



ANNO QUADRAGESIMO TERTIO

GEORGI II. REGIS.

Cap. 115.

An Act for inclosing Lands in the Township of *Whitwick*, and Townships or Liberties of *Thringstone* and *Peggs Green*, in the Parish of *Whitwick*, in the County of *Leicester*. [4th July 1803.]

WHEREAS there are within the Township of *Whitwick*, in the County of *Leicester*, several Common and Open Fields, Meadows, and Pastures, and also certain Commons or Parcels of Waste Grounds, called or known by the Name of *Whitwick Moor*, as well as other Waste Grounds, which Commons or Waste Grounds contain by Estimation Fifty Acres or thereabouts; and there are within the Townships or Liberties of *Thringstone* and *Peggs Green* certain Commons or Waste Grounds, all within the said Parish of *Whitwick*: And whereas the Right Honourable *Francis Rawdon Hastings* Earl of *Moira*, Baron *Rawdon* of *Rawdon*, in the County of *York*, is Lord of the Manor of *Whitwick* aforesaid, and *Joseph Boulbee* Esquire, is Lord of the Manors of *Thringstone* and *Peggs Green* aforesaid, and the said Earl of *Moira* is sole Lord of the Soil of the said Commons and Waste Grounds within the Township of *Whitwick* aforesaid, and the said *Joseph Boulbee*, is sole Lord of the Soil of all the Commons and Waste Grounds within the Townships or Liberties of *Thringstone* and *Peggs Green* in the said Parish

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of *Whitwick*, and in their several Rights as aforesaid, are entitled to all the Cottages and Buildings erected upon the said Commons or Waste Grounds, and to all Mines and Minerals whatsoever within and under the same: And whereas the King's most Excellent Majesty, in Right of his Duchy of *Lancaster*, is Patron of the Vicarage of *Whitwick* aforesaid; and *Francis Harris* Clerk, is the present Vicar thereof, and *Sir George Howland Beaumont* Baronet, is Impropiator of all the Great Tythes, and the said *Francis Harris*, as Vicar as aforesaid, is entitled to the Small Tythes within the said Township and Liberties: And whereas the said *Sir George Howland Beaumont* and *Joseph Boulbee*, *John Raper*, and *Thomas Fenton* Esquires, *Edward Dawson* Esquire, *Henry Cropper* Esquire, *Thomas Chapman* Esquire, *John Bonnet*, *John Piddocke* Clerk, and divers other Persons are the Proprietors of and entitled unto the said Common and Open Fields, Meadows, and Pastures, and of all the Messuages, Lands, and Tenements, for or in respect of which the Owners and Proprietors are respectively entitled to Common Right upon the said Commons and Waste Grounds within the said Townships or Liberties: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure; and for facilitating the Mode of proving the Facts usually required on the passing of such Acts*: And whereas the Lands and Grounds of the several Proprietors in the said Fields, Meadows, and Pastures, lie very much intermixed and dispersed in small Quantities, and as well as the said Commons and Waste Grounds are in their present Situation incapable of any considerable Improvement; and it would be very advantageous to the several Persons interested therein if the same were allotted and inclosed; but such Division, Allotment, and Inclosure, cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *John Smith* of *Packington*, in the Counties of *Leicester* and *Derby*, or One of the said Counties, *William Toone* of *Belton*, in the County of *Leicester*, and *Thomas Copson* of *Sutton Cheney*, in the said County of *Leicester*, Gentlemen, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Commissioners for setting out, dividing, allotting, and inclosing the said Common and Open Fields, Meadows, Pastures, Commons, and Waste Grounds, and for carrying this Act into Execution, subject to such of the Rules, Orders, and Directions mentioned and contained in the said recited Act, as are not hereby altered or varied, and subject also to the several Rules, Orders, and Directions herein-after mentioned and contained; and that all Acts, Matters, and Things, hereby directed to be done and executed by the said Commissioners, may be done and executed by any Two of them, and the same shall be as valid and effectual as if done and executed by all the said Commissioners.

Commissioners.

Power vested in Two Commissioners.

On Death or Refusal to act as Commissioners, others to be elected.

II. And be it further enacted, That if any of the Commissioners appointed by this Act, or who shall have been elected in Manner herein-after mentioned, shall before the Execution of all the Powers and Authorities hereby in them respectively vested, die, refuse, or be disabled to act, or without some lawful Cause neglect to attend a Meeting for putting this Act into Execution, for the Space of Two Calendar Months after

after he shall have received Notice from any Person interested in the said Inclosure of the passing thereof, or requiring him to attend as a Commissioner, a new Commissioner or Commissioners shall be elected in Manner following; (that is to say), if the said *John Smith* shall die, refuse, or be disabled to act, or neglect to attend as aforesaid, it shall be lawful for the said *Sir George Howland Beaumont*, His Heirs or Assigns, by any Writing or Writings under his or their Hand or Hands, to appoint One other Commissioner not interested in the said intended Division and Inclosure, in the room of the said *John Smith*, and so from Time to Time as often as any Commissioner, so to be appointed by the said *Sir George Howland Beaumont*, his Heirs or Assigns as aforesaid, shall die, refuse, or be disabled to act, or neglect to attend as aforesaid; and in case the said *Thomas Copson* shall die, refuse, or be disabled to act, or neglect to attend as aforesaid, it shall be lawful for the said *Joseph Boulbee*, his Heirs or Assigns, by any Writing or Writings under his or their Hand or Hands, to appoint One other Commissioner, not interested in the said intended Division and Inclosure, in the room of the said *Thomas Copson*, and so from Time to Time as often as any Commissioner so to be appointed by the said *Joseph Boulbee*, his Heirs or Assigns as aforesaid, shall die, refuse, or be disabled to act, or neglect to attend as aforesaid; and in case the said *William Toone* shall die, refuse, or be disabled to act, or neglect to attend as aforesaid, it shall be lawful for the Chancellor of the Duchy of *Lancaster* for the Time being, or for the Clerk of the Council of the said Duchy for the Time being, or his Deputy, by and with the Consent of the major Part in Value of the Persons interested in the said intended Division and Inclosure, or their Agents to be appointed by Writing under their respective Hands for such Purpose, or their known Agents or Attornies, (except the said *Sir George Howland Beaumont* and *Joseph Boulbee*, their Heirs or Assigns), who shall be present at a publick Meeting to be held for that Purpose, to appoint One other Commissioner not interested in the said intended Division and Inclosure, in the room of the said *William Toone*, and so from Time to Time as often as any Commissioner so to be appointed by the said Proprietors as aforesaid, shall die, refuse, or be disabled to act, or neglect to attend as aforesaid; and in case the said respective Parties, or any of them, shall make Default in appointing any such new Commissioner, within Two Calendar Months next after the Death of any Commissioner, or his Refusal, or being disabled to act, or Neglect of Attendance shall be known, then the surviving or remaining Commissioner or Commissioners shall, and they and he are and is hereby required from Time to Time, by Writing under their or his Hands or Hand, within One Calendar Month next after the Expiration of the said Two Calendar Months allowed to the respective Parties for naming such new Commissioner by them as aforesaid, to appoint One other Commissioner not interested in the said Inclosure, in the room of every such Commissioner so dying, refusing, or being disabled to act, or neglecting to attend; and every Commissioner so to be appointed, shall have the like Power and Authority as the Commissioner in whose Place he shall be appointed was vested with by virtue of this Act.

III. And be it further enacted, That the said Commissioners shall and they are hereby required to cause publick Notice to be given in the *Leicester* Newspaper, and Notices in Writing to be affixed on the principal outer Door of the Church of *Whitwick* aforesaid, on some *Sunday* during

Commissioners to give Notice of their Meetings.

during or immediately before Divine Service, of the Time and Place of their First and every subsequent Meeting for the Execution of this Act, at least Ten Days before any such Meeting shall be held, (Meetings by Adjournment only excepted); and any One of the said Commissioners in Default of Two Commissioners meeting pursuant to such Notice as aforesaid, shall and may adjourn such Meeting from Time to Time to the same Place, or any Place within the Distance of Eight Miles thereof, as he shall think proper, not exceeding Twenty-one Days from the Time of making such Adjournment, without giving any other Notice thereof; and that all other Notices required to be given, either by this or the said recited Act, shall be given in the same Manner as the Notices of the First and other Meetings of the said Commissioners are herein-before directed to be given.

Other Notices
how to be
given.

Commission-
ers to settle
Disputes.

IV. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said intended Division and Inclosure, touching or concerning the respective Rights and Interests which they or any of them shall have or claim to have in the same, or touching or concerning any Matter or Thing relating to the said intended Division and Inclosure, it shall be lawful for the said Commissioners, and they are hereby authorized to examine into, hear, and determine the same: Provided always, that nothing in this Act contained shall authorize the said Commissioners to determine the Title to any Messuages, Cottages, Lands, or Hereditaments whatsoever.

Powers to af-
fess Costs.

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

Allowing Par-
ties to try
their Rights
by an Issue
at Law.

VI. Provided always, and be it further enacted, That in case any Person or Persons interested, or claiming to be interested, in the said intended Division and Inclosure, shall be dissatisfied with any Determination of the said Commissioners, touching or concerning any Claim or Claims of any Rights of Common, or other Rights or Interests in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed,
or

or any Part thereof, it shall be lawful for the Person or Persons so dissatisfied, to proceed to a Trial at Law of the Matter so determined by the said Commissioners, at the then next or at the following Assizes to be holden for the said County of *Leicester*; and for that Purpose the Person or Persons who shall be dissatisfied with the Determination of the said Commissioners, shall cause an Action to be brought upon a feigned Issue against the Person or Persons in whose Favour such Determination shall have been made, within Three Calendar Months next after the Determination of the said Commissioners shall be made; and the Defendant or Defendants in such Action or Actions shall, and he, she, or they, is, and are hereby required to name an Attorney or Attornies, who shall appear thereto or file Common Bail, and accept One or more Issue or Issues, whereby such Claim or Claims, and the Right or Rights thereby insisted upon, may be tried and determined, (such Issue or Issues to be settled by the proper Officer of the Court in which the said Action or Actions shall be commenced, in case the Parties shall differ about the same); and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding, and conclusive, upon all and every Person and Persons whomsoever, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall be lawful for the Court to do, as is usual in other Cases; and after such Verdict or Verdicts shall be obtained and not set aside by the Court, the said Commissioners shall and they are hereby required to act in Conformity thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials: Provided always, that the Determination of the said Commissioners, touching such Claim or Claims of Right of Common, or other Rights or Interests in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, which shall not be objected to, or being objected to, the Party or Parties objecting not causing such Action at Law to be brought and proceeded in as aforesaid, shall be final, binding, and conclusive upon all Parties.

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

If any of the Parties die Proceedings not to abate.

VIII. And be it further enacted, That the said Commissioners, shall and they are hereby authorized and required, if they shall think it necessary, to set out and allot such Part or Parts of the said Lands and Grounds hereby intended to be divided, allotted, and inclosed, as they shall think proper, not exceeding Two Acres in the Whole, to be used for the Purpose of publick Watering Places for Cattle, or for getting Stone, Gravel, or other Materials for making and repairing the publick and private Roads and Ways to be set out by virtue of the said recited Act, and for such other Uses or Purposes as the said Commissioners shall direct; the Entrances or Approaches to which Watering Places shall be pitched with Stone, or made of some other hard Materials, and shall for ever after the same shall be so made, be maintained and kept in Repair by the Surveyors for the Time being of the Roads in the several Townships or Liberties in which the said Watering Places shall be

Allotments for publick Watering Places.

to set out as aforesaid; and the Herbage growing and renewing in and upon the Lands so to be set out and allotted in pursuance of the said recited Act, shall belong to and be vested in the Surveyor to be appointed in pursuance of the said recited Act, or the Surveyor or Surveyors for the Time being of the Highways within the said Townships or Liberties, and shall be let by him or them for the best Rent that can be got for the same, and such Rent shall be applied by him or them in defraying the Expence of repairing the said publick Roads and Ways over and upon the said Lands and Grounds hereby directed to be inclosed; and such Surveyor or Surveyors shall account to the Occupiers of the said Lands and Grounds touching the Application thereof annually at such Day and Time as shall be appointed in Vestry for passing the Surveyor's Accounts in the Church of *Whitwick* aforesaid.

Allotments to the Impropiator and Vicar.

IX. And be it further enacted, That the said Commissioners shall and they are hereby required, after having set out the publick and private Roads, directed by the said recited Act to be set out over and upon the Lands and Grounds hereby intended to be divided, allotted, and inclosed as aforesaid, and after having also set out the Allotments herein-before directed to be made, to set out and allot unto and for the said *Sir George Howland Beaumont*, his Heirs and Assigns, as Lay Impropiator as aforesaid, and to the said *Francis Harris* and his Successors, as Vicars of *Whitwick* aforesaid, in Severalty, according to their respective Estates and Interests therein, so much and such Part or Parts of the Residue of the Lands and Grounds hereby intended to be divided, allotted, and inclosed as aforesaid, as shall in the Judgement of the said Commissioners be a full and ample Compensation for all the Great and Small Tythes, and all Ecclesiastical Dues and Payments whatsoever, arising, renewing, or happening within the said Township of *Whitwick*, and Townships or Liberties of *Thringstone* and *Peggs Green* aforesaid; which said Allotment or Allotments shall be in lieu of and as a full Compensation for all Tythes, both Great and Small, and all Ecclesiastical Dues and Payments whatsoever, arising, renewing, or happening, within or in respect of the said Common and Open Fields, Meadows, Pastures, ancient Inclosures, Commons, and Waste Lands; and from and after such Allotment and Allotments shall be made in pursuance of this Act by the said Commissioners, all such Great and Small Tythes shall from thenceforth cease, determine, and be void, (*Easter Offerings, Mortuaries, and Surplice Fees* excepted): Provided always, that the Allotments herein-before directed to be made and set out to the said *Sir George Howland Beaumont*, in lieu of the Tythes arising and renewing within the Township or Liberty of *Thringstone* aforesaid, shall include a certain Common called *The Brand Common*, situate within the Township or Liberty of *Thringstone* aforesaid.

Commissioners to divide the Allotments for Tythes between the Impropiator and Vicar.

X. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to set out, divide, and award the said Allotments to be made for or in lieu of the Great and Small Tythes of the said Open Fields, Meadows, Pastures, Commons, and Waste Grounds, to and between the said *Sir George Howland Beaumont* as Impropiator as aforesaid, and the said *Francis Harris* and his Successors, Vicars as aforesaid, in such Shares and Proportions as the said Commissioners shall adjudge and determine to be a proportionable, equal, and just Compensation for the several and respective Rights and Interests of the

the said Impropiator, and the said Vicar and his Successors, in and to the Great and Small Tythes arising, happening, increasing, or growing due within, upon, out of, and from the said Open Fields, Meadows, Pastures, Commons, and Waste Grounds.

XI. And be it further enacted, That the said Commissioners shall and they are hereby required in the next Place to set out and allot unto and for the said *Joseph Boulbee*, his Heirs and Assigns, One Acre and One Rood of Land from and out of the said Commons and Waste Grounds within the Township, or Liberty of *Thringstone* and *Peggs Green* aforesaid, as shall in the Judgement of the said Commissioners be most fitting and proper for getting Clay and making Bricks; and the said Commissioners shall and they are hereby required in the next Place to set out and allot unto and for the Use of the said *Joseph Boulbee*, his Heirs and Assigns, and the several other Proprietors of Lands in *Thringstone* and *Peggs Green* aforesaid, interested in the said intended Division and Inclosure, and their respective Heirs and Assigns, One Acre of the said Commons or Waste Grounds within the said Township or Liberty of *Thringstone* aforesaid, as shall in the Judgement of the said Commissioners be most proper to be converted into and used as a publick Sand Pit.

Allotment to Mr. Boulbee for a Brick Kiln, and for a publick Sand Pit.

XII. And be it further enacted, That the said Commissioners shall and they are hereby required to set out, allot, and award, unto and for the said *Francis Earl of Moira*, his Heirs or Assigns, so much and such Part of the Commons and Waste Grounds in the said Township of *Whitwick* aforesaid, as shall in the Judgement of the said Commissioners be equal in Value to the yearly Payment or Acknowledgement of One Pound and Five Shillings, payable to the said *Francis Earl of Moira*, in lieu of his Right to a certain Coney Warren within the Township of *Whitwick* aforesaid.

Allotment to the Earl of Moira in lieu of a Coney Warren.

XIII. And be it further enacted, That the said Commissioners shall and they are hereby required in the next Place to set out and allot unto and for the said *Francis Earl of Moira*, and *Joseph Boulbee*, as Lords as aforesaid, in Severalty, and according to such their several and respective Rights and Interests as aforesaid, so much and such Part or Parts of the Residue of the said Commons and Waste Grounds in their respective Manors hereby intended to be divided, allotted, and inclosed, as shall in their Judgement be equal in Value to One Sixteenth Part of the Whole of the said Commons and Waste Grounds, for and in lieu of and as a full Recompence and Satisfaction for their Rights to the Soil of the said Commons and Waste Grounds.

Allotment to the Lords of the Soil.

XIV. And be it further enacted, That as soon after the passing of this Act as conveniently may be, the said Commissioners shall, by any Writing or Writings under their Hands, to be affixed to the principal outer Door of the Church of *Whitwick* aforesaid, order and direct what Course of Husbandry shall be used in the said Fields, and so from Time to Time alter or amend such Orders and Directions, or give new ones, as to them shall appear necessary and most proper, until the Time when they shall have made and completed the said Division and Inclosure, as well with respect to the laying down, ploughing, sowing, reaping of Crops, fallowing, and tilling thereof, as to the cleaning, weeding, stocking, and eating of the

Commissioners to direct the Course of Husbandry.

the Fallows or Stubbles, and shall and may, in and by the same, or any other Writing or Writings under their Hands, set and impose such Penalties, not exceeding the Sum of Ten Pounds, on every Person not conforming to such Orders or Directions, or for doing or committing any wilful Damage by floating the Turf or Greenward, digging the Soil, or by any other Means whatsoever, in and upon the said Open Fields, Meadows, Pastures, Commons, and Waste Grounds, as the said Commissioners, at the Time of making such Orders and Directions, or after a View or Examination of the ill Effects of a Non-conformity to such Orders and Directions, shall think reasonable; which Penalties shall be recovered by Distress and Sale of the Goods and Chattels of the Person or Persons so offending as aforesaid, in such and the like Manner as such Part of the said Expences attending the Execution of this Act, as may not be raised by the Sale of Land, are by the said recited Act directed to be recovered, and shall be applied towards defraying the Charges and Expences of passing and executing this Act; and all such Orders of the said Commissioners shall be binding and conclusive upon all Parties interested, and their several and respective Farmers and Tenants.

Satisfaction to
be made for
standing
Crops.

XV. 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 of the said intended Division and Inclosure for the said Crops, by the Person or Persons to whom the Lands on which such Crops are growing shall be allotted; unless such Owner or Owners shall, within the Times to be appointed by the said Commissioners for that Purpose, declare his, her, or their Intention to reap or 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 away the same, then it shall be lawful for such Owner or Owners of such Crops, and his, her, and their Servants, Workmen, 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, her, and their own Use; and the said Commissioners shall also, by some Writing or Writings under their Hands, order, ascertain, and appoint, what Recompence and Satisfaction in Money shall be paid, and to whom, for the Standage of Crops, by such Owner or Owners electing to take away the same as aforesaid, and also what Recompence and Satisfaction in Money shall be paid; and by whom, to any Tenant or Tenants, as well for ploughing, tilling, and manuring of Lands or Grounds 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 or Grounds shall be allotted, will obtain thereby, as for any Loss or Disadvantage which any such Tenant or Tenants shall or may sustain by the Loss of their fallowing or waygoing Crops in any of the Open Fields by this Act intended to be allotted and inclosed, or by Means of the said intended Division or Inclosure; and if in either or any 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 Warrant or Warrants under their Hands, directed to any Person or Persons whomsoever, (which Warrant or Warrants they are hereby authorized and empowered to grant accordingly), cause the same to be levied by Distress
and

and Sale of the Goods and Chattels of the Person or Persons required to make such Recompence and Satisfaction as aforesaid, together with the Costs and Charges of such Distress and Sale, rendering the Overplus (if any) on Demand, to the Owner or Owners of such Goods and Chattels.

XVI. And be it further enacted, That the Charges and Expences of obtaining and executing this Act, shall be paid in Proportion by the Proprietors of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, to whom any Allotment shall be made by virtue of this Act, (other than and except as herein-after mentioned), or by Sale of such Part or Parts of the said Lands and Grounds hereby directed to be divided, allotted, and inclosed, as the said Commissioners shall in their Judgement think most proper; and that in either of the Cases aforesaid the Money shall be raised or the Land sold, as the Case may be, in the Manner, and with, under, and subject to the Powers, Rules, Orders, and Regulations, respectively mentioned and directed in and by the said recited Act.

Expences of this Act, etc. how to be paid.

XVII. Provided always, and be it further enacted, That in case the Money arising by such Sale (if any) shall not be sufficient to defray all the Costs, Charges, and Expences aforesaid, then the Deficiency shall be made up by the several Persons interested in the said Lands and Grounds hereby directed to be divided, allotted, and inclosed, and shall be paid in such Shares and Proportions, within such Time, and to such Person or Persons as the said Commissioners shall direct, nominate, and appoint; and in case any Person herein-before made subject to the Payment of any Money towards such Charges and Expences as aforesaid, shall neglect or refuse to pay his or her Share or Proportion thereof within the Time to be appointed as aforesaid, or at any Time after upon Demand, the same shall and may be levied and recovered in the Manner directed by the said recited Act.

Deficiency, if any, to be made good by Proprietors.

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

Money advanced to be repaid with Interest.

XIX. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to apportion, divide, set out, and allot, the Residue and Remainder of the said Lands and Grounds hereby intended to be divided, allotted, and inclosed, unto and amongst the several Persons, who at the Time of making such Division and Inclosure shall be entitled to Lands, Property, or Right of Common, in, over, or upon the same, in Proportion and according to their respective Shares, Rights, Property, and Interests therein.

Allotment to Proprietors of Residue.

XX. Provided always, That it shall be lawful to and for the said Commissioners, at any Time before the Execution of their Award, to make any Alterations in the Allotments and Fences which they have set and ordered, or private Roads laid or to be laid over or to such Allot-

Commissioners may make any Alterations respecting Allotments and private Roads

before the Execution of the Award.

ments as they shall think right and expedient; and in case any Person or Persons shall be injured by such Alterations on Account of any Expences which he, she, or they may have been at, the said Commissioners shall ascertain and determine what Recompence shall be made to him, her, or them, and shall direct by whom and in what Manner such Recompence shall be made.

Cottages and Gardens on the Commons to be allotted to Lord *Moira* and Mr. *Boulton*.

XXI. And be it further enacted, That all Cottages, Tenements, and other Erections, now standing upon the Commons and Waste Grounds in the Township of *Whitwick* aforesaid, with the ancient Gardens enjoyed therewith, and also all the Scites of all ancient Cottages now dilapidated, together with the Gardens held therewith, shall be and are hereby vested in the said *Francis Earl of Moira*, as Lord of the Soil of *Whitwick* aforesaid, and the Lord of the Soil for the Time being for ever, and shall from henceforth be, and be deemed and taken to be as his and their entire Property, and be held and enjoyed by him and them accordingly; and that all Cottages, Tenements, and other Erections now standing upon the Commons and Waste Grounds in the Townships or Liberties of *Thringstone* and *Peggs Green* aforesaid, with the ancient Gardens enjoyed therewith, and also all the Scites of all ancient Cottages or Tenements now dilapidated, together with the Gardens enjoyed therewith, shall be and are hereby vested in the said *Joseph Boulton*, as Lord of the Soil of *Thringstone* and *Peggs Green* aforesaid, and the Lord of the Soil for the Time being for ever, and shall from henceforth be, and be deemed and taken to be as his and their entire Property, and be held and enjoyed by him and them accordingly.

Tythe Owners to be exempt from the Expence of obtaining and executing this Act, and of Ring-fencing their Allotments.

XXII. And be it further enacted, That the said *Sir George Howland Beaumont* and *Francis Harris*, in respect of the Allotment and Allotments herein-before directed to be respectively made to them in lieu of their said Tythes, shall not bear, pay, or discharge any of the Costs, Charges, and Expences attending the obtaining, passing, and executing this Act, and that the several Allotments to be set out and allotted to them respectively as herein-before directed, in lieu of their Tythes, shall be severally Ring-fenced, and fenced against any publick Carriage Roads adjoining the same, and at the Expence of the several Persons interested in the said intended Division and Inclosure, which Fences shall be made in a good and substantial Manner, and be planted with Quicksets, guarded with good Oak Posts, and a double Row of Oak, Ash, or Elm Rails, and with a sufficient Ditch on each Side thereof, together with proper Gates and Posts of Oak, in such Manner as the said Commissioners shall direct and appoint, without any Deduction or Deductions being made from such Allotments respectively on Account of the Expence of such fencing; and the said Fences, or such Part or Parts thereof as the said Commissioners shall by their Award direct, shall for ever after the making thereof be kept in Repair by the Person or Persons who for the Time being shall be entitled to such Allotment or Allotments, or the Occupiers thereof.

Proprietors not having sufficient Property in the Lands to be inclosed, to pay the Value of their Tythes in Money.

XXIII. And be it further enacted, That if any Person or Persons shall not be entitled to any or a sufficient Quantity of the Lands and Grounds intended to be divided and inclosed, whereby he, she, or they, may be enabled to make a Compensation for the Tythes of his, her, or their Estates within the said Townships or Liberties, such Deficiency shall be supplied

supplied by and out of the Allotments belonging to the other Proprietors, and such Person or Persons shall pay such Sum or Sums of Money as the said Commissioners shall judge reasonable, as an Equivalent for such Deficiency so made up as aforesaid; and such Sum or Sums of Money shall be applied towards the Expences of carrying this Act into Execution, and shall be recovered by Distress and Sale, in such Manner as such Part of the said Expences as may not be raised by the Sale of Lands is herein-before authorized to be recovered.

XXIV. And be it further enacted, That all Costs, Charges, and Expences attending the making of Exchanges or Partitions under and by virtue of the said recited Act, shall be borne and paid by the several Persons making such Exchanges or Partitions, in such Manner and in such Proportions as the said Commissioners shall by their Award order and direct; and the same shall and may, (in case of Nonpayment thereof), be recovered by Distress and Sale, in such Manner as the Expences of obtaining and executing this Act, are by the said recited Act directed to be recovered.

Expences of Exchanges how to be paid.

XXV. Provided always, and be it further enacted, That nothing in this or the said recited Act shall extend, or be construed, deemed, adjudged, or taken to revoke, make void, alter, or annul any Settlement, Deed, or Will, or to prejudice any Person or Persons having or claiming any Jointure, Dower, Rent, Service, Debt, Charge, or Incumbrance in, out of, upon, or affecting any of the Lands and Grounds to be divided and inclosed as aforesaid, or which shall be exchanged by virtue of this or of the said recited Act, or any Part or Parcel thereof, but that the several Lands, Grounds, and Estates, to be assigned and allotted, or given in Exchange by virtue of this or the said recited Act, shall, immediately after making such Allotments and Exchanges respectively, be, remain, and enure, and be held and enjoyed, and the several Persons to whom the same shall be adjudged and allotted, or given in Exchange, shall from thenceforth stand and be seized and possessed thereof respectively to such and the same Uses, and to and for such and the same Estates, and with and under such and the same Powers and Authorities, and subject to the same Wills, Limitations, Conditions, Settlements, Provisoos, Remainders, Reversions, Debts, Charges, and Incumbrances, as the several Messuages, Lands, Grounds, and Common Rights, in lieu or in respect whereof such Allotments and Exchanges shall be made, now stand limited and liable to in case this or the said recited Act had not been made.

Not to prejudice any Wills, &c.

XXVI. And be it further enacted, That it shall be lawful for the said Commissioners, upon the Application in Writing of any Proprietor or Proprietors of Messuages, Lands, Tenements, and Hereditaments within the said Townships or Liberties, now held and occupied by virtue of any Lease or Agreement for a Lease, for any Term or Number of Years unexpired, to annul and make void such Lease or Agreement, and by their Award to order and direct from what Time the Term or Terms therein shall cease and determine, the respective Proprietors of Messuages, Lands, Tenements, and Hereditaments, making such Satisfaction to their respective Lessee or Lessees as the said Commissioners shall think reasonable, and by their Award direct to be paid to them as a Compensation for such Lease or Agreement: Provided always, that if there shall

Leases to be void.

be

be any Lease of Lands, Part of which shall lie in the said Parish and Part in any adjoining Parish, all and every such Lease or Leases upon Rack Rent now subsisting may be vacated; but where any Land shall have been taken in Exchange, which Land shall be under Lease, and wholly situate in any adjoining Parish, the Lease of such last mentioned Lands shall not be vacated: Provided also, that nothing herein contained shall extend, or be construed to extend, to vacate or make void so much of a certain Lease granted by *Thomas Chapman* to *John Hood Chapman*, as relates to the several ancient Inclosures mentioned and described in such Lease.

Power for
Tenants for
Life to charge
by Deed or
Will.

XXVII. And be it further enacted, That it shall be lawful for any Tenant or Tenants for Life or Lives or in Tail, of any Allotment or Allotments to be made by virtue of this Act, or of any of the ancient or present inclosed Lands which shall be exonerated from Tythes by any Deed or Deeds in Writing, or by his, her, or their last Will and Testament, duly executed according to Law, to charge such Allotment or Allotments, and such ancient or present inclosed Lands respectively, with such Sum or Sums of Money as shall be appointed by the said Commissioners to be paid, and which shall have been paid accordingly by such Tenant or Tenants for Life or Lives or in Tail, for his, her, or their Share or Proportion of the Expences of obtaining, passing, and executing this Act, and of the Division and Inclosure to be made in pursuance hereof, so that the same do not exceed the Sum of Five Pounds for every Acre of such Allotment or Allotments, and present inclosed Lands as aforesaid, to be paid to such Person or Persons, and in such Manner, Share, and Proportion, as he, she, or they shall think fit, with Interest for the same, to commence from the Day of the Death of such Tenant or Tenants for Life or Lives or in Tail respectively; and every such Charge so to be made by any such Person or Persons as aforesaid, shall be good, valid, and effectual in the Law, for the Purposes thereby intended.

Commissioners to lay
Accounts before One or
more Justices, or before the
Recorder of
Leicester, to be
balanced.

XXVIII. And be it further enacted, That Once at least in each and every Year during the Execution of this Act, such Year to be computed from the Day of the passing thereof, the said Commissioners shall and they are hereby required to make a true and just Statement or Account of all Sums of Money by them received and expended, or due to them for their own Trouble and Expences in the Execution of this Act; and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by them laid before any One or more of His Majesty's Justices of the Peace for the said County of *Leicester*, or the Recorder for the Time being of the Borough of *Leicester*, to be examined and balanced, and such Balance shall be by such Justice or Justices or such Recorder stated in the Book of Accounts, to be kept in the Office of the Clerk or Clerks to the said Commissioners; and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall be duly allowed by such Justice or Justices, or such Recorder.

Proprietors
and Agents to
pay their own
Expences.

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

XXX. And

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

XXXI. And be it further enacted, That the said Commissioners shall and may, and they are hereby authorized and required to make a separate Award, under their Hands and Seals, of all and every the Allotments to be made to the said Vicar and his Successors by virtue of this Act, and which shall also specify and set forth all and every the Money Payments directed to be paid to the said Vicar and his Successors by all and every Person and Persons, for and in lieu of the Small Tythes and all Ecclesiastical Dues and Payments as aforesaid, and shall transmit the same to the Clerk of the Council of His Majesty's said Duchy of *Lancaster*, within Three Calendar Months next after the making and executing of the General Award of the said Commissioners, to be by him filed and recorded as Evidence amongst the Records of His Majesty's said Duchy; and the said Commissioners and Clerk of the Council of the said Duchy, or his Deputy, are hereby authorized and required, upon the Request and at the Costs and Charges of any Person or Persons interested in the said Division and Inclosure, to cause a true Copy or Copies of the Whole, or so much of the Award and separate Award as relates to the Allotment or Allotments, or Interest of the Party or Parties requesting the same, to be made or delivered to him or them; and such Copy or Copies being certified under the Hand or Hands of the said Commissioners, Clerk of the Council, or his Deputy, or any of them, shall be admitted in all Courts whatsoever as legal Evidence concerning the Matters and Things therein contained. Separate Award to be made.

XXXII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this or the said recited Act, then and in every such Case, (except as to such Claims, Matters, and Things, as are herein-before directed or authorized to be tried, settled, or determined by the Verdict of a Jury, or where any of the Clauses or Provisions of the said recited Act or of this Act shall express that the same shall be final and conclusive), such Person or Persons may appeal to the General Quarter Sessions of the Peace which shall be held in and for the said County of *Leicester*, within Three Calendar Months next after the Cause of Complaint shall have arisen; and the Justices at such Sessions are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein, and to award such Costs as they shall think reasonable, and by their Order or Warrant to levy the Costs which shall be awarded by Distress and Sale of the Goods and Chattels of the Party and Parties liable to pay the same, returning the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of every such Distress and Sale; and such Determination of the said Justices shall be final and conclusive upon all Parties concerned, and shall not be removed or removeable by *Certiorari*, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere. Appeal.

Reservation of
the Minerals
under the
Commons to
the Lords of
the Soil.

XXXIII. And whereas the said *Francis Rawdon Hastings* Earl of *Moira* and *Joseph Boulbee* are entitled to all Mines and Beds of Coal, and Iron, Lime, and other Stone, and other Minerals within and under all the before-mentioned Commons and Waste-Grounds, according to their respective Interests therein; be it therefore enacted, That it shall be lawful for the said *Francis* Earl of *Moira* and *Joseph Boulbee*, their Heirs and Assigns, according to such their respective Rights, Estates, and Interests as aforesaid, from Time to Time and at all Times hereafter, to have, hold, and enjoy the said Mines and Beds of Coal, and Iron, Lime, and other Stone and Minerals, and the Rents, Issues, and Profits thereof, to receive and take to and for their own Use, and to dig, get, and work the same, and to cut, sink, dig, and make Pits, drive Soughs, and erect Engines and other Machines, Buildings, and Kilns, and to plumb, dial, level, and bore, and do all such Work in and upon such Part or Parts of the said Commons and Waste Grounds, for getting, working, and draining such Mines and Minerals as they respectively shall think proper, doing as little Damage as possible, and to have and use convenient and necessary Places upon the Allotments or Parcels of the said Commons and Waste Grounds for the laying of such Coal and Iron, Lime, and other Stone, and Minerals, and of all Soil and Rubbish to be dug and gotten, by setting, sinking, making, and digging such Pits, driving such Soughs, erecting such Engines, and doing such other Work as aforesaid, and also free Way and Passage, from Time to Time and at all Times hereafter, into, through, and over the said Allotments of the said Commons and Waste Grounds, or any Part thereof, (committing no wilful Waste or Spoil), for the said *Francis Rawdon Hastings* Earl of *Moira* and *Joseph Boulbee*, their Heirs and Assigns, respectively, and their or any of their Lessees, Tenants, Agents, and Workmen, in the most convenient Directions to and from all or any of the said Works, to any publick Cut, Canal, or Railway, which now is or hereafter may be made, or to the most convenient publick or awarded private Roads, with or without Wains, Waggons, Carts, Carriages, and Horses, for the Purpose of taking and carrying away necessary and proper Materials, Engines, Machines, or other Articles or Things, to and from all Mines and Soughs in the said Commons and Waste Grounds, and for working and carrying on the same, and also for the Purpose of fetching, taking, and carrying away all such Coal, Iron, Lime, and other Stone, and Minerals to be dug and gotten in the said Commons and Waste Grounds, the Person or Persons who for the Time being shall be Owner or Owners, Occupier or Occupiers of the Ground wherein such Pits or Soughs shall be so made, driven, or worked, or such Engines or Machines erected, or such Coal and Iron, Lime, and other Stone or Rubbish laid, or such Ways or Passages made and used, having full and adequate Satisfaction made to him, her, or them, upon Demand for the Damage from Time to Time to be done therein.

Power for
Mr. Boulbee
to use Engines
&c. for drain-
ing, &c.

XXXIV. And be it further enacted, That it shall be lawful for the said *Joseph Boulbee* his Heirs and Assigns, and his Lessees, Tenants, Agents, and Workmen, when he or they shall have so gotten and taken the Whole or any Part of the Coal, Iron, Lime, and other Stone and Minerals from within and under the before-mentioned Commons and Waste Grounds in *Thringstone* and *Peggs Green* aforesaid, at all Times thereafter to continue to use and employ the Engines, Machines, and Buildings which may have been erected under the Powers herein-before reserved and contained, for the

the Purpose of draining any Mines and Minerals lying within and under any Lands and Grounds adjacent to such Commons and Waste Grounds, or which can or may be drained or affected by such Engines and Machines, and also to have free Way and Passage with or without Wains, Waggon, Carts, Carriages, and Horses to and from such Engines, Machines, and Buildings, for the Purpose of carrying Coal, Bricks, Timber, and other Materials for the Use of the same, in, through, and over such Roads or Ways as shall have been previously made thereto respectively, the Person or Persons who for the Time being shall be Owner or Owners, Occupier or Occupiers of the Ground wherein such Engine or Engines, Machines or Buildings shall then be standing, or such Ways or Passages used, having full and adequate Satisfaction made to him, her, or them, by the said *Joseph Boulbee*, his Heirs and Assigns respectively, while such Engines and Machines shall be employed in draining such adjacent or other Lands and Grounds only, for the Damage from Time to Time to be done therein.

XXXV. Provided also, and be it enacted, That if *Sir George Howland Beaumont* and *Francis Harris*, or any Person or Persons shall suffer or sustain any Loss, Injury, or Damage in his, her, or their respective Allotments, by the sinking, searching for, winding or working any Mines of Coal or other Mines therein, or the laying or repairing Waggon Ways or other Ways, or by sending or carrying away the Coals or Minerals to be gotten thereout, or making Drifts, Levels, Soughs, or Watercourses, erecting or using Fire or other Engines, Pit Room, or other the Liberties and Powers hereby given and reserved to the said *Francis Earl of Moira* and *Joseph Boulbee* respectively, and their Heirs and Assigns, for the Purpose of getting, taking, and carrying away the Coal, Iron, Lime, and other Stone and Minerals, within and under the said Commons and Waste Grounds respectively, then and in such Case full and ample Satisfaction for all such Damages, Spoil of Ground, and other Losses or Injuries to be occasioned thereby, shall be made to the Person or Persons who shall be in the Possession of such Ground or Allotment at the Time of doing or occasioning such Damage, Spoil, Loss, or Injury.

Satisfaction to be made for Damages in getting Minerals.

XXXVI. And be it further enacted, That it shall and may be lawful to and for the said *Sir George Howland Beaumont*, *John Raper*, *Thomas Fenton*, and *Edward Dawson*, and all and every other Proprietor and Proprietor of, or Person and Persons entitled to the several Lands and Grounds in the said Common and Open Fields within the Township of *Whitwick* aforesaid, and their respective Heirs and Assigns, and they are hereby respectively fully authorized and empowered from Time to Time, and at all Times hereafter, notwithstanding the Partition or Division of the Surface in pursuance of this Act, to have, hold, and enjoy all Mines and Beds of Coal and Sleek, within or under, or which may be had or gotten from or out of the respective Lands and Grounds which at or immediately before the passing of this Act do or did belong to them respectively, as well in the same Common and Open Fields, as in the inclosed Grounds within the said Township of *Whitwick*, and the Rents, Issues, and Profits thereof, to receive and take to and for their own Use respectively, according to their several Estates and Interests therein and thereto, or in or to the Allotments to be made in lieu or in respect thereof, and to dig, get, and work the same, and to cut, sink, dig, and make Pits, drive Soughs, and

and erect Engines and other Machines and Buildings, and to plumb, dial, level, and bore, and do all such Work in and upon their said respective Lands and Grounds now Part of the same Open and Common Fields, for getting, working, and draining such Mines and Beds of Coal and Sleek as they respectively shall think proper, and to have and use convenient and necessary Places upon such their respective Lands and Grounds, (notwithstanding the same shall or may be allotted or awarded to any other Person or Persons), for the laying such Coal and Sleek, and of all Soil and Rubbish to be dug and gotten by setting, sinking, making, and digging such Pits, driving such Soughs, erecting such Engines, and doing such other Work as aforesaid, and also Free Way and Passage, from Time to Time, and at all Times hereafter, into, through, and over the same respective Lands and Grounds, or any Part thereof, for the said Sir *George Howland Beaumont*, *John Raper*, *Thomas Penton*, and *Edward Dawson*, and all and every such other Proprietor or Proprietors, or Person or Persons as aforesaid, their Heirs and Assigns respectively, and their or any of their Lessees, Tenants, Agents, and Workmen, and for all other Persons whomsoever, in the most convenient Directions to and from all or any of the said Coal Pits and Works, to any publick Cut, Canal, or Railway, which now is or hereafter may be made, or to the most convenient publick or awarded private Roads, with or without Wains, Waggon's, Carts, Carriages, and Horses for the Purpose of taking and carrying away necessary and proper Materials, Engines, Machines, or other Articles or Things to and from all Mines and Soughs in the said several Lands and Grounds, and for working and carrying on the same, and also for the Purpose of fetching, taking, and carrying away all such Coals and Sleek to be dug and gotten therein or therefrom respectively; the Person or Persons who for the Time being shall be Owner or Owners, Occupier or Occupiers of the Allotment or Allotments, and Grounds within or under which the said Coal and Sleek shall or may be got, having full and adequate Compensation made to him or them upon Demand, as herein-after directed, for the Damage from Time to Time to be done thereon or thereto, (exclusive of such Coal and Sleek); and the said Commissioners shall cause the present Lands and Grounds of the said respective Owners or Proprietors of the same Open and Common Fields to be described or delineated in their said Award, or in and by a Plan or Map to be annexed thereto, for the Purpose of ascertaining the same in future; any Thing herein contained to the contrary thereof notwithstanding.

Satisfaction to be made for Damages in digging for Coal.

XXXVII. Provided also, and be it further enacted, That if any Person or Persons shall suffer or sustain any Loss, Injury, or Damage in his, her, or their respective Allotments to be made in pursuance hereof, for or by Reason of the getting or working any Mines or Beds, or Pits of Coal or Sleek as aforesaid, then and in every such Case, full and ample Compensation for all such Damages, Spoil of Ground, and other Losses or Injuries to be occasioned thereby, shall be made to the Person or Persons who shall be in the Possession of such Allotment or Allotments at the Time of doing or occasioning such Damage, Spoil, or Injury (other than and exclusive of the said Coal and Sleek, and the Value thereof); and such Compensation shall be paid to him, her, or them by the Person or Persons who shall occasion such Damage, Spoil, or Injury, by getting such Mines or Beds or Pits of Coal and Sleek as aforesaid.

XXXVIII. Provided

XXXVIII. Provided always, and be it further enacted, That no Part or Parts of *Charnwood Forest* otherwise *Charley Chase*, shall, by virtue of this Act, be allotted or inclosed, and nothing herein contained shall prejudice, lessen, or defeat the Right, Title, or Interest of the said *Francis Rawdon Hastings* Earl of *Moira* and *Joseph Boulbee*, as Lords of the Soil as aforesaid, or the Person or Persons who shall for the Time being be entitled to the same, of, in, and to the Soil and Minerals, Rights of Common, or other Right, Royalties, Privileges, or Properties, in, over, and upon the same, or of the said *Sir George Howard Beaumont*, as Improprator as aforesaid, or of the said *Francis Harris* and his Successors, Vicars as aforesaid, or of the said *John Raper* and *Thomas Penton*, *Edward Dawson*, *Henry Cropper*, *Thomas Chapman*, *John Bonnet*, *John Piddocke*, or any other Person taking Benefit by this Act, or by the Inclosure hereby intended, or of any other Person whomsoever, having Right of Common, or any other Right or Interest in the said Forest of *Charnwood* otherwise *Charley Chase*, but that their, each and every of their Rights, Properties, and Interests therein and thereupon, shall remain, continue, and be as fully and effectually, to all Intents and Purposes, and in all Respects, as if this Act had not been made; and neither this Act, nor any Thing herein contained, shall alter or vary any Right, Tythes, Property, or Interest whatsoever, in, over, or upon the said Forest of *Charnwood* otherwise *Charley Chase*, but the same shall remain in every Respect as if this Act had not been made.

Nothing in this Act to affect *Charnwood Forest*.

XXXIX. Provided always, and be it further enacted, That this Act shall not, nor shall any Thing herein contained prejudice the Right or Title of the said *Francis Rawdon Hastings* Earl of *Moira*, and *Joseph Boulbee*, to the respective Manors aforesaid, or to the Seigniories, Royalties, Game, Fisheries, Rights, Customs, and Services incident or belonging to the said Manors; but that it shall and may be lawful to and for the said Earl of *Moira* and *Joseph Boulbee* respectively, and their respective Heirs and Assigns, as Lords of the said Manors, at all Times hereafter to have, hold, enjoy, receive, and take all Courts and Profits of Courts, Rents, Services, Fines, Chief Rents, or Quit Rents, Royalties, and Privileges, incident and belonging to the said Manors respectively, and take, kill, and destroy, at his and their free Will and Pleasure, all Manner of Game upon any Lands and Grounds within the said Manors, to and for his and their own Use; this Act, or any Thing herein-before contained to the contrary thereof in anywise notwithstanding.

Saving to the Lords of the Manors.

XL. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person or Persons, Body or Bodies Politick, Corporate, or Collegiate, his, her, and their Heirs, Successors, Executors, and Administrators, (except the several Persons to whom any Allotment or Allotments shall be made in pursuance of this Act, for and in respect of such Rights and Interests as are hereby meant and intended to be barred, destroyed, and extinguished, and all Persons respectively claiming under them or in Remainder after them), all such Right, Title, and Interest, as they, every or any of them, could or ought to have had and enjoyed, in, to, or out of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, in case this Act had not been made.

General Saving.

[Loc. & Per.]

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XLI. And

Publick Act.

XLI. And be it further enacted, That this Act shall be printed by the Printer to the King's most Excellent Majesty; and when so printed may be given in Evidence in all Courts of Justice, and before all Judges and Justices whomsoever, who shall take judicial Notice thereof, in like Manner as if the same had been declared to be a publick Act.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1803.