



ANNO QUADRAGESIMO OCTAVO

GEORGII III. REGIS.

Cap. 133.

An Act for allotting and inclosing the Forest or Chace of *Charnwood*, otherwise *Charley Forest* or *Chace*, and *Rothley Plain*, in the County of *Leicester*.
[18th June 1808.]

WHEREAS there are within the County of *Leicester* several large Tracts of Open Commonable Grounds or Waste Lands, known by the Names of *The Forest* or *Chace* of *Charnwood* otherwise *Charley Forest* or *Chace*, and *Rothley Plain*, containing in the whole by Estimation, Eighteen thousand Acres or thereabouts: And whereas the Soil of the said Grounds and Lands, with other Rights in and over the same, is vested, or reputed to be vested, in the Lords or Owners of the several Manors, Lordships, Precincts, or Territories of *Grooby*, *Barrow*, *Whitwick*, *Loughborough*, *Beaumanor*, *Sheepshead*, *Knight Thorpe*, *Thorpe Acre*, *Garendon*, *Gracedieu*, *Belton*, *Ulvescroft*, *Charley*, *Bardon*, and *Thringston*, all in the said County of *Leicester*, or some of them; together with the Honourable *Augustus Richard Butler Danvers*, and *Peter Crompton Esquire*, who are also or claim to be entitled to the Soil and other Rights in and over Parts of the said Lands; and some other Persons who claim to be entitled to the Soil of small Portions thereof; and the respective Limits or Boundaries are for the most Part well known: And whereas the said Lands lie or are reputed to lie within the several Parishes, Constableries, Townships, Hamlets, or Places of *Ratby*, *Newtown Linford*, *Bradgate*, *Holgate*, *Thurcaston*, *Cropston*, *Swithland*, *Barrow*, *Rothley*, *Woodhouse*, *Woodhouse Eaves*, *Woodthorpe*, *Beaumanor*, *Loughborough*, *Knight Thorpe*, *Garendon*, *Sheepshead*, *Belton*, *Gracedieu*, *Thringston*, *Whitwick*, *Hugglescote*, and *Donington on the Heath*, *Stanton-under-Bardon*, *Markfield*, *Ulvescroft*,
[Loc. & Per.] 28 M *Charley*,

Charley, Mapplewell, and Bardon, all in the said County of *Leicester*, or some of them: And whereas the Right Honourable *George Harry* Earl of *Stamford* and *Warrington* is Lord of the Manor of *Grooby* aforesaid, with its Members, and Rector Improprate of *Ratby, Newtown Linford, Bradgate, and Holgate* aforesaid, and Owner of all Improprate Tithes arising within or belonging to the same respectively; and the said Earl is Patron of the Vicarage of *Ratby* aforesaid, and also entitled to the Right of Patronage, Donation or Nomination of or to the Church of *Newtown Linford*; and the Reverend *George Iliff Foster* Clerk is the present Vicar of *Ratby*, and Minister of *Newtown Linford*; and also the said Earl is entitled to an Ecclesiastical Peculiar Exempt Jurisdiction of *Grooby*, including Parts of the said Open Commonable Grounds and Waste Lands: And whereas the Right Honourable *Francis Rawdon Hastings* Earl of *Moir* is Lord of the several Manors of *Barrow, Whitwick, and Loughborough* aforesaid, with their respective Members, and Patron of the Rectory of *Markfield*, and of the Vicarage of *Belton* aforesaid; and the Reverend *Richard Williams* Clerk is the present Rector of *Markfield*; and the Reverend *Charles Sandby* Clerk is the present Vicar of *Belton*: And whereas *William Herrick* Esquire is Lord of the Manor of *Beaumanor* aforesaid, with its Members, and Owner of all Improprate Tithes arising within the several Lordships, Hamlets, and Liberties of *Beaumanor, Woodhouse, and Woodhouse Eaves* aforesaid: And whereas *Thomas March Phillips* Esquire is Lord of the several Manors or Precincts of *Sheepshead, Knight Thorpe, Thorpe Acre, Garendon, and Gracedieu* aforesaid, with their Members, Improprate Owner of the Tithe of *Thorpe Acre* and *Garendon*, and also Patron of the Vicarage of *Sheepshead* aforesaid; and the Reverend *Charles Allsop* Clerk is the present Vicar of such Vicarage, and entitled to a Part of the Great and Small Tithes arising in such Parish; and *John Beaumont* Esquire and *Norman Bramley* Gentleman, or one of them, are or is entitled to all Improprate Tithes arising in such Parish: And whereas *Edward Dawson* Esquire is Lord of the Manor of *Belton* aforesaid, and Improprate Owner of one undivided Moiety of all Rectorial Tithes arising in the Parish of *Belton* aforesaid, and *Richard Fowler* Gentleman is entitled to the other Moiety of such Rectorial Tithes of the Parish of *Belton*: And whereas *William Parkin Bosville* Esquire is or claims to be Lord of the Manor or the Precinct of the late Priory of *Ulvescroft* aforesaid: And whereas *Mary Bosworth* Widow is or claims to be Lady of the Manor or reputed Manor or Precinct of *Charley* aforesaid: And whereas *William Hood* Esquire is or claims to be Lord of the Manor or reputed Manor or Precinct of *Bardon* aforesaid: And whereas *Joseph Boulton, Thomas Boulton, John Boulton, William Boulton, and Charles Boulton*, Esquires, are Lords of the Manor of *Thringston* aforesaid: And whereas the King's most Excellent Majesty, in Right of His Crown, is Patron of the Rectory of *Swithland* aforesaid; and the Reverend *John Llwyd* Clerk is the present Rector of such Rectory; and His said Majesty in Right of His Crown is seized of several Messuages, Lands, and Tenements in *Stanton-under-Bardon* (which is a Member of the said Manor of *Grooby*): And whereas *Sir George Howland Beaumont* Baronet is Improprate Rector of *Whitwick* aforesaid, and entitled to all Rectorial Tithes arising in *Whitwick* and *Thringston* (which is a Member thereof): And whereas the King's most Excellent Majesty, in Right of His Duchy of *Lancaster*, is Patron of the Vicarage of *Whitwick* aforesaid; and the Reverend *Francis Harris* Clerk is the present Vicar thereof: And whereas the Master, Fellows, and Scholars of

Saint John's College in the University of *Cambridge* are Patrons of the Vicarage of *Barrow* aforesaid, and the Reverend *William Easton* Clerk is the present Vicar of such Vicarage; and the Trustees for certain Charities founded by Doctor *Babington* in *Barrow* aforesaid, are or claim to be entitled to certain Improprate Tithes in *Barrow* aforesaid: And whereas the Master and Fellows of *Emanuel* College in the University of *Cambridge* are Patrons of the Rectories of *Thurcaston* and *Loughborough* aforesaid; and the Reverend *William Richardson Tyson* Clerk is the present Rector of *Thurcaston* (to which *Cropston* is a Chapelry); and the Reverend *Richard Hardy* Doctor in Divinity is the present Rector of *Loughborough* (of which *Knight Thorpe* is a Member): And whereas the Right Reverend Father in God *Thomas* Lord Bishop of *Rocheſter*, in Right of his See, is Patron of the Rectory of *Ibstock*, which comprises the Townships of *Hugglescote* and *Donington on the Heath* aforesaid; and the Reverend *Spencer Madan* Clerk, Master of Arts, is the present Rector thereof: And whereas the Feoffees or Trustees of a certain Charity called *Jackson's Charity*, are entitled to all the Great or Rectorial Tithes arising in the Township of *Stanton-under-Bardon* aforesaid: And whereas the Right Honourable *Charles* Lord Viscount *Maynard* is Patron of the Vicarage of *Thornton*, to which the said Township of *Stanton-under-Bardon* is a Chapelry; and the Reverend *Alexander Simpson* Clerk is the present Vicar thereof: And whereas the Owners and Occupiers of ancient Messuages and Cottages, Scites of Messuages and Cottages, Lands and Tenements, within the said several Manors, Lordships, Precincts, Territories, Parishes, Constableries, Townships, Hamlets, and Places, and many other Parishes, Hamlets, or Places contiguous to or bordering upon the said Open Commonable Grounds and Waste Lands respectively, claim to be entitled to have and enjoy a Right of Common within and upon the said Open Commonable Grounds and Waste Lands, or some Part or Parts thereof respectively: And whereas the Rectors, Vicars, or other Persons entitled to the Tithes of the other Parishes, Hamlets, or Places contiguous to or bordering upon the said Commonable Grounds and Waste Lands, and claiming Commonage on the same, or Part or Parts thereof respectively, or of some of them, suppose themselves to be entitled to and claim certain Tithe or Tithes for the Increase of the Cattle of their respective Parishioners going or depasturing on the said Commonable Grounds and Waste Lands, or some Part or Parts thereof respectively: 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 said Open Commonable Grounds and Waste Lands lie in the Vicinity of several large manufacturing Towns, in nearly the Centre of the Kingdom; and great Parts thereof are in their present State of little or no Value, but capable, if inclosed, of affording not only very great additional Pasturage, but also of producing great Quantities of Corn and Grain of all Kinds; and it would be of great public Utility as well as of great Benefit and Advantage to all Persons interested in the said Grounds and Lands respectively if the same were inclosed, and allotted unto the several Persons interested therein, according to their several and respective Rights and Interests therein; but as the same cannot be effected and established without the Aid of Parliament: May it please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty,

by

General Inclosure Act,
41 G. 3. c. 109.

Public Utility.

Commission-
ers.

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 *Robert Harvey Wyatt* of *Barton-under-Needwood* in the County of *Stafford*, *Joseph Outram* of *Alfreton* in the County of *Derby*, *John Burcham* of *Coningsby* in the County of *Lincoln*, *Thomas Eagle* of *Allesley* in the County of *Warwick*, and *James Green* of *Lenton* in the County of *Nottingham*, Gentlemen, and their Successors, to be nominated and appointed in Manner herein-after mentioned, shall be and they are hereby appointed Commissioners for dividing, setting out, and inclosing the said Open Commonable Grounds and Waste Lands, and for carrying the Purposes of the said recited Act and this Act into Execution (save and except such Parts of the said recited Act as are hereby varied or altered); and all Acts, Matters, and Things authorized or directed to be done and executed by the said Commissioners in pursuance of the said recited Act and this Act, or either of them, may be done and executed by the major Part of them, and the same shall be as good, valid, and effectual, to all Intents and Purposes whatsoever, and shall have the same Force and Effect, as if such Acts, Matters, and Things had been done and executed by all the Commissioners herein named, or to be appointed in Manner herein-after mentioned.

Commission-
ers additional
Oath.

II. And be it further enacted, That no Commissioner shall act in the Execution of any of the Powers by the said recited Act or this Act given (save and except the Power of signing and giving Notice of the First Meeting of the said Commissioners) until he shall have taken and subscribed the following Oath, to be administered and enrolled in like Manner as the Oath by the said recited Act prescribed to be taken by the Commissioners is directed to be administered and enrolled; that is to say,

‘ I *A. B.* do swear [*or, being one of the People called Quakers, do affirm*] That I am neither Proprietor or Occupier of, nor to the best of my Knowledge am I concerned as Guardian, Steward, or Agent, for any Proprietor of Messuages, Houses, Cottages, Lands, or Grounds, or other Person having or claiming any Right of Common, or any Manerial Right, Tithes, or any other Right or Interest whatsoever, in, over, or upon the Open Commonable Grounds and Waste Lands to be inclosed by virtue of an Act made in the Forty-eighth Year of the Reign of King George the Third, intituled *An Act for allotting and inclosing the Forest or Chace of Charnwood, otherwise Charley Forest or Chace, and Rothley Plain, in the County of Leicester, or any Part or Parts thereof.* So help me GOD.’

For appoint-
ing new Com-
missioners.

III. And be it further enacted, That in case the said *Robert Harvey Wyatt*, or any Person to be nominated or appointed a Commissioner in his Room or Stead by virtue of this Act, shall die, refuse to act, or become incapable of acting as such Commissioner in the Execution of the said recited Act and this Act, then and in such Case it shall and may be lawful to and for the said Earl of *Stamford* and *Warrington*, or the Lord or Lords of the said Manor of *Grooby* for the Time being, by any Writing under his or their Hand and Seal or Hands and Seals, within One Month after such Death, Refusal, or Incapacity as aforesaid, shall be made known to him or them, by Notice in Writing signed by any of the said Commissioners,

to

to be left at the usual Place of Abode of the said Earl of *Stamford* and *Warrington*, or of the Lord of the said Manor of *Grooby* for the Time being, to nominate and appoint a proper Person (not interested in the said intended Division and Inclosure) to be a Commissioner in the Room or Stead of the said *Robert Harvey Wyatt*, or of such other Person nominated or appointed in his Room or Stead, so dying or refusing or becoming incapable to act as aforesaid; and so from Time to Time as often as any Commissioner to be nominated and appointed by the said Earl of *Stamford* and *Warrington*, or by the Lord of the said Manor of *Grooby* for the Time being, as aforesaid, shall die, refuse, neglect, or become incapable to act as such Commissioner in the Execution of the said recited Act and this Act: And in case the said *Joseph Outram* shall die, refuse to act, neglect, or become incapable of acting as such Commissioner in the Execution of the said recited Act and this Act, then and in such Case it shall and may be lawful to and for the said Earl of *Moir*, *William Herrick*, and *Thomas March Phillipps*, or the Lords of the several Manors of *Whitwick*, *Beaumanor*, and *Sheepshead*, for the Time being, to nominate, elect, and appoint, by any Instrument in Writing under their respective Hands, some fit and proper Person (not interested in the said Division and Inclosure) to be a Commissioner in the Room or Stead of the said *Joseph Outram*; and if the said Earl of *Moir*, *William Herrick*, and *Thomas March Phillipps*, or the Lords of the said several Manors of *Whitwick*, *Beaumanor*, and *Sheepshead*, for the Time being, shall not agree and concur in nominating and appointing a Commissioner in the Room or Stead of the said *Joseph Outram*, it shall and may be lawful to and for each and every of them the said Earl of *Moir*, *William Herrick*, and *Thomas March Phillipps*, or the Lords of the said last-mentioned Manors for the Time being, by Writing under their respective Hands, within One Month next after the Expiration of the said Time so allowed for their jointly nominating and appointing such new Commissioner as aforesaid, to nominate and appoint a proper Person, not interested in the said Division and Inclosure, to be a Commissioner for the Purposes of the said recited Act and this Act, or it shall be lawful for any Two of them, the said Earl of *Moir*, *William Herrick*, and *Thomas March Phillipps*, or the Lords for the Time being of any Two of the said last-mentioned Manors to concur in so nominating and appointing a Commissioner, and for the other of them the said Earl of *Moir*, *William Herrick*, and *Thomas March Phillipps*, or the Lord for the Time being of the other of the said Manors, to appoint another Commissioner; and so from Time to Time as often as any Commissioner or Commissioners to be nominated and appointed by the said Earl of *Moir*, *William Herrick*, and *Thomas March Phillipps*, jointly or separately, or the Lords of the Manors lastly hereinbefore mentioned respectively for the Time being, shall die, refuse to act, or become incapable to act as such Commissioner in the Execution of the said recited Act and this Act: And in case the said *John Burcham*, or any Person to be nominated and appointed a Commissioner in his Room or Stead by virtue of this Act, shall die, refuse, neglect, or become incapable to act in the Execution of this Act and of the said recited Act, then and in every such Case it shall and may be lawful to and for the several Tithe Owners interested in the Lands and Grounds to be divided, allotted, and inclosed by virtue of this Act, or the major Part of them who shall attend by themselves or by their Agents or Proxies, at a Meeting to be holden for that Purpose in the Town of *Loughborough* (of which Meeting Fourteen Days Notice at the least, and of the Purpose thereof, shall be

[Loc. & Per.]

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given

given by Advertisement signed with the Name or Names of any one or more of the said Commissioners, in the *Leicester Journal*, if then published, and if not, then in some other Newspaper printed or circulated in the said County of *Leicester*), to nominate, elect, and appoint, by any Instrument in Writing under their Hands or under the Hands of their Agents or Proxies, some fit and proper Person (not interested in the said Division and Inclosure) to be a Commissioner in the Room or Stead of the said *John Burcham*, or of such other Person nominated and appointed in his Room or Stead, so dying or refusing or becoming incapable to act as aforesaid; and so from Time to Time as often as any Commissioner to be nominated and appointed by such Tithe Owners shall die, refuse, or become incapable to act as such Commissioner in the Execution of the said recited Act and this Act: And in case the said *Thomas Eagle* and *James Green*, or either of them, or any Person to be nominated and appointed by virtue of this Act a Commissioner in the Room or Stead of either of them, shall die, refuse to act, or become incapable of acting in the Execution of this and the said recited Act, then and in every such Case the major Part in Value (such Value to be ascertained according to the Land Tax Assessment for that Year) of the Owners and Proprietors of Lands and Hereditaments within the said respective Parishes and Places entitled to any Right of Common, in, over, or upon the said Open Commonable Grounds and Waste Lands (other than and except the Lords of the said several Manors to whom other Powers of Nomination are herein-before given, and Tithe Owners, and their respective Heirs, Successors, and Assigns) who shall be present in Person, or by their respective Agents or Proxies duly authorized for such Purpose, at a Meeting to be holden for that Purpose, of which Meeting Fourteen Days Notice by Advertisement shall be given by any Five or more of such Owners and Proprietors, in the *Leicester Journal* if then published, and if not, then in some other Newspaper circulated in the said County of *Leicester*, shall and they are hereby required to nominate and appoint, by any Writing under the Hands of the major Part in Value of them the said Owners and Proprietors and Agents or Proxies aforesaid, a proper Person or Persons (not interested in the said Division and Inclosure) to be a Commissioner or Commissioners in the Room or Stead of the said *Thomas Eagle* and *James Green* or either of them, or of such other Person to be nominated and appointed in the Room or Stead of either of them, so dying or refusing to act or becoming incapable of acting as aforesaid; and so from Time to Time as often as any such Case or Cases shall happen: And every Commissioner so to be nominated and appointed shall, after taking and subscribing the Oaths prescribed in that Behalf, have the like Power and Authority for carrying the said recited Act and this Act into Execution, and shall be subject and liable to the like Rules, Regulations, and Restrictions, as if he had been originally nominated a Commissioner in and by this Act.

If Lords of Manors, &c. neglect to appoint a new Commissioner within the Time prescribed, the acting

IV. Provided always, and be it enacted, That if the Lords of the said several Manors for the Time being, or the said Tithe Owners, or the said Proprietors of Lands and Hereditaments, either or any of them respectively, shall make Default in nominating and appointing any new Commissioner so directed to be nominated and appointed by him and them respectively as aforesaid, within the respective Times for that Purpose limited, and in Manner aforesaid, then and in every such Case it shall and may be lawful to and for the surviving or remaining Commissioners

or

or Commissioner, and they and he are and is hereby required from Time to Time, by Writing under their Hands or his Hand, within One Month next after the Expiration of such respective Time so allowed for nominating and appointing such new and succeeding Commissioner or Commissioners as aforesaid, to nominate and appoint a proper Person (not interested in the said Division and Inclosure) to be a Commissioner in the Room or Stead of every such Commissioner so dying, refusing, or becoming incapable to act as aforesaid; and every Commissioner so nominated and appointed shall, after taking and subscribing the Oaths prescribed in that Behalf, have the like Power and Authority for carrying the said recited Act and this Act into Execution, and shall be subject and liable to the like Rules, Regulations, and Restrictions, as if he had been originally nominated a Commissioner in and by this Act.

Commissioner to make Appointment.

V. Provided also, and be it enacted, That if any of the said Commissioners hereby nominated shall refuse or neglect to attend at the First Meeting appointed to be holden for carrying this Act into Execution, and duly qualify himself, by taking and subscribing the Oaths prescribed in that Behalf; or if any of the said Commissioners shall at any Time after the said First Meeting wilfully absent himself from any Three following successive Meetings, appointed to be holden by virtue of this Act, or having been absent from Two successive Meetings, shall not attend during the whole of the Third or next succeeding Meeting, such Meetings being known to him, either by his being present at the Appointment thereof, or Notice thereof in Writing having been given to him or left at his last or usual Place of Abode by the Clerk or Clerks to the said Commissioners, and such Commissioner not being prevented by Sickness or other reasonable Cause to be allowed by the other Commissioners from attending or continuing at such Meetings; or if any Commissioner to be nominated and appointed in Manner by this Act directed, shall not attend and qualify himself to act as a Commissioner in the Execution of this Act at the First Meeting of the said Commissioners after his Nomination or Appointment, or shall thereafter wilfully absent himself from Three following successive Meetings, to be holden by virtue of this Act, or having been absent from Two successive Meetings, shall not attend during the Whole of the Third or next succeeding Meeting, such Meetings being known to him, either by his being present at the Appointment thereof, or Notice thereof in Writing having been given to him or left at his last or usual Place of Abode by the Clerk or Clerks to the said Commissioners, and such Commissioner not being prevented by Sickness or other reasonable Cause, to be allowed by the other Commissioners, from attending or continuing at such Meetings, then and in every of such Cases such Absence or Non-attendance shall be deemed and taken to be a Refusal to act within the Intent and Meaning of this Act.

Any Commissioner neglecting to attend the First Meeting, &c. to be deemed a Refusal to act.

VI. And be it further enacted, That if in consequence of the Powers herein-before given for the Appointment of a new Commissioner or Commissioners in the Room or Stead of the said *Joseph Outram*, there shall at any Time happen to be an even or equal Number of Commissioners for executing the said recited Act and this Act, and any Difference in Opinion or Dispute shall arise between the said Commissioners touching or concerning any Act, Matter, or Thing whatsoever, which by virtue of the said recited Act or this Act, the said Commissioners are or shall be authorized

For appointing an Umpire if, &c.

rized and empowered to settle, determine, and ascertain, and respecting which they shall be equally divided, then and in every such Case it shall and may be lawful to and for the said Commissioners, and they are hereby required from Time to Time within One Month next after such Difference of Opinion shall arise, by Writing under their Hands, to appoint some fit and proper Person (not interested in the said Division and Inclosure) to be an Umpire; or in case of their Disagreement in the Choice of such Umpire, he shall be chosen by the Recorder of the Borough of *Leicester* for the Time being; and it shall and may be lawful to and for such Umpire, and he is hereby required, as soon as conveniently may be after his Appointment, to inquire into, settle, ascertain, and determine the subject Matter of all such Differences in Opinion or other Disputes which shall so happen to arise between the said Commissioners, and his Determination shall be and is hereby expressly declared to be of such and the same Force and Effect in all Respects as the Determination of the said Commissioners or the major Part of them would have been; and the said Commissioners shall and they are hereby required to act and proceed in conformity thereto.

Umpire to be sworn before he acts.

VII. Provided always, and be it further enacted, That no Person shall be capable of acting as an Umpire in the Execution of this Act, until he shall have taken and subscribed the Oath or Affirmation following; that is to say,

‘ I *A. B.* do swear, [*or, being one of the People called Quakers, do solemnly affirm*], That I will faithfully, honestly, and impartially, according to the best of my Skill and Ability, execute and perform the Powers and Authorities reposed in me as Umpire, by virtue of an Act passed in the Forty-eighth Year of the Reign of King *George* the Third, intituled *An Act for allotting and inclosing the Forest or Chace of Charnwood, otherwise Charley Forest or Chace, and Rothley Plain, in the County of Leicester*, according to Equity and good Conscience, and without Favour or Affection, Prejudice or Malice, to any Person or Persons whomsoever. So help me GOD.’

Which Oath or Affirmation it shall be lawful for any of the said Commissioners to administer, and he is hereby required to administer the same; and such Oath or Affirmation when so taken and subscribed by such Umpire, shall be annexed to and inrolled with the Award of the said Commissioners.

Power for the Lords of *Ulvescroft* and *Belton* to appoint a Commissioner, &c.

VIII. Provided always, and be it further enacted, That if it shall happen, and as often as it shall happen, that the said Lords of the Manors of *Whitwick*, *Beaumanor*, and *Sheepshead*, shall not concur and agree in the Nomination and Appointment of a Commissioner as aforesaid, in the Room or Stead of the said *Joseph Outram*, or of any other Commissioner to be appointed to succeed him; or that Two of them shall not agree in the nominating and appointing a Commissioner as aforesaid, so as that each of the Lords of the said respective Manors of *Whitwick*, *Beaumanor*, and *Sheepshead*, shall severally nominate and appoint a Commissioner, and the Lords of the Manors of *Ulvescroft* and *Belton* for the Time being, shall be dissatisfied with any of the Three Commissioners who shall or may be so appointed, then and in every such Case it shall and may be lawful

lawful for the Lords of the said Manors of *Ulvescroft* and *Belton* for the Time being, also to nominate and appoint, by Writing under their Hands, within One Month after the Appointment of such Three Commissioners, another Commissioner to act in the Execution of this Act and the said recited Act.

IX. And be it further enacted, That *John Claridge* of *Pall Mall*, in the City or Liberties of *Westminster*, Land Surveyor, and *John Smith* of *Packington*, in the Counties of *Leicester* and *Derby*, or one of them, Land Surveyor, shall be and they are hereby nominated and appointed Surveyors for viewing, surveying, and measuring the said Open Commonable Grounds and Waste Lands; and they are hereby accordingly authorized and directed, as soon as conveniently may be after the passing of this Act, to view, survey, and admeasure the said Open Commonable Grounds and Waste Lands, and all the Buildings and Encroachments whatsoever made in and upon the same, and to describe and lay down the same by Way of Map or Plan, whereon or in a Book of Reference to be annexed thereto shall be set forth the Number of Statute Acres, Roods and Perches of the said Open Commonable Grounds and Waste Lands, and the several Buildings and Encroachments made thereon, and of what such Encroachments respectively consist, and the Names of the several Persons holding and enjoying the same; and that when and so soon as the said Surveyors shall have finished and compleated the said Survey, Map, or Plan, they shall, by Notice in Writing under their Hands, apprise the said Commissioners thereof, and appoint a Time and Place for a Meeting with them, of which Fourteen Days previous Notice at the least shall be given unto each of the said Commissioners; at which Meeting the said Surveyors shall deliver unto the said Commissioners present at such Meeting, their Survey and Plan and Book of Reference, and shall subscribe the same with their Names in the Presence of the said Commissioners, who shall attest the same; and the said Surveyors shall take and subscribe the following Oath; that is to say,

Surveyors
appointed.

Survey to be
delivered to
Commission-
ers, and cer-
tified on
Oath.

I *A. B.* do swear, That by virtue and in pursuance of an Act of Par-
liament made in the Forty-eighth Year of the Reign of King *George*
the Third, intituled *An Act for allotting and inclosing the Forest or Chace*
of *Charnwood*, otherwise *Charley Forest or Chace*, and *Rothley*
Plain, in the County of *Leicester*; I have taken a true and exact Admea-
surement and Survey of the Open Commonable Grounds and Waste
Lands directed by the said Act to be inclosed, and of all the Buildings
and Encroachments whatsoever made in and upon the same, to the best
of my Judgement and Ability, and that the Survey, Map or Plan, and
Book of Reference, whereunto I have now set my Hand, are and
do contain a just and true Description, Survey and Admeasurement, and
Account, of the said Open Commonable Grounds and Waste Lands,
and of all the Buildings and Encroachments in and upon the same,
with the Names of the several Persons holding and enjoying the same
respectively; and that the same were made and taken by me according
to the best of my Knowledge, Information, and Belief, and the true
Intent and Meaning of the said Act, without Favour, Affection, or Par-
tiality to any Person or Persons: And I do further swear, That I will
faithfully, impartially, and honestly, according to the best of my Skill
and Judgement, execute the several other Trusts reposed in me as a

Surveyors
Oath.

[Loc. & Per.]

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Surveyor

‘ Surveyor by virtue of the said Act, without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever.

‘ So help me GOD.’

Which Oath it shall and may be lawful to and for any one or more of the said Commissioners to administer ; and the said Oath when so taken shall be written on Parchment and subscribed by the said Surveyors, and duly attested by the said Commissioners under their Hands, and shall be inrolled with the Award to be made by the said Commissioners.

For electing new Surveyors in case of Death, &c.

X. Provided always, and be it enacted, That in case the said Surveyors herein-before appointed, or either of them, or any other Surveyor or Surveyors to be appointed as herein-after mentioned, shall die, or refuse or neglect to act, or become incapable of acting in the Execution of the said recited Act and this Act, then and in every such Case it shall and may be lawful to and for the said Commissioners, by Writing under their Hands and Seals to nominate and appoint some other fit and proper Person (not interested in the said Division and Inclosure) to be a Surveyor in the Room or Stead of every Surveyor so dying, refusing, or neglecting to act, or becoming incapable of acting in the Execution of the said recited Act and this Act ; and every Surveyor so nominated and appointed shall have the like Powers and Authorities, and shall be subject and liable to the like Rules, Regulations, and Restrictions, as if he had been originally named a Surveyor in and by this Act.

Survey to be made of Lands entitled to Commonage.

XI. And be it further enacted, That, as soon as conveniently may be, the said Surveyors shall proceed to make an accurate Survey and Plan, as well of all Messuages and Cottages and Scites thereof, as of all Lands and Grounds in whatsoever Manor, Parish, Township, Constabulary, Hamlet, or Place the same are situate, in respect whereof the Owners or Occupiers of the same respectively are entitled to a Right of Commonage upon the Open Commonable Grounds and Waste Lands to be inclosed by virtue of this Act, or any Part thereof (save and except such Lands and Grounds as have been already surveyed and as are herein-after directed not to be again surveyed or planned) ; and shall enquire and find out, and in and by the Survey or Plan thereof and in a Book of Reference to the same, set forth a minute and exact Account of all and singular the Premises so surveyed, and the Quantity and Contents of each several Field, Inclosure, and Parcel of Land thereof, with the Names of all and every the Owners and Occupiers thereof respectively, thereby distinguishing such of the Premises as are of Freehold Tenure, from such as are of Copyhold or Customary or Leasehold Tenures, and of what particular Manors or Lordships or Persons the said Copyhold or Customary or Leasehold Tenements are severally and respectively holden.

Proprietors producing approved Surveys, &c. already made, to be allowed for them.

XII. And be it further enacted, That it shall and may be lawful for any Person or Persons having in his, her, or their Custody or Possession any actual Surveys, Maps, or Plans of any Lands or Grounds, in respect whereof the Owners or Occupiers of the same are entitled to Right of Commonage, to produce and deliver such Surveys, Maps, and Plans to the said Commissioners, at such Time or Times as they shall appoint for that Purpose ; and the said Commissioners shall thereupon enquire on the Oath as well of the Person or Persons producing and delivering such Surveys, Maps, and Plans respectively, as of such other Person or Persons as they shall

shall think fit (which Oath the said Commissioners are hereby authorized to administer) into the Authenticity and Accuracy of every of such Surveys, Maps, and Plans; and in all Cases where the Commissioners shall be satisfied that such Surveys, Maps and Plans are authentic and have been accurately made, and will answer the Purpose of a new Survey, (but not otherwise) they the said Commissioners shall deliver the same over to the said Surveyors, with Directions to insert and copy the same into the aforesaid Surveys of Lands, the Owners or Occupiers whereof are entitled to any Rights of Common, instead of making a new Admeasurement and Plan of the Lands and Grounds so comprized and described in the Maps and Plans aforesaid; and that the said Commissioners shall allow, pay and satisfy, for such approved Surveys, to the Person or Persons to whom the same shall belong, such Sum and Sums of Money as the said Commissioners shall think proper, out of the Monies to be raised by them for the Purposes of this Act.

XIII. And be it further enacted, That out of the Money which shall be raised for defraying the Expences of obtaining, passing, and executing this Act, there shall be paid to each of the said Commissioners, as a Remuneration for his Trouble and Expences in executing the same, the Sum of Three Guineas and no more for each Day he shall be employed in attending the Execution of this Act, and in travelling to and from the Meetings necessary for that Purpose; and the Surveyors shall be paid and allowed for their Pains and Trouble, such Sum or Sums of Money as the said Commissioners shall think just and reasonable; and at all Meetings to be held under or by virtue of this Act, the said Commissioners and Surveyors shall pay and defray their own Expences.

Compensation to Commissioners and Surveyors.

XIV. And be it further enacted, That the Proprietors and their Attornies and Agents shall pay their own Expences when they attend the said Commissioners, or at any Meetings to be held for putting this and the said recited Act into Execution; and in such Cases as the Objection or Approbation of the Proprietors to any Act, Matter or Thing, to be done or proposed to be done in pursuance of the said recited Act and this Act, is directed to be made or testified at any Meeting or Meetings, it shall be lawful for the Proprietors to attend at such Meeting or Meetings by their respective Agents or Proxies, whose Acts or Votes shall be as effectual as if such Proprietors were present in Person.

Proprietors to pay their own Expences.

XV. And be it further enacted, That the First Meeting of the said Commissioners for putting this Act into Execution, shall be held at the *Bull's Head Inn*, or some other convenient Place in *Loughborough* aforesaid, within Two Calendar Months at furthest after the passing of this Act; and the said Commissioners are hereby required to give or cause public Notice to be given in the Newspaper called *The Leicester Journal*, if then published, and if not, then in some other Newspaper usually circulated in the said County, of the Time and Place of their First and every other subsequent Meeting for the Execution of the said recited Act and this Act, at least Fourteen Days before any such Meeting shall be holden (Meetings by Adjournment to any future Day, not exceeding Twenty-one Days from the Day of the Adjournment, only excepted); and in case the major Part of the said Commissioners shall not meet at the Day and Place appointed for any Meeting, or to which any Meeting shall be adjourned, it shall be lawful

Meetings and Notices to be given of the same.

lawful for the Commissioner or Commissioners present at such Time and Place, and to and for the Clerk or Clerks to the said Commissioners, in case none of the said Commissioners shall attend, to adjourn the said Meeting, to be holden on any future Day not exceeding Twenty-one Days from the Day of Adjournment, at the same or some other convenient Place within Ten Miles of the said Forest or Chace; and the Commissioner or Commissioners, or Clerk or Clerks making such Adjournment, is and are hereby required to give Notice thereof to the absent Commissioner or Commissioners Ten Days before such Meeting.

Other Notices.

XVI. And be it further enacted, That all other public Notices necessary or requisite to be given by the said Commissioners, shall be given by Advertisment to be inserted in the said Newspaper called *The Leicester Journal*, if then published, and if not, then in some other Newspaper usually circulated in the said County of *Leicester*.

For shortening Boundary Fences of Districts.

XVII. And whereas it may shorten the Boundary Fences of the Lands and Grounds to be divided and inclosed by virtue of this Act, and of the Parish or Parishes adjoining thereto respectively, if the said Commissioners were enabled to cause such Fences to be raised in such Direction as they shall think most proper and convenient for shortening and making the same regular; be it therefore enacted, That it shall and may be lawful to and for the said Commissioners, with the Consent in Writing under the Hand or Hands of the Lords of the said Manors or Precincts respectively, and with the Consent in Writing under the respective Hands of the major Part in Value of the Land Owners interested in any Common or Waste Lands, or of the Owner or Owners of any inclosed Lands (as the Case may be) adjoining to the said respective Parishes, Manors, Precincts, Townships, and Hamlets within which the Lands and Grounds hereby directed to be divided and inclosed are situate, and also under the Hand or Hands of the Owner or Owners of the Lands and Grounds upon which such Fence or Fences is or are intended to be made, to set out, ascertain, and determine the Boundary Fences between the Lands and Grounds hereby intended to be divided, allotted and inclosed, and the Lands and Grounds in such adjoining Parish or Parishes, in such Manner as the said Commissioners shall judge proper for the Purposes aforesaid; and after such Boundary Fences shall be set out, ascertained, and determined as aforesaid, the same shall be fenced by such Person and Persons, Body and Bodies Politic, Corporate and Collegiate, in such Manner and at such Time or Times as the said Commissioners in and by their Award shall order and direct; and all such Fences shall for ever thereafter be deemed and taken to be the Boundary and Boundaries between the said respective Parishes, Manors, Precincts, Townships, and Hamlets, within which the said Lands and Grounds to be divided and inclosed by virtue of this Act are situate, and such adjoining Parish or Parishes; any Law, Custom, or Usage to the contrary thereof in anywise notwithstanding.

Claims of Rights of Common to be investigated, and Lists published.

XVIII. And be it further enacted, That all the Claims of any Right or Rights of Common upon the said Open Commonable Grounds or Waste Lands, or any Part or Parts thereof, to be delivered to the said Commissioners in pursuance of the said recited Act, shall (whether the same shall be formally objected to or not, under the Provisions of the said recited Act, by any Person or Persons, or Body Politic, Corporate or Collegiate, interested

interested or claiming to be interested in the Premises) be carefully investigated by the said Commissioners, or the major Part of them, as soon as conveniently may be after Delivery thereof: Provided always, that the said Commissioners shall and they are hereby required to give Fourteen Days Notice at the least of their Meetings for such Purpose, by Advertisement in *The Leicester Journal*, if then published, and if not, then in some other Newspaper circulated in the said County of *Leicester*; and the said Commissioners shall with all convenient Speed after such Investigation of the said Claims, cause printed Lists or Schedules of the same, distinguishing therein all such of the said Claims to which they shall have any Objection, or to which Objections shall have been made by any other Persons in pursuance of the said Act to be lodged for the Purpose of public Inspection at such and so many convenient Places as the said Commissioners shall think proper, of which Places public Notice shall be given by Advertisement in *The Leicester Journal*, if then published, and if not, in some other Newspaper circulated in the said County of *Leicester*; and shall also cause Copies or Extracts thereof so far as shall concern or relate to the respective Claims to which Objections shall arise or be made, to be left at the last or usual Places of Abode of the respective Persons whose Claims shall be objected to, or of their Stewards or Agents; and any Person or Persons, Body or Bodies Politic, Corporate or Collegiate, interested or claiming to be interested in the Premises, may offer Objections to any Claim contained in such Schedule or List, within Three Months next after the aforesaid Publication thereof, by delivering the Particulars of such Objection to the said Commissioners in Writing, in Manner prescribed by the said recited Act, and no such Objection shall afterwards be received, unless for some legal Disability or special Cause to be allowed by the said Commissioners.

XIX. And be it further enacted, That if any Doubt or Difficulty shall arise, or any Objection be made to or respecting any Claim of Right of Common upon the said Open Commonable Grounds and Waste Lands, or any Part or Parts thereof respectively, or if any other Dispute or Difference shall arise between any of the Persons or Bodies Politic, Corporate or Collegiate, interested or claiming to be interested in the said Open Commonable Grounds and Waste Lands, or in any Part or Parts thereof, touching or concerning any Right or Rights of Soil, Tithes or Common in, over, or upon the same, or any Part or Parts thereof, or the respective Shares, Rights, or Interests, which they or any of them have or claim to have in the same, or touching or concerning any Allotment or Compensation to be made in lieu thereof, or touching or concerning any other Matter or Thing relating to the said Division, Inclosure, and Allotments, then and in every such Case it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered to examine into, hear, and determine the same respectively: Provided always, that nothing herein contained shall authorize the said Commissioners to determine the Title to any Messuages, Lands, Tenements, or other Hereditaments whatsoever, in respect whereof any Right of Common shall be claimed upon the said Open Commonable Grounds and Waste Lands, or any Part or Parts thereof, but they shall assign and set out the several Allotments directed to be made unto the Person or Persons having the actual Seisin or Possession of the Messuages,

[Loc. & Per.] 28 P Lands,

Commissioners to determine Differences respecting Rights to Soil, Tithes, or Common, &c.

Commissioners not to determine Titles to Estates.

Lands, Tenements, or Hereditaments, in right or in respect whereof such Allotment shall be made.

Power to
assess Costs
relative to
disputed
Claims or
Objections.

XX. 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 of the said recited Act, see cause to award any Costs, then and in such Case it shall and may be lawful to and for the said Commissioners, and they are hereby empowered, upon Application made to them for that Purpose, to settle, assess, and award such Costs and Charges as they shall think reasonable, to be paid either to the Public Account for or towards the Expence occasioned in or relating to the investigating, settling, and determining of such Claim or Claims, if finally disallowed, or to the Party or Parties in whose Favour any Determination of the said Commissioners shall be made, by the Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, whose Claim or Claims, Objection or Objections, shall be thereby disallowed or over-ruled; and in case the Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, who shall be liable to pay such Costs and Charges, shall neglect or refuse to pay the same on Demand, then and in every such Case it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required, by Warrant under their Hands and Seals directed to any Person whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand, to the Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Allowing
Parties to try
their Rights
by an Issue at
Law;

XXI. And be it further enacted, That in case any Person or Persons, Body or Bodies Politic, Corporate or Collegiate, interested or claiming to be interested in the said intended Division and Allotments, 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 Open Commonable Grounds and Waste Lands, or any Part or Parts thereof, or of any Rights of Common, Tithes, or other Rights or Interests in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part or Parts thereof, then and in every such Case it shall be lawful for the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, so dissatisfied, to proceed to a Trial at Law of the Matter so determined by the said Commissioners at the then next Assizes, or at the Assizes following the next to be holden for the said County of *Leicester*; and for that Purpose the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, who shall be so 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, if the Subject of such Determination shall be of a partial Nature, or against the said Commissioners, if the Subject of their Determination shall be of such a Nature as will affect the Persons in general interested in the said Open Commonable Grounds and Waste Lands, or in any particular Part or Parts thereof, within Nine 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 or Rights thereby insisted on, may be tried and determined; such Issue or Issues to be settled by the proper Officer of the Court in which the said Action or Actions shall be 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 binding, final, and conclusive upon all and every Person and Persons whomsoever, Body and Bodies Politic, Corporate or Collegiate; 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; and after any such Trial in which the said Commissioners shall be Defendants, the Costs and Charges payable by the said Commissioners in such Action or Actions shall be paid and discharged out of the Monies to be raised by them for the Purposes of this Act.

XXII. Provided always, and be it enacted, That the Determination of the said Commissioners touching such Claim or Claims of Right to the Soil of the said Open Commonable Grounds and Waste Lands, or of any Rights of Common, Tithes, 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, shall (in case such Determination shall not be so objected to, or being objected to, such Action or Actions at Law shall not be brought and proceeded in within the Time and in Manner herein for that Purpose mentioned) be final and conclusive upon all and every Person and Persons, Body and Bodies Politic, Corporate, and Collegiate.

or Determination of Commissioners to be final.

XXIII. Provided always, and be it further enacted, That if any Person or Persons in whose Favour any such Determination as aforesaid shall have been made, and against whom any Action or Actions might have been brought if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time herein-before limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Bodies Politic or Corporate, who might have brought such Action or Actions against the Person or Persons so dying, to bring the same within the Time so limited as aforesaid, against such Person or Persons as if actually living, and to serve the Clerk or Clerks to the said Commissioners with Process for commencing such Action or Actions, in the same Manner as the Party or Parties might have been served therewith if living; and it shall thereupon be incumbent on the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein in the same Manner as if such Person or Persons had been actually living; and the Rights of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

In case of Deaths of Parties before Actions brought, the same to be carried on and defended in their Names.

XXIV. Pro-

Persons in Possession not to be molested without due Course of Law.

XXIV. Provided also, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioners to determine any Right between any Parties contrary to the Possession of any of such Parties, except in Cases of Encroachments; but in case the said Commissioners shall be of Opinion against the Right of the Person or Persons so in Possession, they shall forbear to make any Determination thereupon, until the Possession shall have been given up by or recovered from such Person or Persons by Ejectment, or other due Course of Law.

Trials not to suspend the Execution of the Powers of the Act.

XXV. Provided always, and be it enacted, That no such Difference, Suit, or Proceeding as aforesaid, nor any Difference, Dispute, or Proceeding touching the Title to any Lands, Tenements, or Hereditaments, shall impede or delay the said Commissioners in the Execution of this Act, but the Division and Inclosure hereby directed to be made shall be proceeded in notwithstanding any such Difference, Suit, or Proceeding; and the said Commissioners shall, by proper Marks and Bounds, set out the Lands and Grounds which shall be allotted in lieu of such litigated Property, so that the same may be distinguished from any other Lands and Grounds, and may be had and taken by the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, who upon the Determination of such Difference or Suit shall be entitled to the same.

Commissioners may adjudge the Quantity and Value of Land, &c. but all ancient Messuages to be considered of equal Value.

XXVI. Provided nevertheless, and be it enacted, That nothing herein contained shall extend to preclude the said Commissioners from adjudging and determining the Quantity and Value of the Lands in virtue whereof any Person or Persons shall be allowed to have a Right of Common upon the said Open Commonable Grounds and Waste Lands, or any Part thereof; but the said Commissioners, or the major Part of them, shall and they are hereby authorized to adjudge and determine the Quantity and Value of all and every such Lands respectively, and rate and estimate the same as to them shall seem just and reasonable, according to the real Value thereof for Purposes of Husbandry, without regard to any artificial or extraordinary Value arising from local, temporary, or other peculiar Advantages; and such their Judgment and Determination shall be binding and conclusive upon all Persons whomsoever: Provided also, that nothing herein contained shall extend to authorize the said Commissioners, or any of them, to consider any ancient Messuage or Building, or Scite thereof, in respect of which any Right of Common shall be allowed, at any more or greater Value than any other ancient Messuage or Building, or Scite thereof, but the said Commissioners shall rate and estimate all ancient Messuages and Buildings, and Scites thereof, at an equal Value one with another, and at such Value as they or the major Part of them shall think meet and expedient.

Allowing the Trial of Parochial Boundaries by an Issue at Law instead of Appeal to the Quarter Sessions.

XXVII. And be it further enacted, That if any Person or Persons, Body or Bodies Corporate or Collegiate, shall consider himself, herself, or themselves prejudiced or aggrieved by the Determination of the said Commissioners respecting the Limits or Boundaries of any Parish, Manor, Township, Hamlet, District, or Place, upon the said Open Commonable Lands or Waste Grounds, or of any Parish, Manor, Township, Hamlet, District, or Place adjoining thereto, as the same shall be set out and ascertained by the said Commissioners, pursuant to the said Act passed in the Forty-first Year of the Reign of His present Majesty, and shall, by Writing under

under his, her, or their Hand or Hands, or Seal or Seals, give Notice to the said Commissioners within One Calendar Month next after such Determination, of his, her, or their Desire to have the same determined by an Issue at Law, instead of an Appeal to the Quarter Sessions, under the Provision of the said last recited Act, then and in such Case it shall be lawful for the Person or Persons, Body or Bodies Corporate or Collegiate, so dissatisfied with such Determination, to have the same ascertained by the Trial of an Issue at Law, under the Provisions of this Act, in Cases of any disputed Claims of Right.

XXVIII. And, for the Purpose of settling any Dispute or Difference that may arise between the Lessor and Lessee of any Warren or Warrens of Conies, or other Manerial Rights or Privileges, which are or are intended to be hereby extinguished and taken away, for making Compensation for any Loss or Losses to be sustained by any such Lessee in consequence of the said intended Inclosure; be it further enacted, That it shall and may be lawful to and for the said Commissioners, on Application to them made by any such Lessor or Lessee, to take the Matters in question into their Consideration, and to order to be made to every such Lessee, by the respective Lessors, such a fair and adequate Allowance and Compensation, either in a gross Sum of Money, or by an annual Payment or Allowance, as the said Commissioners shall think just and equitable, having due Regard to the Amount of Compensation hereby made to such respective Lessors, for all such of their respective Manerial Rights as are hereby extinguished, and the just Proportion which the Lessee's Rights, so to be compensated for, do or ought to bear thereto; and in case such gross Sum of Money by way of Compensation, so ordered by the said Commissioners, shall not be paid to the Person or Persons entitled thereto by the Person or Persons directed to pay the same, on Demand, then and in such Case such Money shall be raised, levied, and recovered by the said Commissioners, from the Person or Persons so directed to pay the same, in such and the same Manner as the Costs, Charges and Expences of obtaining and executing this Act, or any Part thereof, can or may be raised, levied, and recovered, in case the Money arising from the Sale of the Lands and Grounds by this Act directed to be sold for the Purpose of raising Money for defraying such Costs, Charges, and Expences, shall not be sufficient for such Purpose.

Compensation to be made to Lessees of Warrens, &c.

XXIX. And be it further enacted, That all the Allotments of Land to be made by virtue of this Act in respect of any Messuages, Lands, or Hereditaments held by Lease or Leases at Rack Rent, or for which Leases no Fines are expressed therein to have been paid to the Grantors or Lessors, as the Considerations for the same, shall be allotted to and held by the several Owners and Proprietors of such Messuages, Lands, or Hereditaments freed and discharged from all Right or Claim of such respective Lessees, to, in, or upon the said Allotments or any Part thereof, to be derived under or by virtue of such Leases; and in case any of such Lessees shall think himself, herself, or themselves aggrieved thereby, and such Lessors and Lessees shall not agree respecting the Compensation or Allowance to be made to such Lessees on account thereof, then and in every such Case it shall and may be lawful to and for the said Commissioners, on Application made to them by either Party, to take the Matters in question into their Consideration, and by their Order to make unto every such Lessee, for his, her, and their Loss of Commonage or other Losses by

Lessors to make a Compensation to Lessees by an Abatement of Rent.

[*Loc. & Per.*]

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Means

Means of the said Division and Inclosure, such a fair and adequate Allowance and Compensation, either in Money to be paid down, or by way of Abatement or Reduction in the Rack Rents by such Leases reserved as the said Commissioners shall think just and equitable, having due Regard to the Allotment in lieu of such Commonage; and if any Person or Persons, Body or Bodies, Politic, Corporate or Collegiate, shall refuse or neglect to make such Compensation to the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, entitled thereto, on Demand, then and in every such Case it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered, to raise and levy the same for the Use and Benefit of the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, entitled thereto, by such Ways and Means as the Costs, Charges, and Expences of obtaining and executing this Act can or may be raised and levied in case the Lands and Grounds hereby directed to be sold shall not upon the Sale thereof have produced Money sufficient for such Purpose.

No Turf to be taken away after the passing of the Act, under the Penalty of 5*l*.

XXX. And be it further enacted, That if any Person or Persons after the passing of this Act shall cut, dig, get, or take away any of the Turf or Soil of the Grounds or Lands to be inclosed by virtue of this Act, for any Use or Purpose whatsoever, or under any Right, Privilege or Claim, or Pretence of Right, Privilege, or Claim whatsoever (other than and except the Lords of the said several and respective Manors or the said Owners of Soil respectively, for the Purpose of opening any Mine or Mines, or digging or searching for any Minerals) then and in every such Case, upon due Proof made before the said Commissioners on Oath, which Oath the said Commissioners are hereby empowered to administer, the said Commissioners shall and they are hereby required, by Warrant under their Hands and Seals, directed to any Person or Persons whomsoever, to cause any Sum of Money not exceeding Five Pounds, to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so offending in the Premises, rendering the Overplus (if any) on Demand to the Person or Persons whose Goods and Chattels shall be so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale; and the Money so to be levied as aforesaid shall be applied towards the Payment of the Costs, Charges, and Expences of obtaining and executing this Act.

Persons who have enjoyed Commonage for Forty Years, to be considered to have a Right of Common.

XXXI. And be it further enacted, That all and every Person and Persons being Owner or Owners of any Messuages, ancient Buildings or Scites thereof, Lands or Tenements, in whatsoever Manor, Parish, Township, Constabulary, Hamlet, or Place, the same are situate, the Owners or Occupiers whereof for the Time being have for Forty Years last past had and actually enjoyed any Right or Rights of Common upon the said Open Commonable Grounds and Waste Lands, or any Part or Parts thereof respectively, for and in respect of such Messuages, ancient Buildings, Scites, Lands or Tenements respectively (save and except any Right of Common by Vicinage) shall be deemed and taken to have, in respect of such their Estates, a Right of Common upon the said Open Commonable Grounds or Waste Lands, or the Part or Parts thereof respectively to which such Usage shall have extended, without shewing any other Title than such Usage; and be entitled to have an Allotment or Allotments of the same respectively, in the same Proportion
as

as other Persons entitled to Common thereon respectively shall be entitled unto, Regard being had to the particular yearly Values of their respective Estates in respect whereof they have enjoyed or are entitled to such Right of Common: Provided nevertheless, that the Provision last herein-before contained shall not in any wise affect any Parishes, Hamlets, Places or Persons, having or claiming Right of Common upon the said Commonable Grounds and Waste Lands or any Part thereof respectively, other than such as shall claim under such Provision, if they shall be able to support such Claims independant of such Enjoyment, in case the same shall happen to be objected to or contested.

XXXII. And be it further enacted, That all Intakes and Encroachments made on the said Open Commonable Grounds and Waste Lands within the said respective Manors and Places, and which have been made within the Space of Sixty Years now last past, and for which no Licence, Consent or Grant shall have been obtained from the Lord or Lords of such respective Manors, shall be deemed and considered Part and Parcel of the said Grounds and Lands to be allotted and inclosed, as if the same were actually lying open and uninclosed.

Encroachments to be allottable.

XXXIII. Provided always, and be it enacted, That in case any such Intakes or Encroachments shall lie or be situate next or adjoining to *Garendon Park* aforesaid, such Intakes or Encroachments shall be allotted to the Lord or Lords of the Manor of *Sheepshead*, if the said Commissioners shall judge such Lord or Lords to be entitled by virtue of this Act, to the Quantity of Land contained in such Intakes or Encroachments; and such Allotment when so made shall be and be deemed to be in full Satisfaction of the Whole or Part of the Allotment to be made to such Lord or Lords, by virtue of this Act, as the Case may be.

Encroachments adjoining Garendon Park, to be allotted to the Lord of the Manor of Sheephead.

XXXIV. And be it further enacted, That all Bushes and Pollards growing upon the said Open Commonable Grounds and Waste Lands respectively, shall be allotted to the several and respective Lords of the Manors or other Owners of the Soil whereon the same respectively grow, or their respective Assignees thereof, who shall have Power to remove and convert the same to their own respective Use and Benefit, within such Time or Times as the said Commissioners shall direct or appoint.

Power for Lords of Manors to remove Bushes.

XXXV. And be it further enacted, That the said Commissioners shall mark and set out such Part and Parts of the said Open Commonable Grounds and Waste Lands respectively as by the Sale thereof will, together with Lands and Grounds to be sold to the Company of Proprietors of the *Leicester* Navigation in Manner herein directed, in the Judgement of the said Commissioners raise a sufficient Sum of Money to defray and discharge all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, and of preparing and inrolling the Award to be made by the said Commissioners, and a Copy thereof, and of surveying, admeasuring, planning, valuing, dividing, fencing (as herein directed) and allotting the Lands and Grounds to be divided, allotted, and inclosed by virtue of this Act, and all the Charges of the said Commissioners, their Assessors, Clerks, Assistants and Servants, and all the other necessary Expences of the several Persons to be employed by the said Commissioners in

Land to be sold for Payment of Expences.

in and about the Lands and Grounds to be divided, allotted, and inclosed by virtue of this Act, and all the Expences of forming, completing, and repairing the Public Carriage Roads and Highways to be set out and appointed by the said Commissioners, in, over, or upon the said Lands and Grounds, and of ring-fencing the Allotments herein directed to be made in lieu of Tythes, and all other Expences of carrying this Act into Execution, and the said Commissioners shall and they are hereby required to sell the Lands and Grounds so marked and set out in such Allotment or Allotments as to them shall seem right and proper, to any Person or Persons, for the best Price or Prices that can be gotten for the same by public Auction or Auctions to be holden for that Purpose, of which Auction or Auctions respectively Six Weeks previous Notice shall be given; and the Person or Persons so purchasing the same at such public Auction shall immediately pay (by Way of Deposit) into the Hands of the said Commissioners, or such Person or Persons as they shall direct and appoint, One Tenth Part of his, her, or their Purchase Money, and shall pay the Remainder thereof within Three Calendar Months next after the said Sale, or at such other Time as the said Commissioners shall appoint, and in Default thereof the Money so deposited shall be forfeited, and shall be applied in carrying this Act into Execution; and the Allotment or Allotments for which the whole of such Purchase Money shall not have been so paid, or for which there shall be no Bidding at such Auction, shall be again put up to Sale, and sold by public Auction in Manner aforesaid, for the best Price or Prices that can be gotten for the same, or be sold by the said Commissioners by private Contract, for any Sum or Sums not less than the remaining Nine-tenths of the Price or respective Prices for which the same was or were respectively before sold, or the Amount of one Bidding above the Sum or respective Sums at which the same was or were respectively put up at the said former Auction; and every Allotment for which the full Purchase Money shall be paid, shall immediately thereupon be absolutely discharged of and from all Common Tythes and other Rights thereon or therein, and be vested in Fee Simple in and be enclosed and thenceforth held in Severalty by such Purchaser or Purchasers thereof respectively, as his, her or their private and absolute Property (subject only to the feigniorial Rights of the Lords of the respective Manors in which such Lands shall lie or be situate) and shall be allotted accordingly by the said Commissioners; and the said Purchase Money shall be applied by the said Commissioners in defraying such Costs, Charges, and Expences as aforesaid.

Purchasers of Land sold for paying the Expences of the Act, shall be subject to the Orders of the Commissioners.

XXXVI. And be it further enacted, That the Person or Persons who shall become the Purchaser or Purchasers of the said Lands so to be allotted and sold for the Purposes aforesaid, their Heirs and Assigns, shall be subject and liable to the making and keeping in Repair all or such Part of the Ring Fences thereof, as shall be directed by the said Commissioners or the major Part of them, and also for the due Observance and Performance of all Orders, Matters, Charges, and Directions, to be made, laid down, and appointed by the said Commissioners in and by their Award, in the like Manner as if such Lands had been allotted to such Purchaser or Purchasers, his or their Heirs or Assigns, for or in respect of any Right in, over, or upon the said Open Commonable Grounds and Waste Lands; but no such Purchaser or Purchasers shall be subject or liable to the Payment of the Charges and Expences of obtaining this Act, or carrying the same into Execution.

XXXVII. And

XXXVII. 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.

XXXVIII. Provided always, and be it enacted, That in case any of the Persons interested in the said intended Division and Inclosure, shall be desirous of having the Whole of their respective Shares and Allotments of the said Open Commonable Grounds and Waste Lands set out and allotted to them, without any Abatement for or in respect of the Sales herein-before directed for the Purposes aforesaid, and shall by themselves or Agents signify the same in Writing to the said Commissioners or the major Part of them, at the Time of delivering in their respective Claims as herein directed, or within such Time afterwards as shall be limited and prescribed by the said Commissioners, then and in every such Case the said Commissioners shall and they are hereby authorized and directed to set out and allot to such Persons respectively all such Shares and Proportions of the said Open Commonable Grounds and Waste Lands as they would have been severally entitled unto under and by virtue of this Act, in case no Provision had been hereby made for Sale of any Part of the same Waste Lands, and without any Deduction or Abatement whatsoever on that Account; and to adjust and settle what Sum and Sums of Money ought to be borne and paid by such several Persons, their Heirs or Assigns, for and in respect of their several and respective proportionable Shares of the Charges and Expences aforesaid; the same to be paid and recovered in such and the same Manner, and under such and the same Powers and Authorities as herein-after provided with respect to any Deficiency in the Monies to arise by Sale as aforesaid; provided nevertheless, that nothing herein contained shall give to the said Commissioners any Power to charge such Persons with any Part of the Expences attending or occasioned by the Sales herein-before directed.

Persons desirous of paying in Money to be exempt from the Operation of the Powers of Sale.

XXXIX. And whereas by an Act made in the Thirty-first Year of the Reign of His present Majesty, intituled *An Act for making and maintaining a Navigable Communication between the Loughborough Canal and the Town of Leicester, and for making and maintaining a Communication by Railways or Stone Roads and Water Levels from several Places and Mines to the said Loughborough Canal, and for continuing the same by passing along the said Canal to the said Navigable Communication, all in the County of Leicester*, certain Persons were incorporated by the Name and Style of "The Company of Proprietors of the Leicester Navigation," and were enabled to make use of certain Lands and Grounds for the Purposes of the said Canal, Reservoirs, and other Works, making Recompence and Satisfaction to the Persons interested in such Lands and Grounds for the Use thereof: And whereas fundry Parts of the said Open Commonable Grounds and Waste Lands have been taken and used by the said Company of Proprietors for the Purposes of their Canal, Reservoirs, and other Works, and no Recompence or Satisfaction hath been made for the Purchase of the same; be it therefore enacted, That the said Company of Proprietors shall and they are hereby required to pay unto the said Commissioners acting in Execution of this Act, such Sum or Sums of Money as the said Company of Proprietors

Commissioners to sell Land to the Leicester Navigation Company.

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tors and the said Commissioners or the major Part of them, shall mutually agree to be a fair Recompence and Satisfaction for such Parts of the said Open Commonable Grounds and Waste Lands as have been so taken and used by the said Company of Proprietors; but if within Fourteen Days after being thereunto required by Notice in Writing given to the Clerk or Treasurer or known Agent or Agents of the said Company of Proprietors, signed by the said Commissioners or the major Part of them, the said Company of Proprietors shall fail or omit to enter into any such Agreement, then and in such Case they shall and they are hereby required to pay such Sum or Sums of Money to the said Commissioners as shall be assessed and ascertained by the Commissioners appointed by and in pursuance of the said Act of the Thirty-first Year of His present Majesty, for the Purpose of determining and adjusting what shall be paid by the said Company of Proprietors for the Purchase of Lands used or taken for the Purposes of the said Canal, Reservoirs, and other Works, or by a Jury, to be a fair Recompence and Satisfaction for the same; and such Jury shall be impanelled, summoned, and returned in the same Manner, and under the same Restrictions, and shall be guided by the same Rules, Orders, and Regulations as are in that Behalf directed and contained in the said recited Act, made in the Thirty-first Year of the Reign of His present Majesty; and when it shall be so agreed, determined, or assessed and ascertained (as the Case may be) what Sum or Sums of Money is or are such fair Recompence and Satisfaction as aforesaid, the said Company of Proprietors shall (upon Notice in Writing under the Hands of the said Commissioners for executing this Act, or the major Part of them, for that Purpose being delivered to the Clerk or Treasurer or known Agent or Agents of the said Company of Proprietors) and they are hereby required forthwith to pay the same unto the said Commissioners at such Time and Place in the said Town of *Loughborough* as shall be specified in such Notice; and in case the said Company of Proprietors shall omit to pay or tender or cause to be paid or tendered such Sum or Sums of Money as shall have been so agreed and determined or assessed and ascertained as aforesaid (as the Case may be) it shall and may be lawful to and for the said Commissioners, in their own Names, to sue for and recover the same from the said Company of Proprietors in any of His Majesty's Courts of Record at *Westminster*; and no such Action or Suit shall abate or discontinue by the Death of any of the said Commissioners; and such Sum and Sums of Money when so obtained, recovered, and received by the said Commissioners, shall be by them applied in Aid of the Costs, Charges, and Expences of obtaining and putting this Act into Execution: Provided nevertheless, that the said Commissioners shall, in the Allotments herein-after directed to be made to the Lords or Owners of the Soil, and Persons entitled to the Tythes of the Lands so taken and used by the said Company of Proprietors, make and allow a Compensation to such Lords or Owners of Soil for One-fourteenth Part, and to such Tythe Owners for One-ninth Part of the Monies so received by the said Commissioners, according to the Quantity of Land to the Soil or Tythes whereof such Person or Persons are or shall appear to be respectively entitled.

Surplus produced by Sales, to be divided between Pro-

XI. And be it further enacted, That in case such Part or Parts of the said Open Commonable Grounds and Waste Lands hereby directed to be sold as herein-before mentioned, shall be sold for more Money than will be required to defray such Costs, Charges, and Expences as aforesaid, then

then and in such Case such Surplus Money shall be divided and apportioned between the several Proprietors of and Persons interested in the Lands hereby directed to be divided and inclosed, save and except the several Owners and Proprietors of Tythes and the Surveyors of Highways, in such Shares as shall be in proportion to such their respective Property, Rights, and Interest; and the respective Shares of such of them as shall be Tenants in Fee Simple of their respective Allotments, shall be paid to them respectively; and the Shares of such other Proprietors or Persons of and in such Surplus Money, shall be applied and disposed of in Manner directed by the said recited Act of the Forty-first Year of His present Majesty, in case any Money is to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the same Uses,

prietors in Fee according to their Interests, and between the other Proprietors, as directed by Act 41 G. 3.

XLI. And be it further enacted, That all the Costs, Charges, and Expences of obtaining and executing this Act, in case the Money raised by Sale of the Lands herein directed to be sold shall be insufficient to defray the same, shall be borne and defrayed by the several Persons to whom any Allotment or Allotments shall be made by virtue of this Act (save and except the several Owners and Proprietors of Tythes, for or in respect of the several Allotments made to them, as such Owners and Proprietors of Tythes, and save and except the Surveyors of the Highways for the Time being, for or in respect of the Allotments hereby directed to be made to them as Surveyors); and all such Costs, Charges, and Expences, together with the Proportions thereof to be made by the several Persons hereby made liable to the Payment thereof, shall be settled and adjusted by the said Commissioners, and shall be paid at such Time and Place, and to such Person or Persons as the said Commissioners shall appoint, either before or after the Execution of their said Award.

Surplus Expences of the Act, to be raised by Rate.

XLII. Provided always, and be it further enacted, That the said Commissioners shall and they are hereby required to adjust and settle the Costs, Charges, and Expences of obtaining and executing this Act, and also regulate the Sales herein directed to be made for defraying the same, and the Application of any Surplus Monies, as well as all such Rate or Rates as they may have Occasion to make in pursuance of this Act; so and in such Manner as that such Persons as are interested in the said Forest or Chase, or any Part or Parts thereof only, shall not be charged for or in respect of any additional Expence attending or occasioned by the Inclosure of the said Plain, or more than a fair Proportion according to the Extent of their respective Rights; but that the Charges and Expences aforesaid may be borne and paid by the Persons interested in the said Forest or Chase and the said Plain, and every Part thereof respectively, in due and just Proportions.

Expences, &c. to be adjusted according to the Extent of Proprietors Rights.

XLIII. And be it further enacted, That the said Commissioners shall and they are hereby required, as soon as conveniently may be after setting out Public Roads and Highways, as by the said recited Act of the Forty-first Year of His present Majesty's Reign directed, to set out and allot unto and for the Surveyors of the Highways of the several Parishes, Constableries, Hamlets, Townships, and Places within which the said Open Commonable

Allotments for Repairs of Roads.

Commonable Grounds and Waste Lands respectively lie, so much and such Part or Parts of the said Grounds and Lands to be inclosed, and in such Places as the said Commissioners shall think proper, for getting Stone, Gravel, or other Materials for the Repairs from Time to Time for ever, of the public and private Roads and Highways within such respective Parishes, Constableries, Hamlets, Townships and Places; and the Grass and Herbage arising thereon respectively shall be and the same are hereby vested in the said respective Surveyors of the Highways for the Time being, who shall let the same, and account respecting the Rents and Profits thereof in the same Manner as they are by Law liable to account for other Monies collected and received by them as Surveyors as aforesaid.

Direction as to the Repairs of private Roads over the Common not provided for by the Commissioners Award.

XLIV. And be it further enacted, That all such Private Roads and Bridleways, and Footways as shall be set out by the said Commissioners in or over the said Open Commonable Grounds and Waste Lands, pursuant to the Directions contained in the said recited Act of the Forty-first Year of His present Majesty's Reign, shall be formed and completed, and for ever afterwards kept in Repair, by and at the Expence of the same Persons, and in like Manner as is by such Act directed with respect to public Roads; except so far as the said Commissioners shall in and by their Award make other Order or Direction concerning the same.

Watercourses may be turned.

XLV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby empowered, to direct, order, and award all Streams of Water, Springs, and Watercourses within the Lands and Grounds hereby intended to be divided and inclosed, to be carried and conveyed in such Courses and through such of the said Lands and Grounds so hereby intended to be divided and inclosed, as they in their Discretion shall think necessary and proper for the Purpose aforesaid: Provided always, that no such Streams of Water, Springs, or Watercourses, shall be diverted or turned without the Consent of the Person or Persons from and into whose Lands the same shall be carried or conveyed.

The Course of certain Brooks not to be diverted.

XLVI. Provided nevertheless, That nothing herein contained shall authorize or empower the said Commissioners or any other Person or Persons to change, alter, or divert the Course of a certain Brook called *Shortcliff Brook* or *Hurst* now running into *Garendon Park* from and out of the said Forest or Chace; or of a certain Rivulet or Brook on which an ancient Water Mill within the Precinct of *Ulverscroft*, belonging to the Reverend *John Staunton* Doctor of Laws, is situate, running from thence through *Newtown Linford* into *Bradgate Park*; or certain Springs, Streams, or Watercourses rising in *Little Hills* under *Broombrigge*, and running into *Beaumanor Park* by the Corner of *Woodhouse Eaves*; or any of the Springs, Streams, or Watercourses by which the said Brooks are now supplied with Water; or to make any Order or Direction to the Prejudice of any other Person or Persons entitled to the Benefit of any Stream of Water, Spring, or Watercourse.

Allotments for Common Stone Quarries and Watering Places.

XLVII. And be it further enacted, That the said Commissioners shall and they are hereby required to set out and appoint such Part or Parts of the said Open Commonable Grounds and Waste Lands, and in such Place

or Places as they in their Discretion shall think requisite or proper, for common Stone Quarries, common Watering Places for Cattle, and common Washpits for Sheep.

XLVIII. And be it further enacted, That as soon as conveniently may be after the Survey and Value of the said Forest shall have been completed, it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required, to separate and set apart such Pieces or Parcels of Land in such Place or Places in the said Forest as they shall think proper, and which in their Judgment (Quantity, Quality, and Situation considered) shall be equal in Value to Two hundred Acres, at the average Value of the said Forest, having regard in setting out the same to the respective Extent and Value of so much and such Part and Parts of the said Forest, as is or are within the Ecclesiastical Peculiar Exempt Jurisdiction of *Grooby* aforesaid, and of the Residue of the said Forest not included in such Exempt Jurisdiction, and to allot and award so much and such Part and Parts of the said Two hundred Acres, as shall be proportionate to the Extent and Value of the Parts of the said Forest included in the said Peculiar, unto and for the Lord of the Manor and Ecclesiastical Peculiar Exempt Jurisdiction of *Grooby* aforesaid, and the Commissary of the same Jurisdiction, and their Successors for the Time being, and all the Rest and Residue of such Two hundred Acres, unto and for the Lord Bishop of *Lincoln*, and the Archdeacon of *Leicester*, and the Lords of the several Manors of *Whitwick*, *Beaumanor*, *Sheepshead*, *Ulvescroft*, and *Belton* aforesaid, for the Time being, to be respectively held and enjoyed by the respective Persons aforesaid, and their Successors and Heirs, as Freehold in Fee, for the Use and Benefit of such Person and Persons as may be duly appointed to serve as Minister or Ministers of any Chapel or Chapels which may hereafter be built, consecrated, and set apart for the public Worship of Almighty God, according to the Laws Ecclesiastical of this Realm within the said Forest, for the Use of such Person and Persons as may from Time to Time inhabit Houses upon the said Forest; and the Nomination and Appointment of the Minister or Ministers of such Chapel or Chapels shall be and is hereby vested in the Lords of the several Manors of *Grooby*, *Whitwick*, *Beaumanor*, *Sheepshead*, *Ulvescroft*, and *Belton* for the Time being; and in case of their not agreeing in such Nomination and Appointment, then the same shall and may be made by the major Part of them; and in case of their being equally divided, then and as often as it shall so happen, the Nomination to any Chapel or Chapels to be erected within the Limits of the said Exempt Jurisdiction of *Grooby* shall be made by the Ordinary of the said Jurisdiction, and to any Chapel or Chapels to be built on any Part or Parts of the said Forest, not included in the said Peculiar Jurisdiction of *Grooby*, by the Lord Bishop of the Diocese, for such Turn or Turns only; and until a Chapel or Chapels shall be so built and consecrated, and a Minister or Ministers thereof duly appointed, the Rents, Issues, and Profits of such Pieces or Parcels of Land as aforesaid, shall be by the said respective Trustees thereof placed out at Interest on Government Securities, and the Principal and Interest Monies arising or to arise from such Rents and Profits shall accumulate and be applied towards discharging the Expences of building any Chapel or Chapels, and House or Houses, which may hereafter be erected and built within the said Forest, for the Residence of the officiating Minister or Ministers of such Chapel or Chapels, and for

Lands to be appropriated for building of a Chapel or Chapels, &c. in the Forest.

the increafing of the Stipend or Stipends of any Minifter or Minifters who may be fo nominated and appointed to officiate in fuch Chapel or Chapels as aforefaid, or purchafing Lands for his or their Ufe as Glebe.

Allotments
to the Lords
of Manors and
Owners of
Soil.

XLIX. And be it further enacted, That the faid Commiffioners fhall and they are hereby authorized and required to fet out and allot unto and for the feveral Lords of the feveral and refpective Manors within which the faid Open Commonable Grounds and Wafte Lands are refpectively fuate, lying, and being, and unto and for all and every other Perfon or Perfons who is or fhall appear to be entitled to the Soil of any Part of the faid Open Commonable Grounds and Wafte Lands refpectively (exclusive of any other Allotments or Compenfation to be made to them refpectively by virtue of this Act, either as Owner or Owners of Tithes, or for Commonage in refpect of any Meffuages, Cottages, Scites, Lands, or Tenements, in the refpective Poffeffions or Occupations of themfelves or their refpective Tenants or Leffees) fo much and fuch Part and Parts of the Grounds and Lands to be inclofed within their refpective Manors or Portions of Soil, as they the faid Commiffioners fhall adjudge to be equal in Value to One-fourteenth Part of the fame refpectively, after the Allotments for Roads and Repairs of Roads, and for erecting and building of a Chapel or Chapels, and making Provision for the Minifter or Minifters thereof, fhall be made; due Regard and Confideration being had by the faid Commiffioners to the Quantity, Quality, and Situation of the fame; and fuch refpective Fourteenth Parts fhall be for ever held and enjoyed in Severalty by the faid feveral and refpective Lords and Owners of the Soil, and their refpective Heirs and Affigns, free, exempt, and abfolutely difcharged of and from all Manner of Tithes and Right of Common whatfoever.

Allotments
to Rectors,
Vicars, and
other Tithes
Owners.

L. And be it further enacted, That the faid Commiffioners fhall and they are hereby alfo authorized and required to fet out and allot to and for the feveral Rectors, Impropriators, and Vicars, and to and for all and every other Perfon or Perfons who is, are, or fhall appear to be entitled to any Tithes which may arife, renew, or increafe from the faid Open Commonable Grounds and Wafte Lands, or any Part or Parts thereof, when inclofed, fo much and fuch Part and Parts of the fame Open Commonable Grounds and Wafte Lands to the Tithes whereof he, fhe, and they is, are, or fhall appear to be refpectively entitled, as in the Judgment of the faid Commiffioners fhall be equal in Value to One full Ninth Part (after the feveral Allotments for Roads and Repairs of Roads and Chapels fhall be made as herein directed) of fuch Open Commonable Grounds and Wafte Lands refpectively, to the Tithes whereof fuch Perfon fhall be fo entitled; and all Encroachments whatfoever on or from the fame refpectively; and fuch Allotments for Tithes fhall be apportioned where neceffary in Manner herein-after mentioned; and fuch Allotments fhall be and be deemed and taken to be in lieu of and as a full Compenfation and Recompence for all Tithes both Great and Small, and all Ecclefiaftical Dues and Payments whatfoever, arifing, renewing, happening, or increafing, or which can, fhall, or may hereafter arife, renew, happen, or increafe, from or within any of the Lands or Grounds, for or in refpect of the Tithes whereof fuch Allotments fhall be made (*Eafter Offerings, Mortuaries, and Surplice Fees only excepted.*)

LI. And

LI. And be it further enacted, That when and as soon as the Lands and Grounds to be set out and allotted as aforesaid as and for a Satisfaction or Compensation for Great and Small Tithes, shall be inclosed and fenced in Manner by this Act directed, all the Lands and Grounds by this Act directed to be divided, allotted, and inclosed, and all Encroachments whatsoever in or upon the same, shall be and the same are hereby declared to be freed, discharged, and exonerated of and from all Tithes both Great and Small, and all other Ecclesiastical Dues and Payments whatsoever (Mortuaries, *Easter* Offerings, and Surplice Fees excepted), arising, renewing, happening, or increasing out of or from all such Lands and Grounds and Encroachments as aforesaid.

Tithes to
cease on
Allotments
being fenced.

LII. Provided always, and be it enacted, That the said Commissioners shall and they are hereby required to subdivide, assign, and allot the Allotment and Allotments so to be made for Great and Small Tithes unto and between the several and respective Rectors, Vicars, and other Persons entitled to such Great and Small Tithes, their respective Successors, Heirs, and Assigns, in such Shares and Proportions as the said Commissioners shall adjudge and determine to be a just Satisfaction and Compensation for their respective Rights and Interests in and to such Great and Small Tithes, and other Ecclesiastical Dues and Payments as aforesaid (Mortuaries, *Easter* Offerings, and Surplice Fees excepted.)

Subdivision to
be made of
Allotments
for Tithes
according to
Rights.

LIII. Provided always, and be it further enacted, That nothing herein contained shall prejudice or take away the Right of any Rector or Vicar, or other Person whomsoever, to any Moduses or other Payments in lieu of Tithes (except such Tithes in respect whereof the said Allotments shall be made) Surplice Fees, *Easter* Offerings, or Mortuaries, to them respectively due and payable within their respective Parishes, Constableries, or Tithings.

Not to pre-
judice Right
to Surplice
Fees.

LIV. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required, in the next Place, to allot and set out the Residue of the said Open Commonable Grounds and Waste Lands respectively, to and amongst all and every the Persons entitled to Commonage in, over, or upon the same respectively, or any Part or Parts thereof respectively, in Proportion to the real Value of their several and respective Messuages, Cottages, or Scites of Messuages or Cottages, Lands, and Tenements, in respect whereof they are entitled to such Right of Common, and to the Part or Parts of the Lands to be inclosed in, over, or upon which their respective Rights of Common shall extend; due Regard being had in settling the Quantum of each Allotment to the Quality and Situation of the Land to be comprized therein; and shall, also set out and award every Person's Allotment as near to his Messuage or Messuages, Cottages, Scites, Lands, and Tenements, in respect whereof he is or shall be entitled to such Right of Common, as conveniently may be.

The Residue
to be allotted
to Persons
entitled to
Commonage.

LV. Provided always, and be it enacted, That in case the said Commissioners shall find it necessary and expedient to set out the Whole or any Part or Parts of any Encroachments in or upon the said Open Commonable Grounds and Waste Lands respectively, for public or private Roads, Ways, or Drains, then and in such Case it shall and may be lawful for the said Commissioners to set out the same, in such Manner as to them shall seem meet and convenient.

Commission-
ers may assign
Encroach-
ments for
Roads.

LVI. Provided

Commis-
sioners
may, before
executing
their Award,
alter Allot-
ments and
private Roads,
&c.

LVI. Provided also, and be it enacted, That it shall and may be lawful for the said Commissioners, at any Time before executing their Award, to make any Alterations in the Allotments and Fences which they may have set out and ordered, or private Roads made over or to such Allotments, as they shall think expedient; and in case any Person or Persons shall be injured by any such Alteration or Alterations, on account of any Expences which he, she, or they may have incurred, 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.

Tithes and
other Allot-
ments, how
to be fenced.

LVII. And be it further enacted, That the several Outermost or Ring Fences of the several and respective Pieces or Parcels of Land to be allotted in lieu of and as a Compensation for Great and Small Tithes as aforesaid, shall be properly planted with good Hawthorn Quicksets, and guarded on each Side with a double Row of Oak, Ash, or Elm Posts and Rails, and a sufficient Ditch on each Side, or shall be made of good and sufficient Stone Walls, or in such other Manner as the said Commissioners shall think proper and sufficient, together with such proper Gates and Oak Posts, in such Manner as the said Commissioners shall direct and appoint, without any Deduction or Deductions from such Allotment or Allotments so to be made to the several Persons entitled to such Great and Small Tithes, their respective Successors, Heirs, or Assigns, or any of them, on account of such Expences; and all such Fences, or such Part or Parts thereof as the said Commissioners shall 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; and all Fences in pursuance of this Act to be made, for dividing and inclosing the Residue of the said Open Commonable Grounds and Waste Lands, shall be made, and at all Times for ever thereafter repaired and maintained, by and at the Expence of the Proprietors interested in such Residue, in such Parts and Proportions, and within such Time and in such Manner, as the said Commissioners shall in and by their Award direct or appoint.

Provision
respecting
Fences, &c.
of the Earl of
Stamford and
Warrington's
Leaseholders
Allotments.

LVIII. And be it further enacted, That all and every the Gates, Hedges, Ditches, Walls, and Fences, which in pursuance of this Act shall be directed to be made for inclosing the Land which shall be allotted in lieu of Right of Common appurtenant to or in respect of any Messuages, Cottages, Scites, Lands, or Hereditaments, now holden for one or more Life or Lives, or for Years determinable upon one or more Life or Lives, by or under any Lease or Leases of or from the said Earl of *Stamford* and *Warrington*, or any of his Ancestors, shall be made, and afterwards maintained for the Term of Seven Years, at the Costs and Charges of the Person or Persons who for the Time being shall be entitled to the Reversion of such Leasehold Premises immediately expectant on the Termination of the same Leases respectively; and after the Expiration of the said Term of Seven Years, all such Gates, Hedges, Ditches, Walls, and Fences, shall be maintained and supported by and at the Expence of the several and respective Lessees of the Land so to be inclosed, during the Continuance of their respective Estates, Terms, and Interests therein by virtue of any such Lease or Leases as aforesaid; and that from and after the Fifth Day of *April* next after such Allotments shall have been fenced and inclosed, the said several and respective Lessees of the Land so directed to be fenced and inclosed by the Persons entitled to

the Reversion thereof as aforesaid, and also the said Earl's several and respective Lessees of any other Hereditaments which shall have been exonerated from Tythes in pursuance of the Powers herein-after contained, shall, during the Continuance of their respective Estates, Terms and Interests therein, by virtue of any such Lease or Leases as aforesaid, pay to the Person or Persons entitled to the Reversion of the same Premises for the Time being, such Yearly Sum and Sums of Money in Consideration of and as a Satisfaction for the Costs and Charges such Reversioner or Reversioners shall be put to in making and maintaining such Fences as aforesaid, and for or on account of the Exoneration of such ancient Inclosures from Tythes, as the said Commissioners shall by their Award direct; which said Sum and Sums of Money so to be paid by such Lessees respectively as aforesaid, shall be paid as an Increase of Rent, at such Days and in such Manner and Proportions, and shall be recoverable by such and the same Remedies as the several Rents now reserved in the said respective Leases are made payable and are now recoverable by Law.

LIX. And be it further enacted, That all or any of the Lands to be allotted in pursuance of this Act in respect of any Messuages or Cottages or Scites, or any Lands or Tenements held or demised for one or more Life or Lives, or for Years determinable upon one or more Life or Lives, by or under any Lease or Leases of or from the said Earl of *Stamford* and *Warrington*, or any of his Ancestors, shall (if the said Earl of *Stamford* and *Warrington*, his Heirs or Assigns, shall be desirous thereof, and testify such his Desire to the said Commissioners or the major Part of them in Writing under his or their Hand or Hands) be set out and allotted to the said Earl in one or more Parcel or Parcels; to the Intent that during the Continuance of any such Lease or Leases, the same may be used and enjoyed by the several Lessees or Occupiers for the Time being of the several Messuages or Cottages, Scites, Lands, or Tenements, in respect whereof the same shall be so allotted, as a Common Pasture or Pastures; and it shall be lawful for the said Earl, his Heirs and Assigns, to make Rules, Orders, and Regulations for the Use and Management thereof, and for the Stints of the Commonage or Depasturage thereon, and for the Protection and Preservation of the Herbage, Turf, Ground, Soil, and Fences thereof, and for the Employment and Appointment of proper Persons to execute such Rules and Orders, and to overlook the said Lands, and to impound Cattle which shall be found trespassing thereon contrary to such Regulations, and from Time to Time to revoke, alter, and vary the same as he or they shall think fit, and subject to such Right and Claim of such Lessees, to, in, or upon the said Allotments, the same shall belong to and be vested in the said Earl, his Heirs and Assigns for ever.

Allotments for Lord *Stamford's* Leasehold Cottagers, may be set out as Common Pastures.

LX. Provided always, and be it enacted, That out of such Part of the Grounds or Lands to be allotted to the Lords of the said respective Manors, or other Owner or Owners of Soil respectively, their Heirs and Assigns, by virtue of this Act, the said Commissioners shall and they are hereby required to set out and allot unto and for each of such Lords and Owners of Soil respectively, who shall desire the same, and give Notice of such Desire to the said Commissioners in due Time, within his or their respective Manors or Limits, one Allotment or Allotments, of such Quantity and in such Place or Places as shall be in such Notice expressed,

Allotments to be made to Lords of Manors for Mineral Purposes, as they shall direct, within their respective Manors.

[Loc. & Per.]

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which

which shall or may appear to the said Lords or their Lessees, or Person authorized by them, and which shall be made to appear to the Satisfaction of the said Commissioners, probably to contain a Portion of Ironstone, Slates, Slatestones, Whetstones or Hones, or other Minerals (except Limestone and such other Stones as are by this Act vested in and given to the Proprietors of the Allotments under this Act) according to the Opinion and Judgement of such Commissioners, as may be most convenient for the Use and Exercise of his or their Mineral Rights as aforesaid, or any Works to be commenced, carried on, or established for such Mineral Purposes, and so as such Allotment or Allotments for Mineral Purposes do not exceed the Amount of such respective Lords or Owners Portion of Land to be allotted to him or them respectively by this Act.

Direction as
to the Situ-
ation of Lord
Stamford's
Allotments.

LXI. And be it further enacted, That the several Allotments to be made to the said *George Harry* Earl of *Stamford* and *Warrington*, his Heirs and Assigns, in pursuance of this Act, shall be set out in such Place or Places as he or they shall require, so as not to interfere with the general Convenience of the several other Persons interested in the said intended Inclosure; and the said Commissioners shall and they are hereby required to set out such and so many private Roads and Ways as shall be necessary for giving to the said Earl, his Heirs and Assigns, convenient Access to the Park of *Bradgate*, and the Purlieu, Woodlands, and other ancient Inclosures belonging to him the said Earl, abutting or adjoining to the said Grounds and Lands intended to be inclosed; and if any of the Land adjoining to the aforesaid Park of *Bradgate*, or to any of the aforesaid Purlieu or Woodlands, shall be set out or allotted unto or for any other Person or Persons than the said Earl, his Heirs or Assigns, then and in every such Case a Freeboard or Easement of the Width of Twenty-one Feet from the Walls or Fences of such Park, Purlieu, and Woodlands, shall be and is hereby reserved to and vested in the said Earl of *Stamford* and *Warrington*, his Heirs and Assigns.

For allotting
Land adjoining
to *Beaumanor* Park
to *William*
Herrick, esq.
and to *Garendon* Park,
to *Thomas*
March Phillips, esq. &c.

LXII. And be it further enacted, That the said Commissioners shall and they are hereby required to set out and allot unto and for the said *William Herrick*, his Heirs and Assigns, so much of the Grounds and Lands to be inclosed by virtue of this Act, as lies next or adjoins to the Park of the said *William Herrick* at *Beaumanor*, from the Pocket Gate adjoining *Loughborough Outwoods*, to the Corner of *Woodhouse Eaves* by the *Forest Lane*, together with all Intakes or Encroachments thereon, as the said *William Herrick*, his Heirs or Assigns, shall require, due Regard being had by them the said Commissioners to the Quantity, Quality, Situation, Convenience, and Extent thereof, as shall be so required; and that the said Commissioners shall and they are hereby required to deduct and allow such ample Compensation and Satisfaction out of the Land to be allotted to the said *William Herrick*, his Heirs and Assigns, and add the same to the Allotments to be made to the Earl of *Moir*, his Heirs and Assigns, as the said Commissioners shall adjudge to be the full Value of the said Intakes and Inclosures belonging to the said Earl, which shall be so set out and allotted unto and for the said *William Herrick*, his Heirs and Assigns as aforesaid; and the said Commissioners shall and they are hereby required to set out such and so many private Roads and Ways as shall be necessary for giving to the said *William Herrick*, his Heirs and Assigns, convenient Access to the Woods called *Loughborough Outwoods*; and if any of the

Land

Land adjoining to any of the said Outwoods shall be set out or allotted unto or for any other Person or Persons than the said *William Herrick*, his Heirs or Assigns, then and in every such Case a Freeboard or Easement of the Width of Twenty-one Feet from the Fences of such Woodlands shall be and is hereby reserved to and vested in the said *William Herrick*, his Heirs and Assigns; and the said Commissioners shall and they are hereby required to set out and allot unto and for the said *Thomas March Phillipps*, his Heirs and Assigns, as Part of the Allotments to be made to him and them pursuant to this Act, so much of the Grounds or Lands, with the Intakes or Encroachments thereon, to be divided and inclosed as he shall require, as lies next or adjoins near to *Garendon Park* on the South and West Sides thereof, having due Regard as aforesaid to the Quality, Quantity, Situation, and Convenience of such Allotment, such particular Allotment to extend on one Side to the Turnpike Road leading from *Loughborough* to *Ashby de la Zouch*, and on the other to the public Road which shall be set out by the said Commissioners from such Turnpike Road to the Town of *Sheepshead*, which Road the said Commissioners are hereby directed to set out from the *Forest Street* at *Sheepshead*, over the Accommodation Bridge on the Canal between *Ockley Brook* and *Coldwell Springs* or *Town Brook*, to the said *Ashby de la Zouch* Road; and the said Commissioners shall not be at Liberty to set out any other public Road between the said new Road and *Garendon Park*; and the said Commissioners shall and they are hereby required to set out such and so many private Roads and Ways as shall be necessary for giving unto the said *Thomas March Phillipps*, his Heirs and Assigns, convenient Access to the Woods, called *Holywell*, *Oxley* or *Finyhill*, *Holyoak* or *Hook-hill Woods*; and if any of the Lands adjoining to any of the same Woods shall be set out or allotted unto any other Person or Persons than the said *Thomas March Phillipps*, his Heirs or Assigns, then and in every such Case a Freeboard or Easement of the Width of Twenty-one Feet from the Fences of such Woodlands shall be and is hereby reserved to and vested in the said *Thomas March Phillipps*, his Heirs and Assigns; and the said Commissioners shall and they are hereby required to set out and allot unto and for *Edward Farnham* Esquire, and *George Watkinson* Gentleman, as or in Part of the Allotments to be made to them, so much of the Grounds and Lands to be inclosed by virtue of this Act, as lies next or adjoins to their respective inclosed Lands in the Lordship, Hamlet or Liberty of *Woodhouse* aforesaid, together with all Intakes or Encroachments thereon, as the said *Edward Farnham* and *George Watkinson* respectively, or their respective Heirs or Assigns, shall require, due Regard being had by the said Commissioners to the Quantity, Quality, Situation, Convenience, and Extent thereof as shall be so required; and the said Commissioners shall and they are hereby required to deduct and allow such ample Compensation and Satisfaction out of the Land to be allotted to the said *Edward Farnham* and *George Watkinson* respectively, and add the same to the Allotments to be made to the said Earl of *Moir*, his Heirs and Assigns, as the said Commissioners shall adjudge to be the full Value of the said Intakes and Inclosures belonging to the said Earl, which shall be so set out and allotted unto and for the said *Edward Farnham* and *George Watkinson* respectively, or their respective Heirs and Assigns as aforesaid.

LXIII. And be it further enacted, That the Allotments to be made to and for the said Earl of *Moir*, his Heirs and Assigns, and to the several other

Allotments to
Lords and
Owners of

Soil to be as they require, if consistent with the general Convenience.

other Lords and Owners of Soil, and their respective Heirs and Assigns, in pursuance of this Act, shall be set out in such Situations as he, they, or any of them shall require, so as not to interfere with the general Convenience of the other Persons interested in the said intended Division.

Convenient Roads, &c. to the Inclosures of Ulvescroft.

LXIV. And be it further enacted, That the said Commissioners shall and they are hereby required to set out such and so many private Roads and Ways as shall be necessary for giving to the said *William Parkin Bosville*, his Heirs and Assigns, convenient Access to the Messuages, Woodlands, and other ancient Inclosures of *Ulvescroft* belonging to him the said *William Parkin Bosville*, abutting or adjoining to the said Grounds or Lands intended to be inclosed; and if any of the Lands adjoining to any of his aforesaid Woodlands shall be set out or allotted unto or for any other Person or Persons than the said *William Parkin Bosville*, his Heirs or Assigns, then and in every such Case a Freeboard or Easement, of the Width of Twenty-one Feet from the Fences of such Woodlands, shall be and is hereby reserved to and vested in the said *William Parkin Bosville*, his Heirs and Assigns.

Convenient Roads, &c. to Bardon Inclosures.

LXV. And be it further enacted, That the said Commissioners shall and they are hereby required to set out such and so many private Roads and Ways as shall be necessary for giving to the said *William Hood*, his Heirs and Assigns, convenient Access to the Messuages, Woodlands, and other ancient Inclosures of *Bardon* aforesaid, belonging to him the said *William Hood*, abutting or adjoining to the said Grounds or Lands intended to be inclosed; and if any of the Lands adjoining to any of his aforesaid Woodlands shall be set out or allotted unto or for any other Person or Persons than the said *William Hood*, his Heirs or Assigns, then and in every such Case a Freeboard or Easement of the Width of Twenty-one Feet from the Fences of such Woodlands shall be and is hereby reserved to and vested in the said *William Hood*, his Heirs and Assigns.

Proprietors of Freeboards may have Allotments for them.

LXVI. And be it further enacted, That if the Proprietor or Proprietors of any Freeboard or Easement belonging to any Park, Lands, or Estates next adjoining the Open Commonable Grounds or Waste Lands hereby directed to be divided and inclosed, shall be desirous to have an Allotment or Allotments in lieu thereof, and shall give Notice of such his or their Desire in Writing to the said Commissioners, at or before their Third Meeting to be holden in the Execution of this Act, then and in every such Case the said Commissioners shall and they are hereby authorized and required to set out, assign, and allot to such Proprietor or Proprietors respectively, such Plot, Piece, or Parcel of Land to be inclosed by virtue of this Act, or Part of the said Freeboard or Easement, as they the said Commissioners shall adjudge to be equal in Value, Quantity, Quality, and Situation considered, to such Freeboard or Easement, as aforesaid; and the Fence or Fences adjoining on such Freeboard or Easement, and now maintained and supported by the Proprietor or Proprietors thereof, shall for ever thereafter continue to be maintained and supported by and at the Expence of such Proprietor or Proprietors respectively, and their respective Heirs and Assigns; and the Allotment or Allotments so to be set out and allotted as aforesaid, in lieu of such Freeboard or Easement, shall be deemed and taken to be Part and Parcel

Parcel of the Parish, Constabulary, Township, Hamlet, or Place to which the said Freeboard or Easement at the Time of passing this Act shall respectively belong.

LXVII. And be it further enacted, That when and as soon as the Allotments herein directed to be made for Soil and Tythes shall be staked and set out, which the said Commissioners are hereby directed to do with all convenient Speed, after the Limits and Boundaries of the several Manors, Parishes, Constableries, Townships, Hamlets, and Places shall have been ascertained, the several Persons entitled to such Soil and Tythes shall and may enter upon, and occupy and enjoy their respective Allotments in Severalty, without paying any Rent for the same, and also it shall be lawful to and for all or any of the Proprietors, after the Allotments in general shall have been by Order of the said Commissioners staked and set out, by and with the Consent of the said Commissioners in Writing under their Hands, to enter upon their respective Allotments, and to fence the same in such Manner and at such Time or Times as the said Commissioners shall direct; and in case the Fences of any such Allotment which shall be set out in any of the Cases aforesaid, before the Execution of the Award, shall be wilfully damaged or spoiled, or any Trespass shall be committed, the Person or Persons committing the Fact shall be deemed a wilful Trespasser or Trespassers, and be liable to answer Damages and full Costs of Suit to the Party or Parties injured thereby.

Allotments to be entered upon as soon as ascertained.

LXVIII. And be it further enacted, That no Sheep or Lambs shall be kept in any of the new Inclosures to be made by virtue of this Act, during the Space of Ten Years from the Execution of the said Award, unless the same shall be fenced with sufficient Stone Walls, or the Person or Persons keeping such Sheep or Lambs shall and do, at his, her, or their own Expence, fence or guard his, her, or their Neighbour's Quicksets adjoining the Inclosures wherein such Sheep or Lambs shall be kept, so as to prevent any Damage being done to such Quicksets by such Sheep or Lambs; and it shall not be lawful for any Person or Persons to turn or put, or cause to be turned or put, any Sheep, Lambs, Horses, Asses, or other Beasts or Cattle, into any of the Ways, Lanes, or Roads, on either Side of which any newly planted Fence shall be growing.

For preventing Quicksets being damaged by Sheep.

LXIX. Provided always, and be it further enacted, That if, owing to the Situation or other Circumstances of any Allotment or Allotments, it shall happen that the Proprietor or Proprietors thereof shall not have a proportionate Share of Boundary Fencing thereto, it shall be lawful for the said Commissioners, where they shall judge reasonable, to ascertain and appoint any Sum or Sums of Money to be contributed and paid by such Proprietor or Proprietors towards the Expences of the Boundary Fencing of such other or others of the said Proprietors who may happen to have too great a Proportion thereof, in order that the Expences of the said Boundary Fencing may be brought as near as may be to a just and equal Proportion (Regard being had to the necessary Subdivision Fences within the respective Allotments); and the Money so to be ascertained and applied shall be levied and recovered in the same Manner as the Expences of executing this Act, in case of a Deficiency from the Sale of Land, are herein-before directed to be levied and recovered.

Satisfaction to be made for unequal Shares of Boundary Fences.

[*Loc. & Per.*]

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LXX. And

Exchanges
may be made.

LXX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to set out, allot, and award any Lands, Tenements, or Hereditaments, in whatsoever Parishes, Townships, Hamlets, or Places the same are situate, the Owners whereof are entitled in right or respect of the same to any Right of Common upon the said Open Commonable Grounds or any Part thereof, in lieu of and in Exchange for any other Lands, Tenements, and Hereditaments whatsoever within any of the Parishes, Townships, Hamlets, or Places in which the said Open Commonable Grounds respectively lie or are situate, or which are entitled to Right of Common as aforesaid, or within any adjoining Parish, Hamlet, Township or Place; provided that all such Exchanges be ascertained, specified, and declared in the said Award of the said Commissioners, or some other Deed or Deeds, Instrument or Instruments in Writing under their Hands and Seals, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, or Hereditaments which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politic, Corporate or Collegiate, Corporation Aggregate or Sole, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail general or special, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbards, Committees or Attornies of or acting for any such Proprietors or Owners as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Females Covert, Lunatics, or under any other legal Incapacity, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself, such Consent to be testified in Writing under the Common Seal of the Body Politic, Corporate or Collegiate, and under the Hands of the other Parties consenting respectively; and all and every such Exchange and Exchanges so to be made shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Lands, Tenements or Hereditaments, held in Right of any Church, Chapel or other Ecclesiastical Benefice, without the Consent testified as aforesaid of the Patron thereof, or as to the Vicarage of *Whitwick*, whereof the King's most Excellent Majesty is Patron in Right of His Duchy of *Lancaster*, of the Chancellor of His Majesty's said Duchy, and of the Bishop of the Diocese or other Ordinary of the Ecclesiastical Jurisdiction in which such Lands, Tenements, or Hereditaments so to be exchanged shall lie or be situate.

Expences of
Exchanges
how to be
paid.

LXXI. Provided always, and be it enacted, That the Costs, Charges, and Expences attending the making and completing of all Exchanges and Partitions under the Powers and Authorities in this Act and the said recited Act of the Forty-first Year of His present Majesty's Reign, or either of them contained, shall be paid and borne by the several Persons, Bodies Politic, Corporate or Collegiate, making such Exchanges or Partitions, in such Manner and in such Proportions as the said Commissioners shall order and direct: Provided always, that no such Exchange shall extend to affect the Tenure of any Messuages, Lands, Tenements or Hereditaments, held by Copy of Court Roll, or being of Copyhold or Customary Tenure, unless the respective Lords or Owners of the respective Manors whereof the same are so holden shall be privy and consenting to the Exchange

Copyhold
Tenure in
exchanged
Lands not to
be altered
without Con-
sent of the
Lord.

Exchange so made, to be testified by their being made Parties to and executing the Deeds and Writings for making such Exchanges respectively.

LXXII. Provided always, and be it enacted, That all and every the Allotments to be made in pursuance of this Act as a Satisfaction or Compensation for Great or Small Tythes, and also all and every the Allotments to be made for or in respect of Freehold Estates, shall be deemed and taken to be, and held and enjoyed as Freehold Estates (subject nevertheless to the seigniorial Rights of the Lords of the respective Manors in which the same are situate); and all and every the Allotments to be made for or in respect of any Customary or Copyhold Estates held of any of the said Manors in which the said Grounds and Lands to be inclosed by virtue of this Act respectively lie or are situate, shall be deemed and taken to be and shall be held as Customary or Copyhold Estates; and the several and respective Persons to whom such Allotments for or in respect of Customary or Copyhold Estates shall be assigned and set out, shall be admitted thereto by Copy of Court Roll by the Steward or Stewards of the Lord or Lords, or his or their Deputy, and the same shall be held and enjoyed by such Person and Persons, according to his and their respective Right, Title, and Interest of and in the Messuages, ancient Buildings or Scites thereof, Lands and Tenements, in respect whereof such last-mentioned Allotments were or shall be assigned and set out respectively, and subject to the Payment and Performance to the Lords and their Heirs respectively of the like Fines, Rents, Services, and Customs, as are or shall be due and payable for other the Customary or Copyhold Estates there, according to the Customs there used.

Allotments to Freeholders to be Freehold, and to Copyholders to be Copyhold.

LXXIII. Provided always, and be it further enacted, That the said Commissioners shall, in assigning and setting out all and every the Allotments of Lands for and in respect of any Messuages, Cottages, Scites, Lands, Tenements, and Hereditaments, held by Copy of Court Roll, or being of Copyhold or Customary Tenure, of any other Manor or Manors than the several Manors within which the said Lands and Grounds to be inclosed by virtue of this Act are situate, apportion and set out the same Allotments unto and between the several and respective Lords or Owners of the several and respective Manors whereof the said Copyhold and Customary Premises are holden, and the respective Copyhold or Customary Tenants thereof, in due and just Proportions according to their respective Rights and Interests, in such Sort, Manner and Form as that the said respective Lords or Owners of Manors may have and receive out of the said Allotments such reasonable Benefit as in the Judgment of the said Commissioners shall be equal to the casual and incidental Advantages and Emoluments which would arise and happen to the said respective Lords or Owners of the said Manors, from the said Allotments, in case the same had been or were to be annexed unto the said Copyhold or Customary Premises, and held by the same Tenures respectively; and in Consideration thereof, all and every the Allotments so to be assigned and set out in respect of any Copyhold or Customary Messuages, Cottages, Scites, Lands, Tenements, or Hereditaments, within all and every the said Manors or Lordships, shall be held and enjoyed by the several and respective Copyhold and Customary Tenants, their Heirs and Assigns, severally and respectively for ever in Fee Simple, freed and discharged of and from all and all Manner of Fines, Rents, Services, Heriots, and Reliefs, and other Customary Dues and Payments whatsoever, to the

Compensation to be made out of Allotments to distant Copyholders to the Lords, and the Residue to be Freehold.

the Lords or Owners of the said Manors, but subject nevertheless to all such Entails, Wills, Trusts, Uses, Settlements, Mortgages and Incumbrances, (except such as would be incidental to their Tenure as Copyhold and Customary Lands) and the several and respective Lands, Tenements, and Hereditaments, to which the said Allotments shall belong, are or may be subject or liable unto at the Time of executing the said Award, and also subject to the seignorial Rights of the Lords of the respective Manors in which the said Allotments shall lie or be situate.

Power to
enfranchise
Copyholds.

LXXIV. And be it further enacted, That if the Lord or Lords of any Manor or Manors within any of the Parishes, Townships or Places, having Right of Common on the said Open Commonable Grounds and Waste Lands, or any Part thereof respectively, shall agree with any of his or their Copyhold Tenant or Tenants of such Manor or Manors for the Enfranchisement of his or their Copyhold Estate or Estates held of such Manor or Manors, or any of them, or of any Part of such Estate or Estates held of such Copyhold Manor or Manors, or any of them, and shall signify his or their Consent thereto by Writing under his or their Hands, to be delivered to the said Commissioners before any Allotment shall be made in pursuance of this Act, then the said Commissioners may and they are hereby authorized and required to set out and allot such Part or Parts as shall be agreed upon between the Lord or Lords of such Manor or Manors and any Copyholder or Copyholders of such Manor or Manors, of the Messuages, Hereditaments, Lands, and Grounds of such Copyholder or Copyholders, as a Compensation for any Right or Rights which such Lord or Lords may have or claim in the Allotments so to be made to such Copyholder or Copyholders, and to his, her, or their Messuages, Hereditaments, or ancient Inclosures and Homesteads, as Lord or Lords of such Manor or Manors as aforesaid; and after such Division and Allotment, the Messuages, Cottages, old Inclosures and Homesteads of such Copyholder or Copyholders, and also the Allotment or Allotments to be made to him, her, or them, by the said Commissioners in right thereof, held of such Manor or Manors, or the Lord or Lords thereof, by Copy of Court Roll or otherwise, shall be and are hereby declared to be enfranchised and discharged from any Copyhold Tenure, Fines and Fees, to the Lord or Lords of such Manor or Manors, and shall be deemed and taken to be Freehold to all Intents and Purposes whatsoever.

The Chace
and Plain dis-
afforested.

LXXV. And be it further enacted, That from and immediately after the said Commissioners shall have made and executed their Award, as mentioned and directed by the said recited Act of the Forty-first Year of His present Majesty's Reign, all and singular the Lands lying within the ancient Limits or Boundaries of the said Forest or Chace and Plain respectively, which are already inclosed, as well Freehold as Copyhold and incroached Lands, and also all and singular the said Open Commonable Grounds and Waste Lands within the said Forest or Chace and Plain respectively, or any of them, under and by virtue of this Act intended to be divided and inclosed, shall from thenceforth become and be and continue from thenceforth for ever absolutely exonerated and discharged from Game of Deer, Warrens of Conies, and all forestial Rights and Privileges whatsoever, which the several and respective Lords of the Manors, or any of them, or their respective Heirs or Assigns, or any of them respectively,

tively, can or may or could or might otherwise claim therein except in respect of the Payment of such Fines, Reliefs, Heriots, and Rents, and Performances of such Fealties, Suits of Court, Services, Customs, Rights and Privileges, as are due and payable for and in respect of Messuages and Buildings and Lands of ancient Inclosure within the Limits of the said Forest or Chase and Plain respectively, and as are intended to be in and by this Act particularly reserved.

LXXVI. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to revoke, make void, annul, or affect any Settlement, Deed, Will, or Lease whatsoever, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Rent, Debt, Charge, or Incumbrance, in, out of, upon, or affecting any of the Lands, Tenements, or Hereditaments to be divided, allotted, inclosed, or exchanged by virtue of the said recited Act made in the Forty-first Year of the Reign of His present Majesty, or of this Act, or any Part or Parts thereof respectively; but that the several Persons to whom such Lands, Tenements, or Hereditaments shall be assigned, allotted, or given in Exchange by virtue of this Act as aforesaid, shall be seised and possessed thereof respectively to such and the same Uses, and to and for such and the same Estates, and with such and the same Powers and Authorities for making Leases and otherwise, and subject to the same Wills, Limitations, Conditions, Settlements, Trusts, Provisoos, Remainders, Reversions, Debts, Charges, and Incumbrances, as the several Lands, Tenements, or Hereditaments, in right or respect or in lieu whereof such Allotments or Exchanges shall be made to them respectively, would have been subject to and charged with or affected by, in case this Act had not been made, except in such Cases as is herein otherwise directed and provided.

This Act not to affect any Will or Settlement.

LXXVII. And be it further enacted, That immediately after all the Allotments to be made in pursuance of this Act shall, by Order of the said Commissioners, be marked or staked out, all the several Shares or Allotments to be set out as aforesaid, shall be in lieu of and in full Satisfaction and Compensation for all Right of Common which the said Proprietors or any of them could or might have had or been entitled to, in, over, and upon the said Commonable Grounds or Waste Lands, or any Part thereof, and from that Time all Right of Common in or upon the said Open Commonable Grounds or Waste Lands shall cease, and be for ever annulled, abolished, and extinguished.

After Allotments made Rights of Common to cease.

LXXVIII. Provided nevertheless, That it shall be lawful for the said Commissioners at any Time before the Execution of their said Award, by Notice in Writing under their Hands, to be affixed upon the principal Doors of the several Churches or Chapels in each Parish, Constabulary, Township, or Place entitled to Right of Common upon the said Open Commonable Grounds and Waste Lands, to order and direct all or any Part of the Rights of Common in or over the said Commonable Grounds and Waste Lands, or any Part or Parts thereof, to be extinguished, or the Exercise thereof suspended for and during such Time or Times as shall be expressed in such Writing; and all such Rights of Common 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

Right of Common may be suspended or extinguished before the Execution of the Award.

[*Loc. & Per.*]

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mentioned

mentioned in such Writing cease, determine and be extinguished, or the Exercise thereof shall be suspended accordingly; any Law, Usage, or Custom to the contrary thereof in anywise notwithstanding.

Tenants for Life may grant Leases for Twenty-one Years.

LXXIX. And be it further enacted, That it shall and may be lawful for such of the said Proprietors who are Tenants for Life, to grant any Lease or Leases to any Person or Persons whomsoever, of the Lands to be allotted to them, or any Part or Parts thereof, with the Appurtenances, for any Term or Number of Years not exceeding Twenty-one Years; so as that the same do commence in Possession and not in Reversion; and so as upon every such Lease or Leases there be reserved and made payable during the Continuance thereof respectively, the best and most improved yearly Rent or Rents, or other Considerations that can be reasonably had and obtained for the same, without taking any Sum or Sums of Money by way of Fine or Foregift, for or in respect of such Lease or Leases; and so as no such Lessee or Lessees have thereby Power to commit Waste; and so as in every such Lease or Leases there be contained a Clause of Re-entry on Non-payment of the Rent or Rents to be thereby reserved and made payable to the Person or Persons granting such Lease or Leases, and the several other Persons who in Succession may be entitled to the same Lands; and so as the Lessee or Lessees do at the same Time execute a Counterpart or Counterparts of such Lease or Leases.

Directing that certain Leases shall not be valid without the King's Consent.

LXXX. Provided always, and be it enacted, That no Lease or Leases to be granted by virtue of the said recited Act of the Forty-first Year of His present Majesty's Reign, by the Rector of the said Parish of *Swithland* or his Successors, of any Lands or Grounds to be allotted to him by virtue of this Act in Right of the said Rectory, shall be good, valid, or effectual, unless the Consent of the King's most Excellent Majesty, His Heirs and Successors, as Patron of the said Rectory, shall be had and obtained thereto, previous to the Execution of such Lease or Leases; nor shall any such Lease or Leases to be made or granted by the Vicar of the said Parish of *Whitwick*, or his Successors, of any Lands or Grounds to be allotted to him by virtue of this Act, in right of his said Vicarage, be good or effectual, unless the Consent of the King's most Excellent Majesty, His Heirs and Successors, as Patrons of the said Vicarage, shall be had and obtained previous to the Execution of such Lease or Leases.

Proprietors of Estates in Belton may have their Allotments set out together as a Common Pasture.

LXXXI. And be it further enacted, That the Land to be allotted in pursuance of this Act for and in lieu of Right of Commonage in respect of Messuages, Cottages, Scites, Homesteads, Lands, Tenements, or Hereditaments in *Belton* aforesaid shall (if the major Part in Value of the Proprietors of such Estates, according to the Assessment to the Land Tax, shall be desirous thereof, and testify such Desire in Writing to the Commissioners at one of their Meetings, before the Allotments in respect of such Estates shall have been otherwise fixed) be set out and allotted altogether contiguous to the present Boundary Fence of the old Inclosures in *Belton*, unless the Owners of Soil and Tythes in *Belton* shall desire to have their Allotments in that Situation, and in such Case next adjoining to such Allotments; to the Intent the same may be used and enjoyed by the several Proprietors of the Messuages, Cottages, Scites, Homesteads,

Homesteads, Lands, Tenements, and Hereditaments in respect whereof the same shall be so allotted as a common Pasture, or in such other Manner and under such Regulations in all Respects as the said Commissioners shall in that Behalf in and by their Award direct and appoint; and each and every of the Persons interested in such general Allotment shall be subject to the Directions of the said Commissioners respecting the Fences thereof, and liable to contribute to the Expences of the same, in like Manner as herein directed respecting Proprietors not having a proportionate Share of Boundary Fencing to their Allotments.

LXXXII. And be it further enacted, That if any of the several Owners of ancient Messuages, Cottages, Scites or Homesteads, Lands, Tenements, or Hereditaments, shall be desirous that their respective Shares and Proportions of the said Open Commonable Grounds and Waste Lands so directed to be divided, allotted, and inclosed as aforesaid, in respect of their Common Rights belonging to such Messuages, Cottages, Scites or Homesteads, Lands, Tenements, or Hereditaments should be allotted together in one or more Parcel or Parcels, and shall express such their Desire in Writing to the said Commissioners, at one of their Meetings to be held in pursuance of this Act, before such Allotments shall have been otherwise fixed by the said Commissioners, then and in such Case the said Commissioners shall and they are hereby required to set out the several Parcels of Land to be allotted to such several Persons in one Allotment; and such Allotments shall be used and enjoyed by the several Proprietors thereof in such Manner and under such Regulations, as the said Commissioners shall in that Behalf direct and appoint in their Award.

Owners of
Common
Rights may
have their
Allotments
laid together.

LXXXIII. And be it further enacted, That if any Person or Persons hath or have sold or contracted or agreed to sell, or shall at any Time before the Execution of the said Award of the said Commissioners sell or contract or agree to sell his, her, or their Right, Interest, or Property in, over, or upon the Lands and Grounds hereby directed to be divided, allotted and inclosed, to any other Person or Persons, then and in every such Case it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required to make the Allotment or Allotments of Land unto the Vendee or Purchaser in every such Sale, Contract or Agreement, or to his, her, or their Heirs or Assigns, for or in respect of such Right, Interest, and Property so sold or contracted or agreed to be sold as aforesaid; and every such Vendee or Purchaser, and his, her, or their Heirs and Assigns, shall and may from and after the Execution of the said Award hold and enjoy the Land so to be allotted to him her, or them as aforesaid, in the same Manner to all Intents and Purposes as the Vendor in every such Sale, Contract, or Agreement, might, could, or ought to have held and enjoyed the same in case such Sale, Contract, or Agreement had not been made, or such Right, Interest, or Property had been vested in such Vendor at the Time of making such Allotment or Allotments as aforesaid.

Power to sell
Common
Rights be-
fore Award.

LXXXIV. Provided always, and be it further enacted, That all Quarries of Limestone, Freestone, and other Stone whatsoever (except every Quarry or Quarries of Ironstone, Slate, or Stone, capable of being hewn or broken into Slate, and Stones used or capable of being used for Whetstones or Hones, or such other like Purposes) already opened, or which shall at any Time hereafter

Stone Quar-
ries vested in
the Land
Owners.

hereafter be opened within or upon the said Open Commonable Grounds and Waste Lands, or any of them, intended to be inclosed by the Authority of this Act, shall be and the same are hereby vested in and declared to be the sole and absolute Property of the Persons to whom the Lands within which the aforesaid Stone Quarries are respectively situate shall be allotted; and that it shall and may be lawful to and for the Owners of the said Lands respectively, their Heirs and Assigns, at all Times for ever hereafter, to win and work the said Stone Quarries (except as aforesaid) within their respective Lands, and to dig, take, and carry away the Stone, not being of such several Kinds as are before excepted, there found, to and for their own proper and respective Use and Disposal, any Custom or Usage to the contrary notwithstanding.

Slate and Minerals reserved to the Lords of the Soil, making Satisfaction for Damages.

LXXXV. And be it further enacted, That it shall and may be lawful to and for the Lords or present Owners of the Soil of the said Commonable Grounds and Waste Lands, their Heirs and Assigns, and to and for their respective Lessees, from Time to Time and at all Times for ever hereafter, in such and the like Manner as if this Act had not been made, to enter into and upon the Lands and Grounds within their respective Manors or Limits, to search for and to have and enjoy all Ironstone, Quarries of Slate and Stone capable of being hewn or broken into Slate, and all Stone used or capable of being used as Whetstones or Hones, or such like Purposes, and also all Mines and Beds of Coal and other Minerals whatsoever (except Limestone and other Stone hereby vested in the Land Owners as aforesaid) and also for their Servants, Agents, or Workmen, to dig for, get, and work for the only separate Use and Benefit of the said Lords or Owners of Soil respectively for the Time being, or of their respective Lessees, all such Ironstone, Slate and Slatestone, Whetstones and Hones, Beds and Mines of Coal and other Minerals, and from Time to Time to cut, sink, dig and make Pits, drive Soughs, and erect Engines and other Machines, plumb, dial, level, and bore, and do all other Work in and upon such Parts or Places of the Allotments of the said Open Commonable Grounds and Waste Lands within their respective Manors or Limits, for getting, working, preparing, unwatering, and carrying on such Ironstone, Slates, Slatestone, Whetstones and Hones, Beds and Mines of Coal and other Minerals, in the said Allotments, as they shall respectively think proper, and to have and use convenient and necessary Places upon the said Allotments for the laying of such Ironstone, Slate and Slatestone, Whetstones and Hones, Coal and other Minerals whatsoever, to be gotten and dug in and upon the same, and also for the laying of all Soil and Rubbish to be dug and gotten by setting, sinking, making, and digging such Pits and driving such Soughs and erecting such Engines and other Machines, and doing such other Work for the Purposes aforesaid, and also free Way and Passage from Time to Time and at all Times for ever hereafter, into, through, and over the said Allotments for the said Lords or Owners of Soil, their Heirs and Assigns, and their respective Servants, Agents, and Workmen, and for all other Persons whomsoever employed by them respectively, in the most convenient Directions to and from all and every of the said Works to any Cut or Canal, Navigation, Railways, Stone or other Roads, which now is or are, or hereafter may be made, or to the most convenient public or private Roads, with or without Wains, Waggon, Carts, Carriages, and Horses for the Purpose of taking and carrying away necessary

necessary and proper Engines, Machines, and other Materials or Things whatsoever, to and from all Mines, Quarries, Pits, and Soughs, in the said Allotments of the said Open Commonable Grounds and Waste Lands, within the respective Manors or Limits of such Lords or Owners of Soil, and for working and carrying on the same, and also for the Purpose of fetching and carrying away all such Ironstone, Slate, Slatestone, Whetstones, Hones, Coal and Minerals, to be dug and gotten in the said Allotments (doing as little Damage as may be in the Exercise of any such Rights as aforesaid), and the Person or Persons who for the Time being shall be Owner or Owners, Occupier or Occupiers of the said Ground wherein such Mines, Quarries, Pits, or Soughs shall be so as aforesaid made, driven, or worked, or such Engines or Machines erected, or such Ironstone, Slates, Slatestone, Whetstones and Hones, Coal or Minerals, or such Soil or Rubbish laid, or such Ways and Passages made and used, shall have full and adequate Satisfaction made to him, her, or them, upon Demand, by the respective Lords or Owners of Soil for the Time being, or the Lessee or Lessees of them respectively, for the Damages from Time to Time to be done therein; and also it shall be lawful for the Land Owner or Land Owners, Occupier or Occupiers, within or upon whose Lands any Slate, Quarry or Quarries, shall be opened, to use, take, and carry away such Part and so much of the Soil and Rubbish, or refuse Slate-stones, which shall arise and be made by the opening and working of such Quarry or Quarries as shall not be used or disposed of, or be intended to be used or disposed of by the Person or Persons working such Quarries, in the Enjoyment of the Right hereby reserved, but so as not to impede or obstruct the working of the said Quarries, or in any ways prejudice the Conveniences hereby reserved for carrying on the same.

LXXXVI. And be it further enacted, That the Award to be made Award. by the said Commissioners, when inrolled in Manner directed by the said recited Act made in the Forty-first Year of the Reign of His present Majesty, shall be deposited and filed by the Register of the Court of the Peculiar of *Grooby* aforesaid for the Time being, or his Deputy, amongst the Court Books and other Records of the same Court; where the same shall and may be at all Times had Recourse to, and inspected and perused.

LXXXVII. And be it further enacted, That the said Commissioners shall and they are hereby required to make an Extract on Parchment, under their Hands and Seals, of so much of their Award as shall contain an accurate Description of the Allotment or Allotments to be made to His said Majesty, His Heirs and Successors, under and in virtue of this Act, together with such Regulations or Provisions relative to such Allotment or Allotments, or to any other Rights or Interests of His Majesty, as may be contained in such Award, and also a Map or Plan of such Allotment or Allotments, and transmit the same to the Surveyor General of His Majesty's Land Revenue for the Time being, within Two Calendar Months next after the making and executing the said Award, to be by him filed and kept among the Muniments of his Office, and to be produced, read and received in Evidence on all Occasions where any Question, Doubt, or Controversy may arise, relating to or affecting the Rights or Interests of His Majesty, His Heirs or Successors, in respect of such Allotment or Allotments, Rights or Interests.

Extract of so much of the Commissioners Award as may relate to the King's Allotments to be sent to the Land Revenue Office.

[*Loc. & Per.*]

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LXXXVIII. And

Extract of so much of the Commissioners Award as may relate to the Vicar of Whitwick's Allotments, to be sent to the Duchy of Lancaster Office.

LXXXVIII. And be it further enacted, That the said Commissioners shall and they are hereby required to make an Extract on Parchment, under their Hands and Seals, of so much of their Award as shall contain an accurate Description of the Allotment or Allotments to be made to the Vicar of *Whitwick* aforesaid, and his Successors, under and in virtue of this Act, together with such Regulations or Provisions relative to such Allotment or Allotments, or to any other Rights or Interests of the said Vicar, or His Majesty in Right of his Duchy of *Lancaster*, as may be contained in such Award, and also a Map or Plan of such Allotment or Allotments, and transmit the same to the Clerk of the Council of His Majesty's Duchy of *Lancaster* for the Time being, within Two Calendar Months next after the making and executing the said Award, to be by him filed and kept among the Muniments of his Office, and to be produced, read and received in Evidence on all Occasions where any Question, Doubt or Controversy may arise, relating to or affecting the Rights or Interests of the said Vicar, or His Majesty in Right of his Duchy of *Lancaster*, His Heirs or Successors, in respect of such Allotment or Allotments, Rights or Interests.

Commissioners to make other Copies at the Request and Costs of Persons interested.

LXXXIX. And be it further enacted, That the said Commissioners shall and they are hereby required, at the Request and at the proper Costs of any Person or Persons having any Allotment or Allotments of the said Open Commonable Grounds or Waste Lands, at any Time within the Space of Five Years after the said Commissioners shall have executed such their Award as aforesaid, to make, sign, seal and execute any Number of other Copies of such their Award, together with such Maps or Plans as shall be annexed thereto; which other Copy or Copies shall be delivered to such Person or Persons applying for the same and paying the Expence thereof; and shall also, without being inrolled, as well as a Copy thereof, or of any Part thereof, on Paper stamped according to Law for Copies of Records, at all Times thereafter be received and admitted as Evidence in all Courts of Law and Equity.

For discharging old Inclosures from Tythes.

XC. And be it further enacted, That if any Person or Persons entitled to Tythes within any of the Parishes, Constableries, Townships, Hamlets and Places having Right of Common upon the said Open Commonable Grounds and Waste Lands, or any Part thereof, respectively, shall agree with any of the Owners and Proprietors of Lands and Tenements in any of such Parishes, Constableries, Townships, Hamlets and Places, for discharging all or any Part of the Lands and Tenements belonging to such Owners and Proprietors from the Payment of Tythes, or Moduses or Compositions in lieu thereof, and shall signify the same by Writing under his or their Hand or Hands, to be delivered to the said Commissioners before the Execution of their Award, then the said Commissioners may and they are hereby authorized and required to set out, allot and award unto and for the Person or Persons entitled to such Tythes respectively, his, her and their Heirs and Successors, such Part or Parts of the Shares or Proportions to which the Owners or Proprietors of such Lands and Tenements intended to be discharged from Tythes may be entitled, of the said Open Commonable Grounds and Waste Lands, or of the Lands and Tenements belonging to such Owners or Proprietors within any of the said Parishes, Constableries, Townships, Hamlets or Places, as shall be settled and agreed upon between the said Parties, and in the Judgement of the said Commissioners shall be in Value equal to or greater than the Tythes, Moduses

dufes or Compositions intended to be commuted for thereby, and fuch Allotments fhall be and be deemed and taken to be in lieu of, and as a full Recompence and Compensation for all Tythes, Modufes or Compositions payable or accruing to the Tythe Owner or Tythe Owners to whom the fame fhall be made, provided that all fuch Commutations for Tythes be afcertained, fpecified and declared in the Award of the faid Commiffioners, or fome other Deed or Deeds, Inftrument or Inftruments in Writing under their Hands and Seals, and inrolled in fuch or the like Manner as their faid Award is directed to be inrolled; and all and every fuch Commutation and Commutations for Tythes fo to be made, fhall be good, valid, and effectual, to all Intents and Purpofes whatfoever: Provided nevertheless, that no fuch Agreement or Allotments to be made for difcharging, or which may in anywife affect any Tythes belonging to any Rectors or Vicars, fhall be available for difcharging fuch Tythes, or fhall in anywife affect the fame, unlefs fuch Agreement or Agreements fhall be approved by the Bifhop of *Lincoln* for the Time being, or other Ordinary of the Ecclefiaftical Jurifdiction where the faid Tythes fhall accrue, and by the Patron of the Church or Chapel to which the fame fhall belong; fuch Approbation to be testified in Writing.

XCI. Provided always, and be it enacted, That the Cofts, Charges and Expences attending the making and completing of all Commutations or Allotments for Tythes, under the Power and Authority laft herein-before contained, fhall be paid and borne by the Perfons defiring the fame, in fuch Manner and in fuch Proportions as the faid Commiffioners fhall order and direct.

XCII. And be it further enacted, That once at leaft in each and every Year during the Execution of this Act (fuch Year to be computed from the Day of paffing thereof) the faid Commiffioners fhall and they are hereby required to make a true and juft 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 fuch Statement or Account when fo made (together with the Vouchers relating thereto) fhall be by them laid before Three of His Majefty's Juftices of the Peace for the Time being of the faid County of *Leicefter* (not interefted in the faid intended Divifion and Inclofure), to be by them examined and balanced (fuch Juftices being hereby authorized to take or call for fuch Advice and Affiftance in fuch Examination as they fhall think fit, and to charge the incident Expences); and the Balance fhall be by fuch Juftices ftated in the Book of Accounts to be kept in the Office of the Clerks to the faid Commiffioners, and an Abstract of fuch Accounts fhall be tranfmitted to and laid before the Juftices affembled at the *Michaelmas* Quarter Seflions in each Year; and no Charge or Item in fuch Accounts fhall be binding on the Parties concerned or valid in Law, unlefs the fame fhall have been duly allowed by fuch Three Juftices as aforefaid.

Accounts to be examined and balanced by Three Magiftrates, annually.

XCIII. And whereas fome of the Owners and Proprietors of and Perfons interefted in the faid Open Commonable Grounds and Wafte Lands hereby directed to be inclofed, may have Occafion or be defirous to borrow Money to defray their refpective Shares and Proportions of the Charges and Expences of obtaining and carrying this Act into Execution; be it therefore enacted, That it fhall and may be lawful to and for the Proprietors

For borrowing Money.

tors and Owners of and all other Persons whomsoever interested in such Lands and Grounds, being a Tenant or Tenants for Life, with or without Impeachment of Waste, Tenant or Tenants in Fee Tail General or Special, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, and also to and for the Husbands, Guardians, Trustees, and Committees of any of the said Owners or Proprietors being under Coverture, Minors, Idiots, Lunatics, or beyond the Seas, or labouring under any other Disability whatsoever, and also to and for all Persons acting as Guardians, Trustees or Committees of any Owners or Proprietors being under any Disability or Incapacity whatsoever, whether such Owners or Proprietors respectively be Tenants for Life with or without Impeachment of Waste, Tenants in Fee Tail General or Special, or Tenants by the Courtesy of *England*, or for Years determinable on any Life or Lives (other than and except the respective Rectors and Vicars of the said respective Rectories and Vicarages and their Successors, for or in respect of any Allotment made to them as Rectors and Vicars as aforesaid, and other than and except the Surveyors of the Highways of the said respective Parishes, for or in respect of any Allotment or Allotments made to them as Surveyors as aforesaid) by any Deed or Deeds, Writing or Writings, under their respective Hands and Seals, to be duly executed in the Presence of and attested by Two or more credible Witnesses, to charge the Freehold Part, and by Surrender or Surrenders duly passed according to the Custom or Customs of the Manor or Manors whereof the same is, are, or shall be holden, to charge the Copyhold Part of such Lands and Grounds as shall be allotted to such Owners and Proprietors respectively, with any Sum or Sums of Money not exceeding Five Pounds for each and every Acre thereof, for defraying their respective Proportions of the Charges and Expences of obtaining and executing this Act, and of inclosing and subdividing their respective Allotments, as the said Commissioners shall think proper for such Purposes, the same to be paid to such Person or Persons, and applied for the Purposes aforesaid, in such Manner as the said Commissioners shall direct and appoint; and for securing the Repayment of such Sum and Sums of Money, with Interest for the same, to grant, mortgage, lease, demise, surrender, or otherwise subject their said respective Allotments or any Part thereof, unto any Person or Persons who shall advance and lend such Sum or Sums of Money respectively, his, her or their Heirs, Executors, Administrators or Assigns, for any Term or Number of Years as to the Freehold Part thereof, and for such Estate, Term or Interest as to the Copyhold Part thereof as shall be conformable to the Customs of the respective Manors; so that every such Grant, Mortgage, Demise, Surrender or Security be made with a proviso or Condition to cease and be void, or with an express Trust to be surrendered, when such Sum or Sums of Money thereby to be secured, and the Interest thereof, shall be fully paid and satisfied; and so that in every such Grant, Mortgage, Demise, Surrender or Security, which shall be made by any Person or Persons interested in or entitled unto the Premises for the Term of their natural Lives only, or by his, her or their Guardian or Guardians, Trustee or Trustees, Committee or Committees, there be contained a proviso or Covenant that the Owner or Proprietor of the said Premises shall duly pay and keep down the Interest of any Sum or Sums of Money to be thereby secured during their respective Lives; and no Person afterwards becoming seised or possessed of the said Premises shall be liable to the Payment of any further or larger Arrear of Interest than for One Year preceding the

the Time that the Title to such Possession shall have commenced; and every such Grant, Mortgage, Lease, Demise, or Surrender of the said Premises shall be good, valid, and effectual in the Law for the Purposes thereby intended.

XCIV. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act (other than and except such Orders and Determinations of the said Commissioners as are by the said recited Act made in the Forty-first Year of the Reign of His present Majesty or this Act directed to be final or conclusive, and save and except in such Cases wherein an Issue at Law shall be tried as herein-before directed) then and in every such Case he, she, or they may appeal to the General Quarter Sessions of the Peace which shall be held for the said County of *Leicester*, within Six Calendar Months next after such Cause of Complaint shall have arisen; and the Justices of the said Quarter Session are hereby required to hear and determine the Matter of every such Complaint, and make such Order therein, and to award such Costs as to them shall seem reasonable, and by their Warrant to levy the Costs which shall be so awarded, by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) to the Owner or Owners after deducting the reasonable Charges; which Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed by *Certiorari*, or any Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

Persons aggrieved may appeal to the General Quarter Sessions.

XCV. And be it further enacted, That nothing herein contained shall prejudice, lessen, or defeat the Right, Title, or Interest of the said *George Harry* Earl of *Stamford* and *Warrington*, *Francis Rawdon Hastings* Earl of *Moir*, *William Herrick*, *Thomas March Phillipps*, *Edward Dawson*, *William Parkin Bosville*, *Mary Bosworth*, *William Hood*, *Joseph Boulton*, *Thomas Boulton*, *John Boulton*, *William Boulton*, *Charles Boulton*, *Augustus Richard Butler Danvers*, and *Peter Crompton*, or of any other Person or Persons who shall or may be respectively for the Time being Lord or Lords of any Honor or Honors, Manor or Manors, Lordship or Lordships, Jurisdiction or Jurisdictions, or reputed Honor, Manor, Lordship, or Jurisdiction, within the Limits whereof the said Open Commonable Grounds or Waste Lands hereby directed to be inclosed, or any Part thereof respectively, are comprised, of, in, or to any Seigniories, Royalties, Fisheries, Free Warrens, Manerial Rights, Ecclesiastical Rights, and other Rights, Customs, and Services incident or belonging to such Honors, Manors, Lordships, or Jurisdictions, or any of them; but that the said Lords herein-before particularly named, and such other Lord or Lords for the Time being, shall and may at all Times hereafter hold and enjoy the same, and all Rents and Services, Courts and Visitations, Perquisites and Profits of Courts and Visitations, Fines, Free Warrens, Franchises, Waifs, Estrays, Deodands, Escheats, and all other Royalties, Privileges, Pre-eminences, and Appurtenances to such Honors, Manors, Lordships or Jurisdictions respectively incident, belonging, appending, or appertaining (except the Right of the Soil of the said Open Grounds and Waste Lands, and the forestial Rights over the same, for which Compensation is herein-before directed to be made) in as full, ample, and beneficial

Saving Rights of the Lords of Manors.

ficial Manner as they respectively could or might have held and enjoyed the same, in case this Act had not been made.

General
Saving.

XCVI. Saving always unto the King's most Excellent Majesty, His Heirs and Successors, and to all Bodies Politic and Corporate, and their Successors, and to all and every Person and Persons whomsoever, his and their Heirs, Executors, Administrators, and Assigns, all such Estate, Right, Title, Interest, Claim, and Demand whatsoever (other than and except such as is and are hereby expressed, meant, and intended to be barred, destroyed, or extinguished), as they, every, or any of them, had or enjoyed in, to, or out of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or might or could have held and enjoyed therein, in case this Act had not been made.

Public Act.

XCVII. And be it further enacted, That this Act shall be printed by the Printer to the King's most Excellent Majesty, and a Copy thereof so printed shall be admitted as Evidence thereof by all Judges, Justices, and others.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1820.