ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 126.

An Act for incloſing Lands in the Pariſh of *Leverton*, in the County of *Lincoln*, and for providing for the Repair of a certain Sea Bank within the ſaid Pariſh. [24th *May* 1810.]

WHEREAS there are in the Pariſh of *Leverton*, in the County of *Lincoln*, certain Open Fields and Ings, containing together Four hundred and ten Acres or thereabouts, and alſo certain Commonable Lands and Waſte Grounds, containing One hundred and thirty-five Acres or thereabouts: And whereas *Frances Preſton* Spinſter is Lady of the Manor and Soke of *Skirbeck*, late Parcel of the Honor of *Richmond*, and compriſing, amongſt other Pariſhes, the ſaid Pariſh of *Leverton*, and as ſuch claims to be excluſively entitled to the Soil of the Commonable Lands and Waſte Grounds within the ſaid Pariſh and all other Manerial Rights thereon: And whereas the King's moſt Excellent Majeſty and the Reverend *Samuel Partridge*, Clerk, are Patrons by turns of the Rectory and Pariſh Church of *Leverton* aforeſaid; and the Reverend *John Caparn*, Clerk, is Rector of the ſaid Pariſh and Pariſh Church and as ſuch is ſeiſed of and entitled unto certain Glebe Lands and Right of Common in, over and upon the ſaid Open Fields, Ings, Commonable Lands and Waſte Grounds, and is alſo entitled to all the Great and Small Tythes growing, ariſing or renewing within the ſaid Pariſh: And whereas *Thomas Fydell* Eſquire, *Abraham Sheath* Eſquire, the Reverend *John Hallam* Doctor in Divinity, *William Ingelow* and others, are Owners and Proprietors of or intereſted in the ſaid Open Fields, Ings, Commonable

Lands and Waſte Grounds, and are alſo Owners and Proprietors of ancient incloſed Lands in the Pariſh of *Leverton* aforeſaid: And whereas an Act paſſed in the Forty-firſt year of the Reign of his preſent Majeſty, intituled,
41 G. 3. c. 142. *An Act for dividing and allotting certain Fens, called* The Eaſt *and* Weſt Fens, *in the County of* Lincoln, whereby certain Tracts of Fen Lands, Moors or Marſh Grounds in the ſaid County of *Lincoln*, called *The Eaſt* and *Weſt Fens*, wherein the Owners and Proprietors of Houſes, Toftſteads and Lands in the ſaid Pariſh of *Leverton* and divers other Pariſhes, Townſhips and Places therein mentioned, had and exerciſed certain Rights and Common of Paſture, are directed to be divided and allotted by the Commiſſioners therein named, unto and for the Uſe and Benefit of the Owners and Proprietors of Houſes, Toftſteads, Lands and Grounds in the ſaid Pariſh of *Leverton*, and in the ſeveral other Pariſhes, Townſhips and Places having Right of Common on the ſaid Fens, in Parochial or General Allotments, in ſuch Manner and under ſuch Powers and Authorities, and ſubject to ſuch Rules, Orders and Directions as in the ſaid Act are mentioned and expreſſed: And whereas another Act was paſſed in the ſaid Forty-firſt Year of the Reign of His preſent Majeſty, intituled,
41 G. 3. c. 109. *An Act for conſolidating in one Act certain Proviſions uſually inſerted in Acts of Incloſure, and for facilitating the Mode of proving the ſeveral Facts uſually required on the paſſing of ſuch Acts*: And whereas the Lands of the ſeveral Proprietors in the ſaid Open Fields and Ings in the ſaid Pariſh of *Leverton* lie intermixed and diſperſed, and are in their preſent State incapable of any conſiderable Improvement, and it would be of Advantage to all Parties concerned if the ſame and the ſaid Commonable Lands and Waſte Grounds, and alſo the ſaid Parochial or General Allotments to be ſet out for the Owners and Proprietors of Houſes, Toftſteads, Lands and Grounds in the ſaid Pariſh of *Leverton* under the ſaid Act Firſt herein recited, were to be divided and incloſed, and ſpecific Shares thereof allotted to the ſeveral Perſons and Parties reſpectively intereſted therein, and if the ſame Open Fields, Ings, Lands, Grounds and Allotments, and alſo the incloſed Lands in the ſaid Pariſh of *Leveton*, were diſcharged from Tythes, and all Moduſes, Compoſitions and Payments in lieu thereof: And whereas there are within the ſaid Pariſh of *Leverton*, certain Marſh Lands, containing together Three hund ed and ninety-five Acres or thereabouts, which have been lately embanked and incloſed from the Sea and belong to certain Proprietors and Owners of Lands fronting the ſame: And whereas it is expedient that Proviſion ſhould be made for the future Repair and Support of ſuch Sea Bank, and for better protecting the Lands ſo embanked and incloſed from Inundations from the Sea; but the ſeveral Purpoſes aforeſaid cannot be effected without the Aid and Authority of Parliament; May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That *John Burcham*, of *Coningſby* in the ſaid County of *Lincoln*, Gentleman, *William Whitelock*, of *Brotherton*, in the County of *York*, Gentleman, and *Charles Wedge*, of *Weſtly Bottom*, in the County of *Cambridge*, Gentleman, and their Succeſſors to be elected in Manner hereinafter mentioned, ſhall be and they are hereby appointed Commiſſioners for ſetting out, dividing, allotting and incloſing all the ſaid Open Fields, Ings, Commonable Lands and Waſte Grounds, and alſo ſuch Parcel or Parcels of the ſaid Fens, called *The Eaſt* and *Weſt*

Appointment of Commiſſioners.

Fens

Fens, as ſhall be ſet out or allotted to and for the Owners and Proprietors of Houſes, Toftſteads, Lands and Grounds within the ſaid Pariſh of *Leverton*, under or by virtue of the ſaid Act firſt herein recited, and for carrying this Act into Execution, ſubject to the Rules, Regulations and Directions hereinafter contained, and ſubject to ſuch of the Powers, Regulations, Reſtrictions and Proviſions contained in the ſaid Act ſecondly herein recited, as are not controled by or repugnant to any of the Clauſes, Proviſions or Regulations contained in this Act; and that the Notices required to be given of ſetting out Publick and Private Roads and of reading and executing the Award of the ſaid Commiſſioners, and all other Notices by the ſaid Act ſecondly herein recited or this Act required to be given in ſome publick Newſpaper, ſhall be given and publiſhed in the *Lincoln*, *Rutland* and *Stamford Mercury*, or if that Newſpaper ſhall not be then publiſhed in ſome other Newſpaper publiſhed, or generally circulated in the ſaid County of *Lincoln*; and that all Powers, Authorities, Directions, Acts, Matters, and Things hereby given to or directed to be done by the ſaid Commiſſioners, 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.

Notices to be given.

Two may act.

II. And be it further enacted, That if any of the Commiſſioners appointed by this Act, or who ſhall have been elected in Manner hereinafter mentioned, ſhall before the Execution of all the Powers and Authorities hereby in them reſpectively veſted, die, decline or refuſe to act or become incapable of acting, a new Commiſſioner in the Room of every ſuch Commiſſioner ſo dying, declining or refuſing to act or becoming incapable of acting, ſhall be elected in Manner following; (that is to ſay), if the ſaid *John Burcham* ſhall die, decline ore refuſe to act or become incapable of acting, it ſhall be lawful for the ſaid *John Caparn*, or the Rector of the Pariſh of *Leverton* aforeſaid for the Time being, or his known Agent or Attorney by Writing under his Hand, to appoint a Commiſſioner (not intereſted in the ſaid Diviſion and Incloſure) in the Room of the ſaid *John Burcham*, and ſo from Time to Time as often as any Commiſſioner ſo to be appointed as laſt aforeſaid ſhall die, decline, or refuſe to act or become incapable of acting; and that in caſe the ſaid *William Whitelock* ſhall die, decline, or refuſe to act, or become incapable of acting, it ſhall be lawful for the ſaid *Frances Preſton* or the Lord or Lady of the Manor or Soke of *Skirbeck* for the Time being, by Writing under her or his Hand to appoint a Commiſſioner (not intereſted in the ſaid Diviſion and Incloſure) in the Room of the ſaid *William Whitelock*, and ſo from Time to Time as often as any Commiſſioner ſo to be appointed as laſt aforeſaid ſhall die, decline or refuſe to act, or become incapable of acting; and that in caſe the ſaid *Charles Wedge* ſhall die, decline or refuſe to act or become incapable of acting, it ſhall be lawful for the Majority in Value (ſuch Value to be aſcertained by the Land Tax Aſſeſſment) of the Proprietors and Perſons intereſted in the Lands and Grounds directed by this Act to be divided and incloſed, or their known Agents or Attornies (except the Patrons and Rector of the ſaid Rectory for the Time being, and the ſaid *Frances Preſton*, or the Lord or Lady of the ſaid Manor or Soke of *Skirbeck*, for the Time being) who ſhall be preſent at a publick Meeting to be held for that Purpoſe in the Pariſh Church of *Leverton* aforeſaid, in purſuance of a Notice to be given by Writing under the Hands of Three or more Proprietors, to be affixed on One of the outer Doors thereof, at leaſt Fourteen Days before ſuch Meeting

Appointment of new Commiſſioners.

Meeting ſhall be held, by Writing under their Hands to appoint a Commiſſioner or Commiſſioners (not intereſted in the ſaid Diviſion and Incloſure) in the Room of the ſaid *Charles Wedge*, and ſo from Time to Time as often as any Commiſſioner ſo to be appointed by the ſaid Proprietors ſhall die, decline or refuſe to act or become incapable of acting; and in caſe the ſaid reſpective Parties or any of them ſhall make Default in appointing any ſuch new Commiſſioner within Two Calendar Months after the Death of any Commiſſioner, or after his declining or refuſing to act, or becoming incapable of acting ſhall be known, then the ſurviving or remaining Commiſſioners or Commiſſioner ſhall and they and he are and is hereby required from Time to Time, by Writing under their or his Hands or Hand, within One Calendar Month after the Expiration of the ſaid Two Calendar Months allowed to the reſpective Parties for appointing ſuch New Commiſſioner or Commiſſioners as aforeſaid, to appoint a Commiſſioner or other Commiſſioners (not intereſted in the ſaid Diviſion and Incloſure) in the Room of every Commiſſioner ſo dying, declining or refuſing to act or becoming incapable of acting as aforeſaid, and every Commiſſioner to be appointed as aforeſaid ſhall have the like Power and Authority as the Commiſſioner in whoſe Place he ſhall be appointed was inveſted with by virtue of this Act.

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

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, or any Surveyor or Surveyors to be by them appointed, to make or cauſe to be made any Survey, Admeaſurement or Plan of the ſaid Parochial or General Allotments and other Lands or Grounds hereby directed to be divided and incloſed, or of any of the old incloſed Lands or Grounds within the ſaid Pariſh of *Leverton*, 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.

Appointment of Clerk.

IV. And be it further enacted, That the ſaid Commiſſioners ſhall have Power, and they are hereby authorized to appoint ſome fit and proper Perſon or Perſons to be the Clerk or Clerks for aſſiſting them in carrying this Act into Execution, and ſuch Clerk or Clerks from Time to Time to remove and nominate and appoint ſome other fit and proper Perſon or Perſons to ſucceed him or them in ſuch Office as to the ſaid Commiſſioners ſhall ſeem meet.

Commiſſioners' Allowance.

V. And be it further enacted, That out of the Money that ſhall be raiſed for defraying the Expences of obtaining and carrying this Act into Execution, there ſhall be paid to each of the ſaid Commiſſioners, as a Recompence for his Pains 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 but One Meeting ſhall be charged for by the ſaid Commiſſioners for any One Day.

Commiſſioners and Parties to pay their own

VI. And be it further enacted, That the ſaid Commiſſioners their Clerk or Clerks, the Surveyors and the Proprietors their Attornies or Agents and their Attendants, ſhall pay their own Expences and the Expences

pences of Servants attending them at all Meetings to be held in the Execution of this Act. Expences at Meetings.

VII. And be it further enacted, That the said Commissioners shall cause Notice to be given in the Church of *Leverton* aforesaid, on some *Sunday* immediately after Divine Service, or otherwise in Writing to be affixed upon principal outer Door of the said Church, of the Time and Place of their First and every other Meeting for the Execution of this Act, at least Seven Days before any such Meeting shall be held (Meetings by Adjournment only excepted); and that the said Commissioners shall and may adjourn any such Meeting from Time to Time as they shall see Occasion for the further Execution of this Act; and in case Two of the said Commissioners shall not meet at the Time and Place appointed for any Meeting or to which any Meeting shall be adjourned, it shall be lawful for the Commissioner present at such Time and Place to adjourn the said Meeting to be held on any future Day, not exceeding Twenty-one Days from the Day of Adjournment, at the same or any other Place, and the Commissioner making such Adjournment is hereby required to give Notice thereof to the absent Commissioners; and in case any One of the said Commissioners shall not appear at such Meeting, then the Clerk or Clerks to the said Commissioners shall and may adjourn the said Meeting to and appoint the said Commissioners 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 said Commissioners. Commissioners to give Notice of Meetings. May adjourn. Clerk to adjourn.

VIII. Provided always, and be it further enacted That all Meetings of the said Commissioners for carrying this Act into Execution shall be held within the Parish of *Leverton* aforesaid or within the Distance of Eight Miles from the Boundaries of the said Parish. Place of Meeting.

IX. And be it further enacted, That if any Dispute or Difference shall arise between any of the Proprietors of or Persons interested or claiming to be interested in any of the Lands or Grounds directed to be divided and inclosed by this Act, it shall be lawful for the said Commissioners to hear, adjudge and determine such Dispute or Difference: Provided always, that nothing in this Act contained shall authorize the said Commissioners to determine the Title to any Messuages, Lands or Hereditaments whatsoever. Commissioners to determine Differences. not Titles.

X. And be it further enacted, That in case the said Commissioners shall upon the Hearing and Determination of any Claim or Claims or Objection or Objections to be delivered to them in pursuance of this Act or the said Act secondly herein recited see cause to award any Costs, it shall be lawful for the said Commissioners and they are hereby empowered, upon Application made to them for that Purpose, to settle and award such Costs and Charges as they shall think reasonable to be paid to the Party in whose Favour any Determination of the said Commissioners shall be made, by the Person or Persons whose Claim or Claims or Objection or Objections shall be thereby disallowed or over ruled; and in case the Person or Persons who shall be liable to pay such Costs and Charges shall neglect or refuse to pay the same on Demand, then and in such Case Power to award Costs.

it shall be lawful for the said Commissioners and they are hereby authorized and required, by Warrant under their Hands and Seals directed to any Person whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Power to try disputed Claims at Law.

XI. Provided always, and be it further enacted, That in case any Person or Persons, Body or Bodies Politick or Corporate interested or claiming to be interested in the said intended Division and Inclosure, shall be dissatisfied with any Determination of the said Commissioners touching or concerning any Claim or Claims of Rights of Common, or other Rights or Interests in, over or upon the said Open Fields, Ings, Commonable Lands and Waste Grounds, or any Part thereof, and shall by Writing under his or their Hand or Hands or the Hand or Hands of his, her or their known Agent, or under their Common Seal, respectively signify the same to the said Commissioners within Two Calendar Months next after any such Determination shall have been made and signified, by Writing under the Hands of the said Commissioners, to the Person or Persons, Body or Bodies Politick or Corporate against whom the same shall have been so made, or to his, her or their known Agent or Attorney, it shall be lawful for the Person or Persons, Body or Bodies Politick or Corporate so dissatisfied with such Determination, to have the subject of such Claim or Objection in respect of which such Determination shall be made, tried at Law by an Action to be brought by him, her or them against any Person or Persons, Body or Bodies Politick or Corporate in whose Favour any Determination shall have been so made, or against the said Commissioners, upon a feigned Issue, to be settled by the proper Officer of the Court where such Action shall be brought in case the Parties differ about the same, such Action to be brought within Three Calendar Months next after any such Determination shall have been made and Notice thereof given as before directed; and the Defendant and Defendants in such Action shall, and 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 by which the Matter of such Determination of the said Commissioners may be tried, and the Plaintiff or Plaintiffs shall thereupon proceed in such Action, so as to have the same tried and determined at the First or Second Assizes to be holden for the said County of *Lincoln* next after the Commencement of such Action, and the Verdict of the Jury on such Trial shall be binding, final and conclusive upon all the Parties interested therein, unless the Court wherein such Action shall be brought shall set aside such Verdict, and order a new Trial to be had thereupon, which it shall be lawful for the Court to do as is usual in other Cases, and also upon sufficient Cause shewn to put off the Trial of such Issue; and that after such Verdict shall have been given and final Judgment obtained thereon, 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 it shall be lawful for the said Commissioners to retain or pay all such Costs, Charges and Expences as they shall incur or be put unto, or which shall be recovered against them in or by reason or in consequence of any such Action

Action or Actions, out of any Monies which ſhall come to their Hands for the Purpoſes of this Act; provided that all ſuch Determinations of the ſaid Commiſſioners as ſhall not be objected to by ſuch Notice to be given to the ſaid Commiſſioners as aforeſaid, or being ſo objected to, and the diſſatisfied Party reſpectively not cauſing ſuch Action at Law to be brought and proceeded in as aforeſaid, ſhall be abſolutely final and concluſive.

Determination of Commiſſioners not objected to, to be final.

XII. And be it further enacted, That if the Parties in any Action to be brought in purſuance of this Act or the ſaid Act ſecondly herein recited 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 Parties die Proceedings not to abate.

XIII. 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 herein-before limited for bringing ſuch Action or Actions, it ſhall be lawful for the Perſon or Perſons, Body or Bodies Politick or Corporate who might have brought ſuch Action or Actions againſt the Perſon or Perſons ſo dying, to bring the ſame within the Time ſo limited as aforeſaid againſt ſuch Perſon or Perſons as if actually living, and to ſerve the Clerk 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 caſe of Death of Parties before Actions brought.

XIV. 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.

XV. And be it further enacted, That in caſe it ſhall appear to the ſaid Commiſſioners that there are any publick Highways, Bridle Roads or Footways, in, through, over or on the Sides of any of the ſaid old incloſed Lands or other Lands within the ſaid Pariſh of *Leverton*, which may in the Judgment of the ſaid Commiſſioners be diverted and turned without Inconvenience to the Publick into any other Public Highways, Bridleroads or Footways, or be diverted or turned ſo as to make the ſame more convenient to the Publick, or be ſtopped up or deſtroyed as ſuperfluous and unneceſſary, it ſhall be lawful for the ſaid Commiſſioners (with the Concurrence and Order of Two Juſtices of the Peace acting in and for

Commiſſioners may alter Roads through old Incloſures.

for the Parts of *Holland* in the ſaid County of *Lincoln*, in Manner and ſubject to appeal as in this or the ſaid Act ſecondly herein recited) in and by their Award by the ſaid Act ſecondly herein recited, to order and direct ſuch Publick Highways, Bridleroads or Footways to be altered, turned, ſtopped up or deſtroyed in ſuch Manner as the ſaid Commiſſioners ſhall think proper and reaſonable; and in caſe ſuch Highways, Bridleroads or Footways ſo to be diverted, turned, ſtopped up or deſtroyed do not paſs through any of ſuch old incloſed Lands or other Lands, but on the Sides of the ſame, to ſell and diſpoſe of the Land and Soil of ſuch Roads or Ways, and apply the Money ariſing thereby towards repairing the Publick Highways within the ſaid Pariſh.

Commiſſioners to make Drains.

XVI. And be it further enacted, That the ſaid Commiſſioners ſhall and may ſcour out, deepen, widen, amend and repair all ſuch ancient Drains, Ditches, Watercourſes, Banks, Sluices, Bridges, Staunches and Tunnels in the ſaid Pariſh of *Leverton*, and alſo ſhall and may make or cauſe to be made ſuch new Drains, Ditches, Watercourſes, Banks, Sluices, Bridges, Staunches and Tunnels and other Requiſites, as well in, through, over and acroſs the ſaid Lands and Grounds hereby directed to be divided and incloſed, as alſo in, over and through any ancient Incloſures or other Lands or Grounds within the ſaid Pariſh of *Leverton*, 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 ſaid Award, 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 no ſuch Watercourſe ſhall be diverted or turned without the Conſent in Writing of the Owner or Owners of any incloſed Lands from which any ſuch Watercourſe ſhall be diverted or turned, or into which the ſame ſhall be intended to be carried or conveyed: Provided alſo, 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 to be made under or by virtue of an Act paſſed in the
2 G. 3. c. 32. 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 an Act paſſed in the ſaid Forty-firſt Year of His preſent Majeſty,
41 G. 3. c. 135. 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

by virtue 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 and adjoining thereto*, or to interfere, alter or meddle with any of the Drains, Ditches, Watercourses, Banks, Sluices, Bridges, Staunches or Tunnels in the said Parish of *Leverton* now under the Controul, Direction, Order or Jurisdiction of any Commissioners of Sewers, or any Law or Statute relating to Sewers. 43 .3. c. 118.

Allotments to the Surveyors of the Highways for Gravel Sand and other Materials

XVII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to set out, allot and award unto and for the Surveyors of the Highways of the said Parish of *Leverton* for the Time being. One or more Plot or Plots of the Commonable Lands and Waste Grounds hereby directed to be divided and inclosed as they shall think proper, not exceeding in the whole Two Acres Statutes Measure, as and for the Gravel and Sand Pits, with convenient Roads to and from the same; which said Plot or Plots of Land so to be set out as aforesaid shall be used for the Repairs of the Publick or Private Roads within the same Parish, and shall be vested in such Surveyors for the Time being for ever in Trust, to let the Grass and Herbage or Produce thereof for the best Rent that can be reasonably got for the same, and to apply the Rents and Profits thereof in repairing the said Publick Highways in the said Parish of *Leverton*, and to account touching the Application of such Rents and Profits at such Times and in such Manner as they are and shall be accountable by Law for any other Monies which shall come to their Hands as Surveyors of the Highways as aforesaid.

Allotment of Open Fields and Ings.

XVIII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required, as soon as conveniently may be after the Plans, Maps or Surveys directed to be made by the said Act secondly herein recited shall have been laid before them, to set out, divide and allot the said Open Fields, Ings, Commonable Lands and Waste Grounds hereby directed to be divided and inclosed in Manner following; (that is to say) in the first Place (after setting out such Publick and Private Roads, Ways and Drains as are directed to be set out by this Act or the said Act secondly herein recited) they shall set out and allot unto and for the said *John Caparn*, or the Rector of the Rectory of *Leverton* aforesaid, for the Time being, such Part or Parts of the said Open Fields and Ings hereby directed to be divided and inclosed, as shall in the Judgement of the said Commissioners be equal in Value to and a full Compensation for his Glebe Lands in the said Open Fields and Ings, and shall then set out, divide and allot the Residue of the said Open Fields and Ings unto and amongst the several Persons, Body or Bodies Politick or Corporate interested therein at the Time of making such Allotments in Proportion and according (Quantity, Quality, and Situation considered) to their several and respective Shares, Rights, Interests and Property therein, for and in lieu of and as a Compensation for all such their said several and respective Shares, Rights, Interests and Property, to be settled and ascertained by such Ways and Means as to the said Commissioners shall seem most proper, expedient and necessary in that Behalf.

Allotment for Manerial Rights.

XIX. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized and required, from and out of the Parochial or General Allotments or the Commonable Lands and Waſte Grounds hereby directed to be divided and incloſed, to ſet out and allot unto or for the ſaid *Frances Preſton*, or ſuch other Lord or Lords, Lady or Ladies of any other Manor or Manors within which any of the Lands or Grounds hereby directed to be divided and incloſed lie, ſuch Part or Parts of the ſaid Parochial or General Allotments or Commonable Lands and Waſte Grounds as in the Judgement of the ſaid Commiſſioners ſhall be equal in value to One Thirty-fifth Part of all ſuch Commonable Lands and Waſte Grounds (except the intended Parochial or General Allotments in the *Eaſt* and *Weſt Fens* for the Manerial Intereſts wherein Compenſation is directed to be made under the Authority of the ſaid firſt recited Act) in lieu, Bar and Satisfaction of and for their Manerial Rights in the Soil of the ſaid Commonable Lands and Waſte Grounds hereby directed to be divided and incloſed (except as aforeſaid), according and in Proportion to their ſeveral and reſpective Rights and Intereſts therein.

Allotment for Tythe of Common.

XX. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized and required (after they ſhall have ſet out ſuch Parts of the ſaid Parochial or General Allotments as ſhall be neceſſary for the Public and Private Roads and Drains directed to be ſet out by this Act or by the ſaid Act ſecondly herein recited in or over the ſaid Parochial or General Allotments) to ſet out and allot unto the ſaid *John Caparn*, or the Rector for the Time being of the Rectory of *Leverton* aforeſaid, One Ninth Part in Value of the ſaid Commonable Lands and Waſte Grounds hereby directed to be divided and incloſed, and of the ſaid Parochial or General Allotments to be ſet out for the Owners and Proprietors of Houſes, Toftſteads, Lands and Grounds in the ſaid Pariſh of *Leverton* under and by virtue of the ſaid Act firſt herein recited.

Allotment of Reſidue.

XXI. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized and required, after the Sale of ſuch Parts or Parcels of the ſaid Parochial or General Allotments Commonable Lands and Waſte Grounds as ſhall be found neceſſary and expedient to be ſold for providing a Fund for defraying the Coſts, Charges and Expences of obtaining this Act and carrying the ſame into Execution, and after the ſeveral Allotments hereinbefore and by the ſaid Act ſecondly herein recited ſhall have been made, to ſet out, allot and divide the Reſidue and Remainder of the ſaid Parochial or General Allotments, Commonable Lands, and Waſte Grounds, hereby directed to be divided and incloſed in Manner following, (that is to ſay) One Moiety or Equal Half-part thereof (Quantity, Quality and Situation conſidered) unto and amongſt the Owners and Proprietors of Houſes in the ſaid Pariſh of *Leverton* having Right of Common on the ſaid Parochial or General Allotments, Commonable Lands and Waſte Grounds and of Toftſteads whereon ſuch Houſes formerly ſtood, (each Toftſtead being conſidered as entitled to One Moiety only of the quantity of Land which ſhall be allotted as the Proportion of each Houſe) and the remaining Moiety or Half-part of ſuch Parochial or General Allotments unto and amongſt the Owners and Proprietors of Lands and Grounds in the ſaid Pariſh of *Leverton* who are or ſhall be allowed and determined to have Right of Common in over or upon

upon the ſaid *Eaſt* and *Weſt Fens* under or by virtue of the ſaid Act firſt herein recited in reſpect of Common Right Houſes in any of the Pariſhes, Townſhips or Places therein mentioned, and the remaining Moiety or Half-part of the ſaid Commonable Lands and Waſte Grounds within the ſaid Pariſh of *Leverton* unto and amongſt the Owners and Proprietors of Lands and Grounds within the ſaid Pariſh who are entitled to ſuch Common Right Houſes as aforeſaid in the ſaid Pariſh, in proportion and according to the Value of their reſpective Lands and Grounds.

Tythes.

XXII. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized and required to ſet out and allot unto the ſaid *John Caparn* or the Rector of the Rectory of *Leverton* aforeſaid for the Time being, from and out of the ſaid Parochial or General Allotments, Commonable Lands and Waſte Grounds hereby directed to be divided and incloſed, ſuch Plots or Parcels of the ſame Parochial or General Allotments, Commonable Lands and Waſte Grounds (except as hereinafter excepted) as ſhall be equal in Value to One-fifth Part of all the Arable Lands within the ſaid Pariſh of *Leverton* which were in Tillage or in a courſe of Tillage on the Sixth day of *April* One thouſand eight hundred and nine, to One-eleventh Part of the ſaid open and incloſed Ings, and to one-Eight Part of all other Lands and Grounds in or belonging to the ſaid Pariſh of *Leverton* (except the Commonable Lands and Waſte Grounds for the Tythes whereof Compenſation is hereinbefore directed to be made as aforeſaid) which ſaid ſeveral Allotments hereinbefore directed to be ſet out for the ſaid *John Caparn*, or the ſaid Rector for the Time being, ſhall and are hereby declared to be in lieu of and in full Satisfaction and Compenſation for all Tythes both Great and Small, and all Moduſes, Compoſitions and other Payments in lieu of Tythes ariſing or renewing out of and from all and every the Open Fields, Ings, Commonable Lands and Waſte Grounds and the other open, incloſed and embanked Lands and Grounds whatſoever in the ſaid Pariſh of *Leverton*, and alſo out of or from the ſaid Parochial or General Allotments and every Part thereof reſpectively (Surplice Fees, Eaſter Offerings and Mortuaries excepted) and except in reſpect to Moduſes hereinafter mentioned.

Proviſo as to Allotments in reſpect of Houſes and Lands not exceeding Five Acres.

XXIII. Provided always, and be it further enacted, That nothing in this Act contained ſhall authorize and empower the ſaid Commiſſioners to ſet out or deduct any greater Part of the ſaid Parochial or General Allotments to which any Perſons may be entitled under the ſaid Act firſt herein recited in reſpect of any Houſe, Toftſtead or Lands not exceeding in the whole Five Acres Statute Meaſure, than will be equal in Value to the Tythes of ſuch Houſe, Toftſtead and Lands and for which Tythes Compenſation is by this Act directed to be made: Provided alſo, that nothing herein contained ſhall reſtrain the ſaid Commiſſioners from making Deductions from ſuch Parts of the Parochial or General Allotments as laſt aforeſaid in caſe the Perſon or Perſon entitled thereto ſhall alſo be entitled to other Parts of the ſaid Parochial or General Allotments in reſpect of any other Eſtate or Property.

If Parochial Allotment not ſufficient to compenſate for Tythes, Al-

XXIV. Provided always, and be it further enacted, That in caſe there ſhall not be Land ſufficient in the ſaid Parochial or General Allotments to make Compenſation for the Tythes payable to the ſaid Rector in Manner directed by this Act, then the ſaid Commiſſioners ſhall and are hereby

Allotments for that Purpose to be made out of other Lands to be inclosed.

hereby required to set out for the said Rector and his Successors, Rectors of the said Rectory, so much and such Parts of the other Lands and Grounds hereby directed to be divided and enclosed, as will with the Allotment or Allotments of the said Parochial or General Allotments be equal in Value to the several Proportions of Land hereinbefore directed to be set out to the said Rector in lieu of Tythes as aforesaid.

The Locality of Part of Rector's Allotment.

XXV. Provided always, and be it further enacted, That the said Commissioners shall and they are hereby required to set out and allot unto the said *John Caparn* and the said Rector for the Time being the following Parcels of Commonable Lands and Waste Grounds hereby directed to be divided and inclosed (that is to say) one Parcel adjoining the Parsonage House on the West and extending towards the North unto a certain Highway called the *Pull-over*, leading to *Sibsey* and adjoining the common Highway on the East, containing Five Acres, Three Roods and Eighteen Perches or thereabouts, also one or more Parcel or Parcels containing at least Twenty Acres adjoining the said Parsonage House as well on the South and West as on the North, as Part and Parcel of the Allotments to be set out and allotted to the said *John Caparn*, and the Rector of the Rectory of *Leverton* aforesaid, for the Time being as a Compensation for Tythes, any Thing herein contained to the contrary notwithstanding.

Deduction to be made from Tythe Allotments in respect of Moduses.

XXVI. And whereas there are several Moduses and other Compositions payable to the said Rector in lieu of Tythes of certain Parts of the Lands and Grounds within the Parish of *Leverton* aforesaid: And whereas it is expedient that a reasonable Deduction should be made from the Tythe Allotments to the said *John Caparn* and the said Rector for the Time being, in respect to such Moduses and other Compositions; Be it further enacted, That the said Commissioners shall and they are hereby required to deduct from and out of the said Tythe Allotments such Part or Parts of the said Tythe Allotments as shall be equal in Value to Thirty-five Acres (Quality and Situation considered) of such Tythe Allotments, which said Part or Parts of the said Tythe Allotments shall be set out, allotted and divided by the said Commissioners unto and amongst the several Persons entitled to the Benefit of or interested in the said Moduses and other Compositions according and in Proportion to their several and respective Rights and Interests therein.

No Person to share the Parochial Allotment in the East and West Fens whose Right is not allowed by the Commissioners under the said first recited Act, for dividing the Fens into Parochial Allotments.

XXVII. Provided always, and be it further enacted, That no Owner or Proprietor of any House, Toftstead, Lands and Grounds in the said Parish of *Leverton* shall be deemed or considered as entitled to any Right of Common or other Right whatsoever on the Parochial or General Allotments to be set out for the said Parish of *Leverton* under or by virtue of the said Act first herein recited, who shall not be allowed and determined to have Right of Common or other Rights in the said Fens, called *The East* and *West Fens*, on the Division thereof, under and by virtue of the said Act first herein recited.

Declaring Allotments to be set out to Proprietors of Estates in

XXVIII. And be it further enacted, That such Parts of the said Fens, called the *East* and *West Fens*, as have been or shall hereafter be allotted, under or by virtue of the said Act first herein recited, unto and for the Use and Benefit of the Owner or Owners, Proprietor or Proprietors of any Houses, Toftsteads or Lands in the said Parish of *Leverton*, shall

from

from the Time of ſetting out and fencing ſuch Allotments be for ever deemed and taken to all Intents and Purpoſes whatſoever to be within and Part of the ſaid Pariſh of *Leverton*, and ſhall be accordingly rated to all Parliamentary and Parochial Taxes and Aſſeſſments within ſuch Pariſh.

Leverton under 41ſt Geo. III. firſt recited to be Part of the Pariſh of Leverton.

XXIX. Provided always, and be it further enacted, That in caſe there are any Meſſuages, Cottages, Toftſteads, Homeſteads, Gardens, Orchards or incloſed Lands or Grounds, in the ſaid Pariſh of *Leverton*, ſubject or liable to the Payment of Tythes either great or ſmall, or to any Modus or other Compoſition or Payment in lieu of Tythes, the reſpective Proprietors whereof ſhall not happen to be entitled to any or a ſufficient Quantity or Share of the ſaid Parochial or General Allotments, or of the ſaid Commonable Lands and Waſte Grounds hereby directed to be divided and incloſed, to make Compenſation for ſuch Tythes as hereinbefore directed, ſuch Proprietors ſhall reſpectively pay or cauſe to be paid unto ſuch Perſon or Perſons, and at ſuch Time or Times as the ſaid Commiſſioners ſhall direct or appoint, ſuch Sum or Sums of Money as in the Judgment of the ſaid Commiſſioners ſhall be a juſt and full Compenſation and Satisfaction for the Tythes or other Payments in lieu thereof, iſſuing or payable out of ſuch Meſſuages, Cottages, Toftſteads, Homeſteads, Gardens, Orchards or encloſed Lands or Grounds reſpectively, or for ſuch Part thereof for which a Compenſation in Land cannot be made by the Proprietors thereof as aforeſaid; and in caſe any Perſon or Perſons ſhall refuſe or neglect to pay ſuch Sum or Sums of Money as laſt aforeſaid at the reſpective Days and Times to be appointed for Payment thereof, it ſhall be lawful for the ſaid Commiſſioners, 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 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, Truſtees, Committees or Attornies, whereſoever 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, together with Intereſt after the Rate of Five Pounds *per Centum per Annum*, to be computed on ſuch Sum or Sums of Money from the Time the ſame ſhall be directed to be paid by the ſaid Commiſſioners as aforeſaid; or otherwiſe it ſhall be lawful for the ſaid Commiſſioners or any Perſon or Perſons authorized by them to enter upon and take Poſſeſſion of the Meſſuages, Cottages, Homeſteads, Gardens, Orchards or incloſed Lands or Grounds belonging to the Perſon or Perſons ſo refuſing or neglecting to pay as aforeſaid, and which ſhall have been diſcharged from Tythes by virtue of this Act, and to receive and take the Rents and Profits thereof, until thereby or therewith or otherwiſe ſuch Sum and Sums of Money and the Coſts and Charges ſo ordered and directed by the ſaid Commiſſioners to be paid by ſuch Perſon or Perſons as aforeſaid, and all Intereſt on ſuch Sum and Sums of Money, to be computed from the Time the ſame ſhall by the ſaid Commiſſioners be directed to be paid as aforeſaid, and alſo all Coſts, Charges and Expences occaſioned by or attending ſuch Entry upon and Receipt of the Rents and Profits of the ſaid Premiſes, ſhall be fully paid and ſatisfied: Provided always that if any Money ſhall be directed to be paid in reſpect of any Land taken for the Purpoſes of diſcharging any Meſſuages or old incloſed Lands from Tythe, which Land may happen to belong to ſome Perſon or

Proprietors of old Incloſures who have not ſufficient Lands to diſcharge them from Tythes are to diſcharge them by a Money Payment.

Perſons not being a Tenant or Tenants in Fee Simple, then ſuch Shares or Proportions of ſuch Monies ſhall be applied and diſpoſed of in the ſame Manner as any Sum of Money to be paid for the Purchaſe or Exchange of any Lands, Tenements or Hereditaments, or of any Timber or Wood growing thereon, and which Sum of Money ought to be laid out in the Purchaſe of other Lands, Tenements or Hereditaments, to be ſettled to the ſame Uſes, is by the ſaid Act ſecondly herein recited, authorized or directed to be applied and diſpoſed of.

Tythes to be payable till Allotments made.

XXX. And be it further enacted, That the ſaid *John Caparn* and the Rector of the Rectory of *Leverton* for the Time being, ſhall be entitled unto and ſhall receive and enjoy ſuch and the ſame Tythes, Moduſes, Compoſitions or other Payments in lieu thereof, until the Allotments herein before directed to be made to him or them in lieu of Tythes, Moduſes, Compoſitions or Payments in lieu thereof, ſhall have been ſet out and alloted as hereinbefore mentioned and fenced as hereinafter directed, as he, they or either of them might, could or ought to have done in caſe this Act had not been made; and in caſe ſuch Tythes ſhall determine before the End of any current Year, it ſhall be lawful for the ſaid Commiſſioners to apportion the ſame between the ſaid Rector and the Tenants or Occupiers of Lands and Tenements in the ſaid Pariſh of *Leverton*, and to declare what Sum and Sums of Money ſhall be reſpectively paid to the ſaid Rector for the Fraction of the Year which ſhall elapſe prior to ſuch Determination.

Tythe Allotments to be fenced.

XXXI. And be it further enacted, That the ſaid ſeveral Allotments hereinbefore directed to be ſet out for the ſaid Rector for the Time being, ſhall from and out of the Monies to be raiſed by the Sale of Land under the Authority of this Act be incloſed and fenced (except on ſuch Sides and Parts of the ſaid Allotments as ſhall be directed by the ſaid Commiſſioners to be fenced by the Proprietors of particular Allotments lying next thereto, and except ſuch Parts as the ſaid Commiſſioners ſhall order and direct to be fenced with Ditches Eight Feet wide and Four Feet deep in ſuch caſes as the ſaid Commiſſioners ſhall think ſuch Ditches to be a ſufficient Fence or Fence,s) with a ſufficient Ditch, and planted with good thriving Quickſets ſufficiently guarded with ſubſtantial Poſts and Rails, and a good and ſubſtantial Gate ſhall alſo be fixed in each Allotment as aforeſaid; and the ſaid Commiſſioners ſhall direct and appoint what part of the ſaid Hedges, Ditches and Fences, ſhall afterwards belong to the ſaid Rector, and the ſaid Hedges, Ditches, Fences and Gates, when properly made, ſhall for ever thereafter be kept, maintained, ſcoured out and ſupported by and at the Expence of the Perſon or Perſons to whom the ſame ſhall be by the ſaid Commiſſioners ordered and appointed in and by their Award to belong.

No Leaſe of Lands to be made without the King's Conſent.

XXXII. Provided always, and be it further enacted, That no Leaſe or Leaſes ſhall be made by virtue of the ſaid Act ſecondly herein recited, of any of the Lands and Grounds hereby directed to be divided and incloſed, and which ſhall have been allotted to the Rector of the ſaid Rectory of *Leverton* for the Time being, in Right of his Rectory, without the Conſent of the King's moſt Excellent Majeſty, His Heirs and Succeſſors, as Patron or Patrons of the Rectory and Pariſh Church of *Leverton* aforeſaid, ſhall have been firſt had and obtained thereto.

XXXIII. And

Lands to be ſold for defraying Expences.

XXXIII. And be it further enacted, That for providing a Fund for defraying the Coſts, Charges and Expences of obtaining this Act and of carrying the ſame into Execution, and the Coſts, Charges and Expences that have been incurred in the Formation and Completion of the ſaid Sea Bank ſo made as aforeſaid, ſo far as reſpects the Commonable Lands and Grounds thereby embanked and incloſed, it ſhall be lawful to and for the ſaid Commiſſioners and they are hereby authorized, empowered and required as ſoon as conveniently may be after the paſſing of this Act, from Time to Time to ſell and diſpoſe of ſuch Parts and Parcels of the ſaid Commonable Lands and Waſte Grounds, and of the ſaid Parochial or General Allotments, as they ſhall judge moſt proper and expedient and as ſhall be requiſite for the Purpoſes aforeſaid, free and exempt from all and all Manner of Tythes whatſoever, in Lots not exceeding Twenty five Acres in each Lot, by Publick Auction to the higheſt Bidder or Bidders, at ſome of their Meetings to be held in purſuance of this Act, of which Publick Notice ſhall be given by the ſaid Commiſſioners in the *Lincoln*, *Rutland* and *Stamford Mercury*, or in ſome other Newſpaper publiſhed and generally circulated in the ſaid County of *Lincoln*, Three Weeks at the leaſt before ſuch Sale or Sales ſhall be made; and the Purchaſer and Purchaſers at every ſuch Sale ſhall immediately pay to the ſaid Commiſſioners One-tenth Part of his, her or their Purchaſe Money as and for a Depoſit, and ſhall enter into an Agreement to pay the Reſidue of ſuch Purchaſe Money at the Time to be limited by the Conditions of Sale of the ſaid Premiſes into the Hands of the ſaid Commiſſioners, who are hereby authorized to give Receipts for the ſame, and alſo for the Money to be paid as and for a Depoſit as aforeſaid: Provided always, that if any Purchaſer, having made ſuch Depoſit as aforeſaid, ſhall not pay the whole of the Purchaſe Money within the Time appointed for Payment thereof by the ſaid Conditions of Sale, the Money ſo depoſited ſhall become forfeited to the ſaid Commiſſioners, and ſhall be by them applied for the Purpoſes of this Act, and it ſhall be lawful for the ſaid Commiſſioners, giving ſuch Notice as aforeſaid, to put up again to Sale ſuch Lot or Lots for which the whole of ſuch Purchaſe Money ſhall not have been paid, and ſo *toties quoties* until the ſame ſhall be ſold; or the ſaid Commiſſioners may, if they think proper, ſell and diſpoſe of ſuch Lot or Lots by Private Contract for the beſt Price or Prices that can be gotten for the ſame; and all Lands to be ſold under or by virtue of this Act, on Payment of the full Purchaſe Money for the ſame, ſhall be conveyed as Freehold of Inheritance in Fee Simple, free from Tythes as aforeſaid, unto the Purchaſer or Purchaſers thereof reſpectively, and a Conveyance or Conveyances of the ſame by Leaſe and Releaſe, or by Grant or Bargain and Sale made and executed by the ſaid Commiſſioners, ſhall be valid and effectual in the Law to veſt the ſame in ſuch Purchaſer or Purchaſers, and his, her and their reſpective Heirs and Aſſigns abſolutely for ever, ſubject and liable to ſuch Orders, Directions and Reſtrictions as ſhall be laid down and appointed by the ſaid Commiſſioners in and by their Award by the ſaid Act ſecondly herein recited and directed to be made, and the ſaid Commiſſioners ſhall, after Payment of the Coſts, Charges and Expences attending ſuch Sale or Sales or in anywiſe relating thereto, pay and apply the Reſidue of the Monies ariſing therefrom for the Purpoſes aforeſaid.

XXXIV. And

Application of Surplus Money.

XXXIV. 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 of the 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, is by the ſaid Act ſecondly herein recited directed to be applied and diſpoſed of.

Deficiency (if any) to be made good by a Rate.

XXXV. Provided always, and be it further enacted, That in caſe the Money ariſing by ſuch Sale ſhall not be ſufficient to defray all the Coſts, Charges and Expences aforeſaid, then the Deficiency ſhall be made up by the ſeveral Perſons intereſted in the ſaid Open Fields, Ings, Meadows, Commonable Lands and Waſte Grounds and Parochial or General Allotments (except the ſaid *John Caparn* or the Rector of the ſaid Rectory for the Time being, in reſpect of his Tythe Allotments hereby directed to be divided and incloſed), and ſhall be paid in ſuch Shares and Proportions, within ſuch Time and to ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall direct, nominate and appoint; and in caſe any Perſon herein-before made ſubject to the Payment of any Money towards ſuch Charges and Expences as aforeſaid, ſhall neglect or refuſe to pay his or her Share or Proportion thereof within the Time to be appointed as aforeſaid, or at any Time after upon Demand, the ſame ſhall and may be levied and recovered in the Manner directed by the ſaid Act ſecondly herein recited.

Commiſſioners may borrow Money until Sale.

XXXVI. And be it further enacted, That in caſe it ſhall be found expedient or neceſſary before ſuch Sale can be effected to raiſe any Sum or Sums of Money for defraying the Expences aforeſaid, it ſhall be lawful for the ſaid Commiſſioners to borrow and take up at Intereſt ſuch Sum or Sums of Money as they ſhall from Time to Time think neceſſary for the Purpoſes aforeſaid; which Money ſo to be borrowed ſhall be repaid with Intereſt, after the Rate of Five Pounds *per Centum per Annum*, out of the Monies to be raiſed from ſuch Sale as aforeſaid.

Encroachments within Thirty Years to be deemed Part of the Waſte.

XXXVII. And be it further enacted, That all Encroachments which at any Time within Thirty Years now laſt paſt have been made upon the ſaid Commonable Lands and Waſte Grounds ſhall be deemed Part thereof, and ſhall be divided and allotted accordingly; and if any Diſpute ſhall ariſe as to the Space of Time during which the ſaid Incloſures or 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

to proceed in the Settlement of the Claims of Persons to any of the Lands hereby directed to be divided and inclosed.

To prevent cutting of Turf.

XXXVIII. And be it further enacted, That if any Person or Persons, after the passing of this Act and before the Execution of the Award of the said Commissioners appointed by this Act, shall cut, dig, take, pare, grave or carry away any Land, Soil, Earth, Turf, Sand or Sods in, upon or from the said Parochial or General Allotments, Commonable Lands and Waste Grounds, or any Part thereof (except for flagging, sodding or repairing the Sea Banks) without the Licence of the said Commissioners first had and obtained in Writing for that Purpose, which Licence the said Commissioners are hereby empowered to grant, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered in the same Manner as any other Penalty may by this Act be levied and recovered, One Moiety of which Penalty or Penalties shall go and be paid to the Informer or Informers, and the other Moiety thereof shall be paid to the Overseers of the Poor of the said Parish for the Benefit of such Poor.

Allotment for Freehold Quit Rents.

XXXIX. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to set out, allot, and appoint unto the Lord or Lords, Lady or Ladies of any Manor or Manors within the said Parish of *Leverton*, entitled to any Chief Rents, Quit Rents or Fee Farm Rents, or other dry or unimproveable Rents payable out of or from or in respect of any Freeheold Messuages, Cottages, Toftsteads or Lands situate, lying and being within the said Parish of *Leverton*, such Parcel or Parcelsof the said Lands and Grounds hereby intended to be divided and inclosed which may be allotted to the respective Owners of such Freehold Messuages, Cottages, Toftsteads or Lands, so subject to Chief Rents, Quit Rents or Fee Farm Rents as aforesaid, as shall in the Judgment of the said Commissioners be equal in Value to or an Equivalent for all such Chief Rents, Quit Rents or Fee Farm Rents or other dry or unimproveable Rents, and the several Persons to whom any such Parcels or Parcel of Land shall be allotted, shall be seised and possessed thereof respectively to and for the same Uses, Trusts, Estates and Purposes, and subject to the same Charges and Incumbrances as such Chief Rents, Quit Rents or Fee Farm Rents, or other dry or improveable Rents would have been held for or under, or been subject to, in case this Act had not been made.

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

XL. 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, Lunaticks 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 Feoffoes or the major Part of them respectively, in respect of any Land held by them repectively 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, 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.

Tenants for Life. &c. of old Incloſures empowered to charge their Eſtates with Money paid for diſcharging the ſame from Tythe.

XLI. Provided always, and be it further enacted, That it ſhall and may be lawful for the Huſbands, Guardians, Truſtees, Committees, or Attornies of any of the Owners or Proprietors of Meſſuages, Cottages, Homeſteads, Gardens, Orchards, or incloſed Lands or Grounds in the ſaid Pariſh of *Leverton*, not having a ſufficient Quantity of the Lands and Grounds hereby directed to be divided and incloſed, to diſcharge, his, her or their old Incloſures from Tythes, being under Coverture, Minors, Lunaticks, beyond the Seas or under any other Diſability, or for any of the Owners or Proprietors being Tenants in Tail, or for Life or Lives, or for Years determinable on any Life or Lives or on any other Contingency or otherwiſe intereſted as aforeſaid, to charge ſuch Meſſuages, Cottages,

tages, Homesteads, Gardens, Orchards, or inclosed Lands or Grounds with such Sum or Sums of Money as the said Commissioners shall by their Award or any other Writing under their Hands previous thereto declare to have been paid for the Discharge of the Tythes thereof, and also with any further or additional Sum or Sums of Money, not exceeding in any case Five Pounds an Acre for every Acre of Land discharged from Tythes as aforesaid, which the said Commissioners shall direct to be paid by them as their respective Shares of the Charges and Expences incident to and attending the obtaining of this Act and carrying the same into Execution, and to grant, mortgage, surrender, lease or demise or otherwise subject such Messuages, Cottages, Homesteads, Gardens, Orchards or inclosed Lands or Grounds unto such Person or Persons as shall advance and lend such Sum and Sums of Money respectively, his, her or their Executors, Administrators and Assigns, for any Term or Number of Years; or in case any Person in Possession, who shall be charged with a Sum or Sums of Money as aforesaid, shall choose to advance, pay or discharge the same, that it shall be lawful for the said Commissioners, by any Deed or Writing under their Hands and Seals to be attested by Two or more credible Witnesses, in like Manner to grant, mortgage, surrender, lease, demise or otherwise subject the Messuages, Cottages, Homesteads, Gardens, Orchards or inclosed Lands or Grounds, to such Person or Persons respectively paying or discharging the same, and to his, her or their Executors, Administrators and Assigns, for any Term or Number of Years, to and for the Payment of such Sums of Money as aforesaid with Interest for the same, to commence on the Termination of his, her or their Right in the Premises, so that every such Grant, Mortgage, Surrender, Lease, or Demise to be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered or re-assigned when such Sum or Sums of Money thereby to be secured shall have been fully paid and satisfied; and also with a Covenant to pay and keep down the Interest, so that no Person or Persons afterwards becoming entitled to any such Messuages, Cottages, Homesteads, Gardens, Orchards or inclosed Lands and Grounds, shall be liable to pay any further or larger Arrear of Interest than for Six Calendar Months preceding the Time when the Title to such Possession shall have commenced; and that every such Grant, Mortgage, Surrender, Lease, or Demise shall be good, valid and effectual in the Law for the Purposes thereby intended.

Exchanges to be made.

XLII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to set out, allot and award any Messuages, Buildings, Lands, Tenements, Hereditaments, new Allotments, old Inclosures or other Lands or Grounds within the said Parish of *Leverton*, in lieu of and exchange for any other Messuages, Buildings, Lands, Tenements, Hereditaments, new Allotments, old Inclosures or other Lands or Grounds within the said Parish, or within any adjoining Parish, Hamlet, Township or Place, provided that all such Exchanges be ascertained, specified and declared in the said Award of the said Commissioners, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements or Hereditaments which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors shall be a Body or Bodies Politick, Corporate or Collegiate, or a Tenant or Tenants in Fee Simple or for Life or in Fee Tail, General or Special, or by the Courtesy of *England*, or for

Years

Years determinable on any Life or Lives, or with the Consent of the Guardian or Guardians, Truſtees, Feoffees for Charitable or other Uſes, Huſbands, Committees or Attornies of or acting for any ſuch Proprietors or Owners as aforeſaid, who at the Time of making ſuch Exchange or Exchanges ſhall be reſpectively Infants, Femes Covert, Lunaticks or under any other legal Diſability, or who ſhall be beyond the Seas or otherwiſe diſabled to act for themſelves, himſelf or herſelf, ſuch Conſent to be teſtified in Writing under the Common Seal of the Body or Bodies Politick, Corporate or Collegiate, and under the Hands of the other conſenting Parties reſpectively; and all and every ſuch Exchange and Exchanges ſo to be made ſhall be good, valid and effectual in the Law to all Intents and Purpoſes whatſoever: Provided nevertheleſs, that no Exchanges ſhall be made of any Lands, Tenements or Hereditaments held in Right of any Church, Chapel or other Eccleſiaſtical Benefice without the Conſent teſtified as aforeſaid, of the Patron thereof and of the Biſhop of the Dioceſe in which ſuch Lands, Tenements or Hereditaments ſo to be exchanged ſhall lie and be ſituate.

Coſts of Exchanges and Partitions how to be paid.

XLIII. Provided always, That all Coſts, Charges and Expences attending the making and completing of any Exchanges or Partitions ſhall be paid and borne by the ſeveral Owners making ſuch Exchanges and Partitions in ſuch Manner and in ſuch Proportions as the ſaid Commiſſioners ſhall by any Writing under their Hands or by their ſaid Award order and direct.

Settlements not to be affected nor Wills revoked.

XLIV. 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 Rents as ſhall have been compenſated for and extinguiſhed, and 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.

XLV. And

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

XLV. And be it further enacted, That all Allotments of Lands or 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, and ſhall be entitled to the ſame Privileges and Exemptions as the ſeveral and reſpective Meſſuages, Lands, Tenements, Tythes and Hereditaments, in reſpect of which the ſaid ſeveral Allotments or Parcels of Ground 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.

XLVI. And be it further enacted, That in caſe any Proprietor or Proprietors of any Meſſuages, Lands, Tenements, or Hereditaments, within the ſaid Pariſh of *Leverton* 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 ſaid 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.

Leaſes at Rack Rent be void, except Agreements to the contrary.

XLVII. And be it further enacted, That all and every Leaſe and Leaſes, Agreements and Tenancies at Rack Rent now ſubſiſting of any Part or Parts of the Lands or Grounds hereby directed to be divided and incloſed, or which ſhall by virtue of this Act or the ſaid Act ſecondly herein recited be exchanged or diſcharged from Tythes or Compoſitions for Tythes, and of all Meſſuages, Cottages, Lands, Tenements or Hereditaments, in the ſaid Pariſh of *Leverton*, held therewith or included in ſuch Leaſe or Leaſes reſpectively, unleſs covenanted or agreed in ſuch Leaſes or any ſubſequent Agreements to the contrary, ſhall ceaſe and be void at ſuch Time or Times as the ſaid Commiſſioners ſhall by Writing under their Hands order and direct, ſo as the reſpective Leſſors or Landlords of ſuch Meſſuages, Cottages, Lands, or Tenements do, before or at the reſpective Times at which ſuch Leaſes or Tenancies ſhall be directed to ceaſe, make and pay ſuch Satisfaction to the reſpective Leſſees or Tenants for the Loſs or Injury (if any) which they ſhall ſuſtain by the Determination of ſuch Leaſes reſpectively, as ſhall be mutually ſettled and agreed between them, or as the Commiſſioners, being thereto required by either of the Parties, ſhall aſcertain and direct: Provided always, that if there ſhall be any Leaſe or Leaſes of Lands, part of which ſhall lie within the Pariſh of *Leverton* aforeſaid, and part in any adjoining Pariſh or Pariſhes, all and every ſuch Leaſe or Leaſes at Rack Rent now ſubſiſting, ſo far as the ſame relate to the Premiſes in the ſaid Pariſh of *Leverton*, may and ſhall be vacated; but where any Lands ſhall have been taken in Exchange, which Lands ſhall be under Leaſe and wholly ſituate in any adjoining Pariſh or Pariſhes, the Leaſe or Leaſes of ſuch laſt-mentioned Lands ſhall not be vacated.

Proprietors may ſell their Allotments before the Execution of the Award and their

XLVIII. And be it further enacted, That it ſhall and may be lawful to and for any Perſon or Perſons, Body or Bodies Politick or Corporate, intereſted in the ſaid Lands or Grounds by this Act directed to be divided and incloſed, at any Time to mortgage, ſell, demiſe and diſpoſe of all ſuch Eſtate, Right, Title, Intereſt and Property, which he, ſhe or they ſhall

Rights of Common separate from their other Property.

ſhall then have in or to the ſaid Commonable Lands and Waſte Grounds, or in the Parochial or General Allotments to be ſet out to the ſaid Pariſh of *Leverton* in the *Eaſt* and *Weſt Fens*, ſeparate from ſuch Eſtate, in Right of which he, ſhe or they ſhall be ſo entitled; and it ſhall be lawful for the ſaid Commiſſioners and they are hereby required, upon the Conveyance or other Inſtrument by which the Sale or Diſpoſition of any ſuch Eſtate, Right or Intereſt as aforeſaid hath been or ſhall be made or effected, or by which any ſuch Right or Intereſt may have been reſerved, being produced to them, and the Execution of ſuch Conveyance or other Inſtrument being proved to their Satisfaction to make an Allotment to the Perſon and Perſons reſpectively entitled to the Right or Intereſt conveyed in or reſerved by ſuch Conveyance or other Inſtrument at the Time of making and ſetting out the Allotments by this Act directed to be made.

Auditor of the Commiſſioners' Accounts.

XLIX. And be it further enacted, That *Henry Gee*, of *Boſton* in the ſaid County of *Lincoln*, Merchant, ſhall be and he is hereby appointed Auditor of the the ſaid Commiſſioners Accounts, 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 hereinbefore provided for the Appointment of new Commiſſioners in the Place of the ſaid *William Whitelock* and *Charles Wedge* or either of them, 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 by Three or more Proprietors in Writing under their Hands) until ſuch Account 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 be valid in Law unleſs the ſame ſhall be duly allowed by the ſaid Auditor.

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

L. 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.

Award to be depoſited.

LI. 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 and the ſaid Act ſecondly herein recited, ſhall be inrolled with the Clerk of the Peace for the Parts of *Holland*, in the ſaid County of *Lincoln*, and when inrolled ſhall be depoſited in the Church of *Leverton* aforeſaid, and a true Copy of ſuch Inrolment or of any Part thereof, certified under the Hand of the ſaid Clerk of the Peace or his Deputy for the Time being, (for which Copy Four-pence per Sheet, reckoning Seventy-two Words to each Sheet ſhall be paid and no more), ſhall be allowed and admitted as Evidence in all Courts of Law or Equity.

LII. And

Saving Rights of Lords of Manors.

LII. And be it further enacted, That nothing herein contained ſhall prejudice, leſſen or defeat the Right, Title or Intereſt of the Lord or Lords, Lady or Ladies of any Manor or Manors within the ſaid Pariſh of *Leverton* for the Time being, of, in or to any Seigniories, Royalties, Rights and Services, incident or belonging to ſuch Manor or Manors reſpectively, but that every ſuch Lord or Lords, Lady or Ladies ſhall and may from Time to Time and at all Times hereafter, hold and enjoy the ſame reſpectively, and all Rents, Services, Fines, Courts, Courts Leet and Baron, Perquiſites and Profits of Courts, Goods and Chattels of Felons and Fugitives, Felons of themſelves and put in exigent Deodands, Waifs, Eſtrays, Forfeitures and all Seigniories, Royalties and Privileges to the Lord or Lords, Lady or Ladies of the Manor or Manors aforeſaid for the Time being, incident or belonging (other than and except thoſe which are expreſsly declared to be barred, deſtroyed and extinguiſhed by this Act), in as full, ample and beneficial a Manner as they reſpectively could or might have held and enjoyed the ſame in caſe this Act had not been made.

General Saving.

LIII. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and to all and every other Perſon or Perſons, Body or Bodies Politick, Corporate or Collegiate, his, her and their Heirs, Succeſſors, Executors and Adminiſtrators, (except the ſeveral Perſons to whom any Allotment or Allotments ſhall be made in purſuance of this Act for or in reſpect of ſuch Rights and Intereſts as are hereby meant and intended to be barred, deſtroyed and extinguiſhed, and all Perſons reſpectively claiming under them or in Remainder after them,) all ſuch Right, Title and Intereſt as they, every or any of them could or ought to have had or enjoyed in, to or out of the Lands and Grounds hereby directed to be divided and incloſed in caſe this Act had not been made.

Works to be under the Inſpection of a Surveyor.

LIV. And be it further enacted, That after the paſſing of this Act, the Sea Bank ſo made as aforeſaid ſhall from Time to Time be under the Care and Inſpection of, and as often as neceſſary ſhall be repaired and amended and kept in good Repair and Condition by a Perſon to be appointed Surveyor thereof by a Majority in Value, ſuch Value to be aſcertained by the Land Tax Aſſeſſment or the ſeveral Proprietors for the Time being of the Lands and Grounds in the ſaid Pariſh of *Leverton*, ſituate and being within the ſaid Sea Bank ſo made as aforeſaid, and the ancient Sewers Bank in the ſaid Pariſh of *Leverton*, who ſhall be preſent at a Meeting to be held in the ſaid Pariſh of *Leverton* on the *Thurſday* in *Eaſter* Week in every Year, or in caſe there ſhall be an Equality in the Votes of the Proprietors then preſent, then the Proprietor preſent at ſuch Meeting who ſhall be the Owner of the greater Number of Acres of the ſame Lands and Grounds ſhall have the caſting Vote; and that the Surveyor who ſhall be ſo appointed as aforeſaid ſhall be allowed and paid ſuch yearly or other Salary or Wages for his Trouble as ſhall be thought reaſonable at the Time of his Appointment to the ſaid Office; and in caſe it ſhall happen that no new or other Surveyor ſhall be appointed at ſuch annual Meeting as aforeſaid, then the former Surveyor ſhall continue in his ſaid Office at the ſame Salary and Wages for his Trouble for the ſucceeding Year, unleſs he ſhall be deſirous of reſigning ſuch Office, and of ſuch his Deſire ſhall have given Notice in the Pariſh Church of *Leverton* aforeſaid immediately after Divine Ser-

vice,

vice, or on one of the outer Doors of the ſaid Church, upon ſome *Sunday* at leaſt Three Weeks before the Time of holding ſuch annual Meeting.

New Surveyors to be appointed on Vacancies.

LV. And be it further enacted, That if the ſaid Surveyor ſo to be appointed as aforeſaid ſhall happen to die before the Expiration of the Year for which he ſhall have been appointed, or ſhall become incapable of executing his ſaid Office of Surveyor, or miſconduct himſelf therein, then and in any of the ſaid Caſes it ſhall and may be lawful to and for any of the Proprietors for the Time being of the ſaid Lands and Grounds ſituate and being within the ſaid Sea Bank ſo made as aforeſaid and the ſaid ancient Sewers Bank, to call a Meeting of the ſeveral Proprietors of the ſame Lands and Grounds (of which Meeting publick Notice ſhall be given in the ſaid Pariſh Church of *Leverton* immediately after Divine Service on ſome *Sunday* at leaſt Fourteen Days previous to ſuch Meeting) in order to chooſe a new Surveyor for the then Reſidue of the Year, and until the next annual Meeting of the Proprietors of the ſaid Lands and Grounds, and to remove the old Surveyor, (in caſe of his becoming incapable of executing or miſconducting himſelf in his ſaid Office) and the majority in Value to be aſcertained as aforeſaid of ſuch Proprietors ſo aſſembled as aforeſaid, ſhall appoint another Surveyor, and the Surveyor who ſhall be then appointed ſhall be paid a Proportion of the Salary allowed to the old Surveyor according to the Time which ſhall be then to come of the Year, and the Salary of the old Surveyor ſhall ceaſe at the Time of his Death or of his being removed from his Office as aforeſaid.

Surveyor may erect new Works.

LVI. And be it further enacted, That if it ſhall be neceſſary to make any Alteration in the ſaid Sea Bank now made, or to make any new Bank or Banks, Drain or Drains, Tunnels or other Works upon the ſaid Lands and Grounds, ſituate and being within the ſaid Sea Bank ſo made as aforeſaid, and the ſaid ancient Sewers Bank as aforeſaid, for the better Protection and Drainage of the ſame, ſuch Alteration or new Bank or Banks, Drain or Drains, Tunnels or other Works may from Time to Time be made by the Surveyor ſo to be appointed as aforeſaid, by the Order of the Majority in Value to be aſcertained as aforeſaid of the Proprietors for the Time being of the Lands and Grounds laſt-mentioned, who ſhall be aſſembled at a Meeting to be held for the Purpoſe of determining upon ſuch Alteration or new Work, and which ſhall be called in the ſame Manner as is hereinbefore directed with reſpect to the calling of Meetings for the Purpoſe of chooſing a new Surveyor and removing an old one, except that the Notice of ſuch Meeting ſhall be given for Three ſucceſſive *Sundays* on one of the outer Doors of the Pariſh Church of *Leverton* aforeſaid previous to ſuch Meeting, and the Expences of making ſuch new Works ſhall be raiſed and paid by the Rate to be aſſeſſed and collected, in the ſame Manner as is hereinafter directed with reſpect to the Rates for repairing the ſaid Sea Banks, Drains, Tunnels and other Works; and in caſe any ſuch Alterations or new Works as aforeſaid ſhall be made, the ſame when made ſhall be kept in Repair, and may from Time to Time be altered in the ſame Manner as is hereinbefore directed with reſpect to the ſaid Sea Bank ſo made as aforeſaid.

LVII. And

and may levy Rates.

LVII. And be it further enacted, That for the better enabling any Surveyor to be appointed by virtue of this Act to raiſe Money for the Purpoſe of carrying into Execution the Powers hereby repoſed in him, it ſhall and may be lawful to and for any Surveyor to be appointed by virtue of this Act, when and as often as Occaſion ſhall require, to make an equal Rate or Aſſeſſment upon all and every the Proprietors of the ſaid Lands and Grounds ſituate and being within the ſaid Sea Banks ſo made as aforeſaid and the ſaid ancient Sewers Bank; which Rate or Aſſeſſment ſhall be allowed and ſigned by a Majority in value, to be aſcertained as aforeſaid, of the Perſons intereſted in ſuch Lands and Grounds who may be preſent at a Meeting to be called for that Purpoſe, in the ſame Manner as hereinbefore is mentioned with reſpect to the Choice of a new Commiſſioner by the Proprietors, ſuch Majority not being leſs than Three in Number, and after ſuch Rate or Aſſeſſment ſhall be made, ſigned and allowed as aforeſaid, the ſame ſhall be collected and received by the Surveyor for the Time being; and in caſe any of the Proprietors for the Time being ſhall refuſe or neglect to pay ſuch Rate or Aſſeſſment immediately after the ſame ſhall be ſo made, ſigned and allowed, (being firſt lawfully demanded of ſuch Proprietors reſpectively, or of their Leſſees or Tenants of the Lands and Grounds aſſeſſed for the Time being) then it ſhall and may be lawful to and for any Juſtice of the Peace acting in and for the ſaid Parts of *Holland*, in the ſaid County of *Lincoln*, to make Enquiry of ſuch Default by ſummoning (and for ſuch Purpoſe Notice in Writing left at the uſual Reſidence of the Perſon intended to be ſummoned or of his Leſſee or Tenant, or affixed on ſome conſpicious Part of the ſaid Lands or Grounds ſhall be a good Summons) ſuch Proprietor or Leſſee or Tenant of whom ſuch Rate or Aſſeſſment ſhall have been demanded, to appear before ſuch Juſtice; and if the Perſon or Perſons ſo ſummoned ſhall be adjudged liable to pay the ſaid Rate or Aſſeſſment, either by his own Confeſſion or upon the Oath of the Surveyor for the Time being or of any other competent and credible Witneſs (which Oath the ſaid Juſtice is hereby empowered to adminiſter), or ſhall not appear purſuant to ſuch Summons, the ſaid Juſtice ſhall and is hereby required to levy the ſaid Rate or Aſſeſſment by Diſtreſs and Sale of the Cattle, Stock, Goods and Chattels to be found and taken upon the Lands and Grounds in reſpect whereof ſuch Rate or Aſſeſſment ſhall be and remain unpaid, in the ſame Manner as ſuch Cattle, Stock, Goods and Chattels might be diſtrained and ſold for Rent in Arrear, together with the reaſonable Coſts and Charges attending ſuch Summons, Diſtreſs and Sale, to be ſettled and allowed by the ſaid Juſtice, rendering the Overplus (if any) on Demand to the Owner or Owners of ſuch Cattle, Stock, Goods and Chattels.

To be ſigned by Three Proprietors.

Lands untenanted to remain a Security for Taxes.

LVIII. Provided always, and be it further enacted and declared, That in caſe any Part of the ſaid Lands and Grounds, ſituate and being within the ſaid Sea Bank ſo made as aforeſaid and the ſaid ancient Sewers Bank, ſhall at any Time hereafter be untenanted or unoccupied ſo that no ſufficient Diſtreſs can be made for levying the ſaid Rates or Aſſeſſments, then the Lands and Grounds chargeable therewith ſhall always remain a Security for Payment thereof, and all Cattle, Stock, Goods and Chattels which ſhall at any Time hereafter be found thereon ſhall and may be diſtrained, impounded, kept and ſold in Manner aforeſaid until all Arrears of the ſaid Rates or Aſſeſſments and the Charges incident to ſuch Diſtreſs ſhall be fully paid and ſatisfied; and in caſe any Leſſee or Leſſees, Tenant

or Tenants of the Lands and Grounds laſt mentioned or any Part thereof, ſhall advance and pay ſuch Rates or Aſſeſſments, it ſhall and may be lawful to and for ſuch Leſſee or Leſſees, Tenant or Tenants reſpectively (unleſs there ſhall be any Agreement to the contrary between him, her or them, and his, her or their Landlord or Landlords) to reimburſe him, her or themſelves reſpectively out of his, her or their reſpective Rent or Rents to be or become payable for the Lands or Grounds in reſpect whereof ſuch Payments ſhall have been made, and that a Tender to the Proprietor or Proprietors of ſuch Lands or Grounds of the Receipt or Receipts of the Surveyor appointed as aforeſaid (and which Receipt or Receipts ſuch Surveyor ſhall and he is hereby required to give on Payment of ſuch Rates or Aſſeſſments) for ſuch Payment or Payments made by ſuch Leſſee or Leſſees, Tenant or Tenants, ſhall be conſidered, deemed and taken in Part of Payment of ſuch Rent or Rents reſpecting or ſo much thereof for which ſuch Receipt or Receipts ſhall be ſo given.

Surveyor to account.

LIX. And be it further enacted, That every Surveyor ſo to be appointed as aforeſaid, or the Executors or Adminiſtrators of every ſuch Surveyor, ſhall annually at the ſaid Meeting to be held in the ſaid Pariſh of *Leverton*, or oftener if required, by Five of the ſaid Proprietors at leaſt, render and deliver to the Proprietors aſſembled at the ſaid annual Meeting, or at ſome other Meeting to be called for the Purpoſe of examining and ſettling the Accounts of the ſaid Surveyor, a true, exact and juſt Account in Writing, under his the Surveyor's Hand or under the Hands of his Executors or Adminiſtrators, of all and every Sum and Sums of Money had and received, paid, laid out and expended by him or them in the Execution of the ſaid Office, together with proper Vouchers for all Monies which ſhall have been ſo received and paid up to the Time of rendering ſuch Account, and ſhall verify ſuch Account upon Oath before a Juſtice of the Peace acting for the ſaid Parts of *Holland* in the ſaid County of *Lincoln*, if thereunto required by a Majority in Value, to be aſcertained as aforeſaid, of the ſaid Proprietors, who ſhall audit ſuch Account; and ſuch Surveyor, his Executors or Adminiſtrators, ſhall pay to the ſucceeding Surveyor, or unto ſuch Perſon or Perſons as the Majority in Value, to be aſcertained as aforeſaid, of the Proprietors at ſuch Meeting as aforeſaid by Writing under their Hands, ſhall authorize to receive the ſame, all ſuch Money as ſhall upon balancing the ſaid Account be adjudged by the ſaid Proprietors, or the major Part of them in Value, then preſent, to be due from ſuch Surveyor, his Executors or Adminiſtrators, and deliver up the Vouchers and all Books and Writings reſpecting the ſaid Office to the ſaid Proprietors, or to ſuch other Perſon or Perſons as ſhall be by them or the major Part of them in Value authorized to receive and take the ſame; and in caſe any Surveyor or the Executors or Adminiſtrators of any Surveyor ſhall refuſe or neglect to render, give in and make ſuch Account and Payment as aforeſaid (verified in the Manner herein-before mentioned) or ſhall refuſe or neglect to deliver up all ſuch Books, Writings and Vouchers as aforeſaid, then and in either of the ſaid Caſes it ſhall and may be lawful to and for any Juſtice of the Peace for the ſaid Parts of *Holland* to make Enquiry of ſuch Default in a ſummary Way, and if any ſuch Surveyor or the Executors or Adminiſtrators of any ſuch Surveyor ſhall thereof be convicted, either by the Confeſſion of the Party or upon the Teſtimony of any Witneſs upon Oath who ſhall be competent to that Purpoſe, whether he ſhall be intereſted in the

the Event or not (which Oath the ſaid Juſtice is hereby empowered to adminiſter and alſo to adminiſter Oaths to the Witneſſes on the Part of the Perſons who may be ſo ſummoned) he the ſaid Juſtice ſhall and is hereby required to commit the Party or Parties ſo offending to the Common Gaol of the ſaid County of *Lincoln* or to the Houſe of Correction within the ſaid Parts of *Holland*, there to remain until he or they ſhall have made and rendered a perfect Account and Payment as aforeſaid and delivered up all the Books and Writings relating to the ſaid Surveyorſhip in his or their Cuſtody in Manner aforeſaid, unleſs the Surveyor or his Executors or Adminiſtrators who ſhall be ſummoned ſhall ſhew good Cauſe to the contrary, either by ſhewing the Balance adjudged due to be more than is really due, or in the caſe of Executors or Adminiſtrators by ſhewing that their Teſtator or Inteſtate died inſolvent, or did not leave ſufficient Aſſets, or that his Aſſets have been duly and regularly adminiſtered; and that the Determination of ſuch Juſtice ſhall be final and concluſive between all the ſaid Parties, and that no *Certiorari* or other Writ ſhall be allowed to remove the ſame into any of His Majeſty's Courts at *Weſtminſter* or otherwiſe.

Surveyor to give Security.

LX. And be it further enacted, That every Surveyor who ſhall be ſo appointed as aforeſaid ſhall give ſuch Security for the due Execution of the ſaid Office as the Proprietors for the Time being ſhall at the Time of ſuch Appointment think reaſonable and neceſſary.

Penalty for damaging any Works or obſtructing the Execution of this Act.

LXI. And, for preventing the breaking down or deſtroying any of the Works which ſhall be made or altered by or under the Direction of the Surveyor to be appointed in purſuance of this Act, be it further enacted, That if any Perſon or Perſons ſhall at any Time or Times hereafter wilfully or deſignedly demoliſh, pull down, break, ſpoil or otherwiſe deſtroy any Drain, Bank, Outlet, Sluice, Gowt, Clough, Bridge, Tunnel or other Works already made or erected, or which ſhall at any Time or Times hereafter be made or erected, by or under the Direction of any Surveyor to be appointed in purſuance of this Act, all and every Perſon or Perſons ſo offending and being thereof lawfully convicted, ſhall be ſubject and liable to the like Pains and Penalties as in Caſes of Felony, and the Court by and before whom ſuch Perſon and Perſons ſhall be tried and convicted ſhall have Power and Authority to cauſe ſuch Perſon or Perſons to be puniſhed in ſuch Manner as Felons are directed to be puniſhed by the Laws and Statutes of this Realm, or the Court may and are hereby empowered if they ſhall think fit, in Mitigation of ſuch Puniſhment, to award and impoſe ſuch Fine or Impriſonment, as ſuch Court ſhall judge expedient; and if any Perſon ſhall obſtruct, hinder or moleſt any Surveyor to be appointed by virtue of this Act, or any Workman or other Perſon or Perſons who ſhall be employed by or under him in the Execution of this Act, every ſuch Perſon ſo offending and being thereof lawfully convicted ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Perſons aggrieved may appeal to the Quarter Seſſions.

LXII. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf or themſelves aggrieved by any Thing done in purſuance of this Act or the ſaid Act ſecondly herein recited (other than and except ſuch Orders and Determinations of the ſaid Commiſſioners as are in this preſent Act or the ſaid Act ſecondly herein recited directed to be final, binding or concluſive, and except in ſuch Caſes where an

Iſſue

Iſſue at Law ſhall be tried as hereinbefore mentioned) then and in every ſuch Caſe he, ſhe or they may appeal to the General Quarter Seſſions of the Peace which ſhall be holden for the ſaid Parts of *Holland* in the ſaid County of *Lincoln*, within Four Calendar Months next after the Cauſe of Complaint ſhall have ariſen, on giving to the ſaid Commiſſioners or any of them, and to the Party or Parties concerned, Fourteen Days' Notice in Writing of ſuch Appeal, and of the Matter thereof, and the Juſtices (not intereſted in the Premiſes) in their ſaid General Quarter Seſſions are hereby required to hear and determine the Matter of every ſuch Appeal, and to make ſuch Order, and to award ſuch Coſts and Damages as to them in their Diſcretion ſhall ſeem reaſonable; and by their Order or Warrant to levy the Coſts and Damages 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 Warrant, Diſtreſs and Sale, and the 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; but in caſe ſuch Appeal ſhall appear to the ſaid Juſtices to be frivolous, vexatious or without Foundation, then the ſaid Juſtices ſhall award ſuch Coſts to be paid by the Appellant or Appellants as to them in their Diſtion ſhall ſeem reaſonable, and to be levied in Manner aforeſaid.

Recovery of Penalties.

LXIII. And be it further enacted, That all Penalties, Forfeitures and Fines impoſed or authorized to be impoſed by virtue of this Act, if the Manner of levying and recovering thereof is not herein otherwiſe directed, ſhall be levied and recovered before any One of the Juſtices of the Peace for the ſaid Parts of *Holland* in the ſaid County of *Lincoln*, not intereſted in the Matter in queſtion; for which Purpoſe it ſhall be lawful for any Juſtice of the Peace, upon Complaint made to him, to ſummon any Party accuſed and the Witneſſes on both Sides, and upon the Appearance or Contempt of the Party accuſed to examine ſuch Witneſſes on Oath (which Oath any ſuch Juſtice is hereby empowered to adminiſter) and upon ſuch Evidence to give Judgment accordingly, and to condemn the Party accuſed, Proof of the Accuſation being made by One or more Witneſs or Witneſſes as aforeſaid, in ſuch Penalties, Forfeitures and Fines as the Offender or Offenders ſhall have incurred, and to levy ſuch Penalties, Forfeitures and Fines by Diſtreſs and Sale of the Goods and Chattels of the Offender or Offenders, together with the reaſonable Coſts attending he ſame; all which Penalties, Forfeitures and Fines, the Application whereof is not particularly directed be this Act, ſhall, when and ſo ſoon as the ſame ſhall be levied, be paid and applied to the Surveyor for the Time being, for and towards the Support of the ſaid Sea Bank.

Publick Act.

LXIV. 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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