ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 129.

An Act for amending and rendering more effectual an Act of His present Majesty, for dividing and allotting certain Fens, called, The *East* and *West Fens*, in the County of *Lincoln*; and for dividing and inclosing the Parochial Allotments, Lands and Grounds belonging to and in certain Parishes having Right of Common on the said Fens, and for declaring to what Parishes such Allotments shall belong. [24th *May* 1810.]

WHEREAS an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for dividing and allotting certain Fens called the* East *and* West Fens, *in the County of* Lincoln, whereby the Commissioners therein appointed were required, after Sale of such Parts or Parcels of the said Fens as should be found necessary for providing a Fund for defraying the Costs, Charges, and Expences of obtaining such Act, and carrying the same into Execution, and after the several Allotments thereinbefore directed shall have been made, to set out, allot, and divide the Residue of the said Fens into Parochial and other General Allotments, in the Proportions and according to the Directions in the said Act mentioned and contained: And whereas it is expedient that the Powers of the said Commissioners for executing the said Act should be extended: And whereas another Act was passed in the Forty- 41 G. 3. c. 142.

41 G. 3. c. 109.

Forty-first Year of the Reign of his present Majesty, intituled, *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas it would be highly beneficial to the several Persons interested in the Parochial or General Allotments directed and required by the said Act first herein recited to be set out, if such Allotments were divided and allotted in Severalty amongst the several Persons interested therein, according to their respective Rights and Interests, and if Compensation were made for the Tythes thereof; and also if Provision were made for determining in what Parish or Parishes, Townships or Places the several Parochial or General Allotments shall be deemed to be and be situated, and be charged or chargeable to Parochial Dues and Duties: But the several 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 the Commissioners named in or appointed by or acting under or by virtue of the said Act first herein recited, and their Successors to be elected in Manner as in the same Act is directed, shall be and they are hereby appointed Commissioners for dividing and allotting unto and among the several Persons interested therein, the several Parochial and General Allotments, Lands and Grounds by this Act directed to be divided and inclosed, and for carrying this Act into Execution; and that all and every the Powers, Authorities, Regulations, Restrictions, Penalties, Forfeitures, Provisions, Savings, Clauses, Matters and Things which are contained and enacted in the said Act secondly herein recited, and are not controuled by or repugnant to any of the Clauses, Provisions or Regulations contained in this Act, shall be duly enforced, applied and put in Execution for the dividing, allotting in Severalty and inclosing the parochial or general Allotments, Lands and Grounds by this Act directed to be divided and inclosed, so far as the same are applicable thereto respectively, as fully and effectually to all Intents and Purposes as if all such Powers, Authorities, Regulations, Restrictions, Penalties, Forfeitures, Provisions, Savings, Clauses, Matters and Things had been expressly inserted and re-enacted in this Act with relation thereto; and that every Commissioner to be elected and appointed a Commissioner on the Death or Refusal or Incapacity to act of any Commissioner appointed for carrying the said Act first herein recited into Execution, shall be a Commissioner for executing this Act; and that all Powers, Authorities, Directions, Acts, Matters and Things hereby given to or authorized to be done by the Commissioners for executing this Act, may be done and executed by or before any Two of them, and shall be as valid and effectual as if executed by or before all of them; and the said Commissioners for executing this Act may adjourn from Time to Time, and if Two of the said Commissioners shall not appear at any Meeting to be holden for the Purpose of carrying this Act into Execution, then and in such Case, any One of such Commissioners present may adjourn such Meeting to a future Day, not exceeding Fourteen Days from the Day of Adjournment, and shall give Notice thereof to the absent Commissioners; and in case no one of such Commissioners shall appear at such Meeting, then the Clerk or Clerks to such Commissioners shall and may adjourn the said Meeting to and appoint the said Commissioners

Commissioners for executing the first recited Act to be Commissioners for executing this Act.

Two may act.

Commissioners may adjourn Meetings.

If no Commissioner present Clerk may adjourn.

Commiſſioners for executing this Act to meet at the Place where the laſt Meeting was appointed to be holden, on that Day Three Weeks next after the Day on which ſuch laſt Meeting was appointed to be holden, and ſhall, and he or they is and are hereby required forthwith to give Notice of ſuch Adjournment to the ſame Commiſſioners; Provided always, that all Meetings of ſuch Commiſſioners for carrying this Act into Execution, ſhall be held within the Diſtance of Eight Miles from the Boundaries of the ſaid Fens, called the *Eaſt* and *Weſt Fens*.

Meetings within Eight Miles from the Fens.

II. And be it further enacted, That the Perſon or Perſons for the Time being, who ſhall or may be Clerk or Clerks to the ſaid Commiſſioners for executing the ſaid Act firſt herein recited, ſhall and he and they is and are hereby directed to be and act as a Clerk or Clerks to the Commiſſioners for executing this Act.

Clerks to Commiſſioners for former Act to be Clerks to the Commiſſioners for this Act.

III. Provided always, and be it further enacted, That nothing in the ſaid Act ſecondly herein recited contained ſhall extend to require the Commiſſioners for executing this Act to make or cauſe to be made any Survey, Admeaſurement or Plan of any of the Parochial or General Allotments, Lands and Grounds hereby directed to be divided and incloſed, or of any of the old incloſed Lands or Grounds within any of the ſaid Pariſhes, Townſhips or Places, unleſs the ſame Commiſſioners ſhall deem ſuch Survey, Admeaſurement or Plan neceſſary or expedient for the Purpoſes of the ſaid Act ſecondly herein recited, or of this Act.

Surveys of Lands not to be made, unleſs directed by the Commiſſioners.

IV. And be it further enacted, That all and every Notice or Notices neceſſary or requiſite to be given for putting this Act into Execution ſhall be given in the ſame Manner and Form, as Notices are directed and preſcribed to be given in and by the ſaid Act firſt herein recited.

How Notices are to be given.

V. And be it further enacted, That out of the Money that ſhall be raiſed or received by virtue of this Act, for defraying the Expences of obtaining and carrying the ſame into Execution, there ſhall be paid to each of the ſaid Commiſſioners as a Recompence for his Time and Trouble, the Sum of Three Guineas, and no more, for each Day he ſhall be employed in travelling to, returning from and attending in the Execution of this Act, and that the ſaid Commiſſioners ſhall defray their travelling Expences, and alſo their own Expences and the Expences of all Servants at the Meetings to be holden in purſuance of this Act; and that no Meeting ſhall be by them charged to the Account of this Act, when the Buſineſs of any other Act of Parliament ſhall be tranſacted by any of them on the ſame Day and at the ſame Place.

Allowance to Commiſſioners.

VI. And be it further enacted, That in caſe upon the ſetting out of the Roads and Ways, by the ſaid Act ſecondly herein recited directed to be made and ſet out, it ſhall appear to the ſaid Commiſſioners that any publick Highways, Bridle-roads or Footways in, through, over or on the Sides of any of the old incloſed Lands or other Lands or Grounds within any of the Pariſhes, Townſhips or Places to be diſcharged from Tythes by virtue of this Act, may in their Judgment be diverted and turned without Inconvenience to the Publick into any other publick Highway, Bridle-road or Footway, or be diverted or turned ſo as to make the ſame more convenient to the Publick, or be ſtopped up and deſtroyed as ſuperfluous and unneceſſary,

Commiſſioners may alter Roads through ancient Incloſures.

unneceſſary, it ſhall be lawful for them, with the Concurrence and Order of Two Juſtices of the Peace acting in and for the Parts of *Lindſey* or *Holland*, in the County of *Lincoln*, as the Caſe may require, in which ſuch Pariſh, Townſhip or Place is ſituated, in Manner and ſubject to Appeal as is in this or the ſaid Act ſecondly herein recited is mentioned, in and by their Award to order and direct ſuch publick Highways, Bridle-roads or Foot-ways to be altered, turned, ſtopped up or diſcontinued in ſuch Manner as the ſaid Commiſſioners ſhall think proper.

Commiſſioners to make Drains.

VII. And be it further enacted, That the ſaid Commiſſioners ſhall and may make or cauſe to be made ſuch new Drains, Ditches, Watercourſes, Banks, Sluices, Bridges, Staunches and Tunnels, and other Requiſites in, through, over and acroſs the ſaid Lands and Grounds hereby directed to be divided and incloſed as ſhall be neceſſary and proper (making reaſonable Satisfaction to all and every Perſon and Perſons who may ſuſtain any Damage thereby) of ſuch Dimenſions, and in ſuch Directions reſpectively, as the ſaid Commiſſioners ſhall think proper; and the ſaid Commiſſioners ſhall and may, and they are hereby directed and required, in and by any Writing or Writings under their Hands, or in and by their Award by the ſaid Act ſecondly herein recited directed to be made, to order and determine by whom and at whoſe Expence, at what Time or Times, and in what Manner the ſaid Drains, Ditches, Watercourſes, Banks, Sluices, Bridges, Staunches, Tunnels and other Requiſites ſhall be made, ſcoured out, deepened, widened, amended, and repaired, and by whom the ſame ſhall afterwards be reſpectively cleanſed, ſcoured out, repaired and maintained: Provided always, that nothing herein contained ſhall extend or be conſtrued to extend to authorize or empower the ſaid Commiſſioners, or any Perſon or Perſons to whom any Part or Parts of the Lands and Grounds hereby directed to be divided and incloſed ſhall be allotted by virtue of this Act, to interfere, alter or meddle with the Banks, Drains, Sluices, Bridges, Tunnels, Engines, or other Works of Drainage made or
2 G. 3. c. 32. to be made under or by virtue of an Act paſſed in the Second Year of the Reign of His preſent Majeſty, intituled, *An Act for draining and preſerving certain Low Lands, called* The Fens, *lying on both Sides of the River* Witham, *in the County of* Lincoln, *and for reſtoring and maintaining the Navigation of the ſaid River, from the* High Bridge, *in the City of* Lincoln, *through the Borough of* Boſton, *to the Sea*;" or under or by virtue of
41 G. 3. c. 135. an Act paſſed in the Forty-firſt Year of His preſent Majeſty, intituled, *An Act for the better and more effectually draining certain Tracts of Land called* Wildmore Fen, *and the* Weſt *and* Eaſt Fens, *in the County of* Lincoln, *and alſo the Low Lands and Grounds in the ſeveral Pariſhes, Townſhips and Places having Right of Common on the ſaid Fens, and other Low Lands and Grounds lying contiguous or adjoining thereto*, or under or by virtue
43 G. 3. c. 118. of an Act paſſed in the Forty-third Year of His preſent Majeſty, intituled, *An Act for amending an Act paſſed in the Forty-firſt Year of the Reign of His preſent Majeſty, for more effectually draining certain Tracts of Land called* Wildmore Fen, *and the* Weſt *and* Eaſt Fens, *in the County of* Lincoln, *and other Low Lands and Grounds lying contiguous or adjoining thereto.*

Commiſſioners to ſettle Differences;

VIII. And be it further enacted, That if any Diſpute or Difference ſhall ariſe between any of the Parties intereſted or claiming to be intereſted in any of the Tythes, Lands, Tenements or Hereditaments to be affected by

by this Act, touching or concerning the respective Rights and Interests which they or any of them shall have or claim to have in the same, or touching or concerning any Allotment or Compensation to be made in lieu thereof, or touching or concerning any other Matter or Thing relating to the Division or Allotment hereby directed to be made, it shall be lawful for the said Commissioners and they are hereby authorized and required to examine into, hear and determine the same: Provided always, that nothing in this Act contained shall authorize the said Commissioners to determine the Title to any Lands, Tenements or Hereditaments whatsoever.

but not to determine Titles.

IX. Provided nevertheless, and be it further enacted, That no Owner or Proprietor of any House, Toftstead, Lands or Grounds in any of the several Parishes, Townships or Places, the Parochial or General Allotment for which is hereby directed to be divided and inclosed, shall be deemed or considered as entitled to any Right of Common or other Right whatsoever, on such Parochial or General Allotments respectively, who was not allowed and determined to have Right of Common, or other Right in the said *East* and *West Fens*, on the Division thereof, in respect of any House, Toftstead, Lands or Grounds respectively in such Parishes, Townships or Places as aforesaid, or in respect of some House in any other Parish, Township or Place, having Right of Common on the said Fens, and which Right shall not be set forth in the Award of the Commissioners to be made in pursuance of the said Act first herein recited.

No Person to be allowed any Right under this Act who shall not have been allowed a Right by the Commissioners on the Division of the Fens into Parochial and General Allotments.

X. Provided always, and be it enacted, That in case any Person or Persons interested or claiming to be interested in the said intended Division and Allotments, or in or to the Lands or Grounds to be discharged from Tythes or the Tythes thereof, shall be dissatisfied with any Determination of the said Commissioners touching or concerning any Claim or Claims to any Rights of Common, Tythes or other Interests in, over and upon the Lands and Grounds hereby directed to be divided, allotted and inclosed or discharged from Tythes, or any Part thereof, it shall be lawful for the Person or Persons so dissatisfied to proceed to a Trial at Law of the Matter so determined by the said Commissioners, at the first or second Assizes to be holden for the said County of *Lincoln*, and for that Purpose the Person or Persons who shall be dissatisfied with the Determination of the said Commissioners, shall cause an Action to be brought, upon a feigned Issue, against the Person or Persons in whose Favour such Determination shall have been made, within Three Calendar Months next after such Determination of the said Commissioners; and the Defendant or Defendants in such Action or Actions shall, and he, she or they is and are hereby required to name an Attorney or Attornies who shall appear thereto, or file Common Bail and accept One or more Issue or Issues, whereby such Claim or Claims and the Right or Rights thereby insisted on may be tried and determined, (such Issue or Issues to be settled by the proper Officer of the Court in which the said Action or Actions shall be commenced, in case the Parties shall differ about the same); and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding and conclusive upon all and every Person or Persons whomsoever, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts and order a new Trial to be had therein,

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

therein, which it ſhall be lawful for the Court to do as is uſual in other Caſes; and after ſuch Verdict or Verdicts ſhall be obtained, and not ſet aſide by the Court, the ſaid Commiſſioners ſhall and they are hereby required to act in conformity thereto, and to allow or diſallow the Claim or Claims thereby determined according to the Event of ſuch Trial or Trials: Provided always, that the Determination of the ſaid Commiſſioners touching ſuch Claim or Claims to any Rights of Common, Tythes or other Intereſts, in, over or upon the Lands and Grounds hereby directed to be divided, allotted and incloſed, or diſcharged from Tythes, or any Part thereof, which ſhall not be objected to, or which being objected to, the Party or Parties objecting not cauſing ſuch Action at Law to be brought and proceeded in as aforeſaid, ſhall be final, binding and concluſive upon all Parties.

Determination of Commiſſioners to be final if not objected to or Action not brought or proceeded in.

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

If any of the Parties die Proceedings not to abate.

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

Proviſion in Caſes of Death of Parties before Actions brought.

XIII. Provided alſo, and be it further enacted, That nothing in this Act contained ſhall extend to enable the ſaid Commiſſioners to determine any Right between any Parties contrary to the Poſſeſſion of any of ſuch Parties (except in caſes of Encroachments made within the Period of Thirty Years as hereinafter mentioned); but in caſe the ſaid Commiſſioners ſhall be of opinion againſt the Right of the Perſon or Perſons ſo in Poſſeſſion, they ſhall forbear to make any Determination thereupon, until the Poſſeſſion ſhall have been given up or recovered from ſuch Perſon or Perſons by Ejectment or other due Courſe of Law.

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

XIV. And be it further enacted, That the ſaid Commiſſioners acting under the ſaid Act firſt herein recited, ſhall and they are hereby required, as ſoon as conveniently may be after the Allotment or Allotments ſhall have been aſcertained or made, from and out of the ſaid *Eaſt* and *Weſt Fens*,

Commiſſioners to deduct One ninth from Mane-

Fens, in lieu of and in full Satisfaction and Compenſation for all Manerial Rights and Claims whatſoever in, over and upon the ſaid *Eaſt* and *Weſt Fens* in purſuance of the ſame Act, to deduct from the Manerial Allotment or Allotments by the ſame Act directed to be ſet out ſuch Part or Parcel, Parts or Parcels thereof as ſhall in the Judgment of the ſaid Commiſſioners (Quantity, Quality and Situation conſidered) be equal in Value to One-ninth Part of ſuch Allotment or Allotments; and ſuch Deductions when made ſhall be in lieu of and in full Compenſation and Satisfaction for all and all Manner of Tythes, both Great and Small, of what Nature or Kind ſoever, ariſing and renewing and which ſhall and may hereafter ariſe or renew within, upon or from the Allotment or Allotments ſo made in Satisfaction and Compenſation of ſuch Manerial Rights and Claims.

rial Allotment in lieu of Tythes.

XV. And be it further enacted, That when ſuch Deduction ſhall have been made in lieu of the Tythes of the ſaid Manerial Allotment or Allotments, it ſhall and may be lawful to and for the Commiſſioners acting under the ſaid Act firſt herein recited, and they are hereby authorized and required to allot and award ſuch Parcel or Parcels of Land, as ſhall be ſo taken from the ſaid Manerial Allotment or Allotments in lieu of the Tythes thereof as aforeſaid, unto and for the Chancellor of the Duchy of *Lancaſter* for the Time being, the Lord Biſhop of *Lincoln*, the Lord of the Manor of *Armtree* with *Wildmore*, the Lord Biſhop of *Carliſle*, the Archdeacon of *Lincoln*, and their Succeſſors for the Time being, to be held and enjoyed by them and their Succeſſors, as Freehold in Fee, for the Uſe and Benefit of ſuch Perſon or Perſons as may be duly appointed to ſerve as Miniſter or Miniſters of any Chapel or Chapels, which may by Authority of Parliament, be built, conſecrated and ſet apart for the Publick Worſhip of Almighty God, according to the Laws Eccleſiaſtical of this Realm, within the ſaid *Eaſt*, *Weſt* and *Wildmore Fens*, in the County of *Lincoln*, or any or either of them, for the Uſe of ſuch Perſon and Perſons as may from Time to Time inhabit Houſes upon the ſaid Fens reſpectively, and until a Chapel or Chapels ſhall be ſo built and conſecrated, and a Miniſter or Miniſters thereof duly appointed, the Rents, Iſſues and Profits of ſuch Plots or Parcels of Land as aforeſaid, as well as the Rents and Profits of the other Plots or Parcels of Land hereinafter directed to be ſet out for the ſaid Chancellor of the Duchy of *Lancaſter*, the ſaid Lord Biſhop of *Lincoln*, the ſaid Lord of the Manor of *Armtree* with *Wildmore*, the ſaid Lord Biſhop of *Carliſle*, and the ſaid Archdeacon of *Lincoln*, and their Succeſſors, ſhall, until the ſame ſhall be applied for the Purpoſes of this Act be by them placed out at Intereſt on Government Securities, and the Principal and Intereſt Monies ariſing or to ariſe from ſuch Rents and Profits ſhall accumulate and be applied towards diſcharging the Expences of building any Chapel or Chapels, and Houſe or Houſes which may be authorized by Parliament to be erected and built within the ſaid *Eaſt*, *Weſt* and *Wildmore Fens*, for the Reſidence of the officiating Miniſters of ſuch Chapel or Chapels, and for the increaſing of the Stipend or Stipends of any Miniſter or Miniſters who may be appointed to officiate in ſuch Chapel or Chapels, or in purchaſing Lands for their Uſe as Glebe.

Lands to be deducted from Manerial Allotments to be appropriated for erecting and endowing Chapels in the Fens.

XVI. And be it further enacted, That as ſoon as conveniently may be after the Value of the ſaid Parochial or General Allotments to be ſet out by virtue of the ſaid Act firſt herein recited ſhall have been aſcertained, it

Allotment to be made to Truſtees from the Property

of the Tythe Owners for erecting and endowing Chapels.

it shall and may be lawful to and for the Commissioners for executing such Act, and they are hereby authorized and required to separate and set apart such Plots or Parcels of Land in such Place or Places in the said *East* and *West Fens* as they shall think proper, and which in their Judgment (Quantity, Quality and Situation considered) shall be equal in Value to One hundred and seventy-five Acres of the average Value of such Fens, and to allot and award such Plots or Parcels of Land to the said Chancellor of the Duchy of *Lancaster*, the said Lord Bishop of *Lincoln*, the said Lord of the Manor of *Armtree* with *Wildmore*, the said Lord Bishop of *Carlisle*, and the said Archdeacon of *Lincoln*, and their Successors for the Time being, upon the like Trusts and for the same Intents and Purposes as are hereinbefore set forth with respect to the Lands to be set out for the Tythes of the Manerial Allotment or Allotments; and such Commissioners shall and they are hereby required to deduct the Value of the said One hundred and seventy-five Acres partly out of and from all the Lands and Grounds to be allotted to the several Tythe Owners out of the said Parochial or General Allotments to be set out by virtue of the said Act first herein recited, in a fair and equitable Proportion, according to the Extent and Value of each Parochial or General Allotment, and partly from One-ninth Part of the average Value of such Allotments as shall be determined to be made or set out in the said *East* and *West Fens* in respect of any Houses, Toftsteads, Lands and Grounds not subject to Tythe, so that the same Deduction be made from One-ninth Part of such last-mentioned Allotments as would have been made in case such Ninth Part had been set out in lieu of Tythes under or by virtue of this Act.

Restricting the Deduction from Allotments of Tythe Owners for endowing Chapels.

XVII. Provided always, and be it further enacted, That if the said One hundred and seventy-five Acres shall exceed One-ninth Part of all the Lands allotted to the said Tythe Owners in lieu of the Tythe of the said Fens called the *East* and *West Fens*, and the One-ninth Part of the Ninth of the average Value of such Allotments as shall be determined to be made or set out in the said *East* and *West Fens* in respect of any Houses, Toftsteads, Lands and Grounds not subject to Tythe as aforesaid, then the said Commissioners shall separate and set apart as aforesaid so much less than One hundred and seventy-five Acres as shall reduce the same to One-ninth Part of the Whole of such Tythe Allotments, and of One-ninth of such other Allotments as aforesaid.

Allotment to be taken out of the Lay Proprietors' Allotments for erecting and endowing Chapels.

XVIII. And be it further enacted, That the Commissioners acting under the said Act first herein recited shall, and they are hereby required, out of the said Parochial or General Allotments to be made to each and every Parish, Township and Place, having Right of Common on the said Fens, to set out, allot, and award unto the said Chancellor of the Duchy of *Lancaster*, the said Lord Bishop of *Lincoln*, the said Lord of the Manor of *Armtree* with *Wildmore*, the said Lord Bishop of *Carlisle*, and the said Archdeacon of *Linlcon*, and their Successors for the Time being, such other Plots or Parcels of Land, in such Place or Places in the said *East* and *West Fens* as they shall think proper, and which in their Judgment (Quantity, Quality, and Situation considered) shall be equal in Value to One hundred and fifty-six Acres of the average Value of the said Fens, upon the like Trusts, and for the same Intents and Purposes as are herein-before declared with respect to the Lands to be set out in lieu of the Tythes of the Manerial Allotment or Allotments.

XIX. And

Compensation for Tythes of the Residue of Commons.

XIX. And be it further enacted, That the Commissioners for executing this Act shall, and they are hereby required, to set out, allot, and award unto and for the several and respective Tythe Owners within the said several Parishes, Townships, or Places, the Parochial or General Allotments for which are directed by this Act to be divided and inclosed, such Plots or Parcels of every such last-mentioned Parochial or General Allotment or Allotments (except the Allotments made or to be made to the Parishes of *Revesby* and *Hagnaby*, and the Hamlet or Place of *Frith Bank*), as in the Judgment of the said Commissioners shall be equal in Value (Quantity, Quality, and Situation considered) to One-ninth Part in Value of such Allotment or Allotments, in lieu of and as a Recompence and Compensation for all Tythes both Great and Small, and all Moduses and Payments whatsoever in lieu of Tythes, belonging to the Tythe Owner or Tythe Owners of each such Parochial or General Allotment respectively; and from and immediately after such Allotment or Allotments in lieu of Tythes shall have been made, all Tythes and all other Ecclesiastical Dues and Payments whatsoever, arising, growing or renewing, or payable upon, within, or for such Parochial or other General Allotments, shall cease and determine (except the usual and accustomed Surplice Fees, *Easter* Offerings and Mortuaries).

Compensation for Tythes.

XX. And be it further enacted, That the said Commissioners for executing this Act shall, and they are hereby authorized and required, where any Proprietor or Proprietor's Share or Proportion of any Parochial or General Allotment or Allotments shall be sufficient to compensate for the Tythes of all his, her and their Lands, Tenements, and Hereditaments within the respective Parishes, Townships or Places, the Parochial or General Allotments for which are by this Act directed to be divided and inclosed, to set out, allot and award unto and for the Person and Persons entitled to such Tythes respectively, his, her and their Heirs and Successors, such Part or Parts of the Shares and Proportions of any Person who may be entitled to the whole or a Part of such Parochial or General Allotments respectively, as shall, in the Judgment of the said Commissioners, be equal in Value to One-fifth Part of such his, her or their Lands as were arable or in a Course of Tillage, between the Sixth Day of *April* One thousand eight hundred and nine and the Twenty-fifth Day of *March* One thousand eight hundred and ten, and to not more than One-seventh Part, nor less than One tenth Part of all other his, her or their Lands or Grounds, according to the average Value fixed thereon by the Quality-men appointed by the said Act first herein recited to qualify and value the same, in lieu of and as a full Recompence and Satisfaction for all Tythes both Great and Small, and all Moduses, Dues and Payments whatsoever, payable or accruing to the Tythe Owner or Tythe Owners for such Lands, Tenements and Hereditaments as last mentioned, except *Easter* Offerings, Surplice Fees and Mortuaries; and where there shall be more than One Tythe Owner within any one such Parish, Township, or Place, it shall and may be lawful for the said Commissioners, and they are hereby authorized and required to separate, divide and award such Lands and Grounds as they shall so set out in lieu of the Tythes arising or payable within any such Parish, Township or Place between such Tythe Owners, according to their respective Rights and Interests therein, to be ascertained by the said Commissioners; and where Two Parishes are united and held as One Benefice, the Lands to be allotted in lieu of the Tythes thereof shall be laid together,

together, or as near to each other as the general Convenience of the Proprietors at large will admit of.

Regard to be had to Moduſes in making Compenſation for Tythes.

XXI. Provided always, and be it further enacted, That the ſaid Commiſſioners ſhall, in making ſuch Allotments of not more than One-ſeventh Part nor leſs than One-tenth Part of the Lands and Grounds laſt mentioned, have due Regard to exiſting Moduſes or other Payments in lieu of Tythes, and ſhall aſcertain the Amount or Value thereof accordingly.

Compenſation to be made for Tythes of Lands of the Ciſtercian Order.

XXII. And whereas there are within ſeveral of the Pariſhes, Townſhips, and Places, the Parochial or General Allotments for which are by this Act directed to be divided and incloſed, certain Lands and Grounds, which are claimed to be exempt from Tythes when in the Manurance or Occupation of the Owners or Proprietors thereof, as being formerly Part of or appendant or appurtenant to ſome Abbey, Priory, or religious Houſe of the *Ciſtercian* Order; be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby required to ſet out, allot and award unto and for the Perſon and Perſons entitled to ſuch Tythes reſpectively, his, her and their Heirs and Succeſſors, from and out of the Lands to be ſet out and allotted to the Owners and Proprietors of ſuch Lands and Grounds under and by virtue of this Act, ſuch Part or Parts of the ſame Lands as ſhall, in the Judgment of the ſaid Commiſſioners, be equal in Value to One Moiety of the Proportions herein-before directed to be ſet out and allotted in lieu of Tythes as aforeſaid, in full Satisfaction and Compenſation for the Tythes of the Lands and Grounds ſo claimed to be partially exempted from Tythes as aforeſaid, and alſo for the Tythes of any Part or Share of ſuch Parochial or General Allotments as aforeſaid, to which the Owners or Proprietors of ſuch Lands and Grounds ſo claimed to be partially exempt from Tythes as aforeſaid, may or ſhall be entitled in reſpect of ſuch Lands or Grounds ſo claimed to be partially exempt from Tythes as aforeſaid, and from and after the making of ſuch Allotments, ſuch laſt mentioned Lands and Grounds ſhall be from thence for ever wholly diſcharged and exempt from Payment of all Tythes whatſoever.

Allotments in lieu of Tythes to be fenced.

XXIII. And be it further enacted, That as ſoon as conveniently may be, after the ſeveral Allotments herein directed to be ſet out for Tythes ſhall have been ſet out as herein is directed, the Allotment or Allotments to be ſet out in reſpect of each and every Pariſh, Townſhip, or Place ſhall be incloſed, on all ſuch Sides or Parts thereof as the ſaid Commiſſioners ſhall not order or direct to be fenced by any other Perſon or Perſons (where the ſaid Commiſſioners ſhall order the ſame to be planted with Quick), with good thriving Quickſets of White Thorn, guarded on both Sides with good Poſts and three Rails, the Poſts to be of Oak, and the Rails of Oak, Aſh, or ſome other durable Wood, with ſufficient Ditches; and where the Commiſſioners ſhall think large Ditches proper Fences, with a good and ſufficient Ditch Eight Feet wide and Four Feet deep; and the Expence of ſuch fencing and ditching thereof ſhall be paid out of the Fund herein provided for defraying the Charges and Expences attending the Subdiviſion of the Parochial or General Allotments within which ſuch Tythe Allotments ſhall be reſpectively ſituated, and by the ſeveral Owners of Lands and Grounds lying in ſuch Pariſhes, Townſhips, or Places as the ſaid Commiſſioners for executing this Act ſhall diſcharge from Tythes, in ſuch Proportions as the ſaid Commiſſioners ſhall at any Time or Times, by Writing

Writing under their Hands, or by their Award for ſuch Pariſh, Townſhip, or Place aſcertain, direct, or appoint; and the Fences which ſhall be ſo made by the ſaid Commiſſioners ſhall for ever thereafter be maintained and kept in Repair by the ſeveral Perſons and Parties intereſted in each ſuch Tythe Allotments for the Time being, or by ſuch other Perſon or Perſons as the ſaid Commſſioners ſhall direct and appoint in and by their Award to be made by virtue of this Act.

Where the Commons are inſufficient to commute for the Tythes, the Deficiency to be made up by a Money Payment, to be regulated by the Price of Corn.

XXIV. And be it further enacted, That where the Property or Shares of any Perſon or Perſons intereſted in any of the ſaid Parochial or General Allotments, Lands and Grounds hereby directed to be divided and incloſed, ſhall not be equal in Value to the Quantity or Proportion of Land hereinbefore required to be given for diſcharging from Tythes his, her or their Lands, Tenements, and Hereditaments within any Pariſh, Townſhip, or Place, the Parochial or General Allotments for which are by this Act directed to be divided and incloſed, or where any Perſon or Perſons is or are the Owner or Owners of any incloſed Lands, Tenements, and Hereditaments in any ſuch Pariſh, Townſhip, or Place ſubject to Tythes, and ſhall not be entitled to, or the Owner of any Share in ſuch Parochial or General Allotment, Lands and Grounds as aforeſaid, the ſaid Commiſſioners ſhall, and they are hereby authorized and required to aſcertain what Sum of Money will be equal in Value to the Quantity or Proportion of Land ſo required to be given as aforeſaid; and after deducting from the Value of ſuch Quantity or Proportion the Value of any Shares or Proportions of the ſaid Parochial or General Allotments, Lands or Grounds which may have been ſet apart and appropriated by the ſaid Commiſſioners towards diſcharging the Lands, Tenements, and Hereditaments of ſuch Proprietor from Tythes as hereinbefore is directed, to aſcertain what yearly Rent or annual Sum of Money *per* Acre will be equal in Value to the Remainder of ſuch Quantity or Proportion, after ſuch Deduction as aforeſaid; or if no ſuch Share or Proportion of ſuch Parochial or General Allotments, Lands or Grounds ſhall have been appropriated for the Purpoſes laſt-mentioned, then the ſaid Commiſſioners ſhall aſcertain and determine what yearly Rent or annual Sum of Money *per* Acre will be equal in Value to the full Quantity or Proportion of Land required to be given for diſcharging from Tythes ſuch Lands, Tenements and Hereditaments; and the Owner or Owners, Proprietor or Proprietors of ſuch laſt-mentioned Lands, Tenements and Hereditaments, and their reſpective Heirs and Succeſſors for ever, ſhall pay or cauſe to be paid ſuch yearly Rent or annual Sum of Money (ſubject to ſuch Variation as hereinafter mentioned) unto the Perſon or Perſons for the Time being who would be entitled to the Tythes of ſuch Lands, Tenements, and Hereditaments if the ſame had not been diſcharged from Tythes; and ſuch Lands, Tenements, and Hereditaments ſhall for ever remain charged with and ſubject to the Payment of ſuch yearly Rent or annual Sum of Money, ſubject to ſuch Variation and Apportionment as hereafter mentioned, and the ſame ſhall be paid and payable half-yearly, clear of all Parliamentary and Parochial Rates, Taxes and Duties whatſoever; the firſt Payment of ſuch annual Rent to begin and to be made at ſuch Time as the ſaid Commiſſioners ſhall by any Writing under their Hands order and direct; and the ſaid Commiſſioners are hereby required to ſtate and ſet forth in their Award or Awards on what Day of the Year, and where and to whom ſuch yearly Rents or annual Sums of Money reſpectively ſhall be paid and payable, and out of what Lands and Grounds, and in what Proportion the ſame are to be iſſuing and payable,

and

and alſo to mark out and particularly diſtinguiſh in or upon a Map or Plan, to be annexed to their Award or Awards, the Lands and Grounds charged with and liable to the Payment of ſuch yearly Rents or annual Sums of Money reſpectively; and from and immediately after ſuch yearly Rents or annual Sums of Money ſhall have commenced, and ſuch Allotments as laſt-mentioned have been ſet out in lieu of the Tythes of any Lands, Tenements, and Hereditaments, and ring-fenced according to the Directions of this Act, all Tythes, Moduſes, and Payments in lieu of Tythes, and all other Eccleſiaſtical Dues whatſoever theretofore due or payable for or on account of ſuch Lands, Tenements, and Hereditaments ſhall ceaſe and determine (*Eaſter* Offerings, Surplice Fees, and Mortuaries excepted).

For aſcertaining and varying the Rent according to the Price of Corn.

XXV. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby required to enquire into and aſcertain from the *London Gazette*, and by ſuch other Ways and Means as they ſhall think proper, what has been the average Price of a *Wincheſter* Buſhel of Wheat in the County of *Lincoln* during the Term of Twenty-one Years next preceding the paſſing of this Act, and after having deducted the average Price of a *Wincheſter* Buſhel of Wheat during the Three deareſt Years within the Period of ſuch Twenty-one Years from ſuch average Price of Twenty one Years, ſhall aſcertain the average Price of a *Wincheſter* Buſhel of Wheat during the remaining Eighteen Years, and ſhall in and by their ſaid Award or Awards diſtinctly ſet forth ſuch average Price, and what Quantity of Wheat at that Price the yearly Rent or annual Sums of Money to be paid out of each Proprietor's Eſtate reſpectively would purchaſe; and it ſhall and may be lawful, as well for the Perſon or Perſons for the Time being to whom ſuch yearly Rents or annual Sums of Money may be due and payable, as for the major Part in Value of the Perſons liable to pay the ſame in each and every Pariſh, Townſhip, or Place as aforeſaid, at their reſpective proper Expence, by Writing under their reſpective Hands, to apply at the Firſt General Quarter Seſſions of the Peace, to be holden for the Parts of *Lindſey*, or the Parts of *Holland*, in the ſaid County of *Lincoln*, within which ſuch Pariſh, Townſhip or Place ſhall be ſituated, in the Week after the Feaſt of *Eaſter* next after the Expiration of Ten Years from the Time of ſuch yearly Rents or annual Sums of Money reſpectively ſhall have commenced (having given Notice of ſuch intended Application in the *London Gazette*, and alſo in ſome Newſpaper uſually circulated in the ſaid Parts of *Lindſey* or *Holland*, ſo long as any ſhall be publiſhed, in the Month of *January* then next preceding), to have Two Perſons, named and appointed by the Juſtices then and there aſſembled, to be, together with a Third Perſon to be named and choſen by ſuch Two Perſons, Arbitrators or Referees for inquiring into and aſcertaining by or from, or by Means of the *London Gazette* (ſo long as the Returns of the average Prices of Corn and Grain ſhall be publiſhed therein, and in caſe of no ſuch Publication, then by ſuch Ways or Means as they ſhall think equitable or proper) the average Price of a *Wincheſter* Buſhel of good marketable Wheat within the ſaid County of *Lincoln*, for the Ten Years then laſt paſt; which ſaid Three Arbitrators or Referees, or the major Part of them ſhall by their Report to be made and delivered to the Court of Quarter Seſſions to be holden in and for the Parts of *Lindſey* or *Holland*, in the Firſt Week after the Feaſt of Saint *Thomas* the Martyr then next enſuing, ſet forth ſuch average Price; and in caſe it ſhall by ſuch Report appear that ſuch average Price of a Buſhel of ſuch Wheat is more or leſs than the average Price thereof ſet forth in the ſaid Award or Awards by the Value of Three-pence or upwards,

wards, then the ſaid reſpective yearly Rents or annual Sums of Money payable within any Pariſh, Townſhip, or Place on account of which ſuch Application ſhall be made as laſt aforeſaid, ſhall be increaſed or diminiſhed as ſhall be declared by Order of the ſaid Court, and the ſame ſhall from the half-yearly Day of Payment preceding ſuch Order remain and continue iſſuing and payable as aforeſaid out of the ſeveral Lands, Tenements, and Hereditaments charged by the ſaid Award or Awards with ſuch reſpective yearly Rents or annual Sums of Money, until the ſame ſhall at or after the End of Ten Years thence next enſuing be again varied by ſuch Application, and in ſuch Manner as herein-before mentioned, and ſo from Time to Time at or after the End of Ten Years for ever; and that if any of the ſaid yearly Rents or annual Sums of Money, as firſt ſettled by the ſaid Commiſſioners, or to be varied according to the Directions of this Act, or any of them, or any Part thereof reſpectively, ſhall be in Arrear and unpaid for the Space of Twenty-one Days next after the Day which ſhall be appointed by the ſaid Commiſſioners for Payment thereof, then from Time to Time, when and as often as any ſuch Caſe ſhall happen, it ſhall be lawful for the Perſon or Perſons to whom the ſame ſhall be due and belong to enter into and diſtrain upon the Lands, Tenements, and Hereditaments charged with ſuch yearly Rents or annual Sums ſo in Arrear and unpaid, or into any Houſe or other Lands within the ſame Pariſh, Townſhip, or Place belonging to the Perſon by whom the ſame ought to be paid, and the Diſtreſs and Diſtreſſes then and there found to take and diſpoſe of according to the Law now in force, or which ſhall from Time to Time be in force concerning Diſtreſſes for Rent reſerved upon Leaſes for Years; and that upon the Death, Ceſſion, Reſignation, or Removal of any Eccleſiaſtical Perſon entitled to any ſuch yearly Payments or annual Sums of Money, he, hi Executors or Adminiſtrators, ſhall be entitled to and receive ſo much and ſuch Part of the ſaid yearly Payment or annual Sum of Money, as ſhall be in proportion to the Number of Days elapſed to the Day of ſuch Death, Ceſſion, Reſignation, or Removal, from the laſt preceding Day of Payment.

For apportioning Corn Rents on Lands hereafter ſold.

XXVI. And be it further enacted, That it ſhall and may be lawful for the Owner of each and every Eſtate which ſhall be ſo made ſubject to any yearly Rent or Sum of Money as aforeſaid, upon a Diviſion thereof either by Sale or otherwiſe, to appoint and charge each and every Part of the Eſtate ſo divided with a due and fair Proportion of the ſaid yearly Rent or Sum of Money ſo to be made iſſuing and payable thereout as aforeſaid, provided that upon every ſuch Diviſion due Regard be had to the Quantity of Acres in, and the Rate by the Acre aſcertained by the ſaid Commiſſioners upon the whole or any Part of ſuch Eſtate, and that each and every Diviſion may be made to bear a fair and juſt Proportion of the ſaid yearly Rents or annual Sums of Money, ſo aſcertained by the ſaid Commiſſioners, as near as may be; and as the Power of recovering the Arrears of the ſaid yearly Rents or annual Sums of Money is hereinbefore extended to the whole of each and every Eſtate, the ſaid Power ſhall continue and remain the ſame until a Diviſion of the Eſtate and Apportionment of the ſaid yearly Rents or annual Sums of Money ſhall be made known to the Perſon or Perſons for the Time being who may be entitled to receive the ſame, by a written Notice thereof from the Party or Parties; and after ſuch Notice, his or their Power of Diſtreſs and Recovery of Rent, ſo apportioned and being in Arrear, ſhall be upon each and every Diviſion

so made, in like Manner as it is in and by this Act directed upon the whole of such Estates so divided as aforesaid.

Schedules of Corn Rents to be made.

XXVII. And, in order to prevent any Difficulty in the Collection of such Rent to any Person or Persons entitled thereto, by the Division of any Estate by Sale or otherwise, and to facilitate the future regulating of the aforesaid yearly Rents or annual Sums of Money; be it further enacted, That the said Commissioners shall and they are hereby required to make or cause to be made Two complete Schedules or Descriptions of each and every Parcel of Land or Ground in each Parish, Township or Place, out of which yearly Rents or annual Sums of Money shall by virtue of this Act be made issuing and payable as aforesaid, with the Name or Names of the then Owner or Owners thereof respectively, the exact Measure in Acres, Roods and Perches, and the yearly Rents or Sums of Money issuing thereout respectively, and the Rate by the Acre by which the said yearly Rents or Sums of Money shall be charged as aforesaid, and such other Requisites as shall be judged proper or necessary by the said Commissioners to render every Matter respecting such yearly Rents or Sums of Money clear and plain in future; which said Schedules or Descriptions shall be signed by the said Commissioners, and One deposited in the Vestry of the Church or Chapel of the Parish, Township or Place where the Lands or Grounds so to be charged shall be situated, and the other annexed to the Award of the said Commissioners and be enrolled therewith.

Allotments for Tythes not to be separated.

XXVIII. And be it further enacted, That the Allotment or Allotments to be set out for each Tythe Owner, in lieu of the Tythes of the said Parochial or General Allotments hereby directed to be divided and inclosed, and in lieu of the Tythes of any Lands, Tenements or Hereditaments, shall be laid together and shall not be separated by any other Allotments, as far as may be consistent with the Convenience of the Proprietors at large.

Tythes to be payable until the Allotments are made.

XXIX. And be it further enacted, That until the Allotment or Allotments shall have been set out in lieu of Tythes in pursuance of this Act, or Payments in lieu thereof be directed to commence, the Person and Persons who may be entitled to the Tythes of the said Parochial or General Allotments, and other Lands, Tenements and Hereditaments to be discharged from Tythes under this Act, shall and may receive and enjoy such and the same Tythes as he or they could or respectively might have done in case this Act had not been made.

For selling Lands towards defraying Expences.

XXX. And be it further enacted, That for providing a Fund for defraying the Costs, Charges and Expences of obtaining this present Act and carrying the same into Execution, and fencing the several Allotments made in lieu of Tythes under or by virtue of this Act, it shall and may be lawful to and for the Commissioners for executing this Act, and they are hereby authorized, empowered and required, before the making of any of the Allotments hereinafter directed to be made, to sell and dispose of such Parts or Parcels of the said Parochial or General Allotments (except the Allotment or Allotments to be deducted out of the Manerial Allotment in respect of the Tythes thereof, and also except the Allotment or Allotments to be made for the Tythe Owners as hereinbefore directed) as they shall judge

judge moſt proper and expedient, in Lots not exceeding Ten Acres in each Lot, in Manner provided for by the ſaid Act firſt herein recited.

Commiſſioners empowered to charge Proprietors with ſuch Expences as the Funds to be raiſed by Sale of Lands ſhall fall ſhort of diſcharging.

XXXI. And be it further enacted, That in caſe the Funds to be raiſed by the ſaid Commiſſioners by Sale of Lands, for the Purpoſes directed by this Act, ſhall be inſufficient to diſcharge the ſeveral Charges and Expences in anywiſe incurred thereby, the ſame ſhall be borne and paid by all the Proprietors of the Allotments to be made from or out of the Lands and Grounds hereby directed to be divided and incloſed (except the ſeveral Tythe Owners with reſpect to their Allotments in lieu of Tythes) according to their ſeveral and reſpective Shares, Intereſts and Allotments therein, to be adjuſted, ſettled and determined by the ſaid Commiſſioners, and by them recovered in Manner preſcribed by the ſaid Act ſecondly herein recited; any Thing herein contained to the contrary notwithſtanding.

Application of Surplus Money.

XXXII. And be it further enacted, That in caſe any Surplus Money ſhall remain after all ſuch Coſts, Charges and Expences as aforeſaid ſhall have been fully paid and ſatisfied, ſuch Surplus Money ſhall be divided and apportioned between the ſeveral Proprietors intereſted in the Parochial or General Allotments, Lands and Grounds hereby directed to be divided and incloſed, according to their ſeveral and reſpective Rights and Intereſts therein, and ſuch proportional Parts and Shares of ſuch Surplus Money ſhall be paid to thoſe Proprietors who are Tenants in Fee Simple of the Eſtates in right of which they ſhall be entitled to ſuch Surplus Money; but the Surplus Money to which any Proprietor not being Tenant in Fee Simple may be entitled, ſhall be applied and diſpoſed of in the ſame Manner as any Money to be paid for the Purchaſe or Exchange of Lands, Tenements or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchaſe or Exchange of other Lands, Tenements or Hereditaments, to be ſettled to the ſame Uſes, as by the ſaid Act ſecondly herein recited directed to be applied and diſpoſed of.

Allotment for Right of Soil.

XXXIII. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized and required to ſet out and allot unto and for the Lords or Ladies of the reſpective Manors within the ſeveral Pariſhes, Townſhips and Places, the Parochial or General Allotments for which are by this Act directed to be divided and incloſed, ſuch Part of the Commonable Lands and Waſte Grounds within the ſaid reſpective Pariſhes (except the intended Parochial or General Allotments in the *Eaſt* and *Weſt Fens* for the Manerial Intereſt, wherein Compenſation is directed to be made under the Authority of the ſaid Act firſt herein recited,) as in the Judgment of the ſaid Commiſſioners ſhall be equal in Value to One Thirty-fifth Part of all ſuch Commonable Lands and Waſte Grounds, except as aforeſaid, in lieu, bar and ſatisfaction of and for their reſpective Rights and Intereſts in or to the Soil of ſuch Commonable Lands and Waſte Grounds reſpectively.

Reſidue allotted.

XXXIV. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized and required, after the ſaid Allotments hereinbefore directed ſhall have been made, and the ſaid Lands ſold for the Purpoſes of this Act, to ſet out, allot and divide the Reſidue of every

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such Parochial or General Allotment (except the Parochial or General Allotments to be set out for the Parishes of *East Kirkby* and *Sibsey*, and the Hamlet or Place of *Frith Bank*, within the Soke of *Bolingbroke*, and for the Parishes, Townships and Places of *Boston East*, *Skirbeck*, *Fishtoft*, *Freiston*, *Butterwick*, *Benington*, *Leverton* and *Leake*, called the *East Holland Towns*,) and the Commonable Lands and Waste Grounds by this Act directed to be divided and inclosed in Manner following, that is to say, one Moiety or Half Part thereof in Value (Quantity, Quality and Situation considered) to and amongst the Owners and Proprietors of Houses and Toftsteads having Right of Common or other Interests in or upon such Parochial or General Allotments respectively, each Toftstead being considered as entitled to One Moiety only of the Quantity and Value of Land which shall be allotted as the Proportion of each House, and no Regard shall be had to nor any Distinction made on account of the Magnitude or Value of the said Houses or Toftsteads, or any of them; and the remaining Moiety or Half Part of the Residue of each Parochial or General Allotment unto and amongst the Owners and Proprietors of Lands and Grounds in the same Parish, Township or Place respectively, who have been allowed or hereafter shall be allowed by the Commissioners acting in the Execution of the said Act first herein recited to be entitled to a Share or proportional Part of the said *East* and *West Fens*, in respect of any House within any Parish, Township or Place heretofore having Right of Common on the said *East* and *West Fens*, in proportion and according to the Value of such their Lands and Grounds lying in such Parish, Township or Place respectively, and according to the Valuation thereof by the said Quality-Men; and also to set out, allot and divide all the other Unincloſed Lands and Grounds within the respective Parishes, Townships or Places, the Parochial or General Allotments for which are by this Act directed to be divided and inclosed, amongst the several Persons entitled thereto, according to their respective Rights and Interests therein.

For parishing the several Parochial and General Allotments.

XXXV. And be it further enacted, That such Parts of the said *East* and *West Fens* as shall be allotted unto and for the Use and Benefit of the Owner or Owners, Proprietor or Proprietors of any Houses, Toftsteads, Lands and Grounds in any of the several Parishes, Townships or Places of *Bolingbroke*, *Hareby*, *Asgarby*, *Lusby*, *Raithby*, *Hundleby*, *Mavis-Enderby*, *Spilsby*, *Halton-Holgate*, *Little Steeping*, *Thorpe*, *Toynton All-Saints*, *Toynton Saint Peter's*, *East Keal*, *West Keal*, *Miningsby*, *Revesby*, *Hagnaby*, *Stickford*, *Stickney*, and the Hamlet or Place of *Frith Bank*, within the Soke of *Bolingbroke*, shall from the Time of setting out and fencing of such Allotments respectively be for ever deemed and taken, to all Intents and Purposes whatsoever, to be within and Part of the same Parish, Township or Place in which the Houses, Toftsteads, Lands and Grounds in right whereof such Allotment or Allotments shall be made are situated, and such Allotment or Allotments shall be accordingly rated to all Parliamentary and Parochial Taxes and Assessments within such respective Parish, Township or Place.

Encroachments.

XXXVI. And be it further enacted, That all Encroachments which at any Time within Thirty Years now last past have been made upon the Commonable Lands and Waste Grounds by this Act directed to be divided and inclosed, shall be deemed Part thereof respectively, and shall be divided and allotted accordingly; and if any Dispute shall arise as to the Space

Space of Time during which the ſaid Encroachments ſhall have been made or ſubſiſted, the ſame ſhall be determined by the ſaid Commiſſioners, who ſhall proceed to ſettle ſuch Diſpute in the ſame Manner as by the ſaid Act ſecondly herein recited they are directed to proceed in the Settlement of the Claims of Perſons to any of the Lands or Grounds hereby directed to be divided and incloſed.

Commiſſioners may ſuſpend or extinguiſh Common Rights before ſigning their Award.

XXXVII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized and empowered, at any Time or Times before the Execution of their Award or Awards to be made in purſuance of this Act, by Notice in Writing under their Hands, to be affixed upon the principal Door of each of the Pariſh Churches of the ſeveral Pariſhes intereſted in the Parochial or General Allotments hereby directed to be divided and incloſed, to order and direct all or any Part of the Rights of Common in, over, or upon the ſaid Parochial or General Allotments, Lands and Grounds by this Act directed to be divided and incloſed, to be extinguiſhed or the Exerciſe thereof to be ſuſpended for and during ſuch Time as ſhall be expreſſed in ſuch Writing, and that all ſuch Rights of Common as the ſaid Commiſſioners ſhall by ſuch Writing order and direct to be extinguiſhed, or the Exerciſe thereof to be ſuſpended as aforeſaid, ſhall from the Time ſet forth in ſuch Writing ceaſe, determine and be extinguiſhed, or the Exerciſe thereof be ſuſpended accordingly, any Law, Uſage or Cuſtom to the contrary thereof notwithſtanding.

Expences of Commutation of Tythes, Exchanges, &c. to be paid by Perſons intereſted.

XXXVIII. And be it further enacted, That all Charges and Expences incident or in anywiſe relating to the Commutation of or Compenſation for the Tythes of any of the ſaid Pariſhes, Townſhips or Places now ſubject to the Payment of Tythes or Compoſitions in lieu thereof, or to any Exchange or Partition to be made, ſhall be paid and borne by the Perſons liable to pay ſuch Tythes, and by the Perſons requiring or intereſted in ſuch Exchanges or Partitions, in ſuch Shares and Proportions as the ſaid Commiſſioners ſhall think proper and reaſonable, and by Writing under their Hands from Time to Time direct and appoint, and ſhall be recoverable in the ſame Manner as any Penalty under the ſaid Act firſt herein recited is authorized to be recovered.

Proprietors may ſell Common Rights and other Eſtates before the Execution of the Award.

XXXIX. And be it further enacted, That it ſhall be lawful for any Perſon or Perſons intereſted in the Lands and Grounds hereby directed to be divided and incloſed, at any Time before the Execution of the ſaid Award, to ſell and diſpoſe of the Right of Common or other Right, Intereſt and Property which he, ſhe or they ſhall have therein, and to grant and convey the ſame to the Purchaſer or Purchaſers thereof reſpectively, by Grant, Bargain and Sale enrolled, or by Leaſe and Releaſe, or other Deed or Writing, according to the Tenure of the Eſtate or Intereſt, in reſpect whereof ſuch Allotment or Allotments ſhall be made, ſeparate from the Eſtate or other Intereſt in right of which he, ſhe or they ſhall be ſo entitled as aforeſaid; and it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required, upon the Conveyance or other Inſtrument by which ſuch Sale or Diſpoſition hath been or ſhall be made or effected, or by which any ſuch Right or Intereſt may have been or ſhall be reſerved being produced to them, and the Execution thereof being proved to their Satisfaction, to make an Allotment to the Perſon

and Perſons reſpectively entitled to the Right or Intereſt conveyedior reſerved inor by ſuch Conveyance or other Inſtrument at the Time of making and ſetting out the Allotments by this Act directed to be made.

Allotments to be of the ſame Tenure as the Lands in reſpect of which they were made.

XL. And be it further enacted, That all Allotments of Lands and Grounds, which ſhall be ſet out and allotted in purſuance of this Act ſhall be held by the ſame Tenure, and ſhall be ſubject to the ſame yearly and other Rents and Payments, Reliefs and Fines, Dues, Duties, Suits and Services, as the ſeveral and reſpective Lands, Tenements, Tythes and Hereditaments in reſpect of which the ſaid ſeveral Allotments ſhall be ſo ſet out or allotted, are and have heretofore been holden reſpectively.

Separate Allotments to be made for Eſtates held under ſeparate Titles.

XLI. And be it further enacted, That in caſe any Proprietor or Proprietors of any Lands, Tenements or Hereditaments within the ſaid ſeveral Pariſhes, the Parochial or General Allotments for which are directed by this Act to be divided and incloſed, ſhall hold the ſame for different Eſtates, in different Rights, or under different Titles, the ſaid Commiſſioners ſhall, upon the Requeſt of any ſuch Proprietor or Proprietors, in and by their Award aſſign, ſet out and allot diſtinct and ſeveral Allotments, by diſtinct and ſeveral Deſcriptions, for and in reſpect of each of the ſeveral Eſtates ſo held for different Eſtates, in different Rights, and under different Titles as aforeſaid, and ſhall declare in right of what Eſtate or Eſtates ſuch Allotment or Allotments reſpectively ſhall have been made.

Settlements, &c. not to be affected, nor Wills revoked.

XLII. Provided always, and be it further enacted and declared, That nothing in this Act contained ſhall extend or be conſtrued or adjudged to extend to revoke, make void, annul or alter any Settlement, Deed, Will or Leaſe, or to prejudice any Perſon having any Right or Claim of Dower, Jointure, Annuity, Debt, Charge or Incumbrance whatſoever, in, out of, upon or affecting any of the Lands, Tenements or Hereditaments hereby directed to be divided and incloſed, or which ſhall be exchanged or aſſigned in Compenſation for any other Eſtate or Right in purſuance of this Act reſpectively, but as well the Lands allotted as the Tenements or other Hereditaments which ſhall be ſo aſſigned in Exchange or in Compenſation for another Eſtate or Right, ſhall, immediately after ſuch Allotment, Exchange or Aſſignment ſhall be made, be veſted, remain and enure, and the ſeveral Perſons to whom the ſame ſhall be allotted, aſſigned or given in Exchange as aforeſaid, ſhall thenceforth ſtand and be ſeiſed and poſſeſſed thereof reſpectively to, for and upon ſuch and the ſame Uſes, Eſtates, Intents, Truſts and Purpoſes reſpectively, and ſubject and liable to ſuch and the ſame Wills, Settlements, Limitations and Remainders, Conditions, Charges, Rents and Incumbrances, as the ſeveral Lands, Tenements and Hereditaments in reſpect whereof ſuch Allotments, Aſſignments and Exchanges ſhall have been made, ſhould or would have ſtood ſeverally limited, ſettled, veſted or ſubject or liable to, or have been held by, in caſe the ſame had not been aſſigned or exchanged and this Act had not been made, ſave and except ſuch Leaſes and Tenancies at Rack Rent as ſhall become void by virtue of this Act, and ſubject nevertheleſs to all ſuch Mortgages and Sales as ſhall be made by Authority of this Act, or of the ſaid Act ſecondly herein recited.

XLIII. And

Leaſes of certain Houſes and Lands at Rack-rent to be void.

XLIII. And be it further enacted, That all and every Leaſe and Leaſes at Rack-rent, and without Fine or Fee paid or payable for the Renewal thereof now ſubſiſting of any Part or Parts of the Lands and Grounds hereby directed to be divided and incloſed with any Houſes, ancient incloſed Lands or other Hereditaments, having Right of Common on the ſaid ſeveral Parochial or General Allotments, or any of them, and all other Agreements for any Term or Terms or Number of Years therein reſpectively, ſhall as to all ſuch Houſes, Lands and Hereditaments ſo exchanged and to ſuch Rights of Common or other Rights only, and the Allotments to be made in reſpect thereof by virtue of this Act, but no farther or otherwiſe, ceaſe and determine immediately upon the Execution of the ſaid Award or Awards of the ſaid Commiſſioners, or at ſuch other Time as they ſhall appoint, the Owners or Proprietors thereof reſpectively paying to their reſpective Leſſees or Tenants ſuch Sums of Money as the ſaid Commiſſioners ſhall aſcertain to be a reaſonable Compenſation to ſuch Leſſees or Tenants for their Terms and Intereſts in ſuch exchanged Lands and Rights of Common; and if the Money ſo to be aſcertained as laſt aforeſaid, ſhall not be paid to the Perſon or Perſons entitled to receive the ſame within Fourteen Days after Demand made thereof, it ſhall and may be lawful for the ſaid Commiſſioners and they are hereby required, by any Warrant or Warrants under their Hands and Seals, directed to any Perſon or Perſons whomſoever, to cauſe ſuch Sum or Sums of Money reſpectively to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo making Default in Payment as aforeſaid, his, her or their Huſbands, Guardians or Truſtees, Committees or Attornies, wherever the ſame ſhall be found, rendering the Overplus (if any) on Demand to the Owner or Owners of ſuch Goods and Chattels, the reaſonable Charges of ſuch Warrant, Diſtreſs and Sale being firſt deducted.

Empowering Commiſſioners in certain Caſes to ſell Part of Allotments to defray Expences of fencing and ſubdividing.

XLIV. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, on Application being made to them in Writing by any of the Huſbands, Guardians, Truſtees, Committees or Attornies of or for any of the ſaid Proprietors or Perſons intereſted in the Premiſes, being under Coverture, Minors, Idiots, Lunatics or beyond the Seas, or under any other Diſability or Incapacity, or by the Perſons acting as ſuch Guardians, Truſtees, Committees or Attornies reſpectively, or by any of the ſaid Proprietors of the Lands and Grounds hereby directed to be divided, allotted and incloſed, or any Part thereof, who are or ſhall be Tenant or Tenants in Tail, or for any Life or Lives, or on any other Contingency, or by any Truſtees or Feoffees for any Charitable, Parochial or other Uſes, or a competent Number of ſuch Truſtees or Feoffees, or the major Part of them reſpectively, in reſpect of any Land held by them reſpectively upon Truſt for any Charitable, Parochial or other Uſes, to ſell any Part of the Allotment or Allotments to be made from or out of any of the ſaid Lands and Grounds by virtue of this Act to ſuch incapacitated Proprietor or Proprietors, or other Perſon or Perſons by whom or on whoſe behalf any ſuch Application ſhall be made as aforeſaid for the Purpoſe of raiſing a Sum of Money ſufficient to defray the Coſts, Charges and Expences of fencing, incloſing and ſubdividing his, her or their Allotment or Allotments, and of making and completing ſuch Sale, and ſuch Sale ſhall be made by the ſaid Commiſſioners in ſuch and the ſame Manner, and ſubject to ſuch and the like Rules and Regulations as are mentioned and preſcribed in and by the ſaid Act ſecondly herein recited

cited in reſpect to the Sale of any Lands authorized to be ſold for paying the Expences of obtaining and carrying into Execution any Act for dividing, allotting and incloſing any Lands and Grounds; and each and every Allotment for which the full Purchaſe Money ſhall be paid ſhall be conveyed by the ſaid Commiſſioners at the Expence of ſuch Purchaſer or Purchaſers unto and to the Uſe of or in Truſt for ſuch Purchaſer or Purchaſers, and his, her or their Heirs reſpectively, or as he, ſhe or they ſhall appoint, and ſhall be incloſed and held by ſuch Purchaſer or Purchaſers reſpectively in Severalty, and the Receipt of the ſaid Commiſſioners ſhall be a good and ſufficient Diſcharge to ſuch Purchaſer or Purchaſers for the ſaid Purchaſe Money, which ſhall be applied by the ſaid Commiſſioners in or towards defraying ſuch laſt-mentioned Coſts, Charges and Expences, and if any Surplus ſhall remain in the Hands of the ſaid Commiſſioners, ſuch Surplus Money ſhall be applied and diſpoſed of in Manner directed by the ſaid Act ſecondly herein recited, with reſpect to Money which is thereby directed to be paid into the Bank of *England* for the Purchaſe or Exchange of any Lands, Tenements or Hereditaments to be ſettled to the ſame Uſes, or of any Timber or Wood growing thereon, and which ought to be laid out in the Purchaſe of other Lands, Tenements and Hereditaments as therein mentioned: Provided always, that it ſhall not be lawful by virtue of this Act to raiſe by ſuch Sale any further or greater Sum of Money for the Purpoſe of defraying the Coſts, Charges and Expences of fencing, incloſing and ſubdividing ſuch Allotment or Allotments as aforeſaid than the Perſon or Perſons, Part of whoſe Allotment or Allotments ſhall be ſold as aforeſaid, would have been empowered or authorized to borrow or charge upon his, her or their Eſtate or Eſtates under or by virtue of the ſaid Act ſecondly herein recited, for the Purpoſe of defraying the Coſts, Charges and Expences of obtaining and executing this Act, in caſe the Expences of obtaining and executing this Act had been directed to be paid in Proportion by the Proprietors of Lands or Grounds to whom Allotments ſhall be made inſtead of being raiſed by Sale of Land as by this Act is directed.

Power to enfranchiſe Copyhold Eſtates.

XLV. And be it further enacted, That if the Lord or Lords of any Copyhold Manor or Manors within any of the Pariſhes, Townſhips or Places, having Right of Common on the ſaid Parochial or General Allotments, or any of them, ſhall agree with any of his or their Copyhold Tenant or Tenants of ſuch Copyhold Manor or Manors for the Enfranchiſement of his or their Copyhold Eſtate or Eſtates held of ſuch Copyhold Manor or Manors, or any of them, or of any Part of ſuch Eſtates, and ſhall ſignify his or their Conſent thereto by Writing under his or their Hands, to be delivered to the ſaid Commiſſioners before any Allotment ſhall be made to ſuch Copyhold Tenant or Tenants in purſuance of this Act, then the ſaid Commiſſioners may and they are hereby authorized and required to ſet out and allot One-ſixth Part in Value (or ſuch other Part or Parts as ſhall be agreed upon between the Lord or Lords of ſuch Copyhold Manor or Manors and any Copyhold Tenant or Tenants thereof) of the Lands, Tenements and Hereditaments of ſuch Copyhold Tenant or Tenants as a Compenſation for any Right which ſuch Lord or Lords may have or claim in the Allotments ſo to be made to ſuch Copyhold Tenant or Tenants, and in his, her or their Lands, Tenements and Hereditaments as Lord or Lords of ſuch Copyhold Manor or Manors as aforeſaid; and after ſuch Diviſion and Allotment the Lands, Tenements and Hereditaments of ſuch Copyhold Tenant or Tenants, and alſo the

Allotment

Allotment or Allotments to be made to him, her or them by the ſaid Commiſſioners in right thereof held of ſuch Manor or Manors, or the Lord or Lords thereof, by Copy of Court Roll or otherwiſe, ſhall be and are hereby declared to be enfranchiſed and diſcharged from any Copyhold Tenure Fines and Fees to the Lord or Lords of ſuch Manor or Manors, and ſhall be deemed and taken to be Freehold to all Intents and Purpoſes whatſoever.

Money advanced for obtaining this Act to be repaid with Intereſt.

XLVI. And be it further enacted, That if any Perſon or Perſons ſhall advance and pay any Money in Diſcharge of the Fees or other Expences of obtaining and executing this Act, the Money ſo paid and advanced ſhall be repaid and ſatisfied by the ſaid Commiſſioners, together with lawful Intereſt for the ſame, out of the firſt Monies to be raiſed by virtue of this Act.

Auditor of Commiſſioners' Accounts.

XLVII. And be it further enacted, That *William Hutton*, of *Gate Burton*, in the County of *Lincoln*, Eſquire, ſhall be and he is hereby appointed Auditor of the Accounts of the ſaid Commiſſioners, and in caſe of his Death or Refuſal to act, then ſome other fit and proper Perſon, not intereſted in the Premiſes, ſhall be appointed Auditor for that Purpoſe, in like Manner as is by the ſaid Act firſt herein recited provided for the Appointment of new Commiſſioners upon Vacancies, and ſo from Time to Time as often as Occaſion ſhall require; and the Account of the ſaid Commiſſioners for the Time being, containing a true Statement of all Sums by them received and expended, or due to them for their own Time, Trouble or Expences, ſhall, at leaſt once in every Year from the paſſing of this Act (if required) until ſuch Accounts ſhall be finally allowed, together with the Vouchers relating to the ſame, be examined by the ſaid Auditor for the Time being, and the Balance by him ſtated in the Book of Accounts to be kept in the Office of the Clerk or Clerks to the ſaid Commiſſioners; and that no Charge or Item in ſuch Accounts ſhall be binding on the Parties concerned, or valid in the Law, unleſs the ſame ſhall be duly allowed by the ſaid Auditor.

Award to be inrolled.

XLVIII. And be it further enacted, That the Award to be made by the ſaid Commiſſioners under or by virtue or in purſuance of this Act, or the ſaid Act ſecondly herein recited, ſhall be inrolled with the Clerk of the Peace for the Parts of *Lindſey*, in the County of *Lincoln*, and a true Copy of the Inrolment of the ſaid Award, or of any Part thereof, certified and ſigned by the ſaid Clerk of the Peace for the Time being, or his Deputy, ſhall from Time to Time be admitted in all Courts whatſoever as legal Evidence, and the ſaid Clerk of the Peace for the Time being is hereby required to make Copies thereof, or of any Part thereof, and to certify and ſign the ſame from Time to Time when required, being paid for every ſuch Copy and Certificate after the Rate of Four-pence *per* Sheet, reckoning Seventy-two Words to each Sheet, and any Perſon or Perſons intereſted therein ſhall have Liberty to inſpect and peruſe ſuch Inrolment, paying to the ſaid Clerk of the Peace for the Time being or his Deputy for every ſuch Inſpection or Peruſal One Shilling and no more; and the ſaid original Award, when ſo inrolled, ſhall be depoſited in the Office of the Clerk of the Council of His Majeſty's Duchy of *Lancaſter*.

Allowing an Appeal to the Quarter Seſſions.

XLIX. 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 where the Orders, Determinations and Proceedings of the ſaid Commiſſioners are declared to be binding, final or concluſive, and except in ſuch Caſes where an Iſſue at Law ſhall or is to be tried as hereinbefore mentioned) he, ſhe or they may appeal to any General Quarter Seſſions of the Peace, which ſhall be held in and for the ſaid Parts of *Lindſey* or *Holland* as the Caſe may require, within Four Calendar Months next after the Cauſe of Complaint ſhall have ariſen; and the Juſtices at ſuch General Quarter Seſſions are hereby authorized and required to hear and determine the Matter of ſuch Appeal, and to make ſuch Order therein and award ſuch Coſts as to them in their Diſcretion ſhall ſeem reaſonable, and by their Order or Warrant to levy the Coſts which ſhall be ſo awarded by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties liable to pay the ſame, rendering the Overplus (if any) to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of ſuch Diſtreſs and Sale; which Determination of the ſaid Juſtices ſhall be final and concluſive 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.

General Saving of Rights.

L. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and to all and every other Perſon and Perſons whomſoever, all ſuch Eſtate, Right, Title, Intereſt, Claim and Demand whatſoever (other than ſuch as are meant and intended to be barred and deſtroyed by this Act) of, in, to, out of or in reſpect of the ſaid *Eaſt* and *Weſt Fens*, and the ſaid Parochial or General Allotments and Premiſes, and the Tythes thereof, and every or any Part thereof as His Majeſty or any other Perſon or Perſons whomſoever had or might lawfully claim or demand before the paſſing of this Act, or as His Majeſty, His Heirs or Succeſſors, or any other Perſon or Perſons whomſoever could or might have had, held and enjoyed in caſe this Act had not been made.

Clauſes of former Act of 41 G. 3. c. 142. unrepealed to remain in force.

LI. Provided always, and be it further enacted, That all the Clauſes, Appointments, Reſtrictions, Powers and Authorities contained in the ſaid Act firſt herein recited ſhall continue in full Force and Effect, ſave only ſuch Part or Parts thereof as are hereby altered, varied or repealed.

Publick Act.

LII. And be it further enacted, That this Act ſhall be deemed and taken to be a Publick Act, and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices and others, without being ſpecially pleaded.

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