



ANNO QUADRAGESIMO TERTIO

GEORGI II. REGIS.

Cap. 42.

An Act for dividing, allotting, and inclosing the Open and Common Fields, Ings, Meadows, Stinted Pastures, Moors, Commons, Wastes, and other uninclosed Lands and Grounds within the Township of *Stowe*, and the Hamlets of *Sturton* and *Bransby*, in the Parish of *Stowe*, in the County of *Lincoln*.

[17th May 1803.]

WHEREAS there are within the Township of *Stowe*, and Hamlets of *Sturton* and *Bransby*, in the Parish of *Stowe*, in the County of *Lincoln*, divers Open and Common Fields, Ings, Meadows, Stinted Pastures, Moors, Commons, Wastes, and other uninclosed Lands and Grounds, which are distinguished by several Names, and which contain together Two thousand Acres or thereabouts: And whereas Sir *Wharton Amcotts* Baronet, is Lord of the Manor of *Stowe*, and as such is interested in the Soil of such Parts of the said Commons and Waste Grounds as are not private or separate Property: And whereas the Right Reverend the Lord Bishop of *Lincoln*, in Right of his See, is Patron of the Vicarage of *Gainsburgh*, in the said County of *Lincoln*; and *David Henry Urquhart* Clerk, Master of Arts, is Vicar of the Vicarage of *Gainsburgh* aforesaid, and as such Vicar is Prebendary of the Prebend

[*Loc. & Per.*]

of *Stowe* and *Corringham*, founded in the Cathedral Church of the Blessed Virgin *Mary*, of *Lincoln*, and Impropiator of Part of the Rectory of *Stowe* aforesaid: And whereas *Benjamin Bromhead*, *James Bromhead*, and *John Bromhead* Esquires, and *Edward Bromhead* Clerk, are Lessees thereof for Three Lives, by virtue of a Lease thereof granted to them by the Vicar of *Gainsburgh* for the Time being; and the said *David Henry Urqubart*, and the said *Benjamin Bromhead*, *James Bromhead*, *John Bromhead*, and *Edward Bromhead*, as his Lessees, are entitled to certain Great and Small Tythes, and to certain Moduses, Compositions, or other Money Payments arising and renewing from certain Parts of the Lands and Grounds within the said Parish of *Stowe*; and *Philip Williams* Clerk is Prebendary of the Prebend of *Stowe*, in the said Cathedral Church, and Impropiator of other Parts of the said Rectory; and *John Fardell* Gentleman, is Lessee thereof for Three Lives, by virtue of a Lease thereof granted unto him by the said Prebendary of *Stowe*; and the said Prebendary and the said *John Fardell*, as his Lessee, are entitled to certain Great and Small Tythes, and also to certain Moduses, Compositions, or other Money Payments, arising and renewing from certain Parts of the Lands and Grounds within the said Parish of *Stowe*: And whereas *Trotman Coats* Clerk, is Curate of the perpetual Curacy of *Stowe* aforesaid, and as such is entitled to the Surplice Fees which belong to the said Curacy, and also to a certain annual Stipend, paid by the Impropiators of the said Rectory, but is not entitled to or interested in the Tythes, Moduses, Compositions, or Money Payments, arising from any Part of the said Lands and Grounds: And whereas the Right Honourable Sir *William Fawcett* Knight of the most Honourable Order of the Bath, *John Kirkby* Clerk, *Robert Vyner*, *Hugh Bateman*, *William Hutton*, and *William Mason*, Esquires; *Elizabeth Raby*, and *Mary Hutton*, Widows; *Ann Metcalfe*, and *Sarah Martindale*, Spinsters; *William Booth*, *Ralph Walker*, *Samuel Slater*, *Charles Greenfield* the younger, *William Widdowson*, and *John Throop*, Gentlemen, and divers other Persons respectively, are Owners and Proprietors of divers Messuages, Cottages, Tofts, Toftsteads, Lands, and Tenements, and are respectively entitled to Gates of Stinted Pasture, Rights of Common, and other Interests upon the said Stinted Pastures, Moors, Commons, and Waste Grounds, and are also Owners and Proprietors of all the said Open Arable Fields, ancient Inclosures, and Meadows within the said Township and Hamlets, in different Proportions: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty King *George* the Third, intituled, *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure; and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas the Lands and Grounds of the respective Proprietors in the said Open Fields, Ings, Meadows, Stinted Pastures, Moors, Commons, Wastes, and other uninclosed Lands and Grounds lie very much intermixed and dispersed in small Parcels, and are very inconveniently situated for the Occupation thereof, and are therefore incapable of any considerable Improvement; and it would be of great Advantage to all Persons interested therein, if all the said Open Fields, Ings, Meadows, Stinted Pastures, Moors, Commons, Wastes, and other uninclosed Lands and Grounds were divided and inclosed, and specifick Parts thereof allotted to the several Persons interested therein, in proportion to their respective Property, Gates, Rights, and other Interests in the same; but such Division, Allotment, and Inclosure cannot effectually
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be carried into Execution 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 Hopkinson* of *Willingham*, in the said County of *Lincoln*, and *Benjamin Codd* of *Glentworth*, in the same County, Gentlemen, 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 the said Open Fields, Ings, Meadows, Stinted Pastures, Moors, Commons, Wastes, and other uninclosed Lands and Grounds within the said Township of *Stowe*, and the said Hamlets of *Sturton* and *Bransby*, in the said Parish of *Stowe*, and for putting the Purposes of the said recited Act and this Act into Execution, in the Manner and subject to the Provisions herein-after contained, and also subject to the Powers and Provisions of the said recited Act, except where the same are hereby varied or altered.

Commis-
sioners.

II. Provided always, and be it further enacted, That whenever the said Commissioners shall differ or disagree in Opinion, touching or concerning any Matter or Thing to be by them done and performed in pursuance and by virtue of this Act or the said recited Act, then and in every such Case the said Commissioners or either of them shall, within Ten Days after such Difference or Disagreement in Opinion shall arise, give Notice in Writing to *William Whitelock* of *Brotherton*, in the County of *York*, Gentleman, or his Successor to be elected in Manner herein-after mentioned, who shall be and is hereby appointed a Special Commissioner, for settling and determining such Difference or Disagreement between the said Commissioners, and the Determination of such Special Commissioner in the Premises shall be binding and conclusive unto and upon all Parties: Provided also, that no Person shall be capable of acting as a Special Commissioner in the Execution of the Powers given by this Act or the said recited Act, until he shall have taken and subscribed the Oath directed by the said recited Act to be taken by Commissioners for executing Acts of Inclosure, which Oath it shall be lawful for the said Commissioners or either of them to administer; and the said Oath so taken and subscribed by such Special Commissioner shall be annexed to and inrolled with the Award of the said Commissioners.

Special Com-
missioners to
be appointed
in case of
Difference.

Special Com-
missioner to
take an Oath.

III. 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 and Trouble, the Sum of Two Pounds and Two Shillings and no more, for each Day he shall be employed in travelling to, returning from, and attending in the Execution of this or the said recited Act; and that the said Commissioners shall defray their travelling Expences, and also their own Expences at all Meetings to be held in pursuance of this Act.

Commis-
sioners Allowance.

IV. And be it further enacted, That if the said *John Hopkinson* or any succeeding Commissioner to be appointed in his Stead as herein-after mentioned, shall die, refuse, or become incapable to act, it shall be law-
ful

How new
Commis-
sioners shall be
chosen.

ful for the Proprietors of the Lands and Grounds within the Township of *Stowe* aforesaid, hereby intended to be divided, allotted, and inclosed, or the major Part of them in Value, from Time to Time at any Meeting to be held for that Purpose, within Two Calendar Months next after such Death, Refusal, or Incapacity as aforesaid shall happen, (Ten Days Notice being first given of such Meeting by the surviving or remaining Commissioner, before the same shall be held, by Writing to be affixed on the principal outer Door of the Parish Church of *Stowe* aforesaid) by any Writing under their Hands, to elect and appoint One other Commissioner in the room of every such Commissioner who shall so die, refuse, or become incapable to act as aforesaid; and in case the said *Benjamin Codd*, or any succeeding Commissioner to be appointed in his Stead, shall die, refuse, or become incapable to act, it shall be lawful for the Proprietors of the Lands and Grounds within the Hamlets of *Sturton* and *Bransby* aforesaid, hereby intended to be divided, allotted, and inclosed, or the major Part of them in Value, from Time to Time at any Meeting to be held for that Purpose, within Two Calendar Months after such Death, Refusal, or Incapacity shall happen (Ten Days Notice being first given of such Meeting by the surviving or remaining Commissioner, before the same shall be held, in Manner aforesaid), by any Writing under their Hands, to elect and appoint One other Commissioner in the room of every such Commissioner who shall so die, refuse, or become incapable to act as aforesaid; and in case the said *William Whitelock*, or any succeeding Special Commissioner to be appointed in his Stead, shall die, refuse, or become incapable to act as aforesaid, it shall be lawful for the Proprietors of all the Lands and Grounds, as well in the said Township of *Stowe* as in the said Hamlets of *Sturton* and *Bransby*, hereby intended to be divided, allotted, and inclosed, or the major Part of them in Value, from Time to Time at any Meeting to be held for that Purpose, within Two Calendar Months next after such Death, Refusal, or Incapacity as aforesaid shall happen (Ten Days Notice being first given of such Meeting by the said Commissioners or their Successors as aforesaid, before the same shall be held in Manner aforesaid) by any Writing under their Hands, to elect and appoint One other Special Commissioner in the room of every such Special Commissioner who shall so die, refuse, or become incapable to act; which several Writings and Elections the said Parties are hereby severally required to make and execute, and the same shall be annexed to and inrolled with the said Award; 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 any such Death, Refusal, or Incapacity to act as aforesaid, (the same having been made known and signified to them as aforesaid), then the surviving or remaining Commissioners or Commissioner shall and they are 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 Commissioners or Commissioner by them respectively as aforesaid, to appoint One other Commissioner not interested in the said Division, Allotment, and Inclosure, in the Place and Stead of such Commissioner or Special Commissioner dying, refusing, or becoming incapable to act as aforesaid; and every such Person and Persons when so elected and appointed shall have the same Power and Authority for putting this and the said

faid recited Act in Execution as the Commissioners or Special Commissioner to whose Place he or they shall so succeed was or were vested with.

V. And be it further enacted, That *Joseph Thackray*, of *Gainsburgh* aforesaid, Land Surveyor, shall be, and he is hereby appointed Surveyor for executing the several Powers and Authorities of this Act, and shall be and is hereby vested with the like Powers and Authorities as are vested or intended to be vested in any Person to be appointed Surveyor by virtue of the said recited Act; and in case of his Death, Neglect, Refusal, or Disability to act, then such other Person, not being interested in the said Division, Allotment, and Inclosure, as the said Commissioners shall direct and appoint to act in his Place and Stead, shall be the Surveyor for the Purposes of this Act, such Appointment to be reduced into Writing and signed by the Commissioners making the same, and to be inrolled with the Award of the said Commissioners.

Appointment
of Surveyor.

VI. And be it further enacted; That the said Commissioners shall, and they are hereby required, to cause publick Notice to be given in the Parish Church of *Stowe* aforesaid, upon some *Sunday* immediately after Divine Service, or by Writing under their Hands, to be affixed on the most publick outer Door of the said Parish Church, and also by Advertisement to be inserted in the Newspaper called *The Lincoln, Rutland, and Stamford Mercury*, or some other Newspaper circulating in the County of *Lincoln*, of the Time and Place of their First and every subsequent Meeting for the Execution of this or the said recited Act, Ten Days at least before any such Meeting shall be holden (Meetings by Adjournment only excepted); and if at any Meeting appointed to be holden by the said Commissioners as aforesaid, only One of the said Commissioners shall attend, the Commissioner so attending may adjourn such Meeting to such Time not exceeding Ten Days from the Time of Adjournment, and to such Place as shall be by him deemed most convenient, giving Notice thereof in Writing to the absent Commissioner.

Commissioners
to give Notice
of Meetings.

Power for One
Commissioner
to adjourn
Meetings.

VII. Provided always, and be it enacted, That all other Notices necessary or requisite to be made and given by the said Commissioners shall be so made and given by Writing, to be affixed on One of the most publick outer Doors of the said Parish Church of *Stowe*, or by Advertisement in the said *Lincoln, Rutland, and Stamford Mercury*, or some other Newspaper circulating in the said County of *Lincoln*.

Other Notices
how to be
given.

VIII. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said Division and Inclosure, or any of them touching or concerning the Right of the Soil of the said Stinted Pastures, Moors, Commons, and Waste Grounds, or any Part or Parts thereof, or touching or concerning the respective Shares, Rights, and Interests, which they or any of them shall have, or claim to have in the same, or touching or concerning any other Matter or Thing relating to the said Division, Allotment, and Inclosure, it shall be lawful for the said Commissioners, and they are hereby authorized and required to examine into, hear, and determine the same, and their Determination therein shall be binding and conclusive: Provided always, that nothing herein contained shall authorize the said

Commissioners
to determine upon
Claims.

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Commissioners

Commissioners to determine the Title to any Messuages, Cottages, Lands, or Hereditaments whatsoever.

Power to
assess Costs.

IX. And be it further enacted, That in case the said Commissioners shall upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of this 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 overruled; 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 under their Hands and Seals directed to any Person whomsoever, which Warrant they are hereby empowered to grant accordingly, 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 have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Allowing
Parties to try
their Rights
of Soil by an
Issue at Law.

X. Provided always, and be it enacted, That in case the said Sir *Wharton Amcotts*, or any other 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 the Right to the Soil of the said Stinted Pastures, Moors, Commons and Waste Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, it shall be lawful for the said Sir *Wharton Amcotts*, or 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 *Lincoln*, 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 such Determination of the said Commissioners; 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 and Rights thereby insisted on may be tried and determined, (such Issue and Issues to be settled by the proper Officer of the Court in which such 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, and order a new Trial to be had thereon, which it shall be lawful for the Court to do as is usual in other Cases; and that after such Verdict or Verdicts shall be

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; and the Costs of such Trial or Trials shall be paid by the Party or Parties against whom such Verdict or Verdicts shall be given: Provided always, that the Determination of the said Commissioners, touching such Claim or Claims to such Right of Soil in, over, or upon the said 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 and conclusive upon all Parties.

XI. 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.

XII. And be it further enacted, That as soon after the passing of this Act as conveniently may be, the said Commissioners shall by One or more Writing or Writings under their Hands, order and direct what Course of Husbandry shall be used in the said Lands and Grounds hereby directed to be divided, allotted, and inclosed, until the Time when they shall have made and compleated the said Division and Inclosure, as well with respect to the laying down, ploughing, sowing, fallowing, and tilling thereof, as to the stocking and eating of the Fallows or Stubbles, and shall and may in and by such Writing aforesaid, set and impose such Penalties on every Person not conforming to such Orders and Directions, and for doing or committing any Damage, Waste, or Detriment in or upon the said Lands and Grounds as they shall think reasonable, which Penalties shall be recovered and applied as herein-after mentioned; and all such Orders of the said Commissioners shall be binding and conclusive upon all Parties interested, their Farmers and Tenants.

Course of Husbandry.

XIII. And be it further enacted, That the Tenants or Occupiers of the Lands and Grounds within the said Township, Hamlets, and Parish intended to be divided, allotted, and inclosed, shall be allowed to sow, reap, and carry away the same Kinds of Corn or Grain, upon or from the same Number of Acres, and in, upon, and from the same Fields, Lands, and Grounds, as and for their following or Way-going Crops, without paying any Rent or making any Satisfaction or Compensation for the Standage thereof, as they would have been respectively entitled to if they had quit-
ted their Farms at the End of their respective Years therein, and this Act had not been made, except in such Cases where there are special Agreements to the contrary, provided that they shall have pursued the same Course of Husbandry with their Fallow and other Lands as has been the usual Custom in the said Fields; but in case they shall vary therefrom, or shall have sown such Land with Corn as ought in the due Course of Husbandry to have lain Fallow, the said Commissioners are hereby empowered to make such Charges upon their following Crops, to be paid before the same are taken off the Ground, as to them shall seem reasonable and proper; but nothing herein contained shall extend or be construed to extend to give any Tenant a Right to a following Crop, where he or she

Tenants to be allowed for following Crops, and Satisfaction to be made for the Standage thereof by the Owners of the Lands.

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was not entitled to the same before the passing of this Act: Provided nevertheless, and the said Commissioners are hereby authorized and empowered by some Writing or Writings under their Hands, to ascertain, order, and appoint what Recompence and Satisfaction in Money shall be paid by the Owner or Owners of such Lands and Grounds from which such following or Way-going Crops shall be reaped and carried away as aforesaid, for the Standage of such Crops, to the Person or Persons to whom such Lands and Grounds shall be allotted by virtue of this Act; but if in either of the said Cases such Charge, Recompence, and Satisfaction shall not be satisfied and paid 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 and 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) upon Demand to the Owner or Owners of such Goods and Chattels.

Old Swarth of
Ten Years
standing not to
be ploughed.

XIV. Provided always, and be it further enacted, That, from and after the passing of this Act, no old Swarth Ground, Parcel of the Lands and Grounds hereby directed to be divided, allotted, or inclosed, and which shall have not been ploughed or used in Tillage for the Space of Ten Years last past before the passing of this Act, shall be ploughed, broke up, or converted into Tillage until the making of such Division and Allotments thereof, and Notice given to enter upon such Allotment.

Respecting
Encroachments.

XV. And be it further enacted, That all Encroachments which at any Time within Twenty Years now last past have been made upon the said Lands and Grounds shall be deemed Part thereof, and shall be divided, allotted, and inclosed accordingly; and in case any Dispute or Difference shall arise touching any such Encroachments or the Extent thereof, such Dispute shall be finally determined by the said Commissioners.

Allotments
for Gravel,
&c. for re-
pairing Roads,
and for pub-
lick Water-
ing Places.

XVI. And be it further enacted, That the said Commissioners shall and they are hereby required, after making the Allotments for publick Roads directed by the said recited Act, in the next Place, to set out and appoint such One or more Piece or Pieces of Land or Ground within the said Township and Hamlets respectively, (being Part of the Lands and Grounds hereby intended to be divided, allotted, and inclosed), in such convenient Place or Places as they the said Commissioners shall adjudge proper and convenient, to be used for the Purpose of publick Watering Places for Cattle, and for getting Stone, Sand, Gravel, or other Materials for repairing the Highways and Roads to be set out, and made in, over, and upon the Lands and Grounds hereby intended to be divided, allotted, and inclosed, or any other ancient Roads within the said Township and Hamlets, for the Use of the Inhabitants of the said Township and Hamlets respectively, and shall also order and direct in what Manner the Herbage and Produce thereof shall be appropriated.

XVII. And

XVII. And be it further enacted, That after such intended Division and Inclosure, all the Grass and Herbage growing or renewing on any of the said Roads or Ways so to be set out in the said Township and Hamlets respectively, shall be and is hereby vested in the Surveyor or Surveyors of the Highways of the said Township and Hamlets respectively for the Time being, in Trust to let the same by publick Auction, and to apply and dispose of the Rents and Profits thereof for and towards the Reparation of the severall Highways within the said Township and Hamlets respectively; and such Surveyor and Surveyors shall account for the Rents and Profits thereof in the same Manner as he or they is or are accountable for other Money that shall come to his or their Hand or Hands as Surveyor or Surveyors of the Highways, and shall be subject and liable to the like Penalties for Neglect thereof.

Grass upon
Roads to be
vested in Sur-
veyors of
Highways.

XVIII. And be it further enacted, That it shall not be lawful for any Person or Persons whomsoever to graze or keep any Sort of Cattle whatsoever in or upon any of the Roads or Ways to be set out by virtue of this Act, which shall be made into Lanes, or fenced on either Side, for the Space of Ten Years next after the making and executing of the said Commissioners Award.

Roads not to
be stocked for
Ten Years.

XIX. And be it further enacted, That the said Commissioners shall in the next Place assign, set out, allot, and award, unto the said Sir *Wharton Amcotts*; as Lord of the said Manor, his Heirs or Assigns, such Part or Parts of the Residue of the said Commons and Waste Grounds as in the Judgement of the said Commissioners shall be equal in Value to One Sixteenth Part of all and every such Parcel and Parcels of the said Commons and Waste Grounds as shall not be private or separate Property, and the Soil of which the said Sir *Wharton Amcotts* is entitled to or interested in as Lord of the said Manor of *Stowe*, in lieu of and as a Compensation for all the Right and Interest of him the said Sir *Wharton Amcotts*, his Heirs or Assigns, in and to the Soil of the said Commons and Waste Grounds by this Act directed to be divided and inclosed.

Allotment for
Right of Soil.

XX. And be it further enacted, That the said Commissioners shall and they are hereby required and empowered after the severall Allotments herein-before and by the said recited Act directed shall have been made, to assign, allot, set out, and divide all the Residue and Remainder of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, unto and amongst the severall Owners and Proprietors thereof, according and in Proportion to their severall and respective Rights and Interests therein, in lieu of and as a full Recompence and Satisfaction for all the Right of Common and Pasturage, and other Shares, Rights, and Interests whatsoever, of the said severall Owners and Proprietors in and upon the said Lands and Grounds respectively.

Allotment of
the Residue.

XXI. 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 awarded, allotted, and 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, they the said Commissioners shall give Notice

Objections to
Allotments to
be determined
by the Com-
missioners.

in Manner 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 in regard that ſome Perſon or 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 ſaid Award.

Allotments in
Trust.

XXII. And be it further enacted, That the ſaid Commiſſioners ſhall and may ſet out and allot unto and for the Churchwarden and Churchwardens of the Pariſh of *Stowe*, and their Succeſſors for the Time being reſpectively, and to the Overſeers of the Poor of the ſaid Township of *Stowe*, or Hamlets of *Sturton* and *Bransby*, and their Succeſſors for the Time being reſpectively, who are hereby reſpectively enabled to take, hold, and enjoy the ſame in Succeſſion, according to their ſeveral and reſpective Rights, Interests, Eſtates, and Property in the ſaid Township and Hamlets, and unto and for ſuch other Perſon or Perſons reſpectively who 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, allotted, 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 Hereditaments and Premiſes, and other Property 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 Township or Hamlets, by the Bounty of Her late Maſteſty Queen *Anne*, ſuch Parcel or Parcels of the ſaid Lands and Grounds as ſhall, in the Judgement of the ſaid Commiſſioners, be ſuch reſpective Perſon or Perſons Proportion or Proportions thereof, 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 reſpectively by the other Proprietors and Perſons intereſted in the ſaid Lands and Grounds by this Act intended to be divided and incloſed, which Parcel or Parcels of Land ſo to be ſet out and allotted as aforeſaid, the ſaid Churchwarden and Churchwardens, Overſeer and Overſeers, and their reſpective Succeſſors for the Time being, and ſuch other Perſon or Perſons, Purchaſer and Purchaſers as aforeſaid, are hereby empowered, by and with the Conſent and under and ſubject to the Directions of the ſaid Commiſſioners, to demife 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 divided amongſt the ſaid Proprietors ſo charged with ſuch Expences as aforeſaid.

XXIII. And

XXIII. And be it further enacted, That it shall and may be lawful for all and every Person and Persons interested in the said intended Division, Allotment, and Inclosure (except only the Person or Persons to whom any Allotments shall be made in Trust as aforesaid) at any Time before the Execution of the Award of the said Commissioners, to sell and dispose of all such Estate, Right, Title, and Property, which he, she, or they shall have into or upon the Lands and Grounds hereby intended to be divided, allotted, and inclosed, or in or to any Allotment or Allotments to be made by virtue of this Act, and to convey the same by Deed or Surrender according to the Tenure of the Estate or Interest in respect whereof such Allotment shall be made to the Purchaser thereof, separate from the Estate or other Interest, in right whereof he, she, or they is or are or shall be so entitled; and also to grant, surrender, mortgage, sell, and convey all or any of the Allotments which shall be set out and assigned to and for such Person and Persons respectively by virtue of this Act, though the said Award of the said Commissioners shall not then have been executed, subject nevertheless to all Settlements, Mortgages, Charges, and Incumbrances, affecting the Messuages, Cottages, Toststeads, Lands, Grounds, Estates, or Interests in respect whereof such Rights shall arise, or such Allotments shall be made.

Power for Proprietors to sell their Rights, &c.

XXIV. And be it further enacted, That the said several Parcels of Land and Allotments which shall have been set out and allotted by virtue of this Act shall be inclosed and fenced in such Manner, and within such Time or Times as the said Commissioners by any Writing under their Hands as aforesaid, or by their Award shall order and direct; and such Fences shall at all Times hereafter be repaired and maintained by such Person or Persons, and in such Manner, as the said Commissioners shall direct or appoint in or by any such Writing, or in or by their said Award.

For inclosing Proprietors Allotments.

XXV. And be it further enacted, That in case the several Proprietors of Estates within the said Parish of *Stowe*, or any of them respectively, shall, at any Time within Two Years next after the passing of this Act, be minded or desirous to exonerate the Whole or any Part of the Open and Common Fields, Ings, Meadows, Stinted Pastures, Moors, Commons, and Waste Grounds within the said Parish, from the Payment of Tythes, and shall enter into an Agreement with the said Tythe Owners, for that Purpose, but not otherwise, then and in such Case such Two Persons as the said Tythe Owners, by and with the Consent of the said Bishop of *Lincoln*, and the said *David Henry Urquhart* and *Philip Williams*, and their Successors respectively, and such Proprietor or Proprietors making the same respectively, by any Writing under their Hands, to be by them delivered to the said Commissioners within the Time before limited for making such Agreement, shall together nominate and appoint, shall be and are hereby appointed Arbitrators for exonerating, and it shall and may be lawful to and for such Arbitrators to exonerate the Whole or any Part of the said Open and Common Fields, Ings, Meadows, Stinted Pastures, Commons, and Waste Grounds, from the Payment of all Tythes both Great and Small, and from all Moduses, Compositions, or other Payments whatsoever, and in lieu thereof to allot Lands or fix and appoint annual Payments by way of Corn Rent or otherwise, to be charged upon the Estates of the respective Proprietors, as such Proprietors and the said Tythe Owners shall agree; and within Two Calendar Months next before the Time to be appointed by the said Commissioners for

Lands to be exonerated from Tythes, etc.

for executing their Award, of which Three Calendar Months Notice shall be given and affixed on the Door of the Church of *Stowe* aforesaid, to form and draw up respective Awards or Instruments in Writing under the Hands and Seals of the said Arbitrators, whereby they shall set forth and fully describe the Lands to be allotted, or the annual Money Payments to be charged upon the Estates of the said Proprietors in lieu thereof to the said Tythe Owners; and in case the said respective Arbitrators shall not make and complete their said respective Awards, and deliver the same to the Commissioners within the Time before limited, then and in every Case such disinterested Person or Persons as shall be elected and appointed by the said Arbitrators respectively, by Writing under their Hands, for an Umpire (such Election and Appointment being made before the said Arbitrators respectively proceed in their Arbitrations), shall be and is hereby appointed Umpire for finally exonerating the same, and determining the several Matters and Things agreed to be referred to the said Arbitrators respectively in Manner aforesaid; and the said respective Umpire so to be elected and appointed as aforesaid shall within Two Calendar Months next after the Expiration of the Time herein-before limited for making and completing the said Arbitrators Award, have such and the like Power and Authority in every Respect and to every Intent and Purpose as is hereby vested in the said Arbitrators; and such Determinations or Awards of the said Arbitrators or Umpire respectively, made in Writing under their or his Hands and Seals or Hand and Seal respectively, shall be final and conclusive, and shall be delivered to the said Commissioners within the Times before respectively limited for the making thereof; and the said Commissioners shall and they are hereby authorized and required to comprise the respective Awards of the said Arbitrators, or their Umpire as aforesaid, in the Award to be made by the said Commissioners, and to make the same a Part or Parts thereof.

For nominating fresh Arbitrators and Umpires.

XXVI. And be it further enacted, That if the Persons so to be nominated Arbitrators or Umpires respectively as aforesaid, or any of them, shall die, refuse, or be disabled to act before the said Arbitration shall be perfected and completed, then and in every such Case, an Arbitrator or Arbitrators, or Umpire or Umpires, shall be nominated, appointed, or elected in the Place and Stead of any such Arbitrator or Umpire so dying, refusing, or being disabled to act as aforesaid, by the Person and Persons respectively who are hereby authorized and empowered to nominate, appoint, or elect the original Arbitrator and Umpire respectively, and within the respective Times, in like Manner, and under and subject to the like Limitations, Restrictions, and Directions; and such newly appointed Arbitrator or Arbitrators, Umpire or Umpires respectively shall act and be invested with the same Powers and Authorities as herein-before expressed with respect to the original Arbitrators and Umpire respectively.

Expences of the Exoneration to be paid by the Parties.

XXVII. Provided always, and be it enacted, That all Expences attending any such Exoneration, shall be paid by the Proprietors making such Agreements, at such Time and Times and in such Manner in all Respects, as the said respective Arbitrators or Umpires in or by their said Award, or by any Writing to be signed by them in the mean Time shall direct or appoint, by any Rate or Rates to be made by them for that Purpose; and that the Expences attending the comprising of the Award or Awards of the said Arbitrator or Arbitrators, Umpire or Umpires respectively

spectively in the Award of the said Commissioners shall be also paid by the said Proprietors respectively, at such Time and Times, and in such Manner as the said Commissioners in and by their said Award, or by any Writing to be signed by them in the mean Time, shall direct or appoint, by any Rate or Rates to be made by them for that Purpose, and that such several Rate and Rates, and Sum and Sums of Money, shall be paid to such Person and Persons, and at such Time and Place as the said respective Arbitrators and Umpire, and the said Commissioners shall in and by their said several Awards, or any other Writing to be by them respectively signed before the Execution of their said several Awards order and direct, with the same Powers for raising the same, and for the Recovery thereof in case of Non-payment, as in and by the said recited Act is given for raising and recovering the Expences of obtaining this Act, and carrying the same into Execution,

XXVIII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend in any wise to prejudice, lessen, or defeat the Right, Title, or Interest of the said respective Tythe Owners or their Successors, or of their, or any of their Lessee or Lessees, or of the Heirs, Executors, Administrators, or Assigns of any of them to any Great and Small Tythes, or to any Moduses, Compositions, or other Payments whatsoever, growing, arising, or renewing, or to grow, arise, or renew out of any Messuages, Lands, Tenements, or Hereditaments within the said Parish of *Stowe*, but that the same and every of them shall remain and be due and payable (except only such Messuages, Lands, Tenements or Hereditaments within the said Parish, which shall or may be exonerated and discharged from the Payment of Tythes by the Means herein-before provided), in the same Manner as the same was or were payable immediately before the passing of this Act, or would have been payable in case this Act had not been made; any Thing in this Act contained to the contrary notwithstanding.

Lands shall remain subject to the Payment of Tythes, &c

XXIX. And be it further enacted, That in all Cases where any of the Lands and Grounds by this Act intended to be divided, allotted, and inclosed shall adjoin on any Freeboard, Screed, or Parcel of Land left on the Outside of the Fences of any adjoining Parish, Township, or Place which shall run into any of the Lands and Grounds hereby intended to be divided, allotted, and inclosed, it shall be lawful for the said Commissioners, and they are hereby authorized and required to set out and allot unto the Owner or Owners of such Freeboard, Screed, or Parcel of Land, such Piece or Parcel of the Lands or Grounds hereby directed to be divided, allotted, and inclosed, as shall in their Judgement be equal in Value to such Freeboard, Screed, or Parcel of Land as aforesaid, and the Fence or Fences adjoining to such Freeboard, Screed, 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, Screed, or Parcel of Land respectively; and that the Allotment or Allotments so to be set out and allotted as aforesaid, in lieu of such Freeboard, Screed, and Parcel of Land, shall be deemed and taken to be as Part and Parcel of the Parish, Township, or Place to which such Freeboard, Screed,

Owners of Freeboards to have Allotments in lieu thereof

or Parcel of Land in lieu of which it shall be so allotted as aforesaid now belongs.

For extinguishing or suspending Gates of Common Rights and Interests before the Award.

XXX. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized at any Time or Times before the Execution of the said Award, by Notice in Writing under their Hands, to be affixed upon the principal outer Door of the Parish Church of *Stowe* aforesaid, to order and direct all or any Part of the Gates, Rights of Common, and other Interests in, over, or upon the said Ings, Meadows, Stinted Pastures, Moors, Commons, and Waste Grounds, or any Part thereof, to be extinguished, or the Exercise thereof to be suspended, for and during such Time as shall be expressed in such Writing; and that all such Gates, Rights, and Interests as the said Commissioners shall by such Writing order and direct to be extinguished, or the Exercise thereof to be suspended as aforesaid, shall from the Time of affixing such Writing on the said Church Door, cease, determine, and be extinguished, or the Exercise thereof be suspended accordingly; any Law, Usage, or Custom to the contrary thereof notwithstanding.

Tenants to give up allotted or exchanged Lands having Satisfaction for so doing.

XXXI. And be it further enacted, That all and every Tenant and Occupier from Year to Year, or under any Lease or Agreement for any Term of Years of any Open Field, Land, Gates of Common or Pasture, or Old Inclosures within the said Township and Hamlets respectively, which shall be allotted or exchanged by virtue of this Act, shall immediately upon the making and Publication of such Division and Inclosure as aforesaid, or at such other Time as the said Commissioners shall appoint by Writing under their Hands, give up and resign the full and peaceable Possession of such allotted or exchanged Lands, to the Person or Persons to or with whom the same shall be respectively allotted or exchanged, such respective Tenants and Occupiers of such allotted or exchanged Lands receiving from the said respective Owners and Proprietors thereof such Satisfaction as the said Commissioners shall ascertain, order, direct, or appoint to be paid to such Tenant or Tenants respectively on Account thereof, or as an Equivalent for the Loss or Losses he, she, or they shall respectively sustain thereby; and if the Money so to be ascertained as aforesaid shall not be paid to the Person or Persons entitled to receive the same within Fourteen Days after Demand made thereof, it shall be lawful for the said Commissioners and they are hereby required to raise and levy the same for the Use and Benefit of the Person or Persons entitled thereto, by such Ways and Means as the Costs, Charges, and Expences of obtaining and executing this Act, can or may be raised or recovered: Provided always, that if there shall be any Lease or Leases of Lands, Part of which shall lie in the Township, Hamlet, or Parish aforesaid, and Part in any adjoining Township or Parish, all and every such Lease or Leases upon Rack Rent now subsisting may and shall be vacated; but where any Land shall have been taken in Exchange, which Land shall be under Lease and wholly situate in an adjoining Township or Parish, the Lease of such last mentioned Land shall not be vacated.

Lands allotted to be of the same Tenure as Estates in

XXXII. And whereas the several Messuages or Tenements, Open and Common Fields, Ings, Meadows, Stinted Pastures, Moors, Commons, Waste

Waste Lands, Grounds, and Hereditaments, within the said Township of *Stowe*, and Hamlets of *Sturton* and *Branfby*, may consist of Freehold, Copyhold, and Leasehold Hereditaments respectively; be it therefore enacted, That all such Lands and Grounds as shall by virtue of this Act be divided, allotted, and inclosed to any of the said Proprietors, shall be held by such Proprietors respectively, under the same Tenures, Rents, Customs, and Services as the Lands 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 or enjoyed in case this Act had not been made; and the several Lands and Grounds which in the said Award shall be declared to have been allotted, in Right of Freehold Lands or Hereditaments, shall from the making and executing thereof be deemed Freehold Lands, and shall from thenceforth be held of the Lord of the Fee under the same Rents and by the same Services as the Freehold Property in lieu or in respect of which they were so allotted, was before that Time held; and the several Lands and Grounds which shall be therein declared to have been allotted, in lieu or in respect of Copyhold Property, shall be in like Manner deemed Copyhold or Customary, and shall be held of the Lord of the Manor of *Stowe* aforesaid under the same Rents, and by the same Customs, Duties, and Services as the Copyhold Lands or other Property in lieu or in respect of which they were so allotted, were or ought to have been held, and shall pass by the like Surrenders as the present Copyhold Lands, Hereditaments, and Premises, in respect whereof such Allotments shall be made, are now holden under and are liable to; and the Lands and Grounds which shall be therein declared to have been allotted, in lieu or in respect of Leasehold Lands, or other Leasehold Property, shall be in like Manner deemed Leasehold, and shall be held under the same Rents as the Lands or other Property in lieu or in respect whereof they were so respectively allotted, were held; and the Reversion thereof shall be vested in the same Lessors respectively, as the Reversion of such other Lands and Property was vested before the making of this Act; any Law, Custom, or Usage to the contrary notwithstanding.

XXXIII. And be it further enacted, That the said several Persons to whom any Allotments of Copyhold or Customary Lands shall be made, either originally, or in consequence of any such Exchanges as aforesaid, shall not on Account of such Allotments to be made by the said Commissioners Award, on the First Admittances in pursuance thereof, pay any Fine to the said Lord of the Manor for the same, provided that such Admittances be applied for within One Year next after the Execution of the said Award; and that the Copyhold Rents, or Grave Chief Rents, or Quit Rents, now and heretofore payable yearly by the Copyholders, shall never hereafter be increased in respect of the new allotted Estates; yet nevertheless the Fines hereafter to become due upon every future Death, Alienation, or Admittance shall be paid in respect of such Copyhold Estates so to be allotted by virtue of this Act, in like Manner and in the same Proportion as they have heretofore been paid for the ancient Copyhold Lands and Tenements within the said Manor.

XXXIV. Provided always, and be it enacted, That the Lands and Hereditaments which shall or may be exchanged by virtue of this or the said recited Act, shall be held in like Manner under and by virtue of the

Right of
which they
shall be allot-
ted.

No Fines on
first Admit-
tances to
Copyhold
Allotments.

Exchanged
Lands to
change Qua-
lities.

the same Tenures and Rents, and shall be thereafter deemed to be of the same Quality, whether Freehold, Copyhold, or Leasehold respectively, as the Lands and Hereditaments which shall be given and accepted in lieu thereof, were held or deemed immediately before the making every such Exchange respectively.

No Titles to
be affected by
this Act.

XXXV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed, deemed, adjudged, or taken to revoke, make void, annul, or any way affect any Grant, Assurance, Limitation of Use, Declaration of Trust, or any Deed, Surrender, Will, or Lease whatsoever, except with respect to such Leases, and so far only as herein mentioned, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Debt, Rent, Incumbrance, or other Claim or Demand out of, upon, or affecting any of the Lands, Tenements, Hereditaments, and Premises, in respect of which the said Lands and Grounds shall be allotted, or any Part thereof, or which shall be exchanged in pursuance of this or the said recited Act, but that the Lands and Grounds so to be allotted and exchanged, shall immediately after the making of 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 given in Exchange as aforesaid, shall from thenceforth stand and be seised and possessed thereof respectively, subject to the Charges to be made thereon by virtue of this Act, under and liable to the same Uses and Trusts, and to and for such and the same Estates and Interests, and subject to such and the same Wills and Leases (except only as before excepted) Powers, Provisoos, Limitations, Remainders, Charges, Tenures, Rents, Services, Incumbrances, and Demands, as the several Lands, Tenements, Hereditaments, and Premises, and other Property in respect whereof such Allotments 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.

Commissioners to widen
ancient
Ditches, &c.
and make
new ones.

XXXVI. And be it further enacted, That the said Commissioners shall and may scour out and widen all such ancient Brooks, Ditches, Drains, Watercourses, Tunnels, Sluices, and Bridges, and shall and may make, erect, set out, and appoint such new Ditches, Drains, Watercourses, Tunnels, Sluices, Gates, Banks, and Bridges, as well in, through, and over the Lands and Grounds hereby intended to be divided, allotted, and inclosed, as also in, over, and through any ancient inclosed Lands within the said Parish of *Stowe* (except Gardens, Orchards, and Homesteads) belonging to any Person or Persons whomsoever, (making such Satisfaction to the Proprietor or Proprietors of such ancient inclosed Lands for the Damage done thereto, as the said Commissioners in their Judgement and Opinion shall think reasonable) of such Depth and Breadth, and in such Directions, Manner, and Form, as they shall think proper; and the said Commissioners shall and may and they are hereby directed and required, in and by their said Award, to order and determine by whom, at whose Expence, at what Time, and in what Manner the said Brooks, Ditches, Drains, Watercourses, Tunnels, Sluices, Gates, Banks, and Bridges shall be made, and afterwards cleansed, scoured, repaired, and maintained; and if any Person or Persons shall obstruct, injure, or damage any of the Works aforesaid, every such Person or Persons so offending, and being thereof convicted before One or more Justice or Justices

Justices of the Peace for the Parts of *Lindsey*, in the said County of *Lincoln*, not interested in the said intended Division and Inclosure, who is and are hereby required to hear and determine the same, on the Oath of One or more credible Witnesses or Witnessess, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings, over and above the Amount of the Damage done to such Works, to be levied by Distress and Sale of the Goods and Chattels of such Offender or Offenders, by Warrant or Warrants under the Hand and Seal or Hands and Seals of such Justice or Justices, One Half of which Penalty shall be paid to the Informer or Informers, and the other Half shall be applied in repairing and maintaining such Brooks, Ditches, Drains, Watercourses, or other Works; and for Want of sufficient Distress, such Offender or Offenders shall by such Justice or Justices be committed to the Common Gaol or House of Correction for the said Parts, there to remain for any Time not exceeding Three Calendar Months nor less than One Calendar Month.

XXXVII. And be it further enacted, That no Sheep or Lambs shall be kept on any of the Allotments to be made by virtue of this Act, in or upon the Lands or Grounds hereby directed to be divided, allotted, and inclosed, during the Space of Seven Years next after the Execution of the said Award, unless the Person or Persons so keeping the same shall first at his, her, or their own Expence, make and maintain a Fence sufficient to guard the young Quick Fences round such Allotments from being cropped, hurt, or damaged by such Sheep or Lambs, whether such Quick Fences be planted or set by the Owners or Occupiers of such Allotments as aforesaid, or by the Owner or Occupier of the Allotment or Allotments adjoining thereto.

No Sheep to be kept in the Inclosures for Seven Years, unless well fenced.

XXXVIII. 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 Carriage Gates in the same, at the End of the publick Roads and Highways within the said Township or Hamlets respectively, 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 several Surveyors of the Highways of the said Township or Hamlets respectively for the Time being: Provided always, that convenient Gaps and Openings shall be left in the Fences to be made by virtue of this Act, for the Space of Six Calendar Months next ensuing the executing of the said Award, for the Passage of Cattle, Carts, and Carriages in and through the same, unless the said Commissioners shall by their said Award, or by any other Instrument in Writing under their Hands, order the same to be sooner fenced and made up.

To make Fences and Gates at the End of the Roads.

Openings to be left in Fences for Six Calendar Months.

XXXIX. And be it further enacted, That all the Costs, Charges, and Expences incident to the obtaining and passing this Act, and the surveying, measuring, dividing, and allotting the said Open and Common Fields, Ings, Meadows, Stinted Pastures, Moors, Commons, Wastes, and other uninclosed Lands and Grounds hereby intended to be allotted, divided,

For paying Expences.

[*Loc. & Per.*]

9 5

and

and inclosed, and of preparing and inrolling the Award of the said Commissioners, and all other necessary Costs, Charges, and Expences in and about the Premises, shall be paid, borne, and defrayed by the Owners and Proprietors of and Persons interested in the Lands, Grounds, and Hereditaments to be divided, allotted, and inclosed by virtue of this Act, and of the said recited Act (except the said Sir *Wharton Amcotts*, in respect of his Manerial Rights, and such Persons to whom Allotments shall be made in Trust as aforesaid) in such Shares and Proportions as the said Commissioners shall appoint, by any Rate or Rates to be made by them for that Purpose; and the several Sums of Money thereby rated shall be paid to such Person or Persons, and at such Time and Place as the said Commissioners shall in and by their Award, or any other Writing to be by them signed either before or after the Execution thereof, award, order, and direct.

For paying
the Expences
of making
Exchanges.

XL. Provided always, and be it further enacted, That all Costs, Charges, and Expences attending the making of any Exchanges or Partitions to be made, shall be paid, borne, and defrayed by the several Persons making such Exchanges and Partitions, in such Manner and in such Proportions as the said Commissioners shall by their said Award, or any other Writing, to be by them signed either before or after the Execution thereof, order and direct.

Proprietors
and Agents
to pay their
own Ex-
pences.

XLI. Provided always, and be it further enacted, That all and every 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 or the said recited Act.

Money ad-
vanced for
obtaining this
Act to be first
paid.

XLII. And be it further enacted, That if any of the Proprietors, or any other Person or Persons, shall advance any Money for the Purpose of defraying the Expences of applying for and obtaining this Act, such Person or Persons shall be repaid the same with lawful Interest, out of the First Money to be raised by virtue of this Act.

The Award to
be inrolled
and deposited
in the Church
of *Stowe*.

XLIII. And be it further enacted, That within Nine Calendar Months next after the said Commissioners shall have made and executed their Award in Manner directed by the said recited Act, the same shall be inrolled in Manner directed by the said recited Act, and the said Award shall be immediately afterwards deposited in a Box or Chest to be placed and kept in the Parish Church of *Stowe* aforesaid.

Persons ag-
grieved may
appeal to
the Quarter
Sessions.

XLIV. And be it further enacted, That if any Person or Persons shall think him, her, or themselves aggrieved by any other Matter or Thing done in pursuance of this Act, then and in every such Case, (except in such Cases wherein the Determination of the said Commissioners is herein declared to be final, binding, and conclusive), he, she, or they may appeal to the next General Quarter Sessions of the Peace which shall be holden at *Kirton in Lindsey*, in and for the Parts of *Lindsey* in the said County of *Lincoln*, within Six Calendar Months next after the Cause of Complaint shall have arisen; and the Justices in the said General Quarter Sessions are hereby empowered and required to hear and determine the Matters of every such Appeal, and to make such Order therein, and
award

award such Costs as to them in their Discretion shall seem reasonable; and by their Order or Warrant 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 Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of every such Distress and Sale; which Determination of the said Justices shall be final and conclusive, and shall not be removeable or removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

XLV. 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, or 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 him or 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, before the passing of this Act, or would or ought to have had and enjoyed in case this Act had not been made. General Saving.

XLVI. 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. Declaring the Act publick.

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

