ANNO QUINQUAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 16.

An Act for incloſing Lands in the Pariſh of *Witham-on-the-Hill*, with *Manthorpe*, *Toft*, and *Lound*, in the County of *Lincoln*. [23d *March* 1813.]

WHEREAS there are within the Pariſh of *Witham-on-the-Hill*, with the Hamlets of *Manthorpe*, *Toft*, and *Lound*, in the County of *Lincoln*, ſeveral Open and Common Fields, Meadows, Paſtures, and other unincloſed Lands and Waſte Grounds, containing by Eſtimation Two thouſand four hundred Acres or thereabouts, and alſo ſeveral incloſed Lands and Grounds: And whereas Sir *Gilbert Heathcote* Baronet, is ſeiſed of and entitled to the Honour, Caſtle, and Manor of *Folkingham*, with the Rights, Members, and Appurtenances thereof, in the County of *Lincoln*, including and extending over the Manor or Manors of *Witham-on-the-Hill* in the ſame County, and is entitled to all Waifs, Eſtrays, Rents, Rights, Royalties, Privileges and Advantages to the ſaid Honour and Manor of *Folkingham cum Membris* belonging: And whereas *George William Johnſon* Eſquire, and *George Pochin* Eſquire, ſeverally claim to be entitled to a Manor or Manors within the ſaid Pariſh: And whereas the ſaid *George William Johnſon* is ſeiſed of the Impropriation of *Witham-on-the-Hill* with *Manthorpe*, *Toft*, and *Lound* aforeſaid, and is Owner of all the unincloſed Glebe Lands (if any) lying within the ſaid Pariſh of *Witham-on-the-Hill*, with *Manthorpe*, *Toft*, and *Lound* aforeſaid; and is alſo Owner of all Tithes both Great and Small, yearly ariſing, renewing or increaſing within the ſaid Pariſh of *Witham-on-the-Hill*, with *Manthorpe*, *Toft*, and *Lound* aforeſaid, except the Great Tithes of certain

Lands containing about Thirty Acres, be the ſame more or leſs, in the Open Fields of *Lound* aforeſaid, which Tithes are the Property of the Right Honourable *Peter* Lord *Gwydir:* And whereas the ſaid *George William Johnſon*, *George Pochin*, *Peter* Lord *Gwydir*, and Sir *Gilbert Heathcote*, *Philip Duncomb*, *Pauncefort Duncombe* Eſquire, *Thomas Birch Reynardſon* Eſquire, *James Torkington*, *William Phillips*, *William Anſell*, Gentlemen, and ſeveral other Perſons, are Owners of the Reſidue of the ſaid Open and Common Fields, Meadows, Paſtures, and other unincloſed Lands and Grounds within the ſaid Pariſh of *Witham-on-the-Hill*, with the Hamlets of *Manthorpe*, *Toft*, and *Lound* aforeſaid, in different Proportions: And whereas the Lands and Grounds of the reſpective Proprietors in the ſaid Open Fields and Meadows are in general intermixed, and lie diſperſedly in ſmall Parcels, and the ſame, as well as the ſaid Paſtures and other unincloſed Lands and Grounds, are in their preſent State not only inconvenient for Occupation, but incapable of much Improvement; and the ſeveral Proprietors of and Perſons intereſted in the ſaid Open Fields, Meadows, Paſtures, and other unincloſed Lands and Grounds, are therefore deſirous that the ſame ſhall be divided, and ſpecific Parts and Shares thereof allotted unto and amongſt them proportionably and according to the Value of their reſpective Rights and Intereſts therein, and that ſuch Allotments ſhould be incloſed, and held in Severalty; and that in Conſideration of an adequate Compenſation, all the Lands and Tenements in the ſaid Pariſh, as well open as incloſed, ſhould be diſcharged and exonerated from Tithes; but the ſeveral beneficial Purpoſes aforeſaid 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 *Jonathan Gibbons* of *Uppingham*, in the County of *Rutland*; *Samuel Stone* of *Knighton*, in the County of *Leiceſter*; and *John Burcham* of *Coningſby*, in the County of *Lincoln*, Gentlemen, ſhall be and they are hereby appointed Commiſſioners for dividing, allotting and incloſing all the Open and Common Fields, Meadows, Paſtures, and all other unincloſed Lands and Grounds within the ſaid Pariſh of *Witham-on-the-Hill*, with *Manthorpe*, *Toft*, and *Lound*, and for carrying the other Purpoſes of this Act into Execution, ſubject to ſuch Rules, Orders, and Directions as are herein-after mentioned; and that it ſhall be lawful for any Two of the Commiſſioners herein-before named and appointed, or hereafter to be nominated and appointed in the Manner herein-after authorized or mentioned, to do and perform all and every Act and Thing requiſite to be done by the Commiſſioners for the Time being by virtue of this Act, and to put in force and to execute all the Powers and Authorities veſted in the ſaid Commiſſioners by virtue of this Act; and alſo all ſuch of the Powers and Authorities contained in an Act, 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*, as are not contrary or repugnant to any of the Proviſions, Rules, Orders, or Directions, in this Act; and all and every Act and Acts, Matters and Things, which ſhall be executed, done, and performed by any Two of the ſaid Commiſſioners for the Time being, ſhall be as valid and effectual, to all Intents and Purpoſes, as if all the Commiſſioners herein-before appointed, or to be elected in

Commiſſioners appointed.

Manner herein-after mentioned, had been present, and had executed, done, and performed the same.

Power to appoint new Commissioners.

II. And be it further enacted, That if the said *Jonathan Gibbons* shall die, or refuse to act, or become incapable of acting as a Commissioner in the Execution of this Act, before all the Powers, Authorities, and Trusts hereby reposed in the said Commissioners shall be fully executed and performed, it shall be lawful for the said *George William Johnson*, his Heirs or Assigns, by Writing under his or their Hand or respective Hands, to nominate and appoint One other fit and proper Person (not interested in the Lands to be allotted or exonerated from Tithes by virtue of this Act), to be a Commissioner in the Place of the said *Jonathan Gibbons*; and if any Commissioner or Commissioners who shall be appointed in the Place of the said *Jonathan Gibbons* shall die, or refuse to act, or become incapable of acting before this Act shall be fully executed as aforesaid, such future Vacancies shall be filled up in like Manner by the said *George William Johnson*, his Heirs or Assigns; and if the said *Samuel Stone* shall die, or refuse to act, or become incapable of acting as a Commissioner in the Execution of this Act, before all the Powers, Authorities, and Trusts hereby reposed in the said Commissioners shall be fully executed and performed, it shall be lawful for the said *George Pochin*, his Heirs or Assigns, by Writing under his or their Hand or respective Hands, to nominate and appoint one other fit and proper Person (not interested in the Lands to be allotted or exonerated from Tithes by virtue of this Act) to be a Commissioner in the Place of the said *Samuel Stone*; and if any Commissioner or Commissioners, who shall be appointed in the Place of the said *Samuel Stone* shall die, or refuse to act, or become incapable of acting, before this Act shall be fully executed as aforesaid, such future Vacancies shall be filled up in like Manner by the said *George Pochin*, his Heirs or Assigns; and if the said *John Burcham* shall die, or refuse to act, or become incapable of acting as a Commissioner in the Execution of this Act, before all the Powers, Authorities, and Trusts hereby reposed in the said Commissioners shall be fully executed and performed, it shall be lawful for the Proprietors of the Lands and Grounds hereby directed to be divided or allotted, and exonerated from Tithes (except the said *George William Johnson* and *George Pochin*, their respective Heirs or Assigns), or the Majority of them in Value (such Value to be ascertained by and according to the Land Tax Assessment for the then current Year), or their respective Agents or Attornies duly authorized by the said Proprietors, in Writing under their Hands, who shall be present at a Meeting to be holden for that Purpose, by Writing under the respective Hands of such Proprietors or Agents to nominate and appoint One other fit and proper Person (not interested in the Premises) to be a Commissioner in the Place of the said *John Burcham*; provided that Twenty Days Notice of the Time, Place, and Purpose of such Meeting, shall be given by Two or more of the said Proprietors in like Manner as herein-after is directed with respect to the Meetings of the said Commissioners, and that such Meetings shall be held in the Parish aforesaid; and if any Commissioner or Commissioners who shall be appointed in the Place of the said *John Burcham* shall die, refuse to act, or become incapable of acting before this Act shall be fully executed as aforesaid, such future Vacancies shall in like Manner be filled up by such Majority in Value of the said Proprietors as aforesaid; but in case the respective Parties, or any of them, shall at any Time for the Space of Twenty-

eight

eight Days after ſuch Vacancies ſhall reſpectively happen, make Default in appointing any ſuch new Commiſſioner or Commiſſioners in Manner aforeſaid, the ſurviving or remaining Commiſſioner or Commiſſioners ſhall and they and he are and is hereby empowered and required, by Writing under their or his Hands or Hand, within One Month after the Expiration of the ſaid Twenty-eight Days, or as ſoon afterwards as conveniently may be, at any Meeting to be held in purſuance of this Act, to appoint One other Commiſſioner (not intereſted in the Premiſes) in the room and ſtead of every ſuch Commiſſioner ſo dying, refuſing, or becoming incapable of acting; and every ſuch new Commiſſioner ſo to be appointed as aforeſaid, ſhall have the like Powers and Authorities as the Commiſſioner in whoſe Place he ſhall be appointed, was veſted with by virtue of this Act.

Appointment of Surveyors.

III. And be it further enacted, That *Edward Arden* of *Morton*, in the County of *Lincoln*, Land Surveyor, ſhall be and he is hereby appointed Surveyor for the Purpoſes of this Act; and in caſe of the Death or Refuſal to act of the ſaid *Edward Arden*, then the ſaid Commiſſioners ſhall, by Writing under their Hands, from Time to Time appoint ſome other fit and proper Perſon to be Surveyor for the Purpoſes aforeſaid; and that the Survey, Admeaſurement, and Plan, to be made for the Purpoſes of this Act, ſhall be verified upon Oath by the ſaid *Edward Arden*, or by the Perſon to be appointed in his ſtead, at any Meeting to be held after the making thereof; which Oath the Commiſſioners, or any One of them, are and is hereby empowered and required to adminiſter.

Power to enter Lands for the Purpoſe of ſurveying &c. the ſame.

IV. And be it further enacted, That for ſurveying, admeaſuring and valuing all the ſaid Lands and Grounds, and for other the Purpoſes of this Act, it ſhall be lawful for the ſaid Commiſſioners, or any of them, and the ſaid Surveyor, together with their and every of their Aſſiſtants and Servants, at any Time or Times whatſoever, until ſuch Diviſion ſhall be completed, to enter, view, examine, value, ſurvey, and admeaſure all and every Part and Parts of the Lands and Grounds hereby intended to be divided and allotted; and alſo all the ancient incloſed Lands, Grounds, and Homeſteads, within the ſaid Pariſh, and all other Lands and Grounds neceſſary to be valued or ſurveyed in the Execution of this Act, and to do or cauſe to be done any Act or Thing neceſſary for putting ſuch Act into Execution, without being liable to any Action or Suit for ſo doing.

Notices how to be publiſhed.

V. And be it further enacted, That all Notices which by the ſaid Act or this Act are required to be given or publiſhed in any Newſpaper, of ſetting out public Carriage Roads, and of reading and executing the Award of the Commiſſioners, or of any other Matter or Proceeding in the Execution of this Act, ſhall be given and publiſhed in the Newſpaper called *The Lincoln, Rutland, and Stamford Mercury*, or if that Newſpaper ſhall not then be publiſhed, in ſome other Newſpaper uſually circulated in that Part of the ſaid County of *Lincoln* in which the ſaid Pariſh is ſituate.

Commiſſioners to give Notice of their Meetings.

VI. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required to cauſe public Notice to be given in the Pariſh Church of *Witham-on-the-Hill* aforeſaid, upon ſome *Sunday* immediately after Divine Service, or by Notice in Writing or Print, to be affixed upon one of the Doors of the ſaid Pariſh Church, and alſo by Advertiſement in ſome

ſuch

ſuch Newſpaper as aforeſaid, of the Time and Place of their Firſt Meeting for executing the Powers hereby veſted in them, at leaſt Six Days before ſuch Meeting; and alſo in like Manner give Six Days Notice of every ſubſequent Meeting for the like Purpoſe (Meetings by Adjournment only excepted); and in caſe Two Commiſſioners ſhall not meet at the Time and Place appointed for any Meeting, or to which any Meeting ſhall be adjourned, it ſhall be lawful for any One of the ſaid Commiſſioners preſent at ſuch Time and Place, or the Clerk to be appointed by the ſaid Commiſſioners, to adjourn the ſaid Meeting to be held on any future Day, not exceeding Twenty Days from the Time of ſuch intended Meeting; and the Commiſſioner or Clerk, making ſuch Adjournment, is hereby required forthwith to give Notice thereof to the abſent Commiſſioners: Provided always, that none of the Meetings for executing this Act ſhall be held at a further Diſtance than Eight Miles from the Boundary of the ſaid Pariſh.

Commiſſioners to determine Differences; but not Matters of Title.

VII. And be it further enacted, That in caſe any Diſpute or Difference ſhall ariſe between the Parties that now are, or before the making of the Award herein-after mentioned, ſhall be intereſted, or claim to be intereſted in the ſaid intended Diviſion and Incloſure, or any of them, touching or concerning the reſpective Shares, Rights, and Intereſts which they or any of them ſhall claim in the ſaid Lands and Grounds hereby intended to be divided and allotted, or any of them, or touching or concerning the reſpective Shares and Proportions which they or any of them ought to have in lieu of their Lands, Rights of Common, or other Rights and Intereſts in the ſaid intended Diviſion and Incloſure, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and empowered, by Examination of Witneſſes, upon Oath (which Oath any one of the Commiſſioners is hereby empowered to adminiſter) or by other lawful Evidence, Enquiry, Ways, and Means, to hear and determine the ſame; provided, that nothing herein contained ſhall authorize the ſaid Commiſſioners to determine the Title to any Lands, Tenements, or Hereditaments whatſoever, nor to determine any Right between any of the Parties intereſted in the ſaid Lands and Grounds, contrary to the Poſſeſſion of any of ſuch Parties; but in caſe the ſaid Commiſſioners ſhall be of Opinion againſt the Right of the Perſon or Perſons ſo in Poſſeſſion, they reſpectively ſhall forbear to make any Determination thereupon, until the Poſſeſſion ſhall have been duly taken from ſuch Perſon or Perſons by Ejectment, or other due Courſe of Law.

Power to award Coſts.

VIII. 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 the ſaid recited Act or of this Act, ſee Cauſe to award any Coſts, it ſhall and may be lawful to and 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, Body or Bodies Politic or Corporate, whoſe Claim or Claims, Objection or Objections, ſhall be thereby diſallowed or over-ruled; and in caſe the Perſon or Perſons, Body or Bodies Politic or Corporate, who ſhall be liable to pay ſuch Coſts and Charges, 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, by Warrant under their respective Hands and Seals, directed to any Person whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons, Body or Bodies Politic or Corporate, so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand, to the Person or Persons, Body or Bodies Politic or Corporate, whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Power to try disputed Claims at Law.

IX. Provided always, and be it further enacted, That if any Person or Persons making any Claim or Claims to any Lands, Common Rights, or Hereditaments, intended to be divided or affected by this Act, or any Right or Interest therein, or objecting to any such Claim or Claims, shall be dissatisfied with the Determination of the said Commissioners, and shall be desirous of having such Claim or Claims, Rights and Interests respectively, tried at Law, and the Person or Persons so desirous of having the same tried at Law shall, by themselves or their respective Stewards, Receivers, Attornies or Agents, give or cause to be given Notice thereof in Writing to the said Commissioners, or any of them, within One Calendar Month next after such Determination shall have been so made by the said Commissioners (a Copy of which Notice the said Commissioners are hereby required immediately on Receipt thereof, or as soon after as conveniently may be, to deliver to or leave at the usual Place of Abode of the adverse Party or Parties, or his, her, or their respective Stewards, Receivers, Attornies or Agents) then, but not afterwards, it shall be lawful for the Person or Persons giving such Notice as aforesaid, their respective Heirs, Successors and Assigns, and he, she, or they is and are hereby required to proceed to a Trial or Trials at Law of the same in a feigned Action or Actions for that Purpose, to be commenced in one of His Majesty's Courts of Record at *Westminster* by the Person or Persons giving such Notice as aforesaid, against any Person or Persons interested in the said Division, who shall make such Objection or Objections within Three Calendar Months next after such Notice shall be given to the said Commissioners as aforesaid; and the Defendant or Defendants in such Action or Actions shall forthwith name an Attorney or Attornies, who shall file Common Bail or appear and accept One or more Issue or Issues, whereby all such Claim or Claims, Rights and Interests, may be properly tried and determined, (such Issue or Issues to be settled by the proper Officer of the Court wherein such Action shall be brought, if the Parties differ about the same); and if at the Trial of any such Issue or Issues it shall appear that the Party claiming is entitled to any qualified or less Right or Rights or Interests than was or were claimed by such Party, then it shall be lawful for the Jury by whom such Issue or Issues shall be tried, to find and declare the same by their Verdict, which shall be indorsed on the Postea, in addition to the Verdict given on the Issue or Issues joined; but nevertheless the Costs of such Action or Actions shall abide and be determined by the Verdict given upon the Issue or Issues joined, as if no special Finding had been made; and the Verdict or Verdicts which shall be given in such Action or Actions upon the Issue or Issues therein joined, in case there shall be no such special Finding and Endorsement, or such special Finding and Endorsement, if any such shall be made, shall be binding and

concluſive upon and to all and every Perſon and Perſons whomſoever, unleſs the Court wherein ſuch Action or Actions ſhall be brought ſhall ſet aſide ſuch Verdict or Verdicts, or Finding and Endorſement, and order a new Trial or Trials to be had thereupon, which it ſhall be lawful for the Court to do, as is uſual in other Caſes; and after any Verdict or Verdicts, or ſpecial Finding or Endorſement, ſhall have been obtained, and not ſet aſide by the Court, the ſaid Commiſſioners ſhall and they are hereby authorized and required to conform thereto; but if no ſuch Action or Actions at Law ſhall be brought or commenced by the Perſon or Perſons giving ſuch Notice within the Time aforeſaid; or if ſuch Action or Actions ſhall not be proceeded in to a Trial or Trials at the firſt Aſſizes to be holden for the County of *Lincoln*, after the Expiration of Two Calendar Months from the Day of giving ſuch Notice, by or on account of the Neglect or Default of the Plaintiff or Plaintiffs therein, then and in ſuch Caſe the Determination of the Commiſſioners ſhall be final, binding, and concluſive, unto and upon all Parties whomſoever; provided, that it ſhall be lawful for the Court in which any ſuch Action commenced in purſuance of this Act, ſhall be depending, upon ſufficient Cauſe ſhewn, to put off the Trial of ſuch Action, or to award a new Trial therein, although the Time herein-before limited for the Trial of ſuch Action may be thereby exceeded: Provided always, that it ſhall be lawful for the ſaid Commiſſioners to retain or pay all ſuch Coſts, Charges, and Expences as they ſhall incur or be put unto, or which ſhall be recovered againſt them, in or by reaſon or in conſequence of any ſuch Action or Actions, out of any Monies which ſhall come to their Hands, for the Purpoſes of this Act: Provided alſo, that if any of the Parties in any Action or Actions to be brought in purſuance of this Act, ſhall die pending the ſame, ſuch Action or Actions ſhall not abate by reaſon thereof, but ſhall be proceeded in as if no ſuch Death had happened; and if any Perſon or Perſons in whoſe Favour any Determination as aforeſaid ſhall have been made, and againſt whom any ſuch Action or Actions might have been brought if living, ſhall die before any ſuch Action or Actions ſhall have been brought, and before the Expiration of the Time herein-before limited for bringing ſuch Action or Actions, it ſhall be lawful for the Perſon or Perſons, Body or Bodies Politic, Corporate or Collegiate 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 to 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 therein in the ſame Manner as if ſuch Perſon or Perſons had been actually living; and the Rights of all Parties ſhall be equally bound and concluded by the Event of ſuch Action or Actions.

Power for Juſtices to declare any of the public Roads complete.

X. And be it further enacted, That when and ſo ſoon as any of the public Carriage Roads, to be ſet out in purſuance of the ſaid Act and this Act, ſhall be completed and put into good and ſufficient Repair, it ſhall be lawful for the Juſtices of the Peace of and for the Parts of *Keſteven*, or any Two of them, at any Special Seſſion or Meeting to be holden for the Purpoſe,

Purpoſe, to declare ſuch Road or Roads to be fully and ſufficiently formed, completed, and repaired; from which Time, and for ever thereafter, ſuch Road or Roads ſhall be ſupported and kept in Repair by ſuch Perſons, and in like Manner as the public Roads within the ſame Townſhip or Pariſh now are, or ought by Law, to be amended and kept in Repair.

Rights of Common to be ſuſpended or extinguiſhed.

XI. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, and they are hereby authorized and empowered, at any Time or Times before the Execution of their Award, by Notice in Writing under their Hands, to be affixed upon the Principal Door of the ſaid Pariſh Church, to order and direct all or any Part of the Rights of Common, in, over, and upon the ſaid Commonable Lands and Grounds, or any Part thereof, to be extinguiſhed, or the Exerciſe thereof to be ſuſpended, for and during ſuch Time as ſhall be expreſſed in ſuch Writing; and that all ſuch Right of Common as the ſaid Commiſſioners ſhall by ſuch Writing order and direct to be extinguiſhed, or the Exerciſe thereof be ſuſpended as aforeſaid, ſhall from the Time expreſſed in and directed by ſuch Notice, ceaſe, determine and be extinguiſhed, or the Exerciſe thereof ſuſpended accordingly; any Law, Uſage, or Cuſtom to the contrary thereof notwithſtanding.

Commiſſioners may ſcour out Brooks, make Ditches, &c.

XII. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required to cauſe to be ſcoured out and widened all ſuch ancient Brooks, Dikes, Ditches, Drains, Watercourſes, Tunnels, and Bridges, within the ſaid Pariſh; and alſo to ſet out and appoint, and cauſe to be made, ſuch new Ditches, Drains, Watercourſes, Tunnels, Watergates, Banks, and Bridges of ſuch Depth and Breadth, as well in, through, and over the ſaid Lands and Grounds hereby directed to be divided and incloſed, as alſo in, over, and through any ancient Incloſures or other Lands and Grounds within the ſaid Pariſh, as they ſhall think neceſſary and proper (making ſuch Satisfaction to the Owners and Proprietors of ſuch ancient Incloſures, or other Lands and Grounds not hereby directed to be divided and incloſed, for the Damage done thereby, as the ſaid Commiſſioners ſhall think fair and equitable; the Expence thereof to be borne and defrayed as the other Expences of this Act are herein directed to be borne and defrayed), and the ſaid Commiſſioners ſhall and may, and they are hereby directed, in and by their Award, to order and direct by whom, at whoſe Expence, and at what Time, and in what Manner the ſaid Brooks, Dikes, Ditches, Drains, Watercourſes, Tunnels, Bridges, and other Requiſites, ſhall be thereafter repaired, cleanſed, ſcoured and maintained: Provided always, that nothing in this Act contained ſhall extend, or be conſtrued to extend, to authorize and empower the ſaid Commiſſioners to divert or turn any Rivulet, Brook, or Stream of Water, without the Conſent in Writing of the Owner or Owners of the Lands from which ſuch Rivulet, Brook or Stream of Water ſhall be diverted, or into which the ſame ſhall be turned, nor to do or cauſe to be done any other Act, ſo as to injure or prejudice the Mill belonging to the ſaid *Philip Duncombe Pauncefort Duncombe*.

Allotments for Stone, Gravel and Mortar Pits.

XIII. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby authorized and required to ſet out, allot, and award ſuch Plot or Plots of the ſaid Lands and Grounds hereby intended to be divided and allotted, as they ſhall think proper, not exceeding in the whole Five Acres,

Acres, as and for public Stone, Sand, Gravel and Mortar Pits, with convenient Roads to and from the same respectively; which said Plots of Land, so to be set out as aforesaid, shall be used in common by the Proprietors of Lands and Estates within the said Parish, and their Tenants in or upon any of their Lands, Tenements, or Hereditaments, intended to be divided and inclosed, or exonerated from Tithes by virtue of this Act, for their own necessary Uses, or for the Repairs of the public or private Roads in the said Parish; and the Grass and Herbage growing, arising, and renewing on the said Plot or Plots of Land or Ground, shall belong to and be the Property of the Person or Persons to whom the Commissioners shall allot and award the same, either at an annual Rent or not, or shall otherwise be applied to or for some general parochial or other Use or Purpose, and shall be occupied and enjoyed in such Manner and Form as the said Commissioners shall in and by their Award, or by any other Writing under their Hands, order, direct or appoint.

Allotment in lieu of Freeboards, &c.

XIV. And be it further enacted, That in all Cases where any of the Lands and Grounds by this Act intended to be divided and inclosed, shall adjoin on any Freeboard, Screed or Parcel of Land, belonging to any other Parish or Place which shall run into or be open with the Lands intended to be inclosed by virtue of this Act, it shall be lawful for the said Commissioners, and they are hereby authorized and required to set out and allot unto the Owner or Owners of such Freeboard, Screed, or Parcel of Land, such a Parcel of Land or Ground as shall be equal in Value, (Quantity, Quality, and Situation considered) to such Freeboards, Screed or Parcel of Land as aforesaid; and the Fence or Fences belonging to such Allotment or Allotments shall for ever thereafter be made, maintained, and supported by and at the Expence of such Person or Persons as the said Commissioners shall by their Award direct and appoint; and from and after such Allotments shall be made, such Freeboard, Screed or Parcel of Land shall be deemed to be within the Parish of *Witham-on-the-Hill* aforesaid; and the Allotment or Allotments so to be set out and allotted in lieu thereof as aforesaid, shall be deemed and taken to be Part and Parcel of the Parish or Place to which such Freeboard, Screed, or Parcel of Land now belongs.

Commissioners to allot Herbage of Private Roads.

XV. And be it further enacted, That the Grass and Herbage arising upon any private Road or Way, or private Roads or Ways, to be set out and appointed under the Powers and Authorities of this Act or the said recited Act, shall for ever belong to and be the sole Right of such Person or Persons as the said Commissioners shall in and by their Award, or in the mean Time and until their said Award shall be executed, by any Writing under their Hands order and direct.

Allotment to G. W. Johnson, Esq. in lieu of Tithe.

XVI. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required, in the next Place, to set out and allot unto the said *George William Johnson*, his Heirs or Assigns, Impropriators of the said Rectory for the Time being, in lieu of all Tithes, both Great and Small, or other Dues or Payments in lieu of Tithes issuing, arising, renewing, or due or payable to the said *George William Johnson*, out of, or for, as well the Lands and Grounds hereby directed to be divided and inclosed, as the Homesteads, Gardens, Orchards, ancient Inclosures, and other Lands and Grounds, lying within the said Parish, such Parcel or Parcels of the Lands and Grounds hereby directed to be divided and inclosed, as in the Judgment of the said Commissioners shall be equal in

Value to One-fifth Part of all the Arable or Tillage Lands, One-ninth Part of all the ancient inclosed Wood Lands, and One-eighth Part of all other Lands and Grounds in the said Parish, as well open as inclosed, which are subject to the Payment of Great and Small Tithes in Kind to the said *William George Johnson*, or any Composition or Payment in lieu thereof (except as herein-after is otherwise provided), and also equal in Value to all the Small Tithes issuing, arising, renewing, or due or payable to the said *George William Johnson*, out of or for the said several Pieces or Parcels of Land, containing about Thirty Acres, in the Hamlet of *Lound* aforesaid, the Whole of the Great and Small Tithes of the same Lands being estimated as equivalent to such Proportions thereof as last aforesaid.

Allotment to G. W. Johnson, Esquire, for his Glebe Lands.

XVII. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and empowered, to set out and allot to and for the said *George William Johnson*, his Heirs or Assigns, in lieu of his Glebe Lands (if any such there be) and Right of Common thereunto belonging, such Plot or Plots, Parcel or Parcels of the Lands and Grounds by this Act intended to be divided and inclosed, as shall in the Judgment of the said Commissioners be a full Equivalent and Compensation for such Glebe Lands (if any) and Right of Common thereunto belonging.

Allotment to Lord Gwydir in lieu of Tithes.

XVIII. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required, to set out and allot unto and for the said *Peter* Lord *Gwydir*, his Heirs or Assigns, Impropriators of the Great Tithes herein-after mentioned, in lieu of and Compensation for his Great Tithes issuing, arising, or renewing out of or for the said several Pieces or Parcels of Land, containing about Thirty Acres more or less, in the Hamlet of *Lound* aforesaid, such Parcel or Parcels of the Lands and Grounds hereby directed to be divided and inclosed, as in the Judgment of the said Commissioners shall be equal in Value to such last-mentioned Tithes, the Whole of the Great and Small Tithes of such last-mentioned Lands being estimated as equivalent to such Proportions thereof as last aforesaid.

For allotting Part of Mr. Duncombe's Inclosures in lieu of the Tithes thereof.

XIX. And whereas the said *Philip Duncombe Pauncefort Duncombe* is Owner or Proprietor of certain old inclosed Grounds lying within the said Parish of *Witham-on-the-Hill*, called by the several Names of *Gorse Close*, *Red Close*, *Monks Wong Close*, *Latfield Pasture Close*, and *Parks Close*, containing in the Whole One hundred and fifty-four Acres Three Roods Two Perches, or thereabouts, and the said *Philip Duncombe Pauncefort Duncombe* is desirous that the said *George William Johnson*, his Heirs and Assigns, Impropriators of the said Rectory for the Time being, shall have his Equivalent for the Tithe arising from and out of the said inclosed Grounds, by an Allotment of such Parcel or Parcels of the said inclosed Grounds as the said Commissioners shall think an Equivalent for the Tithes arising therefrom; be it therefore enacted, That the said Commissioners shall, and they are hereby authorized and required, to set out and allot unto and for the said *George William Johnson*, his Heirs and Assigns, Impropriators for the Time being as aforesaid, in lieu of all the Tithes both Great and Small, and other Payments in lieu of Tithes (if any such there be) issuing, arising, renewing, and due or payable to the said *George William Johnson*, out of or for the said several inclosed Grounds belonging to the said *Philip Duncombe Pauncefort Duncombe*, such Parcel or Parcels thereof

thereof as in the Judgment of the ſaid Commiſſioners ſhall be equal in Value to One-fifth Part of ſuch Part of the ſaid incloſed Grounds as is Arable and in Tillage, and One-eighth Part of the Remainder of ſuch incloſed Grounds; which ſaid Parcel or Parcels ſo to be allotted to the ſaid *George William Johnſon*, his Heirs and Aſſigns, Impropriators for the Time being as aforeſaid, ſhall be ſet out in as convenient a Situation for the other Property of the ſaid *George William Johnſon*, his Heirs and Aſſigns, Impropriators for the Time being as aforeſaid, as may be.

For exonerating from Tithes, Incloſures, exceeding Five Acres, belonging to Perſons not having any or ſufficient Open Field Property.

XX. Provided always, and be it further enacted, That if any other Proprietor or joint Proprietors of any ancient Incloſure or Incloſures in the ſaid Pariſh of *Witham-on-the-Hill*, exceeding the Quantity of Five Acres, ſhall not be entitled to Lands or Property in the Open and Common Fields and other Commonable Lands hereby directed to be divided and incloſed, ſufficient to make Compenſation for the Tithes of ſuch ancient Incloſure or Incloſures, then and in ſuch Caſe the ſaid Commiſſioner ſhall, and they are hereby authorized and required to ſet out ſuch Part or Parts of the ſaid ancient Incloſure or Incloſures, as, together with ſuch Proprietor's Share (if any) of the Open and Common Fields and other Commonable Lands ſhall in their Judgement, according to the Proportions, Directions, and Regulations aforeſaid, be equal in Value to the Tithes of the ancient Incloſure or Incloſures of ſuch Proprietor or Proprietors; and ſuch Proprietor or Proprietors ſhall pay ſuch Proportion of the Rate to be made for defraying the public Expences, and alſo ſhall fence off ſuch Part or Parts of ſuch ancient Incloſure or Incloſures ſo to be ſet out as a Compenſation as aforeſaid, as the ſaid Commiſſioners ſhall order and direct; and ſuch Lands ſo to be ſet out by the Commiſſioners ſhall be allotted to the ſaid *George William Johnſon*, his Heirs or Aſſigns, Impropriators for the Time being as aforeſaid, and ſhall be accepted and taken by him or them as a full Compenſation and Satisfaction for all and Manner of Tithes of the ancient Incloſure or Incloſures of ſuch Proprietor or Proprietors; which ſhall for ever afterwards be exonerated and diſcharged from all Tithes as fully and effectually as if the Compenſation had conſiſted of any Part of the Lands to be divided and incloſed by virtue of this Act.

Compenſation for the Tithes of Incloſures, the Proprietors whereof have no Open Field Property.

XXI. And whereas it may happen that the Proprietor or Proprietors of ſome of the Homeſteads, Gardens, Orchards, Home Cloſes, Wood Lands, and ancient Incloſures, in the ſaid Pariſh of *Witham-on-the-Hill*, which are titheable, may not have Lands or Property in the ſaid Common and Open Fields, Lands, or Grounds hereby directed to be divided and incloſed, ſufficient to diſcharge the ſame from Tithes; and the Homeſteads, Gardens, Orchards, Home Cloſes, Wood Lands, and ancient Incloſures of ſuch laſt-mentioned Proprietor or Proprietors ſhall not contain more than Five Acres; be it therefore enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized and required in the Caſes laſt-mentioned, by and out of the Open Fields, Lands, and Grounds hereby intended to be divided and incloſed, to allot and award unto the ſaid *George William Johnſon*, his Heirs or Aſſigns, as a Compenſation for the Tithes of any ſuch Homeſteads, Gardens, Orchards, Home Cloſes, Wood Lands, and ancient Incloſures, not containing more than Five Acres in the Whole as aforeſaid, ſuch Parcel or Parcels of Land as in the Judgement of the ſaid Commiſſioners ſhall be a full Compenſation, according to the Proportions aforeſaid,

aforesaid, for the Tithes issuing and payable out of and from the last-mentioned Premises respectively; and that the Person or Persons whose Homesteads, Gardens, Orchards, Home Closes, Wood Lands, and ancient Inclosures, shall be exonerated or discharged from Tithes by such Compensation as last mentioned, shall pay or cause to be paid unto the said Commissioners, at such Time or Times as they shall direct or appoint, such Sum or Sums of Money as the said Commissioners shall deem and adjudge to be a full Recompence and Satisfaction for the Tithes of the Homesteads, Gardens, Orchards, Home Closes, Wood Lands, and ancient Inclosures respectively last mentioned; which Sum or Sums of Money shall be raised and levied in like Manner as the Expences of passing and executing this Act are herein-after authorized to be levied, and shall be applied towards defraying the Charges and Expences incident to or attending the passing or executing this Act.

Allotments to the Lords for the Right of Soil.

XXII. 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 Lord or Lords of any Manor or Manors, in whom the Right or Interest of the Soil of any Part or Parts of the Waste and unknown Common Lands hereby directed to be divided and inclosed is or are vested, such Plot or Plots of the Lands and Grounds hereby directed to be divided and inclosed as shall in the Judgement of the said Commissioners (Quantity, Quality, and Situation considered) be equal in Value to One-twentieth Part of all the Waste and unknown Common Lands within the same Manor or Manors, after deducting therefrom a due Proportion of the Roads and Drains, and of the Stone, Gravel, Sand, and Mortar Pits respectively.

Allotments to the Lord of the Honour of Folkingham.

XXIII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required, in the next Place, to set out, allot, and award unto and for the Lord of the Honour and Manor of *Folkingham* aforesaid for the Time being, such Part and Parts of the Lands and Grounds hereby directed to be divided and inclosed, as in the Judgement of the said Commissioners shall be equal in Value to One-fortieth Part of the Residue of all the Waste and unknown Common Lands within the said Manor of *Witham-on-the-Hill*, with the Hamlet of *Manthorpe*, and within the said Honour and Manor of *Folkingham*, hereby directed to be divided and allotted, after deducting therefrom a due Proportion of the Roads and Drains, and of the Stone, Sand, Gravel, and Mortar Pits respectively, in lieu of and Satisfaction for all the Rights of the Lord of the Honour and Manor of *Folkingham* aforesaid, to the Soil of such Waste and unknown Common Lands, or otherwise, in, upon, or over the same.

Allotment of the Residue.

XXIV. And be it further enacted, That the said Commissioners shall, immediately after making such Allotments as aforesaid, divide, set out, and allot all the Residue of the Lands and Grounds hereby directed to be divided and allotted, unto and amongst all and every the Proprietors thereof, and Persons interested therein, in such Quantities, Shares, and Proportions, and in such Parts and Places as by the said Commissioners shall be adjudged and determined to be fair, just, and reasonable, according to their several and respective Lands, Rights of Common, and other their Rights and Interests therein (except such Rights and Interests for which Allotments or other Compensation are herein-before particularly directed to be made).

XXV. And

Fencing the Allotment for Glebe and Tithes.

XXV. And be it further enacted, That the ſeveral Allotments of Land and Ground to be ſet out, allotted, and awarded to the ſaid *George William Johnſon*, his Heirs or Aſſigns, Impropriators for the Time being as aforeſaid, for Glebe Lands (if any) and Right of Common thereto, and alſo for Tithes, and alſo the Allotment or Allotments of Land and Ground to be ſet out, allotted, and awarded to the ſaid *Peter* Lord *Gwydir*, his Heirs and Aſſigns, for Tithes as aforeſaid, ſhall be reſpectively incloſed and fenced on all ſuch Parts as ſhall not be directed to be fenced by any of the Proprietors, and as ſhall not adjoin upon any ancient Incloſure, or Brook or Watercourſe, which may be of itſelf a ſufficient Fence, with Quickſets and Ditches, with proper Oak Poſts and Three Rails on each Side of Oak, Aſh, or Elm Wood to ſuch Quickſets, at the Expence of the Owners and Proprietors of the Lands and Grounds hereby intended to be divided and allotted as aforeſaid, and of the Owners and Proprietors of ſuch Homeſteads, Gardens, Orchards, and ancient Incloſures, as ſhall be exonerated from Tithes by virtue of this Act (except the ſaid *George William Johnſon*, his Heirs or Aſſigns, in reſpect of the ſaid Allotments to be ſet out and awarded to him for Glebe (if any) and Common Right and Tithes, and except the ſaid *Peter* Lord *Gwydir*, his Heirs or Aſſigns, in reſpect of the Allotment or Allotments to be ſet out and awarded to him or them for Tithes) and in ſuch Proportions as the ſaid Commiſſioners ſhall order, direct, and appoint; and the ſaid Commiſſioners ſhall order, direct, and appoint to whom the ſaid Fences ſhall belong after the ſame ſhall be properly made, and the ſaid Fences ſhall for ever thereafter be kept up, maintained, and ſupported, by and at the Expence of ſuch Perſon or Perſons to whom the ſame ſhall by the ſaid Commiſſioners be directed to belong as aforeſaid.

How other Allotments to be fenced.

XXVI. And be it further enacted, That the ſeveral other Allotments to be made by virtue of this Act, ſhall, within Six Calendar Months next after the Execution of the Award of the ſaid Commiſſioners, or ſuch other Time previous to the making thereof, as the ſaid Commiſſioners ſhall by any Writing or Writings under their Hands order and direct, be incloſed, hedged, ditched, and fenced at the proper Coſts and Charges of the reſpective Perſons to whom the ſame ſhall be reſpectively allotted, in ſuch Manner as the ſaid Commiſſioners ſhall by Writing or Writings under their Hands order and direct.

Proprietors may ſell or mortgage their Allotments before the Execution of the Award, and their Right of Common ſeparate from their other Property.

XXVII. And be it further enacted, That it ſhall be lawful for any Perſon or Perſons who ſhall be entitled to any Allotment or Allotments under or by virtue of this Act, to give, grant, bargain, ſell, demiſe, mortgage, limit, convey, and aſſure the ſame, for all or any Part of his, her, or their Eſtate or Intereſt therein or Right thereto, at any Time before the Execution of the Award of the ſaid Commiſſioners; and every ſuch Gift, Grant, Bargain, Sale, Demiſe, Mortgage, Limitation, and Conveyance and Aſſurance ſhall be of the ſame Force and Validity as if made after the Execution of the ſaid Award; and alſo, that it ſhall be lawful for any of the Owners or Proprietors of any Common Rights upon the Lands and Grounds hereby directed to be divided and allotted, to ſell and diſpoſe of the ſame, or of the Allotment or Allotments to be made and ſet out in reſpect thereof, by virtue of this Act, ſeparate and diſtinct from the Eſtate in right of which they, he, or ſhe are or is entitled to the ſame, in the

same Manner as they, he, or she might have done at any Time after the Execution of the said Award; and it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, to award all and every such Allotment and Allotments which shall be so sold and disposed of to the Purchaser or Purchasers thereof, or other Person or Persons who shall be entitled to the same by any such Sale or Disposition.

Separate Allotments to be made for Lands held by different Tenures.

XXVIII. And be it further enacted, That when the Proprietor or Proprietors of any Lands or other Hereditaments which shall be allotted or exchanged by virtue of this Act, shall hold their said 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 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 hereinbefore is required, such different Titles, different Estates, and different Tenures, and within Twelve Calendar Months after making the said Award, Request shall be made to the said Commissioners by any Person or Persons interested, by Writing under his, her, or their Hands, to have such Omission supplied by a separate Instrument, then and in every such Case the Commissioners are hereby authorized to do every Thing necessary for supplying such Omission, and so far as that Purpose shall 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 authorized, 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 Discrimination should be made in the said Award; and every such separate Instrument shall have the same Effect as if it were contained in the said Award, and the same supplemental Instrument shall be delivered to the Person or Persons upon whose Request the said Omission shall have been supplied, or to the Person or Persons to whom the Custody of the Deeds or Writings concerning the Title to the Premises in Question shall, in the Opinion of the Commissioners, most properly belong for the Time being; and all Expences which shall be reasonably incurred in and about any such supplemental Instrument as aforesaid shall be payable by the Person or Persons who shall have so requested the said Commissioners as aforesaid, his, her, or their respective Executors or Administrators, and shall be recoverable and recovered by the said Commissioners in the same Manner as the Expences of obtaining and passing this Act, and carrying the same into Execution, are hereby directed to be recovered.

Allotments to follow Tenure of ancient Estates.

XXIX. And be it further enacted, That all the Allotments to be made by virtue of this Act shall be held by the same Tenure as the Lands or Hereditaments, in respect of which such Allotments shall be made, were respectively held by, before the making of such Allotments.

For determining Leaſes at Rack Rent.

XXX. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, at any Time previous to the Execution of the ſaid Award, in all Caſes where they in their Diſcretion ſhall deem it neceſſary or expedient for the due Execution of this Act, by any Writing or Writings under their Hands, to determine and make void all or any of the Leaſes, or Agreements for Leaſes at Rack Rent, or from Year to Year then ſubſiſting, of all or any Part or Parts of the Lands or Hereditaments hereby directed to be divided and allotted, or which ſhall be exonerated from Tithes, and exchanged reſpectively by virtue of this Act, and of all other Lands and Hereditaments demiſed, or agreed to be demiſed by or comprized in ſuch Leaſes and Agreements reſpectively, either as to the Whole or as to ſome Part or Parts only of the Hereditaments comprized in ſuch Leaſes and Agreements reſpectively, and at ſuch Time or Times in the Year as the ſaid Commiſſioners ſhall in their Diſcretion think moſt convenient and expedient, according to the Circumſtances of the Caſe; and in all Caſes where any ſuch Leaſes or Agreements ſhall be ſo determined as aforeſaid, the ſaid Commiſſioners ſhall aſcertain and declare whether any and what Sum and Sums of Money in groſs ought to be paid, or any and what Deduction or Abatement in the reſerved Rent or Rents ought to be made by the Leſſors or Landlords to the Leſſees or Tenants, as a Compenſation or Satisfaction for ſuch Total or partial Determination of their reſpective Leaſes or Agreements; and ſuch Sums in groſs and reduced Rents, ſo aſcertained and declared as aforeſaid ſhall reſpectively become payable or commence at ſuch Time or Times and in ſuch Manner as the ſaid Commiſſioners ſhall direct and appoint; and all ſuch Sums in groſs ſhall be charged upon the Lands in reſpect of which the ſame ſhall be payable, and ſhall and may be levied and recovered in like Manner as is herein-after provided or mentioned with reſpect to the levying and recovering the Expences of paſſing and executing this Act; and all ſuch reduced Rents ſhall, after the Commencement thereof, be payable and recoverable in like Manner as the Rents originally reſerved would have been payable and recoverable if this Act had not paſſed; and in all Caſes where ſuch ſubſiſting Leaſes or Agreements ſhall continue as to the Whole or any Part or Parts of the Hereditaments therein comprized, it ſhall be lawful for the ſaid Commiſſioners in like Manner to aſcertain and declare whether any and what additional Rent or Rents ought to be paid by the Leſſees or Tenants, to the Leſſors or Landlords, for or in reſpect of any Improvement in the annual Value of the Hereditaments comprized in ſuch Leaſes or Agreements reſpectively, by reaſon of the ſame being divided, allotted, exonerated from Tithes, and exchanged reſpectively, by virtue of this Act; and ſuch additional Rents, ſo aſcertained and declared as laſt aforeſaid, ſhall commence at ſuch Time or Times as the ſaid Commiſſioners ſhall direct and appoint, and ſhall afterwards be payable and recoverable in like Manner as the Rents originally reſerved would have been payable and recoverable if this Act had not been paſſed; and it ſhall be lawful for the ſaid Commiſſioners in like Manner to ſettle, aſcertain, and declare the Courſe of Huſbandry to be uſed by ſuch Leſſees or Tenants during the Remainder of their ſubſiſting Leaſes or Agreements, in all Caſes where they ſhall deem it neceſſary and proper ſo to do: Provided always, that if there ſhall be any ſuch Leaſe or Agreement at Rack Rent of Lands, Part of which lie in the ſaid Pariſh and Part in any adjoining Pariſh, all ſuch Leaſes and Agreements may be determinable as aforeſaid; but where any Lands ſhall have been taken in Exchange, which Lands ſhall be

under

under such Lease or Agreement, and wholly situate in any adjoining Parish, such last-mentioned Lease or Agreement shall not be determined by virtue of this Act.

Authorizing Exchanges to be made.

XXXI. And be it further enacted, That it shall be lawful for the said Commissioners to assign and set out, allot, and award any of the Allotments to be made by virtue of this Act, or any Part or Parts of such Allotments, or any Messuages, Cottages, Lands, Tenements, or other Hereditaments situate or arising within the said Parish, in lieu of and in exchange for any other Messuages, Cottages, Lands, Tenements or other Hereditaments situate or arising in the said Parish, or within any adjoining Parish or Place, so as every such Exchange be made by the Award of the said Commissioners, or by some Instrument to be executed by them, before the Execution of the said Award, and be set forth or referred to in such Award, and so as every such Exchange as aforesaid be made with the Consent and Approbation of the respective Proprietors or other Person or Persons, Bodies Politic, Corporate or Collegiate, seised or possessed or in Receipt of the Rents or other Profits of the Hereditaments which shall be so allotted or exchanged, whether such Proprietor or Proprietors be Tenant or Tenants in Fee Simple, in Tail or for Life, or for Years determinable on a Life or Lives, 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 the Trustees for any charitable or public Use 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 Bishop of the Diocese in which such Lands, Tenements or Hereditaments shall lie or be situate, and 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 that 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.

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

XXXII. Provided always, and be it further enacted and declared, That nothing in this Act contained shall extend, or be construed or adjudged to extend, to revoke, make void, annul, or alter any Settlement, Deed, Will or Lease, or to prejudice any Person having any Right or Claim of Dower, Jointure, Annuity, Rent, Debt, Charge, or Incumbrance whatsoever, in, out of, upon, or affecting any of the Lands, Tenements, or Hereditaments, hereby directed to be divided and allotted, or which shall be exchanged or assigned in Compensation for any other Estate or Right in pursuance of this Act respectively; but that as well the Lands allotted, as the Tenements and other Hereditaments which shall be assigned in Exchange, or in Compensation for any other Estate or Right by virtue of this Act, shall immediately after such Allotment, Exchange, or Assignment, remain and enure; and the several Persons to whom the same shall be allotted, assigned, or given in Exchange as aforesaid, shall thenceforth stand and be seised and possessed thereof respectively, to, for, and upon such and the same Uses, Estates, Intents, Trusts, and Purposes respectively, and subject and liable to such and the same Wills, Settlements, Limitations, and Remainders,

mainders, Conditions, Charges and Incumbrances, in all reſpects, as the ſeveral Lands, Tenements, and Hereditaments, in reſpect whereof ſuch Allotments, Aſſignments and Exchanges ſhall have been made, ſhould or would have ſtood ſeverally limited, ſettled, veſted, or ſubject or liable to, or been held by, in caſe the ſame had not been allotted, aſſigned or exchanged, and this Act had not been made; ſave and except ſuch Leaſes and Tenancies at Rack Rent as ſhall become void by virtue of this Act, and except where any other of the Proviſions of this Act are to the contrary; and ſubject nevertheleſs to all ſuch Mortgages and Sales as ſhall be made by Authority of this Act, or of the ſaid Act of the Forty-firſt Year of the preſent Reign.

Tithes to ceaſe.

XXXIII. And be it further enacted, That the Allotments which ſhall be ſet out for the ſaid *George William Johnſon*, and the ſaid *Peter* Lord *Gwydir*, their reſpective Heirs or Aſſigns, Impropriators for the Time being as aforeſaid, as herein-before mentioned, ſhall be in lieu of and full Compenſation and Satisfaction for all the Great and Small Tithes and Compoſitions, and Payments whatſoever in lieu of Tithes ariſing, growing, renewing, increaſing, appertaining, or due or payable to them reſpectively, out of or in reſpect of all and every the Open and Common Fields, Meadows, Paſture, and other unincloſed Lands and Waſte Grounds, and out of or for the ſeveral Homeſteads, Gardens, Orchards, ancient Incloſures, and other Lands and Grounds within the Pariſh of *Witham-on-the-Hill* aforeſaid; and all the Great and Small Tithes, Compoſitions and Payments in lieu of Tithes, ſhall, immediately from and after the ſetting out of the Allotments in lieu and Satisfaction thereof as aforeſaid, or at ſuch other Time or Times as the ſaid Commiſſioners ſhall in and by their Award, or any other Writing to be ſigned by them previous to the Execution of their Award, and affixed on one of the Doors of the Church of the ſaid Pariſh, reſpectively direct or appoint, ceaſe, determine, and be for ever extinguiſhed; and the ſaid *George William Johnſon*, and the ſaid *Peter* Lord *Gwydir*, their reſpective Heirs or Aſſigns, Impropriators for the Time being as aforeſaid, ſhall in the mean Time be reſpectively entitled to and ſhall receive and enjoy ſuch of the ſame Tithes, and Payments in lieu thereof, as they might or could or ought to have done in caſe this Act had not been made; and in caſe the ſame ſhall happen before the End of any current Year for which the Tithes are holden by the Tenants or Occupiers thereof, it ſhall be lawful for the Commiſſioners to determine what Sum ſhall be paid by them for the Tithes for ſuch fractional Parts as ſhall be then paſſed of the current Year.

Commiſſioners may direct the Courſe of Huſbandry.

XXXIV. And be it further enacted, That until ſuch Diviſion and Allotment as is hereby directed ſhall have been made of the Lands and Grounds to be divided and allotted, all ſuch Lands and Grounds ſhall be ſtocked with ſuch Cattle, at ſuch Times and in ſuch Manner only, and the Tillage Lands ſhall be ſown by the reſpective Occupiers thereof with ſuch Sorts of Corn and Grain, and with ſuch Kind, Quantities, and Qualities of Graſs, Turnips, or other Seeds, and ſhall be kept, ordered, and continued in ſuch Courſe of Huſbandry and Tillage as the ſaid Commiſſioners ſhall by Writing under their Hands direct, any Uſage or Cuſtom to the contrary notwithſtanding; and that the Charges and Expences of ſuch ploughing, ſowing, fallowing, and tilling, ſhall be paid by the reſpective Perſons who ſhall receive the Benefit thereof, or by ſuch other of the

Proprietors of the ſaid Open and Common Fields, and at ſuch Times and in ſuch Manner, and in ſuch Proportions as the ſaid Commiſſioners ſhall, by any Writing or Writings under their Hands direct or appoint, and ſhall be recovered in ſuch Manner as the Expences of this Act are herein-after directed to be levied and recovered; and that no Meadow, Paſture, or freſh Ground, Part of the Lands and Grounds hereby directed to be divided, allotted, or exonerated from Tithes, and not in Tillage at the paſſing of this Act, ſhall, without the Conſent in Writing of the ſaid Commiſſioners, be before the Allotment thereof ploughed, broken up, or converted into Tillage; and every Occupier of ſuch Land or Ground who ſhall refuſe or neglect to comply with any ſuch Directions of the ſaid Commiſſioners, or who ſhall plough, break up, or convert into Tillage, any ſuch Meadow, Paſture, or freſh Ground, without the Conſent in Writing of the ſaid Commiſſioners, ſhall forfeit and pay a Sum not exceeding Ten Pounds for every Acre of ſuch Tillage Land, with reſpect to which ſuch Refuſal or Neglect ſhall happen, and for every Acre of ſuch Meadow, Paſture or freſh Ground, which ſhall be ploughed, broken up, or converted into Tillage, and ſo in Proportion in each Caſe for any greater or leſs Quantity than an Acre, to be levied and recovered in the Manner hereby directed for the Recovery of the Charges and Expences of paſſing this Act, and carrying the ſame into Execution, and to be applied in ſuch Manner as the ſaid Commiſſioners ſhall direct.

Compenſation to be made for growing Crops.

XXXV. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby required, by any Writing or Writings under their Hands, to aſcertain, order and appoint what Recompence and Satisfaction in Money ſhall be made to the Owner or Owners of any Crop or Crops growing at the Time the ſaid intended Diviſion and Allotments ſhall be made, for ſuch Crop or Crops, by the Perſon or Perſons to whom the Lands on which the ſaid Crop or Crops is or are growing ſhall be allotted, and alſo what Recompence and Satisfaction in Money ſhall be paid, and by whom, to any Tenant or Tenants, Occupier or Occupiers, of any Lands or Grounds to be divided, allotted and incloſed by virtue of this Act, as well for ploughing, tilling, and manuring of ſuch Lands or Grounds allotted for the Profit and Advantage which ſuch Perſon or Perſons to whom ſuch Lands and Grounds ſhall be allotted will thereby obtain, as for any Loſs or Diſadvantage which any Tenant or Tenants, Occupier or Occupiers ſhall or may ſuſtain by the Loſs of any Crop or Crops in or on any of the Lands or Grounds to be divided, allotted, and incloſed by virtue of this Act; and if ſuch Recompence and Satisfaction ſhall not be made at the Time and in Manner to be appointed by the ſaid Commiſſioners, then and in every ſuch Caſe the ſaid Commiſſioners ſhall and may, by Warrant or Warrants under their Hands directed to any Perſon or Perſons whomſoever (which Warrant or Warrants they are hereby authorized and empowered to grant accordingly), to cauſe the ſame to be levied, by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons required to make ſuch Recompence and Satisfaction as aforeſaid, together with the Coſts and Charges of ſuch Diſtreſs and Sale, rendering the Overplus (if any) to the Owner or Owners of ſuch Goods and Chattels.

Money advanced for paſſing this

XXXVI. And be it further enacted, That the Money which ſhall be advanced or lent for the Purpoſe of obtaining and paſſing this Act, ſhall be repaid,

repaid, with lawful Intereſt, to the Perſon or Perſons who ſhall advance or lend the ſame, his, her, or their Executors, Adminiſtrators, or Aſſigns, out of the firſt Monies which ſhall be raiſed for defraying the Expences of paſſing and executing this Act. Act to be repaid with Intereſt.

XXXVII. And be it further enacted, That each of the Commiſſioners who ſhall act in the Execution of this Act, ſhall be allowed and paid the Sum of Three Guineas and no more, for each Day he ſhall actually attend and be employed as a Commiſſioner in the Execution of this Act, or ſhall neceſſarily travel from Home to attend the Meetings of the Commiſſioners, or when returning Home after having attended ſuch Meetings, in full Satisfaction for his Trouble and Expences in the Execution of this Act; and that at all Meetings to be held in purſuance of this Act the ſaid Commiſſioners and their Clerks, and all Perſons attending ſuch Meetings, ſhall pay their own Expences, and none of the ſaid Commiſſioners ſhall be allowed more than One Day in travelling to, and One Day in travelling from, the Place of Meeting. Commiſſioners Allowances.

XXXVIII. And be it further enacted, That all Coſts, Charges, and Expences attending the making of any Exchanges or Partitions by virtue of this Act, or the ſaid recited Act, ſhall be paid, borne, and defrayed by the ſeveral Perſons making ſuch Exchanges and Partitions, in ſuch Manner and Proportion as the ſaid Commiſſioners ſhall by their ſaid Award, or any other Writing under their Hands, order and direct. Expences of Exchanges by whom to be paid.

XXXIX. And be it further enacted, That all the Coſts, Charges, and Expences of ſoliciting and paſſing this Act, and of ſurveying, admeaſuring, planning, and valuing, as well the ſaid Open and Common Fields, Paſtures, Commons, Waſtes, and other Commonable Lands and Grounds hereby directed to be divided and allotted, as the ſaid incloſed Lands and Tenements hereby directed to be exonerated from Tithes, and of dividing and allotting the ſame Open and Common Fields, Paſtures, Commons, Waſtes and other Commonable Lands and Grounds, and of forming and making the public and private Roads, public or common Drains, Sewers, Watercourſes, Watering Places for Cattle, Bridges, and for fencing the Allotment for Glebe and Tithes, and other Conveniencies, which ſhall be ſet out by virtue of this Act, and of preparing and enrolling the ſaid Award, and all other the Coſts, Charges, and Expences of the ſaid Commiſſioners, and of the ſeveral Perſons employed by them, either before or after the Execution of the ſaid Award, in, about or concerning the Execution of this Act, and not herein otherwiſe directed to be paid, ſhall be paid, borne, and defrayed by all the Owners of, or Perſons intereſted in, as well the ſame Open and Common Fields, Paſtures, Commons, Waſtes and other Commonable Lands and Grounds, as the Lands, Tenements and Hereditaments, which ſhall be reſpectively exonerated from Tithes by virtue of this Act (except the ſaid *George William Johnſon* as Impropriator in reſpect of his Allotments for Glebe and Tithes, and except the ſaid *Peter* Lord *Gwydir*, in reſpect of his Allotments for Tithes), in Proportion to their reſpective Eſtates and Intereſts; and the Shares and Proportions of the ſaid Coſts, Charges, and Expences, to be borne by the ſaid reſpective Owners and Perſons intereſted, ſhall be ſettled and aſcertained by the ſaid Commiſſioners, and ſhall be paid to ſuch Perſon or Perſons at ſuch Time or Times as the ſaid Commiſſioners ſhall direct or appoint by Writ- Expences of the Act.

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ing under their Hands; and in caſe any Perſon or Perſons ſhall refuſe or neglect to pay his, her, or their Share or Proportion of the ſaid Coſts, Charges and Sums of Money, according to ſuch Direction or Appointment as aforeſaid, within the Time, and to ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall appoint to receive the ſame, then it ſhall and may be lawful to and for the ſaid Commiſſioners, by any Warrant or Warrants under their Hands and Seals, directed to any Perſon or Perſons whomſoever, to cauſe the ſaid Coſts, Charges, and Sums of Money to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo making Default in Payment as aforeſaid, his, her, or their Huſbands, Guardians, Truſtees or Committees, whereſoever the ſame ſhall be found, rendering the Overplus (if any) on Demand to the Owner or Owners of ſuch Goods and Chattels, the reaſonable Charge of ſuch Warrant, Diſtreſs and Sale, being firſt deducted, together with lawful Intereſt, to be computed on ſuch Share or Shares, Proportion or Proportions, from the Time the ſame ſhall be directed to be paid as aforeſaid; or otherwiſe it ſhall be lawful for the ſaid Commiſſioners, or any Perſon or Perſons authorized by them, to enter upon and take Poſſeſſion of the Meſſuages, Tenements, Orchards, Home Cloſes and other ancient Incloſures, partitioned, exchanged, or diſcharged from Tithes as aforeſaid, and alſo of the ſeveral Allotments made to ſuch Perſon or Perſons ſo refuſing or neglecting to pay as aforeſaid, and to receive and take the Rents and Profits thereof, until thereby, therewith or otherwiſe, the Share or Shares, Proportion or Proportions of the ſaid Coſts, Charges, Sums of Money and Expences ſo ordered and directed to be paid by ſuch Perſon or Perſons as aforeſaid, and all Intereſt on ſuch Share or Shares, Proportion or Proportions, to be computed from the Time the ſame ſhall be directed to be paid as aforeſaid, and alſo all Coſts, Charges, and Expences occaſioned by or attending ſuch Entry upon ſuch Premiſes, and Receipt of the Rent and Profits of the Premiſes, ſhall be fully paid and ſatisfied.

Tenants for Life may charge Lands with Money paid for Expences of the Act, incloſing, &c.

XL. And be it further enacted, That it ſhall be lawful for the Huſbands, Guardians, Truſtees, Committees or Attornies of any of the Owners or Proprietors of the Lands and Grounds which ſhall by virtue of this Act be divided, allotted, or exonerated from Tithes, who ſhall be under Coverture, Minors, Lunatics, beyond the Seas, or be under any other Diſability or Incapacity, and for any of the ſaid Owners or Proprietors, being Tenants in Tail, or for Life or Lives, or for Years determinable on a Life or Lives, or on any other Contingency, or Truſtees for Charitable Uſes, or the major Part of ſuch Truſtees reſpectively (except ſuch Owners, Proprietors or Truſtees, from whoſe Allotments Lands ſhall have been deducted in purſuance of the Proviſion herein-after contained in that Behalf) to charge ſuch Lands and Grounds with ſuch Sum or Sums of Money as the ſaid Commiſſioners ſhall direct to be paid by the Proprietors thereof, for their Share of the Coſts and Charges of paſſing this Act, and carrying the ſame into Execution; and ſuch Expences as the ſaid Proprietors ſhall in the Judgment of the ſaid Commiſſioners neceſſarily incur in incloſing, ſubdividing and fencing their reſpective Allotments, ſuch Coſts, Charges, and Expences not to exceed in the whole the Rate of Five Pounds an Acre of the Lands to be allotted by virtue of this Act; and alſo with ſuch Sum or Sums of Money in groſs as ſhall be paid by any ſuch Proprietors for exonerating their Lands from Tithes, and to grant, mortgage, ſurrender, or leaſe or demiſe ſuch Lands and Grounds ſo to be charged,

charged, to the Perſon or Perſons who ſhall lend, advance or pay the ſame, or to ſuch other Perſon or Perſons as he or they ſhall direct or appoint, his, her, or their reſpective Executors, Adminiſtrators and Aſſigns, for any Term of Years or greater Eſtate, ſo that every ſuch Grant, Mortgage, Surrender, Leaſe or Demiſe, be made with a Covenant to keep down the Intereſt accruing thereon, and ſo that no Perſon afterwards becoming entitled to any ſuch Lands, ſhall be liable to pay any larger Arrear of Intereſt than for Six Calendar Months preceding the Time when the Title to ſuch Poſſeſſion ſhall have commenced.

Or may raiſe the ſame by Sale.

XLI. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, and they are hereby empowered and required, upon the Requeſt of the ſaid Owners or Proprietors of the Lands and Grounds hereby directed to be divided and allotted, or which ſhall be exonerated from Tithes by virtue of this Act, or of any Right or Intereſt therein, being Tenants in Tail or for Life or Lives, or for any Number of Years determinable on a Life or Lives, or for any other determinable Eſtate or Intereſt, or at the Requeſt of the reſpective Huſbands, Guardians, Truſtees, Committees, Agents, or Attornies of or for any ſuch Owners or Proprietors, being under Coverture, Minors, Lunatics, or beyond the Seas, or under any other Diſability or Incapacity, or of the Truſtees for any charitable or public Uſes, or the major Part of them reſpectively, to raiſe the reſpective Coſts, Charges, and Expences herein-before authorized to be charged by Way of Mortgage as aforeſaid, by Sale of any of the Lands to be ſet out or allotted by virtue of this Act, to the ſaid Proprietors making ſuch Requeſt as laſt aforeſaid, in the Manner and ſubject to the Rules preſcribed by the ſaid Act of the Forty-firſt Year of the preſent Reign, for the Sale of Lands directed to be ſold for the Payment of the Expences attending the Execution of Acts of Incloſure, provided that no more ſhall be ſold of the Lands to be ſet out or allotted to the Perſon or Perſons by whom or on whoſe Behalf any ſuch Requeſt ſhall be made, than the ſaid Commiſſioners ſhall eſtimate to be ſufficient to raiſe the Amount of the Sum or Sums of Money herein-before authorized to be raiſed or charged, by Way of Mortgage, for the Purpoſes of this Act; provided that both the Powers herein contained of raiſing Money by Mortgage and Sale ſhall not be exerciſed in reſpect to the ſame Property, but that only one of ſuch Powers ſhall be applied to the ſame Eſtate; and if there ſhall be any Surplus ariſing from ſuch Sale, after paying the Sums ſo directed to be raiſed, the ſame ſhall be applied in the Manner directed by the ſaid Act of the Forty-firſt Year of His preſent Majeſty, with reſpect to the Money paid for the Purchaſe or Exchange of any Lands, Tenements or Hereditaments, or the Timber or Wood thereon, and which Money ought to be laid out in the Purchaſe of other Lands, Tenements or Hereditaments, to be ſettled to the ſame Uſes.

Lands may be deducted from the Allotments to Truſtees of Charity Eſtates for the Expences of the Act.

XLII. And whereas it may be more convenient for the Feoffees or Truſtees of any Charity Lands, School Lands, or Lands the Revenues of which are appropriated to public or parochial Purpoſes, to whom Allotments ſhall be made by virtue of this Act, to have Lands deducted from the reſpective Allotments to be made to them for their proportionate Shares of the Expences of paſſing and executing this Act, and of fencing or mounding ſuch reſpective Allotments, than to raiſe Money on Mort-

gage; be it therefore further enacted, That it ſhall be lawful for the ſaid Commiſſioners, if requeſted by the Feoffees or Truſtees of any ſuch Lands, having Right, Intereſt, or Property in the Lands and Grounds hereby directed to be divided and incloſed as aforeſaid, to deduct from the reſpective Allotments to be made to them reſpectively, ſo much Land as ſhall in the Judgment of the ſaid Commiſſioners be equal in Value to their reſpective Proportions of the ſaid Expences, and to allot, aſſign, and award the ſame to ſuch other Proprietor or Proprietors, or other Perſon or Perſons, as the ſaid Commiſſioners ſhall think proper, and who will undertake to pay and defray all ſuch Expences.

Commiſſioners Accounts to be ſettled.

XLIII. And be further enacted, That any Juſtice of the Peace, acting for the Parts of *Keſteven*, in the County of *Lincoln*, ſhall be and he is hereby appointed Auditor of the ſaid Commiſſioners Accounts; and the Accounts of the ſaid Commiſſioners, 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 Accounts ſhall be finally allowed, together with the Vouchers relating to the ſame, be examined by the Auditor for the Time being, and the Balance by him ſtated in their Books of Account to be kept in the Office of the ſaid Commiſſioners, or their Clerks; and no Charge or Item in the ſaid Account ſhall be binding on the Parties concerned, or be valid in Law, unleſs the ſame ſhall be allowed by the ſaid Auditor.

Award to be depoſited.

XLIV. And be it further enacted, That the Award to be made by the ſaid Commiſſioners, when enrolled in Manner directed by the ſaid recited Act, ſhall be depoſited in the Pariſh Church aforeſaid, in a ſtrong Box or Cheſt, to be provided for that Purpoſe, and there to be kept with the Pariſh Regiſters.

Perſons aggrieved may appeal to the Quarter Seſſions.

XLV. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of this Act or the ſaid recited Act (except in ſuch Caſes where the Orders and Determinations of the ſaid Commiſſioners are by the ſaid Act or this Act directed to be final, and except in ſuch Caſes as are hereby directed or authorized to be tried, ſettled, 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 Parts of *Keſteven* aforeſaid, within Six Calendar Months next after ſuch Cauſe of Appeal ſhall have ariſen; and the Juſtices at the ſaid Quarter Seſſions are hereby required to hear and determine the Matter of every ſuch Appeal, and to make ſuch Orders 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.

XLVI. Provided

XLVI. Provided always, and be it further enacted, That nothing in this Act contained ſhall prejudice, leſſen, or defeat the Right, Title, Intereſt, or Juriſdiction of the ſaid Sir *Gilbert Heathcote*, as Lord Paramount of the Honour, Caſtle and Manor of *Folkingham*, in the County of *Lincoln*. Saving to Sir Gilbert Heathcote.

XLVII. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and all and every other Perſon and Perſons, Bodies Politic and Corporate, his, her, and their Heirs and Succeſſors, Executors, Adminiſtrators, and Aſſigns (other than and except the ſeveral Perſons to whom any Allotment or Allotments ſhall be made by virtue of this Act, in reſpect of the Intereſt or Property for which ſuch Allotment ſhall be made, and except ſuch other Rights and Intereſts as the Intent and Purpoſe of the Incloſure, hereby authorized, ſhall abſolutely require to be barred, deſtroyed, or extinguiſhed by this Act) all ſuch Eſtates, Rights, and Intereſts, as they, every, or any of them had or enjoyed of, in, to, or in reſpect of the ſaid Commons, Waſtes, and other Commonable Lands, hereby directed to be divided and incloſed, before the paſſing of this Act, or could or might have had or enjoyed if this Act had not been made. General Saving.

XLVIII. 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. Evidence Clauſe.

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