

ANNO QUINQUAGESIMO OCTAVO

GEORGII III. REGIS.

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And whereas the King's moſt Excellent Majeſty being ſeized, in Right of His Crown, to Himſelf, His Heirs and Succeſſors, of the ſaid Foreſt of *Sherwood*, is entitled to certain Rights of Deer and Game, and other foreſtal Rights, over all the ſaid Commonable Lands and Open Unincloſed Grounds: And whereas the Moſt Noble *William Henry Cavendiſh Scott* Duke of *Portland*, is or claims to be Lord of the Manor of *Edwinſtowe*, and as ſuch claims to be entitled to the Soil of ſo much of the ſaid Commonable Lands and Open Unincloſed Grounds as lies and is ſituate within the ſaid Manor, together with the Timber Trees, Wood, and Underwood growing, ſtanding, and being thereon: And whereas the very Reverend the Dean of the Cathedral Church of the *Bleſſed Virgin Mary* of *Lincoln*, and the Chapter of the ſame Church, are or claim to be Lords of the Manor of *Edwinſtowe* Rectory, and as ſuch claim to be entitled to the Soil of ſo much of the ſaid Commonable Lands and Open Unincloſed Grounds as lies and is ſituate within the ſame Manor, together with all Timber Trees, Wood, and Underwood growing, ſtanding, and being thereon: And whereas the Right Honourable *Charles* Earl *Manvers* is the Leſſee of the ſaid laſt mentioned Manor under the ſaid Dean and Chapter: And whereas the ſaid Duke of *Portland*, the ſaid Earl *Manvers*, and divers other Perſons, are Owners or Proprietors of certain Eſtates in the ſaid Townſhip of *Edwinſtowe*, within the ſaid Foreſt of *Sherwood*, and in reſpect thereof claim to be entitled (ſubject to the foreſtal Rights of His Majeſty) to certain Rights of Common and other Rights in, over, and upon the ſaid Hayes of *Birkland* and *Bilhagh*, and the ſaid other Commonable Lands and Open Unincloſed Grounds: 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 ſeveral Facts uſually required on the paſſing of ſuch Acts*: And whereas the ſaid Hayes of *Birkland* and *Bilhagh*, and the ſaid Commonable Lands and Open Unincloſed Grounds, in their preſent State are of leſs Value to His Majeſty, or to the ſeveral Perſons having ſuch Claims or Rights thereon as aforeſaid, than if the ſame were incloſed; and it would be of great Advantage to His Majeſty and the Public in general, and be advantageous to the ſeveral Perſons having ſuch Claims and Rights as aforeſaid, if the ſaid Hayes of *Birkland* and *Bilhagh*, and the other Commonable Lands and Open Unincloſed Grounds within the Townſhip of *Edwinſtowe*, were diſafforeſted, and if the ſame were divided and allotted to His Majeſty and the ſeveral Perſons entitled to and intereſted in the ſame; ſubject to the Limitations and Reſtrictions in this and the ſaid recited Act contained: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That *Adam Murray* of *Saint Martin's Lane*, *Weſtminſter*, in the County of *Middleſex*, Gentleman, on the Part and Behalf of His Majeſty, and *John Parkinſon* of *Wellow*, in the ſaid County of *Nottingham*, Gentleman, on the Part and Behalf of the ſeveral Perſons having Rights and Intereſts in the ſaid Commonable Lands and Open Unincloſed Grounds hereby authorized to be divided and allotted, and their Succeſſors, to be nominated and appointed in Manner herein-after mentioned, ſhall be and they are hereby appointed Commiſſioners for dividing, allotting, and incloſing the ſaid Hayes of *Birkland* and *Bilhagh*, and the other Commonable Lands

41 G. 3. c. 109.

Commiſſioners appointed.

Lands and Open Unincloſed Grounds within the ſaid Townſhip of *Edwinſtowe*, and for carrying into Execution the ſeveral other Purpoſes of this Act, in ſuch Manner as is herein-after provided or mentioned, and with ſuch of the Powers, and ſubject to ſuch of the Rules, Orders, Regulations, and Reſtrictions contained in the ſaid recited Act, as are not varied, altered, or otherwiſe provided for by this Act.

Oath of Commiſſioners.

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 granted, (ſave and except in the ſigning and giving Notice of the Firſt Meeting of the ſaid Commiſſioners), until he ſhall have taken and ſubſcribed the following Oath, in Addition to the Oath by the ſaid recited Act directed to be taken; ſuch Oath to be adminiſtered and inrolled in like Manner as the Oath by the ſaid recited Act, preſcribed to be taken by Commiſſioners for executing Acts of Incloſure, is directed to be adminiſtered and inrolled; which additional Oath ſhall be in the Words or to the Effect following; 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 'Manorial Rights, or any other Right or Intereſt in, over, or upon the 'Hayes of *Birkland* and *Bilhagh*, or the other Commonable Lands and 'Open Unincloſed Grounds to be allotted and incloſed by virtue of an 'Act, paſſed in the Fifty-eighth Year of the Reign of King *George* the 'Third, intituled [*inſert the Title of this Act*]; and that I will honeſtly 'and faithfully, as a Commiſſioner under the ſaid Act, execute and diſcharge the Powers and Authorities thereby given to me.

'So help me GOD.'

For appointing new Commiſſioners.

III. And be it further enacted, That in caſe the ſaid *Adam Murray*, hereby appointed the Commiſſioner for and on behalf of His Majeſty, or any Perſon to be nominated and appointed a Commiſſioner in his room or ſtead, by virtue of this Act, ſhall die, refuſe, or neglect 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 be lawful for the Commiſſioners for the Time being of His Majeſty's Woods, Foreſts, and Land Revenues, by any Writing under their Hands, within One Calendar Month next after ſuch Death, Refuſal, or Incapacity to act as aforeſaid ſhall be made known to them, 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 the ſaid *Adam Murray*, or of ſuch other Perſon nominated or appointed in his room or ſtead, ſo dying, refuſing, neglecting, 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 Commiſſioners of His Majeſty's Woods, Foreſts, and Land Revenues 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 *John Parkinſon*, or any Perſon to be nominated or appointed in his room or ſtead by virtue of this Act, ſhall die, refuſe, or neglect to act, or become incapable to act in the Execution of the ſaid recited Act and this Act, then and in every

every ſuch Caſe the ſurviving or remaining Commiſſioner ſhall, within One Calendar Month next after ſuch Death, Neglect, Refuſal, or Incapacity ſhall happen to be known to him, or in caſe of his Death, Neglect, Refuſal, or Incapacity, then the Clerk for the Time being of the ſaid Commiſſioners, ſhall ſummon a Meeting (of which Meeting Twenty-one Days Notice ſhall be given, by Advertiſement in ſome Paper uſually circulated in the ſaid Townſhip of *Edwinſtowe*, or County of *Nottingham*), of all and every the Owners and Proprietors claiming ſuch Rights as aforeſaid, to be holden within Thirty Days from the Date of ſuch Notice; and the major Part in Value of ſuch Owners and Proprietors, who ſhall be preſent in Perſon, or by their reſpective known Agents, or by their Proxies, duly authorized for that Purpoſe at ſuch Meeting or Meetings (ſuch Value, in caſe of any Difference or Diſpute touching the ſame, to be aſcertained by Reference to the Land Tax Aſſeſſment of the ſaid Pariſh of *Edwinſtowe*), ſhall, and they are hereby required, at ſuch Meeting to nominate and appoint, by any Writing under their Hands, a proper Perſon or Perſons, (not intereſted in the ſaid Diviſion and Incloſure), to be a Commiſſioner in the room and ſtead of the ſaid *John Parkinſon*, or of ſuch other Perſon to be nominated and appointed in the room or ſtead of him ſo dying, refuſing, neglecting, or becoming incapable to act as aforeſaid, and ſo from Time to Time as often as any ſuch Caſe ſhall happen; and every ſuch Commiſſioner ſo to be nominated and appointed ſhall, after taking and ſubſcribing the Oaths preſcribed in that Behalf, have the like Powers and Authorities 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 originally been nominated a Commiſſioner in and by this Act.

If new Commiſſioners not nominated within the Time preſcribed, the acting Commiſſioner to make ſuch Appointment.

IV. And be it further enacted, That if the ſaid Commiſſioners for the Time being of His Majeſty's Woods, Foreſts, and Land Revenues, or the ſaid Perſons claiming ſuch Rights as aforeſaid, or any of them, ſhall make Default in nominating and appointing any new Commiſſioner, ſo directed to be nominated and appointed by them, or any of them reſpectively as aforeſaid, within the reſpective Times for that Purpoſe limited, and in Manner aforeſaid, then and in every ſuch Caſe it ſhall be lawful for the ſurviving or remaining Commiſſioner, and he is hereby required from Time to Time by Writing under his Hand, within One Calendar Month after the Expiration of ſuch reſpective Times ſo allowed for nominating and appointing ſuch new and ſucceeding Commiſſioner 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, neglecting, 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.

Commiſſioners neglecting to attend Meetings, &c. conſidered a Refuſal to act.

V. Provided always, and be it further enacted, That if either of the ſaid Commiſſioners hereby nominated, or any Commiſſioners to be nominated or appointed by virtue of this Act, ſhall wilfully 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 either of the ſaid Commiſſioners ſhall, at any Time after the Firſt Meeting, wilfully abſent himſelf from any Three 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 by Notice thereof in Writing having been given to him or left at his laſt or uſual Place of Abode by the Clerk to the ſaid Commiſſioners); and ſuch Commiſſioner not having been prevented, by Sickneſs or other reaſonable Cauſe to be allowed by the other Commiſſioner, from continuing or attending at any ſuch Meeting or 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 the ſaid recited Act and this Act, at the Firſt Meeting of the Commiſſioners after his Nomination or Appointment, or ſhall thereafter wilfully abſent himſelf from Three ſucceſſive Meetings to be holden by virtue of this Act, or having been abſent from Two ſucceſſive Meetings ſhall not attend the whole of the Third next ſucceeding Meeting, (ſuch Meetings being known to him in Manner aforeſaid, and ſuch Commiſſioner not having been prevented by Sickneſs, or other reaſonable Cauſe to be allowed by the other Commiſſioner, from attending or continuing at ſuch Meeting or Meetings), then and in every ſuch Caſe ſuch Abſence or Non-attendance ſhall be deemed and taken to be a Refuſal to act within the Intent and Meaning of this Act.

Power for Commiſſioners to appoint Clerks.

VI. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby authorized and empowered to appoint a Clerk to aſſiſt them in the Execution of the ſaid recited Act and this Act, and ſhall and may remove ſuch Clerk, and appoint another in his Room, as to them ſhall ſeem meet; and in caſe of the Death, Incapacity, Neglect, or declining to act, of any ſuch Clerk, then and in any ſuch Caſe the ſaid Commiſſioners ſhall and may appoint any other Perſon they may think proper to be their Clerk.

Appointment of an Umpire.

VII. And be it further enacted, That if any Difference ſhall ariſe between the ſaid Commiſſioners, touching or concerning any Matter or Thing to be done by them, by virtue or in the Execution of the ſaid recited Act or this Act, whereupon the ſaid Commiſſioners ſhall differ in Opinion, then and in every ſuch Caſe ſuch Difference ſhall be forthwith referred to ſuch fit and proper Perſon (not intereſted in the ſaid Diviſion and Incloſure) as the ſaid Commiſſioners ſhall, by Writing under their Hands, appoint as Umpire between them, and which Appointment they are hereby required to make at their Firſt Meeting to be held under this Act; and the Matter upon which ſuch Difference ſhall ariſe ſhall be ſettled and determined by ſuch Perſon ſo to be appointed Umpire, whoſe Determination therein ſhall be reduced into Writing, and ſhall be binding and concluſive upon all Parties whomſoever (except as to ſuch Right of Appeal as is given by the ſaid recited Act or this Act); and for the Purpoſes aforeſaid ſuch Umpire ſhall have and he is hereby veſted with the ſame Powers and Authorities as by the ſaid recited Act and this Act are given to or veſted in the ſaid Commiſſioners.

Umpire to take an Oath.

VIII. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as Umpire as aforeſaid, until he ſhall have taken and ſubſcribed an Oath in the Form or to the Effect 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, impartially, and honeſtly, according to the beſt of my Skill and Judgment, execute and perform the ſeveral Powers and Authorities veſted and repoſed in me as an Umpire, by virtue of an Act paſſed in the Fifty-eighth Year of the Reign of King *George* the Third, intituled *An Act* [*here inſert the Title of this Act*], according to Equity and good Conſcience, and without Favour or Affection, Prejudice or Partiality to any Perſon or Perſons whomſoever. So help me GOD.'

Which Oath the ſaid Commiſſioners, or either of them, are and is hereby empowered to adminiſter; and ſuch Oath, and alſo the Writing appointing ſuch Umpire, ſhall be annexed to and inrolled with the final Award of the ſaid Commiſſioners.

Surveyors how to be appointed.

IX. And be it further enacted, That it ſhall and may be lawful for the Commiſſioners of His Majeſty's Woods, Foreſts, and Land Revenues, as ſoon as conveniently may be after the paſſing of this Act, by Writing under their Hands and Seals, to nominate and appoint ſome fit and proper Perſon and Perſons (not intereſted in the ſaid Diviſion and Incloſure) to be the Surveyor or Surveyors for viewing, ſurveying, and meaſuring the ſaid Hayes of *Birkland* and *Bilhagh*, and the other Commonable Lands and Open Unincloſed Grounds within the ſaid Townſhip of *Edwinſtowe*, by this Act to be divided, allotted, and incloſed; and ſuch Surveyor or Surveyors is and are hereby accordingly authorized and directed, as ſoon as conveniently may be after the paſſing of this Act, to view, ſurvey, and meaſure the Hayes of *Birkland* and *Bilhagh*, and the Commonable Lands and Open Unincloſed Grounds within the ſaid Townſhip of *Edwinſtowe*, and to deſcribe and lay down the ſame by way of Map or Plan, and thereon, 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 Hayes and Commonable Lands and Unincloſed Grounds; and that when and ſo ſoon as the ſaid Surveyor or Surveyors ſhall have finiſhed and completed the ſaid Survey, Map, or Plan, he or they ſhall, by Notice in Writing under his or their Hand or Hands, apprize the ſaid Commiſſioners thereof, and appoint a Time and Place for meeting with them, of which Ten Days Notice at leaſt ſhall be given to each of the ſaid Commiſſioners; at which Meeting the ſaid Surveyor or Surveyors ſhall deliver to the ſaid Commiſſioners preſent at ſuch Meeting, his or their Survey and Plan, and Book of Reference, and ſhall ſubſcribe the ſame with his or their Name or Names, in the Preſence of the ſaid Commiſſioners, who ſhall atteſt the ſame.

Surveyor's Oath.

X. And be it further enacted, That no Perſon ſhall act as a Surveyor in the Execution of any of the Powers hereby given, until he ſhall have taken and ſubſcribed the Oath 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, impartially, and honeſtly, to the beſt of

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'of my Skill and Judgment, execute the ſeveral Powers and Authorities 'veſted and repoſed in me, as a Surveyor, by virtue of an Act paſſed in 'the Fifty-eighth Year of the Reign of King *George* the Third, intituled '*An Act* [*here inſert the Title of this Act*], without Favour or Affection, 'Prejudice or Partiality, to any Perſon or Perſons whomſoever.

'So help me GOD.'

Which Oath it ſhall be lawful for either of the ſaid Commiſſioners to adminiſter; and the ſaid Oath when ſo taken ſhall be written on Parchment, and ſubſcribed by the ſaid Surveyor, and duly atteſted by the ſaid Commiſſioners under their Hands, and ſhall be inrolled with the final Award to be made by the ſaid Commiſſioners.

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

XI. Provided always, and be it further enacted, That in caſe the ſaid Surveyor or Surveyors ſo to be appointed as aforeſaid, or any ſucceeding Surveyor to be appointed in Manner herein-after mentioned, ſhall die, refuſe, 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 be lawful for the Commiſſioners for the Time being of His Majeſty's Woods, Foreſts, and Land Revenues, by any Writing under their Hands, within One Calendar Month next after ſuch Death, Refuſal, Neglect, or Incapacity as aforeſaid ſhall be made known to them, 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 any 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, after taking and ſubſcribing the Oath preſcribed in this Behalf, 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 appointed a Surveyor by virtue of this Act.

If Commiſſioners of Woods, &c. neglect to appoint, Commiſſioners under the Act to have the Power.

XII. And be it further enacted, That if the Commiſſioners for the Time being of His Majeſty's Woods, Foreſts, and Land Revenues, ſhall make Default in nominating and appointing any Surveyor or Surveyors ſo directed to be nominated and appointed by them as aforeſaid, within the Time for that Purpoſe limited, and in Manner aforeſaid; then and in every ſuch Caſe it ſhall be lawful for the Commiſſioners acting in the Execution of this Act, and they are hereby required from Time to Time, by Writing under their Hands, within One Calendar Month after the Expiration of the Time ſo allowed for nominating and appointing any new and ſucceeding Surveyor or Surveyors as aforeſaid, to nominate and appoint a proper Perſon (not intereſted in the ſaid Diviſion and Incloſure) to be a Surveyor in the Room or Stead of any ſuch Surveyor ſo dying, refuſing, or becoming incapable to act as aforeſaid; and every Surveyor ſo nominated and appointed ſhall, after taking the Oath preſcribed in that Behalf, have the like Powers and Authorities, and be ſubject to the like Rules and Reſtrictions as if he had been originally appointed a Surveyor under and by virtue of this Act.

Meetings of Commiſſioners.

XIII. And be it further enacted, That the Firſt Meeting of the ſaid Commiſſioners for putting this Act in Execution ſhall be held at the Houſe of *Mary Hirſt*, the Sign of *The Royal Oak*, in *Edwinſtowe*, or at ſome other con-

convenient Place in the Townſhip of *Edwinſtowe*, within Two Calendar Months at the fartheſt next after the paſſing of this Act; and that the ſaid Commiſſioners ſhall cauſe Notice in Writing to be affixed upon each of the outer Doors of the Church of the Pariſh of *Edwinſtowe*; and alſo Notice by Advertiſement to be inſerted in the *Nottingham Journal* Newſpaper, if then publiſhed, and if not, then in ſome other Newſpaper or Newſpapers uſually circulating in the ſaid Townſhip of *Edwinſtowe* or County of *Nottingham*, of the Time and Place of their Firſt and every ſubſequent Meeting (Meetings by Adjournment only excepted) for the Execution of the Powers of this Act veſted in them, Fourteen Days at leaſt before the Time appointed for ſuch reſpective Meetings; and in caſe only One of the ſaid Commiſſioners ſhall attend at the Time and Place appointed for any Meeting, or to which any Meeting ſhall be adjourned, it ſhall be lawful for ſuch Commiſſioner ſo attending, and for the Clerk of the ſaid Commiſſioners, in caſe neither of the ſaid Commiſſioners ſhall attend, to adjourn ſuch Meeting, to be holden at any future Day, not exceeding Twenty-one Days from the Day of Adjournment, at the ſame or ſome other convenient Place in the Townſhip of *Edwinſtowe*, or within Three Miles thereof; and the Commiſſioner or Clerk ſo making ſuch Adjournment, is hereby required to give timely Notice thereof to the abſent Commiſſioner or Commiſſioners, and that the ſaid Commiſſioners ſhall have Power to adjourn any Meeting to be held by virtue of the ſaid recited Act or this Act from Time to Time as they may think convenient.

Notice of Meetings to be given.

XIV. And be it further enacted, That all other public Notices requiſite or neceſſary to be given by the ſaid Commiſſioners, ſhall be given by Advertiſement to be inſerted in the ſaid *Nottingham Journal* Newſpaper, if then publiſhed, and if not, then in ſome other Newſpaper or Newſpapers uſually circulating in the ſaid Townſhip of *Edwinſtowe* or County of *Nottingham*, and alſo affixed on the principal outer Door of the Pariſh Church of *Edwinſtowe* aforeſaid.

Other Notices how to be given.

XV. Provided always, and be it enacted, That all Perſons having or claiming any Eſtate, Intereſt, or Rights in or upon the Lands and Grounds hereby directed to be divided, allotted, and incloſed, ſhall by themſelves or their Agents deliver their reſpective Claims in Writing to the ſaid Commiſſioners, at a Meeting to be holden for that Purpoſe, in Manner directed by the ſaid recited Act of the Forty-firſt Year of the Reign of His preſent Majeſty, of which Meeting Twenty-one Days Notice in Writing, under the Hands of the ſaid Commiſſioners, expreſſing the Purpoſe of ſuch Meeting, ſhall be given in Manner herein-before directed.

Claims of Right to be produced.

XVI. And be it further enacted, That in caſe any Diſpute or Difference ſhall ariſe between any of the Parties intereſted or claiming to be intereſted in the ſaid intended Diviſion and Incloſure, touching or concerning the reſpective Rights and Intereſts which they or any of them ſhall have or claim to have in the ſame, or touching or concerning any other Matter or Thing relating to the ſaid Diviſion and Incloſure, it ſhall and may be lawful 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 Com-

Commiſſioners may ſettle Diſputes as to Rights or Intereſts claimed.

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

XVII. And be it further enacted, That in caſe the ſaid Commiſſioners ſhall upon the Hearing and Determination of any Claim or Claims, Objection or Objections to be delivered to them in purſuance of this or the ſaid recited Act, ſee Cauſe to award any Coſts, then and in ſuch Caſe it ſhall be lawful for the ſaid Commiſſioners, and they are hereby empowered upon Application made to them for that Purpoſe, to ſettle, aſſeſs, and award ſuch Coſts and Charges as they ſhall think reaſonable, to be paid either to the public Account for or towards the Expences 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 overruled; 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 Caſe it ſhall and may be lawful for the ſaid Commiſſioners, and they are hereby authorized and required, by Warrant under their Hands, directed to any Perſon or Perſons whomſoever, to cauſe ſuch Coſts and Charges to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons, 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 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.

Power to aſſeſs Coſts relative to diſputed Claims and Objections.

XVIII. 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 any Right of Common or other Rights or Intereſts whatſoever, in, over, or upon the ſaid Lands and Grounds hereby directed to be divided, allotted, or 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 cauſe an Action to be brought, upon a feigned Iſſue, againſt the Perſon or Perſons in whoſe Favour ſuch Determination ſhall have been made, 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 Diviſion and Incloſure, within Three Calendar Months next after ſuch Determination or Order of the ſaid Commiſſioners ſhall have been notified in Writing to the Party or Parties intereſted therein, and ſhall proceed to a Trial or Trials at Law at the then next or at the following Aſſizes to be holden for the ſaid County of *Nottingham*; and the Defendant or Defendants in ſuch Action or Actions ſhall, and he, ſhe, or they is and they 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

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

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 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 all 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.

Determination of the Commiſſioners to be final.

XIX. Provided always, and be it enacted, That the Determination of the ſaid Commiſſioners, touching ſuch Claim or Claims of any Right of Common, or other Rights or Intereſts, in, over, or upon the ſaid 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 Manner herein for that Purpoſe mentioned, be final and concluſive upon all and every Perſon and Perſons, Body and Bodies Politic, Corporate, or Collegiate.

Action not to abate by Death of Parties.

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

Trials not to ſuſpend the Execution of the Act.

XXI. Provided always, and be it enacted, That no ſuch 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 or 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, ſhall be entitled to the ſame.

In caſe of the Death of Parties before Action brought, the ſame to be carried on

XXII. 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, Corporate, or Collegiate, who might have brought ſuch Action or Actions againſt the Perſon or Perſons ſo dying, to bring the ſame within the Time ſo limited as aforeſaid againſt ſuch Perſon or Perſons as if actually living, and to ſerve the Clerk to the ſaid Commiſſioners with Proceſs for commencing ſuch Action or Actions, in the ſame Manner as the Party or Parties ſo dying 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 Determinations 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. and defended in their Names.

XXIII. 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 ſuch Parties, excepting Caſes of Encroachment; 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. Perſons in Poſſeſſion not to be moleſted without due Courſe of Law.

XXIV. And be it further enacted, That if any Perſon or Perſons, Body or Bodies Politic, 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 the ſaid Townſhip of *Edwinſtowe*, upon the ſaid Lands and Grounds hereby directed to be divided, allotted, and incloſed, 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 recited Act of the Forty-firſt Year of the Reign of His preſent Majeſty, and ſhall by Writing under his, her, or their Hands or Hand give Notice to the ſaid Commiſſioners, within Three Calendar Months 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 Proviſions of the ſaid laſt-recited Act; then and in ſuch Caſe it ſhall be lawful for the Perſon or Perſons, Body or Bodies Politic, Corporate, or Collegiate, ſo diſſatisfied with ſuch Determination, to have the ſame aſcertained by Trial of an Iſſue at Law, under the Proviſions of this Act, in ſuch and the like Manner as in caſe of any diſputed Right or Claim. Allowing the Trial of Parochial Boundaries by an Iſſue at Law inſtead of an Appeal to the Quarter Seſſions.

XXV. And be it further enacted, That for the Purpoſe of adjuſting the Allotments of Land to be made to the ſeveral Perſons entitled to any Right of Common upon the ſaid Hayes or Commonable Lands and Unincloſed Grounds hereby directed to be divided and incloſed, the ſaid Commiſſioners ſhall and they are hereby authorized to adjudge and determine the Quantity and Value of all and every of the Lands in virtue whereof ſuch Right of Common is claimed and allowed, and to rate and eſtimate the ſame as to them ſhall ſeem juſt and reaſonable, according to the real Value thereof, for the Purpoſes of Huſbandry, without regard to any artificial or extraordinary Value ariſing from local, temporary, or other Commiſſioners may adjudge the Quantity and Value of the Lands, &c.

other peculiar Advantages; and ſuch their Judgment and Determination ſhall be binding and concluſive upon all Parties whomſoever: Provided, 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 whereof 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 ſhall think moſt expedient.

Commiſſioners to ſet out Roads to His Majeſty's Allotments.

XXVI. 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 His Majeſty, His Heirs, Succeſſors, and Aſſigns, and to the Commiſſioners for the Time being of His Majeſty's Woods, Foreſts, and Land Revenues, and the Deputy Clerk and Servants of ſuch Commiſſioners, convenient Acceſs to the Allotments of His Majeſty to be ſet out under the Authority of this Act.

Power to turn and ſtop Roads, on giving Notice and having the Conſent of Juſtices.

XXVII. And be it further enacted, That the ſaid Commiſſioners ſhall and may turn or abate, and ſtop up or order to be turned or abated and ſtopped up, any ancient Carriage Road or Way, Roads or Ways, except Turnpike Roads or ancient Footway or Path, Footways or Paths, in, through, upon, or over any of the ſaid Hayes and Commonable Lands, and Open Unincloſed Grounds, hereby directed to be divided, allotted, and incloſed, where they ſhall judge it requiſite or expedient, giving ſuch Notice of a Day to be appointed by them to receive Objections, as in the ſaid recited Act of the Forty-firſt Year of the Reign of His preſent Majeſty is directed or required in the Caſe of ſetting out the Roads and Ways therein mentioned, and obſerving the Directions of the ſaid recited Act as to the obtaining the Concurrence and Order of Two Juſtices of the Peace previous thereto, and ſubject to an Appeal to the Quarter Seſſions, as in the ſaid recited Act is mentioned.

Commiſſioners empowered to turn Watercourſes with the Conſent of Proprietors of Lands.

XXVIII. And be it further enacted, That it ſhall and may be lawful 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 directed to be divided, allotted, 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, allotted, and incloſed, as they in their Diſcretion ſhall think neceſſary and proper for the Purpoſes aforeſaid: Provided always, that no ſuch Streams of Water, Springs, or Watercourſes ſhall be diverted or turned without the Conſent in Writing of the Perſon or Perſons from and into whoſe Lands the ſame ſhall be carried or conveyed.

Allotments for Repairs of Roads to be made to the Surveyors of the Highways.

XXIX. 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 the Reign of His preſent Majeſty is directed, to ſet out and allot, unto and for the Surveyors of the Highways of the ſaid Townſhip of *Edwinſtowe*, ſo much and ſuch Part or Parts of the ſaid Commonable Lands and Open Unincloſed Grounds to be divided, allotted, and in-

cloſed, not exceeding Three Acres, and in ſuch Places, as the ſaid Commiſſioners ſhall think proper, for getting Stone, Gravel, or other Materials for the Repairs for Private Roads and Highways within the ſaid Townſhip; and any Graſs and Herbage ariſing therefrom 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 in the ſame Manner as they are by Law liable to account for other Monies collected and received by them as Surveyors as aforeſaid.

Allotments to His Majeſty.

XXX. And be it further enacted, That when the Survey of the ſaid Lands and Grounds by this Act intended to be divided, allotted, and incloſed, ſhall have been made and delivered to the ſaid Commiſſioners for carrying this Act into Execution, and the Boundaries thereof ſhall have been duly ſettled, and when, purſuant to the Powers herein-before contained, the ſeveral Pieces of Ground for Roads, Highways, and Places for getting Materials for the Repairs of the Roads ſhall have been ſet out, the ſaid Commiſſioners ſhall, as ſoon as may be, proceed to value the whole of the ſaid Hayes of *Birkland* and *Bilhagh*, and other Commonable Lands and Open Unincloſed Grounds within the ſaid Townſhip of *Edwinſtowe* aforeſaid; and when and ſo ſoon as ſuch Valuation ſhall have been made, the ſaid Commiſſioners ſhall ſet out and allot in Severalty unto the King's moſt Excellent Majeſty, His Heirs and Succeſſors, one full Moiety or Half Part (Quantity, Quality, and Value being conſidered) of the Lands and Grounds comprized within the ſaid Hayes of *Birkland* and *Bilhagh*, the Soil whereof is veſted in His Majeſty for and as a Conſideration for ſuch Right of Soil, and for all the Rights and Intereſts of His Majeſty, His Heirs and Succeſſors, in and to the ſaid Hayes of *Birkland* and *Bilhagh*; and the ſaid Commiſſioners ſhall in the next Place ſet out and allot in Severalty unto the King's moſt Excellent Majeſty, His Heirs and Succeſſors, ſo much and ſuch Part and Parts of the other Commonable Lands and Open Unincloſed Grounds within the ſaid Townſhip of *Edwinſtowe*, not comprized in the ſaid Hayes, as in the Judgment of the ſaid Commiſſioners ſhall (Quantity and Quality and Situation conſidered) be equal in Value to One Thirty-ſecond Part of the whole of the ſaid Commonable Lands and Open Unincloſed Grounds which ſhall remain after making ſuch Allotments as aforeſaid, the ſaid laſt-mentioned Allotment to be ſet out as near the former as conveniently may be, and to be deemed and taken to be as a Compenſation and in Satisfaction of His Majeſty's Rights of Deer, Game, and other Foreſtal Rights; and ſo ſoon as the ſame ſhall be ſevered from the Lands adjoining thereto, the Allotments of One Moiety or Half Part of the ſaid Hayes, and One Thirty-ſecond Part of the other Commonable Lands and Open Unincloſed Grounds ſhall become and remain the excluſive and abſolute Property of the King's moſt Excellent Majeſty, His Heirs and Succeſſors, freed, exonerated, and for ever diſcharged of and from all Right of Common of Paſture, Common of Eſtovers, and all other Rights of what Nature or Kind ſoever, and of all and ſingular the Owners and Occupiers of Manors, Meſſuages, Cottages, Lands, Tenements, and Hereditaments, who at the Time of paſſing this Act were entitled to any ſuch Rights thereon, or of any other Perſon or Perſons whomſoever.

Award of His Majesty's Allotments to be inrolled at the Exchequer at Westminster and the Office of the Auditor of the Land Revenue.

XXXI. And be it further enacted, That when and so soon as the said Commissioners shall have set out the Allotments herein-before directed to be set out to His Majesty, His Heirs and Successors, they shall prepare an Award, with a Map or Plan annexed thereto, and which Award shall be prepared and executed within Two Years after the passing of this Act, and whereof there shall be Three Originals, One to be inrolled in the Court of Exchequer at *Westminster*, another in the Office of the Auditor of the Land Revenue, there to remain on Record, and shall afterwards be filed and preserved amongst the Muniments of the Office of the Commissioners of His Majesty's Woods, Forests, and Land Revenues for the Time being; such Award, or the Inrolment thereof, to be produced, read, and received in Evidence on all Occasions where any Question, Doubt, or Controversy shall or may arise relating to or affecting the Rights and Interests of His Majesty, His Heirs or Successors, in respect of any Allotment vested in the King's most Excellent Majesty, His Heirs and Successors, by virtue of this Act; and the Third of the said Awards shall be deposited with the Clerk of the Peace of the said County of *Nottingham*.

Allotments to Lords for Right of Soil.

XXXII. And be it further enacted, That the said Commissioners shall assign, set out, and allot, unto and for the Lord or Lords of the several Manors of *Edwinstowe* and *Edwinstowe* Rectory, so much of the said Commonable Lands and Open Unincloſed Grounds within the said Township of *Edwinstowe* as in the Judgment of the said Commissioners shall be equal in Value (Quality, Quantity, and Situation considered) to One Eighteenth Part thereof; and such Allotments shall be a full Recompence and Compensation for the Right of such Lord or Lords in and for the Soil of the said Commonable Lands and Open Unincloſed Grounds, and shall be divided and apportioned between the said respective Lords, according to their respective Rights and Interests.

Allotment of Residue.

XXXIII. And be it further enacted, That the said Commissioners shall and they are hereby required, after making such Allotments as are herein-before mentioned, to divide, set out, and allot the other Moiety or Half Part of the said Hayes of *Birkland* and *Bilhagh*, and all the Rest, Residue, and Remainder of the said Commonable Lands and Open Unincloſed Grounds within the said Township of *Edwinstowe*, unto and amongst all and every the Person and Persons, Body or Bodies Politic, Corporate, or Collegiate, entitled to the Commonage in, over, or upon the same, or any Part or Parts thereof respectively, according to their several and respective Estates, Rights, and Interests therein, as they the said Commissioners shall adjudge and deem to be a fair and equal Compensation and Satisfaction for such their several and respective Estates, Rights, and other Interests as aforesaid, due Regard being had, in settling the Quantum of each Allotment, to the Quality and Situation of the Land to be comprized therein.

The Timber growing on that Part of the Hayes to be allotted and divided, to become the Property of

XXXIV. And be it further enacted, That all Timber Trees, Wood, and Underwood, growing, standing, and being on any Allotments of that Moiety or Half Part of the said Hayes of *Birkland* and *Bilhagh* hereby intended to be divided and allotted unto and amongst the several Persons entitled to Rights of Common, at the Time when such Division and Allotment shall take place, shall become and be the Property of the Person or

Perſons, Bodies Politic, Corporate, or Collegiate, to whom ſuch Allotment or Allotments ſhall be made or ſet out, ſuch Perſon or Perſons, Bodies Politic, Corporate, or Collegiate, paying the Value of the ſame to the Commiſſioners of His Majeſty's Woods, Foreſts, and Land Revenues; and in caſe the Commiſſioners of His Majeſty's Woods, Foreſts, and Land Revenues, and any Perſon to whom ſuch Allotment ſhall be made, cannot agree on the Price or Value to be paid for any Timber Trees, Wood, or Underwood growing and being on any ſuch Allotment, the Value of ſuch Timber Trees, Woods, or Underwoods, ſhall be referred to, ſettled, and aſcertained by Two indifferent Perſons to be named as Arbitrators, One of whom ſhall be choſen by the Commiſſioners for the Time being of His Majeſty's Woods, Foreſts, and Land Revenues, and the other by the Perſon or Perſons, Body Politic, Corporate, or Collegiate, diſputing ſuch Value; and the ſaid Two Perſons ſo to be appointed as Arbitrators ſhall, within Three Calendar Months after being appointed, fix and aſcertain the Value in diſpute, and their Deciſion therein ſhall be binding and concluſive upon all Parties concerned; or in caſe ſuch Arbitrators ſhall diſagree as to the Value of the ſaid Timber Trees, Wood, or Underwood, then the Value thereof ſhall be aſcertained and determined by ſuch other Perſon as the ſaid Arbitrators ſhall nominate as an Umpire, who ſhall fix and determine the ſame within Three Calendar Months after being appointed for that Purpoſe, and whoſe Deciſion therein ſhall be final and concluſive upon all Parties intereſted.

the Perſons to whom Allotments ſhall be made, on paying the Value to His Majeſty, ſuch Value to be ſettled by Agreement or Reference.

XXXV. Provided always, and be it further enacted, That in caſe any Perſon ſhall neglect, for the Space of Three Calendar Months after the Value of any ſuch Timber ſhall be aſcertained, to pay for the ſame, or ſhall be unwilling to purchaſe the ſame, and ſhall, within the ſame Space of Time after the ſetting out of any ſuch Allotment, refuſe to treat with the ſaid Commiſſioners of His Majeſty's Woods, Foreſts, and Land Revenues for the Time being, as to the Value of any ſuch Timber Trees, Wood, or Underwood, or to refer the Amount of ſuch Value to Arbitration, in Manner before mentioned, then and in every ſuch Caſe the Timber Trees, Wood, and Underwood ſtanding, growing, and being on the Allotment or Allotments of the Perſon or Perſons ſo neglecting or refuſing as aforeſaid, ſhall continue to be and ſhall be the Property of His Majeſty, His Heirs or Succeſſors; and it ſhall and may be lawful for His Majeſty, His Heirs and Succeſſors, and His and their Agents, Servants, and Workmen, at any Time within Two Years after any ſuch Allotment ſhall be ſet out to the Perſon or Perſons ſo neglecting or refuſing as aforeſaid, to cut down, take, and carry away all the Timber Trees, Wood, and Underwood ſtanding, growing, and being thereon, and which were ſtanding, growing, and being thereon at the Time of ſetting out ſuch Allotment or Allotments; and the Commiſſioners of His Majeſty's Woods, Foreſts, and Land Revenues are hereby authorized and empowered to receive all ſuch Sums of Money as ſhall be paid for the Value of any ſuch Timber Trees, Wood, and Underwood, and to apply the ſame, in the Firſt Place, in the Payment and Diſcharge of all ſuch Coſts and Expences of this Act as are herein-after directed to be defrayed and borne by His Majeſty; and if any Surplus Monies ſhall remain after Payment of all ſuch Coſts and Charges, ſuch Surplus ſhall be paid into the Bank of

Timber not paid for within Three Months after the Valuation, ſhall continue to be the Property of His Majeſty.

of *England*, and placed to the Account directed by an Act paſſed in the Fiftieth Year of His preſent Majeſty's Reign, intituled *An Act for uniting the Offices of Surveyor General of the Land Revenues of the Crown, and Surveyor General of His Majeſty's Woods, Foreſts, Parks, and Chaces*, to be raiſed in the Books of the Governor and Company of the Bank of *England*, intituled 'The Account of the Public Monies of the Commiſſioners of His Majeſty's Woods, Foreſts, and Land Revenues, being the 'Woods and Foreſts Fund;' and ſhall be applied and diſpoſed of in ſuch and the like Manner, and for ſuch and the like Purpoſes, as the other Monies by ſuch laſt-mentioned Act directed or authorized to be paid in, carried over, or placed to the ſame Account, are thereby authorized or directed to be paid, applied, or diſpoſed of.

Allotments to be delineated in a Plan, and ſhewn to the Proprietors.

XXXVI. And be it further enacted, That when and ſo ſoon as the ſaid Commiſſioners ſhall have aſcertained the reſpective Rights of the Perſons intereſted in the ſaid intended Incloſure, and alſo the reſpective Shares and Proportions by them propoſed to be allotted to ſuch Perſons reſpectively in lieu thereof, they the ſaid Commiſſioners ſhall give Notice in Manner aforeſaid of the Day or Days and Place where all Perſons intereſted may peruſe a Schedule of ſuch intended Allotments, and inſpect the Map or Plan whereon the ſame ſhall be delineated, and may have and receive a Copy of ſuch Schedule, as far as the ſame relates to each Perſon reſpectively; and as ſome Perſons may, upon Peruſal of the ſaid Schedule, and Inſpection of ſuch Map or Plan, be diſſatisfied with their intended Allotments, the ſaid Commiſſioners ſhall give Notice of One Meeting at leaſt to be held by them for hearing Complaints and Objections againſt ſuch intended Allotments, and for hearing and determining all ſuch Objections; and their Determination in the Premiſes, as to Quality and Situation, ſhall be binding, final, and concluſive to all Parties.

Allotments of Reſidue to be fenced, and kept in Repair by Proprietors.

XXXVII. And be it further enacted, That 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 Moiety or Half Part of the ſaid Hayes of *Birkland* and *Bilhagh*, not allotted to His Majeſty; and the Reſidue of the ſaid Commonable Lands and Open Unincloſed Grounds ſhall be made, and at all Times for ever thereafter repaired and maintained, by and at the Expence of the Proprietors intereſted therein, 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.

Satisfaction to be made for unequal Share of Boundary Fences.

XXXVIII. 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 Proprietors thereof ſhall not have a proportionable Share of Boundary Fencing thereto, it ſhall be lawful for the ſaid Commiſſioners, where they ſhall judge reaſonable, to aſcertain and determine the Sum or Sums of Money to be contributed and paid by ſuch Proprietor or Proprietors towards the Expence 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 Boundary Fences may be

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 to be ſo aſcertained and applied ſhall be levied and recovered in the ſame Manner as Penalties are directed to be levied and recovered by the ſaid recited Act of the Forty-firſt Year of His Majeſty's Reign.

Allotments to remain of the ſame Tenure.

XXXIX. Provided always, and be it enacted, That all and every the Allotments to be made in purſuance of this Act for or in reſpect of any Freehold Eſtates, ſhall be deemed and taken to be held and enjoyed as Freehold Eſtates; and all and every the Allotments to be made for or in reſpect of any Copyhold or Cuſtomary Eſtates held of any Manor or Manors in which the Lands and Grounds to be incloſed by virtue of this Act reſpectively lie or are ſituate, ſhall be deemed or taken to be as Copyhold or Cuſtomary Eſtates, and ſhall be held of the reſpective Lords thereof under the ſame Rents and by the ſame Cuſtoms and Services as the Copyhold or Cuſtomary Lands and Hereditaments for which they were ſo allotted are or ought to have been held, and ſhall paſs by the like Surrenders as the Copyhold or Cuſtomary Lands and Hereditaments in reſpect whereof ſuch Allotments ſhall be made now paſs.

Sale of Allotments before the Execution of the Award.

XL. Provided always, and be it further enacted, That if any of the Perſons intereſted in the ſaid Diviſion and Incloſure ſhall ſell, or ſhall at any Time hereafter, and before the Execution of the final Award of the ſaid Commiſſioners, ſell his, her, or their Right, Intereſt, or Property in, over, and upon the ſaid Lands and Grounds hereby directed to be divided, allotted, and incloſed, or any Part thereof, to any other Perſon or Perſons, then it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required, to make an Allotment of Land unto the Vendee or Purchaſer in ſuch Sale, or to his or her Heirs or Aſſigns, for or in reſpect of ſuch Right, Intereſt, and Property ſold; and every ſuch Vendee or Purchaſer, and his and her Heirs and Aſſigns, ſhall and may, after the Completion of ſuch Sale, hold the Land and Ground ſo to be allotted to him, her, or them as aforeſaid, in the ſame Manner, purſuant to the Terms of ſuch Sale, to all Intents and Purpoſes, as the Vendor in every ſuch Sale might, could, or ought to have held and enjoyed the ſame in caſe ſuch Sale had not been made.

Commiſſioners to allot Lands in exchange for others, with Conſent of Owners.

XLI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized and required, to ſet out, allot, and award any Lands, Tenements, or Hereditaments within the ſaid Townſhip in which the ſaid Lands and Grounds hereby directed to be divided and allotted lie or are ſituate, or any Part thereof, in lieu of and in exchange for any other Lands, Tenements, and Hereditaments whatſoever within the ſaid Townſhip, or within any adjoining Pariſh, Townſhip, or Place, provided that all ſuch Exchanges be aſcertained, ſpecified, and declared in the Award of the ſaid Commiſſioners, 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, 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 (by and with the Conſent of the Leſſor or Leſſors thereof, and not otherwiſe), or with the Conſent of the Guardians, Truſtees, Feoffees for charitable or other Uſes, Huſbands, Committees, or Attornies of or acting for ſuch Proprietors or Owners as aforeſaid who at the Time of making ſuch Exchange or Exchanges ſhall be reſpectively Infants, Femes Covert, Lunatics, or under 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 or Exchanges ſo to be made ſhall be good, valid, and effectual in the Law to all Intents and Purpoſes whatſoever.

Lands held in Right of any Eccleſiaſtical Benefice not to be exchanged without the Conſent of the Patron, &c.

XLII. Provided nevertheleſs, and be it further enacted, 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, 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 Exchange how to be paid.

XLIII. Provided always, and be it enacted, That the Coſts, Charges, and Expences attending the making or 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 the Reign of His preſent Majeſty, or either of them, 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, and to be recovered and recoverable in the ſame Manner as any other Expences ordered to be paid by the ſaid Commiſſioners are recoverable.

For vacating Leaſes at Rack Rent.

XLIV. And be it further enacted, That all Leaſes and Agreements for Leaſes at Rack Rent, now ſubſiſting of or affecting all or any of the Lands and Grounds which ſhall be divided and allotted by virtue of this Act, within the ſaid Townſhip of *Edwinſtowe*, ſhall ceaſe and be void at ſuch Time and Times as the ſaid Commiſſioners, by Writing under their Hands, to be affixed on the principal Doors of the Pariſh Church of *Edwinſtowe*, ſhall direct, the reſpective Leſſors or Landlords making ſuch Satisfaction in Money to their Leſſees or Tenants, for the Loſſes they ſhall ſuſtain by the Determination of their reſpective Leaſes or Agreements, as the ſaid reſpective Parties ſhall agree upon, or as the ſaid Commiſſioners, upon an Application made to them in Writing by either Party, ſhall order and direct; and if the Money ſo to be paid as aforeſaid ſhall not be paid, according to the Directions of the ſaid Commiſſioners, within Twenty-eight Days after Demand thereof in Writing under the Hand or Hands of the Perſon or Perſons to whom the ſame ſhall be payable, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby required, to raiſe and levy the ſame, for the Uſe and Benefit of the Perſon or Perſons entitled thereto, by ſuch Ways and Means as Penalties are directed to be levied and recovered under and by virtue of

the ſaid Act of the Forty-firſt Year of His Majeſty: Provided always, that nothing herein contained ſhall extend or be conſtrued to extend to ſet aſide or make void any Leaſe or Leaſes from any Bodies Politic, Corporate, or Collegiate, or Perſon or Perſons, for any Life or Lives, or for Twenty-one Years, or for any longer Term, for the granting of which a Fine has been taken of any Lands, Tenements, or Hereditaments in the ſaid Pariſh or Townſhip or either of them, to any Perſon or Perſons whomſoever; but the Perſon or Perſons entitled to ſuch beneficial Leaſe ſhall and may hold and enjoy his, her, or their ſeveral and reſpective Terms therein, and under the ſame Rents and Covenants as is or are ſpecified in his, her, or their reſpective Leaſes from the ſaid Bodies Politic, Corporate, or Collegiate, Perſon or Perſons, to him, her, or them reſpectively.

Rights of Common to ceaſe.

XLV. 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, and be deemed and taken to be, in lieu and in full Compenſation, Satisfaction, and Diſcharge of all Rights of Common whatſoever, which the Perſons intereſted in the Allotment or Incloſure, or any of them, could or might have had or been entitled to, in, over, and upon the ſaid Hayes of *Birkland* and *Bilhagh*, and Commonable Lands and Open Unincloſed Grounds hereby directed to be allotted and incloſed, or any Part or Parts thereof reſpectively, and from that Time all Right of Common and other Rights whatſoever in or upon the ſaid Hayes and Lands and Grounds ſhall ceaſe and be for ever annulled, aboliſhed, and extinguiſhed: Provided nevertheleſs, that it ſhall be lawful for the ſaid Commiſſioners, at any Time before the Execution of the ſaid Award, by Notice in Writing under their Hands to be affixed upon the principal outer Doors of the Pariſh Church of *Edwinſtowe*, to order and direct all or any Part of the Rights of Common in or over the ſaid Hayes, and other Lands and Grounds, or any Part or Parts thereof, to be extinguiſhed, or the Exerciſe thereof to be 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 Exerciſe thereof to be ſuſpended as aforeſaid, ſhall, from the Time 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.

No Turf to be taken away after the paſſing of the Act.

XLVI. And be it further enacted, That if any Perſon or Perſons ſhall after the paſſing of this Act dig, cut, or take away any of the Turf, Buſhes, Underwood, Soil, Gravel, Sand, Stone, or Dung, in, upon, or from any of the Lands or Grounds to be allotted and incloſed by virtue of this Act, for any Uſe or Purpoſe whatſoever, or under any Right, Privilege, or Claim whatſoever, without the Licence of the ſaid Commiſſioner firſt had and obtained for that Purpoſe, then and in every ſuch Caſe, on due Proof made before any Juſtice of the Peace for the ſaid County on Oath (which Oath ſuch Juſtice is hereby empowered to adminiſter), it ſhall and may be lawful to and for ſuch Juſtice, and he is hereby required, by Warrant under his Hand and Seal, directed to any Perſon or Perſons whomſoever, to cauſe any Sum or Sums of Money not exceeding Five Pounds to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons

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 executing this Act.

The Commiſſioners, with the Conſent of the Owners, may ſet out Boundary Fences.

XLVII. And be it further enacted, That, in order to render ſtraight and to ſhorten the Boundary Fences between the Lands and Grounds by this Act directed to be divided, allotted, and incloſed, in the ſaid Townſhip of *Edwinſtowe*, and any Pariſh, Townſhip, Hamlet, or Place adjoining thereto, or to make the ſame Boundary Fences regular, it ſhall be lawful for the ſaid Commiſſioners, with the Conſent in Writing under the Hand or Hands of the Lord or Lords of the Manor or Manors in which the Land is ſituate, and of the Owner or Owners of the Land upon which any Fence or Fences ſhall or may be intended to be made, to ſet out the Boundary or Boundaries between the Lands by this Act directed to be divided, allotted, and incloſed, and any adjoining Pariſh, Townſhip, Hamlet, or Place, in ſuch Manner as they ſhall think proper for the Purpoſes aforeſaid; and after ſuch Boundary or Boundaries ſhall be ſo ſet out as aforeſaid, the ſame ſhall be fenced by ſuch Perſon or Perſons in ſuch Manner and at ſuch Time or Times as the ſaid Commiſſioners in and by their ſaid Award ſhall order and direct; and the ſame ſhall for ever thereafter be deemed and taken to be the Boundary or Boundaries between the ſaid Townſhip of *Edwinſtowe* and ſuch adjoining Pariſh, Townſhip, Hamlet, or Place; any Law, Cuſtom, or Uſage to the contrary thereof in anywiſe notwithſtanding.

Encroachments made within 20 Years to be conſidered Part of the Ground to be incloſed.

XLVIII. And be it further enacted, That all Intakes or Encroachments made on the ſaid Lands and Grounds hereby directed to be divided and incloſed, and which have been made within the Space of Twenty Years laſt paſt, ſhall be deemed and conſidered Part and Parcel of the Lands and Grounds to be allotted or incloſed by virtue of this Act, as if the ſame were actually lying open and unincloſed.

Occupation for more than 20 Years to veſt the Property in the Owners.

XLIX. Provided always, and be it further enacted, That all ſuch Encroachments as have been made and occupied without Interruption for more than Twenty Years, ſhall become the Property of and are hereby veſted in the Perſons who ſhall be the Owners or Proprietors thereof at the Time of paſſing this Act; but ſuch Perſons ſhall not, for or on account of any ſuch Encroachment, be entitled to any Allotment for any Right of Common or other Right in or over the ſaid Lands and Grounds hereby directed to be allotted and incloſed.

Wills and Settlements not to be affected.

L. Provided always, and be it enacted, That nothing herein contained ſhall extend or be conſtrued, adjudged, deemed, or taken to revoke, annul, or make void any Settlement, Deed, Will, or Leaſe whatſoever; or to prejudice any Perſon or Perſons having any Right or Claim of Dower, Jointure, Debt, Charge, or Incumbrance in, out of, upon, or over, or affecting the ſaid Lands and Grounds ſo to be divided, allotted, and incloſed, or exchanged by virtue of the ſaid recited Act of the Forty-firſt Year of the Reign of His preſent Majeſty or of this Act, or of any

Part or Parcel thereof; but that the ſeveral Allotments to be allotted or given in exchange upon ſuch Diviſion or Incloſure thereof to the ſeveral Proprietors reſpectively, ſhall, immediately after ſuch Allotments or Exchange ſhall be made and ſet out, be, remain, and enure, and be held and enjoyed, and the ſeveral Perſons to whom the ſame ſhall be ſo allotted or exchanged as aforeſaid ſhall from the ſigning the ſaid Award ſtand, be ſeiſed, and be poſſeſſed thereof reſpectively, to ſuch and the ſame Eſtates, and with ſuch and the ſame Powers and Authorities for making Leaſes thereof or otherwiſe, and ſubject to ſuch and the ſame Wills, Limitations, and Conditions, Settlements, Truſts, Proviſions, Remainders, Reverſions, Debts, Charges, and Incumbrances (Right of Common and Common of Paſture, or other Rights as aforeſaid, and ſuch other Exceptions and Proviſions as are herein made, only excepted), as the ſaid ſeveral Lands and Hereditaments in reſpect or in lieu whereof, or in Right whereof, ſuch Allotments were and are to be made to them reſpectively, ſtood ſeverally limited or ſubject and liable unto at the Time of making ſuch Allotments reſpectively, or ſigning the ſaid Award.

Right to Tithes not to be prejudiced, nor the Manner of Payment affected by this Act.

LI. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend or be conſtrued to extend to prejudice, leſſen, or defeat the Right, Title, or Intereſt of the ſeveral Rectors, Vicars, and Lay Impropriators for the Time being of any Pariſhes, or any other Perſon or Perſons whomſoever, in or to any Tithes, Great or Small, or any Compoſitions, Moduſes, or other Payments ariſing or renewing out of or payable for or in reſpect of any Lands, Tenements, or Hereditaments within the ſaid Townſhip of *Edwinſtowe*; but that ſuch Great and Small Tithes, Compoſitions, Moduſes, or other Payments ſhall be paid and payable at all Times hereafter in ſuch and the ſame Manner as they would have been in caſe this Act had not been made.

His Majeſty's Rights in regard to Deer to remain until ſuch Time as the Commiſſioners ſhall appoint.

LII. And be it further enacted, That His Majeſty's Rights of, in, and over the ſaid Lands and Grounds hereby intended to be divided, allotted, and incloſed, ſhall remain and continue veſted in His Majeſty, His Heirs and Succeſſors; and that all the Laws and Statutes of this Realm now in force for the Protection of Deer, and for puniſhing Perſons guilty of any Offences in breach of ſuch Laws, ſhall remain and continue in Force and Effect for the Protection of His Majeſty's Deer within the Regard of the ſaid Foreſt, and for the Puniſhment of Offences therein, until the Execution of the final Award of the ſaid Commiſſioners, or ſuch Time before the Execution thereof as the ſaid Commiſſioners ſhall appoint; any thing in this Act contained to the contrary thereof in anywiſe notwithſtanding: Provided always, that in caſe any Allotment or Allotments of the ſaid Lands and Grounds ſo to be allotted, divided, and incloſed as aforeſaid, ſhall be actually incloſed, and the Fences thereof completed, before the Day which ſhall be named by the Commiſſioners for diſafforeſting the ſaid Hayes and other Lands, then and in every ſuch Caſe it ſhall be lawful for the Owner of any Allotment to hunt and kill any Deer within ſuch Allotment, without being ſubject to any Pain, Penalty, or Puniſhment for ſo doing.

The Hayes of Bilhagh and Birkland, &c.

LIII. And be it further enacted, That after the Execution of the ſaid final Award, or the ſaid Day to be named by the ſaid Commiſſioners as aforeſaid,

to be diſafforeſted.

aforeſaid, all Right of Game of Deer, and all other Foreſtal Rights and Privileges whatſoever of the King's Majeſty, His Heirs and Succeſſors, and his or their Leſſee or Leſſees, or of all other Perſons whomſoever, within, upon, and over the ſaid Hayes of *Birkland* and *Bilhagh*, and the ſaid Commonable and Open and Unincloſed Lands, ſhall ceaſe, determine, and be for ever extinguiſhed, and the ſame ſhall be diſafforeſted, to all Intents and Purpoſes whatſoever.

Expences of the Act to be paid by His Majeſty.

LIV. And be it further enacted, That the Coſts, Charges, and Expences incident to and attending the obtaining and paſſing of this Act, and of ſetting out the Allotments by this Act directed to be made and ſet out to and for His Majeſty, His Heirs and Succeſſors, and of making and inrolling the ſaid Firſt Award, ſhall be paid and borne by His ſaid Majeſty, His Heirs and Succeſſors, out of any Money which is or ſhall be in the Hands of the Commiſſioners of His Majeſty's Woods, Foreſts, and Land Revenues.

Other Expences how to be paid.

LV. And be it further enacted, That all other the Coſts, Charges, and Expences of carrying this Act into Execution, and of ſurveying, dividing, ſubdividing, and allotting the Lands and Grounds by this Act directed to be divided, allotted, and incloſed, unto and amongſt the ſeveral other Owners and Proprietors of Lands having Rights of Common and other Rights, ſhall be borne and defrayed by ſuch Lords of Manors, Owners, or Proprietors reſpectively, in ſuch Shares and Proportions, at ſuch Time or Times, Manner and Places, as the ſaid Commiſſioners, either before or after the Execution of their ſaid final Award, ſhall order, direct, or appoint, by any Rate or Rates to be made by the ſaid Commiſſioners for that Purpoſe (ſave and except the King's moſt Excellent Majeſty, in reſpect of the Allotments to be made to Him, His Heirs and Succeſſors, by virtue of this Act), and the Determination of the ſaid Commiſſioners in the Premiſes ſhall be final and concluſive; and in caſe any Perſon or Perſons ſhall neglect to pay his, her, or their Share or Proportion of ſuch Coſts, Charges, and Expences as aforeſaid, within the Time and in Manner appointed by the ſaid Commiſſioners, then and in ſuch Caſe the ſaid Commiſſioners ſhall cauſe the ſame to be raiſed, levied, and recovered in the Manner preſcribed and directed by the ſaid firſt-recited Act.

Money advanced to be repaid with Intereſt.

LVI. And be it further enacted, That if any Perſon or Perſons whomſoever ſhall advance and pay any Money towards the Expences hereinbefore directed to be borne and defrayed by the Lords of Manors, Owners, and Proprietors of Lands having Rights of carrying this Act into Execution, the Money ſo advanced and paid ſhall be repaid and ſatisfied to him, her, or them, by the Direction of the ſaid Commiſſioners, together with lawful Intereſt for the ſame from the Time of the Advancement thereof.

Power for certain Perſons to mortgage or ſell their Allotments.

LVII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, on Application being made to them in Writing by any of the Huſbands, Guardians, Truſtees, Committees, or Attornies of or for any of the ſaid Proprietors or Perſons intereſted in the Premiſes, being under Coverture, Minors, Idiots, Lunatics, or beyond the Seas, or under any other Diſability or Incapacity, or by the Perſons acting as ſuch

Guardians, Truſtees, Committees, or Attornies reſpectively, or by any of the Proprietors of the Lands hereby divided and allotted, or any Part thereof, who are or ſhall be Tenant or Tenants in Tail, or for any Life or Lives, or any other Contingency, to mortgage or ſell, either before or after the making of the ſaid Award, Part of the Allotment or Allotments to be made by virtue of this Act, to ſuch incapacitated Proprietor or Proprietors, or other Perſon or Perſons, by whom or on whoſe Behalf any ſuch Application ſhall be made as aforeſaid, for the Purpoſe of raiſing a Sum of Money ſufficient to defray the reſpective Shares and Proportions of the Coſts, Charges, and Expences of executing the ſaid firſt-recited Act and this Act, which ſhall be charged upon and payable by ſuch incapacitated Proprietors, or other Perſon or Perſons reſpectively, and of fencing and incloſing and ſubdividing his, her, or their Allotment or Allotments, and of making and completing ſuch Mortgage or Sale; and ſuch Mortgage or Sale ſhall be made by the ſaid Commiſſioners in ſuch and the like Manner, and ſubject to ſuch and the like Rules and Regulations, as are mentioned and preſcribed in and by the ſaid firſt-recited Act in reſpect to the Sale of any Lands authorized to be ſold for paying the Expences of obtaining and carrying into Execution any Act for dividing, allotting, and incloſing any Lands and Grounds; and each and every Allotment for which the full Purchaſe Money ſhall be paid ſhall be conveyed by the ſaid Commiſſioners, at the Expence of ſuch Purchaſer or Purchaſers, unto ſuch Purchaſer or Purchaſers, and his, her, or their Heirs reſpectively, or as he, ſhe, or they ſhall appoint, and ſhall be incloſed and held by ſuch Purchaſer or Purchaſers reſpectively in Severalty; and the Receipt of the ſaid Commiſſioners ſhall be a good and ſufficient Diſcharge to ſuch Purchaſer or Purchaſers for the ſaid Purchaſe Money, which ſhall be applied by the ſaid Commiſſioners in or towards the defraying ſuch laſt-mentioned Coſts, Charges, and Expences; and if any Surplus ſhall remain in the Hands of the ſaid Commiſſioners, the ſame ſhall be applied and diſpoſed of by them in the Manner directed by the ſaid firſt-recited Act with reſpect to Money which is thereby directed to be paid into the Bank of *England* for the Purchaſe or Exchange of any Lands, Tenements, or Hereditaments, to be ſettled to the ſame Uſes, or of any Timber or Wood growing thereon, and which ought to be laid out in the Purchaſe of other Lands, Tenements, and Hereditaments, as therein mentioned: Provided always, that it ſhall not be lawful to raiſe by ſuch Mortgage or Sale any greater or further Sum of Money than the Perſon or Perſons, Part of whoſe Allotment or Allotments ſhall be mortgaged or ſold as aforeſaid, would have been empowered or authorized to borrow, or charge upon his, her, or their Allotment or Allotments, reckoning Five Pounds for each and every Acre thereof, under or by virtue of the ſaid firſt recited Act: Provided alſo, that in all Caſes where any Lands ſhall be ſold for Payment of Expences as aforeſaid, it ſhall not be lawful for the Proprietor or Perſon whoſe Lands ſhall be ſo ſold to charge the Reſidue of his or her Allotment, by virtue of the ſaid firſt recited Act or this Act, with any Money towards Payment of ſuch Expences.

Commiſſioners' Allowance.

LVIII. And be it further enacted, That the ſaid Commiſſioners hereby appointed, and every Commiſſioner to be hereafter appointed by virtue of

of this Act, ſhall be allowed the Sum of Three Pounds and Three Shillings, and no more, for his Trouble and Expences for each Day he ſhall neceſſarily travel or attend in the Execution of the Powers of this Act.

Accounts to be examined and balanced by Two Juſtices annually, and no Items in the Account ſhall be binding, unleſs allowed by them.

LIX. And be it further enacted, That once at leaſt in each and every Year during the Execution of this Act, ſuch Year to be computed from the Day of the paſſing thereof, the ſaid Commiſſioners ſhall and they are hereby required to make a true and juſt Statement or Account of any Sums of Money by them or any of them received and expended, or due to them for their own Trouble and Expences, in the Execution of this Act; and ſuch Statement or Account, when ſo made, together with the Vouchers relating thereto, ſhall be by them, if required, laid before Two or more of His Majeſty's Juſtices of the Peace for the ſaid County of *Nottingham* (not intereſted in the ſaid intended Diviſion and Incloſure), to be by them examined and balanced (ſuch Juſtices being hereby authorized to take or call in ſuch Aid and Aſſiſtance in ſuch Examination as they ſhall think fit, and to charge the incidental Expences), and the Balance ſhall be by ſuch Juſtices ſtated in the Books of Account to be kept in the Office of the Clerk of the ſaid Commiſſioners; and no Charge or Item in ſuch Accounts ſhall be binding on the Parties concerned, or valid in the Law, unleſs allowed by Two Juſtices of the Peace as aforeſaid.

Final Award to be made within Three Years.

LX. And be it further enacted, That the final Award of the ſaid Commiſſioners ſhall be made and executed within Three Years next after the paſſing of this Act; and when the ſame ſhall be enrolled in Manner directed by the ſaid recited Act, it ſhall be depoſited and left in the Pariſh Church of *Edwinſtowe* aforeſaid.

Atteſted Copy of final Award and Plan of Allotments to be left with the Commiſſioners of Woods, and alſo with the Auditor of Land Revenue.

LXI. And be it further enacted, That the ſaid Commiſſioners ſhall, if required by the Commiſſioners of His Majeſty's Woods, Foreſts, and Land Revenues for the Time being, make a Copy atteſted under their Hands of their Award, and alſo a Map or Plan of all the Allotments, and tranſmit the ſame to the ſaid Commiſſioners of His Majeſty's Woods, Foreſts, and Land Revenues for the Time being, within Two Calendar Months next after the making and executing the ſaid Award, to be by them filed and kept amongſt the Muniments of their Office, and alſo an authenticated Duplicate thereof to the Auditor of the Land Revenue, ſuch reſpective Map and Duplicate 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; ſuch atteſted Copy, Duplicate, and Plan to be made at the Expence of the Commiſſioners of His Majeſty's Woods, Foreſts, and Land Revenues.

Parties aggrieved may appeal to the Quarter Seſſions.

LXII. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of this or the ſaid recited Act (other than and except ſuch Orders and Determinations as are by the ſaid recited Act made in the Forty-firſt Year of the Reign of His preſent Majeſty, or by this Act directed to be made final and 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 in and for the County of *Nottingham* within Three Calendar Months after ſuch Cauſe of Complaint ſhall have ariſen, on giving to the ſaid Commiſſioners Twenty-one Days previous Notice of ſuch Appeal and of the Matter thereof; and the Juſtices of the ſaid Quarter Seſſions are hereby required to hear and determine the Matters of every ſuch Complaint, and make ſuch Order therein, and to award ſuch Coſts as to them ſhall appear 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 Writs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter* or elſewhere.

Commiſſioners empowered to fell the Timber on any of the Allotments, except of the Hayes of Birkland and Bilhagh, and to apply the Produce according to the Directions of the Act of 41 G. 3. c. 133.

LXIII. And be it further enacted, That it ſhall and may be lawful to and for the Commiſſioners for carrying this Act into Execution, and their Agents, Servants, and Workmen, at any Time within Eighteen Calendar Months after the Allotments of the Commonable Lands and unincloſed Grounds hereby intended to be divided and incloſed ſhall be ſet out, to enter into and upon all or any of ſuch Allotments, except the Allotments of the ſaid Hayes of *Birkland* and *Bilhagh*, and to cut down, take and carry away, ſell and diſpoſe of all the Timber Trees, Wood, and Underwood ſtanding, growing, and being thereon, and which were ſtanding, growing, and being thereon at the Time of ſetting out ſuch Allotments; and the ſaid Commiſſioners are hereby authorized and empowered to receive all ſuch Sums of Money as ſhall ariſe by the Sale of any ſuch Timber Trees, Wood, and Underwood, or as ſhall be paid for the Value thereof, and to apportion the ſame between the reſpective Lords of the ſaid Manors according to their ſeveral Rights and Intereſts therein, and to apply their reſpective Proportions thereof in or towards defraying their reſpective Parts or Shares of the Coſts and Expences of paſſing this Act, and of carrying the ſame into Execution; and to pay the Surplus thereof, if any, to ſuch Lords of the ſaid Manors, according to ſuch their Rights and Intereſt therein, if they ſhall be reſpectively ſeiſed in Fee Simple of the Manors in reſpect whereof they ſhall be entitled to the ſame; but the Part or Share, Parts or Shares of ſuch Surplus Monies to which any Lord or Lords of ſuch Manors, who ſhall not be Tenant or Tenants in Fee Simple of or in ſuch Manors, may be entitled, ſhall be applied and diſpoſed of in the ſame Manner as any Money to be paid for the Purchaſe or Exchange of Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which ought to be laid out in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the ſame Uſes, is by the ſaid recited Act of the Forty-firſt Year of the Reign of His preſent Majeſty directed to be applied and diſpoſed of.

General Saving.

LXIV. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and to all Bodies Politic, Corporate, or Collegiate, 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 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 ſaid Lands and Grounds hereby directed to be divided and allotted, as they or any of them now have or hath, or could have had and enjoyed therein, in caſe this Act had not been made.

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