



A N

A C T

F O R

Dividing, Allotting, Inclosing, and Improving divers Open and Common Fields, Common Meadows, Common Pastures, and other Commonable Lands and Waste Grounds, within the severall Parishes of *Lyddington with Caldecott*, and *Uppingham*, in the County of *Rutland*, and also a Common or Waste, within the same County, called *Uppingham Brand*; and for extinguishing all the Tythes arising within the same Parishes, and all the Deer Browse and Rights of Common upon *Beaumont Chace*, in the same County, and making a Compensation for such Tythes and Common Rights respectively.

W H E R E A S there are certain Open and Common Preamble.
Fields, Meadows, Pastures, and other Commonable
Lands and Waste Grounds, lying and being within
the severall Parishes of *Lyddington with Caldecott*, and
Uppingham, in the County of *Rutland*, containing to-
gether by Estimation Three Thousand Two Hundred Acres, or
thereabouts, and there is also a certain Common or Parcel of
A Waste

Waste Ground in the said County of *Rutland*, called *Uppingham Brand*, containing by Estimation Five Hundred and Fifty Acres, or thereabouts :

And whereas the Right Honourable *Henry Earl of Exeter* is Lord of the Manor of *Lyddington with Caldecott* aforesaid, extending over the Whole of the said Parishes of *Lyddington with Caldecott* aforesaid :

And whereas the Reverend *Robert Wharton*, Clerk, is Prebendary of the Prebend of *Lyddington with Caldecott* aforesaid, as a Peculiar founded in the Cathedral Church of the Blessed Virgin *Mary* in *Lincoln* (which Prebend is in the Gift of the Right Reverend the Lord Bishop of *Lincoln* for the Time being) and the said *Robert Wharton*, in right of his said Prebend, is seised of or entitled to the Advowson, Right of Patronage, and Presentation of, in, and to the Vicarage of *Lyddington* aforesaid, with the Chapel of *Caldecott* thereto appendant or belonging, and he or his Lessee or Lessees, or those claiming under him or them, is or are seised of or entitled to divers Great Tythes, Yearly arising, growing, or renewing within the Parishes of *Lyddington with Caldecott* aforesaid, and also to divers Lands and Hereditaments lying in the said Common and Open Fields within the same Parishes, with Rights of Common appendant or belonging thereto :

And whereas the Reverend *Leonard Towne*, Clerk, is Vicar of the Vicarage of *Lyddington* aforesaid, with the Chapel of *Caldecott* appendant, and in right of his Vicarage is entitled to certain Vicarial Tythes Yearly arising or renewing in the Parishes of *Lyddington with Caldecott* aforesaid :

And whereas *Gerard Noel Noel*, Esquire, is Lord of the Manor of *Preston with Uppingham*, in the said County of *Rutland*, extending over all the Parish of *Uppingham*, except such Parts thereof as lie within and are held of the Rectory Manor of *Uppingham* aforesaid :

And whereas the Right Reverend the Lord Bishop of *London* for the Time being, is seised of or entitled to the Advowson, Right of Patronage, and Presentation of, in, and to the Rectory and Parish Church of *Uppingham* aforesaid ; and the Reverend *Edward Jones*, Clerk, is the Rector of the said Rectory and Parish Church of *Uppingham*, and as such is Lord of the Rectory Manor of *Uppingham* aforesaid, and is also entitled to all the Great and Small Tythes

Tythes Yearly arising, growing, or renewing within the Parish of *Uppingham* aforesaid, and also to divers Glebe Lands and Hereditaments lying in the Open and Common Fields within the Parish of *Uppingham* aforesaid, with Right of Common appendant or belonging thereto :

And whereas the said *Henry Earl of Exeter, Gerard Noel Noel, Charles Bowyer Adderley, Robert Walker*, Esquires, *John Clark, Thomas Bryan, William Torkington, Thomas Chapman, Robert Bullcock*, and several other Persons, are entitled to Lands in the said Open and Common Fields, Meadows, and Pastures, lying within the several Parishes of *Lyddington with Caldecott*, and *Uppingham* aforesaid, or some of them, and they or some of them are also entitled to Rights of Common upon the said several Commonable Lands and Waste Grounds within the same Parishes, and also upon the said Common or Waste called *Uppingham Brand* :

And whereas the Lands in the said Common and Open Fields, Meadows, and Pastures, lying within the Parishes of *Lyddington with Caldecott*, and *Uppingham* aforesaid, are greatly intermixed, and otherwise inconveniently situated, and the same, and also the said Common or Waste called *Uppingham Brand*, are, in their present State, incapable of any considerable Improvement, and the Proprietors of all the said Open and Common Fields, Meadows, Pastures, and other Commonable Lands and Waste Grounds, are therefore desirous that the same respectively may be divided and inclosed, and specific Shares thereof allotted to the several Proprietors thereof respectively, in lieu of and in proportion, as near as may be, to their several and respective Lands, Grounds, Tythes, Common Rights, and other Rights and Interests therein respectively :

And whereas the said *Gerard Noel Noel, Henry Earl of Exeter, George Bridges Brudenell*, Esquire, and *Sir Gilbert Heathcote*, Baronet, are severally seized of or entitled to all those Woods and Wood Grounds in the said County of *Rutland*, called or known by the Name of *Beaumont Chace*, containing Five hundred and Seventy Acres, or thereabouts, and to the Ground and Soil thereof, and all Timber and other Trees, Wood, and Underwood, growing thereon ; and the said *Gerard Noel Noel* is the Owner or Proprietor of all the Deer within the said Chace, and is also entitled to Herbage and Deer Browse for such Deer in and over the Whole of the said Chace :

And

And whereas the Owners and Proprietors of divers Messuages, Cottages, Lands, and Tenements, in the several Parishes of *Lyddington* and *Uppingham* aforesaid, and in the several Parishes of *Stoke Dry*, *Wardley*, and *Ayston*, in the said County of *Rutland*, or the Occupiers of such Lands and Tenements respectively, have in respect thereof used and enjoyed certain Rights of Common in and upon the said Chace, or some Part or Parts thereof:

And whereas the said Rights of Common in and upon the said Chace are injurious to the Growth of the Underwood and young Timber in the said Chace, and it will be expedient to set out Lands belonging to the said *Henry* Earl of *Exeter*, *Gerard Noel Noel*, *George Bridges Brudenell*, and *Sir Gilbert Heathcote* respectively, convenient in Situation and adequate in Value, in lieu of and as a Compensation for the said Rights of Common (except such Rights of Common as are used and enjoyed in and upon the several Lands and Grounds belonging to them the said Earl of *Exeter*, *Gerard Noel Noel*, *George Bridges Brudenell*, and *Sir Gilbert Heathcote* respectively, for and in respect of the Messuages, Cottages, Lands, or Tenements, belonging to themselves respectively, in the said several Parishes, or any of them) for which no Compensation need be made; and that the Lands so to be set out in lieu of such Rights of Common upon the said Chace, should be divided and allotted as aforesaid: But the several Divisions, Allotments, Inclosures, and other beneficial Purposes aforesaid, cannot be effected and carried into Execution without the Aid and Authority of Parliament;

May it therefore please Your MAJESTY,

That it may be Enacted; And be it Enacted by the KING's Most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Edward Hare*, of *Castor* in the County of *Northampton*, *John Renshaw*, of *Owthorpe* in the County of *Nottingham*, and *Thomas Eagle*, of *Bagginton* in the County of *Warwick*, Gentlemen, shall be, and they are hereby appointed Commissioners for putting this Act into Execution, subject to the Rules, Orders, and Directions in and by this Act directed, established, and appointed; and that it shall be lawful for any Two of the Commissioners herein nominated and appointed, and who shall hereafter be nominated and appointed in pursuance of this Act, and they are fully authorized

Commissioners.

Two Commissioners may act.

authorized and empowered to execute, do, and perform all and every, and any Act, Matter, and Thing whatsoever, by this Act authorized to be done and performed by the said Commissioners; and every such Act, Matter, or Thing, which shall be executed, done, and performed by any Two of such Commissioners for the Time being, shall be as valid and effectual, to all Intents and Purposes, as if all the said Commissioners hereinbefore appointed had been present, and had executed, done, and performed the same.

And be it further Enacted, That in case any of the Commissioners hereinbefore named, or any Commissioner or Commissioner to be appointed as herein is mentioned, shall die or refuse to act, or be rendered incapable of acting in the Execution of this Act, before the same shall be fully carried into Execution, then and in every such Case it shall and may be lawful for the surviving or remaining Commissioners or Commissioner, and they are hereby respectively required, within One Calendar Month after such Death, Refusal, or Incapacity shall be known to them respectively, or as soon thereafter as conveniently may be, by Writing under their respective Hands, to appoint any fit and disinterested Person to be a Commissioner, in the place of each Commissioner so dying or refusing to act, or becoming incapable of acting; and every such new Commissioner shall have such and the like Powers and Authorities for putting this Act into Execution, as if he had been originally appointed a Commissioner in and by this Act.

For appoint-
ing new
Commission-
ers.

And be it further Enacted, That no Person shall be capable of acting as a Commissioner in the Execution of the Powers given by this Act (except the Powers hereby given of administering an Oath, and of giving Notice of the First Meeting of the said Commissioners) until he shall have taken and subscribed an Oath in the Form following; (that is to say)

Commission-
ers to take
an Oath.

“ I *A. B.* do swear, That I will faithfully, impartially, and
 “ honestly, according to the best of my Skill, Judgment,
 “ and Ability, hear and determine all such Matters and
 “ Things as shall be brought before me as a Commis-
 “ sioner, by virtue of an Act passed in the Thirty-ninth
 “ Year of the Reign of King *George* the Third, intituled,
 “ [*Here set forth the Title of the Act*] and that I will, ac-
 “ cording to the best of my Skill, Judgment, and Ability,
 “ value and quality all and every the Lands and Grounds
 “ directed to be divided and inclosed by virtue of the said
 “ Act,

The Oath.

“ Act, and also the said Common Rights in the said
 “ Chace, and the Lands to be allotted in lieu thereof,
 “ and other the Lands and Hereditaments which shall be
 “ valued and qualited by me as a Commissioner in pur-
 “ suance of this Act; and that I will do all other Things
 “ appertaining to the Office of a Commissioner, truly,
 “ honestly, and impartially, according to the best of my
 “ Skill, Judgment, and Ability, without Favour or Af-
 “ fection to any Person or Persons whomsoever.
 “ So help me GOD.”

Which Oath it shall and may be lawful for any One of the
 said Commissioners to administer, and he is hereby required to
 administer the same; and the said Oath so taken and subscribed by
 each Commissioner, shall be inrolled at the same Time and in the
 same Place as the Award to be made by the said Commissioners is
 in and by this Act directed to be inrolled.

Arbitrator
 appointed.

And be it further Enacted, That *John Balguy*, of *Duffield* in
 the County of *Derby*, Esquire, shall be, and he is hereby ap-
 pointed Arbitrator, for the Purpose of hearing, adjudging, and
 determining all such Disputes, Claims, and Objections, as shall be
 referred to him for his Judgment and Determination, in the Man-
 ner hereinafter directed; provided that no Person shall be capable
 of acting as an Arbitrator in the Execution of any of the Powers
 given to the Arbitrator by this Act, until he shall have taken and
 subscribed, before the said Commissioners, or some or one of them,
 an Oath in the Form following;

The Oath.

“ I *A. B.* do swear, That I will faithfully, impartially, and
 “ honestly, according to the best of my Skill and Judg-
 “ ment, execute the several Powers and Trusts, reposed in
 “ me as an Arbitrator by virtue of an Act passed in the
 “ Thirty-ninth Year of the Reign of King *GEORGE* the
 “ Third, intituled (*Here set for. b the Title of the Act*)
 “ without Favour or Affection, Prejudice or Malice, to
 “ any Person or Persons whomsoever.
 “ So help me GOD.”

Which Oath it shall and may be lawful for any One or more of
 the said Commissioners, and he and they is and are hereby re-
 quired and impowered to administer to the said Arbitrator; and
 the said Oath, so to be taken and subscribed by such Arbitrator,
 shall be inrolled at the same Time and in the same Place as the
 General

General Award to be made by the said Commissioners is in and by this Act directed to be enrolled.

And be it further Enacted, That when the said *John Balguy*, or any other Person to be elected in Manner hereinafter mentioned, shall die or refuse to act, or be rendered incapable of acting by Sickness, or any other Cause whatsoever, the said Commissioners shall and may, and they are hereby required, by Writing under their Hands from Time to Time, as often as Occasion shall require, to elect, nominate, and appoint One fit Person (being a Barrister at Law, and not interested in the said Division) in the Place of the Arbitrator so dying, or refusing or becoming incapable to act; which Person, so to be elected and appointed, shall and may (after having taken the Oath above required) act in the Premises as fully, to all Intents and Purposes, as if he had been nominated an Arbitrator in and by this Act; which said Writing or Writings of Appointment shall be inrolled in the same Place, and Evidence thereof given in the same Manner, as hereinafter is directed and enacted concerning the General Award to be made by the said Commissioners.

In case of Death or Incapacity of Arbitrator new one to be appointed.

And be it further Enacted, That it shall and may be lawful for the said Commissioners, and they are hereby required to cause Notice to be given in the Parish Churches of *Lyddington, Caldecott, Uppingham, Stoke Dry, Wardley, and Ayston* aforelaid, upon some *Sunday* immediately after Divine Service, or to be affixed in Writing or Print upon One of the Doors of each of the said Churches, on some *Sunday* during Divine Service, of the Time and Place of the First Meeting of the said Commissioners for putting the Powers of this Act into Execution, at least Six Days before such Meeting, and the like Notice shall be given of every subsequent Meeting of the said Commissioners (Meetings by Adjournment only excepted); and it shall be lawful for the said Commissioners to adjourn their Meetings from Time to Time, as they shall see Occasion, for the Execution of this Act; and if only One Commissioner shall be present at any Meeting, it shall be lawful for him to adjourn such Meeting from Time to Time, until Two or more Commissioners shall be present, and the Commissioner making such Adjournment is hereby required forthwith to give Notice thereof to the absent Commissioners: Provided, that no such Adjournment as last mentioned shall be made for a longer Space of Time than Thirty Days; and that all the Meetings of the said Commissioners shall be held at the Town of *Uppingham*, or within the Distance of Twelve Miles therefrom.

Commissioners to give Notice of their Meetings.

And

Boundaries
of the
Parishes and
Manor to be
set out.

And be it further Enacted, That the said Commissioners shall, and they are hereby authorized and required, by such Ways and Means as they shall judge necessary, to ascertain, set out, determine, and fix the Boundaries of the said several Parishes, and the Boundaries of the said several Manors of *Lyddington with Caldecott, Uppingham, and Stoke Dry*, and of the respective Open and Common Fields and Waste Grounds lying within the same respectively, and to describe the said Boundaries in their said Award, and shall cause such Boundaries to be fenced in such Manner as they shall think proper; and after the making of such Fences, the same shall be for ever supported and maintained by the Persons entitled to the different Parts of the said Pieces of Waste Ground called *Uppingham Brand*, in such Shares and Proportions as the said Commissioners shall direct.

Survey to be
made.

And be it further Enacted, That a Survey or Surveys of all and every the Lands and Grounds hereby intended to be divided, allotted, or discharged from Tythes or Common Rights, or such of them as the said Commissioners shall deem necessary to have surveyed for the Purposes of this Act, shall be made as soon as conveniently may be, by such Person or Persons as shall be employed for that Purpose by the said Commissioners; and such Survey or Surveys shall be reduced into Writing, and shall in particular set forth the Quantity and Number of Acres, Roods, and Perches, belonging to each Proprietor in the said Common and Open Fields, and also the Quantity of Land in the said Parcel of Waste Ground called *Uppingham Brand*, and likewise in the said Woods and Commonable Lands in *Beaumont Chace*, and shall be laid before the said Commissioners at some of their Meetings to be held in pursuance of this Act, and shall be verified by the Oath of the Surveyor or Surveyors who shall have made the same, which Oath the said Commissioners, or any One of them, are and is hereby authorized and required to administer; but no Commissioner acting in the Execution of this Act, shall be employed as a Surveyor by virtue of this Act, during the Time he shall act as a Commissioner under the same.

Power to
enter Lands.

And be it further Enacted, That the said Commissioners and Surveyors, and their respective Assistants and Servants, shall have full Power and Authority at any Time or Times whatsoever, to enter into, view, and examine, survey and admeasure all the Lands and Grounds hereby directed or authorized to be valued, qualified, surveyed, or admeasured, and to dig and cut up the
Soil

Soil of the Lands to be divided and allotted as aforesaid, and to make Drains, and do such other Works therein as the due Execution of this Act shall require.

And be it further Enacted, That all Persons having or claiming any Estate, Right, or Interest in or to the said Common and Open Fields, Meadows, Pastures, Commonable Lands, and Waste Grounds hereby intended to be divided and inclosed, or in or to the Tythes or Common Rights hereby intended to be extinguished, or any of them respectively, shall, and are hereby required, by themselves or their Agents, to deliver their respective Claims in Writing, under their Hands or the Hands of their Agents, to the said Commissioners, at such of their Meetings as the said Commissioners shall appoint, by Notice to be for that Purpose given in Manner before directed with respect to the Meetings of the said Commissioners, at least Twenty-one Days before the Time so to be appointed for delivering in such Claims, and also by advertising the same in some News-paper published or circulated in the County of *Rutland*, and that no Claims shall be received by the said Commissioners after the Time so to be appointed, except for some special Cause to be allowed of by the said Commissioners; and the said Commissioners, before they proceed to divide and allot the Lands and Grounds directed by this Act to be divided, allotted, and inclosed, shall cause a List or Abstract of such Claims to be left at some convenient Place in each of the Towns of *Lyddington*, *Caldecott*, and *Uppingham*, for the Inspection of all Persons and Parties interested therein; and if such Claims, or any of them, shall at a future Meeting of the said Commissioners, to be appointed by them for that Purpose, be objected to by any Proprietor or Proprietors interested in the said Division or Allotments, or by his, her, or their known Agent or Attorney, and the same cannot be then adjusted and settled, the said Commissioners shall, and they are hereby required to appoint a Day and Place when and where all Parties concerned may appear before them, and shew Cause for or against the Allowance or Disallowance of any such Claim, to the Intent that the Whole of the said Claims may be then finally settled and determined, and which the said Commissioners are hereby authorized and empowered to settle and determine accordingly.

Claims to be delivered in.

And be it further Enacted, That in case any Dispute or Difference shall happen to arise between the Parties interested in the said intended Division or Allotments, or any of them, touching or concerning the respective Shares, Rights, and Interests,

Commissioners to determine Differences:

C

which

which they, or any of them shall claim in the said Lands and Grounds hereby intended to be divided and discharged from common Rights as aforesaid, or touching or concerning the respective Shares and Proportions which they or any of them ought to have of or in the said intended Division and Allotments, it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required, by examining Witnesses upon Oath (which Oath any One of the said Commissioners is hereby authorized and empowered to administer) or upon any other proper and sufficient Enquiry, Examination, and Evidence, to hear and determine the same; and the Determination of the said Commissioners therein shall be binding and conclusive upon all Parties (except as hereinafter is otherwise provided.)

Unless the Parties desire that the same may be referred to the Arbitrator;

or unless such Parties elect that the same shall be determined by a Trial at Law.

Provided always, and be it further Enacted, That if any Person having or making any Claim to the said Common and Open Fields, Meadows, Pastures, and other Commonable Lands and Waste Grounds in *Lyddington with Cald cott and Uppingham* aforesaid, or any of them, or any Part or Parts thereof, or any Rights or Interests therein, or in or upon the said Waste Ground called *Uppingham Brand*, or in or upon the said Chace called *Beaumont Chace* (either as such Claim respects the Boundary or Boundaries of the said respective Parishes of *Lyddington with Caldecott and Uppingham* aforesaid, or either of them, or otherwise) shall be desirous of having such Claim referred to the said Arbitrator, and shall, by himself, herself, or themselves, or his, her, or their Attorney, Steward, or Agent, Attorneys, Stewards, or Agents, signifying such his, her, or their Desire in Writing, to any of the Commissioners before the Time appointed by the said Commissioners for determining the same by them as aforesaid; then and in every such Case the said Commissioners shall and they are hereby directed and required, to refer such Claims and Objections to the said Arbitrator, to be by him heard and finally determined, in such Manner as is herein-after directed and prescribed; but if the Person or Persons persisting in such Claims, or having or making such Objections thereto, shall not consent that such Claims and Objections be referred to the said Arbitrator, but shall be desirous of having the same tried at Law, and the Person or Persons so desirous of having the same tried at Law, shall give Notice thereof to the said Commissioners, or any One or more of them, at their said Meeting appointed for hearing Objections to such Claims as aforesaid, or within Seven Days after such Meeting (and of which Notice the said Commissioners, or some or One of them, shall and they are hereby required as soon as conveniently may be,

be, to give Information to the adverse Party or Parties) it shall and may be lawful to and for such Person or Persons, to proceed to a Trial or Trials at Law of the same, at the next or Second Assizes to be held for the said County of *Rutland* after such Notice, in a feigned Action or Actions to be for that Purpose commenced in any of His Majesty's Courts of Record at *Westminster*, by the Person or Persons making such Claim or Claims respectively against any One or more of the Person or Persons making such Objection or Objections thereto; and the Defendant or Defendants in such Action or Actions, shall forthwith name an Attorney or Attornies, who shall appear and file common Bail, and accept of One or more Issue or Issues, whereby such Claim or Claims may be properly tried and determined (the Form of which Issue or Issues shall be settled by the proper Officer or Officers of the Court wherein such Action or Actions shall be brought or commenced, if the Parties differ about the same; and the Verdict or Verdicts which shall be given in such Action or Actions, shall be final and conclusive to and upon all Persons whomsoever; but if the Person or Persons making such Claim or Claims respectively, do not so refer the same to the Arbitrator, in case neither of the Parties have given such Notice to the Commissioners of their Desire to have the same tried at Law as aforesaid, and if such Claimant or Claimants, in case either of the Parties have desired that such Claim or Claims may be tried at Law, and given such Notice thereof as aforesaid, do not commence such Action or Actions at Law within One Calendar Month next after such Notice shall be given to the said Commissioners as aforesaid, and if such Action or Actions be not proceeded in to a Trial or Trials at the said next or Second Assizes to be held for the said County of *Rutland*, by or on account of the Neglect or Default of the Person or Persons who shall be Plaintiff or Plaintiffs therein, or in case a Verdict or Verdicts shall be found for the Defendant or Defendants in such Action or Actions, then in any of the said Cases such Claimant or Claimants shall be, and is and are hereby severally and respectively excluded and debarred of and from all Rights, Estates, and Interests whatsoever, of, in, or to the said Common and Open Fields, Meadows, Pastures, and other Commonable Lands and Waste Grounds in *Lyddington with Caldecott* and *Uppingham* aforesaid, or any of them, or any Part or Parts thereof, or of, in, or to the said Waste Ground called *Uppingham Brand*, or of, in, or to the said Chace called *Beaumont Chace*, by virtue of this Act; but in case a Verdict or Verdicts in such Action or Actions shall be found for the Plaintiff or Plaintiffs therein,

therein, then the said Commissioners shall set out and allot to the Claimant or Claimants entitled thereto, such Part, Share, Right, and Interest as it shall be adjudged and determined he, she, or they are or is entitled to, of and in the said Open and Common Fields, Meadows, Pastures, and other Commonable Lands and Waste Grounds in *Lyddington with Caldecott and Uppingham* aforesaid, or in or to the said Waste Ground called *Uppingham Brand*, or in or to the said Chace called *Beaumont Chace*.

Commissioners or Arbitrators to proceed to hear such Claims or Objections without Delay, and examine Witnesses upon Oath;

and to make their Award in Writing;

which shall be binding and conclusive.

Commissioners or Arbitrator may summons Witnesses.

And be it further Enacted, That the said Commissioners or the said Arbitrator to whom respectively any Claims or Objections shall be referred as aforesaid, shall with all convenient Speed proceed to hear and determine the same upon their own View or Examination of Witnesses upon Oath or Affirmation, to be severally administered by any One or more of the said Commissioners, or by the said Arbitrator (and which they, or any One or more of them is and are hereby required and empowered to administer) or by such other Evidence, Proof, Ways, and Means as by them shall be adjudged proper; and the said Commissioners, or the said Arbitrator as aforesaid, shall make and execute their respective Award or Awards in Writing under their Hands or Hand respectively, within Two Calendar Months next after such Reference or References made to them as aforesaid, or as soon after as conveniently may be; and such Award or Awards shall be final and conclusive to and upon all Parties whomsoever, and shall be inrolled in the same Place and in like Manner as is hereinafter directed with respect to the General Award of the said Commissioners; and the Original or Originals, or a Copy thereof, or any Part thereof, or the Inrolment thereof, or a Copy of such Inrolment, or of any Part thereof, in like Manner as is herein also directed with respect to the said General Award, shall be allowed as Evidence in all Courts, and before all Judges, Justices, and other Persons whomsoever; and which said Award or Awards, and Copies thereof respectively, shall be paid for in like Manner as is also herein directed concerning the said General Award.

And be it further Enacted, That the said Commissioners and Arbitrator respectively to whom such Reference or References shall be made as aforesaid, or any One or more of them, shall and may, at the Request of any of the Parties interested in the Reference or References, Claims or Objections made to them, or his, her, or their Attorney, Solicitor, Steward, or Agent, by Writing or Writings under their or his Hands or Hand, summon such Witness or Witnesses as shall be thought necessary, to appear and

and give Evidence before them at such Time and Place as shall be therein appointed; and if such Witness or Witnesses, being duly served with such Summons, and having been paid or had tendered a Sum of Money sufficient to bear his, her, or their Charges of Attendance, shall neglect or refuse to appear and give Evidence agreeable to such Summons, then the said Commissioners and Arbitrator respectively, on due Proof thereof made, shall and may, and are and is hereby empowered and required, by Warrant under their or his Hands or Hand and Seals or Seal, to levy by Distress and Sale of the Goods and Chattels of any Person or Persons so neglecting or refusing to appear and give Evidence, for every such Neglect or Refusal any Sum of Money not exceeding Twenty Pounds, which shall be applied towards carrying this Act into Execution, over and beside the reasonable Charges of such Summons, Warrant, Distress, and Sale, rendering the Overplus (if any) upon Demand to the Person or Persons respectively whose Goods and Chattels shall be so distrained and sold as aforesaid.

Provided always, and be it further Enacted, That the said Commissioners and Arbitrator respectively shall, and they are hereby required and empowered, upon Request made to them by all or any of the Parties in whose Favour they shall make their Award or Awards, to assess such Costs and Charges as they shall think reasonable, for the Use and Benefit of such Party or Parties, upon or against the Person or Persons whose Claim or Claims, Objection or Objections shall be thereby disallowed, and by Warrant under the Hands and Seals of the Commissioners or Arbitrator respectively, to levy such Costs and Charges by Distress and Sale of the Goods and Chattels of such last mentioned Person or Persons, together with the Charges of such Distress and Sale.

Commissioners or Arbitrator may award Costs.

Provided always, That nothing herein contained shall authorize or empower the said Commissioners or Arbitrator, or any of them, to hear or determine any Matter of Title respecting the said Lands and Grounds; but the Parties concerned may commence and prosecute such Suits or Remedies at Law respecting the same, as they shall think proper; but no such Suit shall hinder or delay the Execution of this Act.

Commissioners or Arbitrator not to determine any Matter of Title.

Provided always, and be it further Enacted, That if before the said Division and Inclosure shall be completed by virtue of this Act, any Difference or Dispute shall arise, or any Suit or Suits shall be commenced or prosecuted, touching or concerning the Title of any Person or Persons in or to the Lands and Grounds

No Differences to delay the Inclosure.

D.

bereby

hereby intended to be divided and discharged from Common Rights as aforesaid, or any Part thereof, or the Tythes issuing thereout, such Suit or Suits shall not impede, delay, or hinder the said Commissioners from proceeding in the Execution of the Powers vested in them by this Act, but the said Division and Inclosure shall be proceeded in notwithstanding such Differences or Suits; and the said Commissioners shall, by some 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 who, upon the Determination of such Difference or Suit, shall become entitled to the same.

Roads.

And be it further Enacted, That the said Commissioners shall and may, and they are hereby authorized and required to set out and appoint both public Highways and Roads, and private Ways or Roads, through the several Lands and Grounds hereinbefore directed to be divided and inclosed; so as all such public Carriage Roads shall be and remain of the Breadth of Forty Feet at the least between the Ditches; and which said public Highways or Roads shall at all Times for ever, from and after the same shall be formed and put in good and sufficient Repair, as is hereinafter mentioned, be repaired by and at the Expence of the Inhabitants and Occupiers of Lands and Estates in the respective Parishes within which the said Roads are situate, in like Manner as other public Highways in the same Parishes respectively are or ought by Law to be repaired; and the said Commissioners shall also set out and appoint sufficient public Highways or Roads, and private Ways or Roads, in and through the said Chace of *Beaumont*, and ascertain and determine the Breadth thereof respectively; and that all Bridle Roads and Footways, and also the private Roads and Ways to be set out by the said Commissioners, shall be made and repaired by and at the Expence of all or such of the Proprietors of Lands in the respective Parishes within which the same Roads shall lie, and in such Manner as the said Commissioners shall in that Behalf direct or appoint; and that it shall not be lawful for any Person or Persons, after the making of such new Roads or Ways, to use or claim the Use of any Roads or Ways in or through any of the Lands and Grounds hereby intended to be divided and inclosed, and in the said Chace of *Beaumont*, either on Foot, or with Horses, Cattle, or Carriages, other than such Roads and Ways as shall be set out and appointed by the said Commissioners as aforesaid; and that all former Roads and Ways, or so much of them as shall not have been set out

out and appointed as aforesaid, shall be deemed Part of the Lands to be divided and inclosed, or discharged from Common Rights by virtue of this Act, and shall be allotted and disposed of accordingly; and that the Herbage growing and renewing upon the Land to be set out for Roads, Stone, Gravel, and Mortar Pits, as hereinafter is mentioned, shall be allotted to such Person or Persons as the said Commissioners shall think fit.

And be it further Enacted, That the said Commissioners shall, and they are hereby empowered and required, as soon as the Plan and Survey of the said Open Fields and Commons shall have been laid before them, to set out and appoint a certain public Road or Highway from the West Corner of Brand Field, beginning at or near certain Stone Pits in the said Field, in such Direction as will be most convenient to avoid the Hills, to join the Turnpike Road leading to *Rockingham* at or near the Entrance of the Common Field, belonging to *Lyddington* aforesaid.

Directions
as to setting
out a par-
ticular Road.

And be it further Enacted, That all public Carriage Roads to be set out and ascertained in pursuance of this Act (except such as shall be set out upon *Beaumont Chace*, shall be well and sufficiently fenced on each Side from the Lands adjoining, by such of the Owners and Proprietors of the Lands and Grounds by this Act directed to be divided and inclosed (except the Prebendary of the Prebend of *Lyddington with Caldecott* and his Lessee, the Vicar of *Lyddington* aforesaid, and the Rector of *Uppingham* aforesaid) and within such Time as the said Commissioners shall direct and appoint; and that it shall not be lawful for any Person to erect any Gate across any of the said public Carriage Roads, or to plant any Trees on either Side thereof nearer to each other than the Distance of Fifty Yards.

Carriage
Roads to be
fenced.

Provided also, and be it further Enacted, That in case any public Roads or Highways shall be set out or continued in any Situation or Direction where the said Parishes of *Lyddington*, *Caldecott*, and *Uppingham* aforesaid, or any of them, are or is divided from any adjoining Parish or Place, or where there now is or usually hath been a public Road or Meer Way, and such adjoining Parish or Place hath heretofore been liable, or ought to be charged with One Half Part of the Repairs and Support of the said Road or Way, then and in such Case the said Commissioners shall, and they are hereby authorized and required to set out Twenty Feet only, or so much Land from and out of the said

How Roads
dividing
Parishes are
to be made.

Lands

Lands and Grounds by this Act intended to be divided and inclosed, as will enlarge the Breadth of such Road to Forty Feet.

For making
the Roads.

And be it further Enacted, That the said Commissioners shall, and they are hereby required, by Writing under their Hands, to appoint some proper Person to be Surveyor of the said public Carriage Roads, and such Surveyor shall cause the same to be formed and put into good and sufficient Repair, and shall be allowed such Salary and Reward for his Trouble therein as the said Commissioners, by any Writing under their Hands, shall direct or appoint; which Salary or Reward, and also the Expences (over and above a proportional Part of the Statute Duty) of forming the said Roads, and of putting the same into good and sufficient Repair, shall be borne and paid by the Proprietors of the said Lands and Grounds hereby intended to be divided and inclosed respectively (other than and except the Prebendary of the Prebend of *Lyddington* and *Caldecott* aforesaid or his Lessees, the Vicar of *Lyddington* aforesaid, and the Rector of *Uppingham* aforesaid, in respect of their several Allotments hereinafter directed to be set out to them) and shall be raised in like Manner as the Costs and Charges of passing this Act, and carrying the same into Execution, are hereinafter directed to be raised, and that none of the Inhabitants of the said respective Parishes (other than the Proprietors of the Lands and Grounds within the same respectively by this Act directed to be divided and inclosed) shall be charged and chargeable (over and above a proportional Part of the Statute Duty) towards the forming or repairing such public Roads, until the same shall by the said Surveyor, to be appointed as aforesaid, be certified before the Justices of the Peace of and for the County of *Rutland*, at their Quarter Sessions to be holden in and for the same County, to be completely formed and made good, which Certificate the said Surveyor shall deliver to the said Justices within Two Years after the making and inrolling the Award hereinafter mentioned, or give such sufficient Reasons for further Allowance of Time, not exceeding One other Year, as shall be allowed of by the said Justices; and if the said Surveyor shall neglect or refuse to deliver such Certificate as aforesaid, then the said Justices, at their next Quarter Sessions after the said Two Years shall be expired as aforesaid, or after the Term of Three Years shall be expired (in case a further Allowance of One other Year shall have been given) are hereby empowered and required, by Warrant under their Hands and Seals, to levy by Distress and Sale of the Goods and

and Chattels of the said Surveyor, the Sum of Twenty Pounds, to be paid to the said Commissioners, and applied towards the Expences of obtaining and executing this Act, rendering the Overplus (if any) on Demand, after deducting the reasonable Charges of such Distress and Sale to the Person or Persons respectively whose Goods and Chattels shall be so distrained and sold as aforesaid.

And be it further Enacted, That the said Commissioners shall and may, and they are hereby authorized and required to set out, allot, and award such Plots of the said Lands and Grounds in each of the said Parishes of *Lyddington, Caldecott, and Uppingham* aforesaid, so intended to be inclosed as aforesaid, as they shall think proper, not exceeding Three Acres in each of such Parishes, as and for Stone and Gravel Pits, with convenient Roads to and from the same respectively, to be used in common by the Proprietors of Estates in *Lyddington, Caldecott, and Uppingham* aforesaid respectively, and their Tenants, to get Stone and Gravel for the Repairs of the Roads within the same respectively, and to dig Mortar for the Repairs of their present or future Buildings in *Lyddington, Caldecott, and Uppingham* aforesaid.

Allotment
for Stone and
Gravel Pits.

And be it further Enacted, That the said Commissioners shall in the next place set out, allot, and award unto and for the said *Robert Wharton* or his Successors, Prebendaries of the said Prebend of *Lyddington with Caldecott* aforesaid, and his and their Lessee or Lessees for the Time being, such Plot or Plots of the said Common and Open Fields, Lands, and Grounds hereby intended to be divided, allotted, and inclosed, in *Lyddington and Caldecott* aforesaid, as in the Judgement of the said Commissioners (Quantity, Quality, Situation, and Convenience considered) shall be a full and equivalent Satisfaction and Compensation for the Glebe Lands and other Prebendal Lands belonging to the said Prebendary, or his Lessee or Lessees, now lying in the said Common and Open Fields of *Lyddington and Caldecott* aforesaid, hereby intended to be divided, allotted, and inclosed, and for the Right of Common of the said Prebendary, his Lessee or Lessees, in, over, or upon the same.

Allotment
for Glebe
Lands in
Lyddington
and *Calde-*
cott.

And be it further Enacted, That the said Commissioners shall in the next Place set out unto and for the said *Robert Wharton*, or the Prebendary of the said Prebend of *Lyddington* for the Time being, and his Lessee or Lessees, and unto and for the said *Leonard Towne*, or the Vicar of the said Vicarage of *Lyddington*

Allotment to
the Preben-
dary and Vicar
of *Lydding-*
ton and
Caldecott
in lieu of
Tythes.

with *Caldecott* aforefaid for the Time being, in lieu of Tythe both Great and Small, arifing or becoming due or payable to them refpectively, out of or from the Lands or Grounds in *Lyddington* and *Caldecott* aforefaid, hereby intended to be divided, allotted, and inclofed, and alfo out of or from the Gardens, Orchards, Homesteads, and old inclofed Lands within the faid Parifhes of *Lyddington* and *Caldecott* aforefaid, liable to the Payment of Tythes in kind, fuch Parcels or Quantity of the Lands and Grounds in *Lyddington* and *Caldecott* aforefaid, hereby intended to be divided, allotted, and inclofed, as fhall, in the Judgment of the faid Commiffioners, be equal in Value to One Fifth Part of all the Arable or Tillage Lands, and to One Ninth Part of all the Grafs Lands within the faid Parifhes of *Lyddington with Caldecott* aforefaid, which are feverally fubject to the Payment of Tythes in kind, which Land or Ground fo to be fet out in lieu of Tythes fhall be divided into feveral Parts or Shares between the faid Prebendary and Vicar, according to their refpective Rights and Interests in the faid Tythes, to be afcertained and fettled by the faid Commiffioners, and allotted to them in fuch Parts and Shares accordingly; and in cafe the Owners of any Orchards, Gardens, Homeclofes, or old inclofed Lands in the Parifhes of *Lyddington* and *Caldecott* aforefaid, or either of them, fhall not be entitled to Lands or other Property in the Lands and Grounds hereby intended to be divided, allotted, and inclofed, within the fame Parifhes, or One of them, fufficient to make fuch Satisfaction and Compensation for the Tythes of fuch Gardens, Orchards, Homesteads, and old inclofed Lands as aforefaid, then the faid Commiffioners fhall, and they are hereby authorized and required to charge fuch Gardens, Orchards, Homesteads, and old inclofed Lands belonging to fuch Owners refpectively, with the Payment of fuch Sum or Sums of Money as fhall, in the Judgment of the faid Commiffioners, be equal to the Value in Fee Simple of the Tythes thereof, which fhall be recovered in the fame Manner, and applied to the fame Ufes, as other Monies are directed to be recovered for defraying the Expences of carrying this Act into Execution: Provided neverthelefs, that in cafe the faid Commiffioners fhall be of Opinion that Part of the old inclofed Lands of any fuch Owners fhould be fet out for the Tythes of their faid Gardens, Orchards, Homesteads, and old inclofed Lands, inftead of having the fame charged with the Payment of any Sum of Money as aforefaid, then the faid Commiffioners fhall, and they are hereby authorized and required to fet out fuch Part of the faid old inclofed Lands as fhall, in their Judgment, be equal in Value to the Land or Ground to be fet out and allotted to the faid

faid Prebendary and Vicar as hereinbefore directed, in lieu of the Tythes of the Gardens, Orchards, Homesteads, and old inclosed Lands of such Owner ; and the Land so to be set out from any such old inclosed Lands, shall be deemed Part of the Lands and Grounds in the respective Parishes of *Lyddington* and *Caldecott* aforesaid, to be allotted and inclosed by virtue of this Act.

And be it further Enacted, That the said Commissioners shall in the next Place set out, allot, and award unto and for the said *Edward Jones*, or the Rector of *Uppingham* aforesaid for the Time being, such Plot of the said Lands and Grounds in *Uppingham* aforesaid, so intended to be divided and inclosed as aforesaid, as shall, in the Judgment of the said Commissioners, be a full Equivalent and Compensation (Quantity, Quality, Situation, and Convenience considered) for the Glebe Lands lying and being in the said Common and Open Fields in *Uppingham* aforesaid, hereby directed to be divided and inclosed, and for the Rights of Common of the said Rector in and over the said Common and Open Fields; and the said Commissioners are hereby authorized and required also to set out unto and for the said *Edward Jones*, or the Rector of *Uppingham* aforesaid for the Time being, such other Plot or Plots of the said Lands and Grounds in *Uppingham* aforesaid, hereby directed to be divided and inclosed, as, in the Judgment of the said Commissioners, shall be equal in Value to One full Fifth Part of all the Arable or Tillage Lands, One full Tenth Part of all the Waste Lands, and to One full Ninth Part of all the other Grass Lands, in the Parish of *Uppingham* aforesaid, by this Act intended to be divided, allotted, and inclosed, which are subject and liable to the Payment of Tythes in kind to the said Rector, the same to be in lieu of, and in full Satisfaction and Compensation for all the Great and Small Tythes arising, renewing, happening, or increasing to the said Rector, within or out of the said Common and Open Fields, Meadows, Commonable Lands, or Waste Grounds, in the Parish of *Uppingham* aforesaid, so intended to be divided and inclosed as aforesaid.

Allotment
for Glebe
and Tythes
in Uppirg-
ham.

And be it further Enacted, That the said Commissioners shall, and they are hereby authorized and required to set out, allot, and award, severally and respectively, unto and for the said Earl of *Exeter*, or the Lord of the Manor of *Lyddington with Caldecott* aforesaid for the Time being, and unto and for the said *Gerard Noel Noel*, or the Lord of the Manor of *Preston with Uppingham* aforesaid for the Time being, and unto and for the said

Allotments
for Manerial
Rights.

said *Edward Jones*, or the Rector of *Uppingham* aforesaid for the Time being, as Lord of the Rectory Manor of *Uppingham* aforesaid, such several Parcels of the said Common and Open Fields, and other Commonable Lands hereby directed to be divided and inclosed, within their said respective Manors, as by the said Commissioners shall be considered, deemed, and adjudged to be an adequate Compensation and Satisfaction for the respective Rights and Interests of the said several Lords in and to the Wastes or unknown Commonable Lands hereby directed to be divided and inclosed, within their said respective Manors.

Allotments
of Residue to
Proprietors.

And be it further Enacted, That after the said several Allotments shall have been set out and allotted in Manner hereinbefore directed, they the said Commissioners shall divide, set out, and allot unto and amongst all and every the Proprietors thereof, all the Residue and Remainder of the said Common and Open Fields, Meadows, Pastures, Wastes, and other Lands and Grounds hereby directed to be divided, allotted, and inclosed, in such Quantities, Shares, and Proportions, and in such Parts and Places, as by the said Commissioners shall be adjudged and determined to be fair, just, and reasonable, according to their several and respective Lands, Rights of Common, and other their Rights and Interests therein (except such Rights and Interests for which Allotments or other Compensations are hereinbefore particularly directed to be made).

Common
Rights upon
Beaumont
Chace to be
valued.

And be it further Enacted, That it shall and may be lawful for the said Commissioners, and they are hereby required to enquire into, settle, ascertain, determine, and value all and singular the Rights of Common in and upon the said Chace, called *Beaumont Chace*, and to make separate Valuations of all such Common Rights for which Compensation is hereby intended to be made, as appertain to Messuages, Cottages, Lands, or Tenements lying within the respective Parishes of *Uppingham*, *Lyddington*, *Stoke Dry*, *Wardley*, and *Ayston* aforesaid, and are enjoyed in and upon the respective Lands and Grounds severally belonging to them the said Earl of *Exeter*, *Gerard Noel Noel*, *George Bridges Brudenell*, and *Sir Gilbert Heathcote*, or any of them, in the said Chace, whereby the Annual Value, and also the Value in Fee of all such Common Rights appertaining to Tenements within each of the said Parishes, upon each of the said Proprietor's Estates in the said Chace, may be separately ascertained and distinguished; and that the said Commissioners shall set out so much, and such several Parts and Parcels of the Lands and Grounds belonging to

Allotments
for such
Common
Rights upon

to the said Gerard Noel Noel, or which shall be set out for him, by virtue of this Act, in the several Parishes of *Uppingham, Lyddington, Stoke Dry, Wardley, and Ayston* aforesaid, or any of them (due Regard being had to Convenience of Situation) as, in the Judgment of the said Commissioners, shall be a full Equivalent and Compensation for the Rights of Common appertaining to Messuages, Cottages, Lands, and Tenements in *Uppingham, Lyddington, Stoke Dry, Wardley, and Ayston* aforesaid, not belonging to the said Gerard Noel Noel, in and upon such Parts of the said Chace as belong to the said Gerard Noel Noel, and the Lands so to be set out shall be divided into Parochial Allotments, according to such separate Valuations as aforesaid, and shall be so allotted as that the respective Proprietors of the Common Rights, in lieu of which the same Allotments shall be made, may receive a full Equivalent and Compensation for their respective Common Rights in and upon such Parts of the said Chace as belong to the said Gerard Noel Noel; and also that the said Commissioners shall set out so much, and such several Parts and Parcels of the Lands and Grounds belonging to the said Earl of *Exeter*, or which shall be set out for him, by virtue of this Act, in the several Parishes of *Uppingham, Lyddington, Stoke Dry, Wardley, and Ayston* aforesaid, or any of them (due Regard being had to Convenience of Situation) as, in the Judgment of the said Commissioners, shall be a full Equivalent and Compensation for the Rights of Common appertaining to Messuages, Cottages, Lands, and Tenements in *Uppingham, Lyddington, Stoke Dry, Wardley, and Ayston* aforesaid, not belonging to the said Earl of *Exeter*, in and upon such Parts of the said Chace as belong to the said Earl of *Exeter*, and the Lands so to be set out as last aforesaid shall be divided into Parochial Allotments, according to such separate Valuations as aforesaid, and shall be so allotted as that the respective Proprietors of the Common Rights, in lieu of which the same Allotments shall be made, may receive a full Equivalent and Compensation for their respective Common Rights in and upon such Parts of the said Chace as belong to the said Earl of *Exeter*; and also that the said Commissioners shall set out so much, and such several Parts and Parcels of the Lands and Grounds belonging to the said *George Bridges Brudenell*, or which shall be set out for him, by virtue of this Act, in the several Parishes of *Uppingham, Lyddington, Stoke Dry, Wardley, and Ayston* aforesaid, or any of them (due Regard being had to Convenience of Situation) as, in the Judgment of the said Commissioners, shall be a full Equivalent and Compensation for the Rights of Common appertaining to Messuages,

the Lands of Gerard Noel Noel, Esquire.

Allotments for such Common Rights upon the Lands of the Earl of Exeter.

Allotments for such Common Rights upon the Lands of the said George Bridges Brudenell.

messuages, Cottages, Lands, and Tenements in *Uppingham, Lyddington, Stoke Dry, Wardley, and Ayston* aforesaid, not belonging to the said *George Bridges Brudenell*, into and upon such Parts of the said Chace as belong to the said *George Bridges Brudenell*, and the Lands so to be set out as last aforesaid shall be divided into Parochial Allotments, according to such separate Valuations as aforesaid, and shall be so allotted as that the respective Proprietors of the Common Rights, in lieu of which the same Allotments shall be made, may receive a full Equivalent and Compensation for their respective Common Rights in and upon such Parts of the said Chace as belong to the said *George Bridges Brudenell*; and also that the said Commissioners shall set out so much, and such several Parts and Parcels of the Lands and Grounds belonging to the said *Sir Gilbert Heathcote*, or which shall be set out for him, by virtue of this Act, in the several Parishes of *Uppingham, Lyddington, Stoke Dry, Wardley, and Ayston* aforesaid, or any of them (due Regard being had to Convenience of Situation) as, in the Judgment of the said Commissioners, shall be a full Equivalent and Compensation for the Rights of Common appertaining to Messuages, Cottages, Lands, and Tenements in *Uppingham, Lyddington, Stoke Dry, Wardley, and Ayston* aforesaid, not belonging to the said *Sir Gilbert Heathcote*, in and upon such Parts of the said Chace as belong to the said *Sir Gilbert Heathcote*, and the Lands so be set out as last aforesaid shall be divided into Parochial Allotments, according to such separate Valuations as aforesaid, and shall be so allotted as that the respective Proprietors of the Common Rights, in lieu of which the same Allotments shall be made, may receive a full Equivalent and Compensation for their respective Common Rights in and upon such Parts of the said Chace as belong to the said *Sir Gilbert Heathcote*.

Allotments for such Common Rights upon the Lands of the said *Sir Gilbert Heathcote*.

Such Allotments to Proprietors in *Lyddington and Uppingham* to be subdivided and inclosed.

Provided always, and be it further Enacted, That the several Parochial Allotments hereinbefore directed to be made for Rights of Common appertaining to Messuages, Cottages, Lands, and Tenements in *Uppingham and Lyddington* aforesaid respectively, upon such Parts of the said Chace as belong to the said *Earl of Exeter, Gerard Noel Noel, George Bridges Brudenell, and Sir Gilbert Heathcote* respectively, shall be deemed and taken to be Part of the Lands and Grounds to be divided and inclosed by virtue of this Act, and shall be subdivided, allotted, and inclosed accordingly.

Such Allotments to Proprietors in *Stoke, Wardley, and*

And be it further Enacted, That from and immediately after the said several Parochial Allotments shall be made for Rights of Common

Common appertaining to Messuages, Cottages, Lands, or Tenements in *Stoke Dry, Wardley, and Ayston* aforesaid, or any of them, upon such Parts of the said Chace as belong to the said *Gerard Noel Noel, Henry Earl of Exeter, George Bridges Brudenell, and Sir Gilbert Heathcote* respectively, the Proprietors or Owners of such Messuages, Cottages, Lands, and Tenements in *Stoke Dry, Wardley, and Ayston* aforesaid respectively, shall severally be entitled to, and have, use, and enjoy such or the like Rights of Common in and upon their said several and respective Parochial Allotments, as they respectively would have been entitled to, and ought to have had, used, or enjoyed in and upon such Parts of the said Chace as last aforesaid, in case this Act had not been made, and that exclusive of and free from all other Common Rights whatsoever, and also free from the Deer of the said Chace; subject nevertheless to such Rules, Orders, Regulations, and Restrictions, as the said Commissioners shall think fit to make for regulating the Stocking and Enjoyment of the same Allotments.

Ayston, to be enjoyed in common.

And be it further Enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and required to enquire into the Deer Browse and Herbage, and Range for Deer, which the said *Gerard Noel Noel* is exclusively entitled to over the said Chace, and to settle and determine the Value of such Deer Browse, Herbage, and Range for Deer, upon the Lands and Grounds belonging to the said *Earl of Exeter, George Bridges Brudenell, and Sir Gilbert Heathcote*, in the said Chace; and that the said Commissioners shall and do set out and allot unto and for the said *Gerard Noel Noel*, or the Person or Persons who for the Time being will be entitled thereto, such Part or Parts of the said Lands and Grounds respectively, belonging to the said *Earl of Exeter, George Bridges Brudenell, and Sir Gilbert Heathcote*, in the said Chace, as shall, in the Judgment of the said Commissioners, be a full Equivalent and Compensation for such Deer Browse, Herbage, and Range for Deer, in and upon the said Lands and Grounds respectively, belonging to the said *Earl of Exeter, George Bridges Brudenell, and Sir Gilbert Heathcote*, in the said Chace.

Allotment to Gerard Noel Noel, Esquire, for Deer Browse.

And be it further Enacted, That the said Commissioners shall, and they are hereby required when they proceed to set out the Allotments hereby directed to be made within the said Parish of *Uppingham*, to have Regard to the Convenience of the Owners of Common Rights in respect of their Cottages and for watering their Cattle within such Parish; and for this Purpose the said Commissioners

Allotments to the Cottagers of Uppingham to be set out in the most convenient Situation.

Commissioners shall and they are hereby required to allot to them, or such of them as shall require the same, a certain Common Pasture in the said Parish of *Uppingham* called *Mary Busbes*, and also such Part of the said Waste Ground called *Uppingham Brand*, lying contiguous to the said Common (if the same shall be adjudged to be in the said Parish of *Uppingham*) as with the said Common Pasture shall be, in the Judgment of the said Commissioners (Quantity, Quality, Situation, and other Circumstances considered) a full Equivalent for their respective Rights of Common as aforesaid.

For determining
Objections
to Allot-
ments.

And be it further Enacted, That when and as soon as the said Commissioners shall have ascertained the respective Shares, Rights, and Interests of the said Proprietors, in the Lands and Grounds to be inclosed by virtue of this Act, and also the respective Shares and Proportions by them proposed to be allotted to such Proprietors respectively in lieu thereof, they the said Commissioners shall give Notice, in Manner aforesaid, of some convenient Place and Time where and when all Proprietors and Persons interested may peruse a Schedule of such intended Allotments, and inspect a Map or Plan whereon the same shall be set out and delineated, and may have and receive a Copy of such Schedule, so far as the same relates to such Proprietors respectively; and in regard that some Persons may, upon Perusal of the said Schedule, and Inspection of such Map or Plan, be dissatisfied with their intended Allotments, the said Commissioners shall give Notice of One Meeting at the least, to be held by them for receiving Complaints and Objections against such intended Allotments, and for hearing and determining all such Complaints and Objections; and their Determinations in the Premises being reduced into Writing, and signed by them, shall be binding and conclusive upon all Parties, until the Execution of the Award hereinafter mentioned.

Allotments
to be ac-
cepted.

And be it further Enacted, That the said Commissioners, when and so soon as they shall finally determine of and concerning the said Allotments, shall cause the same to be staked out, and forthwith give such Notice as aforesaid of their having completed all the said Allotments, and appoint some convenient Time and Place when and where every Proprietor may receive a Schedule of his or their own Allotment respectively, and shall, by some Writing under their Hands, and published with such Notice, order and appoint at what Time or Times the said Proprietors may and are required to enter upon their respective Allotments, and how and when, and by whom the same are to be fenced, and from what

what Time or Times the Tythes thereof, and the Right of Common thereon, shall respectively cease and be extinguished, all which Orders and Directions shall be binding and conclusive upon all Parties interested; and every Person entitled to any such Allotment or Allotments, shall and is hereby required to accept such Allotment or Allotments within the Space of Six Months next after the Publication of such Notice as aforesaid; and if any Person shall refuse to accept his or her Allotment within the Time before mentioned, or shall molest or disturb the Possession of any other Proprietor who shall have accepted of and entered upon his or her Allotment, every such Person shall be, and he is hereby divested of all Right of Possession, Right of Pasturage, and Common Right and other Estate and Interest whatsoever, of and in any of the Lands and Grounds which shall be allotted to any Person or Persons by virtue of this Act.

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

Guardians,
&c. may accept them.

Non-acceptance of
Guardians,
&c. not to prejudice
Infants, &c.

And be it further Enacted, That the several Plots of Land or Ground so to be allotted to the Prebendary of the said Prebend

For fencing
Glebe and
Tythe Allotments.

bend, his or their Lessee or Lessees, to the Vicar of *Lyddington* and *Caldecott* aforesaid, and to the Rector of *Uppingham* aforesaid, and to each of them respectively, by virtue of this Act, shall be inclosed and fenced round with Ditches and Quickset Hedges, guarded on both Sides with good and sufficient Posts and Rails, or with other proper Mounds or Fences, already made or to be made, at the Expence of such of the Proprietors of Lands and Grounds hereby intended to be divided and inclosed (except the Prebendary of the said Prebend, his Lessee or Lessees, the Vicar of *Lyddington with Caldecott* aforesaid, and the Rector of *Uppingham* aforesaid) as the said Commissioners shall order, direct, and appoint; and the said Commissioners shall order, direct, and appoint to whom the said Fences shall belong, after the same shall be properly made, whether to the Prebendary of the said Prebend, his Lessee or Lessees, the Vicar of *Lyddington and Caldecott* aforesaid, and the Rector of *Uppingham* aforesaid respectively, or any of them, or to any other Proprietor or Proprietors in the said Common and Open Fields, Lands, and Grounds, hereby intended to be divided and inclosed as aforesaid; and the Hedges, Ditches, or other Mounds or Fences, when properly made, shall for ever thereafter be kept up, maintained, supported, and scoured by and at the Expence of such Person and Persons to whom the same shall be allotted or directed to belong as aforesaid.

For fencing
other Al-
lotments.

And be it further Enacted, That the said several other Allotments, to be made by virtue of this Act, shall, within Twelve Calendar Months next after the signing and sealing of the said Award, or such other Time previous to the making the said Award as the said Commissioners shall, by any Writing or Writings under their Hands, nominate and appoint for that Purpose, be inclosed, hedged, ditched, and fenced, at the proper Costs and Charges of the respective Persons to whom the same shall be respectively allotted, in such Manner as the said Commissioners shall, by any Writing or Writings under their Hands, order or direct; and in case any Person or Persons, to whom, or to whose Use or Benefit any such Allotment shall be set out or allotted by virtue of this Act, shall refuse or neglect to make any such Ditches and Fences within the Time and in the Manner aforesaid, it shall and may be lawful for the Person or Persons interested in the Land next adjoining to the Lands allotted to the Person or Persons so refusing or neglecting, to exhibit a Complaint in Writing against such Person or Persons, before any Justice of the Peace for the County of *Rutland*, not being interested in the Lands and Grounds so to be inclosed and fenced as aforesaid, who

who may summon the Parties concerned, enquire into the Nature of the Complaint, and examine all proper Witnesses upon Oath (which Oath such Justice is hereby empowered to administer) and after such Summons and Examination shall and may, if he see Cause, order, direct, and appoint the Person or Persons exhibiting such Complaint to make, repair, and maintain the Ditches and Fences of the Person and Persons so refusing or neglecting; and also shall and may, by Warrant under his Hand and Seal, directed to the Person and Persons exhibiting such Complaint, his, her, or their lawful Attorney or Agent, cause the Charges and Expences of making, maintaining, or repairing the Ditches or Fences of the Person or Persons so refusing or neglecting (Demand thereof being first made before any credible Witness) to be levied by Distress and Sale of the Goods and Chattels of the Person and Persons so refusing or neglecting to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of taking and making such Distress and Sale; or otherwise such Justice shall and may, by any Writing under his Hand and Seal, authorize and empower the Person or Persons exhibiting such Complaint to enter into and upon the Premises so to be allotted to such Person or Persons refusing or neglecting to pay as aforesaid, and to receive the Rents, Issues, and Profits thereof, and to let, set, and demise the same respectively from Year to Year, until by and with such Rents, Issues, and Profits, the Charges and Expences of making, repairing, and maintaining the Ditches and Fences of the Person or Persons so neglecting or refusing to pay as aforesaid, and also all Costs, Charges, and Expences occasioned by and attending such Entry and Perception of the Rents and Profits, and such letting, setting, and demising as aforesaid, shall respectively be fully paid and discharged: Provided always, that if the Person or Persons to whom such Allotments shall be set out and allotted, and who shall refuse or neglect to make such Ditches and Fences as are before mentioned, cannot be found, to be served with the Summons of such Justice as aforesaid, that then and in such Case the Service of such Summons upon the known Agent or Tenant of such Person or Persons shall be a sufficient Demand thereof; and if there shall not be any Agent or Tenant of such Person or Persons, who can be found to be served with such Summons, or upon whom such Demand can be made, then by affixing such Summons and Demand (such Demand being reduced into Writing for that Purpose) upon the most public Part of such Allotment or Allotments, the same shall be deemed sufficient Service of such Summons, and
a suf-

a sufficient Demand of such Payment ; but in such Cases due and proper Proof on Oath shall be made to such Justice that such Person or Persons, or his or their Agent or Tenant, cannot be found, before such Justice shall issue his Warrant for such Distress and Sale, or such Authority or Power for the Entry upon and Perception of the Rents, letting, setting, or demising, as before mentioned.

Fencing
across Free-
boards.

And be it further Enacted, That where any Parcel of Land, so to be allotted as aforesaid, shall abut upon or adjoin to any Freeboard or Ditch belonging to any Common Fields or inclosed Grounds not intended to be hereby inclosed, the Person or Persons to whom such Parcels of Land shall be allotted shall and may, and is and are hereby empowered to set up and erect Gates, or any other Kind of Fence or Fences, in, over, and upon such Freeboard or Ditch, for dividing the said Parcel of Land, and raising and preserving the Quickset, Bank, Wood, or other Fences to be raised thereon, until such Time as the Owner or Owners of such Freeboard or Ditch shall sufficiently, and at his and their own Expences, have ditched, fenced, and mounded out the same Freeboard and Ditch from the Land adjoining thereto.

Satisfaction
for an un-
equal Share
of fencing.

And be it further Enacted, That in case, through the Necessity of Situation, or any other Accident or Circumstance, it shall happen that One or more of the said Proprietors shall not have an equal or proportional Share of Boundary Mounds or Fences allotted to him, her, or them, on the said intended Division and Inclosure, it shall and may be lawful to and for the said Commissioners, where they shall judge it necessary and reasonable, to award, order, direct, or appoint what Sum or Sums of Money such Proprietor or Proprietors shall respectively pay towards the making the Mounds and Fences of the Allotment of such other of the said Proprietors, who shall or may have too great a Proportion of mounding or fencing allotted to him, her, or them, by virtue of this Act, the same to be settled by the said Commissioners in such Manner as they shall award, order, direct, or appoint; and the Money so ordered, directed, or appointed to be paid, shall be raised, levied, and recovered in such and the same Manner as the other Expences of this Act are herein ordered and directed to be recovered and levied.

For guarding
Quicksets.

And be it further Enacted, That it shall and may be lawful for the respective Persons to whom any Shares and Allotments shall

shall be assigned and allotted by virtue of this Act, from Time to Time and at all Times, for and during the Term of Ten Years next ensuing the Execution of the said Award, to set down and place Posts and Rails, or other proper Fences, on the Out-sides of the Ditches or Fences bounding their respective Allotments, not exceeding Four Feet from such Ditches or Fences, for the better Preservation of the Quickset Hedges, and to back-ditch or trench such Posts or Rails, or other Fences, by digging within the said Four Feet; and from Time to Time and at all Times, during the said Term, to take and carry away such Posts and Rails, or other Fences, at his, her, and their free Wills and Pleasures, except at such Times when any Crops of Corn or Grain shall be set or growing upon the Land or Ground whereon the same shall have been standing respectively; and that convenient Gaps and Openings shall be left in the said Fences and Inclosures for the Passage of Cattle, Carts, and Carriages in and through the same, for such Space of Time, not exceeding Twelve Calendar Months after the Execution of the said Award, as the said Commissioners shall direct.

Provided always, That nothing in this Act contained shall extend to compel or oblige any of the said Proprietors, whose Allotments or Shares shall, upon the said intended Division and Inclosure, lie and be situate next and adjoining to any Common Fields or inclosed Grounds, the Boundary of which is already fenced, to make or erect any Hedges, Ditches, or Fences next or adjoining to any Common Fields or inclosed Grounds, for inclosing such Allotments or Shares, but that the ancient Mound or Fence, Brook or Rivulet, or other sufficient Fence, which divides such Common Field or inclosed Grounds from such Allotments or Shares, shall for ever after be and remain a Boundary Fence for the Purpose of such Division, and shall from Time to Time be maintained, kept, cleansed, scoured, and repaired by the respective Proprietors thereof, in the same Manner as before the passing of this Act, any Thing herein contained to the contrary notwithstanding.

Proprietors.
not obliged
to fence
against old
Inclosures or
Brooks.

And be it further Enacted, That in case any Lands or Grounds, upon which any Trees, Hedges, or Bushes shall, at the Time of making such Allotments, be standing, growing, or being, shall be allotted or appointed to any Person or Persons, other than such as was or were the Proprietor or Proprietors thereof at and immediately before such Allotments were made, then and in such Case it shall and may be lawful for such Owners

Disposing of
Trees.

and Proprietors thereof respectively, being seized of an Estate of Inheritance, or other Estate without Impeachment of Waste, at any reasonable Times within the Space of Twelve Calendar Months next after such Allotments shall be made, to enter into and upon the Lands and Grounds upon which the said Trees, Hedges, or Buihes shall be standing and being, and to fell, cut down, grub up, and with Horses and Carriages, or otherwise, to carry away the same, to and for his, her, and their own Use and Benefit, he, she, or they levelling all such Grounds which shall be broken up or dug for the Purpose aforesaid; provided that no Hedges or Fences now standing upon the Lands and Grounds hereby intended to be inclosed shall be cut down or destroyed by the Proprietors thereof, from the Time of passing this Act until the Execution of the Award hereinafter mentioned, without the Consent of the said Commissioners in Writing under their Hands and Seals for that Purpose: Provided always, that in case any Hedges or Fences now standing upon the said Lands and Grounds hereby intended to be divided and inclosed, shall be assigned and appointed by the said Commissioners as and for a Boundary Fence to and for any of the new Inclosures or Allotments so intended to be made as aforesaid, all such Hedges or Fences shall be left for the Benefit of such Person and Persons to whom such new Inclosures shall belong, he, she, or they making such Allowances to the former Owners or Proprietors of such Hedges, Ditches, or Fences respectively, as the said Commissioners shall, by Writing under their Hands and Seals in that Behalf direct.

Commissioners may direct Hedges to be left as Boundary Fences.

Commissioners to make Drains.

And be it further Enacted, That the said Commissioners shall and may scour out and widen all such ancient Brooks, Ditches, Drains, Watercourses, Tunnels, and Bridges, in the said Parishes of *Lyddington with Caldecott* and *Uppingham* aforesaid, and also shall and may make, set out, and appoint such new Ditches, Drains, Watercourses, Tunnels, Water Gates, Banks, and Bridges, of such Depth and Breadth, and in such Directions as the said Commissioners shall think proper, in, through, and over as well the Lands and Grounds hereby intended to be divided and inclosed as aforesaid as also any ancient Inclosures or other Lands or Grounds, where necessary, for carrying or conveying the Water from such ancient Brooks or Watercourses, making such Satisfaction to the Proprietors of such ancient Inclosures, or other Lands or Grounds not intended to be hereby divided and inclosed, for the Damage done thereby, as the said Commissioners shall think necessary; and it shall be lawful for the said Commissioners,

sioners, and they are hereby directed, in and by their said Award, to order and direct by whom, and at whose Expence, and at what Time, and in what Manner the said Brooks, Ditches, Drains, Watercourses, Tunnels, Water Gates, Banks, and Bridges, shall be made, and thereafter repaired, cleansed, scoured, and maintained.

And be it further Enacted, That for the more convenient Situation and Disposition of the several Farms, Lands, and Estates in *Lyddington, Caldecott, and Uppingham* aforesaid, upon the said intended Division and Inclosure, and for the more convenient Situation of the several Woods and Wood Grounds within the said Chace called *Beaumont Chace*, it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered to assign, set out, and allot any Messuages, old Inclosures, new Allotments, or any other Lands, Grounds, or Woods, situate in the Parishes of *Lyddington with Caldecott and Uppingham* aforesaid, or in the said Chace called *Beaumont Chace*, or any of them, in Lieu of and in Exchange for any other Messuages, old Inclosures, new Allotments, or any other Lands, Grounds, or Woods, situate in the said respective Parishes, and in the said Chace, or any of them, or any other Parish or Township adjoining the said Parishes and Chace aforesaid, or any of them, so as all and every such Exchange and Exchanges be made, ascertained, specified, and declared in and by the said Award, or some Deed or Writing executed by the said Commissioners, before or within Six Calendar Months after the Execution of the said Award, and also be made by and with the Consent and Approbation of the respective Proprietors or Persons seised or entitled in Possession of or to the Hereditaments and Premises which shall be so respectively exchanged as aforesaid, or by and with the Consent and Approbation of the Guardians, Trustees, Husbands, Committees, or Attornies of and for any such Proprietors or Persons seised or entitled as aforesaid, who at the Time of making such Exchange or Exchanges shall be an Infant, Feme Covert, Lunatic, beyond the Seas, or otherwise disabled to act, or incapable of acting for himself, herself, or themselves respectively, such Consent and Approbation to be expressed and declared by some Deed or Writing under the Hands and Seals of the Person or Persons whose Consent and Approbation is hereby made requisite; and so as every such Exchange of any Lands or other Hereditaments belonging to any Ecclesiastical Corporation or Benefice, except the Prebendary of the said Prebend of *Lyddington*, and his Lessee or Lessees, be also made with the Consent

Exchanges
may be made.

Exchanges
may be made.

sent

sent of the Lord Bishop of the Diocese and the Patron thereof for the Time being, testified by Writing under their respective Hands; and that all and every such Exchange or Exchanges as aforesaid shall be for ever good, valid, and effectual in the Law to all Intents and Purposes whatsoever.

Allotments
to be in lieu
of former
Property.

And be it further Enacted and Declared, That the several Allotments, and other Compensations which shall be made, in pursuance of this Act, to the respective Proprietors of and Persons interested in any of the Lands, Grounds, Tythes, Common Rights, Deer Browse, and other Hereditaments, which shall be divided, allotted, exchanged, or extinguished by virtue of this Act, shall be in Bar of and in full Compensation and Satisfaction for the several Lands, Grounds, Tythes, Common Rights, and Deer Browse, and other Hereditaments, in lieu of which such Allotments and Compensations shall be made; and that from and immediately after the Execution of the said Award, or at such other Time or Times as the said Commissioners shall appoint, by Twenty Days previous Notice in Writing under their Hands, to be affixed on One of the Doors of each of the Churches or Chapels within the respective Parishes of *Lyddington with Caldecott, Uppingham, Stoke, Dry, Wardley, and Aylton* aforesaid, all such Tythes, both Great and Small, Moduses, and other Payments in lieu of Tythes (except Surplice Fees, *Easter Offerings*, and Mortuaries) and all Rights of Common, Deer Browse, and other Rights, Properties, and Interests of all and every the said Lands and Grounds hereby intended to be divided and inclosed, and also issuing out of the said several ancient Inclosures, Lands, and Grounds, for the Tythes whereof Compensation is hereinbefore directed to be made as aforesaid, shall cease, determine, and be for ever extinguished.

Allotments
to be of the
same Tenure
as the Pro-
perty for
which they
are made.

And be it further Enacted, That all such Lands and Grounds as shall, in pursuance of this Act, be allotted or exchanged, shall be held by such Proprietors respectively, under the same Tenures, Rents, Customs, and Services as the Lands or other Property in respect of which such Allotments shall be made were respectively held and enjoyed before the passing of this Act, or would have been held and enjoyed in case this Act had not been made; and the several Lands and Grounds which in the said Award shall be distinguished to have been allotted in lieu of Freehold Lands or other Property, shall, from the making and executing thereof, be deemed Freehold Lands, and shall from thenceforth be held of the Lord of the Fee, under the same Rents
and.

and by the same Services as the Freehold Lands or other Property in lieu of which they were so allotted were before that Time held; and the several Lands and Grounds, which shall therein be distinguished to have been allotted in lieu of Copyhold Lands, shall in like Manner be deemed Copyhold or Customary Lands, and shall be held of the Lord of the Fee thereof, under the same Rents, and by the same Customs, Duties, and Services, as the Copyhold Lands or other Property in lieu of which they were so allotted were or ought to have been held, and shall pass by the like Surrenders as the present Copyhold Messuages, Lands, Tenements, or Hereditaments, in respect whereof such Allotments shall be made, are now holden under or are liable to; and the Lands and Grounds which shall be therein distinguished to have been allotted in lieu of Leasehold Lands, or other Leasehold Property, shall be in like Manner deemed Leasehold, and shall be held under the same Rents as the Lands or other Property in lieu whereof they were so respectively allotted were held, and the Reversion thereof shall be vested in the same Lessors respectively as the Reversion of such other Lands and Property was vested before the passing this Act, any Law, Custom, or Usage to the contrary notwithstanding, except in such Cases where the Nature of the same shall be changed under the Authority of this Act.

Provided always, That nothing in this Act contained shall extend, or be construed, deemed, adjudged, or taken to revoke, make void, alter, or annul any Will or Settlement, or to prejudice any Person or Persons having or claiming any Jointure, Dower, Portion, or Incumbrance, out of, upon, or affecting any of the Lands or Grounds so intended to be divided and allotted, or which shall be exchanged by virtue of this Act, or any Part thereof respectively (otherwise than by the Substitution of the Lands and Hereditaments to be set out and allotted upon such Division and Exchange as aforesaid, for the Lands and Hereditaments in lieu whereof such Allotments and Exchanges shall be respectively made;) but that the several Lands or Grounds so to be set out or allotted, upon such Division, to the several Parties concerned, or their Trustees respectively, or which shall be taken in exchange in pursuance of this Act, and also all such Allotments, which shall be set out and allotted in lieu of such Rights upon the said Chace called *Beaumont Chace*, shall (immediately after such Allotments and Exchanges shall be made) vest in such and the same Person and Persons respectively, for such and the same Uses, Trusts, Intents, and Purposes respectively, and sub-

Not to re-
voke Wills
or Settlem-
ents.

Estates to
remain to
former Uses.

ject to such and the same Wills and Settlements respectively, as the several Lands, Grounds, Tenements, or Hereditaments respectively, in lieu whereof such Allotments or Exchanges shall be made as aforesaid are or were, or would have been vested in, or subject or liable to, in case the same had remained uninclosed or unexchanged, or this Act had not been made.

Proprietors may convey their Allotments before the Execution of the Award.

And be it further Enacted, That it shall be lawful for any Person who shall be entitled to and seised in Fee Simple of, or who has, or can by Law acquire a Power to dispose of any Allotments to be made by virtue of this Act, to sell and dispose of all his or her Estate, Right, Title, and Interest therein, at any Time before the Execution of the said Award; and on a proper Conveyance thereof being executed, every such Sale shall be good, valid, and effectual in Law, notwithstanding the said Award shall not be executed.

Tythes to be payable till Allotments are made.

And be it further Enacted, That until the said Division and Allotments shall be made, and the said Commissioners shall have given Notice in Writing (in such Manner as Notices are in and by this Act directed to be given) of the Meetings of the said Commissioners, to the several Proprietors to take Possession of their respective Allotments, the said *Robert Wharton* and his Successors, his and their Lessee or Lessees for the Time being, and the said *Leonard Towne* as Vicar of *Lyddington with Caldecott* as aforesaid, and the said *Edward Jones* as Rector of *Uppingham* as aforesaid, respectively, and their respective Successors, shall be entitled unto, and receive and enjoy such and the same Tythes as they respectively could, might, or ought to have done, in case this Act had not been made; and that the said *Robert Wharton* and his Successors, and his and their Lessee or Lessees, and the said *Edward Jones* and his Successors respectively, shall, from and immediately after the making the Allotments aforesaid, be for ever exonerated and exempt from providing or keeping any Bulls or Boars for the Use of the Inhabitants of the said Parishes of *Lyddington with Caldecott* and *Uppingham* aforesaid respectively, or any of them.

Vicar of Lyddington and Caldecott to lease with the Consent of the Bishop of Lincoln.

And be it further Enacted, That it shall and may be lawful to and for the said *Leonard Towne* and his Successors, Vicars of *Lyddington* and *Caldecott* aforesaid (by and with the Approbation of the Bishop of *Lincoln* and the Patron of the said Vicarage for the Time being, to be signified in Writing under their Hands and Seals) by Writing under his Hand and Seal to lease and demise all

or

or any Part or Parts of the Allotment or Allotments to be set out and allotted unto and for the said Vicar by virtue of this Act (save and except a Quantity of Twenty Acres, Part thereof, which is to be reserved for the private Use and Occupation of the said *Leonard Towne* and his Successors, Vicars as aforesaid) to any Person or Persons, for any Term or Number of Years not exceeding Twenty-one Years, for the best and most improved Rent that can be reasonable had for the same, without taking any Fine or Fines for any such Lease; such Term of Twenty-one Years to be computed from the Tenth Day of *October* One thousand Eight hundred; and so as no such Lease be made without impeachment of Waste; and so as the Lessee or Lessees to whom every such Lease shall be made, be Yearly obliged to spend, spread, and consume, in an husbandlike Manner, in and upon the Premises so to be demised, the Dung and Manure arising and to arise out of and from the Produce thereof; and so as there be contained in every such Lease Clauses of Re-entry on Non-payment of the Rent to be therein and thereby reserved; and so as the Lessee or Lessees to whom every such Lease shall be made do seal, execute, and deliver a Counterpart of every such Lease; and every such Lease, so to be made, shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever, and shall bind every succeeding Vicar of *Lyddington with Caldecott* aforesaid, until the Expiration or other sooner Determination thereof, any Law, Statute, or Usage to the contrary notwithstanding.

And be it further Enacted, That it shall and may be lawful to and for the said *Edward Jones* and his Successors, Rectors of *Uppingham* aforesaid (by and with the Consent and Approbation of the Bishop of *Peterborough* and the Patron of the said Rectory for the Time being, to be signified in Writing under their Hands and Seals) by Writing under his Hand and Seal to lease or demise any Part or Parts of the Allotment or Allotments to be set out and allotted unto and for the said Rector, by virtue of this Act, to any Person or Persons, for any Term or Number of Years not exceeding Twenty-one Years, for the best and most improved Yearly Rent that can be reasonably had for the same, without taking any Fine or Fines for any such Lease; such Term of Twenty-one Years to be computed from the Tenth Day of *October* One thousand Eight hundred; and so as no such Lease be made without Impeachment of Waste; and so as the Lessee or Lessees to whom every such Lease shall be made be Yearly obliged to spend, spread, and consume, in an husbandlike Manner, in and upon the Premises so to be demised, the Dung and Manure arising and to arise out of
and

Rector of
Uppingham
to lease with
the Consent
of the Bishop
of Peter-
borough.

and from the Produce thereof ; and so as there be contained in every such Lease Clauses of Re-entry on Non-payment of the Rent to be therein and thereby reserved ; and so as the Lessee or Lessees to whom every such Lease shall be made, do seal, execute, and deliver a Counterpart of every such Lease ; and every such Lease, so to be made, shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever, and shall bind every succeeding Rector of *Uppingham* aforesaid, until the Expiration or other sooner Determination thereof, any Law, Statute, or Usage to the contrary notwithstanding.

Leases at
Rack Rent
to be void.

And be it further Enacted, That all and every Lease and Leases upon Rack Rent now subsisting of all and every or any Part or Parts of the said Lands or Grounds hereby intended to be inclosed or exonerated from Tythes, or which shall, by virtue of this Act, be exchanged, as is hereinafter mentioned, and of all Messuages, Cottages, Lands, Tenements, Hereditaments, or Estates, lying in *Lyddington, Caldecott, and Uppingham* aforesaid, held therewith, or included in such Lease or Leases, and all Agreements for any Term or Terms not exceeding Twenty-one Years at Rack Rents, or from Year to Year, or at Will, shall, upon the Tenth Day of *October* One thousand Eight hundred, cease and be void, the respective Owners or Proprietors of the said Lands or Grounds so intended to be inclosed, or which shall be exchanged by virtue of this Act, who have made or granted any such Lease or Leases, Agreement or Agreements, making such reasonable Satisfaction to their Lessee or Lessees, Tenant or Tenants (in case due Notice has not been given to such Tenant or Tenants for quitting the same) as the said Commissioners shall ascertain, order, direct, or appoint to be paid to such Lessee or Lessees, Tenant or Tenants, as an Equivalent for the Loss or Losses he or they shall respectively suffer on account of the Determination of their respective Leases.

Course of
Husbandry.

And be it further Enacted, That in the mean Time and until such Divisions and Allotments shall be made as aforesaid, all the Pasture, Tillage, and other Lands hereby intended to be divided and inclosed, shall be stocked with such Cattle, and shall be planted and sown by the respective Owners or Occupiers thereof with such Sort of Corn or Grain, or Grass, Cole, Turnip, or others Seeds, and shall be kept, ordered, and continued in such Course of Husbandry and Tillage as the said Commissioners shall, by any Writing or Writings under their Hands in that Behalf, order, direct, or appoint, any Usage or Custom of stocking or sowing

to the contrary notwithstanding; and that the Charges and Expences attending such ploughing, sowing, and tilling, shall be paid by the respective Persons who shall receive the Benefit thereof, or by such other Proprietors of the said Common and Open Fields, and at such Times, and in such Manner and Proportions as the said Commissioners shall, by any Writing under their Hands, direct or appoint, and shall be recoverable and recovered in such Manner, and by such Ways and Means as the Expences of passing and executing this Act are hereinafter directed to be raised, levied, and recovered; and that no Meadows, Pastures, or fresh Grounds, Part of the Lands and Grounds hereby intended to be divided and inclosed, and not now in Tillage, shall before that Time be ploughed, broken up, or converted into Tillage.

And be it further Enacted, That as soon as conveniently may be after the said Commissioners shall have completed their said Divisions and Allotments of the said Lands and Grounds in *Lyddington, Caldecott, and Uppingham* aforesaid, and the said Piece or Parcel of Waste Ground called *Uppingham Brand*, pursuant to the Directions of this Act, and have set out and allotted the said several Pieces and Parcels of Land for and in lieu of the said Common Rights and Deer Browse in *Beaumont Chace* aforesaid, in pursuance of this Act, they the said Commissioners shall form and draw up, or cause to be formed and drawn up, an Award or Instrument in Writing, which shall express and contain the Quantity, in Statute Measure, of Acres Roods and Perches contained in the Common and Open Fields of *Lyddington, Caldecott, and Uppingham* aforesaid, and every of them respectively, and in the said Piece of Waste Ground called *Uppingham Brand*, and the Quantity, Contents, and Value of each and every Part thereof, assigned and allotted to each and every of the said Parties interested in and entitled to the same, and a Description of the Situation, Abuttals, and Boundaries of the same Parcels and Allotments respectively, and proper Orders and Directions for fencing and mounding the same, and for making and laying out proper Roads into, through, and from the same, and shall also express and describe the Situation, Quantity, Abuttals, and Boundaries of each of the said Parcels of Land which shall be set out and allotted for and in lieu of the Common Rights and Deer Browse in and upon the said Chace, or in lieu of other Parts of the said Chace which shall be given in Exchange; and such Award shall also express by whom, and at whose Expence the Fences to be made for the said several Allotments, in pursuance of this Act, shall be made, to whom the same shall belong, and by whom the

same shall be maintained; and the said Award shall also express and contain such other Orders, Regulations, Determinations, and Directions as the said Commissioners shall judge necessary and proper to be ascertained and contained therein, conformable to the Directions, and to the several Intents and Purposes of this Act; which said Award or Instrument, shall be fairly engrossed or written on Parchment, and signed and sealed by the said Commissioners, and shall, within Six Calendar Months next after the same shall be so signed and sealed as aforesaid, or so soon after as conveniently may be, be enrolled by the Clerk of the Peace for the said County of *Rutland*, or in one of His Majesty's Courts of Record at *Westminster*, to the end that Recourse may be had to the same by all Persons interested therein, for his, her, or their Inspection and Perusal, for which the Sum of One Shilling and no more shall be paid; and a true Copy thereof, or of any Part thereof, when and as often as the same shall be required, shall be delivered to any Person or Persons interested therein, or his, her, or their Agent or Agents, signed by the proper Officer, purporting the same to be a true Copy, for which no more than Four Pence *per Sheet* (reckoning Seventy-two Words to each Sheet) shall be paid, exclusively of Paper, Parchment, and Stamps; and also that the said Commissioners shall and do cause Two other Parts of the said Award to be written and engrossed on Parchment, and signed and sealed by them, one Part whereof shall be lodged in the Parish Chest of *Lyddington*, where the Books or Writings of the said Parish are usually kept, one other Part of which shall be lodged in the Parish Chest of *Caldecott* aforesaid, where the Books or Writings of that Parish are usually kept, and the remaining Part thereof shall be lodged in the Parish Chest of *Uppingham* aforesaid, where the Books or Writings of that Parish are usually kept, for the Benefit of the said respective Parishes, and the Proprietors thereof respectively; and also that the said Commissioners shall and may, at any Time or Times before the said Award shall be so enrolled as aforesaid, and within the Space of Six Calendar Months after the Date and Execution thereof, upon the Request, and at the Costs and Charges of any Person or Persons interested therein, deliver to such Person or Persons, or his, her, or their Agent or Agents requesting the same, a true Copy of the said Award, or any Part thereof, to be written on Paper or Parchment duly stamped, and signed by the said Commissioners, purporting the same to be a true Copy, for which no more than Four Pence *per Sheet* (exclusive of Paper or Parchment and Stamps as aforesaid) shall be paid; which said original Awards or Instruments, or any
 Copy

Copy thereof, or any Part thereof, signed as aforesaid, shall at all Times be admitted as legal Evidence in all Courts whatsoever and elsewhere; and the several Divisions and Allotments to be made in and by such Award or Instrument so executed and inrolled as aforesaid, and also the same Award or Instrument, shall be and are hereby declared to be final, binding, and conclusive unto and upon all and every the Parties interested and entitled unto the several and respective Lands and Grounds and Common Rights hereinbefore mentioned, and without Appeal to any Court whatsoever.

And be it further Enacted, That such of the said Commissioners who shall act in the Execution of the Trusts and Powers vested in them by this Act, shall be paid the Sum of Two Pounds Two Shillings for every Day he shall so act, or travel for the Purpose of acting, or be returning Home from acting, in full Satisfaction for the Trouble and Expence which he shall be put unto in the Execution of the said Trusts and Powers; and that the same, together with the Costs and Charges of passing this Act, and of surveying, admeasuring, planning, valuing, dividing, and allotting the said Lands and Grounds so intended to be awarded, allotted, and inclosed, and also of surveying the said Chace and Woods, and the said Homesteads and ancient Inclosures, and of making the said public Roads, and of preparing and inrolling the said Award, and all other necessary Expences of the said Commissioners, and other necessary Expences about and concerning the Premises, shall be borne and defrayed by all the Proprietors and Owners of Estates in *Lyddington, Caldecott, Uppingham, Stoke, Dry, Wardley, and Aylton* aforesaid, to whom any Allotments shall be made, or whose Estates shall be exchanged or exonerated from Tythes by virtue of this Act (except the said *Robert Wharton* and his Successors, Prebendaries of the said Prebend, and his and their Lessee and Lessees, the said *Leonard Towne* and his Successors, Vicars of *Lyddington with Caldecott* aforesaid, and the said *Edward Jones* and his Successors, Rectors of *Uppingham* aforesaid) in such Shares and Proportions, and shall be paid to such Person or Persons, and at such Time or Times, and in such Manner, as the said Commissioners shall, in and by their said Award, or by any other Writing under their Hands, direct or appoint; and in case any of the Persons aforesaid shall refuse or neglect to pay his, her, or their Share and Proportion, Shares or Proportions, of such Charges and Expences, within the Time to be limited by the said Commissioners for Payment thereof, to such Person or Persons as they shall appoint to receive the same, then
and

Expences of
this Act.

and in such Case the said Commissioners shall and may, by Warrant under their Hands and Seals, directed to any Person or Persons whomsoever, cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) on Demand, to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of taking and making such Distress and Sale; or otherwise it shall be lawful for the said Commissioners, or any Person or Persons to be appointed by them, to enter into and upon the Premises so to be allotted to such Person or Persons so neglecting or refusing to pay as aforesaid, and to receive and take the Rents, Issues, and Profits thereof, until thereby or therewith the Share or Proportion, or Shares or Proportions of the said Costs, Charges, and Expences so directed or appointed by the said Commissioners to be paid by such Person or Persons as aforesaid, and also all Costs, Charges, and Expences occasioned by and attending such Entry upon and Perception of the Rents and Profits of the said Premises, shall respectively be fully paid and satisfied: Provided always, that the proportional Part of the Costs and Charges of obtaining and executing this Act, to be paid in respect of the said Chace called *Beaumont Chace*, shall be defrayed by the said *Gerard Noel Noel Earl of Exeter*, *George Bridges Brudenell*, and *Sir Gilbert Heathcote* respectively, in such Proportions as the said Commissioners shall direct.

Arbitrator to
pay his own
Expences,
and have a
Daily Allow-
ance.

And be it further Enacted, That the said Arbitrator, at all and every of the Meetings for the hearing and determining any of the Claims and Objections, Matters and Things which shall be referred to him by virtue of this Act, shall bear and pay his own Expences, and in discharge thereof, and for his Trouble and Attendance, it is hereby directed that the said Arbitrator shall be paid and allowed the Sum of Five Pounds Five Shillings for each and every Day upon which he shall have attended at such Meetings for the Purposes aforesaid; and if it shall happen that the said Arbitrator shall have Occasion to take any Journey or Journies in order to attend at any such Meeting or Meetings, or for the Purpose of viewing any of the Lands or Grounds hereby intended to be divided and inclosed, or discharged from Common Rights as aforesaid, and which shall be claimed and happen to be in Dispute, then and as often as it shall so happen, it is hereby also directed that he shall be paid his reasonable travelling Expences to and from such Meeting and Places of taking View or Views respectively, over and besides the said Five Pounds

Pounds Five Shillings, for each and every Day he shall be out for the Purposes aforesaid, and the same shall be considered by him in the Costs to be awarded to be paid, by any Person or Persons against whom respectively any Award or Awards shall be made.

And be it further Enacted, That the Money which shall be advanced for the Purpose of defraying the Expences of obtaining and passing this Act shall be repaid, with lawful Interest, to the Person or Persons so advancing and paying the same, out of the Money which shall be first raised to defray the Expences of passing and executing this Act.

Money advanced for passing this Act to be defrayed with Interest.

And be it further Enacted, That it shall and may be lawful for any of the Persons who, after such Division and Inclosure made as aforesaid, shall be Owners and Proprietors for the Time being of any of the Lands or Hereditaments to be inclosed or exonerated from Tythes or Rights of Common by the Payment of a Sum in Gross, in pursuance of this Act, and to and for the Husbands, Guardians, Trustees, Committees, or Attornies of or for any of the said Owners or Proprietors, being under Coverture, Minors, or beyond the Seas, or otherwise incapable of acting for themselves, or any Trustees for charitable or other Uses, and to and for every of them, and to and for any of the said Owners or Proprietors, being Tenants for Life or in Tail, or for Years determinable on Lives, or for any other Contingencies, and to and for every of them respectively for the Time being (except the Prebendary of the said Prebend, the Vicar of *Lyddington with Caldecott* aforesaid, and the Rector of *Uppingham* aforesaid respectively) by and with the Consent of the said Commissioners, in Writing under their Hands and Seals, from Time to Time to charge the several Lands and Grounds which shall be comprized in such respective Allotments, or any Part thereof, with any Sum or Sums of Money, not exceeding Three Pounds for every Acre of Land so to be inclosed, or to be exonerated from Tythes or Rights of Common by the Payment of a Sum of Money in Gross as aforesaid, to be paid to such Person or Persons as the said Commissioners shall nominate or appoint, in order to be applied and disposed of for and towards paying and defraying the respective Shares and Proportions of the Charges and Expences incident to and attending such Division and Inclosure as aforesaid, and of obtaining and executing this present Act, and for securing the Repayment of the said Sum and Sums of Money, with Interest, to grant, mortgage, lease, or demise, for any Term or Number of Years,

For borrowing Money.

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such

such of the Lands and Grounds, so to be charged, as are or shall be of the Nature of Freehold, unto any Person or Persons, his, her, or their Executors, Administrators, or Assigns, who shall advance and lend the same respectively upon such Freehold Premises, and to surrender in Fee, into the Hands of the Lord or Lords, Lady or Ladies of the Manor or Manors, such of the Lands and Premises so to be charged, as are or shall be of the Nature of Copyhold, unto and to the Use of such Person or Persons, his, her, or their Heirs or Assigns, who shall advance or lend such Monies upon such Copyhold Lands and Premises; so as every such Grant, Demise, or Surrender, be made with a Proviso or Condition to cease and be void, or with an exprefs Trust to be surrendered when such Sum or Sums of Money thereby secured, with the Interest thereof, and the Costs, Charges, and Expences of any such Person or Persons so advancing or lending such Sum or Sums of Money, his, her, or their Heirs, Executors, Administrators, or Assigns, shall or may be at or put unto concerning the Premises, shall be paid and satisfied; and so as in every such Grant, Demise, and Surrender to be made by any Person or Persons entitled for Life only, or Tenant in Tail, or upon any other Contingency, there be contained a Covenant or Clause to pay and keep down the Interest of the Money thereby to be secured during his, her, or their respective Lives, or for so long as he, she, or they shall continue seized of such Allotment or Allotments respectively, so that no Person afterwards becoming possessed of or entitled to such Lands or Grounds, so to be charged with any Sum or Sums of Money as aforesaid, shall be liable to pay any further or larger Arrear of Interest than for One Year preceding the Time that the Title to such Possession shall have commenced; or otherwise it shall and may be lawful for the said Commissioners, by any Deed or Deeds, Writing or Writings, under their Hands and Seals, attested by Two or more credible Witnesses, at the Request of such of the said Owners or Proprietors, being Tenants for Life or in Tail, or any other Contingency, who shall respectively pay and discharge his, her, and their proportional Part of the Charges and Expences aforesaid, to authorize and empower such Owners or Proprietors, or any of them, making such Request, to charge and subject the Lands and Grounds, so to be allotted to such Owners and Proprietors respectively, with any Sum or Sums of Money, not exceeding Three Pounds *per* Acre, with Interest for the same as aforesaid; which Sum or Sums of Money, so to be charged as aforesaid, shall be payable within One Year next after the Decease of every such Tenant for Life, or in Tail, or other Contingency respectively, with the Interest thereof, to be computed from his,

his, her, or their respective Decease, unto such Person or Persons as such respective Tenants for Life, or in Tail, or other Contingency, shall respectively, by any Deed or Will duly executed and attested, direct and appoint, and in Default thereof to his, her, or their Executors or Administrators; and every such Grant, Mortgage, Lease, Appointment, Demise, or Surrender, or Charge by Deed or Will as aforesaid, shall be good, valid, and effectual in the Law for the Purposes thereby intended, notwithstanding the Want of Title in such Tenants for Life, in Tail, or other Contingency, and notwithstanding any Settlement, Will, Use, Trust, Remainder, or other Incumbrance, of or upon the said Lands and Premises, or any Part thereof, then in being or capable of taking Effect to the contrary; and all and every Person or Persons, to whom any Grant, Mortgage, or Demise shall be made by virtue of this Act, of any Freehold Lands, Tenements, or Hereditaments, as a Security for any Sum or Sums of Money, or who shall be entitled to the Money thereby secured, shall and may, from Time to Time, by any Deed or Deeds, Writing or Writings, under his, her, or their respective Hand and Seal or Hands and Seals, to be executed in the Presence of, and attested by Two or more credible Witnesses, assign or transfer the same Security or Securities, and the Principal Money and Interest thereby secured, and all Benefit and Advantage thereof, and all his, her, and their Right, Title, and Interest in and to the same, to any Person or Persons whomsoever, who may again in like Manner assign the same, and so *toties quoties*; and all and every Person and Persons to whom any Mortgage shall be made by Surrender or otherwise, by virtue of this Act, of any Copyhold Lands, Tenements, or Hereditaments, as a Security for any Sum or Sums of Money, or who shall be entitled to any Sum or Sums of Money thereby secured, shall and may from Time to Time, by Surrender or otherwise, assign or transfer the same Security or Securities, and the Principal Money and Interest thereby secured, and all Benefit and Advantage thereof, and all his, her, and their Right, Title, and Interest therein, to any Person or Persons whomsoever, who may again in like Manner surrender, assign, and transfer the same, and so *toties quoties*; and such Mortgagee or Mortgagees, Assignee or Assignees, Surrenderee or Surrenderees, his, her, or their Executors, Administrators, or Assigns, and all Persons claiming under them or any of them, shall and may use, take, and pursue all such lawful Methods, Courses, and Expedients, at Law or Equity, for recovering or obtaining Possession of the Premises so to be mortgaged, demised, surrendered, or assigned as aforesaid, in case of Non-payment of the Principal Money and Interest to be thereby

Securities
may be
assignable.

thereby secured, or any Part thereof, as is or are used, taken, or pursued in Cases of the like Nature.

Commission-
ers to ac-
count.

And be it further Enacted, That the said Commissioners shall keep a Book or Books, in which they shall enter a true Account of all their Receipts and Disbursements, and other Matters and Things done in the Execution of this Act, and at any Meeting to be held in pursuance of this Act shall permit any Proprietor to inspect such Book or Books, and the Vouchers for any Money entered therein, and charged to have been paid by the said Commissioners, or by the Order of them, and, if required by the major Part in Value of the said Proprietors, shall hold a Meeting for that Purpose; and the said Commissioners shall make and draw up, or cause to be made and drawn up, a true and perfect Account of all the Monies by them received and paid for defraying the Costs and Charges of obtaining and passing this Act, and all other Fees and Charges whatsoever, incident to and attending the putting the same into Execution, and shall therein set forth and specify the several Persons of whom such Money shall be received, with the Amount thereof, and also to whom and for what Purpose the same shall be paid; which Account, or Duplicates thereof, being fairly written on Parchment, and signed by the said Commissioners, shall be deposited in the Parish Chests of *Lyddington*, *Caldecott*, and *Uppingham* aforesaid, or some or one of them.

Appeal.

And be it further Enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act, then and in every such Case (except in such Cases where the Orders and Determinations of the said Commissioners, or the Verdict of a Jury upon any Trial at Law which may be had in pursuance of this Act) are directed to be final, binding, or conclusive, he, she, or they may appeal to the Quarter Sessions of the Peace which shall be held for the County of *Rutland*, within Six Calendar Months next after the Cause of Complaint shall have arisen, and the said Justices in their said General Quarter Session are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein, and to award such Costs as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs which shall so be awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale, which Determination of the said Justices shall be final and conclusive

clusive to all Parties concerned, and shall not be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

Provided always, and be it further Enacted, That nothing in this Act contained shall prejudice, lessen, or defeat the Right, Title, or Interest of the Lord or Lords of any Manor or Manors, within the Limits and Jurisdictions whereof the Lands or Grounds hereby intended to be divided and inclosed are situate, of, in, and to the Seignories and Royalties incident or belonging to such Manor or Manors respectively, but that the Lord or Lords of such Manor or Manors shall and may, from Time to Time and at all Times hereafter, hold, receive, take, and enjoy all Rents, Fines, Services and Profits of Courts, and all other Rights, Royalties, and Privileges to such Manor or Manors respectively incident, appendant, belonging, or appertaining (other than and except the Right to the Soil of the said Waste Lands) in as full, ample, and beneficial Manner, to all Intents and Purposes, as he or they might or ought to have held and enjoyed the same in case this Act had not been made, yet nevertheless so as the Bounds and Limits of the said severall and respective Manors shall and may be ascertained and distinguished by the said Commissioners.

Saving Manorial Rights.

Provided always, and be it Enacted, That nothing in this Act contained shall extend or be construed to extend to alter, prejudice, affect, lessen, or defeat any Ecclesiastical Jurisdiction of the Prebendary of *Lyddington with Caldecott* aforesaid, or his Successors, or any Power of leasing which the said Prebendary hath by the Laws now in being.

Saving Ecclesiastical Jurisdiction.

Saving always to the KING's most Excellent MAJESTY, His Heirs and Successors, and to all and every Person and Persons whomsoever, their Heirs, Executors, and Administrators, and to all Bodies Politic and Corporate, and their Successors (other than and except the Person and Persons, Bodies Politic and Corporate, to whom or for whose Use any Allotment or Allotments, or other Compensation, shall be made, according to the Intent and Meaning of this Act, their respective Heirs, Executors, Administrators, Successors, and Assigns, and all other Persons claiming under them, or in Remainder or Reversion after them respectively, in respect of such Allotments or Compensations only, and also except such

General Saving.

other Estates, Rights, Tythes, and Interests as are expressed or intended to be barred, destroyed, or extinguished by virtue of this Act) all such Estates, Rights, Tythes, and Interests respectively, as they or any of them have or hath, or could or might have had or claimed, in, to, or out of the Lands and Grounds hereby intended to be divided, allotted, or exchanged, or into or out of the said Chace called *Beaumont Chace*, or any of them, or any Part or Parts thereof respectively, in case this Act had not been made.

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Dividing, Allotting, Inclosing, and Improving
divers Open and Common Fields, Common
Meadows, Common Pastures, and other Com-
monable Lands and Waste Grounds, within
the several Parishes of *Lyddington with Cal-
decott*, and *Uppingham*, in the County of *Rut-
land*, and also a Common or Waste, within
the same County, called *Uppingham Brand*;
and for extinguishing all the Tythes arising
within the same Parishes, and all the Deer
Browle and Rights of Common upon *Beaumont
Chace*, in the same County, and making a
Compensation for such Tythes and Common
Rights respectively.

39 GEO. III.
1799.