



ANNO QUADRAGESIMO PRIMO

GEORGI II. REGIS.

Cap. 124.

An Act for dividing, allotting, and inclosing the Open Common Fields, Meadows, Pastures, and other Commonable Lands and Waste Grounds in the Parish of *Louth*, in the County of *Lincoln*.

[24th June 1801.]

WHEREAS there are, within the Parish of *Louth* in the County of *Lincoln*, several Open Common Fields, Meadows, Pastures, and other Commonable Lands and Waste Grounds, distinguished by several Names, and containing in the Whole, by Estimation, One thousand eight hundred and fifty-four Acres or thereabouts, and also divers ancient inclosed Lands, Grounds, and Homesteads, containing by Estimation Seven hundred and eighty-one Acres or thereabouts: And whereas the Warden and Six Assistants of the Town of *Louth* and Free School of King *Edward* the Sixth in *Louth* aforesaid, are Lords of the Manor of *Louth* aforesaid, (therein called *Bilby Fee* as herein-after is mentioned) and as such are seised of and interested in the Soil of the Waste Grounds of the said Manor of *Louth*, and are also the Owners of several Messuages, Cottages, Lands, Tenements, Tofts, Rights of Common, and other Hereditaments within the same Manor, and Sir *William Earle Welby* Baronet, is Lessee of some Part or Parts thereof, by virtue of a Lease for a certain Term of Years now vested in him of the same: And whereas the Worshipful *Roger Kedington* Master of Arts, Prebendary

[Loc. & Per.]

[25 A]

bendary

bendary of the Prebendal and Exempt Jurisdiction of *Louth* aforesaid, founded in the Cathedral Church of the *Blessed Virgin Mary* of *Lincoln*, is, by virtue of the same Jurisdiction, Impropriator of the Rectory of *Louth* aforesaid, and *William Hutton* Esquire, is Lessee for Three Lives thereof, and the said Prebendary, and the said *William Hutton* as his Lessee, are entitled to all the Tythes of Corn, Grain, and Hay, growing, renewing, or arising within the said Parish of *Louth*, and to certain Glebe Lands as well in the said Open Common Fields, Meadows, Pastures, and other Commonable Lands, as in the said ancient Inclosures, and also to certain Homesteads and Rights of Common in the said Parish of *Louth*: And whereas the said Prebendary, also by virtue of his said Jurisdiction, is Patron of the Vicarage of *Louth* aforesaid, and the Reverend *Wolley Jolland* Clerk is the present Vicar thereof, and as such is entitled to the Vicarage House and Garden, with a certain Right of Common in *Louth* aforesaid, and is also entitled to certain Vicarial or Small Tythes, Dues, and Payments, arising annually within the said Parish of *Louth*: And whereas *Nicholas Wrigglesworth*, *John Robinson*, *Samuel Carter*, *Pettener*, *Richard Codd*, and *Thomas Chaplin* Esquires, the Reverend *John Emekis* the Elder, and divers other Persons, are Owners of or interested in the Residue of all the said Open Common Fields, Meadows, Pastures, and other Commonable Lands and Waste Grounds in the Parish of *Louth* aforesaid, and they or some of them are respectively entitled to Rights of Common and other Rights therein in different Proportions: And whereas the Lands of the respective Proprietors in the said Open Common Fields, Meadows, and Pastures, lie inconveniently dispersed and intermixed with each other, and are in general so disadvantageously circumstanced as to render the Cultivation and Management thereof very difficult and expensive, their Produce deficient, and their Improvement to any material Degree in their present State impracticable; and it would tend greatly to the Advantage of the several Proprietors if the said Open Common Fields, Meadows, Pastures, and the said other Commonable Lands and Waste Grounds were divided and inclosed, and specifick Parts thereof allotted to the several Persons interested therein, in proportion to their respective Property, Rights of Common, and other Interests, and a Satisfaction made for the Tythes and Moduses (if any such there are) of the said Parish, in Manner herein-after mentioned; but the same cannot be effected without the Authority of Parliament; may it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *John Renshaw*, of *Owlthorpe* in the County of *Nottingham*, Gentleman, *Isaac Leatham*, of *Barton-le-Street* in the County of *York*, Gentleman, and *John Parkinson*, of *Asgarby* in the County of *Lincoln*, Gentleman, and their Successors to be elected in Manner herein-after directed, shall be and they are hereby appointed Commissioners for dividing, setting out, allotting, and inclosing all the said Open Common Fields, Meadows, Pastures, and other Commonable Lands and Waste Grounds within the Parish of *Louth* aforesaid, and for putting this Act into Execution, in the Manner, and subject to the Rules, Orders, and Directions herein-after contained:

Commissioners.

II. And

II. And be it further enacted, That wherever in this Act Power is given to the said Commissioners to do any Act or Thing, or make any Orders, Rules, or Regulations whatsoever, such Power shall be considered as vested in the said Commissioners, or any Two of them, and the said Commissioners may adjourn from Time to Time; and if Two Commissioners, authorized or appointed by this Act, shall not appear at any Meeting in pursuance of this Act, any One Commissioner then present may adjourn such Meeting to a future Day, not exceeding Fourteen Days from the Time of adjourning, and shall give Notice thereof to the absent Commissioners; any Thing herein contained to the contrary notwithstanding.

Power vested
in Two Com-
missioners.

III. And be it further enacted, That the said Commissioners shall cause publick Notice to be given in the Parish Church of *Louth* aforesaid, upon some *Sunday* immediately after Divine Service, or by Writing under their Hands, to be affixed on the Outside of One of the most publick outer Doors of the Church aforesaid; and also by Advertisement to be inserted in some Newspaper circulating in the said County of *Lincoln*, of the Time and Place of their First and every subsequent Meeting for the Execution of this Act, Ten Days at least before any such Meeting of the said Commissioners shall be held (Meetings by Adjournment only excepted).

Commission-
ers to give
Notice of
Meetings.

IV. And be it further enacted, That the said Commissioners shall, as soon as conveniently may be, examine into, settle, determine, and ascertain, upon the Oath of any credible Witness or Witnesses, or any such other Information as they shall think necessary, (which Oath they are hereby empowered to administer), what Encroachments have at any Time within Twenty Years next before the First Day of *January* One thousand eight hundred and one, or at any Time subsequent to that Day, been made upon the said Waste Grounds, or any of them.

Encroach-
ments within
20 Years to be
ascertained.

V. And be it further enacted, That a full, true, and exact Survey and Admeasurement shall be made of all the said Open Common Fields, Meadows, Pastures, and other Commonable Lands and Waste Grounds, and also of the ancient inclosed Lands, Grounds, and Homesteads, within the Parish of *Louth* aforesaid, and a fair Plan delineated thereof, within Three Calendar Months next after the passing of this Act, or as soon after as conveniently may be, by *Christopher Epworth*, of *Great Grimsby* in the said County of *Lincoln*, Gentleman, or by such other Person as shall be appointed for that Purpose, in Manner herein after mentioned; and that such Survey and Admeasurement shall be reduced into Writing, and the Number of Acres, Roods, and Perches, in Statute Measure, contained in the said Open Common Fields, Meadows, Pastures, and other Commonable Lands and Waste Grounds, and ancient inclosed Lands, Grounds, and Homesteads, within the said Parish of *Louth*, and each and every Proprietor's distinct Property in the same respectively, at the Time of making such Survey and Admeasurement shall be therein set forth and specified; and that the Survey, Admeasurement, and Plan, shall be delivered to the said Commissioners at their next Meeting to be held in pursuance of this Act, after the same shall be completed, or as soon after as may be.

Survey to be
made.

VI. Pro-

Surveyor neglecting to act, Commissioners to appoint an Assistant.

VI. Provided always, and be it further enacted, That in case the Surveyor appointed by virtue of this Act, shall, in the Judgement of the said Commissioners, neglect to carry on the said Survey, so as not to be able to complete the same by the Time above-mentioned, it shall and may be lawful for the said Commissioners, and they are hereby authorized and required to appoint One or more Assistant Surveyor or Surveyors.

Appointment of new Commissioners and Surveyors.

VII. And be it further enacted, That in case the said *John Renshaw*, or any Commissioner to be appointed in his Stead as herein-after mentioned, shall die, refuse, or be disabled to act, then and in every such Case it shall be lawful for the said *Roger Kedington*, or his Successors, the said *William Hutton*, his Heirs or Assigns, and the said *Wolley Jolland* and his Successors, within Thirty Days next after Notice thereof in Writing shall have been given to them respectively by the surviving or remaining Commissioners, or either of them, to chuse and appoint a new Commissioner, not interested in the said Inclosure, in the Stead of such Commissioner who shall so die, refuse, or become disabled to act; and in case the said *Isaac Leatham*, or any Commissioner to be appointed in his Stead as herein-after mentioned, shall die, refuse, or be disabled to act, then and in every such Case a new Commissioner, not interested in the said Inclosure, shall be elected and appointed in the Stead of any such Commissioner so dying, refusing, or being disabled to act as lastly aforesaid, by a Majority in Value of the Proprietors of the said Open Common Fields, Meadows, Pastures, and other Commonable Lands and Waste Grounds so to be divided and inclosed as aforesaid, (except the said *Roger Kedington* and his Successors, and Lessee or Lessees, and the said *Wolley Jolland* and his Successors), who shall be present at any Meeting to be convened for that Purpose, within Thirty Days next after such last-mentioned Death, Refusal, or Disability, of which Meeting Ten Days Notice at the least shall be affixed upon the most publick Door of the Parish Church of *Louth* aforesaid; and in case the said *John Parkinson*, or any Commissioner to be appointed in his Stead as herein-after mentioned, shall die, refuse, or be disabled to act, then and in every such Case a new Commissioner, not interested in the said Inclosure, shall be elected and appointed in the Stead of any such Commissioner so dying, refusing, or being disabled to act as lastly aforesaid, by a Majority in Value of the Proprietors of ancient inclosed Lands, Grounds, and Homesteads, and of Common Right Houses and Toststeads, within the said Parish of *Louth*, (except the said *Roger Kedington* and his Successors, and Lessee or Lessees, and the said *Wolley Jolland* and his Successors), who shall be present at any Meeting to be convened for that Purpose, within Thirty Days next after such last-mentioned Death, Refusal, or Disability, of which last-mentioned Meeting Ten Days Notice at the least shall be affixed upon the most publick Door of the Parish Church of *Louth* aforesaid; and in case the Surveyor appointed or to be appointed in pursuance of this Act, shall, before the Execution of all the Powers and Authorities hereby vested in him, die, refuse, or be disabled to act, then and in every such Case a new Surveyor, not interested in the said Inclosure, shall be elected and appointed in the Stead of such Surveyor so dying, refusing, or being disabled to act, by a Majority in Value of the Proprietors of, or Persons interested in the said Open Common Fields, Meadows, Pastures, and other Commonable Lands and Waste Grounds, and ancient inclosed Lands, Grounds, and Homesteads, and Common Right Houses and Toststeads in
the

the said Parish of *Louth*, who shall be present at any Meeting to be appointed for that Purpose, within Thirty Days after such Death, Refusal, or Disability as last aforesaid; of which Meeting Ten Days Notice at least shall be affixed upon the most publick Door of the Parish Church of *Louth* aforesaid; and every such Choice, Election, and Appointment of a new Commissioner or Surveyor, shall be reduced into Writing, and signed and sealed by the Person or Persons, and sealed by the Body Politick or Corporate making or joining in such Choice, Election, and Appointment, and shall be delivered to the remaining or surviving Commissioner or Commissioners; and every Commissioner or Surveyor so to be appointed and chosen, shall have the like Powers and Authorities for putting this Act into Execution in all Respects whatsoever, as the Commissioner or Surveyor in whose Place he shall have been so appointed and chosen, was invested with by virtue of this Act; and in case the said respective Parties, or any of them, shall make Default in appointing any such new Commissioner or Surveyor, as the Case may be, within Thirty Days next after any such Death, Refusal, or Incapacity shall happen and be known, and signified to them respectively as aforesaid, then the surviving or remaining Commissioners or Commissioner shall and may, and they and he are and is hereby required from Time to Time, by Writing under their Hands or his Hand, within Fourteen Days after the Expiration of the said Thirty Days allowed to the said respective Parties for appointing such new Commissioner or Commissioners, or Surveyor, by them respectively as aforesaid, to appoint One other Commissioner or Surveyor, not interested in the said Inclosure, in the Place of every such Commissioner or Surveyor respectively so dying, refusing to act, or becoming incapacitated; and every such new Commissioner or Surveyor so to be appointed, having first taken and subscribed the Oath herein-after prescribed to be administered to him by the Warden and Justice of the said Town of *Louth*, or either of them for the Time being, shall have the like Powers and Authorities for putting this Act into Execution, in all Respects whatsoever, as the Commissioner or Surveyor in whose Place he shall have been so chosen, elected, and appointed, was invested with by virtue of this Act; and in the mean Time the surviving or remaining Commissioner or Commissioners shall and may proceed in and towards the finishing of the said Division and Inclosure, and in executing the Powers in this Act contained (except in every Case where the Proceedings and Acts of the said Commissioners are hereby made final and conclusive).

VIII. And be it further enacted, That every Commissioner who shall refuse or decline to act as aforesaid, shall and he is hereby required forthwith to give Notice of his Intention to refuse or decline acting as a Commissioner, in some such Manner as Notice of Meetings from the said Commissioners is hereby required to be given, to the Intent that another Commissioner may be appointed according to the true Intent and Meaning of this Act.

Commissioners declining to act to give Notice.

IX. And be it further enacted, That no Person shall act as a Commissioner or Surveyor in the Execution of the Powers contained in this Act (except the Power of signing and giving Notice of the First Meeting of the said Commissioners), until he shall have taken and subscribed the Oath or Affirmation following; (*videlicet*)

Commissioners and Surveyors to take an Oath.

[*Loc. & Per.*]

25 B

I Do

Oath.

‘ I Do swear [*or*, being One of the People called *Quakers*, do solemnly
 ‘ affirm] That I will faithfully, impartially, and honestly, to the best
 ‘ of my Skill and Ability, execute and perform the several Trusts, Powers,
 ‘ and Authorities vested and reposed in me as a Commissioner [*or*, as a
 ‘ Surveyor] by virtue of *An Act for dividing, allotting, and inclosing the*
 ‘ *Open Common Fields, Meadows, Pastures, and other Commonable Lands and*
 ‘ *Waste Grounds in the Parish of Louth, in the County of Lincoln*, accord-
 ‘ ing to the Provisions and Directions thereof, according to Equity and
 ‘ good Conscience, and without Favour or Affection, Prejudice or Ma-
 ‘ lice, to any Person or Persons whomsoever. ‘ So help me God.’

Which Oath or Affirmation shall be administered to every such Commis-
 sioner and Surveyor respectively, by the Warden and Justice of the Town
 of *Louth* aforesaid, or either of them; for the Time being; and the said
 Oath or Affirmation, so taken and subscribed by each Commissioner and
 by the Surveyor, and also the Instrument of Appointment of every new
 Commissioner or Surveyor (if any such Instrument there shall be) shall
 be inrolled with the Award of the Commissioners herein-after mentioned
 and directed to be made, and shall be deemed legal Evidence.

Allowance to
 Commission-
 ers and Sur-
 veyors.

X. 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, as a Recompence
 for his Pains, Trouble, and Expences, the Sum of Two Pounds and
 Two Shillings, and no more, for each Day he shall be employed in tra-
 velling to, returning from, and attending in the Execution of this Act;
 and that at all Meetings to be held in pursuance of this Act, the said Com-
 missioners shall defray their own Expences, without being allowed any ad-
 ditional Sum or Sums of Money from or by the said Proprietors for the
 same; and that the said Surveyor or Surveyors shall be paid such Sum
 and Sums of Money as the said Commissioners shall direct, for surveying,
 mapping, and planning, and for every Day which he or they shall, by
 Order of the said Commissioners, attend or be employed at any Meeting
 or Meetings of the said Commissioners: Provided always, That all the
 Proprietors or other Persons interested in the Lands and Grounds to be
 divided and inclosed by virtue of this Act, shall at such Meetings pay their
 own Expences.

Power to
 enter Lands.

XI. And be it further enacted, That all and every the said Commis-
 sioners and Surveyor, their Servants, Assistants, and all Persons employed
 by them respectively for the Purposes and in Execution of this Act, shall
 have, and they are hereby vested with full Power and Authority at any
 Time or Times whatsoever, to enter into, view and examine, survey and
 admeasure, all and every the said Open Common Fields, Meadows, Pas-
 tures, and other Commonable Lands and Waste Grounds hereby directed
 to be divided and inclosed, and also the said ancient inclosed Lands,
 Grounds, and Homesteads, within the said Parish of *Louth*, and to cut
 and dig up the Soil of any Part of the said Lands to make Roads, Drains,
 or otherwise, as the Nature of the Case and the due Execution of this
 Act shall require.

XII. And

XII. And be it further enacted, That all and every Person and Persons having or claiming to have any Lands, Common Right or Rights, or any other Estate, Property, Right, or Interest, in or over the said Open Common Fields, Meadows, Pastures, and other Commonable Lands and Waste Grounds hereby directed to be divided and enclosed, or in the said old Inclosures, shall and they are hereby required, by themselves or their Agents, to deliver their respective Claims in Writing under their Hands, or the Hands of their Agents, unto the said Commissioners, at such Meeting and Meetings as shall be held by them for that Purpose, pursuant to such Notice or Notices as is and are hereby directed to be given of Meetings for putting this Act in Execution, distinguishing in such Claims the several Particulars in respect whereof the Claims are made, and the Freehold and Leasehold Property from each other, and that no such Claims shall be received by the said Commissioners after the last Meeting to be held for the Purpose, in consequence of such Notice or Notices as aforesaid, and which shall be so expressed therein, except for some special Cause, to be allowed by the said Commissioners; and after the said Claims shall be so received, the said Commissioners shall give such publick Notice as before-mentioned, in the Parish Church of *Louth* aforesaid, or upon One of the most publick Doors thereof, of all Claims for Lands, Common Rights, or other Rights or Interests, in or upon the said Open Common Fields, Meadows, Pastures, and other Commonable Lands and Waste Grounds, and in the said old Inclosures, which shall have been so made before them, and appointing such Days and Places when and where all Parties concerned may appear before them, and shew Cause for or against the Allowance or Disallowance of the said Claims, and at such Meeting or Meetings the said Commissioners shall proceed to examine into, and settle and determine the same; and in case any Doubts or Difficulties shall arise respecting such Claims, or if any other Disputes or Differences shall happen between any of the said Proprietors touching their respective Rights or Claims, the said Commissioners shall, and they are hereby authorized and required, by Examination of Witnesses upon Oath, (which Oath the said Commissioners are, or any One or more of them, are and is hereby empowered to administer), and by such other Evidence as they shall think proper, to hear and determine the same; and in case the Party or Parties making any such Claims, or the Person or Persons objecting thereto, shall be dissatisfied with such Determination, and shall, by Writing under his or their Hand or Hands, signify the same to the said Commissioners, or any of them, within Twenty Days next after such Determination shall be made, it shall be lawful for the Person so dissatisfied with such Determination, to have the Subject of such Claim or Objection, in respect of which such Determination shall be made, tried at Law, by an Action to be brought by him or them against any Person or Persons claiming to be interested in the said Open Common Fields, Meadows, Pastures, and other Commonable Lands and Waste Grounds upon a feigned Issue, to be settled by the proper Officer of the Court where such Action shall be brought, in case the Parties differ about the same, such Action to be brought within One Calendar Month next after such Determination shall have been made; and the Defendant or Defendants in such Action shall, and is and are hereby required to appear to such Action, accept a Declaration, and plead to Issue; and the Plaintiff or Plaintiffs shall thereupon proceed in such Action, so as to have the same finally tried and determined at the First or Second Assizes to be holden for the County

Commissioners to determine upon Claims.

County of *Lincoln* next after the commencing of such Action, unless the Court shall see fit to put off the same; and the Verdict of the Jury on such Trial, if the same shall be satisfactory to the Court, shall be final and conclusive upon all the Parties interested therein; but it shall be lawful for the said Court to order a new Trial, if they think fit; and after any such Trial shall be had as aforesaid, the Costs and Charges of defending such Action; so far as the Defendant or Defendants therein shall be charged with Costs, shall be borne and paid by all or some of the Persons interested in the said Open Common Fields, Meadows, Pastures, and other Commonable Lands and Waste Grounds, in such Shares and Proportions as the said Commissioners shall think reasonable, and shall by Writing under their Hands direct and appoint: Provided always, that all such Determinations of the said Commissioners, as shall not be objected to by such Notice to be given to the said Commissioners, or any of them as aforesaid, or being so objected to, and the dissatisfied Parties respectively not causing such Action at Law to be brought and proceeded in as aforesaid, shall be absolutely binding, final, and conclusive.

But not to determine upon Rights or Titles.

XIII. Provided always nevertheless, That nothing herein contained shall authorize the said Commissioners to hear and determine any Difference or Dispute which may arise touching the Right or Title to any Messuage, Toft, Lands, Tenements, Common Right, or other Right or Interest within the said Parish of *Louth*, for which the Parties may commence and prosecute such Suits or Remedies at Law or in Equity, as they shall be advised and think proper, (except as to the Modusses hereinafter mentioned), but the said Commissioners respectively shall assign and set out the several Allotments herein-after directed to be made, unto the Person or Persons who at the Time of the said Division and Inclosure shall have the actual Seisin or Possession of the Common Rights, Messuages, Cottages, Lands, or Tenements, in lieu or in right whereof such Allotments shall be respectively made.

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

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

Suits not to impede the Inclosures.

XV. Provided also, That no Difference or Suit, touching the Title to any Lands or other Rights, shall impede or delay the Commissioners in the Execution of the Powers vested in them by virtue of this Act, but the Division and Inclosure hereby directed to be made shall be proceeded in notwithstanding such Differences or Suits.

Parties making out Claims for Messuages or Tofts, not obliged to prove Usage of Custom.

XVI. Provided always, and be it further enacted, That in the making out and establishing any Claim for or in respect of any Messuage, Cottage, Toft, or Toftstead, within the said Parish of *Louth*, it shall not be necessary for the Body Politick or Corporate, or Person making such Claim, to prove any actual Exercise of any Right of Common with respect to such particular Messuage, Cottage, Toft, or Toftstead, but the said Commissioners shall, in case they in all other Respects think the Claim right, admit the same.

XVII. Pro-

XVII. Provided also, and be it further enacted, That any such Claim or Objection as aforesaid, made by any Committee, Guardian, Husband, Trustee, Attorney, or Agent, or Person acting as Committee, Guardian, Trustee, Attorney, or Agent of or for any Person or Persons being Lunatics, Minors, under Coverture, beyond the Seas, or otherwise incapable by Law to make such Claims or Objections as aforesaid, shall be and is hereby declared to be as valid and effectual as if the Person or Persons on whose Behalf such Claims or Objections shall be so made was or were capable of acting for himself, herself, or themselves; and all such Claims and Objections shall be received, regarded, and proceeded upon in Manner aforesaid. Guardians,
etc. to claim.

XVIII. And be it further enacted, That the said Commissioners shall, as soon after the passing of this Act as conveniently may be, by some Writing or Writings under their Hands, to be published as herein-before directed with respect to Notice of Meetings, order and direct the Course of Husbandry that shall be used in, over, and upon the Lands and Grounds intended by this Act to be inclosed, until the Time when they shall have made and completed the said intended Division and Allotments, as well with respect to the laying down, plowing, sowing, and fallowing, and tilling thereof, as to the stocking and eating the Fallows or Stubbles, and also to the cutting of Furze, Thorns, or Bushes, upon the Lands intended by this Act to be inclosed, and by the same, or any other Writing or Writings under their Hands, to be published as aforesaid, shall and may make such Orders and Regulations, touching the Conduct of Farmers and Tenants within the Parish of *Louth* aforesaid, for preventing them from committing Waste or Destruction upon any of the said Lands and Grounds in the same Parish, in the mean Time and until the Allotments and Divisions thereof shall be effected, as to them shall seem expedient; all which Orders and Regulations of the said Commissioners shall be binding and conclusive upon all Parties interested, their Farmers and Tenants; and that the said Commissioners shall set and impose such pecuniary Penalties and Forfeitures on every Person not conforming to such Orders and Regulations, as they shall think necessary, not exceeding the Sum of Ten Pounds on any One Person for any One Offence; which Penalties and Forfeitures shall be paid to such Person or Persons and for such Uses and Purposes, as the said Commissioners shall by any Writing or Writings under their Hands, or by their Award herein-after mentioned, direct or appoint, and the same shall be recovered and recoverable in a summary Way, within Three Calendar Months next after such Nonconformity, before any One Justice of the Peace for the Town of *Louth* aforesaid, or for the Parts of *Lindsey*, in the said County of *Lincoln*, not interested in the Matter in question, who is hereby authorized and required, upon Complaint made before him, to summon the Party accused, to examine any Witness or Witnesses upon Oath, and to proceed to Judgement and Conviction as in Cases of a similar Nature; and if any such Penalties and Forfeitures shall be adjudged to have been incurred, then it shall and may be lawful for any such Justice, by Warrant under his Hand and Seal, within Twenty-one Days after such Conviction, to cause such Penalty to be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, together with reasonable Costs, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels. Commissioners to direct
the Course of
Husbandry.

[Loc. & Per.]

25 C

XIX. And

Satisfaction to
be made for
standing
Crops.

XIX. And be it further enacted; That the said Commissioners shall, by some Writing or Writings under their Hands, ascertain, order, and appoint what Recompence and Satisfaction in Money shall be made to the Owner or Owners of any Crops growing at the Time when the said intended Division and Allotments shall be made, for the said Crops, by the Persons to whom the Lands on which such Crops are growing shall be allotted, unless such Owner or Owners shall elect and think fit to reap and take away the same; and in case of Nonpayment of such Recompence and Satisfaction in Money for such Crops, at the Time and in Manner to be appointed for that Purpose by the said Commissioners, or in case of such Election to reap and take the same, then and in either of the said Cases, it shall be lawful for such Owner and Owners of such Crops, and his or their Servants or Agents, to enter into and upon the Lands and Grounds whereon such Crops shall be growing, and to cut, reap, and carry away the said Crops, and to dispose thereof to his and their own Use; and also that the said Commissioners shall, by some Writing or Writings under their Hands, ascertain, order, and appoint what Recompence and Satisfaction shall be paid, and to whom, for the Standage of Crops, by such Owner or Owners taking away the same as aforesaid; and also what Recompence and Satisfaction in Money shall be paid, and by whom, to any Tenant or Tenants, Occupier or Occupiers of Lands within the said Parish, as well for plowing, tilling, and manuring of any Lands which shall be allotted to some other Person or Persons, for the Profit and Advantage which any such Person or Persons, to whom the said Lands shall be allotted, will obtain thereby, as for any Loss or Disadvantage which any such Tenant or Tenants, Occupier or Occupiers, will sustain by means of the said Division and Inclosure; and if in either of the said Cases last-mentioned, such Recompence and Satisfaction shall not be made at the Time and in the Manner to be appointed by the said Commissioners, then the said Commissioners shall and may, by any Warrant or Warrants under their Hands and Seals, directed to any Person or Persons whomsoever, (which Warrant or Warrants they are hereby directed and empowered to grant accordingly), cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons required to make such Recompence and Satisfaction as aforesaid, together with the Costs and Charges of such Distress and Sale, rendering the Overplus (if there shall be any) to the Owner or Owners of such Goods and Chattels.

Against plow-
ing old
Swarth.

XX. Provided always, and be it enacted, That no old Greenswarth Ground, Parcel of the Lands and Grounds intended to be inclosed by Authority of this Act, and which hath not been plowed or used in Tillage for the Space of Six Years last past before the Commencement of this Act, shall be plowed or converted into Tillage after passing the same, until the making of such Division and Allotment thereof, and Notice given to enter upon such Allotments.

or settling
Boundaries.

XXI. And whereas Disputes may happen to arise between the Inhabitants or Proprietors of Lands in the Parish of *Louth* aforesaid, and the Inhabitants or Owners of Lands in some of the Parishes or Lordships adjoining the same, touching the respective Boundaries thereof; in order therefore to settle all such Disputes, be it further enacted, That the said Commissioners shall and may, and they are hereby authorized and em-
powered

powered to enquire into, ascertain, set out, fix, and determine such Boundaries; and after the said Boundaries shall be so ascertained, set out, fixed, and determined, the same shall and are hereby declared to be the Boundaries between the Parish of *Louth* aforesaid, and the Parishes or Lordships adjoining the same, subject to an Appeal at the Quarter Sessions in Manner herein-after mentioned, any Law, Usage, or Custom to the contrary notwithstanding.

XXII. And be it further enacted, That the said Commissioners shall, in, upon, and through the Lands and Grounds directed by this Act to be enclosed, as soon as conveniently may be after their First or Second Meeting, before they proceed to set out the Allotments herein-after mentioned, appoint, arrange, alter, and cause to be staked out all such publick Roads, Highways, and Footpaths as they shall think proper; and that such of the said publick Roads and Highways as shall be set out for Carriage Roads and Highways, shall not be less than Thirty Feet broad between and exclusive of the Fences or Ditches bounding the same; and that it shall not be lawful for any Person to erect any Gate across any of the said Carriage Roads (except as herein-after is directed), or to plant any Trees in the Hedges on the Sides of any of the said Carriage Roads, at a less Distance from each other than Fifty Yards; and after the said Roads shall have been set out as aforesaid, the said Commissioners shall and are hereby empowered and required, by Writing under their Hands, to appoint some proper Person to be Surveyor of the said Roads, and such Surveyor shall cause the same to be formed and put in good and sufficient Repair, and shall be allowed such Salary or Reward for his Trouble therein as the said Commissioners shall, by Writing under their Hands, direct and appoint; which said Salary or Reward, and also the Expence (over and above the Statute Duty) of forming the said Roads, and putting the same into good and sufficient Repair, shall be borne and paid by the several Owners and Proprietors of the Lands and Grounds hereby intended to be inclosed, and shall be raised by a Rate to be laid by the said Commissioners on such Owners and Proprietors (other than and except the said *Roger Kedington* and his Successors, and the said *William Hatton*, his Heirs and Assigns, as his Lessee or Lessees, as aforesaid, and the said *Wolley Jolland* and his Successors, as Vicar as aforesaid, for all or any of the Allotments made to them, or any of them, by virtue of this Act, in respect of Glebe Land, Common Rights, and Tythes), according to their respective Rights and Interests in the said Lands and Grounds; the respective Proportions thereof to be ascertained by the said Commissioners in and by their Award; and such Rate to be laid and assessed by the said Commissioners, or by any Justice of the Peace for the said Town of *Louth*, upon Application made for that Purpose by the said Surveyor, and to be collected and received by such Person as the said Commissioners or Justice by whom such Rate shall be laid and assessed, shall by Writing appoint; and in case any Person shall neglect or refuse to pay his or her Share of the said Rate within Twenty-one Days next after Demand made thereof, the same shall and may be levied by Distress and Sale of the Goods and Chattels of the Person so neglecting or refusing, by Warrant under the Hands and Seals or Hand and Seal of the said Commissioners, or of any Justice of the Peace for the said Town of *Louth*, (which Warrant the said Commissioners or such Justice are and is hereby required and empowered to grant, upon Proof upon Oath of such

Roads and
Drains.

Refusal

Refusal or Neglect, and of such Demand as aforesaid, and any One of the said Commissioners or such Justice is hereby also empowered to administer such Oath), returning the Overplus, if any, to the Owner of such Goods and Chattels, after deducting the Charges of such Distress and Sale; and that no Person or Persons, other than the Owners and Proprietors of the Lands and Grounds intended by this Act to be enclosed, shall be charged or chargeable (over and above the Statute Duty) towards the forming or repairing of the said Roads, until the same shall be fit for the Passage of Travellers and Carriages, and shall have been certified so to be by the said Surveyor, by Writing under his Hand, to be delivered to the Justices at some Quarter Sessions of the Peace to be holden for the Town of *Louth* aforesaid, and such Certificate shall have been attested and confirmed by them; which said Certificate shall be delivered to the said Justices at their Quarter Sessions to be holden next after the said Roads shall be formed and put into good and sufficient Repair as aforesaid, and within the Space of Two Years next after the Execution of the said Award or Instrument, unless a sufficient Reason be given, to the Satisfaction of the said Justices, that a further Time is necessary for that Purpose, in which Case the said Justices may, and they are hereby empowered to allow such further Time for delivering in the said Certificate as they shall think proper, not exceeding One Year; and in case the said Surveyor shall neglect or refuse to deliver in such Certificate within the Time before limited, such Surveyor shall forfeit and pay any Sum not exceeding Ten Pounds nor less than Five Pounds, to be recovered in like Manner as the Rate herein-before authorized to be recovered, and the same shall be applied in Aid of the Rate so to be laid as aforesaid; and after such Certificate shall have been delivered to the said Justices by the Surveyors as aforesaid, and shall have been by them allowed and confirmed, the said Roads shall be from Time to Time supported and kept in Repair in the same Manner as the other publick Roads within the said Parish are by Law to be amended and kept in Repair; and the said Commissioners shall, and they are hereby also empowered and required to set out and appoint, and cause to be made, erected, altered and completed, such other publick and private Roads and Ways, and Footpaths, and all such Ditches, Drains, Watercourses, Banks, Sluices, Straits, Tunnels, Bridges, Gates, Stiles, and other Requisites and Conveniences, in, over, through, and upon the Lands and Grounds hereby directed to be inclosed, as they shall deem proper and necessary, and the same respectively shall be made and erected, and at all Times thereafter repaired, maintained, and kept in Repair, by such Persons and in such Manner as the said Commissioners shall, by any Writing under their Hands, or in and by their said Award, direct and appoint; and that after the several publick and private Roads or Ways and Footpaths, shall have been set out and made as herein-before mentioned, it shall not be lawful for any Person to use any other Roads, Ways or Footpaths, or Road or Way or Footpath, either publick or private, over or upon the said Lands or Grounds; and that all Roads or Ways and Footpaths, which shall not be set out and appointed by the said Commissioners as the Roads, Ways, and Footpaths, through or over the said Lands and Grounds, shall be deemed Part of the Lands and Grounds hereby directed to be allotted and inclosed.

XXIII. Provided, nevertheless, and be it further enacted, That as soon as conveniently may be, after the said Commissioners shall have set out and appointed such publick Carriage Roads as aforesaid, they shall cause Notice thereof to be given by Advertisement in some Newspaper usually circulated in the Neighbourhood of *Louth* aforesaid; and that it shall be lawful for any Person or Persons whomsoever, who shall think himself, herself, or themselves aggrieved by the Setting-out, Appointment, or Disposition of any of such publick Carriage Roads as aforesaid (on giving such Notice in Writing, and on entering into such Recognizance as hereinafter mentioned), to appeal against all or any of such publick Carriage Roads to some General Quarter Sessions of the Peace to be held in and for the said Parts of *Lindsey*, within Four Calendar Months next after the Setting-out, Appointment, or Disposition of the said Roads, and Notice thereof given as aforesaid, and he, she, or they shall be heard by himself, herself, or themselves, or by his, her, or their Counsel, Agents, Attornies, and Witnesses; and that the said Commissioners, or One of them, or their Surveyor or Clerk, shall attend at such Sessions; and the Justices before whom such Appeal shall be made, upon due Proof of such Notice being given, and of the entering into such Recognizance as hereinafter mentioned, shall, on hearing the Evidence, finally determine whether the said Roads so appealed against shall be made, or whether any other Roads shall be set out, and shall make and give such Orders and Directions touching the Matters before them, and award such Costs as to them shall seem necessary and expedient in that Behalf; and such Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removeable by *Certiorari*, or any Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere; and every Person thinking himself or herself aggrieved, and intending to appeal as lastly aforesaid, shall, within Ten Days after the Publication of the said Advertisement, give Notice in Writing to any of the said Commissioners, of his or her Intention to appeal against all or any of such publick Carriage Roads, at the said Quarter Sessions, and shall within Four Days after such Notice enter into a Recognizance before some Justice of the Peace for the said Town of *Louth*, or for the said Parts of *Lindsey*, with Two sufficient Sureties, in any Sum not exceeding Fifty Pounds, nor less than Twenty-five Pounds, conditioned to try such Appeal, and abide the Order of, and pay such Costs as shall be awarded against him or her by the said Sessions; but in case no such Notice shall be given to One of the said Commissioners, and no such Recognizance shall be entered into as aforesaid, or such Appeal shall not be proceeded in as aforesaid, then such Setting-out, Appointment, and Disposition of the said Roads by the said Commissioners as aforesaid, shall be final and conclusive to all and every Person and Persons whomsoever.

Notice to be given of Roads being set out.

XXIV. Provided always, and be it enacted, That if all or any, or any Part of the ancient publick Roads or Highways which are now formed and used over, upon, or through any of the Lands or Grounds directed by this Act to be enclosed, shall be set out, appointed, and awarded by the said Commissioners to remain, continue, and be used as publick Roads or Highways, without any Diversion or Alteration in the Direction or Directions thereof, after the Execution of their said Award, then and in every such Case the several Owners and Proprietors of the Lands and

Proprietors not to contribute partially to repair old Roads.

[*Loc. & Per.*]

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Grounds

Grounds hereby intended to be divided and inclosed, shall not, nor shall any of them in particular, be liable to, or charged or chargeable with any partial or extraordinary Rate or Contribution whatsoever, in respect of the said ancient Roads or Highways, Road or Highway, or Part or Parts thereof respectively, which shall happen to remain and be continued as aforesaid, for or towards the said Salary or Reward to the said last-mentioned Surveyor, or for or towards the Expence of repairing the same Roads or Highways, or Road or Highway, or Part or Parts thereof; but the same Roads or Highways, or Road or Highway, or Part or Parts thereof respectively, shall, in case of such Continuation as aforesaid, be from Time to Time supported and kept in Repair in the same Manner, and by the same Persons, and general Means, as such Roads or Road, and other publick Roads within the said Parish of *Louth*, are and is, or ought by Law to be amended and kept in Repair if this Act had never been made; any Thing herein contained to the contrary in anywise notwithstanding.

For stopping
up Roads.

XXV. And be it further enacted, That if upon setting out the said publick and private Roads or Highways and Footpaths, or any of them respectively, as before mentioned, it shall appear to the said Commissioners that any ancient Road or Highway or Footpath, in, through, upon, or over any of the Lands and Grounds hereby directed to be divided and inclosed, or in, through, upon, or over any of the ancient inclosed Grounds in the said Parish of *Louth*, shall be prejudicial or disadvantageous, or unnecessary or inconvenient, to any of the Proprietors of the said Lands and Grounds respectively, it shall be lawful for the said Commissioners, and they are hereby authorized and required; in case the same shall not be prejudicial to the Publick, to stop up or turn, or cause to be stopped up or turned, every such ancient Road or Highway or Footpath as aforesaid; and if it shall appear to the said Commissioners that any Compensation ought to be made by the Owners of any such ancient inclosed Lands, for whose Accommodation any Road or Highway, or Footway or Path, may be so stopped up or turned as aforesaid, it shall be lawful for the said Commissioners to order and direct the Consideration Money to be paid as such Compensation, either to such Person or Persons as in their Judgement shall or may be injured or incommoded by the stopping up, discontinuing, or turning of such Road or Highway, or Footway or Path, or the said Commissioners shall receive the same Money, and apply it towards the general Purposes and Expences of this Act; and the said Commissioners are hereby required to set forth in their Award or Instrument herein-after mentioned, a Description of every such Road or Highway, and Footway or Path, so stopped up or turned; and that from and after the Execution of the said Award or Instrument, or at such earlier Time as the said Commissioners shall direct, every such Road or Highway, and Footway or Path as last aforesaid, shall be and is hereby declared to be discontinued; and from thence it shall not be lawful for any Person or Persons to make use of the same, or any Part thereof.

No Turnpike
Road to be
altered.

XXVI. Provided always, That nothing herein contained shall extend, or be construed to extend, to give the said Commissioners, or any of them, Power or Authority to divert, change, or alter any Turnpike Road or Roads over the said Lands and Grounds hereby intended to be divided and inclosed, nor to make the same less than Sixty Feet broad, nor to erect

erect or set up any Gate or Gates across the said Turnpike Road or Roads.

XXVII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and required, before any other Allotment is made in pursuance of this Act, to let out and appoint One or more sufficient Piece or Parcel, or Pieces or Parcels of Land, from and out of the Lands hereby directed to be inclosed, in such convenient Places as they shall think proper, for the Purpose of getting Chalk, Stone, Gravel, or other Materials from, for repairing the Roads and Highways within the said Parish of *Louth*, (so as no such Ground or Allotment so to be set out for the Purposes last aforesaid, shall include any Chalk Pit, Stone Pit, or Quarry now open or working by or for any Person or Persons whomsoever, for the Purpose of furnishing Chalk or Stone, to be sold in its crude or natural State, or to be hewn or wrought, or to be converted to Lime); and that the Piece or Pieces, or Parcel or Parcels of Land so to be set out and appointed as lastly aforesaid, shall be vested in the Surveyor or Surveyors of the Highways of the said Parish of *Louth* for the Time being, upon the Trust and for the Purposes in this Act mentioned.

Allotments
for Repairs of
Roads.

XXVIII. And be it further enacted, That the Grass and Herbage growing, arising, and renewing upon the said Piece or Pieces, or Parcel or Parcels of Land so to be set out and appointed for getting Chalk, Stone, Gravel, and other Materials from, for repairing the several Roads and Ways to be set out and appointed as aforesaid, shall belong to and be the Property of the Person or Persons to whom the said Commissioners shall allot the same, exclusive of all other Persons whomsoever, or shall otherwise be applied to and 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, order, direct, and appoint; but that if any Person or Persons whomsoever, at any Time or Times after the Execution of the said Award, shall wilfully or knowingly graze, depasture, or keep, or cause to be grazed, depastured, or kept, any Kind of Cattle in or upon any of the Roads or Ways to be set out by virtue of this Act, and made into Lanes or fenced on both Sides, or shall dig, plow, or in anywise cultivate or use, or cause to be dug, plowed, or in anywise cultivated or used, any Part of such Roads or Ways for the Purpose of obtaining any Crop or Crops of Corn, Hay, Potatoes, Turnips, or other vegetable Productions therefrom, or shall plant, erect, build, or make, or cause to be planted, erected, built, or made, any Tree, Bush, Shrub, Hedge, Ditch, Bank, Wall, or other Erection or Building whatsoever, upon any Part of the said Roads or Ways, every such Person so offending in any of the said lastly above mentioned Cases, shall forfeit and pay for every such Offence, and for every Repetition or Continuance thereof, any Sum of Money not exceeding Three Pounds, to be recovered, levied, and applied in such Manner, and for such Uses or Purposes, as Forfeitures and Penalties are herein-after generally directed to be recoverable and applicable by virtue of this Act.

The Herbage
of Gravel Pits
to be allotted
to or for the
Use of Pro-
priators.

XXIX. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and required to make and set up, or cause to be made and set up, good and sufficient Fences, and publick

For making
Fences and
Gates at the
End of the
Roads.

publick Carriage Gates in the same, at the Ends of the publick Roads and Highways within the said Parish of *Louth*, next or against any adjoining Parish, Township, or Place, to prevent Cattle from trespassing, and for preserving the young Quicksets to be planted in the Fences of the new Inclosures, which said Fences and Gates at the End of such publick Roads and Highways, shall for ever after the making thereof be supported, maintained, and kept in Repair, by the Surveyors of the Highways of the said Parish of *Louth* for the Time being.

Allotments of Ground to hold Fairs upon.

XXX. And be it further enacted, That the said Commissioners shall in the next place and they are hereby authorized and required to set out and allot unto the said Warden and Six Assistants, their Successors and Assigns, a certain Piece or Parcel of Ground, called *The Quarry* in *Louth* aforesaid, for the Purpose of holding publick Fairs and Markets for Cattle thereon in every Year; and that it shall and may be lawful for the said Fairs, and also such publick Markets as have been and are usually held thereon, and also such other Fairs, Market or Markets, as shall hereafter be legally granted to or established by, the said Warden and Six Assistants, or their Successors, to be henceforth for ever continued and held at such Times and in such Manner as the same respectively have heretofore been accustomed and held, or shall be granted or established to be held upon the said Piece or Parcel of Ground, called *The Quarry*.

Owners of Freeboards to have Allotments in lieu thereof.

XXXI. 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, Screeed, or Parcel of Land left on the Outside of the Fences of any adjoining Township or Place which shall run into any of 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, Screeed, or Parcel of Land, such Piece or Parcel of Land as shall be equal in Value, (Quantity, Quality, and Situation considered) to such Freeboard, Screeed, or Parcel of Land as aforesaid; and the Fence or Fences adjoining on such Freeboard, Screeed, or Parcel of Land, and now belonging to any adjoining Parish, Township, or Place, shall for ever thereafter be maintained and supported by and at the Expence of the Owner or Owners of such Freeboard, Screeed, or Parcel of Land respectively; and that every Allotment so to be set out and allotted as aforesaid, in lieu of such Freeboard, Screeed, or Parcel of Land, shall be deemed, and taken to be as Part and Parcel of the Parish, Township, or Place to which the said Freeboard, Screeed, or Parcel of Land in lieu of which it shall be so allotted as aforesaid now belongs.

Allotment to the Improprator and Vicar in lieu of Glebe and Common Rights.

XXXII. And be it further enacted, That the said Commissioners shall and they are hereby required in the next place to set out, allot, and appoint unto and for the said Prebendary and his Successors, and the said *William Hutton* and his Heirs and Assigns, as his Lessee as aforesaid, and the said *Wolley Jolland* as Vicar as aforesaid, and his Successors, severally and respectively, such several and respective Parts and Proportions of the said Lands and Grounds hereby directed to be divided and inclosed as (Quantity, Quality, and Situation considered) shall in the Judgement of

of the said Commissioners be equal in Value to, and a full Compensation for the present uninclosed Glebe Lands and Rights of Common respectively, belonging to the said Prebendary, and the said *William Hutton* as his Lessee, and the said *Wolley Jolland* as Vicar as aforesaid, lying within the said Lands and Grounds by this Act intended to be divided and inclosed.

XXXIII. 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 as and for joint Allotments, to be apportioned and set out as herein-after mentioned, unto the said Prebendary and his Successors, and the said *William Hutton* and his Heirs and Assigns, as his Lessee, and to the said *Wolley Jolland* Vicar as aforesaid, and his Successors, such Plots, Pieces, or Parcels of the said Open Common Fields, Meadows, Pastures, and other Commonable Lands and Waste Grounds hereby directed and intended to be divided and inclosed, as shall (Quantity, Quality, and Situation considered, and exclusive of all other Allotments to the said Prebendary and his Successors, and the said *William Hutton* and his Heirs and Assigns, as his Lessee, and the said *Wolley Jolland* as Vicar as aforesaid, and his Successors, in respect of their Glebe and Rights of Common as aforesaid) in the Judgement of the said Commissioners be equal in Value to One Fifth Part of all the Open, Arable, and Tillage Lands, or usually deemed Open, Arable, and Tillage Lands (although the same may be occasionally in Meadow or Pasture) within the said Parish of *Louth*, and which are not Waste Lands; and that the said Commissioners shall and they are hereby further authorized and required to set out, allot, and award, as and for joint Allotments to be also apportioned and set out as herein-after mentioned, unto the said Prebendary and his Successors, and the said *William Hutton* as his Lessee, and to the said *Wolley Jolland*, as Vicar as aforesaid, and his Successors, such Pieces or Parcels of Land and Ground within the said Lands and Grounds in the said Parish of *Louth*, hereby intended to be divided and inclosed, as shall (Quantity, Quality, and Situation considered, and exclusive of all other Allotments to the said Prebendary, and the said *William Hutton* as his Lessee, and the said *Wolley Jolland* as Vicar as aforesaid) in the Judgement of the said Commissioners be equal in Value to all the Great and Small Tythes, Moduses, Compositions, or other Ecclesiastical Dues and Payments whatsoever, growing, renewing, or arising, or due or payable to the said Prebendary and his Successors, and his Lessee or Lessees, and to the said *Wolley Jolland* and his Successors, Vicars as aforesaid respectively, in, upon, from, and out of or in respect of all and every the ancient inclosed Arable and Tillage Lands within the said Parish of *Louth*; and that the said Commissioners shall and they are hereby also further authorized and required to set out, allot, and award as and for joint Allotments to be apportioned and set out as herein-after mentioned unto the said Prebendary and his Successors, and the said *William Hutton* as his Lessee, and to the said *Wolley Jolland* as Vicar as aforesaid, and his Successors, such Pieces or Parcels of Land and Ground within the said Lands and Grounds in the said Parish of *Louth*, hereby intended to be divided and inclosed, as shall (Quantity, Quality, and Situation considered, and exclusive of all other Allotments to the said Prebendary, and the said *William Hutton* as his Lessee, and the said *Wolley Jolland* as Vicar as aforesaid), in the Judgement of the said Commissioners, be equal in

Allotments
for Great and
Small Tythes
of the Open
Arable Fields;

Allotment for
Tythes of in-
closed and
open Meadow
and Pasture
Lands.

Value to One Eighth Part of all the ancient inclosed Meadow and Pasture Lands, Grounds, and Homesteads, (not being Glebe Land, consecrated Burying Grounds, or used or occupied solely as Gardens or Orchards, in the said Parish of *Louth*), and of the *Near East Field*, *Far East Field*, *Great Roarings*, *Butter Closes*, and all other the Open and Commonable Meadow or Pasture Lands, Commons and Grounds in the same Parish, by this Act intended to be divided and inclosed as aforesaid, which are subject and liable to the Payment of Tythes, Moduses, or other Ecclesiastical Dues, to the said several Tythe Owners, or either or any of them, and which shall remain after the said publick and private Roads and Ways, the Allotment or Allotments to be appointed for the furnishing Materials for repairing thereof, the said Allotment for the Purposes of holding Fairs and Markets upon as aforesaid, and the said Allotments to be made to the said Prebendary, and his Successors and Lessee, and to the said *Wolley Jolland* as Vicar, and his Successors, in lieu of their Glebe Lands and Rights of Common respectively, shall be set out and deducted as aforesaid; such last-mentioned Grounds not being or including any Part of the Lands and Grounds whereof any Part or Proportion is herein-before directed to be allotted unto the said Prebendary and his Successors, or to the said *William Hutton* as his Lessee, or to the said *Wolley Jolland* as Vicar, and his Successors respectively, in lieu of their respective Glebe Lands, Rights of Common, and Tythes of open and inclosed Arable and Tillage Lands, or usually deemed Arable and Tillage Lands as aforesaid.

Commissioners to deduct for Moduses, if any.

XXXIV. Provided always, and be it further enacted, That if any Modus or Moduses shall be found to exist within the said Parish of *Louth*, then the said Commissioners shall, and they are hereby authorized and empowered in setting out and allotting the said One Eighth Part of such Lands and Grounds as lastly aforesaid, to deduct therefrom so much, and such Part or Parts thereof, as they shall judge equal in Value to the Difference between such Modus or Moduses, and the said One Eighth Part of such last-mentioned Lands and Grounds which may be so exempted or covered by the same Modus or Moduses as aforesaid; and that the said Commissioners shall and they are hereby authorized and required, by Examination of Witnesses upon Oath (which Oath they the said Commissioners, or any One or more of them, are and is hereby empowered to administer) and by such other Evidence as they shall think necessary, and after taking the Opinions of Two or more Council in every Case, where the said Commissioners, or any One or more of them, shall judge it necessary, to decide and finally determine upon the Validity or Invalidity of the said Moduses, or Payments alledged to be Moduses.

Allotments for Tythes of old Inclosures of those who have no Open Field, are to be awarded in old Inclosure or Open Land.

XXXV. And whereas it may happen that the Proprietors of some of the ancient inclosed Lands, Grounds, and Homesteads, hereby intended to be exonerated from all Tythes, Moduses, Compositions, or other Payments in lieu thereof, arising thereout in the Parish of *Louth* aforesaid, may not have any or not sufficient Lands, Common Rights, or Property in or on the Lands or Grounds hereby intended to be inclosed as aforesaid to contribute a due Proportion to the Allotments to be made to the said Prebendary and his Successors, and the said *William Hutton* as his Lessee, and the said *Wolley Jolland* and his Successors, for their respective Tythes, Moduses,

Moduses, Compositions, or other Payments in lieu thereof, arising out of such ancient inclosed Lands, Grounds, and Homesteads as aforesaid; be it therefore further enacted, That the said Commissioners shall, and they are hereby authorized and required, in and by their Award to be made as is herein-after mentioned, in every Case of such Deficiency where they shall judge it expedient, proper, and convenient (with the Consent of such last-mentioned Proprietors) to allot, set out, and appoint unto and for the said Prebendary and his Successors, and the said *William Hutton* as his Lessee, and the said Vicar and his Successors, as and for joint Allotments, such Parcel or Parcels of such ancient inclosed Lands of the same Proprietors respectively, in lieu of the Tythes thereof, or of Part of the same, as the said Commissioners shall judge proper and equivalent to such last-mentioned Tythes, subject to such Deduction for Moduses as aforesaid; or otherwise the said Commissioners shall, by and out of the said Lands and Grounds intended to be divided and inclosed as aforesaid, allot and award, in every Case of such Deficiency, unto the said Prebendary and his Successors, and the said *William Hutton* as his Lessee, and the said *Wolley Jolland* and his Successors respectively, as and for Part of the said joint Allotments to be apportioned and set out as herein-after mentioned, such Compensation in Land for the Tythes, Moduses, Compositions, or other Payments in lieu thereof, arising out of the said ancient inclosed Lands, Grounds, and Homesteads, for which Compensations in Open Land cannot or can only be in Part made by the Owners thereof as aforesaid, as in the Judgement of the said Commissioners shall be a full Compensation for the Tythes, Moduses, Compositions, and other Payments in lieu thereof, payable out of and from the said last-mentioned Premises respectively; and that the Person or Persons whose ancient inclosed Lands, Grounds, and Homesteads shall be exonerated or discharged, or partly exonerated or discharged from such Tythes, Moduses, Compositions, or other Payments in lieu thereof, by such Compensation as last-mentioned, shall pay or cause to be paid unto such Person or Persons, and at such Time or Times as the said Commissioners shall direct or appoint, such gross Sum or Sums of Money as the said Commissioners shall deem and adjudge to be, or make up a full Recompence and Satisfaction for the Purchase of the Inheritance of such Tythes of the said ancient inclosed Lands, Grounds, and Homesteads respectively last-mentioned, which Sum or Sums of Money shall be applied towards, or in part Discharge and Satisfaction of the Charges and Expences incident to or attending the passing and obtaining this Act, and of the Expences attending the Execution thereof.

XXXVI. And be it further enacted, That the said Commissioners shall and may, and they are hereby authorized and required to apportion, set out, divide, and award the said Allotments so directed to be made for or in lieu of the Great and Small Tythes, Moduses, or other Ecclesiastical Dues or Payments as aforesaid, to and between the said Prebendary and his Successors, and the said *William Hutton* as his Lessee, and the said *Wolley Jolland* as Vicar, and his Successors, in such Shares and Proportions as the said Commissioners shall adjudge and determine to be an equal and just Compensation and Satisfaction for their respective Rights and Interests of, in, and to the said Great and Small Tythes, Moduses, or other Ecclesiastical Dues or Payments arising, happening, increasing, or growing due within, upon, or out of and from the Lands and Grounds hereby

intended

Commissioners to divide Allotments for Great and Small Tythes

intended to be divided and inclosed as aforesaid, and also out of and from the said ancient inclosed Lands, Grounds, and Homesteads, which shall be exonerated and discharged from Tythes by virtue of this Act.

Glebe and Tythe Allotments to be commodiously situated.

XXXVII. And be it further enacted, That the several and respective Allotments of uninclosed Land to be made to the said Prebendary and his Successors, and Lessee or Lessees, and the said *Wolley Jolland* and his Successors, Vicars as aforesaid, shall be laid in such different Parts of the said Parish of *Louth*, and as commodiously for them respectively, as the general Convenience and due Regard to the Interests of the several other Proprietors of Lands, Common Rights, and other Hereditaments in *Louth* aforesaid will admit, and in due Proportion both as to Quality and Situation with the said several other Proprietors; and that some Part thereof shall be situate as near to the Homestead of the said Rectory, and to the said Vicarage House, as may be.

Allotments to be in lieu of Glebe Lands and Tythes.

XXXVIII. And be it further enacted, That the several Plots or Parcels of Land or Ground so to be set out and allotted to the said Prebendary and his Successors, and the said *William Hutton* as his Lessee, and to the said *Wolley Jolland* as Vicar aforesaid, shall be in lieu of, and full Satisfaction and Compensation for all the Glebe Lands and Rights of Common belonging to the said Prebendary, and the said *William Hutton* as his Lessee, and to the said *Wolley Jolland* as Vicar as aforesaid, and his Successors, respectively, and also of and for all Manner of Great and Small Tythes, Moduses, Compositions, or other Payments whatsoever, growing, renewing, arising, happening, belonging, or due or payable to the same Prebendary and his Successors, and Lessee or Lessees, and to the said *Wolley Jolland* and his Successors, Vicars as aforesaid respectively, in, from, and out or in respect of all and every the Messuages, Homesteads, Closes, Commons, Common Fields, Meadows, Pastures, and other Commonable Lands and Waste Grounds, and all other Lands, Tenements, and Hereditaments whatsoever in *Louth* aforesaid, and the Boundaries, Limits, and Precincts thereof (except the Tythes of such Lands as are belonging and used or occupied only as and for Gardens and Orchards respectively, within the said Parish of *Louth*, at the Time of passing this Act, and also except the Tythes of Mills, Pigs, Poultry, Bees, and Honey, and also except all Surplice Fees, Easter Offerings, and Mortuaries; which said several excepted Tythes, Fees, Offerings, and Mortuaries, shall remain due and payable within the said Parish of *Louth* to the said *Wolley Jolland* as Vicar as aforesaid, and his Successors for ever, as if this Act had not been made).

Allotments to the Lords of the Manor of *Louth*.

XXXIX. And be it further enacted, That the said Commissioners shall in the next Place, and they are hereby authorized and required to set out, allot, and award unto and for the said Warden and Six Assistants, and their Successors, in Right of the said Manor of *Louth* (exclusive of the Allotment herein-before directed to be awarded to them, and of all other Allotments in respect to their Messuages, Cottages, Lands, Grounds, and Common Rights) such Parcel or Parcels of the Lands and Grounds hereby intended to be divided and inclosed, as shall (Quantity, Quality, and Situation considered) in their Judgement, be equal in Value to One Twentieth Part of the then Residue of all the Waste Lands, and other Lands and Grounds within the Parish of *Louth* aforesaid, which are not the separate Property

Property of any Person or Persons in particular, in lieu of and in full Compensation and Satisfaction for all their Rights and Interests as Lords of the said Manor of *Louth* in or to the Soil of the said Waste Lands by this Act directed to be divided and inclosed; and that such last-mentioned Allotment shall include as Part thereof a certain Piece of Common or Waste Ground, called *Julian Bower*, in *Louth* aforesaid, with the Trees thereon.

XL. And be it further enacted, That immediately after the said Commissioners shall have deducted Lands for the Roads, and made the several Allotments before mentioned, they shall in the next Place set out, allot, and award all the Residue and Remainder of the said Open Common Fields, Meadows, Pastures, and other Commonable Lands and Waste Grounds by this Act directed to be divided and inclosed, unto and among the several Body or Bodies Politick or Corporate, and Persons who at the Time of making such Allotment shall be entitled to any Estate, Property, Right, or Interest in the same Lands and Grounds, according to their respective Interests 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 a Compensation and Satisfaction for the several and respective Lands and Grounds, Rights of Common, and other Interests of each of the said Proprietors therein, and shall allot some Part of the Share or Shares of each Party as near to the Homesteads, or some other of the present inclosed Lands or Tenements belonging to such Party respectively, as conveniently may be.

General Allotments to the Proprietors at large.

XLI. And be it further enacted, That all Encroachments which shall have been made upon the said Waste Grounds within Twenty Years last before the First Day of *January* One thousand eight hundred and one, or subsequent to that Day, shall be deemed Part of the said Waste Grounds to be inclosed and allotted by virtue of this Act: Provided nevertheless; That all such Encroachments shall be allotted to the Body or Bodies Politick or Corporate, and Person or Persons who shall, at the Time of making the said Allotments, be in the Possession or Receipt of the Rents and Profits of such Encroachments, as the Whole or Part of the Share or Proportion of the said Commons and Waste Grounds to which such Body or Bodies Politick or Corporate, and Person or Persons, will be entitled by virtue of this Act, without considering the Value of any Erections thereon or Improvements made thereto; and in case any such Encroachment shall, in the Judgement of the said Commissioners, be of greater Value (exclusive of such Erections and Improvements) than the Share and Proportion of the said Waste Grounds to which the Body or Bodies Politick or Corporate, and Person or Persons respectively, in Possession or Receipt of the Rents and Profits thereof, shall be entitled, then the Body or Bodies Politick or Corporate, and Person or Persons to whom such Encroachments shall be allotted, shall pay to the said Commissioners, at or within such Time as they shall appoint, such Sum or Sums of Money as the said Commissioners shall adjudge to be the Value of such Encroachments, over and above the Value of the Allotment to which such Body or Bodies Politick or Corporate, and Person or Persons respectively, shall be entitled, and exclusive of any such Erections and Improvements as aforesaid: Provided also, That in all Cases where any Encroachments have been made on the said Waste Lands, or any of them, and Cottages,

Encroachments to be allotted.

[*Loc. & Per.*]

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Dwelling

Dwelling Houses, Windmills, or other Buildings have been erected thereon within the said Twenty Years, or subsequent to the same First Day of *January*, and the Person or Persons who shall be in the Possession or Receipt of the Rents and Profits thereof, shall not be entitled to any Allotment of the said Waste Grounds, it shall be lawful for the said Commissioners, and they are hereby authorized and required (in Cases wherein it shall not appear to them to be attended with any Inconvenience or Disadvantage to the Owner or Owners of any old inclosed Lands, or to the Lands or Grounds hereby intended to be divided and inclosed) to award or allot such Encroachments, or such Part and Parts thereof as to them shall seem reasonable and proper, to the Person or Persons who at the Time of making such Allotments shall be in the Possession or Receipt of, or entitled to the Rack Rents and Profits of such Encroachments, they paying to the said Commissioners the Price or Value of the Lands to be set upon them by the said Commissioners, without any Regard to the Value of any Erections thereon or Improvements made thereto; and such Lands shall, from and after the Execution of the said Award of the said Commissioners, be discharged from all Rents which may have been set upon them by the Lords of the Manor of *Louth* aforesaid, or by any other Person or Persons whomsoever, and shall for ever after be held as Freehold in Fee Simple; and in Default of Payment of such Sum of Money within the Time to be appointed as aforesaid, the same shall be recovered in like Manner as any other Money is by this Act authorized to be recovered; and all Monies so received or recovered as aforesaid, shall be applied towards defraying the Expences of passing this Act, and carrying the same into Execution; or the said Commissioners may sell and dispose of such last-mentioned Encroachments by publick Sale or otherwise, for the most Money that can be reasonably had or obtained for the same, and the Money arising by such Sale shall be applied as aforesaid: Provided also, That every Person who shall become a Purchaser of any such Encroachments upon which any House, Windmill, or other Building is erected, shall pay to the said Commissioners such a Sum of Money or Number of Years Purchase as to them shall seem reasonable, upon the Rent (if any) now payable to the Lords of the Manor of *Louth* aforesaid, or to any Person or Persons whomsoever, for such Encroachments and the Buildings thereon, and the same shall be by the said Commissioners applied to the Purposes of this Act, so far as relates to the said Waste Grounds: Provided also, That where the said Commissioners shall think it expedient or proper to direct that any such Encroachments as last mentioned, with the Buildings (if any) erected thereon, should be allotted to any Body or Bodies Politick or Corporate, or Person or Persons, other than such as shall be then in Possession or entitled to receive the Rents and Profits thereof, the said Commissioners shall, and they are hereby authorized and empowered to award and allot the same to such Body or Bodies Politick or Corporate, or Person or Persons, as they shall think proper, and the said Commissioners shall pay the Body or Bodies Politick or Corporate, or Person or Persons then in Possession or entitled to receive the Rents and Profits thereof, such Sum or Sums of Money, out of the Monies which shall come to their Hands by virtue of this Act, as to them shall seem reasonable, on account thereof, and they shall have Power to charge the Whole, or such Part of such Money as they shall think fit, upon the Body or Bodies Corporate or Politick, or Person or Persons to whom such Encroachments

ments shall be allotted or awarded, to be paid at such Time and in such Manner as they shall direct or appoint; and such Sum of Money, in case of Non-payment, shall be recoverable by the said Commissioners, in like Manner as they are authorized to recover any other Money made payable to them by this Act.

XLII. And, for better enabling the said Commissioners to accommodate and furnish any of the new Allotments of the said Proprietors with Water, where the same shall in their Judgement be wanting, be it further enacted, That it shall be lawful for the said Commissioners to direct, order, and award all Streams of Water, Springs, Rivulets, and Watercourses (other than and except a certain Spring, called *Saint Helen's Spring*, and the Water and Watercourse thereof, called *Monk's Dyke*, which shall not be diverted, altered, or molested), within the said Parish of *Louth*, to be carried and conveyed in such Courses, and through such Lands and Grounds, Parcel of the said Lands and Grounds hereby directed to be inclosed, as they in their Discretion shall think necessary and proper for the Purposes aforesaid, so as not to prejudice any other Person or Persons entitled to the Benefit of any such Stream of Water, Spring, or Watercourse.

Watercourses
may be turned.

XLIII. Provided always, That nothing in this Act contained shall extend, or be construed to extend, to empower the said Commissioners, or any of them, to stop up, turn, divert, or alter the Course of any ancient Stream or Spring whatsoever, or of any Road whatsoever, so as to injure or anywise prejudice the Navigable Canal from *Louth* aforesaid, to the River *Humber*, or any Water Corn Mill, or other Water Mill or Windmill, or the Scite of any Mill in or near the said Parish of *Louth*, or the Owner or Owners thereof respectively; but that the said Commissioners shall in and by their said Award, order and provide for the future Enjoyment of the said Canal, and of every such Mill or Scite, as effectually and beneficially as the same is or are now, or heretofore hath or have been held and enjoyed.

But not to
divert ancient
Streams so as
to injure any
Water Mills.

XLIV. Provided also, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to lessen, prejudice, alter, or affect the Jurisdiction, or any of the Rights, Privileges, Powers, or Authorities of or belonging to any Commissioners of Sewers, with respect to the Drains, Sewers, Bridges, Sluices, Straits, Tunnels, and other Works now in being within the said Parish of *Louth*; but that the same Rights, Privileges, Powers, or Authorities, and every of them, shall remain and continue in the said Commissioners of Sewers as fully and effectually, to all Intents and Purposes, as if this Act had not been made; and also that all the new Cuts, Drains, Sewers, Ditches, Banks, Bridges, Sluices, Straits, Cloughs, Tunnels, and other Works hereafter to be made, by virtue of the Powers given by this Act, shall, when made, be under and subject to the Controul, Directions, Survey, and Order of the said Commissioners of Sewers; any Thing herein contained to the contrary notwithstanding.

Jurisdiction of
the Court of
Sewers not to
be altered.

XLV. And be it further enacted, That the said Commissioners shall and may set out and allot unto and for the Churchwarden or Churchwardens of the Parish of *Louth*, and their Successors for the Time being

Deductions
may be made
from the Al-
lotments of
Persons in
respec-

Trust for their
Share of
Expences.

respectively, and to the Overseer or Overseers of the Poor of the said Parish of *Louth*, and their Successors for the Time being respectively, who are hereby respectively empowered to take, hold, and enjoy the same in Succession, according to their several and respective Rights, Interests, Estates, and Property in the said Parish of *Louth*, and unto and for any Body or Bodies Politick or Corporate, and such other Person or Persons respectively as now is or are or shall or may be entitled to any Allotment in the said Lands and Grounds, by this Act intended to be divided and inclosed, in Right of or in Trust for any College, Hospital, School, Poor or Publick Use, upon the Trusts and for the Purposes upon and for which the Messuages, Toftsteads, Lands, and Grounds, in Right whereof the same were allotted, are now held and enjoyed as aforesaid, and also unto the Purchaser or Purchasers who hath or have heretofore made any Purchase or Purchases within the said Parish of *Louth*, by the Bounty of her late Majesty Queen *Anne*, such Parcel or Parcels of the said Lands and Grounds hereby directed to be divided and inclosed, as shall, in the Judgement of the said Commissioners, be the just Proportion or Proportions thereof due to such Churchwardens and Overseers, Body or Bodies Politick or Corporate, and other Person or Persons as lastly aforesaid, after a Deduction being made thereout of so much as shall, in the Judgement aforesaid, be equal in Value to his, her, or their respective Proportions of the Expences of the outside Mounding or Fencing of such Allotment or Allotments respectively, and of the Charges and Expences incident to the obtaining, passing, and executing this Act, and of such other Expences as are herein-after directed to be paid and borne for them, or which they are herein-after exempted from respectively, by the other Proprietors and Persons interested in the said Lands and Grounds intended to be divided and inclosed; which Parcel or Parcels of Land so to be set out and allotted as aforesaid, the said Churchwarden or Churchwardens, Overseer or Overseers, and their respective Successors for the Time being, and also the said Body or Bodies Politick or Corporate, and such other Person and Persons, Purchaser and Purchasers, as aforesaid, is and are hereby empowered, by and with the Consent, and under and subject to the Directions of the said Commissioners, to demise or lease for any Term or Number of Years, not exceeding Twenty-one Years, to be computed from the Time of the Execution of such Lease or Leases; and such Land so deducted shall be proportionably and fairly divided amongst the Rest of the said Proprietors, who are hereby required to pay the said Proportions of Expences in such Shares and at such Times as the said Commissioners by any Writing under their Hands, or by their said Award, shall order, direct, or appoint.

Persons in
Trust may
lease Allot-
ments.

Tythes to
continue pay-
able until
Allotments
set out.

XLVI. And be it further enacted, That until the several Allotments to the said Prebendary and his Successors, and the said *William Hutton* as his Lessee, and to the said Vicar and his Successors, shall be set out and inclosed, the Lessee or Lessees of the said Prebendary, and the said Vicar and his Successors, shall be entitled to, and shall receive and enjoy such and the same Tythes, Moduses, Compositions, and other Payments in lieu of Tythes, as they respectively could, or might or ought to have done within the said Parish of *Louth*, in case this Act had not been made.

XLVII. And

XLVII. And be it further enacted, That in making the said Allotments due Regard shall be had by the said Commissioners to the Convenience of the Parties interested respectively, not only with respect to the Situation of their Estates or Property contiguous or near adjoining to the said Open Common Fields, Common Meadows, Lands, and Waste Grounds, but also with respect to the laying, fencing, or platting of the several Allotments to be made to any One of such Parties, together in One Plot, at the Desire of such Party, or otherwise as the Necessity of the Case may require, provided the same be done, in the Judgement of the said Commissioners, without Prejudice to any other Proprietor; and so as that every such Party or Parties being desirous of having his, her, or their Allotments laid together, or as near as may be as aforesaid, shall communicate such Desire to the said Commissioners in Writing under his, her, or their Hand or Hands respectively, within the Space of Three Calendar Months next after the First Meeting of the said Commissioners for receiving the Claims of the Parties as aforesaid.

Commissioners to have Regard to Situation.

XLVIII. Provided always, and be it further enacted, That notwithstanding any Thing to the contrary thereof in this Act contained, the said Commissioners shall set out and allot all the said Open and Common Fields, Lands, and Grounds hereby directed to be divided and inclosed, unto and amongst the several Owners of Lands and Grounds, and Rights of Common in or upon the said Open Common Fields, Lands, and Grounds hereby directed to be divided and inclosed as aforesaid, after the Parts and Proportions for Fairs and Markets, Tythes, Roads, and for Repairs of Roads, are set out as aforesaid, in proportion to the present Value of the Lands and Grounds, and Right or Rights of Common of each Owner therein respectively, and shall in making such Allotments pay due Regard to the Situation and Nature of the present Property for or in lieu of which they are to be made, and also to the future Convenience of the respective Owners of such Lands and Grounds, and Common Rights, unless the said Commissioners shall be authorized by Writing under the Hand or Hands of any such Owners of Lands or Grounds, or Common Rights, to make any of their said Allotments elsewhere.

Allotments in Fields to be equal to the present Value therein.

XLIX. And be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to empower the said Commissioners to give any undue Preference to the Parties interested in the said intended Division and Inclosure, or any of them, but that the said Commissioners in making such Allotments as aforesaid, shall have due Regard to the Quality, as well as Quantity and Situation of the Lands belonging to each Proprietor, and the Tythes, Moduses, Compositions, or other Satisfaction in lieu of Tythes payable for the same, and also the Right of Common and other Property belonging to such Body Politick or Corporate, and Person interested, and the Quantity, Quality, and Situation of the Lands and Grounds to be allotted in lieu thereof.

No undue Preference to be given.

L. And be it further enacted, That when and so soon as the said Commissioners shall have ascertained the respective Shares, Rights, and Interests of the said Proprietors in the Lands and Grounds to be inclosed by virtue of this Act, and also the respective Shares and Proportions by them proposed to be allotted to such Proprietors respectively in lieu thereof,

For determining Objections to Allotments.

[Loc. & Per.]

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the said Commissioners shall give Notice in Manner as aforesaid, of some convenient Time and Place when and where all Proprietors and Persons interested may peruse a Schedule of such intended Allotments, and a Map or Plan whereon the same shall be set out and delineated, and may have and receive a Copy of such Schedule so far as the same relates to such Proprietors respectively; and as some Persons may, upon Perusal of the said Schedule, and Inspection of such Map or Plan, be dissatisfied with their intended Allotments, the said Commissioners shall give Notice of One Meeting at the least to be held by them for receiving Complaints and Objections against such intended Allotments, and for hearing and determining all such Complaints and Objections; and their Determination in the Premises, being reduced into Writing and signed by them, shall be binding and conclusive upon all Parties, until the Execution of the Award herein-after mentioned.

For accepting
Allotments
upon Notice.

LI. And be it further enacted, That the said Commissioners, when and so often as they finally determine of and concerning the said Allotments, shall cause the same to be staked out, and forthwith give such Notice as aforesaid of their having completed all the said Allotments, and appoint some convenient Time and Place when and where, as well every Body Politick or Corporate interested in the said Division, Allotment, and Inclosure, as also every other Proprietor therein, may receive a Schedule of their, his, or her own Allotment or Allotments respectively, and shall, by some Writing under their Hands, and published along with such Notice, order and appoint at what Time or Times the said Proprietors may and are required to enter upon their respective Allotments, and how and when, and by whom the same are to be fenced, all which Orders and Directions shall be binding and conclusive upon all Parties interested; and every Body Politick or Corporate, or Person entitled to any such Allotment or Allotments shall, and they, and he and she are and is hereby required to accept such Allotment or Allotments within the Space of Six Calendar Months next after the Publication of such Notice as aforesaid; and if any Body Politick or Corporate, or Person, shall refuse to accept their, or his or her Share or Allotment within the Time before-mentioned, or shall molest or disturb, or cause to be molested or disturbed, the Possession of any other Proprietors or Proprietor who shall have accepted of and entered upon their, his, or her Allotment or Allotments, then and in either of the same Cases every such Body Politick or Corporate, and Person, shall be, and are and is hereby declared liable to and required to pay such Penalty or Penalties as the said Commissioners, by any Writing under their Hands, or by their said Award, shall order and direct to be paid by the Party or Parties who shall be found guilty of any such Refusal, or Molestation, or Disturbance as last aforesaid, which Penalty or Penalties shall be recoverable, payable, and applicable, in such Manner, at such Time or Times, to such Person or Persons, and to and for such Uses and Purposes, as they the said Commissioners shall, either in and by such Writing as last aforesaid, or in and by their said Award, order, direct, and appoint.

Empowering
Guardians to
accept.

LII. Provided always, and be it further enacted, That the respective Guardians, Husbands, Trustees, Committees, or Attornies of, or Persons acting as Guardians, Trustees, Committees, or Attornies for any Person or Persons being a Minor or Minors, Lunatick, under Coverture, or beyond the Seas,

Seas, or otherwise incapable by Law to accept any such Shares or Allotments as shall be made by virtue of this Act, and all other Trustees whomsoever, shall be, and are hereby enabled and required to accept thereof, for and to the Use of such Person or Persons so incapacitated as aforesaid; and also that any Person or Persons entitled to any Allotment or Allotments as Tenant or Tenants for Life or Lives, shall be, and is and are hereby respectively enabled to accept of and take such Allotment and Allotments respectively, and every such Acceptance respectively shall be, and is and are hereby declared to be valid and effectual; any Law, Custom, or Usage to the contrary notwithstanding: Provided nevertheless, That the Non-claim or Non-acceptance of any such Guardian, Husband, Trustee, Committee, or Attorney, shall not exclude or prejudice the Claim or Acceptance of any Infant, Lunatick, Feme Covert, or other Person under such Disability or Incapacity as aforesaid, who shall claim or accept his, her, or their Share or Allotment within Twelve Calendar Months next after such Disability or Incapacity is removed, or of any other Person entitled as Heir or in Remainder after the Death of any Person dying under such Disability or Incapacity, who shall claim and accept within Twelve Calendar Months after his, her, or their Right, Title, or Interest shall have descended, vested, or accrued, or be known so to be.

LIII. And be it further enacted, That for the more convenient Situation of the several Farms, Messuages, Cottages, and Lands within the said Parish of *Louth*, to the several Owners and Proprietors thereof, upon the said intended Division and Inclosure, it shall and may be lawful for the said Commissioners, and they are hereby authorized and required to separate, divide, and make Partition of all the Houses, Lands, Tenements, and Hereditaments, with the Common Rights thereto belonging, within the said Parish of *Louth*, which shall be held by Tenants in Common or Joint Tenants at the Time of making such Division and Inclosure as aforesaid; provided, that such Tenants in Common or Joint Tenants shall, by Writing under their several Hands, or the Hands of their Agents duly authorized, mutually request the same, but not otherwise; and in and by their said Award or Instrument to set out, allot, and appoint specifick Shares thereof to and amongst such Proprietors in Severalty, in proportion to their respective Estates, and equitable Rights and other Interests therein.

Commissioners to make Partition of Estates held by Tenants in Common or Joint Tenants upon Requests;

LIV. And be it further enacted, That it shall and may be lawful for the said Commissioners, by and with the Consent of any of the Owners, or the Trustees, Committees, or Guardians, or Attornies for the Owners, or the Trustees for any publick Use or Charity, of any Messuages, Farms, Tythes, Tenements, or Buildings, Homesteads or old Inclosures, or other Lands, Grounds, or Hereditaments, within the said Parish of *Louth*, or in any adjoining Parish, Township, Hamlet, or Place, signified to the said Commissioners in Writing under their Hands, and not otherwise, to assign, allot, set out, appoint, and award any Allotment or Allotments to be made by virtue of this Act, within the said Parish of *Louth*, or any Messuages, Farms, Tythes, Tenements, or Buildings, Homesteads, old Inclosures, or other Lands, Grounds, or Hereditaments, within the said Parish of *Louth*, or in any adjoining Parish, Township, Hamlet, or Place, in lieu of or in Exchange for any other Messuages, Farms, Tythes, Tenements,

Also to exchange the Messuages, &c. with Content.

ments, Buildings, Homesteads, old Inclosures, Allotments, or other Lands, Grounds, or Hereditaments, within the said Parish of *Louth*, or within any adjoining Parish, Township, or Place, so that all and every such Exchange or Exchanges be allotted, set out, ascertained, specified, and described in the Award or Instrument herein-after directed to be made by the said Commissioners; and all and every such Exchange or Exchanges shall be good, valid, and effectual in the Law, to all Intents and Purposes whatsoever: Provided always, That no such Exchange shall be made of any Lands, Tenements, Tythes, or Hereditaments, held in Right of any Church or Chapel, or by virtue of any Impropration, without the Consent in Writing of the Lord-Bishop of the Diocese of *Lincoln*, and the Patron of such Church or Chapel, and the Improprator of such Lands, Tenements, Tythes, or Hereditaments respectively, for the Time being.

Lands allotted to be of the same Tenure as the Estates in Right of which they shall be allotted.

LV. And whereas the Messuages, Cottages, Tenements, Tofts, Lands, and Grounds in the said Parish of *Louth*, in respect and in right whereof the said Open Common Fields, Meadows, Pastures, and other Commonable Lands and Waste Grounds, are hereby directed to be set out and allotted, do or may comprize or consist of Freehold and Leasehold Hereditaments respectively; be it therefore further enacted, That all such Lands and Grounds as shall by virtue of this Act be allotted to any of the said Proprietors, shall be held by such Proprietors respectively under the same Tenures, Rents, and Services, as the said Messuages, Cottages, Tenements, Tofts, Lands, and Grounds, or other Property in respect of which such Allotments shall be made were respectively held and enjoyed before the passing of this Act, or would have been held and enjoyed in case this Act had not been made; and the several Lands and Grounds which in the said Award of the said Commissioners shall have been declared to have been allotted in Right of Freehold Property, shall, from the making and executing thereof, be deemed Freehold Lands, and shall from thenceforth be held of the Lord or Lords of the Fee, under the same Rents and Services as the Freehold Property in lieu of which they were so allotted were before that Time held; and the several Lands and Grounds which shall be therein declared to have been allotted in respect of Leasehold or other Property, shall be in like Manner deemed Leasehold, or of the Nature of such other Property, and shall be under and subject to the same Tenures, Rents, and Restrictions, as the Leasehold or other Tenements in respect whereof they were so allotted were then held, and the Reversion thereof shall be vested in the same Lessors or other Persons respectively, as the Reversion or other Interest of or in such Leasehold or other Property before the making of this Act was vested in; any Custom or Usage to the contrary notwithstanding.

Exchanged Lands to exchange Qualities.

LVI. Provided always, and be it enacted, That the Lands, Tythes, Tenements, and Hereditaments, which shall be exchanged by virtue of this Act, shall be held in like Manner under and by virtue of the same Tenures and Rents, and shall be thereafter deemed to be of the same Qualities, whether Freehold or Leasehold respectively, as the Lands, Tythes, Tenements, and Hereditaments, which shall be given and accepted in lieu thereof, were held or deemed to be immediately before the making of every such Exchange respectively.

LVII. And

LVII. And be it further enacted, That the several Allotments to be made to the said Prebendary and his Successors, and his Lessee or Lessees, in lieu of Glebe, and to the said Prebendary and his Successors, and Lessee or Lessees, and the said *Wolley Jolland* and his Successors, in lieu of their respective Rights of Common, Tythes, Modules, Compositions, or other Payments in lieu of Tythes, within the said Parish of *Louth*, shall be fenced on all such outer Parts and Sides as shall not be ordered by the said Commissioners to be made by any other Proprietor, with good and substantial Fences, all which Fences shall be planted with good thriving Quicklets of White Thorns, guarded on both Sides with good Posts and Three Rails high, the Posts to be of Oak, and the Rails of Oak, Ash, or some other durable Wood, and sufficient Ditches, with good and substantial Carriage Gates in the said Fences where necessary; and the said Fences shall be so made, and the Gates made and hung in such Time, and by such Person or Persons, as the said Commissioners shall appoint to make and hang the same, at the Expence of the Rest of the Proprietors of the Lands and Grounds to be allotted in the said Parish of *Louth* by virtue of this Act, in such Proportions, and to be paid at such Time or Times, as the said Commissioners, by any Writing under their Hands, or by their said Award or Instrument, shall order, direct, or appoint; and all such Fences and Gates so to be made and hung as aforesaid, shall for ever thereafter be maintained and kept in Repair by the said Prebendary and his Successors, and his Lessee or Lessees, and the said *Wolley Jolland* and his Successors respectively.

For fencing Tythe Allotments.

LVIII. And be it further enacted, That the several Parcels of Land and Allotments which shall be set out and allotted by virtue of this Act, (except such Allotment or Allotments as shall be made to the said Prebendary and his Successors, and Lessee or Lessees, and the said *Wolley Jolland* and his Successors, in lieu of Glebe and Rights of Common, Tythes, Modules, Compositions, or other Payments for Tythes as aforesaid, and the Allotments from which Deductions shall have been made as aforesaid), shall be inclosed and fenced, in such Manner as the said Commissioners, by any such Writing or Writings under their Hands as aforesaid, or by their Award or Instrument, shall order, direct, or appoint, and such Fences shall be made, and at all Times for ever after the making thereof, be supported, maintained, and kept in Repair, by such Person and Persons as the said Commissioners shall direct or appoint in or by any such Writing, or in or by their said Award.

For inclosing the rest of the Proprietors Allotments.

LIX. Provided nevertheless, and be it further enacted, That such convenient Openings shall be left in the said Fences and Inclosures as the said Commissioners shall direct, for the Space of Twelve Calendar Months next after the Execution of the said Award, for the Passage of Cattle, Carts, and Carriages through the same, unless the Proprietors interested therein shall, by Writing under their Hands, agree that the same shall be sooner made up.

Openings to be left in Fences.

LX. And be it further enacted, That it shall and may be lawful for the said *Wolley Jolland* and his Successors, Vicars of the said Parish of *Louth* (by and with the Consent of the Bishop of *Lincoln* for the Time being) by any Writing under his Hand and Seal, and for the said *William Hutton* and his Heirs and Assigns, Lessees as aforesaid, by and with the Consent of

Vicar to lease with the Consent of the Bishop of *Lincoln*, and the Lessee of the Improprator also to lease.

the said Lord Bishop of *Lincoln*, and of the said Prebendary for the Time being respectively, to lease or demise all or any Part or Parts of the Allotment or Allotments to be set out and allotted unto and for the said Vicar, and the said Prebendary, and his Lessee respectively, by virtue of this Act, to any Person or Persons whomsoever, for any Term or Number of Years not exceeding Twenty-one Years, without taking any Fine or Foregift for any such Lease, such Term of Twenty-one Years to be computed from the *Lady Day* or *Michaelmas Day*, which ever shall first happen, next after the Execution of the Award or Instrument hereby directed to be made by the said Commissioners; so that no such Lease be made without Impeachment of Waste; and so that the Lessee or Lessees to whom every such Lease shall be made, be yearly obliged to spend, spread, and consume in an Husbandlike Manner, in and upon the Premises to be demised, the Dung and Manure arising and to arise out of and from the Produce thereof, and be subject to such other Covenants and Rules of good Husbandry as are proper and usual in like Cases; and so that there be contained in every such Lease Clauses of Re-entry on Non-payment of the Rent to be therein and thereby reserved; and so that the Lessee or Lessees to whom every such Lease shall be made do seal, execute, and deliver a Counterpart of every such Lease; and every such Lease so to be made, shall be good, valid, and effectual in the Law, to all Intents and Purposes whatsoever, and shall bind every succeeding Vicar of *Louth* aforesaid, until the Expiration or other sooner Determination thereof; any Law, Statute, or Usage to the contrary notwithstanding: Provided always, That in every such Lease as aforesaid, it shall and may be lawful for the said Vicar and his Successors, and the said *William Hutton* and his Heirs and Assigns, to make such Abatement in the Rent thereby reserved, from the Quality Price of the Allotment or Allotments therein comprized, as shall be reasonable, on account of the Expences to be incurred by the Lessee or Lessees in subdividing the same, or in erecting Buildings thereon, and as shall be allowed of and authorized by the said Commissioners, by Writing under their Hands.

Award to be made.

LXI. And be it further enacted, That within the Space of Twelve Calendar Months after the Division and Allotments of the said Open Common Fields, Meadows, Pastures, and other Commonable Lands and Waste Grounds shall be made and completed, or as soon after as conveniently may be, the said Commissioners shall, and they are hereby required and authorized to form and draw up, or cause to be formed and drawn up, an Award thereof, or Instrument in Writing, which shall express the Quantity in Statute Measure of the Acres, Roods, and Perches, contained in the said Fields, Lands, and Grounds so intended to be inclosed as aforesaid, and the Quantity and Contents of each and every Parcel thereof assigned or allotted to the several Parties entitled to any Lands, Tythes, Common Rights, or other Property within the same; and also a Description of the Situation, Buttals, and Boundaries of such Parcels and Allotments respectively, and of such Lands as shall be partitioned or exchanged by virtue of this Act, and distinguishing how much and what Parts of every such Allotment is assigned in lieu of Freehold and Leasehold Estates and Interests respectively; and shall also contain proper Orders and Directions for and concerning the laying out and making the publick Roads, and the Breadth thereof, and for and concerning the laying out, making, maintaining, cleansing, and keeping in Repair, the private Roads and Ways, Fences, Ditches,

Ditches, Banks, Drains, Watercourses, Sluices, Straits, Tunnels, Gates, and Stiles hereby directed to be made; and also all such Orders, Regulations, and Determinations, as are in and by this Act mentioned, directed, and required, or authorized to be made and established; and such other Orders, Regulations, Matters, and Things as shall be necessary or proper, conformably to the true Tenor and Meaning of this Act, for the more easy, convenient, and effectual Execution thereof, and for the preventing all Difficulties and Disputes in Relation to the Matters herein contained; which said Award or Instrument shall be fairly ingrossed upon Parchment, and read over in Presence of the Proprietors who may attend at a Special General Meeting to be called for that Purpose, of which Ten Days Notice at least shall be given in the Newspaper called *The Lincoln Rutland and Stamford Mercury*, or in some other Newspaper printed or circulated in the said County, and shall be executed by the said Commissioners at such Meeting; which Execution shall be proclaimed the next *Sunday* in the Parish Church of *Louth* aforesaid, from which Time only the said Award shall be considered as complete; and the said Award shall, within Six Calendar Months after the same shall be executed as aforesaid, or as soon after as conveniently may be, be inrolled in One of His Majesty's Courts of Record at *Westminster*; or with the Clerk of the Peace for the Division of *Lindsey*, in the said County of *Lincoln*; the proper Officer of any of His Majesty's said Courts, or the said Clerk of the Peace, being hereby required to inrol the said Award accordingly, upon being paid the same Fees for such Inrolments as are usually paid for inrolling such Awards in His Majesty's said Courts; and to the same Award shall be annexed a Plan of the said Parish of *Louth*, and of every Person's distinct Property therein, after the Division and Allotment shall be made as aforesaid, signed by the said Commissioners; and the said Award and Plan annexed thereto shall immediately after the Inrolment of such Award, be put into and kept in a Tin Box or Chest, to be placed and kept in the Parish Church of *Louth* aforesaid, or in such other Place within the same Parish as the said Commissioners shall appoint, to the End Recourse may be had to the same by any Person or Persons interested in the said Division and Inclosure; and the said original Award, or a true Copy of the Inrolment thereof, or of any Part thereof, certified by the proper Officer of the Court where the same shall be inrolled, or by such Clerk of the Peace for the Time being, if the same shall be inrolled with him, shall from Time to Time and at all Times be admitted and allowed in all Courts whatsoever as legal Evidence; which Copy such Officer as aforesaid, or the Clerk of the Peace for the said Division of *Lindsey*, is hereby required to make, certify, and deliver to any Person or Persons requiring the same, he, she, or they paying for such Copy after the Rate of Four-pence *per* Sheet, reckoning Seventy-two Words to each Sheet; and the said Officer or Clerk of the Peace respectively, shall suffer all Persons at all seasonable Times to inspect the said Inrolment, they paying for such Inspection One Shilling and no more; and that the several Allotments, Partitions, Divisions, and Exchanges, and all Orders and Directions, Penalties, Impositions, Regulations, and Determinations, so to be made as aforesaid, in and by such Award or Instrument of the said Commissioners, shall be and are hereby declared to be final, binding, and conclusive unto and upon every Body Politick or Corporate, and all Persons interested in the said Division and Inclosure.

LXII. And

Allotments to be made in Bar of former Property, and Common Right and Tythes to be extinguished.

LXII. And be it further enacted, That the several Lands and Grounds so to let out and allotted unto and for the Body or Bodies Politick or Corporate, and the several Persons who by virtue of this Act shall be entitled to the same, shall be and are hereby vested in them respectively, in full Bar of and Satisfaction for the several Pieces or Parcels of Ground which they respectively had before the Commencement of this Act, or immediately before such Allotments were made, and which are now dispersed in the Fields, Lands, and Grounds by this Act directed to be inclosed, and also in full Bar of and Satisfaction for all Rights of Common and other Rights whatsoever, in, over, and upon the same Fields, Lands, and Grounds; and that from and immediately after making the said Divisions and Allotments, or at such other Time as the said Commissioners by their said Award, or by any other Writing under their Hands, either before or after the Execution of the said Award, shall appoint, all Right of Common in, over, or upon all or any of the said Lands and Grounds hereby intended to be inclosed, and every Part thereof, shall cease, determine, and be for ever extinguished; and also, that after the Allotments to the said Tythe Owners in lieu of Glebe Lands, Common Rights, and Tythes, shall be inclosed and fenced as herein-before is directed, all Tythes, both Great and Small, Modules, Compositions, and other Ecclesiastical Dues and Payments whatsoever, arising and renewing out of and from all or any Lands, Grounds, Tenements, and Hereditaments whatsoever, lying within the said Parish of *Louth*, as well already inclosed as to be inclosed by virtue of this Act, (except such Tythes, Surplice Fees, Easter Offerings, and Mortuaries, as are herein-before excepted and reserved to the said *Wolley Jolland* and his Successors, Vicars of *Louth* aforesaid), shall cease, determine, and be for ever extinguished.

Relating to Trees, Bushes, and Shrubs,

LXIII. And be it further enacted, That in case any Lands or Grounds upon which any Trees (as well Timber as other Trees) Underwoods, Thorns, Hedges, Bushes, Furze, or Shrubs, shall be standing or growing, shall be assigned or allotted to any of the said Parties, other than such as were the Proprietor or Proprietors thereof at the Time when or immediately before such Allotment or Allotments shall be made, then and in such Case the said Commissioners shall and they are hereby required to estimate and value such Trees, Underwoods, Thorns, Hedges, Bushes, Furze, and Shrubs, and the Bodies Politick or Corporate, or Person or Persons to whom the Allotment or Allotments shall be made in which such Trees, Underwoods, Thorns, Hedges, Bushes, Furze, or Shrubs shall be then standing, shall pay to the former Proprietor or Proprietors thereof what the same shall be so valued at.

If Persons refuse to inclose, Commissioners may do it.

LXIV. And be it further enacted, That if any Body Politick or Corporate, or Person to whom any such Allotment shall be made, or any Husband, Guardian, Trustee, Committee, Attorney of, or any Person acting as Guardian, Trustee, Committee, or Attorney for any Infant, Lunatick, Idiot, Feme Covert, Person or Persons beyond the Seas, or otherwise incapable by Law of acting for himself, herself, or themselves, or any Tenant in Tail or for Life, or Trustee or Trustees for any Settlement, or any Mortgagee or Mortgagees, or other Creditors in Possession, shall neglect or refuse to accept, inclose, and fence his, or their Allotment or Allotments, within such Time or Times as the said Commissioners by any Writing as aforesaid, or by their said Award, shall order or direct, it shall be

be lawful for the said Commissioners to cause such Allotment or Allotments to be inclosed and fenced, and to charge the Expences attending the Inclosure and fencing thereof, upon the Proprietor or Proprietors of the same Allotment or Allotments, and by any such Writing as aforesaid, or by their said Award, to appoint to whom, and at what Time or Times, the same shall be paid, or otherwise it shall be lawful for the said Commissioners, by any Writing under their Hands, to nominate and appoint, from Time to Time, a Bailiff or Receiver of the Rents and Profits of such Allotment or Allotments, with such reasonable Salary for his Pains and Trouble therein, as they in their Discretion shall think fit, which said Bailiff or Receiver shall have and is hereby vested with full Power to fence and manage the same, and to receive the Rents, Issues, and Profits thereof, and to pay the same after deducting all such Demands as he shall have in pursuance of the Trusts in him reposed, to and for the Use and Benefit of the Person or Persons neglecting or refusing to accept of such Shares and Allotments, his, her, or their Representatives, until such Time as he, she, or they, shall be willing and desirous to accept the same.

LXV. And the better to enable the said Commissioners to determine as well in and upon the Claims of Proprietors to Estates, Rights, or Interests upon the Lands and Grounds to be inclosed by virtue of this Act, in Manner before directed, as also to hear and determine all or any of such Objections, Complaints, and Disputes as are herein-before mentioned; be it further enacted, That it shall be lawful for the said Commissioners from Time to Time, as they shall see Occasion, by any Writing under their Hands, to summon and require any Person or Persons to appear before them at a Day and Place in such Writings respectively to be named, and there to testify the Truth touching any Matter in Difference between any of the Proprietors or Persons interested, and to cause a true Copy of such Writings to be served upon the Person or Persons required to testify, or left at his, her, or their last Place or Places of Abode; and every Person so summoned who shall not appear, except for some reasonable Excuse, before the said Commissioners pursuant to such Summons, or who shall refuse to be sworn or examined, (the reasonable Charges of his or her Attendance to be settled by the said Commissioners, being to him or her paid or tendered), and being thereof convicted before any One disinterested Justice of the Peace for the said Town of *Louth*, or for the Parts of *Lindsey* aforesaid, upon Information thereof on Oath made before any such Justice, shall forfeit and pay such Sum of Money, not exceeding Five Pounds nor less than Forty Shillings, as such Justice shall think reasonable, to be levied and recovered as herein-after mentioned, and to be applied as the said Commissioners shall direct.

Commissioners may summon Witnesses.

LXVI. And be it further enacted, That the said Commissioners shall and may, either by their Award or by any other Writing or Writings under their Hands, to take Effect in the mean Time and until the said Award shall be executed, order, direct, and appoint when and to whose Use, and in what Proportions and Manner, all or any of the Penalties or Forfeitures which may be incurred by any Person or Persons not conforming to the Orders or Directions of the said Commissioners, herein-before authorized and required to be made and published for settling the Course of Husbandry to be used in the said Open Common Fields, until the compleating the said Division and Allotments, shall be paid and applied, and thereby to impose

Commissioners may impose Penalties on Persons disobeying their Directions.

Penalties on all such Persons as shall plough any old Greensward Ground, before the making of the said Division and Allotments, and on such as shall not conform to the Orders of the said Commissioners for ceasing the Right of Common over the said Fields, Lands, or Grounds, and to direct to whom, when, and in what Manner also the same shall be paid and applied, so that no such Penalty shall exceed the Sum of Five Pounds on any One Person for any One Offence, and also to direct and appoint what Recompence or Satisfaction in Money shall be paid unto or by any of the said Proprietors to whom any Allotment or Allotments shall be made by virtue of this Act, by or unto the last Owner or Possessor of any Lands so to be allotted, for or in respect of the State or Condition in which such Lands may happen to be at the Time when the new Owner is to enter to the Possession thereof, and to appoint a Time or Times for Payment of such Satisfaction respectively; and also to order and award, issue and pay such Recompence and Compensation as they shall think just and reasonable to be made to any Owner, Tenant, or Occupier, who shall or may receive Damage in his Lands, Crops, or Fences, by and in consequence of making the said Division and Allotments, or any private Ways, Drains, or Water-courses over the same as aforesaid, or otherwise order and appoint by whom and when such Recompence and Satisfaction shall be paid.

Leases at Rack Rent to be void, except in certain Cases.

LXVII. And be it further enacted, That all and every Leases and Lease at Rackrent now subsisting, of all or any Part of the said Lands and Grounds hereby directed to be inclosed, alone or together with any Messuages, Cottages, ancient inclosed Lands, or other Hereditaments, lying and being within the Parish of *Louth* aforesaid, and all other Agreements for any Term or Terms at Rack Rent concerning the same Premises, or any Part thereof, shall cease, determine, and be void immediately after the making of the several and respective Allotments and Divisions hereinbefore authorized and directed to be made, the respective Lessees or Tenants thereof first receiving or having duly tendered to them from the respective Proprietors of the said Premises, who have made or have assigned to them any such Leases or Agreements, such Satisfaction as the said Commissioners shall ascertain as reasonable and sufficient to be paid to such Lessees or Tenants respectively, as an Equivalent for the Loss or Losses they shall respectively suffer on Account of the Determination of their respective Leases: Provided nevertheless, That no Lease or Leases affecting any of the Messuages, Cottages, Toststeads, Lands, Hereditaments, or ancient Estates, in respect of which any Allotment or Allotments of the said Lands and Grounds by this Act intended to be divided and inclosed, shall be made by virtue of this Act, in lieu of and as a Compensation for any Right or Rights of Common only, be rendered or be made void, (except such Leases as are or may be made determinable on the passing of this Act), but that the same shall remain and continue in full Force and Virtue, except with respect to the Allotments to be made in Respect of such Messuages, Cottages, Toststeads, Lands, Hereditaments, or ancient Estates, in lieu of and as a Compensation for any Right or Rights of Common only as aforesaid; but that all Allotments to be made as lastly aforesaid in respect of such Messuages, Cottages, Toststeads, Lands, Hereditaments, or ancient Estates, as shall be subject to Leases, shall be made and belong to the Proprietors of such Messuages, Cottages, Toststeads, Lands, Hereditaments, or ancient Estates respectively, freed and exonerated from all Tenant Right and Interest therein, they the same Proprietors making such Satisfaction to the Lessees of such Messuages, Cottages,

Cottages, Toftsteads, Lands, Hereditaments, or ancient Estates, their Executors, Administrators, or Assigns, as the said Commissioners shall ascertain as reasonable to be paid to them as an Equivalent for the Loss of their Common Rights, which Satisfaction shall be made by an Abatement of Rent for the Residue of the Terms then to come in such Leases respectively, or by a certain Payment in Money for the Value of such Common Rights, to be paid at such Times and in such Manner as the said Commissioners shall ascertain and set forth in and by their said Award.

LXVIII. Provided always, and be it enacted, That nothing in this Act contained shall extend, or be construed, deemed, adjudged, or taken to revoke, make void, alter, annul, or anyway affect any Grant, Assurance, Limitation of Use, Declaration of Trust, or any Settlement, Deed, Will, or Lease whatsoever (Leases at Rack Rent only excepted) or to prejudice any Person or Persons having a Right or Claim of Dower, Jointure, Portion, Debt, Incumbrance, or other Claim or Demand out of, upon, or affecting any of the Messuages, Cottages, Tenements, Tofts, Lands, or Grounds, Common Rights, and Hereditaments, in respect of which the said Open Common Fields, Meadows, Pastures, and other Commonable Lands and Waste Grounds shall be allotted, or any Part or Parcel thereof, or which shall be exchanged in pursuance of this Act; but that the Lands and Grounds, Messuages, Cottages, Tenements, and Hereditaments so to be allotted or exchanged, shall, immediately after making such Allotments and Exchanges respectively, be, remain, and enure, and be held and enjoyed, and the several Proprietors to whom the same shall be allotted, or shall be awarded or given in exchange as aforesaid, shall thenceforth stand and be seised and possessed thereof respectively, (subject to the Charges made thereon by virtue of this Act), under and liable to the same Uses and Trusts, and to and for such Uses, and the same Estates and Interests, and subject to such and the same Wills, Leases, (Leases hereby avoided only excepted), Powers, Provisoes, Limitations, Intails, Remainders, Charges, Tenures, Rents, Services, Incumbrances, and Demands, as the several Messuages, Cottages, Tenements, Tofts, Lands, or Grounds, Common Rights, Hereditaments, or other Interests or Property of every such Proprietor, in respect whereof such Allotment shall be made, or which shall be so exchanged, are and shall be subject and liable to at the Time of such Division and Inclosure; any Thing herein contained to the contrary notwithstanding.

No Titles to be affected by this Act.

LXIX. And be it further enacted, That it shall be lawful for any Person interested in the said Inclosure, (except only the said Prebendary and his Successors, and the said *William Hutton* as his Lessee, and the said *Wolley Jolland* as Vicar for the Time being, and his Successors, and the said Churchwardens and Overseers of the Poor of the said Parish of *Louth*, and the Person or Persons to whom any Allotment or Allotments shall be made in Trust for any College, Chapel, School, Hospital, Poor, or other publick Use or Charity), at any Time before the Execution of the said Award, to sell and dispose of all such Estate, Right, Title, and Interest as he or she shall have in, to, or upon the said Waste Grounds, or in or to any Allotment to be made in respect of any Common Right thereon by virtue of this Act, and to convey the same to the Purchaser by Deed or other Writing, according to the Tenure of the Estate or Interest in respect whereof such Allotment shall be made, separate from the Estate or other Interest

Power for Proprietors to sell and convey Common Rights or Allotments in lieu thereof, separate from their other Property, and before the Award.

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Right whereof he or she is or shall be so entitled, subject nevertheless to all Settlements, Mortgages, Charges, and Incumbrances affecting such Estate or Interest; and all Sales, Conveyances, and Contracts for Sale, of such Common Rights or Allotments respectively, shall be and they are hereby declared to be valid and effectual, and the same Common Rights or Allotments may be granted and conveyed accordingly, subject to such Incumbrances as aforesaid; and every such Sale being specified and set forth in the said Award of the said Commissioners, shall be good, valid, and effectual to all Intents and Purposes whatsoever, and the said Commissioners shall award such Allotments to the Purchasers thereof respectively.

Power to sell other Allotments before the Execution of the Award.

LXX. And be it also further enacted, That it shall be lawful for any Person who shall be entitled to, and seised in Fee Simple of any Allotment to be made by virtue of this Act, to sell and dispose of all his or her Estate, Right, Title, and Interest therein, at any Time before the Execution of the said Award, and a proper Conveyance thereof being executed or passed, every such Sale being mentioned, expressed, or declared by the said Commissioners in their said Award, shall be good, valid, and effectual in the Law.

For defraying the Expences of this Act.

LXXI. And be it further enacted, That the Charges and Expences of the said Commissioners in and concerning the Powers and Authorities hereby vested in them, and of the preparing, obtaining, and passing of this Act, and of the surveying, planning, dividing, and allotting the Lands and Grounds so intended to be inclosed, and of surveying and planning the other Lands and Hereditaments in the said Parish of *Louth* as aforesaid, and of making, preparing, executing, and inrolling the said Award or Instrument of the said Commissioners, and of making Satisfaction for all Damages for which Recompences are by this Act authorized to be made, and all other the necessary Expences in, about, or concerning the Execution of this Act, which are not herein otherwise directed to be borne, paid, or defrayed, shall from Time to Time, up to the Period of inrolling the same Award or Instrument, be borne, paid, or defrayed by all the Proprietors to whom any Lands shall be allotted by virtue of this Act, or who shall be entitled to any Lands or Estates whatsoever in the said Parish of *Louth* exonerated from Tythes or otherwise benefited by this Act, or the said Inclosure, (except the said Warden and Six Assistants, in Respect of their Manerial Rights, and the said Prebendary and his Successors, the said *William Hutton* and his Heirs, or Lessee as aforesaid, and the said *Wolley Jolland* and his Successors, in respect of their said Glebe, Common Rights, Tythes, Moduses, Compositions, and other Ecclesiastical Dues, and of the Allotments to be made in lieu thereof, and the Churchwardens and Overseers of the Poor, and the Body and Bodies Politick and Corporate, and other Persons to whom Allotments are herein-before directed to be made, in Trust for any College, Hospital, School, Poor, or publick Use or Charity, and their Successors respectively, all of whom are hereby freed and discharged of and from all such Expences), in such Shares and Proportions as shall from Time to Time and at any Time after the passing of this Act, be adjusted, settled, and determined, and ordered by the said Commissioners, according to the Value or respective Values of such Allotments, Exonerations, or other Benefits respectively as lastly aforesaid; and that all Charges and Expences which shall arise subsequent to the Inrolment of the Award of the said Commissioners, respecting the future Reparation and Support of the Fences, Hedges, Drains, Ditches, Watercourses, Banks, Sluices,

Sluices, Straits, Tunnels, Bridges, and other Works of Inclosure and Drainage to be made and ordered by the said Commissioners within the said Parish of *Louth*, in pursuance of the Powers hereby vested in them, shall be borne and defrayed from thenceforth for ever thereafter by all such Proprietors as aforesaid, in such Shares and Proportions as shall be thought just and equitable by the said Commissioners, and as shall be set forth in their said Award: Provided nevertheless, That the Whole of the Charges and Expences attending or incident to the surveying, measuring, and planning of the said Open Common Fields, Meadows, Pastures, and other Commonable Lands and Waste Grounds in the said Parish of *Louth*, by this Act directed to be divided and inclosed, shall be borne or defrayed by the Owners or Proprietors thereof, and Persons beneficially interested therein; and that the Whole of the Charges and Expences attending or incident to the surveying, measuring, and planning of the said ancient inclosed Lands, Grounds, and Homesteads in the said Parish of *Louth*, shall be borne or defrayed by the Owners or Proprietors of the same Lands, Grounds, and Homesteads.

LXXII. And be it further enacted, That when and so often as any of the said Proprietors shall refuse or neglect to pay his, her, or their Proportion of the Charges or Expences of obtaining this Act, and the aforesaid necessary Expences of the said Commissioners attending the putting the same into Execution, or shall refuse or neglect to pay the Expences attending the inclosing and fencing of any such Allotments, as upon the Neglect or Refusal of the Proprietors shall be inclosed and fenced by the said Commissioners as aforesaid, at the respective Days and Times to be appointed for Payment of such Charges and Expences respectively, it shall be lawful 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 Expences, and Sum or Sums of Money respectively, to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so making Default of Payment as aforesaid, his, her, or their Husbands, Guardians, Trustees, Committees, or Attornies, 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 Charges of such Warrant, Distress, and Sale being first deducted, together with the Interest after the Rate of Five Pounds *per Centum per Annum*, to be computed on each Share or Shares, Proportion or Proportions, from the Time the same shall be directed to be paid by the said Commissioners as aforesaid; or otherwise the said Commissioners, or any Person or Persons authorized by them, shall and may enter upon and take Possession of the Premises so to be allotted to such Person or Persons refusing or neglecting to pay as aforesaid, and shall and may receive and take the Rents and Profits thereof, until thereby, therewith, or otherwise, the Share or Shares, Proportion or Proportions, of the said Costs and Charges, so ordered and directed by the said Commissioners to be paid by such Person or Persons as aforesaid, and all Interest on such Share or Shares, Proportion or Proportions, to be computed from the Time the same shall by the said Commissioners be directed to be paid as aforesaid, and also all Costs, Charges, and Expences, occasioned by or attending such Entry upon and Perception of the Rents and Profits of the said Premises shall be fully paid and satisfied.

For Recovery
of Expences.

For borrowing
Money:

LXXIII. And be it further enacted, That it shall be lawful for all and every Body Politick or Corporate, and Person or Persons, who, after such Division and Inclosure to be made as aforesaid, shall be Owner or Proprietor, or Owners or Proprietors for the Time being, of any of the Allotments to be made in pursuance of this Act, or of any Part thereof, and to and for the Husbands, Guardians, Trustees, Committees, Agents, Attornies of, or Persons acting as Guardians, Trustees, Committees, Agents, or Attornies for any of the said Owners or Proprietors being under Coverture, Minors, or beyond the Seas, or otherwise incapable to act for themselves, and to and for every of them, and to and for any of the said Owners or Proprietors being Tenants for Life or in Tail, or for Years, not being at Rack Rent, and to and for any of the said Owners or Proprietors having any other contingent Estate or Interest in any of the said Allotments, and to and for every of them respectively for the Time being, (except the said Prebendary, and the said *William Hutton*, as his Lessee, so as to have Effect beyond the Duration of his Lease, and the said *Wolley Jolland* and their Successors for the Time being respectively, and the several Persons from whose Allotments a Deduction shall have been made as aforesaid), by and with the Consent of the said Commissioners in Writing under their Hands and Seals, from Time to Time, either before or after the Execution of their said Award, to charge the several Lands and Grounds which shall be comprized in such respective Allotments, or any Part thereof, with any Sum or Sums of Money not exceeding Four Pounds for every Acre of Land and Ground so to be allotted as aforesaid, to be paid to such Person or Persons as the said Commissioners shall nominate and appoint, in order to be applied and disposed of for and towards paying and defraying the respective Shares and Proportions of the Charges and Expences incident to and attending such Division and Inclosure as aforesaid, and of obtaining this present Act; and for securing the Re-payment of the said Sum and Sums of Money, with Interest, to grant, mortgage, lease, or demise the Lands and Grounds so to be charged therewith, unto any Person or Persons who shall advance and lend the same respectively, for any Term or Number of Years; so that every such Grant or Demise be made with a Proviso or Condition to cease and be void, when the Sum or Sums of Money thereby secured, with the Interest thereof, shall be paid and satisfied; and so that in every such Grant or Demise to be made by any Person or Persons entitled for Life only, as Tenant in Tail or upon any other Contingency, there be contained a Covenant to pay and keep down the Interest of the Money thereby to be secured, during his, her, or their respective Lives, so long as he, she, or they shall continue seised of such Allotment or Allotments respectively, so that no Person afterwards becoming possessed of or entitled to such Lands or Grounds so to be charged with any Sum or Sums of Money as aforesaid, shall be liable to pay any further or larger Arrear of Interest than for One Year preceding the Time that the Title to such Possession shall have commenced, or otherwise it shall and may be lawful to and for the said Commissioners, by any Deed or Deeds, Writing or Writings under their Hands and Seals, to be attested by Two or more credible Witnesses, at the Request of such of the said Owners and Proprietors, being Tenants for Life or in Tail, or upon any other Contingency, who shall respectively pay and discharge his, her, and their proportionable Part of the Charges and Expences aforesaid, to authorize and empower such Owners and Proprietors, any or either of them, making such Request, to charge and subject the Lands and Grounds so to be allotted to such Owners and Proprietors thereof respectively, with any Sum or Sums

of

of Money not exceeding Four Pounds *per* Acre, with Interest for the same as aforesaid, which Sum or Sums of Money so be charged as aforesaid, shall be payable within One Year next after the Decease of such Tenant for Life or in Tail, or other Contingency respectively, with the Interest thereof, to be computed from his, her, or their respective Decease, unto such Person or Persons as such respective Tenants for Life or in Tail, or other Contingency, shall respectively by Will or Deed duly executed and attested, direct and appoint, and in Default thereof, to his, her, or their Executors or Administrators; and every such Grant, Lease, Mortgage, Appointment, and Demise, and Charge by Deed or Will as aforesaid, shall be good, valid, and effectual in the Law for the Purposes thereby intended, notwithstanding the Want of Title in such Tenants for Life or in Tail, or other Contingency, or notwithstanding any Settlement, Will, Use, Trust, Remainder, or other Incumbrance of or upon the said Lands and Premises, or any Part thereof then in being, or capable of taking Effect to the contrary; and all and every Person and Persons to whom any Grant, Mortgage, or Demise, shall be made by virtue of this Act, as a Security for any Sum or Sums of Money, or who shall be entitled to the Money thereby secured, shall and may from Time to Time, by any Deed or Deeds, Writing or Writings, under his, her, or their Hand and Seal or Hands and Seals, to be executed in the Presence of Two or more credible Witnesses, assign or transfer the same Security or Securities, and the Principal Money and Interest thereby secured, and all Benefit and Advantage thereof, and all his, her, or their Right, Title, and Interest in the same, to any Person or Persons whomsoever, who may again in like Manner assign the same, and so on as often as the Case shall happen; and such Mortgagee or Mortgagees, Assignee or Assignees, his, her, and their Executors and Administrators, and all Persons claiming under them, or any of them, shall and may use, take, and pursue all such lawful Methods, Courses, and Expedients at Law or in Equity, for recovering and obtaining the Possession of the Premises so to be mortgaged, demised, or assigned as aforesaid, in case of Non-payment of the Principal Money and Interest to be thereby secured, or any Part thereof, as is or are used, taken, or pursued, in Cases of the like Nature.

LXXIV. And be it further enacted, That the Money which shall be advanced by any Person or Persons for the Purpose of defraying the Expences of applying for and obtaining this Act, or carrying the same into Execution, shall be repaid with Interest after the Rate of Five Pounds *per Centum per Annum*, to such Person or Persons, out of the Money to be raised by the said Commissioners by virtue of this Act.

Interest to be paid for Money advanced.

LXXV. And be it further enacted, That all Penalties and Forfeitures imposed by this Act, or which shall be imposed by the said Commissioners in and by any Writing or Writings under their Hands as aforesaid, or in and by their Award, shall be levied and recovered in a summary Way before any One Justice for the said Town of *Louth*, not interested in the Matter in question, or before any One Justice of the Peace for the said Parts of *Lindsey*, residing near to the Town of *Louth* aforesaid, and not interested in the Matter in question; for which Purpose it shall be lawful for any Justice of the Peace for the said Town or Parts respectively, upon Complaint made to him within Three Calendar Months next after the Commission of the Offence, to summon the Party accused, and the Witnesses on both

For recovering of Penalties.

Sides,

Application of Penalties.

Sides; and upon the Appearance or Contempt of the Party accused to examine Witnesses upon Oath, (which Oath every such Justice is hereby empowered to administer), and upon such Evidence to give Judgement accordingly, and to condemn the Party accused (Proof of the Truth of the Accusation being made by One or more credible Witness or Witnesses as aforesaid) in such Penalties and Forfeitures as he or she shall have incurred, and to levy such Penalties and Forfeitures by Distress and Sale of his or her Goods and Chattels, together with all reasonable Costs, within Four Days next after the Conviction of the Offender or Offenders; all which Penalties and Forfeitures, the Application whereof is not particularly directed by this Act, shall, when and so soon as the same shall be levied, be paid and applied to and for the Use of such Person and Persons, or to or for such Uses, Intents, or Purposes as the said Commissioners in and by any such Writing or Writings as aforesaid, or in and by their Award, shall order, direct, or appoint; and in case sufficient Distress cannot be found, it shall be lawful for the said Justice, and he is hereby required to commit the Person or Persons so accused and condemned in such Penalty or Forfeiture as aforesaid, to One of the Houses of Correction for the said Parts, there to remain for any Time not exceeding Three Calendar Months, unless such Penalty or Forfeiture shall be sooner paid and satisfied.

Book of Accounts to be left with the Clerk for the Proprietors Inspection.

LXXVI. And be it enacted, That the said Commissioners shall and are hereby required to enter in a Book to be provided for that Purpose, an Account of all Monies whatsoever received from the Proprietors or others during the Progress of the Inclosure, and also of all the Charges, Expences, and Disbursements which shall accrue or be made by virtue of this Act, and in carrying the same into Execution; which Book of Account shall be kept at the Office of their Solicitor or Clerk, open at all reasonable Times during the Progress of the said Inclosure, and till all the Accounts are finally settled, for the Inspection of any of the Proprietors, without Fee or Reward; and in case the said Commissioners, and their Solicitor or Clerk, shall neglect to provide and keep such Book of Account as aforesaid, and refuse the Inspection thereof to any of the Proprietors at reasonable Times, in Manner before mentioned, and shall be convicted thereof upon the Oath of One or more credible Witness or Witnesses, before any Justice of the Peace of the said Town of *Louth*, or of the said Parts of *Lindsey*, not interested in the said Division and Inclosure, every such Commissioner, Solicitor, or Clerk, so causing such Neglect or Refusal, and convicted as aforesaid, shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds nor less than Two Pounds; and if he or they shall make Default in paying such Sum, for the Space of Ten Days next after such Conviction, the same shall be levied by Distress and Sale of the Goods and Chattels of the Party or Parties so offending, by Warrant under the Hand and Seal of such Justice, (which Warrant such Justice is hereby empowered and required to grant), and the Overplus, after such Penalty and the Charges of such Distress and Sale are deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels, and the Money arising by such Forfeiture or Penalty shall be paid and applied to or to the Use of such Proprietor or Person interested in making such Complaint.

Monies received, when amounting to

LXXVII. And be it further enacted, That all the Monies to be raised and received under and by virtue of the Powers of this Act, during the Progress

Progress of the intended Division and Inclosure, shall from Time to Time, as often as the same shall amount to the Sum of Fifty Pounds, be paid to and deposited in the Hands of some Banker, or such other Person or Persons as shall be approved of by a Majority in Value of the Proprietors who shall be present at the First Meeting appointed for carrying this Act into Execution, and in the Notice for such Meeting shall be expressed the Intention of then appointing such Banker, or such other Person or Persons; and no Monies deposited or paid into the Hands of such Banker, or other Person or Persons to be appointed as aforesaid, shall be issued or be paid by him or them without an Order in Writing under the Hands of the said Commissioners, specifying the Person or Persons to whom the same are respectively payable, and the Services or Considerations for which the same are due; and the Balance (if any) upon the final Settlement of all Accounts in anywise concerning the Business of the said intended Division and Inclosure, shall be immediately repaid and returned to the several Persons interested, in proportion to the several Sums respectively paid and advanced by them.

50^{l.} to be paid
to a Banker,
&c.

LXXVIII. 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, then and in every such Case (except where the Orders and Determinations of the said Commissioners are directed to be final, or a Trial at Law is directed) he, she, or they may appeal to the General Quarter Sessions of the Peace which shall be held for the Division of *Lindsey* aforesaid, within Six Calendar Months next after such Cause of Complaint shall have arisen, and the Justices of the said Quarter Sessions are hereby required to hear and determine the Matter of every such Complaint, and to make such Orders therein, and to award such Costs as they shall adjudge reasonable, and to levy the Costs which shall be so awarded, by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) to the Owners, after deducting the reasonable Charges; which Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere.

Persons ag-
grieved may
appeal.

LXXIX. Provided always, and be it further enacted and declared, That nothing in this Act contained shall extend, or be construed to extend, in anywise to defeat, lessen, prejudice, or affect the Right, Title, and Interest of the said Warden and Six Assistants, as Lords of the Manor of *Louth* aforesaid, their Successors or Assigns, of, in, and to the Seigniorie, Rights, Services, Royalties, or other Jurisdictions or Privileges incident or belonging to the same Manor; but that the said Warden and Six Assistants, and their Successors, and the Lords and Owners of the said Manor for the Time being, shall and may, from Time to Time and at all Times for ever hereafter, have, hold, and enjoy all Courts, Perquisites, and Profits of Courts, Fairs, Marts, Markets, Tolls, Pickage, Stallage, Rents, Services, Waifs, Estrays, and all other Rights, Royalties, Jurisdictions, and Privileges whatsoever, incident, appendant, or belonging to the said Manor of *Louth*, or to the Lords thereof, (other than those which are hereby intended to be barred, destroyed, and compensated for), in as full, ample, and beneficial a Manner, to all Intents and Purposes, as they or any of them respectively could or might have held and enjoyed the same if this Act had not been made.

Saving to the
Lords of the
Manor of
Louth.

[*Loc. & Per.*]

25 L.

LXXX. Saving

General
Saving,

LXXX. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person and Persons, Bodies Politick or Corporate, his, her, and their Heirs, Successors, Executors, and Administrators, (other than and except the respective Body or Bodies Politick or Corporate, and Persons to whom any Allotment or Allotments shall be made by virtue of this Act, in respect to the Interest or Property for which such Allotment or Allotments shall be made, and all Persons claiming any Right of Common upon any of the Lands or Grounds so to be allotted, although no Allotment shall be made to them in respect of such Right), all such Estates and Interests as they, every or any of them had or enjoyed, of, in, to, or in respect of the said Fields, Lands, and Grounds, before the passing of this Act, or would or ought to have had or enjoyed, in case the same had not been made.

Publick Act.

LXXXI. And be it further enacted, That this Act shall be deemed adjudged, and taken to be a Publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

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