



ANNO QUADRAGESIMO PRIMO

GEORGI II. REGIS.

Cap. 74.

An Act for dividing, allotting, inclosing, draining, embanking, and improving the Open Fields, Meadows, Pastures, Moors, Commons, and Waste Grounds, in the Township of *Ashby*, in the Parish of *Bottesford*, in the County of *Lincoln*.

[20th June 1801.]

WHEREAS there are within the Township of *Ashby*, in the Parish of *Bottesford* in the County of *Lincoln*, several Open Fields, Meadows, Pastures, Moors, Commons, and Waste Grounds, which are distinguished by several Names, and which contain together One thousand eight hundred and thirty Acres, or thereabouts: And whereas *John Julius Angerstein* Esquire, is Lord of the Manor and Soke of *Kirton*, in the Parts of *Lindsey*, in the said County of *Lincoln*, of which Manor and Soke the said Township of *Ashby* is Part and Parcel, and is interested in the Soil of the Waste Grounds within the same Township: And whereas *John Fardell* Gentleman, is Impropiator of the Improprate Rectory of *Bottesford* aforesaid, and as such is entitled to all the Tythes of Hay, Corn, and Wool, growing, renewing, or arising within the Township of *Ashby* aforesaid, and the Tytheable Places thereof, and to certain Glebe Lands, and otherwise interested in the said Open
Preamble;

[Loc. & Per.]

Fields,

Fields, Meadows, Pastures, Moors, Commons, and Waste Grounds: And whereas the Right Reverend the Lord Bishop of *Lincoln* for the Time being, and the Right Worshipful the Dean and Chapter of the Cathedral Church of the Blessed Virgin *Mary of Lincoln*, and their Successors, are alternate Patrons of the Vicarage of *Messingham, with Bottesford* aforesaid, and the Reverend *Edward Jordan* Clerk, is Vicar of the said Vicarage, and as such is entitled to the Tythes of Lamb and all other Vicarial Tythes (except the Tythe of Wool) yearly arising and increasing within the said Township of *Ashby*: And whereas *George Healey* Esquire, *Ann Metcalfe* Spinster, *William Wild*, *William Clarke*, *William Fowler*, *John Clarke*, and several other Persons, are Owners and Proprietors of the Residue of all the said Open Fields, Meadows, and Pastures in the said Township of *Ashby*, and are respectively entitled to Rights of Common and other Rights therein, and in and upon the several Moors, Commons, and Waste Grounds within the same Township, in different Proportions: And whereas the several Lands of the said Proprietors of the said Open Field Lands, Meadows, and Pastures, lie intermixed and dispersed in small Parcels, and it would be of great Advantage to the several Persons interested therein, and in the said Moors, Commons, and Waste Grounds, if the same were divided and inclosed, drained, embanked, and improved, in the Manner herein-after directed, and specifick Parts thereof allotted to such several Owners and Proprietors, and Persons interested therein, in proportion to their respective Rights, Property, Rights of Common, and other Interests, and if Compensation was made for the Tythes of all the said Fields, Meadows, Pastures, Moors, Commons, and Waste Grounds, and of all the Homesteads and old Inclosures within the said Township of *Ashby*, in the Manner herein-after mentioned; but as the same 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 *Francis Otter* of *Stainton Vale*, in the Parish of *Stainton-le-Hole*, in the said County of *Lincoln*, *John Renshaw* of *Owtborpe* in the County of *Nottingham*, and *Samuel Turner* of *Bussington* in the said County of *Lincoln*, Gentlemen, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Commissioners for dividing, allotting, inclosing, draining, embanking, and improving the said Open Fields, Meadows, Pastures, Moors, Commons, and Waste Grounds within the Township of *Ashby* aforesaid, and for putting this Act into Execution, in the Manner, and subject to the Rules, Orders, and Directions herein-after contained.

Commissioners.

Power vested in Two Commissioners.

II. And be it further enacted, That wherever in this Act Power is given to the said Commissioners to do any Act or Thing, or make any Orders, Rules, or Regulations, such Power shall be considered as vested in the said Commissioners, or any Two of them; and the said Commissioners may adjourn from Time to Time; and if Two Commissioners shall not appear at any Meeting, then and in such Case any One Commissioner then present may adjourn such Meeting to a future Day, not exceeding Fourteen Days from the Time of adjourning, and shall give Notice thereof to the absent

absent Commissioners; any Thing herein contained to the contrary notwithstanding.

III. And be it further enacted, That the said Commissioners shall cause publick Notice to be given in the Parish Church of *Bottesford* aforesaid, upon some *Sunday* immediately after Divine Service, or otherwise shall cause a Notice under their Hands to be affixed on the most publick Door of the Church of the same Parish, of the Time and Place of their First and every subsequent Meeting for the Execution of this Act, Eight Days at least before any such Meeting shall be held, Meetings by Adjournment only excepted.

Commissioners to give Notice of Meetings.

IV. And be it further enacted, That *Anthony Bower*, of the City of *Lincoln*, Land Surveyor, shall be and is hereby appointed the Surveyor for executing the several Powers and Authorities vested in him by virtue of this Act; and that it shall and may be lawful for the said Commissioners, and they are hereby authorized and required to appoint One or more Assistant Surveyor or Surveyors for executing the Purposes of this Act, in case they shall judge the same to be necessary and expedient.

Commissioners to appoint Assistant Surveyor or Surveyors.

V. And be it further enacted, That in case the said *Francis Otter*, or any Commissioner to be appointed in his Stead as herein-after mentioned, shall die, refuse, or be disabled to act, then and in every such Case it shall be lawful for the said *John Julius Angerstein*, his Heirs or Assigns, within Thirty Days next after Notice thereof in Writing shall have been given to him or them by the surviving or remaining Commissioners, or either of them, to appoint a new Commissioner, not interested in the said Inclosure, in the Stead of such Commissioner who shall so die, refuse, or be disabled to act; and in case the said *John Renshaw*, or any Commissioner to be appointed in his Stead as herein-after mentioned, shall die, refuse, or be disabled to act, then and in every such Case it shall be lawful for the said *John Fardell*, his Heirs or Assigns, and the said *Edward Jorden* as Vicar as aforesaid, or his Successors, within Thirty Days next after Notice thereof in Writing shall have been given to him or them by the surviving or remaining Commissioners, or either of them, to appoint a new Commissioner, not interested in the said Inclosure, in the Stead of such Commissioner who shall so die, refuse, or become disabled to act; and in case the said *Samuel Turner*, or any Commissioner to be appointed in his Stead as herein-after mentioned, or if the said *Anthony Bower*, or any Surveyor to be appointed in his Place in pursuance of this Act, shall, before the Execution of all the Powers and Authorities hereby respectively vested in them, die, refuse, or be disabled to act, then and in every such Case a new Commissioner or Surveyor shall be chosen in the Stead of any such Commissioner or Surveyor so dying, refusing, or being disabled to act, by a Majority in Value of the Proprietors of or Persons interested in the said Open Fields, Meadows, Pastures, Moors, Commons, and Waste Grounds, so directed to be divided and inclosed as aforesaid, (except the said *John Julius Angerstein* and *John Fardell* and *Edward Jorden* respectively, and their respective Heirs, Assigns, and Successors, as to the Election of such Commissioner only), who shall be present at any Meeting to be appointed for that Purpose, within Thirty Days after such Death, Refusal, or Disability, of which Meeting Ten Days Notice at least shall be affixed upon the

Appointment of new Commissioners and Surveyors.

the most publick outer Door of the Parish Church of *Bottesford* aforesaid; and every such Appointment of a new Commissioner or Surveyor shall be reduced into Writing, and signed by the Person or Persons making the same, and shall be delivered to the remaining or surviving Commissioner or Commissioners; and in case no such Election of Commissioners or Surveyors, as the Case may be, shall be made at such Meeting, or if no Appointment shall be made in either of the first-mentioned Cases within the Time aforesaid, the surviving or remaining Commissioners or Commissioner shall and may, and they and he are and is hereby required, by Writing under their or his Hands or Hand, within Twenty-one Days after the Expiration of the Time allowed to the respective Parties for naming such new Commissioner or Commissioners and Surveyor respectively as aforesaid, to appoint One other Commissioner or Surveyor for the Purposes of this Act, in the Room and Stead of each of such Commissioner or Surveyor so dying or refusing or being disabled to act; and every Person, when so elected and appointed a Commissioner or Surveyor respectively as herein-before is directed, shall have the same Powers and Authorities for putting this Act into Execution as the Commissioner or Surveyor in whose Place he shall have been so appointed was invested with, so that until all and every the Powers and Provisions of this Act shall be fully executed, there shall be One Commissioner of the Appointment of the said Lord of the Manor, another of the Impropiator and Vicar, and another of the Majority in Value of the said Proprietors, whose Powers shall continue and remain until every Act; Matter, and Thing directed and required of them by this Act, respecting the said Inclosure, shall be completed.

Commissioners declining to act to give Notice.

V. And be it further enacted, That every Commissioner who shall refuse or decline to act as aforesaid, shall and he is hereby required forthwith to give Notice of his Intention to refuse or decline acting as a Commissioner, in such Manner as Notices of Meetings from the said Commissioners are hereby required to be given, to the Intent that another Commissioner may be forthwith appointed according to the true Intent and Meaning of this Act.

Commissioners and Surveyor to take an Oath.

VI. And be it further enacted, That no Person shall act as a Commissioner or Surveyor, or Assistant Surveyor, in the Execution of the Powers contained in this Act, (except the Power of signing and giving Notice of the First Meeting of the said Commissioners, and administering the Oath or Affirmation herein-after directed), until he shall have taken and subscribed the Oath or Affirmation following; (that is to say),

Oath.

‘ I do swear [or, being One of the People called *Quakers*, do solemnly affirm] That I will faithfully, impartially, and honestly, to the best of my Skill and Ability, execute and perform the several Trusts, Powers, and Authorities vested and reposed in me as a Commissioner [or, as a Surveyor] by virtue of *An Act for dividing, allotting, inclosing, draining, embanking, and improving the Open Fields, Meadows, Pastures, Moors, Commons, and Waste Grounds, in the Township of Ashby, in the Parish of Bottesford, in the County of Lincoln*, according to Equity and good Conscience, and without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever.

‘ So help me GOD.’

Which

Which Oath or Affirmation it shall be lawful for any One of the said Commissioners to administer, and he is hereby required to administer the same to any other of the said Commissioners, and also to the Surveyor or Surveyors, or Assistant Surveyor or Surveyors; and the said Oath or Affirmation, so taken and subscribed by each Commissioner, and by the Surveyor or Surveyors, or such Assistant or Assistants, and also the Instrument of Appointment of every new Commissioner or Commissioners, Surveyor or Surveyors, (if any such there shall be) with the like Oath or Affirmation to be taken by him or them, shall be annexed to and shall be inrolled with the Award of the Commissioners hereinafter mentioned and directed to be made; and such several Oaths so subscribed, and also the Inrolment of the same, shall be deemed legal Evidence.

VII. And be it further enacted, That out of the Money that shall arise for defraying the Expences of obtaining and executing this Act, there shall be paid to each of the Commissioners, as a Recompence for his Pains and Trouble, the Sum of Two Pounds and Two Shillings for each Day he shall be employed in travelling to and returning from and attending in the Execution of this Act, and no more, and that the said Commissioners shall defray their travelling Expences, and also their own Expences, at all Meetings to be held in pursuance of this Act.

Commissioners Allowance.

VIII. And whereas Disputes may arise touching the Boundaries of the Lands and Grounds hereby directed to be divided and inclosed, where the same may adjoin any other Parish, Township, Place, or Liberty; be it therefore further enacted, That the said Commissioners shall, as soon as conveniently may be after the passing of this Act, fix or appoint some Day or Days for perambulating the Boundaries of the said Lands and Grounds, where the same adjoin to any other Parish, Township, Place, or Liberty, and shall, at least Ten Days before the Time appointed for such Perambulation, give Notice of the Time and Place of beginning the same, in the Parish Church of *Bottesford* aforesaid, immediately after Divine Service, or by Writing under their Hands affixed on One of the most publick outer Doors of the said Church, and also by Advertisement to be inserted in some Newspaper circulating in the said County of *Lincoln*, so that all Persons interested or concerned therein may have an Opportunity of attending the said Commissioners upon such Perambulation of the said Boundaries, the better to enable them to fix and ascertain the same; and after such Notice the said Commissioners shall, and they are hereby authorized and required to make such Perambulation as aforesaid, and thereby and also by Examination of Witnesses upon Oath, if they shall think necessary (which Oath any One of the said Commissioners is hereby empowered to administer), and by such other legal Ways and Means as they shall think proper, to ascertain, fix, and settle the said Boundaries against the Boundaries of any adjoining Parish, Township, Place, or Liberty, and to cause the same to be set out, staked, and marked accordingly, and the Boundaries so to be fixed, ascertained, and determined by the said Commissioners as aforesaid, shall be set out and described in the said Commissioners Award hereinafter directed to be made, and shall be final, binding, and conclusive, upon all Parties whomsoever, unless the same shall be appealed against in the Manner hereinafter mentioned: Provided nevertheless, That if any of the Proprietors or Occupiers of Estates within any adjoining Parish, Township,

The Boundaries to be perambulated.

ship, Place, or Liberty, shall be dissatisfied with the Determination of the said Commissioners in relation to the setting out and fixing the said Boundaries, such Persons may appeal against the same to the Justices of the Peace, not interested in the Matter in question, at the General Quarter Session to be held at *Kirtlington* for the Division of *Lincoln* in the said County of *Lincoln* next after the Expiration of Twenty-one Days from the Meeting of the said Commissioners, at which such Determination shall have been made, the Person or Persons intending to make such Appeal giving to the said Commissioners, or One of them, Ten Days Notice at the least of such Intention, and the said Justices shall and they are hereby required to hear and determine the Matter of such Appeal, and to settle and ascertain such Part or Parts of the said Boundaries in respect whereof such Appeal shall be made, and the Determination of the said Justices therein shall be final and conclusive.

Survey to be made.

IX. And be it further enacted, That a full, true, and exact Survey and Admeasurement shall be made of all the said Open Fields, Meadows, Pastures, Moors, Commons, and Waste Grounds, and also of the ancient inclosed Lands, Grounds, and Homesteads within the Township of *Abby* aforesaid, and a fair Plan delineated thereof, within Two Calendar Months next after the passing of this Act, or as soon after as shall be appointed by the said Commissioners, in case they shall see sufficient Cause, for enlarging the Time for completing the said Survey, by the said *Anthony Bower*, and such Assistant or Assistants as shall be appointed by the said Commissioners, or by such other Surveyor or Surveyors as shall be elected in Manner herein before mentioned; and that such Survey and Admeasurement shall be reduced into Writing, and the Number of Acres, Roods, and Perches, in Statute Measure, contained in the said Open Fields, Meadows, Pastures, Moors, Commons, and Waste Grounds, and ancient inclosed Lands, Grounds, and Homesteads, within the said Township of *Abby*, and each and every Proprietor's distinct Property in the same respectively, at the Time of making such Survey and Admeasurement, shall be therein set forth and specified, and that the said Survey, Admeasurement, and Plan shall be delivered to the said Commissioners at their next Meeting to be held in pursuance of this Act, after the same shall be completed, or as soon after as may be, and shall be reviewed at the Time the same shall be delivered by the Oath of such Surveyor, which Oath any One of the said Commissioners is hereby required and empowered to administer, and cause a Memorandum or Certificate thereof to be written or indorsed upon the said Plan; and such Survey and Plan shall be kept by the said Commissioners for the Purposes of this Act.

Power to enter Lands.

X. And be it further enacted, That the said Commissioners and Surveyor appointed or to be appointed under or by virtue of this Act, together with all and every of their Assistants, Servants, and Persons to be employed by them, at any Time for the Purposes and in Execution of this Act, shall have and they are hereby vested with full Power and Authority, at any Time or Times whatsoever, to enter into, view and examine, survey and admeasure, as well the said Fields, Lands, Moors, and Grounds, as also the ancient inclosed Lands within the said Township of *Abby*, and to dig up the Soil of the said Lands to make Drains, Banks, or otherwise, as the due Execution of this Act shall require, with-

out any Molestation or Interruption whatsoever, making such Satisfaction to the Owner or Owners of the said old inclosed Lands as hereinafter is directed.

XI. And be it further enacted, That all and every Person and Persons, having or claiming to have any Estate, Property, Common Right or Rights, or other Interest, in, to, or upon the said Lands and Grounds hereby directed to be divided and inclosed, and the said old Inclosures in the said Township of *Ashby*, or any of them, shall and they are hereby required to deliver their respective Claims in Writing under their Hands or the Hands of their respective Agents, to the said Commissioners, at such Meeting or Meetings as shall be held by them for that Purpose, pursuant to such Notices as are hereby directed to be given for putting this Act into Execution, distinguishing in such Claims the several Particulars thereof, and the Tenure of such Property respectively; and that no such Claim shall be received after the last Meeting to be held for that Purpose in consequence of such Notice as aforesaid, and which shall be so expressed therein, (except for some special Cause to be allowed by the said Commissioners); and after the said Claims shall be so received, the said Commissioners, before they proceed to divide and allot the Lands and Grounds by this Act authorized to be divided and inclosed, shall give such publick Notice as before directed in the Parish Church of *Bottesford* aforesaid, or otherwise upon the most publick outer Door thereof, of all such Claims for Common Right or other Interest upon the said Open and Common Fields, Meadows, Pastures, Moors, and other Commonable Lands and Waste Grounds which shall have been so made before them, and appointing a Day and Place when and where all Parties concerned may appear before them, and shew Cause for or against the Allowance or Disallowance of any of the said Claims, and at such Meeting the said Commissioners shall proceed to examine, and then or at some future Meeting, finally settle and determine the same; and it shall be lawful for the said Commissioners, and they are hereby authorized and required to hear, determine, and settle any Doubts, Disputes, or Differences which may arise or happen between any of the said Proprietors concerning the respective Shares and Interests in the Lands and Grounds so intended to be divided and inclosed, or concerning the respective Shares or Proportions which they or any of them ought to have upon the said intended Division and Inclosure; and for the better settling and determining upon the said Claims, Disputes, and Differences, it shall be lawful for the said Commissioners to examine Witnesses upon Oath (which Oath the said Commissioners, or any One of them, are and is hereby authorized to administer accordingly), and by such other Evidence as they the said Commissioners shall think proper, to hear and determine the same, and all such Determinations of the said Commissioners shall be absolutely binding, final, and conclusive, and such Witnesses shall be compelled to attend and be examined in Manner herein-after mentioned; and if any Person or Persons, being a Proprietor in the said Township, or otherwise, shall bring or cause to be brought any Claim or Dispute, Difference or Objection, to any Claim before the said Commissioners, whereby any unnecessary Expence shall be occasioned, it shall and may be lawful for the Commissioners before whom the same may be brought, to assess such Costs as to them shall seem reasonable upon the Person or Persons making or occasioning

Commissioners to determine upon Claims.

sioning any such Claim, Dispute, Difference, or Objection; and in case of Non-payment thereof on Demand, the same shall and may be recovered in like Manner as any other Money is by this Act authorized to be recovered.

But not to
determine
upon Titles.

XII. Provided always, That nothing herein contained shall authorize the said Commissioners to hear and determine any Differences or Disputes which may arise touching the Right or Title to any Messuages, Cottages, Lands, Tenements, Common Rights or other Rights, in the said Township of *Asbby*, for which the Parties may commence and prosecute such Suits or Remedies as they shall be advised and think proper; but the said Commissioners shall assign and set out the Allotments herein-after directed to be made, to the Person and Persons who, at the Time of the said Division and Inclosure, shall have the actual Seisin and Possession of the Messuages, Lands, or Tenements, and Common Rights, in respect whereof such Allotments shall be respectively made.

Power to
summon
Witnesses.

XIII. And, the better to enable the said Commissioners to determine as well upon the Claims of Proprietors to Rights or Interests in and upon the Lands and Grounds to be inclosed by Authority of this Act in Manner before directed, as also to hear and determine all such Objections, Complaints, and Disputes; be it further enacted, That it shall and may be lawful for the said Commissioners, from Time to Time as they shall see Occasion, by any Writing under their Hands, to summon and require any Person or Persons to appear before them on a Day and at a Place in such Writing respectively to be named, then and there to testify the Truth touching any Matter in Difference, between any of the Proprietors or Persons interested, and to cause a true Copy of such Writing to be served upon such Person required to testify, or left at his or her last Place of Abode; and every such Person so summoned, who shall not appear before the said Commissioners pursuant to such Summons, (except for some reasonable Excuse), or if appearing shall refuse to be sworn or examined, (the reasonable Charges of his or her Attendance being settled by the said Commissioners, and being first paid or tendered), and being thereof convicted before any One of His Majesty's Justices of the Peace for the said County of *Lincoln*, upon Information thereof upon Oath made before any such Justice, shall forfeit and pay such Sum of Money, not exceeding Five Pounds, nor less than Twenty Shillings, as such Justice shall think reasonable, to be levied by Warrant of any such Justice, by Distress and Sale of the Goods and Chattels of the Person so convicted, together with all reasonable Costs.

The Claim of
Thomas Pindar
Esq. to a
Right of
Warren over
the East Com-
mon of *Asbby*,
to be tried at
Law by a
feigned Issue.

XIV. And whereas *Thomas Pindar* of *Bromby Woodhall*, in the County of *Lincoln*, Esquire, having claimed a Right of Warren over One of the Commons within the Township of *Asbby* aforesaid, called *The East Common*, hereby intended to be divided and inclosed, and Objections having been made to such Claim by some of the Proprietors of Lands and Grounds within the said Township; be it further enacted, That it shall and may be lawful to and for the said *Thomas Pindar*, his Heirs or Assigns, to try the Matter of such disputed Claim at Law, at the First or Second Assizes to be held after the passing of this Act, in and for the said County of *Lincoln*, and not at any subsequent Assizes, unless the Court shall see Cause

Cause to put off such Trial, upon an Action to be commenced by the said *Thomas Pindar*, his Heirs or Assigns, in His Majesty's Court of King's Bench, against any Person or Persons having Right of Common upon the said last-mentioned Common, upon a feigned Issue to be settled by the proper Officer of the said Court, in case the Parties differ about the same; and the Party or Parties against whom such Action shall be brought, on being served with Process, which Process shall be served at least Thirty Days before the Commission Day of such Assizes as aforesaid, is and are hereby required to name his, her, or their Attorney or Attornies, to appear to such Action, accept a Declaration, and plead to issue, and the Verdict that shall be given upon such Issue shall be final and conclusive, to all Intents and Purposes whatsoever, against all and every Person or Persons whomsoever, if satisfactory to the said Court of Assize, but if such Verdict shall not be satisfactory to the said Court, it shall and may be lawful for the said Court to direct a new Trial to be had upon such Issue, and the Verdict thereupon shall be absolutely final and conclusive upon all Parties; and in case the Verdict of the Jury on the Trial of the said Cause shall be given in Favour of the Plaintiff or Plaintiffs in such Action, then the Costs thereof shall be taxed by the proper Officer of the said Court, and paid by the Defendant or Defendants, but he, she, or they shall be reimbursed the same by the said Commissioners, who shall assess, levy, and raise such Costs, in the same Manner as the Costs, Charges, and Expences of obtaining and executing this Act, are hereby directed to be raised, borne, and paid; and in case such Verdict shall be given in Favour of the Defendant or Defendants in such Action, then the Costs of such Action shall be taxed as aforesaid, and paid to the Defendant or Defendants, by the Plaintiff or Plaintiffs, and that Process of Execution shall issue out of the said Court of King's Bench in Favour of the Party entitled to such Costs, and shall or may be executed for the Recovery of the same; and in case the Verdict of the Jury, on the Trial of the said Cause, shall be given in Favour of the said *Thomas Pindar*, his Heirs or Assigns, in such Action, then the said Commissioners shall and they are hereby required to set out and allot unto him and them such Parcel or Parcels of Land, Part of the said East Common, to adjoin the Warren of *Bromby* aforesaid, as shall in the Judgement of the said Commissioners in such Case be a fair and adequate Satisfaction for such Right so claimed by him the said *Thomas Pindar*, and which shall be determined by the Verdict aforesaid; and in such Case the said Commissioners shall charge the said *Thomas Pindar*, his Heirs or Assigns, with the Payment of such Sum or Sums of Money as they shall judge fair and reasonable, for his and their Share of all the Expences of obtaining and executing this Act, in Proportion to the Value of the Lands which shall be so allotted to him and them as last mentioned; which Sum and Sums of Money shall and may be recovered in such Manner as other Assessments to be made by virtue of this Act shall be recoverable.

If a Verdict should be in Favour of Plaintiff, Allotment accordingly to be made to him.

XV. Provided also, and be it further enacted, That no such Trial to be had as aforesaid, nor any Differences, Disputes, or Suits, touching the Title to any Lands or Grounds, or other Rights or Interests, shall prevent, obstruct, or impede the Execution of this Act; and that if no such Trial shall be had upon the said Issue at the Assizes aforesaid, then and in such Case the said Commissioners shall proceed in the Execution of this Act,

The above Suit, or any Difference or Dispute, not to impede the Inclosure.

Parties dying
Proceedings
at Law not to
abate.

in such Manner and Form as they could or might have done in case no such Claim had been made by the said *Thomas Pindar* and that if any of the Parties, Plaintiff or Plaintiffs, Defendant or Defendants in the said Action, which shall or may be brought in pursuance of this Act, shall die pending the same, such Action shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened.

Commission-
ers to direct
the Course of
Husbandry.

XVI. And be it further enacted, That the said Commissioners shall, as soon after the passing of this Act as conveniently may be, by some Writing or Writings under their Hands, to be published as herein before is directed with respect to Notices of Meetings, order, and direct the Course of Husbandry that shall be used in, over, and upon the Lands and Grounds intended by this Act to be divided and inclosed, until the Time when they shall have made and completed the said Division and Allotments, as well with respect to the laying down, plowing, sowing, fallowing, and tilling thereof, as to the stocking and eating the Fallows and Stubbles, and also to the cutting of Turf, Peat, Furze, Thorns, or Bushes, getting or digging of Wood, or doing any Injury unto or upon the Lands intended by this Act to be inclosed, and by the same or any other Writing or Writings under their Hands, to be published as aforesaid, shall and may make such Orders and Regulations touching the Conduct of Farmers and Tenants within the Township of *Asby* aforesaid, for preventing them from committing Waste or Destruction upon any of the said Lands and Grounds in the same Township, in the mean Time and until the Allotments and Divisions thereof shall be effected, as to them shall seem expedient; all which Orders and Regulations of the said Commissioners shall be binding and conclusive upon all Parties interested, their Farmers and Tenants; and that the said Commissioners shall set and impose such pecuniary Penalties and Forfeitures on every Person not conforming to such Rules, Orders, and Regulations as they shall think necessary, not exceeding the Sum of Five Pounds on any One Person for any One Offence, which Penalties and Forfeitures shall be paid to such Person or Persons; and for such Uses and Purposes, as the said Commissioners shall, by any Writing or Writings under their Hands direct or appoint, and the same shall be recovered and recoverable in a summary Way before any One Justice of the Peace for the said Parts of *Lindsey*, who is hereby authorized and required, upon Complaint made before him, to summon the Party charged, and to examine any Witness or Witnesses upon Oath, and to proceed to Judgement and Conviction as in Cases of a similar Nature; and if any such Penalties and Forfeitures shall be adjudged to have been incurred, then it shall be lawful for any such Justice, by Warrant under his Hand and Seal, to cause such Penalties to be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, together with reasonable Costs, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels.

Tenants to be
allowed for
following
Crops, and
Satisfaction to
be made for
the Standage
thereof by the
Owners of the
Lands.

XVII. And be it further enacted, That the Tenants or Occupiers of the Lands and Grounds within the said Township of *Asby*, shall be allowed to sow, reap, and take away the same Kinds of Corn or Grain upon or from the same Number of Acres, and in, upon, and from the same Fields, Lands, and Grounds, as and for their following or way-going Crops, without paying any Rent or making any Satisfaction or Compensation

penfation for the Standage thereof, as they would have been refpectively entitled to if they had quitted their Farms at *Lady-day* or *May-day* One thousand eight hundred and two, and had not this Act been made; provided that they fhall have purfued the fame Courfe of Husbandry with their Fallow and other Lands, as hath been the ufual Custom in the faid Fields; but in cafe they fhall vary therefrom, or fhall have fown fuch Land with Corn as ought in the due Courfe of Husbandry to have lain Fallow, the faid Commiffioners are hereby empowered to compel fuch Tenants refpectively to make Satisfaction for the fame, by making fuch Charges upon their following Crops, to be paid before the fame is taken off the Ground, as to them fhall feem reasonable and proper: Provided nevertheless, and the faid Commiffioners are hereby directed, authorized, and empowered, by fome Writing or Writings under their Hands, to ascertain, order, and appoint what Recompence and Satisfaction in Money fhall be paid by the Owner or Owners of fuch Lands and Grounds, from which fuch following and way-going Corps fhall be reaped and taken away as aforefaid, for the Standage of fuch Crops, to the Perfon or Perfons to whom fuch Lands and Grounds fhall be allotted by virtue of this Act; but if in either of the faid Cafes fuch Charge, Recompence, and Satisfaction, fhall not be fatisfied and paid at the Time and in the Manner to be appointed by the faid Commiffioners, then the faid Commiffioners fhall and may, by any Warrant or Warrants under their Hands and Seals, directed to any Perfon or Perfons whomfoever, (which Warrant or Warrants they are hereby directed and empowered to grant accordingly), caufe the fame to be levied by Distrefs and Sale of the Goods and Chattels of the Perfon or Perfons required to make fuch Recompence and Satisfaction as aforefaid, together with the Cofts and Charges of fuch Distrefs and Sale, rendering the Overplus (if there fhall be any) to the Owner or Owners of fuch Goods and Chattels.

XVIII. Provided always, and be it further enacted, That no old Swarth Ground, Parcel of the Lands and Grounds intended to be divided and inclofed by Authority of this Act, and which fhall not have been plowed or ufed in Tillage for the Space of Ten Years laft paft before the pafling of this Act, fhall be plowed or converted into Tillage after the pafling thereof, until the making of fuch Divifion and Allotments thereof, and Notice given to enter upon fuch Allotments.

Old Swarth
not to be
plowed.

XIX. And be it further enacted, That the faid Commiffioners fhall and may and are hereby authorized and required (by fuch Agents, Workmen, and Labourers as they fhall think fit to employ) to enlarge and make deeper all or any of the ancient or prefent Drains, Sewers, or Watercourfes, upon the faid Commons and Waste Grounds, and other Lands in the faid Township of *Afby*, and to enlarge, raife, alter, improve, or rebuild all or any of the Bridges, Cloughs, Arches, Banks, or other Works already made thereon, and alfo to fet out, appoint, and make fuch new Drains, Sewers, Banks, Tunnels, Outlets, Engines, Cloughs, Bridges, and other Works, as they fhall judge neceffary, in, through, and over the faid Moors, Lands, and Grounds, hereby directed to be divided and inclofed, and alfo, in, through, and over any inclofed Lands and Homesteads in the Township of *Afby* aforefaid, (making reasonable Satisfaction to the Owners of fuch inclofed Lands and Homesteads for the Damage to be done thereby) of fuch Dimensions, and in fuch Courfes and Directions as the faid Commiffioners

Power for
Drainage and
Warping.

missioners shall think proper and expedient for protecting and defending the said Lands and Grounds from the Upland Water that may be liable to overflow the same, and also for effectually draining and for warping the same by Means of the Waters of the River *Trent*, and otherwise improving the said Lands and Grounds, so as the Quantity of Land in the said Township of *Abby*, to be cut for the Purposes of draining and warping, do not exceed Forty Acres Statute Measure; and for the better effecting such Purposes, the said Commissioners are hereby authorized and empowered to join and connect any of the Drains and Sewers to be made by virtue of this Act with any Drains or Sewers made or to be made in any Parish or Place adjoining or near to the said Township of *Abby*, into which Drains or Sewers there is or shall be any legal Right to drain Waters from any Lands or Grounds within the said Township of *Abby*, and to make any Contracts or Agreements with the Owners of any Drains or Sewers for that Purpose, and also to purchase any Lands or Grounds in any adjoining or neighbouring Parishes or Places for obtaining the best and most effectual Outfall into the River *Trent*, for draining, warping, and improving the said Commons, Lands, and Grounds, and to make, cut, and erect all such Drains, Bridges, Tunnels, Cloughs, and other Works, in, through, and over such Lands so to be purchased as shall be most conducive to the Ends aforesaid, and also to agree with the Proprietors of any Drains, Cloughs, or other Works of Drainage in any adjoining or neighbouring Parishes or Places for the Purchase of any such Works for the Purposes aforesaid, or for the Use and Benefit of any such Drains, Cloughs, or other Works, either already made or hereafter to be made, enlarged, or improved in any such adjacent Parishes or Places, for such Time and Times, and upon such Terms and Conditions as the said Commissioners shall think proper and expedient, and shall agree upon accordingly: Provided always, That all such Owners and Proprietors as aforesaid, and their several and respective Guardians, Husbands, Committees, or Attornies, shall by virtue of this Act be fully empowered to make such Contracts, Agreements, and Sales to and with the said Commissioners, notwithstanding any legal or other Disabilities whatsoever; and the said Commissioners shall and may in and by their Award herein-after directed to be made, or by any Writing under their Hands, in the mean Time, appoint such Person or Persons, and make such Orders and give such Directions for carrying on, effecting, and preserving all such Works, and for maintaining, supporting, preserving, and keeping the same in good Repair from thenceforth for ever thereafter, and for assessing, receiving, and recovering the Costs, Charges, and Expences thereof, as they shall think proper, and the Costs, Charges, and Expences, Sum and Sums, to be caused, occasioned, and paid by the making, executing, and completing such Works of Drainage and Warping as aforesaid, and by such Contracts, Agreements, and Purchases as shall be entered into and made by the said Commissioners, by virtue of the Powers aforesaid, and all other Expences and Damages whatsoever to be occasioned thereby, shall be borne and paid by the Owners and Proprietors of the Lands and Grounds in the said Township of *Abby*, benefited by such Works (other than and except the said *John Fardell*, his Heirs and Assigns, and the said Vicar and his Successors, with respect to the first making and executing the said Works) in such Shares and Proportions, and at such Times as the said Commissioners shall direct and appoint, and shall be levied and recovered in such Manner as the other Expences of executing this Act are herein-after directed to be levied and recovered;

Persons under Disabilities enabled to make Contracts with the Commissioners.

Commissioners to make Rules for the future Management of the Works, and to make Assessments.

covered; and the said Commissioners shall in and by their said Award specify and set forth the Numbers of Acres, Roods, and Perches in the Lands and Grounds in the said Township of *Ashby*, which shall be benefited by such Works of Drainage and Warping, and the Particulars and annual Value thereof, and the Names of the Proprietors to whom the same shall belong or be allotted respectively; and the said Commissioners shall thereby fix and ascertain a proportionate Rate to be paid by such Proprietors respectively (including the said Tythe Owners) for supporting and preserving the said Works in future, which shall at all Times thereafter be the Rate and Proportion by which all Rates and Assessments for those Purposes shall be charged and regulated.

XX. And be it further enacted, That if any Money shall be agreed to be paid for any Lands or Hereditaments purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any other Disability or Incapacity as herein mentioned, such Money shall, in case the same exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Commissioners for executing this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition, to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands and Hereditaments, in the Discharge of any Debt or Debts, or Part thereof, affecting the same Lands or Hereditaments, or affecting other Lands or Hereditaments standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands and Hereditaments which shall be so taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined, and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Money shall, on the Request of any One or more of the said Trustees, in Writing, signed by him or them, and without any Order of the Court of Chancery, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the said Bank Annuities shall be ordered by the said Court of Chancery to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities, shall from Time to Time go and belong to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

XXI. Provided always, and be it further enacted, That if any Money so agreed to be paid as aforesaid, and belonging to any Corporation,

[Lac. & Per.]

15 N

or

Application of
Compensation
where exceed-
ing 200^l.

Application of
Compensation
where the
Compensation

does not exceed 200 l. nor less than 20 l.

or to any Person or Persons under Disability or Incapacity as aforesaid, shall not exceed the Sum of Two hundred Pounds, nor less than Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands and Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privy of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by One or more of the Commissioners for executing this Act, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Money may be applied in any Manner herein before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application where the Money is less than 20 l.

XXII. Provided also, and be it further enacted, That where such Money is agreed or awarded to be paid as next before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used for the Purposes of this Act; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Commissioners to ascertain the Lands improveable by warping, and to regulate the same.

XXIII. And be it further enacted, That the said Commissioners shall and may, and they are hereby authorized and directed, as soon as conveniently may be after they shall have set out the several Allotments to be made to the said Proprietors respectively in the said Moors, Commons, and Waste Grounds, in the said Township of Ashby, pursuant to this Act, to specify, ascertain, and distinguish what Parts of the said Lands and Grounds are, in their Opinion, capable of receiving Improvement, by flooding and overflowing the same, by the Water of the River Trent, and to give Notice thereof in the same Manner as other Notices are directed to be given by this Act, and in and by the said Award, or by any Writing under their Hands, in the mean Time to set forth the same, and to make and establish such Orders, Rules, and Regulations for conducting and executing such Flooding and Warping, and for authorizing the said Proprietors respectively to make use of the said Stuees, Cloughs, and Drains, in such Order, Course, and Manner, as shall be expedient, and to execute and complete any other Drains or Works necessary for those Purposes, as they shall think just and equitable, and for the mutual Benefit of the Parties interested; and the said Commissioners shall and may, and they are hereby authorized to do all such other Acts, Matters, and Things, as they shall think necessary or expedient to be made, executed, and performed, for effectually draining, warping, and improving the said Moors, Commons, and Waste Lands, in the Township of Ashby aforesaid.

Commissioners to ascertain the Lands improveable by warping, and to regulate the same.

XXIV. Provided

XXIV. Provided always, That none of such Proprietors shall overflow his, her, or their Lands or Grounds, with Water, in Manner aforesaid, or make use of any of the Sluices, Cloughs, or Drains, for that Purpose, until he, she, or they shall have made sufficient interior Banks, Sluices, Tunnels, or other Works, according to the Rules and Directions to be prescribed by the said Commissioners as aforesaid, for preventing any other Lands or Grounds from receiving Damage thereby; and if any Damage shall arise therefrom, the Person or Persons occasioning the same by such Flooding and Warping, shall be liable to make Satisfaction by Damages to be recovered against him, her, or them, in an Action or Actions at Law, or otherwise, at the Suit of the Party or Parties injured or aggrieved. Restrictions.

XXV. And be it further enacted, That the said Commissioners shall, in, upon, and through the Lands and Grounds directed by this Act to be inclosed, as soon as conveniently may be after their First or Second Meeting, and before they proceed to set out the Allotments herein-after mentioned, appoint and stake out all such publick Carriage Roads as they shall think proper, none of which publick Carriage Roads shall be less than Forty Feet broad from the Fences or Ditches bounding the same; and that it shall not be lawful for any Person to erect any Gate across any of the said Roads, or to plant any Trees in the Hedges on the Sides of the said Roads, at a less Distance from each other than Fifty Yards; and after the said Roads shall have been so set out as aforesaid, the said Commissioners shall, and they are hereby empowered and required, by Writing under their Hands, to appoint some proper Person to be Surveyor of the said Roads, and such Surveyor shall cause the same to be formed and put into good and sufficient Repair, and shall be allowed such Salary or Reward for his Trouble therein, as the said Commissioners shall, by Writing under their Hands, direct and appoint, and which Salary or Reward, and also the Expence (over and above the Statute Duty) of forming the said Roads, and putting the same in good and sufficient Repair, shall be borne and paid by the several Owners and Proprietors of the Lands and Grounds hereby intended to be inclosed, and shall be raised by a Rate to be laid on such Owners and Proprietors (other than and except the said *John Fardell*, as Inproprietor, his Heirs or Assigns, and the said *Edward Jordan*, and his Successors, for the Time being, (for all or any of the Allotments made to them or any of them by virtue of this Act, and the said *John Julius Angerstein*, with respect only to the original making of such Roads) according to their respective Rights and Interests in the said Lands and Grounds, the respective Proportions whereof to be ascertained by the said Commissioners in and by their said Award, such Rate to be laid and assessed by the said Commissioners, or by any Justice of the Peace for the said Parts of *Lindsey*, upon Application to be made for that Purpose by the said Surveyor, and to be collected and received by such Person as the said Commissioners or Justices, by whom such Rate shall be laid and assessed, shall by Writing appoint; and in case any Person shall neglect or refuse to pay his or her Share of the said Rate, within Twenty-one Days next after Demand made thereof, the same shall and may be levied by Distress and Sale of the Goods and Chattels of the Person or Persons neglecting or refusing, by Warrant under the Hands and Seals or Hand and Seal of the Commissioners, or any Justice of the Peace Roads.

Peace for the Parts of *Lindsey*, which Warrant the said Commissioners, or such Justice are or is hereby empowered or required to grant, upon Proof on Oath of such Neglect or Refusal of such Demand; (and any One of the said Commissioners, or such Justice, are and is hereby also empowered to administer such Oath), returning such Overplus (if any) to such Owner of the Goods and Chattels, deducting the Charges of such Distress and Sale; and that no other Person or Persons, (other than the Owners and Proprietors of the Lands and Grounds intended by this Act to be inclosed), shall be charged or chargeable (over and above the Statute Duty) towards the forming or repairing of the said Roads, until the same shall be fit for the Passage of Travellers and Carriages, and shall have been certified so to be by the said Surveyor, by Writing under his Hand, to be delivered to the Justices at some Quarter Sessions of the Peace to be holden for the Parts of *Lindsey* aforesaid, and such Certificate shall have been allowed and confirmed by them; which said Certificate shall be delivered to the said Justices at their Quarter Sessions to be holden next after the said Roads shall be formed and put into good and sufficient Repair as aforesaid, and within the Space of Two Years next after the Execution of the said Award or Instrument, unless sufficient Reason be given, to the Satisfaction of the said Justices, that a further Time is necessary for that Purpose, in which Case the said Justices may, and they are hereby empowered to allow such further Time for delivering in the said Certificate as they shall think proper, not exceeding One Year; and in case such Certificate shall be delivered to the said Justices at their Quarter Sessions to be holden as aforesaid, at any Time before or after the Execution of the said Award or Instrument, the said Justices shall and they are hereby directed to allow and confirm the same; and if it shall happen that the said Surveyor shall neglect or refuse to deliver in such Certificate within the Time before limited, such Surveyor shall forfeit and pay any Sum not exceeding Ten Pounds, nor less than Five Pounds, to be recovered in like Manner as the Rate herein before authorized to be made is to be recovered, and the same shall be applied in Aid of the said Rate so to be laid as aforesaid; and after such Certificate shall have been delivered to the said Justices by the said Surveyor, and shall have been by them allowed and confirmed, the said Roads shall from Time to Time be supported and kept in Repair, in the same Manner as the other publick Roads within the said Township of *Abby* are by Law to be attended and kept in Repair; and the said Commissioners shall and they are hereby also empowered and required to set out, and appoint, and cause to be made, erected, and completed, such publick Bridle Roads and Footways, and private Roads and Ways, and also such publick and private Banks, Ditches, Drains, Watercourses, Bridges, Siles, and other Conveniences, in, over, and upon the said Lands and Grounds hereby directed to be inclosed and inclosed, as they the said Commissioners shall think reasonable, making such Satisfaction for the same as may by them be deemed reasonable and proper for the Damage which may happen to be sustained by any Person or Persons thereby; and the said Roads and Footways, and private Roads and Ways, and also all such Banks, Ditches, Drains, Watercourses, Bridges, Siles, and other Conveniences, shall be willed, set, and erected, and at all Times thereafter repaired, cleared, maintained, and kept in Repair, by such Persons and in such Manner as the said Commissioners shall direct and appoint; and that after the several publick and private

private Roads and Ways shall have been set out and made as herein-before mentioned, it shall not be lawful for any Person to use any other Roads or Ways, either publick or private, over or upon the said Lands or Grounds; and that all former Roads and Ways which shall not be set out and appointed as the Roads and Ways through or over the said Lands and Grounds, shall be deemed Part of the Lands and Grounds hereby intended to be divided and inclosed.

XXVI. Provided nevertheless, and be it further enacted, That as soon as conveniently may be after the said Commissioners shall have set out and appointed such publick Carriage Roads as aforesaid, they shall cause Notice thereof to be given by Advertisement in some Newspaper usually circulated in the County of *Lincoln*; and that it shall be lawful for any Person or Persons whomsoever, who shall think himself, herself, or themselves aggrieved by the Setting out, Appointment, or Disposition of any of such publick Carriage Roads as aforesaid, (on giving Notice in Writing to any One of the said Commissioners of his, her, or their Intention, within One Calendar Month after the Publication of such Advertisement, and within Twenty-one Days after such Notice entering into a Recognizance before some Justice of the Peace for the said Parts of *Lindsey*, with Two sufficient Sureties, in any Sum not exceeding Fifty Pounds not less than Twenty Pounds, as such Justice shall think proper, conditioned to try such Appeal, and abide the Order of and to pay such Costs as shall be awarded by the Justices at the Quarter Sessions herein-after mentioned); to appeal against all or any of such publick Carriage Roads to some General Quarter Sessions of the Peace to be held in and for the said Parts of *Lindsey*, within Four Calendar Months next after the Setting out, Appointment, or Disposition of the said Roads, and Notice thereof given as aforesaid, and he, she, or they shall be heard by himself, herself, or themselves, or by his, her, or their Counsel, Agents, Attornies, and Witnesses; and that the said Commissioners, or One of them, or their Surveyor or Clerk, shall attend at such Sessions; and the Justices before whom such Appeal shall be made, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall, on hearing the Evidence and inspecting the Map, finally determine whether the said Roads so appealed against shall be made, or whether any other publick Carriage Roads shall be set out, and shall make and give such Orders and Directions, touching the Matters before them, and award such Costs as to them shall seem necessary and expedient in that Behalf; and such Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removable by *Certiorari*, or any Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; but in case no such Notice shall be given to One of the said Commissioners as aforesaid, or such Appeal shall not be proceeded in as aforesaid, then such Setting out, Appointment, and Disposition of the said publick Carriage Roads by the said Commissioners as aforesaid, shall be final and conclusive to all and every Person and Persons whomsoever.

Notice to be given of Roads being set out.

XXVII. And be it further enacted, That if upon setting out the Roads and Footways as before mentioned it shall appear to the said Commissioners

For stopping up Footways or Paths.

[Loc. & Per.]

missioners that any ancient Footway or Path in, through, or over any of the ancient inclosed Grounds in the said Township of *Asby*, shall be unnecessary or inconvenient, it shall be lawful for the said Commissioners, and they are hereby authorized and required to stop up or turn such ancient Footway or Path; and if it shall appear to the said Commissioners that any Compensation ought to be made by the Owner of such ancient inclosed Lands, for whose Accommodation any Footway or Path may be stopped up or turned as aforesaid, or who shall be benefited thereby, it shall and may be lawful for the said Commissioners to order and direct the Consideration Money to be paid to such Person or Persons as in their Judgement shall or may be injured by the stopping up or turning of the said Footway or Path, or if no such Injury shall have been sustained, then the said Commissioners shall receive the same and apply it towards the General Purposes and Expences of this Act; and the said Commissioners are hereby directed to set forth in their Award or Instrument herein-after mentioned, a Description of such Footway or Path so stopped up or turned, and that after the Execution of the said Award or Instrument, or at such earlier Time, as the said Commissioners shall direct, such Footway or Path shall be and is hereby declared to be discontinued, and from thenceforth it shall not be lawful for any Person or Persons to make use of the same or any Part thereof.

Allotments
for Repairs
of Roads.

XXVIII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and required, before any other Allotment is made in pursuance of this Act, to set out and appoint Two or more Pieces or Parcels of Land (not exceeding Four Acres in the Whole) from and out of the Lands hereby directed to be inclosed, in such convenient Places as they shall think proper, for getting Stone, Sand, Gravel, or other Materials for repairing the Roads and Ways within the same Township, and such Parcels of Land shall be vested in the Surveyor or Surveyors of the Highways of the said Township of *Asby* for the Time being, upon Trust and for the Purposes in this Act mentioned, and for no other Purposes whatsoever.

Disposing of
the Herbage
of Roads, and
Allotments
for the Re-
pairs thereof.

XXIX. And be it further enacted, That after setting out the said Roads and Ways, and making such Allotments of Land for the Repairs thereof as aforesaid, all the Grass and Herbage growing, arising, and renewing, on the Roads and Ways within the same Township, as also upon the said Pieces or Parcels of Land so to be set out and appointed for getting Stone, Sand, Gravel, or other Materials for repairing the same, shall belong to and be the Property of such Person or Persons to whom the said Commissioners shall allot the said Grass and Herbage; exclusive of all other Persons whomsoever, or shall otherwise be applied to and for some general, parochial, or other Use or Purpose, and shall be occupied and enjoyed in such Manner as the said Commissioners shall in and by their said Award order, direct, or appoint.

Roads not to
be stocked for
Seven Years.

XXX. Provided always, That it shall not be lawful for any Person or Persons to graze or keep any Sort of Cattle whatsoever in or upon any of the Roads or Ways hereinafore directed to be set out by Virtue of this Act, which shall be made into Roads or Lanes, or fenced on both Sides,

Sides, for the Space of Seven Years next after the making and executing of the said Award or Instrument, under a Penalty not exceeding Ten Shillings nor less than Five Shillings for every Beast, Horse, Sheep, or Lamb, to be paid to the Person or Persons injured thereby; which said Penalty shall be recovered by Application to a Justice of the Peace in a summary Way, or to the General Quarter Sessions of the Peace to be held in and for the Parts of *Lindsey* aforesaid.

XXXI. And be it further enacted, That in all Cases where any of the Lands and Grounds by this Act intended to be divided and inclosed, shall adjoin on any Freeboard, Screeed, or Parcel of Land left on the Outside of the Fences of any adjoining Parish, Township, Hamlet, or Place, which shall run into any of the Lands intended to be inclosed by virtue of this Act, it shall be lawful for the said Commissioners, and they are hereby authorized and required, to set out and allot unto the Owner or Owners of such Freeboard, Screeed, or Parcel of Land, such Piece or Parcel of Land as shall be equal in Value (Quantity, Quality, and Situation considered) to such Freeboard, Screeed, or Parcel of Land as aforesaid; and the Fence or Fences adjoining on such Freeboard, Screeed, or Parcel of Land, and now belonging to any adjoining Parish, Township, Hamlet, or Place, shall for ever thereafter be maintained and supported by and at the Expence of the Owner or Owners of such Freeboard, Screeed, or Parcel of Land respectively; and that the Allotment or Allotments so to be set out and allotted as aforesaid, in lieu of such Freeboard, Screeed, or Parcel of Land, shall be deemed and taken to be as Part and Parcel of the Parish, Township, Hamlet, or Place, to which the said Freeboard, Screeed, or Parcel of Land, which it shall be so allotted in lieu of as aforesaid, now belongs.

Owners of Freeboards, etc. to have Allotment in lieu thereof.

XXXII. And be it further enacted, That the said Commissioners shall have full Power and Authority, and they are hereby required, in the next Place, to set out, allot, and appoint unto the said *John Fardell*, as Impropiator as aforesaid, in such Parts of the said Fields, Lands, and Grounds hereby intended to be divided and inclosed, wherein the Allotments in lieu of Tythes are herein-after directed to be set out, such several and respective Parts and Proportions of the same Fields, Lands, and Grounds, as (Quantity, Quality, and Situation considered) shall, in the Judgement of the said Commissioners be equal in Value to a full Compensation for the present uninclosed Glebe Lands belonging to the said *John Fardell*, within the said Open Fields and Meadows, and for his Rights of Common in the said Lands and Grounds by this Act directed to be divided and inclosed.

Allotments in lieu of Glebe.

XXXIII. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required, in the next Place, (over, above, and exclusive of the above-mentioned Allotments in lieu of Glebe and Rights of Common) to set out, allot, and award, unto and for the said *John Fardell*, his Heirs and Assigns, and to and for the said *Edward Jordan* as Vicar, and his Successors respectively, as a joint Allotment to be divided as herein-after is directed (after deducting only the Lands or Grounds set out for Roads and Ways and Drains, and for getting Materials for the making, forming, and repairing such Roads and Ways) such Pieces or Parcels of the said Open Arable Fields as shall (Quantity, Quality,

Allotments for Great and Small Tythes.

lity, and Situation considered) in the Judgement of the said Commissioners be equal in Value to One Fifth Part of all the Land within the Ring of the said Open Arable Fields, whether the same Fields shall happen to be in Plough, Tillage, Seeds, Pasture, or otherwise; and also such Pieces or Parcels of Land, Part of the East Commons, as shall (Quantity, Quality, and Situation considered) in the Judgement aforesaid, be equal in Value to One Eighth Part of such East Commons; and also such Pieces or Parcels of Land, Part of the West Commons and Moors, as shall (Quantity, Quality, and Situation considered) in the Judgement aforesaid, be equal to One Eighth Part of the said West Commons and Moors; and also such Pieces or Parcels of Land to be allotted in the said Open Fields and in the said East and West Commons, proportionably to the Amount of the Value of such Open Fields and East and West Commons, and each of them respectively, as shall (Quantity, Quality, and Situation considered) in the Judgement of the said Commissioners be equal in Value to One Seventh Part of all the Tytheable inclosed Lands, Homesteads, and Meadows, and of a certain Stinted Pasture called *Collum Pasture*, and other the Lands and Grounds (not before mentioned) in the Township of *Abby* aforesaid; which said several Proportions shall be so set out and allotted by the said Commissioners, upon the same proportionate Value as the Allotments of the other Proprietors, and without any Addition of Value or Deduction of Quantity for or in Respect of any Expences to be borne by the Proprietors, of making, executing, and completing the Works of Drainage, or any Prospects of Improvement by warping, and shall be in lieu of and as a full Compensation and Satisfaction for all the Improprate and Vicarial or other Tythes, Ecclesiastical Dues, Duties, and Payments whatsoever belonging to the said Improprator and Vicar respectively, arising, renewing, increasing, or happening within, out of, or from any of the Lands or Grounds within the said Township of *Abby* (save and except the usual and accustomed Surplice Fees, *Easter Offerings*, and Mortuaries, which shall continue to be due, paid, and payable as heretofore) but all such Great and Small Tythes shall continue payable to the said Improprator and Vicar respectively, until the several Allotments so to be made to them shall be set out and inclosed, and Notice given to them to enter thereon respectively.

Commissioners to divide Allotments between the Improprator and Vicar.

XXXIV. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to set out, divide, and apportion the said several Allotments so directed to be made for or in lieu of the Great and Small Tythes arising within the said Township of *Abby* to and between the said *John Fardell*, his Heirs and Assigns, and the said *Edward Jordan* and his Successors respectively, in the following Shares and Proportions; (that is to say) Five Sixth Parts thereof (Quantity, Quality, and Situation considered) unto the said *John Fardell*, his Heirs and Assigns, and the remaining Sixth Part thereof unto the said *Edward Jordan* and his Successors, Vicars as aforesaid; in lieu of and in Satisfaction for their respective Rights and Interests in the said Tythes.

Compensation for Tythes of old Inclosure of those who have no Open Field Land.

XXXV. And whereas it may happen that the Proprietors of some of the ancient inclosed Lands, Grounds, and Homesteads in the Township of *Abby* aforesaid, subject to the Payment of Tythes in Kind; may not have Lands or Property sufficient in or upon the Lands or Grounds hereby

by intended to be inclosed as aforesaid, to contribute their due Proportion to the Allotments to be made to the said *John Fardell*, his Heirs and Assigns, and the said *Edward Jorden* and his Successors, for their respective Tythes of such old inclosed Lands, Grounds, and Homesteads as aforesaid, and as the said Tythe Owners respectively will, by virtue of the Directions herein-before contained receive a full Compensation in Land from the Property of the other Owners in the said Fields, and East and West Commons, for the Tythes of all the ancient inclosed Lands, Grounds, and Homesteads within the said Township of *Ashby*, which are subject to the Payment of Tythes in Kind; be it therefore enacted, That the Person or Persons who shall be circumstanced as last-mentioned, and whose ancient inclosed Lands, Grounds, and Homesteads shall be exonerated or discharged from Tythes by such Compensation as aforesaid, shall 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 Gross Sum or Sums of Money as the said Commissioners shall deem and adjudge to be a full Recompence and Satisfaction for the absolute Purchase of the Inheritance of the said Tythes of the said ancient inclosed Lands, Grounds, and Homesteads respectively last-mentioned, or of so much thereof as any Proprietor shall be deficient in Open Land; which Sum or Sums of Money shall be applied for and towards Payment of the Charges and Expences of passing this Act, and carrying the same into Execution, and shall be recovered in the same Manner as the Expences of passing and executing this Act are directed to be recovered.

XXXVI. And be it further enacted, That the said Commissioners shall set out, allot, and award, unto and for the said *John Julius Angerstein*, his Heirs and Assigns, as Lord of the Manor and Soke of *Kirton* aforesaid, such Piece or Parcel of the said Commons and Waste Grounds, and other Land hereby intended to be divided and inclosed, which are not the separate Property of any Person or Persons in particular, as shall (Quantity, Quality, and Situation considered) in their Judgement be equal in Value to One Twentieth Part of the Residue of all such Commons or Waste Grounds and other Lands (after the Land set out for Roads and Drains, Allotments for Materials for the Repairs of the Roads, and for the Tythes of such Commons and Waste Lands, shall be deducted) in lieu of and in full Compensation and Satisfaction for all his Rights and Interests in or to the Soil of the said Commons and Waste Lands hereby directed to be divided and inclosed.

Allotment to
*John Julius
Angerstein, Esq.*
quire, as Lord
of the Manor.

XXXVII. And be it further enacted, That immediately after the said Commissioners shall have deducted Lands for the Roads and Drains, and made the several Allotments before mentioned, they shall in the next Place set out and allot all the Residue and Remainder of the said Open Fields, Meadows, Pastures, Moors, and other Lands and Grounds; within the said Township of *Ashby*, being separate or known Property, unto and amongst the several Persons, Bodies Politick or Corporate, who at the Time of making such Allotments shall be entitled to any Estate, Property, Right, or Interest, in or upon the same Lands and Grounds (except the said *John Fardell*, his Heirs, and Assigns, and the said *Edward Jorden* and his Successors) according to their respective Shares and Interests therein, in such Quantities, Shares, and Proportions, and in such Parts and Places, as by the said Commissioners shall be adjudged and determined to

General Al-
lotments of
the Fields,
Meadows,
and Com-
mons, being
known Pro-
perty.

[Loc. & Per.]

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be a fair and just Compensation and Satisfaction for the several and respective Lands and Grounds, Rights of Common, and other Interests, of each of the said Proprietors therein, and shall allot the Share or Shares of each Party as near to the Homesteads, or some other of the present inclosed Lands or Tenements belonging to such Party respectively, as conveniently may be.

Division of the Free Commons and Wastes, not being separate Property, between the Houses and Lands.

XXXVIII. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required (after making the Allotments before mentioned) to divide, set out, and allot all and every the said Commons and Waste Grounds within the said Township of *Alby*, which are not the separate or known Property of any Person or Persons in particular in Manner following; (that is to say) One Moiety or Half Part thereof (Quantity, Quality, and Situation, and the Improvements to be made by draining and watering, considered) to and amongst the several Owners and Proprietors of ancient Messuages, Cottages, Tofts, or Toftsteads within the said Township of *Alby*, having Right of Common on the said Commons and Waste Grounds (except the said *Jahn Fardell*, his Heirs and Assigns, and the said *Edward Jordan* and his Successors) in Shares of equal Value; (that is to say) One Share to each Messuage, Cottage, Toft, or Toftstead, and in making which Allotments no Regard shall be had to, nor any Distinction made on Account of the Magnitude or Value of the said Messuages, Cottages, Tofts, or Toftsteads, or any of them; and the other Moiety or Half Part thereof (Quantity, Quality, and Situation, and the Improvements aforesaid considered) shall be set out and allotted to and amongst the several Owners and Proprietors of Lands and Grounds within the said Township of *Alby*, who are also Owners and Proprietors of Messuages, Cottages, Tofts, or Toftsteads within the said Township, having Right of Common on the said Commons and Waste Grounds (except as aforesaid) in Proportion and according to the Value of their several Estates and Interests in and upon the several other Lands and Grounds in the Township of *Alby* aforesaid.

Not to give any undue Preference.

XXXIX. And be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to empower the said Commissioners to give any undue Preference to the Parties interested in the said intended Division and Inclosure, or any of them, but that the said Commissioners, in making such Allotments as aforesaid, shall have due Regard to the Quality, as well as Quantity and Situation, of the Lands belonging to each Proprietor, and the Tythes payable for the same, and also the Right of Common and other Property belonging to each Person interested, and the Quality, Quantity, and Situation of the Lands and Grounds in lieu thereof.

For determining Objections to Allotments.

XL. And be it further enacted, That when and so soon as the said Commissioners shall have ascertained the respective Shares, Rights, and Interests of the said Proprietors, in the Lands and Grounds to be divided and inclosed by virtue of this Act, and also the respective Shares and Proportions by them proposed to be allotted to such Proprietors respectively in lieu thereof, they the said Commissioners shall give Notice in the same Manner as Notices of Meetings are hereinbefore directed to be given, of some convenient Time and Place when and where all Proprietors and Persons interested may peruse a Schedule of such intended Allotments,

Allotments, and a Map or Plan whereon the same shall be set out and delineated, and may if they please have and receive a Copy of such Schedule, so far as the same relates to such Proprietors respectively; and in regard that some Persons may upon Perusal of the said Schedule, and Inspection of such Map or Plan, be dissatisfied with their intended Allotments, the said Commissioners shall give Notice of One Meeting at the least to be held by them for receiving Complaints and Objections against such intended Allotments, and for hearing and determining all such Complaints and Objections, and their Determination in the Premises being reduced into Writing and signed by them, shall be binding and conclusive upon all Parties, until the Execution of the Award herein-after mentioned.

XLI. And be it further enacted, That the said Commissioners, when and so soon as they shall finally determine concerning the said Allotments, shall cause the same to be staked out, and forthwith give such Notice as aforesaid of their having completed all the said Allotments, and appoint some convenient Time and Place when and where every Proprietor may receive a Schedule of his or her Allotments respectively, and shall by some Writing under their Hands, and published along with such Notice, order and appoint at what Time or Times the said Proprietors may and are required to enter upon their respective Allotments, and from what Time or Times the Rights of Common or Pasturage thereon shall respectively cease and be extinguished, and in every such Schedule shall be expressed how and when, and by whom such Allotments are to be fenced; all which Orders and Directions shall be binding and conclusive upon all Parties interested; and every Person entitled to any such Allotment or Allotments, shall and is hereby required to accept such Allotment or Allotments within the Space of Six Calendar Months next after the Publication of such Notice as aforesaid; and if any Person shall refuse to accept his or her Share or Allotment within the Time before mentioned, or shall molest or disturb the Possession of any other Proprietor who shall have accepted of and entered upon his or her Allotment, every such Person shall be liable to pay such Damage, Costs, and Expences to the Party injured, to be determined, assessed, and recovered, by and before any One Justice of the Peace for the Parts of *Lindsey* aforesaid, not interested in the Matter in Question, in such Manner as herein-after is provided and directed with respect to Penalties and Forfeitures imposed by virtue of this Act.

For accepting
Allotments on
Notice.

XLII. And be it further enacted, That the Allotments to be made to the said *John Fardell*, his Heirs and Assigns, and the said *Edward Jordan* as Vicar as aforesaid, and his Successors, in lieu of Glebe Lands, Rights of Common and Tythes, shall be ring-fenced on all such Parts and Sides thereof respectively as shall not be ordered by the said Commissioners to be made by any other Proprietor or Proprietors, and against all publick Roads, and the Allotments to the said *Edward Jordan* separated from those made to the said *John Fardell*, with good and substantial Fences and Ditches in the Manner following; (that is to say) to be planted with good thriving Quicksets of White Thorn, guarded on both Sides with good Posts, and Three Rails high, the Posts to be of Oak, and the Rails of Oak or Ash, and sufficient Ditches; and the Fences of such of the said Allotments as the said Commissioners shall, from the low and

For fencing
the Glebe and
Tythe Allot-
ments.

wet

wet Situation thereof, determine to be most properly fenced by Ditches only, shall (if the said *John Fardell* and the said *Edward Jordan*, by Writing under their Hands, consent thereto) be made by such good and sufficient Ditches and of such Dimensions as the said Commissioners shall direct, and with good and substantial Carriage Gates made and hung to each Allotment, at the Expence of the Rest of the Proprietors of the said Lands and Grounds to be allotted by virtue of this Act (save and except the said *John Julius Angerstein*) and that all such Fences and Gates of the said several Allotments to be made to the said Tythe Owners, and not ordered by the said Commissioners to be repaired by any other Proprietor, shall from thenceforth for ever afterwards be supported, maintained, and kept in Repair by the said *John Fardell*, his Heirs or Assigns, and the said *Edward Jordan* and his Successors respectively.

For inclosing
the Rest of the
Proprietors
Allotments.

Punishment of
Persons for not
repairing their
Fences, or
cleaning their
Ditches.

XLIII. And be it further enacted, That the several Parcels of Land and Allotments which shall be set out and allotted by virtue of this Act (except such Allotments as shall be made to the said *John Fardell* and *Edward Jordan*, in lieu of Glebe, Common Rights, and Tythes as aforesaid) shall be inclosed and fenced on all such Parts or Sides thereof, and within such Time and in such Manner as the said Commissioners by any Writing or Writings under their Hands, or by their said Award or Instrument, shall order, direct, and appoint; and such Fences shall be made, and at all Times for ever after the making thereof, be supported, maintained, and kept in Repair by such Person and Persons as the said Commissioners shall direct or appoint by any such Writing, or by their said Award; and in case any Person or Persons shall neglect or refuse to make such Fences and Ditches, or to support and keep the same in good and sufficient Repair and Condition as aforesaid, or to make, or at any Time afterwards to repair, amend, support, cleanse, and scour any private Roads, Ways, Ditches, Banks, Rivulets, Drains, Bridges, Gates, Siles, Common Sewers, Watercourses, or other Requisites, according to the Orders and Directions of the said Commissioners, then and in every such Case it shall be lawful for the Owner or Occupier of any Lands or Grounds for the Time being, who shall be in anywise damaged or aggrieved by any such Neglect or Default, to exhibit a Complaint upon Oath, touching the same, against such Person or Persons, and before any Justice of the Peace for the County of *Lincoln*, not being interested in the Premises, and such Justice is hereby empowered and required to summon the Parties concerned, and to examine any Witness or Witnesses upon Oath; as to the Grounds of such Complaint, (which Oath such Justice is hereby empowered to administer) and in case such Complaint shall appear to such Justice to be well founded, he shall and may order and direct the Person or Persons exhibiting such Complaint, to cause the Works in respect whereof such Complaint shall be made to be forthwith made and done according to the Directions of the said Commissioners, and also shall and may, by Warrant under his Hand and Seal, directed to the Person or Persons exhibiting such Complaint as aforesaid, cause the Charges and Expences of completing such Works to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting, refusing, or making Default, tendering the Overplus (if any) after the Payment of such Costs and Charges, and of the Costs and Charges attending such Distress and Sale, or otherwise occasioned by such Neglect, Refusal, or Default, to the Owner or Owners of such Goods and Chattels;

or otherwise the said Justice shall and may, by Writing under his Hand and Seal, authorize and empower the Person or Persons exhibiting such Complaint, to enter into and upon any Lands or Grounds which may be allotted by virtue of this Act, to such Person or Persons neglecting or refusing to pay upon Demand such Charges and Expences pursuant to the Order of such Justice, and to receive the Rents and Profits of the said Premises respectively, until thereby or therewith the said Charges and Expences, together with the Costs and Charges occasioned by or attending such Entry and Perception of the Rents and Profits of the same Premises respectively be fully paid and satisfied: Provided nevertheless, That in case through the Necessity of Situation or other unavoidable Circumstance, it should happen that some of the said Proprietors shall have more than an equal or proportional Share of Boundary Fences allotted to them on the said intended Inclosure, it shall be lawful for the said Commissioners, where they shall judge it proper, to ascertain and appoint such Sum of Money to be paid to every such Proprietor towards making such Fences, by such other of the said Proprietors who may have a less Proportion of Fencing, according to the Value and Quantity of Land to be allotted to them, or otherwise to make such Allowance on Account of such Inequality to the Proprietors entitled thereto, out of the publick or general Expences to be raised by virtue of this Act, as they shall think reasonable, in order that the said Boundary Fences may be brought as near as may be to a just and equal Proportion.

Allowance to be made to Persons having too great Proportion of Fencing.

XLIV. And be it further enacted, That such of the said Proprietors, the Fence or Ditch, or Fences or Ditches, of whose Allotment or Allotments shall abut against the Side of the Ditch or Ditches of any other Allotment or Allotments, or of any Lands already inclosed, shall be at Liberty and are hereby empowered, from the Time of staking out the several Allotments hereby directed to be made, to set up and place, and from Time to Time maintain, and at all Times thereafter continue Rails across the Ditch or Ditches of such other Allotment or Allotments, or of such Lands already inclosed, and Posts upon the Bank or Banks of such other Allotment or Allotments, or of such Lands already inclosed adjoining or contiguous thereto.

Rails to be set across the adjoining Ditches.

XLV. Provided nevertheless, and be it enacted, That convenient Openings shall be left in the said Fences and Inclosures as the said Commissioners shall direct, for the Space of Twelve Calendar Months next after the Execution of the said Award, for the Passage of Cattle, Carts, and Carriages through the same, unless the Proprietors interested therein, or the Commissioners, shall, by Writing under their Hands, agree and order that the same shall be sooner made up.

Openings to be left.

XLVI. And be it further enacted, That it shall be lawful for the said Edward Jordan and his Successors, Vicars of the said Vicarage of *Messingham with Bottesford* (by and with the Consent and Approbation of the Lord Bishop of *Lincoln*, and of the Patrons of the said Vicarage for the Time being respectively, testified by Writing under their Hands and Seals) to lease or demise all or any Part or Parts of the Allotment or Allotments to be set out and allotted unto and for the said Vicar by virtue of this Act, to any Person or Persons, for any Term or Number of Years, not exceeding Twenty-one Years, without taking any Fine or

Vicar to lease

Fines for any such Lease, such Term of Twenty-one Years to be computed from the Execution of the Award of the said Commissioners hereinafter directed to be made; so that no such Lease be made without Impeachment of Waste; and so that the Lessee or Lessees to whom every such Lease shall be made, be yearly obliged to spend, spread, and consume, in an husbandmanlike Manner, in and upon the Premises so to be demised, all the Manure to arise from the Produce thereof, and be subject to such other Covenants and Rules of good Husbandry as are proper and usual in like Cases; and so that the Rent or Rents thereby to be reserved, be made payable quarterly, and that there be contained in every such Lease a Clause for Re-entry on Non-payment of the Rent to be thereby reserved; and so that the Lessee or Lessees to whom every such Lease shall be made, do seal, execute, and deliver a Counterpart of every such Lease; and every such Lease so to be made, shall be good, valid, and effectual in the Law, to all Intents and Purposes whatsoever, and shall bind every succeeding Vicar of *Messingham with Bottesford* aforesaid, until the Expiration or other sooner Determination thereof; any Law, Statute, or Usage to the contrary notwithstanding: Provided always, That in every such Lease as aforesaid, it shall be lawful for the said Vicar and his Successors to make such Abatement in the Rent thereby reserved, from the Quality Price affixed by the said Commissioners of the Allotment or Allotments therein comprized, as shall be reasonable, on Account of the Expences to be incurred by the Lessee or Lessees in subdividing the same, or in erecting new Buildings thereupon.

For empowering
Guardians
to accept.

XLVII. And be it further enacted, That the respective Guardians, Husbands, Trustees, Committees, or Attornies, or Persons acting as Guardians, Trustees, Committees, or Attornies for any Person or Persons being a Minor or Minors, Lunaticks, under Coverture, or beyond the Seas, or otherwise incapable by Law to accept any such Shares or Allotments as shall be made by virtue of this Act, and all other Trustees whatsoever, shall be and they are hereby enabled and required to accept thereof for and to the Use of such Person or Persons so incapacitated as aforesaid; and also that any Person or Persons entitled to any Allotment or Allotments as Tenant or Tenants for Life or Lives, shall be and are hereby respectively enabled to accept of and take such Allotment or Allotments respectively; and every such Acceptance shall be and is hereby declared to be valid and effectual; any Law, Custom, or Usage, to the contrary notwithstanding.

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

XLVIII. Provided nevertheless, That the Non-claim or Non-acceptance of any Guardian, Husband, Trustee, Committee, or Attorney, shall not exclude or prejudice the Claim or Acceptance of any Infant, Lunatick, Feme Covert, or other Person under such Disability or Incapacity as aforesaid, who shall claim or accept his, her, or their Share or Allotment within Twelve Calendar Months next after such Disability or Incapacity shall be removed, or of any other Person entitled as Heir or in Remainder after the Death of any Person dying under such Disability or Incapacity, who shall claim or accept within Twelve Calendar Months next after his, her, or their Right, Title, or Interest shall have descended, vested, or accrued, and be known so to be.

L. And

XLIX. And be it further enacted, That for the greater Conveniency of the several Owners and Proprietors aforesaid, it shall and may be lawful to and for all or any such Owners or Proprietors of any Messuages, Gardens, Cottages, Scites of Messuages and Cottages, Homesteads, Garths, Orchards, Old Inclosures, Lands, Tenements, new Allotments, or Hereditaments within the said Township, or within any Parish, Township, Place, or Liberty thereto adjoining, (whether Bodies Politick, Corporate, or otherwise), to exchange all or any of the same Premises for any other Messuages, Cottages, Scites of Messuages and Cottages, Homesteads, Garths, Gardens, Orchards, old Inclosures, Lands, Tenements, new Allotments, or other Hereditaments within the said Township of *Ashby*, or in any adjoining Parish, Township, Place, or Liberty as aforesaid; so that all and every such Exchange and Exchanges be made by and with the Consent of the said Commissioners, and that the Parties exchanging do consent thereto by some Writing signed by them, and that such Exchange and the Consent of the said Commissioners thereto be specified and declared in the said Award; and every such Exchange made in Manner aforesaid shall be good, valid, and effectual in the Law to all Intents and Purposes, notwithstanding any Defect of Title in the exchanging Parties or any of them: Provided always, That no Exchange shall be made of any Lands, Tenements, or Hereditaments held in Right of any Church or Chapel, without the Consent in Writing of the Lord Bishop of the Diocese and the Patron of such Church or Chapel for the Time being respectively.

Power to exchange.

L. And whereas some of the Lands and Grounds and other Property within the said Township of *Ashby* may be held by Proprietors as Tenants in common, or in joint Tenancy, and it may be advantageous to such Proprietors to have Partition made of such Lands and Grounds and other Property, and to have the same allotted in Severalty in proportion to their respective Estates, Rights, and Interests therein; be it therefore enacted, That in case the several Proprietors of any such Lands, Grounds, or other Property within the said Township of *Ashby*, so held in joint Tenancy or in Common as aforesaid, shall make a Request in Writing under their Hands to the said Commissioners to divide and make Partition of such Lands, Grounds, and other Property, it shall and may be lawful for the said Commissioners, and they are hereby authorized and required to divide and make Partition of such Lands, Grounds, and other Property, and in and by their said Award to set out, assign, and allot specifick Shares thereof to and amongst the said Proprietors in Severalty, in proportion to their respective undivided Estates, Rights, and Interests therein; and such Partition and Division being set forth in the said Award, shall be binding and effectual to all Intents and Purposes whatsoever.

For making Partitions.

LI. Provided always, and be it further enacted, That if any Feme Covert, Infant, or other Person under any Disability or Incapacity, shall be Owner or Owners, Proprietor or Proprietors, or be joint Tenants, or Tenants in Common, of any Lands, Tenements, or Hereditaments to be exchanged or partitioned by virtue of this Act, it shall be lawful for the Husbands, Guardians, Trustees, Committees, or Attornies, or Persons acting as Guardians, Trustees, Committees, or Attornies respectively, of such Feme Covert, Infant, or other Person under such Disability or Incapacity, to make such Exchange or Partition on Behalf of such

Guardians may exchange or divide Houles or Land for Infants, or other Persons under Disability.

Feme

Feme Covert, Infant, or other incapacitated Person, such Exchange and Partition being ascertained, specified, and declared as above-mentioned.

Expences of Exchanges and Partitions, how to be paid.

LII. Provided also, and be it further enacted, That all Costs, Charges, and Expences attending the making of any such Exchanges or Partitions as aforesaid, shall be paid and borne by the several Persons making the same, in such Manner and in such Proportions as the said Commissioners shall order and direct.

Award to be made.

LIII. And be it further enacted, That within the Space of Twelve Calendar Months next after the Division, Allotments, and draining of the said Open Fields, Meadows, Pastures, Moors, Commons, and Waste Grounds, shall be made and completed, or as soon after as conveniently may be, the said Commissioners shall form and draw up, or cause to be formed or drawn up, an Award or Instrument in Writing, which shall express the Quantity in Statute Measure of the Acres, Roods, and Perches contained in the said Fields, Lands, and Grounds so intended to be inclosed as aforesaid, and the Quantity and Contents of each and every Parcel thereof assigned or allotted to the several Parties entitled to any Lands, Tythes, Common Rights, or other Property within the same, and also a Description of the Situation, Buttals, and Boundaries of such Parcels and Allotments respectively, and shall contain proper Orders and Directions for and concerning the laying out, making, maintaining, cleansing, and keeping in Repair the several publick and private Roads and Ways, Fences, Ditches, Banks, Drains, Sluices, Bridges, Aqueducts, Tunnels, Gates, and Stiles hereby directed or authorized to be made, and also all such Orders, Regulations, and Determinations, as are in and by this Act mentioned, directed, required, or authorized to be made or established, and such other Orders, Regulations, Matters, and Things, as shall be necessary or proper, conformably to the true Tenor and Meaning of this Act, for the more easy, convenient, and effectual Execution thereof, and for the preventing all Difficulties and Disputes in relation to the Matters herein contained, pursuant to the several Powers hereby given and vested in the said Commissioners; which said Award or Instrument shall be fairly ingrossed upon Parchment, and read over in the Presence of the Proprietors who may attend at a Special General Meeting to be called for that Purpose, of which Ten Days Notice at least shall be given in the *Lincoln, Rutland, and Stamford Mercury*, and shall be executed by the said Commissioners at such Meeting; which Execution shall be proclaimed the next Sunday in the Parish Church of *Bottesford* aforesaid, by the officiating Minister thereof, or the Parish Clerk, from which Time only the said Award or Instrument shall be considered as complete, and the said Award or Instrument shall, within the Space of Six Calendar Months after such Execution, or as soon after as conveniently may be, be enrolled with the Steward of the Courts of the Manor and Soke of *Kirtan* in *Lindsey* aforesaid, and the Inrolment thereof kept amongst the Records of the said Manor and Soke; and a true Copy of the Plan of the said Township, drawn upon Vellum and signed by the said Commissioners, shall be kept or deposited with the said Inrolment, and another Copy of such Plan shall be annexed to the said Award; and the said Award and Plan shall be put into and kept in a Box or Chest to be placed and kept in the Parish Church of *Bottesford* aforesaid, or in such other Place

Place as the said Commissioners shall direct, to the End Recourse may be had to the same by any Person or Persons interested in the said Division and Inclosure; and the said original Award, or a true Copy of the Inrolment thereof, or any Part thereof, certified by the Steward of the said Manor and Soke, or his Deputy, shall from Time to Time be admitted in all Courts whatsoever as legal Evidence, and such Officer is hereby required to inrol the same accordingly, and to make Copies thereof, or of any Part thereof, and to certify the same from Time to Time when required, within Fourteen Days after such Copies shall be so required, being paid for such Inrolment after the Rate of Eight-pence *per* Sheet, and for every such Copy and Certificate after the Rate of Two-pence *per* Sheet, reckoning Seventy-two Words to each Sheet; and that the several Allotments and Divisions, and all Orders and Directions, Regulations, and Determinations, so to be made as aforesaid, in and by such Award or Instrument, shall be final, binding, and conclusive unto and upon all Parties interested in the said Division and Inclosure.

LIV. And be it further enacted, That the several Lands and Grounds so to be set out and allotted unto and for the several Persons who by virtue of this Act shall be entitled to the same, shall be and are hereby vested in them respectively in lieu of and in full Bar of and Satisfaction for the several Pieces or Parcels of Ground which they respectively held before the Commencement of this Act, or immediately before such Allotments were made, and which are now dispersed in the said Lands and Grounds by this Act directed to be inclosed, and also in full Bar of and Satisfaction for all Rights of Common and other Rights whatsoever, in, over, and upon the said Lands and Grounds; and that immediately after the making of the said Division and Allotment, or as soon after as the said Commissioners by such Writing as aforesaid, or in their said Award, shall appoint, all Right of Common in, over, and upon all the said Lands and Grounds hereby intended to be inclosed, and every Part thereof, and also all Tythes, both Great and Small, and all Ecclesiastical Dues and Payments whatsoever, arising and renewing out of and from all or any Lands, Grounds, Tenements, or Hereditaments lying within the said Township of *Ashby*, as well already inclosed as to be inclosed by virtue of this Act (the several Allotments to the said Tythe Owners being set out and inclosed, and Notice given to them to enter thereon) shall cease, determine, and for ever be extinguished (save and except the usual and accustomed Surplice Fees, *Easter Offerings*, and Mortuaries).

Allotments to be in Bar of former Property.

LV. And be it further enacted, That it shall be lawful for all and every Person and Persons interested in the said intended Inclosure (except the said Vicar and his Successors) at any Time before the Execution of the said Award, to sell and dispose of all such Estate, Right, Title, and Property which he, she, or they shall have in, to, or upon the said Commons and Waste Grounds, or in or to any Allotment to be made in respect of any Common Right thereon respectively by virtue of this Act, and to convey the same by Deed to the Purchaser separate from the Messuages, Cottages, Toststeads, Lands, or Grounds, or other Estate or Interest, in Right whereof he, she, or they is or are, or shall be so entitled, and also to grant, mortgage, sell, and convey all and every or any

Power for Proprietors to sell their Common Rights separate from their other Property.

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of the Allotments which shall be set out and assigned to and for such Person and Persons respectively by virtue of this Act, though the said Award shall not then have been executed, subject nevertheless to all Settlements, Mortgages, Charges, and Incumbrances affecting the Messuages, Cottages, Toststeads, Lands, Grounds, Estates, or Interests, in respect whereof such Rights shall arise, or such Settlements shall be made; and every such Sale or Mortgage, being specified and set forth in the said Award, shall be good, valid, and effectual to all Intents and Purposes whatsoever, and the said Commissioners shall award such Allotments to the Purchasers thereof respectively.

For laying Penalties, and ordering Satisfaction for Damages.

LVI. And be it further enacted, That the said Commissioners shall and may, either by their Award, or by any other Writing or Writings under their Hands, to take Effect in the mean Time and until the said Award shall be executed, order, direct, and appoint, when and to whose Use, and in what Proportion and Manner all or any of the Penalties or Forfeitures which may be incurred by any Person or Persons, not conforming to the Orders or Directions of the said Commissioners herein-before authorized and required to be made and published, for settling the Course of Husbandry to be used in the said Lands and Grounds, until the completing of the said Division and Allotment shall be paid and applied, and thereby impose Penalties, not exceeding the Sum of Ten Pounds, on any One Person for any One Offence, on all such Persons as shall plow up any old Swarth Ground before the making of the said Division and Allotments, and on such as shall not conform to the Orders of the said Commissioners for ceasing the Right of Common over the said Lands or Grounds, and direct to whom, when, and in what Manner also the same shall be paid and applied; and also shall and may direct and appoint what Recompence or Satisfaction in Money shall be paid unto or by any of the Proprietors to whom any Allotments shall be made by virtue of this Act, by or unto the last Owner or Possessor of any Lands so to be allotted for or in respect of the State or Condition in which such Lands may happen to be at the Time when the new Owner is to enter into Possession thereof; and also appoint a Time or Times for Payment of such Satisfaction respectively; and also order and award, issue and pay such Recompence and Compensation as they shall think just and reasonable to be made to any Owner, Tenant, or Occupier, who shall or may receive Damage in his Lands, Crops, or Fences, by and in Consequence of making the said Division and Allotments, or any private Ways, Drains, or Watercourses over the same as aforesaid, or otherwise order and appoint by whom and when such Recompence and Satisfaction shall be paid.

Leases at Rack Rent to be void.

LVII. And be it further enacted, That all and every Lease and Leases at Rack Rent now subsisting of all or any Part of the said Lands and Grounds hereby intended to be inclosed, alone or together with any Messuages, Cottages, ancient inclosed Lands, or other Hereditaments lying and being within the Township of *Abby* aforesaid, and all other Agreements for any Term or Terms or Number of Years therein respectively, shall cease, determine, and be void immediately on such Allotments and Divisions

Divisions being made, the respective Lessees or Tenants thereof first receiving or having duly tendered to them, from the respective Proprietors of the same Premises, such Satisfaction as the said Commissioners shall ascertain as reasonable to be paid to such Lessees or Tenants respectively, as an Equivalent for the Loss or Losses they shall respectively sustain, on Account of the Determination of their respective Leases.

LVIII. Provided always, and be it enacted, That nothing in this Act contained shall extend, or be construed, deemed, adjudged, or taken to revoke, make void, annul, or any way affect any Grant, Assurance, Limitation of Use, Declaration of Trust, or any Deed, Will, or Lease whatsoever, (Leases at Rack Rent only excepted) or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Debt, Rent, Incumbrance, or other Claim or Demand out of, upon, or affecting any of the Lands or Grounds intended to be divided and inclosed by Authority of this Act, or any Part or Parcel thereof, or which shall be exchanged in pursuance of the same Act; but that the Lands and Grounds so to be allotted or exchanged shall, immediately after the making of such Allotments and Exchanges respectively, be, remain, and enure, and be held and enjoyed, and the several Proprietors to whom the same shall be allotted or given in Exchange as aforesaid, shall from thenceforth stand and be seised and possessed thereof, respectively subject to the Charges to be made thereon by virtue of this Act, under and liable to the same Uses and Trusts, and to and for such Uses, and the same Estates and Interests, and subject to such and the like Wills, Leases, (Leases hereby avoided only excepted) Powers, Provisoes, Limitations, Remainders, Charges, Tenures, Rents, Services, Incumbrances, and Demands, as the several Messuages, Cottages, Toststeads, Lands and Grounds, Common Rights, and other Property of every such Proprietor, in respect whereof such Allotments shall be made, or which shall be so exchanged, were or would have been subject or liable to in case this Act had not been made.

No Titles to be affected by this Act.

LIX. And be it further enacted, That the reasonable Charges and Expences of the said Commissioners in and concerning the Powers and Authorities hereby vested in them, and of the applying for, obtaining, and passing this Act, and of the surveying, measuring, dividing, and allotting the Lands and Grounds so intended to be inclosed as aforesaid, and of making, preparing, executing, and inrolling the said Award or Instrument, and of making Satisfaction or Recompence for any Damage to be done in the Execution of any Powers of this Act, and all other reasonable Charges and Expences occasioned by the Execution of this Act, (except the Fencing the Allotment or Allotments to be made in lieu of manerial Rights, which shall be fenced by the said *John Julius Angerstein*, his Heirs or Assigns) shall be borne and defrayed by all the Proprietors of Lands which shall be allotted by virtue of this Act, or of any Homestead or old Inclosures within the said Township of *Ashby*, which shall be thereby discharged of Tythes (except the said *John Fardell*, his Heirs or Assigns, and the said *Edward Jorden*, as Vicar as aforesaid, and his Successors, who are hereby freed and discharged of and from any such Expences, but subject to the Regulations with respect to the future Expences of Drainage and Warping herein-before contained, and also except the said

For defraying the Expences of this Act.

said *John Julius Angerstein*, his Heirs or Assigns, in respect of his Allotment or Allotments in lieu of his manerial Rights as aforesaid) according to the Value of the Lands and Grounds each Person shall have allotted to him, her, or them, or be entitled or otherwise benefited by such Inclosure, and in such Shares and Proportions as shall be settled and determined by the said Commissioners either before or after the Execution of their said Award.

Exempting
the Impro-
priator and
Vicar from
paying any
Expences.

LX. Provided always, and it is hereby enacted, That the said *John Fardell*, as Impropriator as aforesaid, and the said *Edward Jordan*, as Vicar, and his Successors, shall not be at any Expences whatsoever preparatory to, and in obtaining and passing this Act, and carrying the same into complete Execution; any Thing herein contained, or may be construed to contain, to the contrary thereof in anywise notwithstanding.

Recovery of
Expences.

LXI. And be it further enacted, That when and so often as any of the said Proprietors shall refuse or neglect to pay his, her, or their Proportion of any Rate or Rates, Assessment or Assessments to be made by the said Commissioners, on Account of the Charges and Expences of obtaining this Act, and the aforesaid necessary Expences of the said Commissioners in putting the same into Execution, or shall refuse or neglect to pay any Sum or Sums of Money which shall be ordered by the said Commissioners to be paid to any other Person or Persons as a Recompence or Satisfaction as aforesaid, at the respective Days and Times to be appointed for Payment of such Rates, Assessments, Sum or Sums of Money respectively, 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 Proportions of the said Rates, Assessments, Sum or Sums of Money respectively, to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so making Default in Payment as aforesaid, his, her, or their Husbands, Guardians, 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; 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 Premises so to be allotted to such Person or Persons refusing or neglecting to pay as aforesaid and to receive and take the Rents and Profits thereof, until thereby, therewith, or otherwise the Shares or Proportions of the said Rates and Assessments, Sum or Sums of Money so ordered and directed by the said Commissioners to be paid by such Person or Persons as aforesaid, and all Interest thereon, to be computed as aforesaid, and also all Costs, Charges, and Expences occasioned by or attending such Entry upon and Perception of the Rents and Profits of the said Premises, shall be fully paid and satisfied, or that they the said Commissioners shall and may let, demise, and charge such Allotment or Allotments to any Person or Persons whomsoever, who shall pay to the said Commissioners such Proportion or Proportions of the said Rates, Assessments,

ments, Charges, and Expences for such Term or Number of Years, as the said Commissioners shall think sufficient to reimburse such Person or Persons the Money by him or them advanced, with Interest for the same.

LXII. And be it further enacted, That it shall be lawful for every Person or Persons who, after such Division and Inclosure to be made as aforesaid, shall be Owners and Proprietors for the Time being of any old Inclosures exonerated from the Payment of Tythes, or of any Allotments to be made in pursuance of this Act, or of any Part thereof, and for the Husbands, Guardians, Trustees, Committees, or Attornies of or for any of the said Owners or Proprietors, being under Coverture, Minors, or beyond the Seas, or otherwise incapable to act for themselves, and for every of them, and for every of the said Owners or Proprietors being Tenants for Life or in Tail, or for Years, not being at Rack Rent, or any other Contingencies, and for every of them respectively for the Time being, (except the said Vicar and his Successors for the Time being), by and with the Consent of the said Commissioners in Writing under their Hands and Seals, from Time to Time, either before or after the Execution of the said Award or Instrument, to charge the several Lands and Grounds which shall be comprized in such respective Allotments, or any Part thereof, with any Sum or Sums of Money, at the Discretion of the said Commissioners, not exceeding Four Pounds for every Acre of Land and Ground so to be allotted as aforesaid, and also for every Acre of old Inclosure exonerated from Tythes, to be paid to such Person or Persons as the said Commissioners shall nominate and appoint, in order to be applied and disposed of for and towards paying and defraying the respective Shares and Proportions of the Charges and Expences incident to and attending such Division and Inclosure, and of obtaining this Act and executing the same; and for securing the Repayment of such Sum and Sums of Money, with Interest, to grant, mortgage, lease, or demise the Lands and Grounds so to be charged therewith, unto any Person or Persons who shall lend and advance the same respectively, for any Term or Number of Years, so that every such Grant or Demise be made with a Proviso or Condition to cease and be void, when such Sum and Sums of Money thereby secured; with the Interest thereof, shall be paid and satisfied; and so that in every such Grant or Demise to be made by any Person or Persons entitled only as Tenants in Tail or for Life or Lives, or Years, or upon any other Contingency, there be contained a Covenant to pay and keep down the Interest of the Money thereby to be secured during his, her, or their respective Life or Lives, or for so long as he, she, or they shall continue seized or entitled to the Possession of such Allotment or Allotments respectively, so that no Person afterwards becoming possessed of or entitled to such Lands or Grounds so to be charged with any Sum or Sums of Money as aforesaid, shall be liable to pay any further or larger Arrear of Interest than for One Year preceding the Time that the Title to such Possession shall have commenced; or otherwise it shall be lawful for the said Commissioners, by any Deed or Deeds, Writing or Writings, under their Hands and Seals, to be attested by Two or more credible Witnesses, at the Request of such of the said Owners and Proprietors, being Tenants in Tail, or for

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For Borrow-
ing Money.

Life or Lives, or Years, or upon any other Contingency, who shall respectively pay and discharge his, her, and their proportionable Part of the Charges and Expences aforesaid, to authorize and empower such Owners and Proprietors, any or either of them making such Request, to charge and subject the Lands and Grounds so to be allotted to such Owners and Proprietors thereof respectively, with any Sum or Sums of Money as the said Commissioners shall think just and reasonable, not exceeding Four Pounds *per* Acre, with Interest for the same as aforesaid; which Sum or Sums of Money so to be charged as aforesaid, shall be paid within One Year next after the Decease of every such Tenant for Life or in Tail, or upon any other Contingency respectively, with the Interest thereof, to be computed from his, her, and their respective Decease, unto such Person or Persons as such respective Tenants in Tail, or for Life or Lives, or Years, or upon any other Contingency, shall respectively by Deed or Will, duly executed and attested, direct and appoint, and in Default thereof, to his, her, or their Executors or Administrators; and every such Grant, Lease, Mortgage, Appointment, and Demise, or Charge, by Deed or Will as aforesaid, shall be good, valid, and effectual in the Law for the Purposes thereby intended, notwithstanding the Want of Title in such Tenants in Tail, or for Life or Lives, or Years, or subject to any other Contingency, and notwithstanding any Settlement, Will, Use, Trust, Remainder, or other Incumbrance of or upon the said Lands and Premises, or any Part thereof, then in being or capable of taking Effect to the contrary; and all and every Person or Persons to whom any such Grant, Mortgage, or Demise shall be made by virtue of this Act as a Security for any Sum or Sums of Money, or who shall be entitled to the Money thereby secured, shall and may from Time to Time, by any Deed or Deeds, Writing or Writings under his, her, or their Hand and Seal, or Hands and Seals, to be executed in the Presence of Two or more credible Witnesses, assign or transfer the same Security or Securities, and the Principal Money and Interest thereby secured, and all Benefit and Advantage thereof, and all his, her, or their Right, Title, and Interest, of, in, and to the same, unto any Person or Persons whomsoever, who may again in like Manner assign the same, and so *toties quoties*; and such Mortgagee or Mortgagees, Assignee or Assignees, his, her, or their Executors or Administrators, and all Persons claiming under them or any of them, shall and may use, take, and pursue all such lawful Methods, Courses, and Expedients in Law or Equity, for recovering and obtaining the Possession of the Premises, so to be mortgaged, demised, or assigned as aforesaid, in case of Non-payment of the principal Money and Interest to be thereby secured, or any Part thereof, as is or are used, taken, and pursued in all Cases of the like Nature.

Securities assignable.

For keeping down the Interest.

LXIII. And be it further enacted, That the Proprietors of the Lands and Grounds so to be charged with any Sum or Sums of Money, being Tenants in Tail, or for Life or Lives, or Years, or subject to any other Contingencies, shall duly pay and keep down the Interest thereof during their respective Lives, and that no Person becoming possessed of such Lands and Grounds afterwards shall be liable to pay any Arrear of Interest further than for One Year preceding the Time that the Title to such Possession shall have commenced, but that all Arrears above One Year

Year before the Death of any such Proprietor shall be paid by the Executors or Administrators of such Person so dying in a Course of Administration.

LXIV. And be it further enacted, That the Money which shall be advanced by any Person or Persons for the Purpose of defraying the Expences of applying for and obtaining this Act, shall be repaid with lawful Interest to such Person or Persons out of the First Money to be raised by any Rate as aforesaid, to be assessed by the said Commissioners for defraying the Expences of obtaining and executing this Act.

Interest to be paid for Money advanced.

LXV. And be it further enacted, That all Penalties and Forfeitures imposed by this Act, or which shall be imposed by the said Commissioners in or by any such Writing or Writings under their Hands as aforesaid, or in or by their said Award (the Manner of levying and recovering whereof is not hereby otherwise provided for) shall be levied and recovered in a summary Way before any One Justice of the Peace for the Parts of *Lindsey* aforesaid, residing near to the Township of *Ashby* aforesaid, and not interested in the Matter in question, for which Purpose it shall be lawful for any such Justice of the Peace, upon Complaint made to him by the Person or Persons supposing him, her, or themselves aggrieved, to summon the Party accused and the Witnesses on both Sides, and upon the Appearance or Contempt of the Party accused to examine such Witnesses upon Oath, (which Oath every 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 and Forfeitures, Sum or Sums of Money respectively, as he shall have incurred or be liable to the Payment of, and to levy such Penalties and Forfeitures, Sum or Sums of Money, by Distress and Sale of his or their Goods and Chattels, together with reasonable Costs; all which Penalties and Forfeitures, the Application whereof is not particularly directed by this Act, shall, when and so soon as the same shall be levied, be paid and applied to and for the Use of such Person or Persons, or to or for such Uses, Intents, and Purposes, as the said Commissioners in and by such Writing or Writings as aforesaid, or in and by their said Award, shall order, direct, or appoint.

For the Recovery of Penalties.

Application of them.

LXVI. And be it further enacted, That the said Commissioners shall and they are hereby required to enter in a Book to be provided for that Purpose, an Account of all Monies whatsoever received from the Proprietors or others during the Progress of the Inclosure, and also of all the Charges, Expences, and Disbursements which shall accrue or be made by virtue of this Act, and in carrying the same into Execution; which Book of Accounts shall be kept at the Office of the Clerk to the said Commissioners, and be open at all reasonable Times during the Progress of the said Inclosure and till all the Accounts are finally settled, for the Inspection of any of the Proprietors, without Fee or Reward; and in case the said Commissioners or the said Clerk shall neglect to provide and keep such Book of Accounts as aforesaid, or refuse the Inspection thereof to any of the Proprietors at reasonable Times, in Manner before-mentioned,

Book of Accounts to be left with the Solicitor or Clerk, for the Proprietors Inspection.

ed, and shall be convicted thereof upon the Oath of One or more credible Witness or Witnesses, not interested in the intended Division and Inclosure, before any Justice of the Peace for the Parts of *Lindsey* aforesaid, or of such other County or Place where such Commissioner or Clerk so offending shall be or reside, every such Commissioner or Clerk so causing such Neglect and Refusal, and convicted as aforesaid, shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds nor less than Five Pounds, and if he or they shall make Default in paying such Sum for the Space of Ten Days next after such Conviction, the same shall be levied by Distress and Sale of the Goods and Chattels of the Party or Parties so offending, by Warrant under the Hand and Seal of such Justice, (which Warrant such Justice is hereby empowered and required to grant), and the Overplus, after such Penalty and the Charges of such Distress and Sale are deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels, and the Money arising by such Forfeiture or Penalty shall be paid and applied to or to the Use of such Proprietor or Person interested making the Complaint; and a Copy of which Book of Accounts shall be made and closed, and signed by the said Commissioners, within Three Calendar Months next after the Execution of the said Award, and shall be deposited therewith.

Monies received, when amounting to 50 l. to be put in a Banker's Hands, etc.

LXVII. And be it further enacted, That all the Monies to be raised and received under and by virtue of the Powers of this Act, during the Progress of the intended Division and Inclosure shall, from Time to Time, as often as the same shall amount to the Sum of Fifty Pounds, be paid to and deposited in the Hands of some Banker or such other Person or Persons as shall be approved of by a Majority in Value of the Proprietors who shall be present at the First Meeting of the said Commissioners, and in the Notice of which Meeting shall be expressed the Intention of then appointing such Banker or such other Person or Persons; and no such Monies deposited or paid into the Hands of such Banker, or other Person or Persons, to be appointed as aforesaid, shall be issued or paid by him or them without an Order in Writing under the Hands of the said Commissioners, specifying the Person or Persons to whom the same are respectively to be paid, and the Service or Consideration to or for which the same are due; and that the Balance (if any) upon the final Settlement of all Accounts concerning the Business of the said intended Division and Inclosure, shall be immediately repaid and returned to the several Proprietors or Persons interested, in Proportion to the several Sums respectively paid and advanced by them.

Persons aggrieved may appeal to the Quarter Sessions.

LXVIII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act, then and in every such Case (except where the Orders and Determinations of the said Commissioners are directed to be final, or any other Mode of Relief is appointed) he, she, or they may appeal to the General Quarter Sessions of the Peace which shall be held for the Division of *Lindsey* aforesaid, within Six Calendar Months next after such Cause of Complaint shall have arisen; and the Justices of the said Quarter Sessions are hereby required to hear and determine the Matter

of

of every such Complaint, and to make such Orders therein, and to award such Costs as they may think reasonable, and to levy the Costs which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) to the Owner or Owners, after deducting the reasonable Charges; which Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed by *Certiorari*, or any Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

LXIX. And be it further enacted, That nothing herein contained shall prejudice, lessen, or defeat the Right, Title, or Interest of the said *John Julius Angerstein*, Lord of the said Manor and Soke of *Kirton* in *Lindsey* aforesaid or of any Person or Persons who shall respectively for the Time being be Lord or Lords of any Manor or Manors, Lordship or Lordships, or reputed Manor or Lordship, within the Jurisdiction or Limits whereof the said Lands and Grounds hereby directed to be inclosed, or any Part thereof respectively are comprized of, in, or to the Seigniority or Royalties incident and belonging to such Manors or Lordships, or any of them, but that such Lord or Lords for the Time being shall and may at all Times hereafter hold and enjoy the same, and all Rights and Services, Courts, Perquisites and Profits of Courts, Franchises, Privileges, and all other Royalties and Appurtenances to such Manors or Lordships for the Time being incident or belonging (other than those which are intended to be barred and destroyed by this Act) in as full, ample, extensive, and beneficial a Manner as they respectively could or might have held and enjoyed the same in case this Act had not been made.

Saving Rights
to the Lords
of the Manor.

LXX. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person and Persons, Bodies Politick and Corporate, his, her, and their Heirs, Successors, Executors, and Administrators, (other than and except the respective Persons to whom any Allotment or Allotments shall be made by virtue of this Act, in respect to the Interest or Property for which such Allotment or Allotments shall be made and all Persons claiming any Right of Common in and upon the said Lands and Grounds, whose Claims shall not be allowed by the said Commissioners), all such Estates and Interests as they, every, or any of them, had or enjoyed, of, in, to, or in respect of the said Fields, Lands, Meadows, Pastures, and Grounds, before the passing of this Act, or would or ought to have had or enjoyed, in case the same had not been made; but no such Person or Persons, Bodies Politick or Corporate, his, her, or their Heirs, Executors, Administrators, or Successors, shall have Power to defeat the End and Design of this Act, by avoiding, impeaching, or any Way destroying any of the several Divisions or Allotments so to be made as aforesaid, but shall accept the same in lieu of all such Lands, Grounds, Common Rights, Tythes, and Interest, as he, she, or they have therein, or would have been entitled to in case this Act had not been made.

General
Saving.

