CHAP. lxxxvii.

An Act for carrying into effect Arrangements with respect to Commons parcel of the Manor of the City of Lincoln. A.D. 1870.

[4th July 1870.]

WHEREAS the mayor, aldermen, and citizens of the city of Lincoln (herein-after referred to as "the Corporation") are lords of the manor of the city of Lincoln, and as such claim to be seized of or otherwise entitled to the inheritance in fee simple of and in the soil and freehold of four several commons situate in the city of Lincoln and county of the same city, and called respectively the Monks Leys Common, the Holmes Common, the South or Canwick Common, and the West Common:

And whereas the freemen of the said city who are for the time being resident and inhabiting within the said city claim to have exclusive rights of common in and over the Monks Leys Common and the Holmes Common, according to certain rates or stints respectively:

And whereas the freemen of the said city who are for the time being resident and inhabiting within the said city, and also the householders of the said city who are for the time being resident and inhabiting within the said city on the south side of the High Bridge and of the River Witham, and also the Corporation in respect of rights of common which were formerly appendant or appurtenant to an estate called Saint Catherine's, and were purchased by the Corporation pursuant to "The Lincoln Corporation (Canwick Common) Act, 1868," and also the vicars of the respective parishes and parish churches of Normanby and Canwick, in the county of Lincoln, and the Great Northern Railway Company, as owners respectively of certain closes known as the Mallandry Closes, claim to have respectively rights of common in and over the South or Canwick Common, according to certain rates or stints respectively:

And whereas the freemen of the said city who are for the time being resident and inhabiting within the said city, and also the householders of the said city who are for the time being resident and

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inhabiting within the said city on the north side of the High Bridge and of the River Witham, claim to have respectively rights of common in and over the West Common according to certain rates or stints respectively:

And whereas any rights of common of the said freemen and householders in and over the said commons are not alienable, and can only be exercised by themselves personally, but the restraints against alienation thereof are occasionally evaded, and it is expedient to provide for more effectual repression of such alienation:

And whereas by virtue of an order of the High Court of Chancery, dated the seventeenth day of January one thousand eight hundred and fifty-two, and made in the matter of "The Great Northern Railway Act (No. 1), 1851," and in the matter of "The Midland Railway (Extension of Time) Act, 1851," a scheme has been settled by the said Court for the application of the income of moneys (hereinafter referred to as the senior freemen's fund) arising from the sale of certain lands, lately part of the Holmes Common, in payment of annuities to the senior freemen of the said city of Lincoln:

And whereas by virtue of another order of the same Court, dated the eighteenth day of December one thousand eight hundred and sixty-eight, made in the matter of "The Lincoln Corporation (Canwick Common) Act, 1868," a scheme has been settled by the said Court for the application of the income of moneys (herein-after referred to as the Canwick Common Fund) arising from the sale of other lands, lately parts of the South or Canwick Common, in payment of annuities to other freemen of the said city:

And whereas it would be greatly for the benefit of the inhabitants of the said city if part of the said Monks Leys Common were converted into and maintained as a public park or pleasure ground, and if the approaches thereto were widened and improved, and if the remainder thereof were sold, and the proceeds of such sale were applied in or towards the expenses of such conversion, widening, and improvement:

And whereas it is expedient that the Holmes Common (which is of a swampy nature) and the portions in this Act defined of the West Common and the South or Canwick Common should be sold, and that the proceeds of such sales should be applied as by this Act is provided, and that the residues of the West Common and the South or Canwick Common should be improved, and the management thereof and the rights of common therein regulated as by this Act is provided:

And whereas the Corporation, as lords of the manor aforesaid, on the one hand, and the owners of the rights of common in and over the said four commons on the other hand, have agreed, subject to

the authority of Parliament thereto being obtained, that the said four commons should be dealt with in manner in this Act appearing: A.D. 1870.

And whereas the objects of the said agreement cannot be attained without the authority of Parliament, and it is expedient that they should be carried into effect:

And whereas duplicate plans and sections, showing the roads and approaches to the Monks Leys Common, and the proposed widening and improvement thereof, and describing the lands intended to be taken for the same, and the lines or situations and levels of the whole works, and the lands in or through which they are to be made, and a book of reference thereto, describing all such lands and containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers thereof, have been deposited with the clerk of the peace for the city of Lincoln and county of the same city, and with the clerk of the peace for the parts of Lindsey in the county of Lincoln, and the said plans, sections, and book of reference are herein-after referred to as the deposited plans, sections, and book of reference:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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, as follows:

Short title.

1. This Act may be cited for all purposes as "The Lincoln City Commons Act, 1870."

Provisions of general Acts herein named incorporated.

2. The following Acts and parts of Acts are (except where expressly varied by this Act) incorporated with and form part of this Act, viz., "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," (except sections ten, eleven, and fifteen of the Act of 1845, and the provisions thereof with respect to lands being common or waste lands,) and also (but so far only as relates to the widening and improvement by this Act authorised) sections ten, eleven, twelve, and fifteen of "The Railways Clauses Consolidation Act, 1845," and for the purposes of this Act the term "the railway," in the last mentioned Act, shall mean the said widening and improvement, and the term "the Company" in that Act shall mean "the Corporation."

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, except as otherwise provided by this Act, and unless there be something in the subject or context repugnant to such construction; and the expression "superior courts" or "court of competent jurisdiction," or any

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other like expression in this Act or any Acts wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute; the word "Corporation" shall mean the mayor, aldermen, and citizens of the said city; the word "mayor" shall mean the mayor for the time being of the said city; the words "town clerk" shall mean the town clerk for the time being of the said city; the word "freemen" shall mean the freemen of the said city for the time being resident and inhabiting within the said city; the words "widows of freemen" shall mean persons for the time being resident and inhabiting within the said city, and who are widows of deceased freemen of the said city, and have not married again.

Power to widen, &c. roads named.

4. Subject to the provisions of this Act, the Corporation may in the lines and according to the levels shown on the deposited plans and sections from time to time make, execute; and maintain the widening and improvement of roads and approaches of the said city herein-after described; viz.,

First, the widening and improvement of Lindum Terrace on the south side thereof throughout its whole length:

Second, the widening and improvement of Lindum Road on the south-east side thereof for two chains measured south-west from the angle at the junction thereof with Lindum Terrace:

Third, the widening and improvement of Monks Road or Lane on the north side thereof throughout the whole length of the south frontage of Monks Leys Common which abuts upon that road or lane:

with all proper approaches, works, and conveniences connected therewith respectively, and may enter upon, take, and use such of the lands delineated on the said plans, and described in the deposited book of reference, as may be required for the purposes aforesaid respectively.

Extinguishment of common rights in the widened roads.

5. From and after the entering upon and taking by the Corporation of any lands by this Act authorised to be entered upon, taken, and used by them for the purposes of the said improvements, all existing rights of common and other rights and privileges in or in respect of any such lands are by this Act extinguished.

Powers for compulsory purchases limited.

6. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Period for completion of works.

7. The works of the said widenings and improvements shall be completed within five years from the passing of this Act, and if the

same shall not be completed within that period, then on the expiration thereof the powers by this Act granted to the Corporation for making and completing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof respectively as shall then be completed: Provided that after the expiration of that period the Corporation may add to, enlarge, and improve such of those works as they complete within that period. A.D. 1870.

Vesting common rights over Monks Leys Common in Corporation.

8. From and after the passing of this Act, and in consideration of the redeemable annuity herein-after referred to, all rights of common and other rights and interests of the commoners, freemen, and all persons other than the Corporation in and over the Monks Leys Common shall be and the same are by this Act extinguished, and thenceforth the Corporation, their successors and assigns, shall (subject to the provisions of this Act) for ever hold and enjoy the Monks Leys Common for an estate of inheritance in fee simple in possession, freed and discharged from all such rights of common and other rights and interests as aforesaid, and from all lien or charge or right to any lien or charge of the vendors or owners of the said rights and interests for or in respect of the consideration aforesaid: Provided always, that within three months after the passing of this Act the Corporation shall produce to the Commissioners of Inland Revenue a copy of this Act, printed by Her Majesty's printer, and duly stamped with the ad valorem stamp duty of the same amount as would have been payable in respect of a conveyance of the said common and other rights for the consideration to be paid by the said Corporation; and if the said Corporation shall not, within the said period of three months, produce to the said Commissioners such copy of this Act duly stamped as aforesaid, the ad valorem stamp duty shall be recoverable from the Corporation with full costs of suit and all costs and charges attending the same.

Amount of consideration for vesting common rights in Corporation.

9. In consideration of the extinguishment aforesaid the Corporation shall pay to the freemen's committee, to be appointed as herein-after is provided, a perpetual yearly sum of two hundred pounds in manner herein-after provided, but subject nevertheless to redemption in manner herein-after also provided.

Consideration charged on borough fund.

10. The said yearly sum of two hundred pounds, so long as it shall continue payable, shall be a charge upon the borough fund of the said city, and shall be from time to time payable thereout as if such yearly sum were part of the expenses necessarily incurred by the Corporation in carrying into effect the provisions of the Acts of Parliament passed, and for the time being in force, to provide for the regulation of municipal corporations in England and Wales;

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and if at any time such yearly sum be not paid within thirty days after it becomes payable, according to the provisions herein-after contained, and after demand thereof in writing, the freemen's committee may either recover the same from the Corporation with costs of suit by action of debt in any of the superior courts, or may levy the same by distress of the goods and chattels of the Corporation.

Times of payment.

11. The said yearly sum of two hundred pounds shall be paid and payable half yearly, on the first day of January and the first day of July in every year, and the first payment thereof shall commence and be made on the first day of January one thousand eight hundred and seventy-one.

Redemption of yearly sum.

12. If and whenever the Corporation shall be desirous of redeeming the said yearly sum of two hundred pounds, it shall be lawful for them to transfer or cause to be transferred in the books of the Governor and Company of the Bank of England, into the names of the freemen's committee for the time being, six thousand six hundred and sixty-six pounds thirteen shillings and fourpence of Bank three pounds per centum consolidated annuities, and upon such transfer being made, and upon payment of all arrears (if any) of the said yearly sum and a proportionate part of such yearly sum for the period between the day of such transfer and the last preceding half-yearly day of payment thereof, the said yearly sum of two hundred pounds shall cease to be payable by or recoverable from the Corporation or to be a charge upon the borough fund, and all rights, remedies, and securities in respect thereof shall cease and determine.

Power to freemen's committee to sell Bank annuities and to invest proceeds.

13. The freemen's committee may, after the said Bank annuities shall have been so transferred into their names as herein-before is provided, from time to time sell all or any part of the same Bank annuities, and shall invest the money arising from any such sale in or upon any of the securities herein-after prescribed for the investment of money arising from the sale of the Holmes Common, and may from time to time vary and transpose such investments into or for other investments or securities of any of the same descriptions.

Payment of consideration out of borough fund.

14. The Corporation shall from time to time, so long as the said yearly sum shall continue payable, pay the same out of the borough fund; and the Corporation may apply a competent part of the borough fund in the purchase of the aforesaid amount of the said Bank annuities, and as if such payment and application were respectively part of the expenses necessarily incurred by the Corporation in carrying into effect the provisions of the Acts of Parliament last aforesaid.

Power to Corporation to borrow on mortgage of borough fund.

15. The Corporation may borrow on mortgage any sum or sums of money not exceeding in the whole the sum required for the purchase of the said Bank annuities, and for securing the money so borrowed, with interest, may mortgage the borough fund, and may, if the money so borrowed, or any part thereof, be repaid by the Corporation to the lenders thereof otherwise than by means of the sinking fund herein-after provided for, reborrow the amount so paid off, and so from time to time; and the principal sums and interest secured by any such mortgages shall be a charge on the borough fund, and shall be provided for and paid in the same manner as expenses necessarily incurred by the Corporation in carrying into effect the provisions of the Acts to provide for the regulation of municipal corporations in England and Wales.

Form of mortgage.

16. Every mortgage of the borough fund made under the provisions of this Act shall be by deed duly stamped, in which the consideration shall be truly stated; and every such deed shall be under the common seal of the Corporation, and may be according to the form in the schedule (A.) to this Act annexed, or to the like effect.

Mortgages to be without preference.

17. The respective mortgagees shall be entitled one with another to their respective proportions of the borough fund of the said city according to the respective sums in such mortgages mentioned to be advanced by such mortgagees respectively, and to be repaid the sums so advanced, with interest, without any preference one above another by reason of priority of the date of any such mortgage or otherwise.

Register of mortgages to be kept, and to be open to inspection.

18. A register of such mortgages shall be kept by the town clerk, and within fourteen days after the date of any mortgage an entry or memorial of the number and date thereof, and of the names of the parties thereto, with their proper additions, shall be made in the proper register, and every such register may be perused at all reasonable times by any person interested in any such mortgage, without fee or reward.

Transfers of mortgages.

19. Any person entitled to any such mortgage may transfer his right and interest therein to any other person, and every such transfer shall be by deed duly stamped, wherein the consideration shall be truly stated, and every such transfer may be according to the form in the schedule (B.) to this Act annexed, or to the like effect.

Register of transfers to be kept.

20. Within thirty days after the date of every such transfer, if executed within the United Kingdom, or otherwise within thirty days after the arrival thereof in the United Kingdom, it shall be

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produced to the town clerk, and thereupon he shall cause an entry or memorial thereof to be made, in the same manner as in the case of the original mortgage, and for such entry the town clerk may demand a sum not exceeding five shillings, and after such entry every such transfer shall entitle the transferee, his executors, administrators, or assigns, to the full benefit of the original mortgage, and the principal and interest thereby secured, and such transferee may in like manner assign or transfer the same again toties quoties, and it shall not be in the power of any person, except the person to whom the same shall have been last transferred, his executors, administrators, or assigns, to make void, release, or discharge the mortgage so transferred, or any money thereby secured.

Payment of interest on moneys borrowed.

21. The interest of the money borrowed upon any such mortgage shall be paid at the periods appointed in such mortgage, and if no period be appointed, half yearly, to the several parties entitled thereto.

Repayment of money borrowed at a fixed time.

22. The Corporation may, if they think proper, fix a period for the repayment of the principal money so borrowed, with the interest thereof, and in such case the Corporation shall cause such period to be inserted in the mortgage deed, and upon the expiration of such period the principal sum, together with arrears of interest thereon, shall, on demand, be paid to the party entitled to such mortgage; and, if no other place of payment be inserted in such mortgage deed, such principal and interest shall be payable at the office of the town clerk.

Repayment of money where no time fixed.

23. If no time be fixed in the mortgage deed for the repayment of the money so borrowed, the party entitled to the mortgage may, at the expiration or at any time after the expiration of twelve months from the date of such mortgage, demand payment of the principal money thereby secured, with all arrears of interest, upon giving six months previous notice for that purpose; and in the like case the Corporation may at any time pay off the money so borrowed on giving the like notice; and every such notice shall be in writing or print, or partly in both, and if given by a mortgagee shall be delivered to the town clerk or left at his office, and if given by the Corporation shall be either given personally to such mortgagee or left at his residence, or if such mortgagee be unknown, or cannot after diligent inquiry be found, such notice shall be given by advertisement in some newspaper published in the said city.

Interest to cease on expiration of

24. If the Corporation shall have given notice of their intention to pay off any such mortgage at a time when the same may

lawfully be paid off by them, then at the expiration of such notice all further interest shall cease to be payable on such mortgage, unless, on demand of payment made pursuant to such notice, or at any time thereafter, the Corporation shall fail to pay the principal and interest due at the expiration of such notice on such mortgage.

notice to pay off mortgage.

25. If within thirty days after the interest accruing upon any such mortgage has become payable, and after demand thereof in writing, the same be not paid, the mortgagee may, without prejudice to his right to sue for the interest so in arrear in any of the superior courts of law or equity, require the appointment of a receiver, by an application to be made as herein-after provided; and if within six months after the principal money owing upon any such mortgage has become payable, and after demand thereof in writing, the same be not paid, the mortgagee, without prejudice to his right to sue for such principal money, together with arrears of interest, in any of the superior courts of law or equity, may, if his debt be of the amount of one tenth (herein-after referred to as the prescribed amount) of the whole sum borrowed on such mortgages alone, or if his debt be not of the prescribed amount he may, in conjunction with other mortgagees whose debts being so in arrear after demand as aforesaid shall together with his make up the prescribed amount, require the appointment of a receiver, by an application to be made as herein-after provided.

Arrears of interest, when to be enforced by appointment of a receiver.

Arrears of principal and interest.

26. Every application for a receiver in the cases aforesaid shall be made to two justices of the peace acting for the said city of Lincoln and county of the same city, or for the parts of Lindsey in the said county of Lincoln, and on any such application it shall be lawful for such justices by order in writing, after hearing the parties, to appoint some person to receive the whole or a competent part of the borough fund until such interest, or until such principal and interest, as the case may be, together with all costs, including the charges of receiving the borough fund aforesaid, be fully paid; and upon such appointment being made, the borough fund, or the competent part thereof, shall be paid to and received by the person so to be appointed; and the money so to be received shall be so much money received by or to the use of the party to whom such interest or such principal and interest, as the case may be, shall be then due, and on whose behalf such receiver shall have been appointed; and after such interest and costs, or such principal, interest, and costs, have been so received, the power of such receiver shall cease.

Appointment of receiver.

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Access to account books by mortgagees.

27. At all seasonable times the books of account of the Corporation in respect of the borough fund shall be open to the inspection of the respective mortgagees thereof, with liberty to take extracts therefrom without fee or reward.

Application of money borrowed by the Corporation.

28. The sums from time to time borrowed by the Corporation under the powers herein-before contained shall be applied in the herein-before authorised redemption of the said yearly sum of two hundred pounds.

Former mortgages to have priority.

29. All mortgages of the borough fund made by the Corporation before the passing of this Act, and which shall be subsisting at the time of the passing thereof, shall, during the continuance of such mortgages, have priority over any mortgages to be granted by virtue of this Act.

Power to borrow money at a lower rate of interest to pay off securities at a higher rate.

30. If the Corporation can at any time borrow or take up any sum of money at a lower rate of interest than any securities given by them and then being in force shall bear, they may borrow such sum at such lower rate as aforesaid, in order to pay off and discharge the securities bearing such higher rate of interest, and may charge the borough fund which they may be authorised to mortgage under this Act, or any part thereof, with payment of such sum and such lower rate of interest, in such manner and subject to such regulations as are herein contained with respect to other moneys borrowed on mortgage.

Moneys borrowed on security of borough fund to be paid off in a limited period.

31. In order to discharge the principal money borrowed as aforesaid, the Corporation shall every year appropriate and set apart out of the borough fund a sum equal to one thirtieth part of the sums so borrowed respectively as a sinking fund, to be applied in paying off the respective principal moneys so borrowed, and shall from time to time cause such sinking fund to be invested in the purchase of Exchequer bills or other Government securities, and to be increased by accumulation in the way of compound interest or otherwise until the same respectively shall be of sufficient amount to pay off the principal debts respectively to which such sinking fund shall be applicable, or some part thereof which the Corporation shall think ought then to be paid off, at which time the same shall be so applied in paying off the same in manner herein-after mentioned.

Mode of paying off mortgages.

32. Whenever the Corporation shall be enabled to pay off one or more of the mortgages which shall be then payable, and shall not be able to pay off the whole thereof, they shall decide the order in which they shall be paid off by lot, and shall cause a notice, signed by the town clerk, to be given to the persons entitled to the money

to be paid off pursuant to such lot, and such notice shall express the principal sum proposed to be paid off, and that the same will be paid, together with the interest due thereon, at a place to be specified at the expiration of six months from the date of giving such notice.

Appointment of first committee of freemen.

33. The mayor shall, within three months after the passing of this Act, convene a meeting of the freemen for the purpose of appointing the committee next herein-after mentioned, and the mayor, or in his absence some freeman present at such meeting, and chosen by the majority of the freemen present, shall preside at such meeting, and the freemen present at such meeting shall elect four freemen to be, and the four freemen so elected and their successors to be appointed as herein-after mentioned shall be, a committee, to be called "the Freemen's Committee," for the purpose of carrying into effect such of the provisions of this Act as are hereby authorised or required to be carried into effect by the freemen's committee, and three of such committee shall be a quorum.

Power to appoint new members of committee to fill up vacancies.

34. If any of the members of the freemen's committee so elected as last aforesaid, or any member thereof to be elected as in this section is mentioned, shall die, or desire to be discharged, or refuse or decline or be or become unfit or incapable to act, or cease to be resident and inhabiting within the said city, then and in any of the cases aforesaid a new member of the committee, to supply the place of any member so dying, desiring to be discharged, or refusing or declining or being or becoming unfit or incapable to act, or ceasing to be resident and inhabiting within the said city as aforesaid, may be, and whenever the number of the committee is reduced below four shall be, elected by a meeting of the freemen to be convened as herein-after provided.

On appointment of new members of committee powers and property of committee to be vested in new and old members.

35. So often as any new member of the freemen's committee shall be elected, as in the last section is provided, the said Bank annuities, if the same shall have then been so transferred as aforesaid, and any other property for the time being vested in or transferable to the freemen's committee under or by virtue of this Act, shall, so far as the said Bank annuities and other property are capable of being so dealt with, with all convenient speed be transferred and assigned, so that the same respectively may be legally and effectually vested in the new member or members, either solely or jointly with the surviving or continuing member or members, as the case may require, for the purpose and subject to the provisions of this Act respecting the same Bank annuities and other property; and every

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new member elected as aforesaid, as well before as after such conveyance and assignment (if any), shall have the same powers, authorities, and discretions, and shall in all respects act as if he had been originally elected a member of the said committee instead of the member to whose place such new member shall succeed, and the number of members of the committee may, if any meeting of the freemen so determine, be increased or reduced, but so that the same shall never exceed the number of seven, and shall never be less than three.

Removal of members of committee, and their indemnity.

36. A meeting of the freemen of the said city may from time to time, at their pleasure, remove all or any members for the time being of the freemen's committee, and may fill up vacancies occurring in that committee by any such removal, and all acts of the freemen's committee shall be valid notwithstanding any alleged or real informality in the appointment of any member thereof, and notwithstanding any omission to supply any vacancy, and the members for the time being of the committee shall be respectively chargeable only with such moneys as they respectively shall actually receive, and shall not be answerable for each other, nor for any banker, broker, or other person in whose hands any of the moneys for the time being under the control of the committee may be deposited, nor for involuntary losses, and the said members may respectively reimburse themselves out of the moneys coming to their hands all expenses incurred in or about the execution of the trusts and powers vested in them.

Mode of convening meetings of freemen.

37. Every meeting of the freemen to be held under or in pursuance of this Act shall be convened by the mayor, and shall be held in the town hall or some other convenient place within the said city, and shall be convened by public advertisement, to be inserted once at least in two consecutive weeks in some newspaper published in the said city, the last of such insertions being not more than fourteen nor less than seven days prior to such meeting, and at such meeting the mayor, or in his absence some freeman present at such meeting, and chosen by the majority of the freemen present, shall preside, and the decision of the majority of the freemen present shall bind the minority and absent freemen, and in every case of an equality of votes upon any question put to such meeting the president shall have a casting vote.

Freemen may require mayor to convene a meeting, and

38. It shall be lawful for ten or more freemen, by writing under their hands, at any time to require the mayor to convene a meeting of the freemen for all or any of the purposes for which such meeting is by this Act authorised or required, and such requisition shall fully

express the object of the meeting required to be convened, and shall be left at the town clerk's office or given to the mayor or left at his last or usual place of abode, and forthwith upon the receipt of such requisition the mayor shall convene a meeting of the freemen; and if for twenty-one days after such notice the mayor fail to convene such meeting, then ten or more of the freemen may convene such meeting in like manner as is herein-before prescribed with respect to meetings to be convened by the mayor.

on his failing may themselves convene.

39. At the first meeting of the freemen's committee held after their election, and at the first meeting of such committee in every calendar year afterwards, the members present at such meeting (being a quorum) shall choose one of such committee to act as chairman of the committee for the year following such choice, and if the chairman die, or resign, or cease to be a member of the said committee, or otherwise become disqualified to act, the members of the committee present at the meeting next after the occurrence of such vacancy, and being a quorum, shall choose some other member of the committee to fill such vacancy, and every such chairman so elected as last aforesaid shall continue in office so long only as the person in whose place he may be so elected would have been entitled to continue if such death, removal, or disqualification had not happened.

Chairman of committee.

40. The freemen's committee shall cause notes or minutes of the orders and proceedings of all meetings thereof, and of the orders and proceedings of all meetings of freemen convened under the authority of this Act, to be duly entered in books to be from time to time provided for the purpose, which shall be kept under the superintendence of the freemen's committee, and every such entry shall be signed by the chairman of such meeting, and such entry so signed shall be received as primâ facie evidence in all courts, and before all judges, justices, and others, without proof of such respective meetings having been duly convened or held, or of the persons holding such meetings being freemen or members of the freemen's committee, or of the signature of the chairman, or of the fact of his having been chairman, all of which last-mentioned matters shall be presumed until the contrary be proved.

Proceedings of freemen's committee.

41. It shall be lawful for the freemen's committee to receive the said yearly sum of two hundred pounds, and to do all lawful acts for recovering and compelling payment of the same, and to accept transfers of the said Bank annuities and to receive the dividends thereon, and the receipt of the freemen's committee for the payment of the said yearly sum and every part thereof, and for the said Bank

Empowering freemen's committee to receive yearly sum, &c., and to give receipts, &c.

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annuities when transferred to them under and by virtue of the provisions of this Act, shall effectually discharge the Corporation therefrom and from being bound to see to the application or being answerable for the loss or misapplication thereof respectively.

Application of yearly sum and income of redemption money.

42. The said yearly sum of two hundred pounds, when and as the same shall be payable, and the dividends of the said Bank annuities when so transferred as aforesaid, and the income of any securities into or for which the said Bank annuities or any part thereof, or any money arising from any sale of the same or any part thereof, shall from time to time be varied or transposed by virtue of this Act, when and as the same respectively shall be received, shall be applied by the freemen's committee in manner herein-after provided.

Corporation to sell certain lands.

43. The Corporation may from time to time sell all or any of the following lands; (that is to say,)

First. Any part or parts not exceeding in the whole three acres of the Monks Leys Common:

Second. The Holmes Common:

Third. A portion of the South or Canwick Common, containing one acre thirty perches or thereabouts, and being that portion of the same common which is situate between the Sincil Dyke and that part of the Lincoln and Washingborough turnpike road which runs through the same common, two chains or thereabouts south of Bargate Bridge:

Fourth. A portion of the West Common, containing four acres and thirty-four perches or thereabouts, and being that portion of the same common which is known as "the Diglands," and is situate between the haling-path of the Foss Dike Navigation and lands now or late belonging or reputed to belong to George Goodwin, Thomas Winn, William Singleton, and Richard Ellison.

As to the manner of sale.

44. Every sale by this Act authorised may be made either by public auction or private contract, or partly in each of those ways; and the Corporation may make any stipulations as to title or evidence, or commencement of title or otherwise, in any conditions of or contract for sale, and may buy in at any sale all or any of the land offered for sale, and may rescind any contract for sale, and may resell the property bought in or included in the rescinded contract, and any such sale or sales may (in all or any cases in which the same shall be thought advisable or proper) be made with, under, and subject to any covenants or stipulations to be entered into or made by or on the part of the purchaser or purchasers to build upon, lay

out, rail, inclose, embank, fence, drain, or otherwise improve (in such manner as may be agreed upon) the lands to be purchased by him or them respectively, or any part thereof, or as to the mode of building thereon, the extent of land to be built upon, and the value and character of the buildings to be erected thereon; and it shall also be lawful for the Corporation upon any such sale or sales as aforesaid to stipulate and agree with the purchaser or purchasers of any part or parts of the said lands and hereditaments as to the mode in which any part or parts of the said lands and hereditaments which shall then remain unsold shall be built upon, laid out, used, or improved; and any such sale or sales may be made with, under, and subject to such covenants, restrictions, stipulations, agreements, rights, easements, and conveniences as by the Corporation shall be considered to tend to the general improvement or advantage of the said lands and hereditaments or to the improvement or advantage of any part or parts thereof.

Conveyance to discharge the lands from rights of common.

45. All land sold by the Corporation under any of the powers aforesaid, and as to which the contract for sale is not rescinded, may, upon payment of the purchase money to the treasurer of the Corporation, be conveyed by the Corporation under their common seal unto and to the use of the purchaser or purchasers, his or their heirs or assigns, or otherwise as he or they shall direct, and shall, by force and virtue of the conveyance, be held by him or them freed and discharged from all rights of common and other rights and privileges (if any) in, over, and upon the same.

Corporation treasurer's receipt a discharge.

46. The receipt of the treasurer of the Corporation for any money becoming payable on any such sale as aforesaid shall effectually discharge the person paying the same therefrom, and from being bound to see to the application, or being answerable for the loss, misapplication, or non-application thereof, and from inquiring whether the sale is authorised, and from being affected with notice that it is not authorised.

Lease of sheep stocking in West Common.

47. The Corporation may from time to time, in consideration of an annual or other rent, and upon such terms generally as they may think proper, let or demise the stocking or depasturing with sheep of the whole or any part or parts of the West Common, with or without stint, for all or any part of the period commencing on the fifteenth day of October and ending on the twenty-fifth day of March in any year or any successive number of years not exceeding seven years.

Lease of part of common for an ozier holt.

48. The Corporation may from time to time, in consideration of an annual or other rent, and upon such other terms generally as

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they may think proper, let or demise any portion not exceeding twelve acres of the southern part of the West Common between the Lincoln and Gainsborough turnpike road and the haling-path of the Foss Dike Navigation for the purposes of an ozier holt, or for such other purposes as the Corporation deem desirable, for any term not exceeding seven years, and freed and discharged during each such lease or demise from all rights of common and other rights and privileges of any persons whomsoever in or over the demised premises.

Best rents to be got.

49. Every lease authorised by the last two preceding sections shall be for the best rent that can be reasonably had for the premises leased, and the payment of every such rent shall be reserved by proper reservations and conditions in the respective leases, and no fine, premium, or foregift, or anything in the nature thereof, shall be taken on any such letting.

Suspension of common rights during leases.

50. All rights of common and other rights and privileges in or over so much of the West Common as may for the time being be included in any of the leases herein-before authorised shall during the continuance of the respective lease be suspended.

Corporation to drain and improve West Common.

51. The Corporation may cause the West Common and the South or Canwick Common to be effectually drained, fenced, levelled, altered, planted, ornamented, and otherwise improved as they may think proper, and for all or any of the aforesaid purposes may make and maintain all such cuts, channels, dykes, drains, locks, sluices, engines, and other works and things over, in, through, under, out of, and from the same common as the Corporation shall think proper.

Fencing of West Common from turnpike road.

52. The Corporation may remove the gates at the east and west ends of so much of the Lincoln and Gainsborough turnpike road as passes through the West Common, and may erect and at all times maintain good and sufficient fences for dividing the same turnpike road on both sides thereof from the West Common, and they may pass the south fence either to the north or the south of the grand stand on that common.

Lodge to be erected on West Common.

53. The Corporation may erect and maintain upon any part of the West Common a lodge or dwelling-house, with proper out-buildings and appurtenances, to be appropriated and used exclusively for the residence of the commons warden or other officer having for the time being the charge and superintendence of the West Common and the South or Canwick Common.

Appropriation of part of Monks Leys Common for park.

54. The Corporation shall appropriate and maintain so much of the Monks Leys Common as shall not be sold under the authority herein-before contained as a public pleasure ground or park, hereinafter referred to as "the park," for the enjoyment, recreation, and public resort of the inhabitants of the said city and the neighbourhood thereof, and of the public at large, subject to the provisions of this Act; and the Corporation shall not depasture the park, or any part thereof, except for the purpose of manuring and improving the sward thereof at proper seasons.

Power to form and maintain park.

55. The Corporation may lay out, fence, drain, level, plant, and improve the land so appropriated for the park as aforesaid, and may make rides, drives, walks, gardens, shrubberies, lakes, ponds, and other ornamental works, and all appropriate buildings and conveniences therein; and they may generally from time to time do all things necessary for the proper forming, maintaining, and improving the park, and may from time to time stop up and discontinue any road, footpath, or way in, upon, through, or over the lands so to be appropriated as aforesaid, or any part thereof.

Use of park by public.

56. The park shall be open for the use of the public free of charge for admission (except as herein-after provided) during the whole year on every day of the week (Sundays included), but except during necessary repairs or alterations, and the hours of opening and closing the entrance gates shall vary with the seasons of the year, but so that they may be open at sunrise whenever the sun shall rise after six o'clock, and not be closed before sunset: Provided always, that the Corporation may from time to time let the park for fêtes or musical or other entertainments, and may from time to time upon any public occasion, or the giving of any entertainment therein, or on fête or gala days, close the entrance gates of the park, and may demand and receive a reasonable sum or fee from every person for admission to the park on any such occasions or days, and may let the exclusive right of supplying refreshments in the park upon such terms and conditions as the Corporation think fit; and all sums so received by the Corporation shall be paid over to the treasurer of the Corporation as part of the borough fund of the said city.

Fees for entrance on fête days.

Park not to be used for meetings, &c.

57. The park shall not be used for the purposes of political or other meetings, or for open-air preaching, or for any meetings of clubs or benefit societies; but the Corporation may permit the same to be used for all such games or pastimes, and at such times, and in such parts of the park, and under and subject to such conditions or restrictions as they shall think proper.

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Power to Corporation to appoint keepers for park.

58. The Corporation may from time to time appoint and dismiss the officers, keepers, and servants of the park, and fix, regulate, and pay their respective salaries, duties, services, and conduct.

Corporation may appoint committee to manage park.

59. Subject to the provisions of this Act, the Corporation shall have the entire control and management of the park, and may yearly appoint a committee of the Corporation for the management and regulation of the same.

Byelaws and regulations for management of park.

60. The Corporation from time to time may make and enforce such byelaws as are in their judgment proper and sufficient for the exclusion of improper persons from the park, and for the use, government, control, or management thereof, and for regulating the conduct of persons frequenting the same, and for protecting and preserving from injury the park and the buildings, terraces, statues, trees, lakes, fountains, shrubs, flowers, seats, gates, fences, and palings, and all other parts thereof, and may alter or revoke any such byelaws and regulations when and as they think fit, and make new ones.

Penalty for breach of byelaws.

61. The Corporation may fix a penalty not exceeding five pounds for any and every breach, whether by any of their officers or servants or by any other person, of any byelaw made by them with respect to the park, but so that every byelaw fixing any penalty be so framed as to allow of part only of the maximum penalty being inflicted; and any person in the park offending against any such byelaws may also be removed from the park.

Recovery of penalties.

62. All penalties under any byelaws made under this Act shall be recoverable by the Corporation according and subject to the provisions of "The Railways Clauses Consolidation Act, 1845," with respect to the recovery of damages not specially provided for and of penalties, and to the determination of any other matter referred to justices, and as if the word "Corporation" were inserted therein instead of the word "company."

Byelaws to be posted in park.

63. A printed copy or a sufficient abstract of the byelaws relating to the park shall be put up at every entrance thereto, and at such other convenient places at or near to the same as the Corporation think fit.

Exemption of park from local taxation.

64. The park, and all buildings therein, and every part thereof respectively, and the Corporation and all other persons in respect of the same, shall be wholly exempt from all municipal, parochial, and other local rates, charges, assessments, and impositions whatsoever.

Expenses of park charged on borough fund.

65. Subject to the provisions of this Act, the expenses of carrying this Act into execution with respect to the park shall from time to time be paid out of the borough fund, and the same shall be a

charge upon that fund, and shall be provided for as part of the expenses necessarily incurred by the Corporation in carrying into effect the provisions of the Acts to provide for the regulation of municipal corporations in England and Wales.

Application of money from sales and lettings.

66. The moneys to arise from the respective sales and lettings herein-before authorised shall be applied to the respective purposes following; (that is to say,)

(A.) As to the moneys to arise from the sale of the said three acres of the Monks Leys Common; (first), in payment of the expenses of sale; (secondly), in or towards the cost of making the improvements of roads herein-before authorised; and (thirdly) in or towards the expenses of carrying into execution the provisions of this Act with respect to the park:

(B.) As to the money to arise from the sale of the Holmes Common; (first), in payment of the expenses of sale; (secondly), in or towards payment of the costs, charges, and expenses of and incidental to the obtaining of this Act, and of any proceedings in the High Court of Chancery under or in order to give effect to any of the provisions of this Act; and (thirdly) in investing the residue thereof in the names of the freemen's committee upon Government or on real or other securities of the descriptions in this Act herein-after specified, upon trust to apply the income thereof in manner herein-after provided:

(C.) As to the money to arise from the sale of the said portion of the South or Canwick Common; (firstly), in payment of the expenses of sale; and (secondly), at the discretion of the Corporation, in or towards defraying the expenses of carrying into execution the provisions of this Act with respect to the West Common, or in or towards the expenses of further planting, draining, or otherwise improving the South or Canwick Common:

(D.) As to the money to arise from the sale of the Diglands, and from the lettings herein-before authorised; (first), in payment of the expenses of such sale and lettings; and (secondly) in or towards the expenses of carrying into execution the provisions of this Act with respect to the West Common, or in paying the interest and instalments of principal moneys borrowed under the authority herein-after contained upon the security of the West Common, or in forming the sinking fund herein-after authorised to be formed for the payment of such last-mentioned borrowed moneys.

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Nature of investments of residue of sale moneys of Holmes Common.

67. The securities in or upon which the herein-before mentioned residue of the money to arise from the sale of the Holmes Common shall be invested shall be any of the following; viz.,—

The public stocks or funds or Government securities of the United Kingdom, or the stocks or securities of the Government of India, or the stock of the Bank of England, commonly called Bank stock, or mortgages of freehold hereditaments in England or Wales, but not elsewhere;

Power to vary investments.

and the freemen's committee shall have power from time to time to vary and transpose the investments in or upon which the said residue may for the time being be invested into or for other investments or securities of any of the descriptions herein-before specified.

Application of income of investments.

68. The income of the said residue of the moneys to arise from the sale of the Holmes Common, and of the securities in or upon which the same may for the time being be invested, and the said redeemable yearly sum of two hundred pounds until redemption thereof, and the income of the securities upon which the redemption money thereof shall for the time being be invested, shall, subject to deduction of the expenses of receiving and managing the same, be applied by the freemen's committee in manner following; (that is to say,) in payment of annuities of five pounds each to an equal number of freemen and widows of freemen who have been resident and inhabiting within the said city for five successive years immediately preceding the allocation to them of the respective annuities, and who, being freemen, are not recipients of the senior freemen's fund aforesaid, and who, being freemen, or widows of freemen, are not recipients of any annuity under the Canwick Common scheme aforesaid, and who, being widows of freemen, have not married again, and such annuities shall continue until the annuitants respectively die or cease to be resident and inhabiting within the said city, or, being widows of freemen, marry again: Provided always, that whenever the net income distributable as aforesaid shall not be an exact multiple of five pounds, one other annuity consisting of the fraction of five pounds which shall annually remain beyond the highest multiple of five pounds contained therein shall be paid to another such freeman, or widow of a freeman, as in this section is mentioned, and shall continue as long as and terminate in the like event as aforesaid; provided also, that in the distribution of the said annuities among the prescribed recipients aforesaid the elder in point of age of the persons eligible to receive the same shall always be preferred to the younger in point of age.

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Court of Chancery may settle scheme.

69. Provided always, that it shall be lawful for the High Court of Chancery, either at one time or from time to time, to settle, and also from time to time to vary, a scheme or successive schemes, either for the better giving effect to the distribution aforesaid of the net income to which the last preceding section relates, or for modifying and varying such distribution thereof, but so nevertheless that such net income shall always be distributed among freemen and widows of freemen.

Mode of applying to Chancery.

Notice thereof.

70. Every application to the Court of Chancery for all or any of the purposes of this Act may be made in a summary way by the Corporation in the matter of this Act, ex parte the mayor, aldermen, and citizens of the city of Lincoln: Provided always, that seven days notice of every such application shall be given by affixing the same on the outer door of the town hall of the said city.

Power to borrow on mortgage of West Common.

71. The Corporation may from time to time borrow any sum or sums of money that may be required for the purpose of carrying into effect the provisions of this Act, with respect to the West Common, and for securing the money so borrowed, with interest, may mortgage any lands for the time being forming part of the said common, and may, if the money so borrowed or any part thereof be repaid to the lenders thereof otherwise than by means of the sinking fund herein-after provided for, again borrow the amount so paid off, and so from time to time.

Mortgages to be by deed in the ordinary form, duly stamped, and to contain power of sale.

72. Every mortgage for securing the money borrowed as last herein-before is mentioned shall be by deed duly stamped, and may contain such power of sale and other powers and provisions as the respective mortgagee shall reasonably require for better securing the payment of the principal money and interest thereby secured.

Protection of title of mortgagee.

Corporation treasurer's receipts to be discharges.

73. No mortgagee advancing money on any mortgage purporting to be made under the power lastly herein-before contained shall be bound to see that any such money is wanted, or that no more than is wanted is raised; and the receipts of the treasurer of the Corporation for any money advanced by any mortgagee on any mortgage purporting to be made under the power lastly herein-before contained shall effectually discharge the person paying the same therefrom, and from being bound to see to the application, or being answerable for the loss, non-application, or misapplication thereof.

Repayment of money borrowed.

74. The Corporation shall either pay off the money borrowed on the security of the West Common, by annual or other instalments, within twenty-five years reckoned from the respective times of borrowing the same, or else appropriate as a sinking fund the sums

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of money by this Act authorised to be applied in the formation of such sinking fund, until the same, with the accumulations thereof, will amount to a sum sufficient to pay off the money borrowed, and such sinking fund shall be invested, accumulated, and applied according to the provisions of section eighty-four of "The Commissioners Clauses Act, 1847."

Power to Corporation to levy additional charges for stocking the West Common.

75. Towards forming the sinking fund lastly herein-before provided for, the Corporation, while any moneys borrowed under the authority of this Act shall remain owing on the security of the West Common, may levy and raise, in addition to any sums for the time being payable under any byelaw by this Act authorised in respect of the depasturing of the same common, the sums of money following; (that is to say,)

For every head of cattle and every horse depasturing the same common, the sum of three shillings;

For every ass or mule so depasturing, the sum of one shilling and sixpence;

and each such sum shall be paid previously to any such depasturing and be a payment for such depasturing for one year next following, and the owner of such cow, beast, horse, ass, or mule shall be liable to make such payments accordingly.

Recovery of charges.

76. If any person liable to the payment of any sum payable to the Corporation under the authority of the last preceding section hereof, or the person in charge of the cow, beast, horse, ass, or mule in respect of which the same is payable, do not pay the same when demanded, the Corporation, or any person authorised by the Corporation, may seize and detain the animal in respect of which the same is payable, or any other animal then or thereafter on the West Common belonging to the person liable to pay the same, or under his charge, and if the amount so payable and the reasonable charges of such seizure, detention, keeping, and maintaining be not paid within four days from the time of seizure, the Corporation may sell the respective animal seized, and out of the proceeds may pay and retain the amount so payable, and the charges aforesaid, and those of the sale, returning the surplus (if any) to the owner of the respective animal seized, or such amount so payable as aforesaid may be recovered by the Corporation from the respective person liable thereto in any court of competent jurisdiction.

Rights of stocking West or Canwick Common.

77. Subject to the provisions of this Act, every person who before the passing of this Act had or might have exercised any right of common or other right or privilege in or over either the West Common or the South or Canwick Common, according as his or her

place of residence within the said city was on the north or on the south side of the High Bridge and the River Witham there, may from and after the passing of this Act exercise the same rights respectively in or over either one of those commons at his or her option to the exclusion of the other, or partly in or over each, and without regard to the situation of his or her residence within the said city, but in like manner only and subject to the same stint or limit in the whole as he or she theretofore had or might have exercised such rights respectively in the particular common to which his or her said rights respectively were theretofore limited.

Non-residents not entitled to stock or hire rights of stocking.

78. Except with respect to the South or Canwick Common the said owners of the Mallandry Closes, and except with respect to the West Common any lessee of the Corporation under and according to any letting of the stocking or depasturing with sheep authorised by this Act, no person for the time being not resident and inhabiting within the said city shall be entitled to stock either the West Common or the South or Canwick Common, or to hire or take the rights of any other person entitled to common; and no person shall be entitled to stock either of the same commons between the first day of April and the thirteenth day of May in any year, both days inclusive.

Power to appoint a commons warden.

79. The Corporation may from time to time appoint and dismiss a commons warden or other officer or person to have the charge and superintendence of the West Common and the South or Canwick Common, and may determine and regulate his salary, duties, services, and conduct.

Power to make bye-laws for regulating duties of commons warden, &c.

80. The Corporation may from time to time make such byelaws as they think fit for all or any of the purposes following; (that is to say,) for better regulating the duties and conduct of the commons warden, and for providing for the keeping by the commons warden of a register wherein he shall enter in each year all stock depastured on either the West or the South Common, and the names and addresses of the owners thereof, and whether they are commoners exercising their own rights, or persons resident and inhabiting within the said city, exercising rights hired from commoners, and for compelling immediate notification to the commons warden of every hiring by any person of the common right of any other person, and immediate entry by such warden of such hiring in such register, and for access at all reasonable times by all commoners to such register, and for compelling every person stocking either common with any stock in any year to notify the particulars thereof forthwith to and register the same with the commons warden, and to make and

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deliver to him a declaration conformably to the statute for the abolition of extra-judicial oaths, verifying his bonâ fide ownership of such stock, and the fact that he is entitled in his own right, and whether as resident freeman or resident householder, or that he is a resident in the said city and entitled as having hired the right of a resident freeman or householder, and verifying the name and address of the person from whom he has hired the same, and also for the branding or marking of all stock by the commons warden for the identification thereof, and for entering the brands or marks in the register, and for payment by each person stocking either common of fixed fees or sums in each year for his stock upon the registration thereof, not exceeding the amounts by this Act provided, and for preventing the stocking of either common by any person without payment of such fees or sums, and for the entry by the commons warden of all such fees or sums in a book on receipt thereof, and for access to such book at all reasonable times by all persons entitled to stock either common, and for the imposing penalties on and recovering them from persons stocking either common illegally or in excess of their rights, or without having registered the same or paid the fees or sums aforesaid on registration, and the Corporation may from time to time repeal, alter, or amend any such byelaws: Provided always, that any such byelaws shall not be repugnant to the laws of the land, and that the same shall be reduced into writing and shall have affixed thereto the corporate seal of the Corporation, and shall be so framed as to admit of part only of any maximum penalty being inflicted.

Limiting amounts chargeable for stock.

81. Provided always, that the fees or sums which may be demanded from any person, by virtue of any such byelaw as last mentioned, for any stock with which he shall stock either common last aforesaid, shall not at any time exceed two shillings per head for cows, beasts, or horses, one shilling per head for asses or mules, and two shillings for a flock of sheep, and that where any such fees or sums have respectively been once paid by any person in any year no further sum or fee shall be demanded from him on the substitution in the same year of any other commonable animals of the same respective class for those in respect of which such fees or sums have been paid respectively.

Provisions as to byelaws.

82. Provided also, that the provisions herein-before contained for fixing and recovering penalties for the breach of the byelaws herein-before authorised to be made and enforced for the management of the park shall extend and apply to the byelaws lastly herein-before authorised to be made, with such variation in the terms thereof as may be necessary.

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Power of exchange, &c.

83. The Corporation may from time to time, with the consent of a meeting of the freemen of the said city, dispose of, by way of exchange or otherwise, and make arrangements with respect to all or any parts of the South or Canwick Common and the West Common, or either of them, for any other lands or otherwise, and may enter into and carry into effect any contracts, deeds, acts, or things proper and sufficient for effectuating any such exchange, disposition, or arrangements.

Saving rights of commoners.

84. Except as is by this Act expressly provided, this Act or anything herein contained shall not take away, lessen, abridge, or alter all such ancient and other rights of common as now exist in and over the West Common and the South or Canwick Common.

Saving rights of Corporation.

85. Except as is by this Act expressly provided, this Act or anything herein contained shall not take away, lessen, prejudice, or alter any of the estates, rights, powers, or privileges of the Corporation.

Expenses of Act.

86. The expenses of and incidental to the preparing, passing, and obtaining of this Act shall be paid out of the money to arise from the herein-before authorised sale of Holmes Common.

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

No. £

By virtue of "The Lincoln City Commons Act, 1870," we, the mayor, aldermen, and citizens of the city of Lincoln, in consideration of the sum of paid to our Treasurer by of for the purposes for which we are by the said Act empowered to mortgage the borough fund of the said city, do grant and assign unto the said executors, administrators, and assigns such proportion of the borough fund of the said city as the said sum of doth or shall bear to the whole sum which is or shall be borrowed upon the credit of the said borough fund by virtue of the said Act, to hold to the said executors, administrators, and assigns, from this day until the said sum of , with interest at per centum per annum for the same, shall be fully paid and satisfied (the principal sum to be repaid at the end of years from the date hereof).

Given under our corporate seal this day of 187 .

SCHEDULE (B.)

I, of , in consideration of the sum of paid to me by of , do hereby transfer to the said executors, administrators, and assigns, a certain mortgage, number , made by the mayor, aldermen, and citizens of the city of Lincoln, by virtue of the provisions of "The Lincoln City Commons Act, 1870," to bearing date the day of for securing the sum of , with interest at per centum per annum, and all my right, estate, and interest in and to the money thereby secured, and in and to the borough fund of the said city thereby assigned.

In witness, &c.

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