, at the Rate by the Acre by which the ſaid Corn Rent ſhall be charged as aforeſaid, and ſuch other Requiſites as ſhall be deemed proper or neceſſary by the ſaid Commiſſioners, to render every Matter reſpecting the ſaid Corn Rents clear and plain in future, One of which ſaid Schedules or Deſcriptions ſhall be ſigned by the ſaid Commiſſioners, and depoſited in the Regiſtry of the Archdeacon of *Lincoln*, at *Lincoln*, and the other ſhall be annexed to and depoſited with the Award of the ſaid Commiſſioners herein-after directed to be made.

Allotment to the Lord of the Manor.

XXVI. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required to ſet out, allot, and award, unto and for the ſaid *Charles* Lord *Yarborough*, Lord of the ſaid Manor of *Swallow*, ſuch Part of the ſaid Lands and Grounds hereby intended to be divided and incloſed, as in the Judgement of the ſaid Commiſſioners ſhall be equal in Value to One-twentieth Part of the Waſte or unſtinted Commonable Land lying within the ſaid Manor or Pariſh, for and in lieu of, and as a full Compenſation and Satisfaction, for all the Rights and Intereſt of the Lord of the ſaid Manor in and to the Soil of all the Waſte or unſtinted Commonable Lands hereby directed to be divided and incloſed as aforeſaid.

Allotment of the Reſidue.

XXVII. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized and required, after the making ſuch ſeveral Allotments as aforeſaid, to divide, ſet out, and allot, all the Reſidue and Remainder of the ſaid Lands and Grounds, hereby directed to be divided and incloſed, unto, between, and amongſt the ſeveral Proprietors thereof and Perſons intereſted therein, in ſuch Places, and in ſuch Quantities, Shares, Parts, and Proportions, as the ſaid Commiſſioners ſhall adjudge and determine to be moſt proper, and to be a fair, juſt, and reaſonable Compenſation and Satisfaction for their ſeveral and reſpective Lands, Grounds, Rights of Common, and other Rights and Intereſts therein.

Tythes payable until Allotments made, and then to ceaſe.

XXVIII. And be it further enacted, That until the ſaid Diviſion and Allotments ſhall be made and completed, or until ſuch other Time as the ſaid Commiſſioners ſhall by Writing under their Hands direct or appoint, the ſaid *George Holiwell* and his Succeſſors, Rectors as aforeſaid, ſhall be entitled unto, and ſhall receive and enjoy the ſame Tythes, Rents, Compoſitions,

Compoſitions, or other cuſtomary Payments in lieu thereof, as he or they would have been entitled to in caſe this Act had not been made; and that from thenceforth all ſuch Tythes, Rents, Compoſitions, and other Payments, in lieu of the ſaid Rectorial Tythes, ſhall ceaſe, determine, and be for ever extinguiſhed.

Leaſes at Rack Rent to be void.

XXIX. And be it further enacted, That all Leaſes and Agreements for any Term of Years at Rack Rent, or otherwiſe, or from Year to Year, or at Will, now ſubſiſting, of all or any Part or Parcel of the Lands and Grounds hereby directed to be divided and incloſed, and of all Meſſuages, Cottages, Lands, Tenements, and Hereditaments in the ſaid Pariſh, demiſed or held therewith, ſhall, at ſuch Time as the ſaid Commiſſioners ſhall by Writing under their Hands appoint, ceaſe, determine, and be void, the reſpective Owners of ſuch Lands and Hereditaments, firſt making ſuch Satisfaction or Compenſation to their reſpective Leſſees or Tenants, as ſhall be agreed upon between them, or in caſe of their Diſagreement, as the ſaid Commiſſioners, upon Requeſt made to them in Writing for ſuch Purpoſe by the Parties intereſted, ſhall appoint, to be paid to ſuch Leſſees or Tenants reſpectively, as an Equivalent for the Determination of their Eſtate or Intereſt therein: Provided always, that if there ſhall be any Leaſe of Lands, Part of which ſhall lie in the ſaid Pariſh of *Swallow* and Part in any adjoining Pariſh, all and every ſuch Leaſe and Leaſes upon Rack Rent now ſubſiſting, in the ſaid Pariſh of *Swallow*, 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, the Leaſe of ſuch laſt-mentioned Land ſhall not be vacated.

Wills or Settlements not to be revoked.

XXX. And be it further enacted, That nothing in this or the ſaid recited Act contained ſhall extend or be conſtrued, deemed, adjudged, or taken to extend, to revoke, make void, alter, or annul, any Will or Settlement, or to prejudice any Perſon having or claiming any Eſtate for Life or for Years, or any Annuity, Portion, or Incumbrance, out of, upon, or affecting any of the Lands or Grounds ſo intended to be divided, or which ſhall be exchanged by virtue of the ſaid recited Act or this Act, or any Part thereof reſpectively, but that the ſeveral Lands or Grounds ſo to be aſſigned or allotted, or given in exchange as aforeſaid, ſhall from thenceforth be, remain, and enure, and the ſeveral Perſons to whom the ſame ſhall be allotted or given in exchange as aforeſaid, ſhall ſtand and be ſeiſed thereof to and for ſuch and the ſame Uſes, Truſts, and Eſtates, and ſubject to the ſame Wills, Settlements, Limitations, Remainders, Charges, Rents, Services, and Incumbrances, as the ſeveral Lands, Grounds, Tenements, and Hereditaments, in lieu whereof ſuch Allotments and Exchanges ſhall be made as aforeſaid, are, ſhould, or would have been ſubject or liable to in caſe the ſame had remained unincloſed and unexchanged, or this Act had not been made, except ſuch Leaſes and Agreements as ſhall be determined by virtue of this Act, and ſubject nevertheleſs to ſuch Charges and Incumbrances as ſhall be made in purſuance thereof.

Expences of this Act, & by whom to be paid.

XXXI. And be it further enacted, That the Charges and Expences of obtaining and paſſing this Act, and all reaſonable Expences preparatory hereto, and of ſurveying, valuing, planning, meaſuring, dividing, and allotting

allotting the Lands and Grounds by this Act directed to be divided, allotted, and inclosed, and of inclosing the Allotments to be made in lieu of the Glebe Lands as aforesaid, and also of preparing and inrolling the Award of the said Commissioners, and the Allowance and Payments to be made to the said Commissioners and Surveyor respectively, and of forming and making publick Roads, Drains, and Requisites, and all other Charges and Expences incident to or attending the obtaining of this Act, and the carrying of the same into full and complete Execution, shall be borne and defrayed by the several Persons to whom any Allotment or Allotments shall be made by virtue or in pursuance thereof (save and except the said Rector, for or in respect of any Allotment or Allotments which shall be made to him in lieu of his said Glebe Lands, also save and except the said Rector and the said *Charles* Lord *Yarborough*, and each of them, for and in respect of the Allotments to be made in lieu of the said Rectorial Tythes, and also save and except the Surveyors of the Highways within the said Parish for the Time being, for and in respect of the Allotments hereby directed to be made to them as aforesaid) all which said 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, and to such Person or Persons, as the said Commissioners shall appoint, Notice thereof in Writing being given at least Twenty-one Days before the Time such Payment shall be required; and in case any Person or Persons shall refuse or neglect to pay his, her, or their Proportion of such Charges and Expences as aforesaid, within the Time, and to such Person or Persons as the said Commissioners shall appoint, then and in such Case the said Commissioners shall cause the same to be levied and recovered in Manner directed by the said recited Act.

Course of Husbandry over the Open Fields.

XXXII. And be it further enacted, That from and after the passing of this Act, and until the Award of the said Commissioners shall be made and executed, all the Open Fields hereby directed to be divided, allotted, and inclosed, shall be subject and liable to such Directions and Regulations as the said Commissioners shall from Time to Time by Writing under their Hands appoint, as well with regard to the stocking as the ploughing, folding, tilling, manuring, sowing, and laying down the same; and it shall and may be lawful to and for the said Commissioners to order and direct such Sum and Sums of Money in respect thereof, to be paid by any Person or Persons interested in the said Open Fields, his, her, or their Tenant or Tenants, as they the said Commissioners shall think reasonable; and the said Commissioners shall also set and impose such pecuniary Penalties and Forfeitures upon any Person or Persons not conforming to such Orders and Regulations, as they shall think necessary, not exceeding Ten Pounds for any one Offence, to be paid to such Person or Persons, and for such Purposes, as the said Commissioners shall appoint; and in case any Person or Persons, who shall be directed to pay any Sum or Sums of Money, Penalty, or Forfeiture, on any of the Accounts aforesaid, shall neglect or refuse to pay the same on Demand, then and in such Case it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required, to raise and levy the same by such and the same Ways and Means as are herein provided and prescribed for the raising and levying of the Costs, Charges, and Expences of obtaining this Act, and of carrying the same into full and complete Execution.

XXXIII. And

Satisfaction to be made to Tenants for Crops.

XXXIII. And be it further enacted, That the Tenants or Occupiers of the ſaid Open Arable Fields, ſhall be allowed to ſow, reap, and take away the ſame Kinds of Corn or Grain upon or from the ſame Number of Acres, and in, upon, and from the ſame Fields, Lands, and Grounds, as and for their following or waygoing Crops, without paying any Rent, or making any Satisfaction or Compenſation for the Standage thereof, as they would have been reſpectively entitled to if they had quitted their Farms at *Lady-Day*, or *May-Day*, in the Year of our Lord One thouſand eight hundred and ſix, and this Act had not been made: Provided nevertheleſs, that they ſhall have purſued the ſame Courſe of Huſbandry and manuring with their Fallows and other Lands, as hath been the uſual Cuſtom in the ſaid Fields; but in caſe they ſhall vary therefrom, or ſhall have ſown ſuch Lands with Corn, as ought in the due Courſe of Huſbandry to have been fallowed, the ſaid Commiſſioners are hereby empowered to compel ſuch Tenants reſpectively to make Satisfaction for the ſame, by making ſuch Charges upon their following Crops, to be paid before the ſame ſhall be taken off the Ground, as to them ſhall ſeem reaſonable and proper: Provided nevertheleſs, and the ſaid Commiſſioners are hereby directed, authoriſed, and empowered, by Writing under their Hands, to aſcertain and appoint what Recompence and Satisfaction, in Money, ſhall be paid by the Owner or Owners of ſuch Lands and Grounds from which ſuch following or waygoing Crops ſhall be reaped and taken as aforeſaid, for the Standage of ſuch Crops, to the Perſon or Perſons to whom ſuch Lands and Grounds ſhall have been ſet out and allotted by virtue of this Act; but if in either of the ſaid Caſes, ſuch Charges, Recompence, and Satisfaction, ſhall not be paid at the Time and in the Manner to be appointed by the ſaid Commiſſioners, then they the ſaid Commiſſioners ſhall and may, by any Warrant or Warrants under their Hands and Seals, directed to any Perſon or Perſons whomſoever (which Warrant they are hereby directed and empowered to make accordingly) cauſe the ſame to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons required to make ſuch Satisfaction and Recompence as aforeſaid, rendering the Surplus, if any ſhall remain after the Coſts and Charges thereby incurred ſhall have been ſatisfied, to the Owner or Owners of ſuch Goods and Chattels ſo diſtrained.

Recompence for Standage of Crops.

Old Swarth not to be ploughed.

XXXIV. Provided always, and be it further enacted, That no old Swarth Ground, Parcel of the Lands and Grounds intended to be divided and incloſed by virtue of this Act, and which ſhall not have been ploughed or uſed in Tillage for the Space of Ten Years next immediately preceding the paſſing of this Act, ſhall be ploughed or converted into Tillage after the paſſing thereof, until the making of ſuch Diviſion and Allotments thereof, and Notice for an Entry into or upon ſuch Allotments ſhall have been firſt duly given.

Allowing Exchanges to be made.

XXXV. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners to ſet out, allot, and award, any Lands, Tenements, or Hereditaments whatſoever, within the ſaid Pariſh of *Swallow*, in lieu of and in Exchange for any other Lands, Tenements, and Hereditaments whatſoever, within the ſaid Pariſh, or within any adjoining Pariſh, Hamlet, Townſhip, or Place; and alſo to direct, order, and appoint, by Writing under their Hands, at what Time or Times, and in what Manner and Form, Poſſeſſion of ſuch exchanged Lands, Tenements,

or Hereditaments, shall be given up and delivered to the respective Parties; provided, that all such Exchanges be ascertained, specified, and declared in the said Award of the said Commissioners, and be made with the Consent of the Owner or Owners of the Lands, Tenements, or Hereditaments, which shall be so exchanged, whether such Owner or Owners shall be a Body or Bodies Politick, Corporate, or Collegiate, 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 acting for any such Owners as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Femes Coverts, Lunaticks, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself, such Consent to be testified in Writing under the Common Seal of the Body or Bodies Politick, Corporate, or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every such Exchange and Exchanges so to be made shall be good, valid, and effectual in the Law, to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Lands, Tenements, or Hereditaments, held in Right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent, testified as aforesaid, of the Patron thereof, and of the Lord Bishop of the Diocese in which such Lands, Tenements, or Hereditaments, so to be exchanged, shall lie and be situate.

Expences of making Exchanges, by whom to be paid.

XXXVI. Provided always, and be it further enacted, That all the Costs, Charges, and Expences attending the making of any Exchanges or Partitions, shall be paid and borne by the several Persons making such Exchanges or Partitions, in such Manner and in such Proportions as the said Commissioners shall by their said Award order and direct.

Proprietors, or other Persons advancing Money, to be repaid with Interest.

XXXVII. And be it further enacted, That if any of the said Proprietors, or any other Person, shall advance and lend any Money for defraying the Expences of applying for and obtaining this Act, or carrying the same into Execution, every such Person shall be repaid such Money, with lawful Interest for the same, out of the Money which shall be first raised by virtue of this Act.

Commissioners to account.

XXXVIII. And be it further enacted, That once at least in each Year during the Execution of this Act, (such Year to be computed from the Day of the passing thereof) the said Commissioners shall, and they are hereby required to make a true and just Statement or Account of all Sums of Money by them received and expended, or due to them for their own Trouble and Expences in the Execution of this Act; and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by them referred to and laid before any Two or more of His Majesty's Justices of the Peace for the said County of *Lincoln*, not interested in the said intended Division, Allotment, and Inclosure, to be by them examined and balanced, and such Balance shall be by such Justices stated in the Book of Accounts to be kept at the Office or Offices of the Clerk of 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 Justices.

Award where to be deposited.

XXXIX. And be it further enacted, That the Award to be made by the said Commissioners, when inrolled in Manner directed by the said recited Act, shall be deposited in the Parish Church of *Swallow* aforesaid, or in such other Place as the said Commissioners shall direct.

Persons aggrieved may appeal to the Quarter Sessions.

XL. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves, aggrieved by any Thing done in pursuance of this or the said recited Act (other than and except such Claims, Matters, and Things, as are herein-before directed or authorised to be ascertained, settled, tried, or determined by the Verdict of a Jury, or where, by any of the Provisions of the said recited Act, or of this Act, the Determinations, Acts, or Proceedings of the said Commissioners, are directed to be final and conclusive), then and in every such Case he, she, or they may appeal to the General Quarter Sessions of the Peace which shall be holden for the Parts of *Lindsey*, in the said County of *Lincoln*, within Six Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioners, or any One of them, and to the Party or Parties concerned, Fourteen Days Notice in Writing of such Appeal, and of the Matter, Ground, or Occasion thereof; and the Justices (not interested in the Premises) are hereby required, in their said General Quarter Sessions, to hear and determine the Matter of every such Appeal, and to make such Order therein, and award such Costs and Damages, as they in their Discretion shall think reasonable, and to issue their Order or Warrant for levying such Costs and Damages, by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, in case such Party or Parties shall neglect or refuse to pay the same, for the Space of Five Days next after Notice of such Order or Warrant shall be given to him, her, or them, or left in Writing at his, her, or their most usual Place or Places of Abode; and shall likewise order and direct, that after Deduction shall be made of the reasonable Charges and Expences of such Order or Warrant, Notice, Distress, and Sale, the Overplus (if any) to be paid upon Demand, or given to the Owner or Owners of such Goods and Chattels; but in case such Appeal shall appear to the said Justices in Sessions to be frivolous, vexatious, or without Foundation, then they the said Justices shall award such Costs to be paid by the Appellant or Appellants, as they in their Discretion shall think reasonable and proper to be allowed, and shall issue their Warrant for enforcing Payment thereof, or recovering the same, in Manner aforesaid; and such Order, Determination, or Award, as they the said Justices shall make, in or respecting any such Appeal or Appeals to be made to them as aforesaid, shall be final and conclusive to and upon all the Parties concerned, and shall not be removed into any of His Majesty's Courts of Record at *Westminster*, or elsewhere.

General Saving of Rights.

XLI. Saving always to the King's Most Excellent Majesty, His Heirs and Successors, and to all and every other Person and Persons, Bodies Politick and Corporate, his, her, and their Heirs, Successors, Executors, and

and Adminiſtrators (other than and except the ſeveral Perſons to whom or for whoſe Uſe any Allotment or Allotments ſhall be made by virtue of this Act, in reſpect of their Rights, Intereſts, or Property, for which ſuch Allotment or Allotments ſhall be made, and except ſuch other Rights and Intereſts as the Intent and Purpoſe of the Inclоſure hereby authoriſed ſhall abſolutely require to be barred, deſtroyed, or extinguiſhed by this Act) all ſuch Eſtate, Right, Title, and Intereſt, as they and every of them had and enjoyed, of, in, to, or in reſpect of the Lands and Grounds hereby directed to be divided, allotted, and incloſed, before the paſſing of this Act, or could or ought to have had and enjoyed in caſe this Act had not been made.

Act may be given in Evidence.

XLII. 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. 1805.