



ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

Cap. lvii.

An Act for inclosing, draining, and warping Lands within the Townships or Hamlets of *Frodingham*, *Scunthorpe*, and *Gunhouse* (otherwise *Gunnas*), all in the Parish of *Frodingham* in the County of *Lincoln*.
[23d August 1831.]

WHEREAS there are in the several Townships or Hamlets of *Frodingham*, *Scunthorpe*, and *Gunhouse* (otherwise *Gunnas*), in the Parish of *Frodingham* in the County of *Lincoln*, several Open and Common Fields, Ings, Meadows, Pastures, Moors, Commons, and Waste Grounds, distinguished by several Names, and computed to contain together Two thousand Acres or thereabouts; and also divers ancient inclosed Lands, Grounds, and Homesteads, computed to contain Four hundred and fifty Acres or thereabouts: And whereas *Charles Winn* Esquire is or claims to be Owner and Proprietor of the Soil of the Commonable Lands and Waste Grounds within the said several Townships or Hamlets of *Frodingham*, *Scunthorpe*, and *Gunhouse* (otherwise *Gunnas*), by virtue of a Conveyance thereof to him from the Lord and Lady of the Manor and Soke of *Kirton in Lindsey* in the said County of *Lincoln*: And whereas the said *Charles Winn* is the Improprate Rector of the Parish of *Frodingham* aforesaid, and as such is entitled to all the Tithes of Corn, Grain,
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and Hay, and all other the Great Tithes arising or payable within the said several Townships or Hamlets of *Frodingham*, *Scunthorpe*, and *Gunhouse* (otherwise *Gunnas*); and the said *Charles Winn* is Patron of the Vicarage or Parish Church of *Frodingham* aforesaid; and the Reverend *George Marmaduke Hodgson* Clerk is the present Vicar or Incumbent thereof, and in right of such Vicarage is entitled to such of the Tithes arising within the several Townships or Hamlets aforesaid as do not belong to the Improprate Rector, and also to certain Glebe Lands within the said Townships or Hamlets, or some or one of them: And whereas the said *Charles Winn* and others are respectively the Owners and Proprietors of the said Open and Common Fields, Ings, Moors, Meadows, and Pastures, and also of the several Messuages, Cottages, and ancient Inclosures, Rights of Common, and other Rights, within the several Townships or Hamlets of *Frodingham*, *Scunthorpe*, and *Gunhouse* (otherwise *Gunnas*) aforesaid: And whereas an Act was passed in the Forty-first Year of the Reign of King *George the Third*, intituled *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas an Act was passed in the First and Second Years of the Reign of His late Majesty, intituled *An Act to amend the Laws respecting the inclosing of Open Fields, Pastures, Moors, Commons, and Waste Lands in England*: And whereas it would be advantageous to the Persons interested in the said Open and Common Fields, Ings, Meadows, Pastures, Commons, Moors, and Waste Grounds, if the same were divided and allotted unto and amongst them according to their respective Rights and Interests therein, to be held in Severalty, and if Compensations were made in lieu of the Tithes thereof, and of the ancient and other Inclosures in the several Townships or Hamlets, and if the same Lands and Grounds were properly drained and warped; but as the Purposes aforesaid cannot be effected without the 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 *William Pilkington* of *Thorne* in the County of *York*, Gentleman, shall be and he is hereby appointed Commissioner for valuing, dividing, allotting, and inclosing all the said Open and Common Fields, Ings, Meadows, Pastures, Commons, Moors, Lands, and Waste Grounds within the said several Townships or Hamlets of *Frodingham*, *Scunthorpe*, and *Gunhouse* (otherwise *Gunnas*) aforesaid, and for carrying this Act and the said recited Acts into execution, save and except such Parts of the said recited Acts, or either of them, as are hereby altered or varied, and under and subject to such of the Regulations and Restrictions contained in the said recited Acts, or either of them, as are not repugnant to the Provisions of this Act.

Commissioner appointed.

Appointment of new Commissioner in case of Death, &c.

II. And be it further enacted, That if the said *William Pilkington* shall die, refuse or neglect or become incapacitated to act for the Space of Three Calendar Months when Occasion shall require his Attendance on the Business of the said Inclosure, then and in such

Case it shall be lawful for a Majority in Value (to be ascertained by the Land Tax Assessment) of the Proprietors interested in the Lands hereby intended to be divided and inclosed, who shall be present by themselves or their Stewards or Agents at a Meeting to be holden for that Purpose in the Vestry of the Parish Church of *Frodingham*, pursuant to Notice to be affixed upon the principal outer Door of the said Church, specifying the Time and Place of such Meeting, upon a *Sunday* at least Ten Days before such Meeting, to elect a proper Person, not interested in the said Inclosure, or the Agent ordinarily interested with the Care, Superintendence, or Management of the Estate of any Person so interested, to be a Commissioner in the Room of the said *William Pilkington*; provided that before such Person so to be appointed a new Commissioner as aforesaid shall act, the Owner or Proprietor or Owners or Proprietors of the Soil of the said Commonable Lands and Waste Grounds for the Time being shall, by Writing under his or their Hand or Hands, signify his or their Approbation of such Appointment; and in case such Owner or Proprietor or Owners or Proprietors shall disapprove of the Person so elected, then such Election shall be void, and some other Person shall in like Manner be chosen, and so *toties quoties* until a Commissioner be chosen who shall be approved of by such Owner or Proprietor or Owners or Proprietors; and such Person so appointed and approved of, after taking the Oath prescribed by the said recited Act, shall be a Commissioner for the Purposes of this Act, and shall be invested with such and the like Powers and Authorities as if he had been originally named a Commissioner in and by this Act; and so *toties quoties* all future Vacancies shall be supplied in like Manner and under the like Provisions.

III. And be it further enacted, That the said Commissioner shall and he is hereby authorized and empowered to appoint a fit and proper Person to be Clerk to the said Commissioner, and, at Pleasure, from Time to Time to remove such Clerk, and to appoint another in his Stead, to assist in carrying this Act and the said recited Acts into execution. Appointment of Clerk.

IV. And be it further enacted, That *William Rawson* of *Barton-upon-Humber* in the County of *Lincoln*, Land Surveyor, shall be and he is hereby appointed the Surveyor for the Purposes of this Act and the said recited Acts; and in case of the Death, Inability, Neglect, or Refusal to act of the said *William Rawson*, or of any Surveyor or Surveyors to be appointed as herein-after mentioned, then and in every such Case the said Commissioner shall or may, and he is hereby authorized and empowered, by Writing under his Hand to appoint some Person or Persons (not interested in the said Inclosure) to be the Surveyor or Surveyors for the Purposes of this Act and the said recited Acts; and it shall be lawful for the said Commissioner from Time to Time to remove any such Person or Persons, and to appoint some other Person or Persons, not interested as aforesaid, in the Room or Stead of the Person or Persons so removed: Provided always, that before the said *William Rawson* or any other Person shall proceed to act as such Surveyor, he or any such other Person shall take and subscribe an Oath (or, being a Quaker, an Affirmation) in the following Form of Words; (that is to say,) Appointment of Surveyor.

Oath of
Surveyor.

“ I do swear, [*or affirm, as the Case may be,*] That I will faithfully, impartially, and honestly do, execute, and perform the several Duties imposed upon me as a Surveyor under and by virtue of an Act passed in the First and Second Years of the Reign of King *William* the Fourth, intituled *An Act* [*here insert the Title of this Act*], according to the best of my Skill and Judgment, and according to Equity and good Conscience, and without Partiality, Favour or Affection, Prejudice or Malice, to any Person or Persons whomsoever. So help me GOD.”

[*Or, being a Quaker, omit the Words ‘So help me God.’*]

Which Oath or Affirmation it shall be lawful for the said Commissioner to administer, and he is hereby required to administer the same; and the said Oath or Affirmation so taken and subscribed shall be annexed to and inrolled and deposited with the Award of the said Commissioner, and an Office Copy of the Inrolment thereof shall be admitted as legal Evidence on all Occasions.

Allowance to
Commis-
sioner and
Clerk.

V. And be it further enacted, That out of the Monies which shall be raised for defraying the Expences of obtaining and passing this Act, and executing the same and the said recited Acts, the said Commissioner and the Clerk to be appointed as herein-before directed shall respectively be paid for each and every Day they shall travel or be employed in any Business relating to the Execution of this Act or the said recited Acts, during the first Two Years next after the passing of this Act, the Sum of Three Pounds and Three Shillings each, and no more, and after the Expiration of the said Two Years, until the Powers granted by this Act to the said Commissioner shall be fully executed and performed, the Sum of Two Pounds and Two Shillings each, and no more, for each and every Day they shall be respectively employed as aforesaid, in full Satisfaction for their Time and Trouble, and for the several Expences which they shall be put to during their several Journies and Attendances in the Execution of this Act or the said recited Acts, other than and except the Expences for the Use of the Room in which the Meetings shall be held for carrying this Act and the said recited Acts into execution, and the Costs and Expences of drawing, preparing, copying, engrossing, and inrolling the Award of the said Commissioner, and of Advertisements.

Allowance to
Surveyor.

VI. And be it further enacted, That it shall be lawful for the said Commissioner to allow to the said *William Rawson*, and to every Surveyor to be appointed as herein-before directed, for his Time and Trouble, any Sum not exceeding One Shilling and Sixpence *per Acre* for surveying, measuring, mapping, and planning the said Lands and Grounds by this Act directed to be divided and inclosed, or any Sum not exceeding Two Pounds and Two Shillings for each and every Day he shall be actually and wholly employed either in surveying, measuring, mapping, or planning, or otherwise in the Business of the said dividing, allotting, and inclosing, which said Sum of One Shilling and Sixpence *per Acre*, or Two Pounds and Two Shillings *per Day*, shall be in full Satisfaction for his Time and Trouble, and for all travelling and other Expences of every Description to be incurred by such

such Surveyor in and about the Execution of this Act and the said recited Acts.

VII. And for regulating the Duration of all Meetings or Sittings to be held for the Purposes of this Act or the said recited Acts, be it enacted, That a Day shall be deemed to consist of Eight Hours as to all Meetings or Sittings to be held between the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September*, and of Six Hours as to all Meetings or Sittings to be held between the Twenty-ninth Day of *September* and the Twenty-fifth Day of *March*; and that any Meetings or Sittings to be held for the Purposes of this Act or the said recited Acts of less Duration than Eight Hours or Six Hours (as the Case may be) shall be charged as only Half a Day, and the said Commissioner and the said Clerk shall be paid accordingly; and a Book shall be kept by the said Commissioner or his Clerk, in which shall be entered the several Days on which the said Commissioner shall hold his Meetings or Sittings, and in such Book shall also be entered at what Hour the said Commissioner and his Clerk were respectively present at such Meeting or Sitting, and at what Hour they respectively left the same, and such Book shall be signed by the said Commissioner and his Clerk at the Termination of each Meeting or Sitting, and shall be open to the Inspection of all Persons interested, or his, her, or their Agents or Attornies, during all the Meetings or Sittings to be held in pursuance of this Act or the said recited Acts, and all such Persons shall and may take Copies of or Extracts from such Book without paying any thing for the same: Provided always, that it shall not be lawful for the said Commissioner to retain or pay himself or such Clerk, out of any Money to be received by him or over which he may have any Controul in the Execution of this Act and the said recited Acts, any Sum or Sums of Money on account of any Allowance herein-before directed to be made to such Commissioner and Clerk respectively, beyond One Third of such Allowance to which they shall be entitled as aforesaid, until after the Expiration of Six Calendar Months from the Date of the Award herein-after directed to be made, or in case the Accounts of the said Commissioner shall be appealed against, then not until the said Appeal shall have been heard and decided: Provided also, that in case of the Decease of the said Commissioner or of the said Clerk previous to the Execution of the Award herein-after directed to be made, the Commissioner for the Time being shall, after the Expiration of the Period allowed for Appeal against the Accounts herein-after directed to be made and stated, pay to the Executors or Administrators of such deceased Commissioner or of such deceased Clerk such Sum of Money as shall appear by the said Accounts to be due to the said Commissioner or Clerk respectively.

Regulating
the Duration
of Meetings
or Sittings.

VIII. And be it further enacted, That the said Commissioner shall and he is hereby required to cause Notice of the Time and Place of his First and every other Meeting for carrying this Act and the said recited Acts into execution to be inserted in the *Lincoln, Rutland, and Stamford Mercury*, or some other Newspaper published within the said County of *Lincoln*, and also by Writing to be affixed upon the principal outer Door of the Parish Church of *Frodingham* afore-

Notice of
Meetings.

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said,

said, Ten Days at least before every such Meeting (Meetings by Adjournment only excepted); and it shall be lawful for the said Commissioner to adjourn any Meeting from Time to Time, as he shall see Occasion for the Execution of this Act and the said recited Acts; and if the said Commissioner shall not attend at the Time and Place appointed for any Meeting, or to which any such Meeting shall be adjourned, it shall be lawful for the Clerk to the said Commissioner to adjourn such Meeting, and such Clerk is hereby required forthwith to give Notice of such Adjournment to the said Commissioner; and all Meetings or Sittings of the said Commissioner shall be held in the Parish of *Frodingham*, or within the Distance of Eight Miles from the Boundary thereof.

Other Notices.

IX. Provided always, and be it further enacted, That all other Notices requisite or necessary to be given in the Execution of this Act or the said recited Acts shall be given in the *Lincoln, Rutland, and Stamford Mercury*, or in some other Newspaper published in the said County of *Lincoln*, and shall be affixed on the principal outer Door of the Parish Church of *Frodingham* aforesaid.

Proceedings to be entered in a Book.

X. And be it further enacted, That all Orders, Proceedings, and Determinations of the said Commissioner at any Meeting or Meetings to be held in pursuance of this Act or the said recited Acts shall be entered in a Book or Books to be provided for that Purpose, and shall be signed by the said Commissioner, and being so signed shall be deemed and taken as Originals; and all such Books may be given in Evidence in all Cases of Appeals, Suits, Actions, and other Proceedings touching any Matter or Thing to be done in pursuance of or in relation to this Act or the said recited Acts; and the said Book or Books shall be kept by the Clerk to the said Commissioner.

Commissioner to determine Disputes;

XI. And be it further enacted, That if any Dispute or Difference shall arise between any of the Persons interested or claiming to be interested in the Lands and Grounds hereby directed to be divided and inclosed, or touching or concerning any Rights or Interests which they or any of them have or claim therein, or touching or concerning any other Matter or Thing relating to the said Division and Inclosure, it shall be lawful for the said Commissioner, and he is hereby authorized and required, to examine into, hear, and determine the same, and his Determination therein shall be final and conclusive upon all Parties, unless such Action at Law as is herein-after mentioned shall be duly commenced and proceeded in: Provided always, that nothing in this Act contained shall authorize or empower the said Commissioner to determine the Title to any Messuages, Cottages, Lands, or Hereditaments whatsoever, nor to determine any Right between any of the Parties interested in the said Lands and Grounds, contrary to the Possession of any of such Parties, (except in Cases of Encroachment made within Twenty Years as herein-after mentioned,) but in case the said Commissioner shall be of opinion against the Right of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate so in Possession, he shall forbear to make any Determination thereupon until the Possession shall have been given up by such Person or Persons, Body or Bodies Politic, Corporate, or Collegiate,

but not to determine Titles or Rights contrary to the Possession.

legiate, or recovered from such Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, by Ejectment or other due Course of Law.

XII. And be it further enacted, That in case the said Commissioner shall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, see Cause to award any Costs, it shall be lawful for the said Commissioner, upon Request made to him for that Purpose, to settle, assess, award, and order such Costs and Charges as he shall think reasonable to be paid to the Party or Parties in whose Favour any such Determination shall have been made by the other Party or Parties; and in case the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who shall be liable to pay such Costs and Charges, shall neglect or refuse to pay the same on Demand, then and in every such Case it shall be lawful for the said Commissioner, and he is hereby authorized and required, by Warrant under his Hand and Seal directed to any Person or Persons whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, so neglecting or refusing to pay the same, rendering the Overplus (if any), on Demand, to the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, whose Goods and Chattels shall have been so distrained and sold, after deducting thereout the Costs and Charges attendant on such Distress and Sale: Provided always, that in case the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, against whom the said Commissioner shall have determined, shall cause an Action to be brought pursuant to this Act, and proceed to Trial, the Execution of the Warrant aforesaid shall be suspended until after the Trial of such Action; and in case such Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, shall, upon the Trial of such Action, establish the Right against which the Commissioner shall have determined, such Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, shall not be liable to the Payment of any such Costs as last aforesaid.

Power to
assess Costs

XIII. Provided always, and be it further enacted, That in case any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, interested or claiming to be interested in the said intended Division or Inclosure, shall be dissatisfied with any Determination of the said Commissioner touching or concerning any Claim or Claims of Common or other Rights or Interests in, over, upon, or out of the Lands or Grounds hereby intended to be divided and inclosed, or any Part or Parts thereof, or any Objection or Objections to such Claim or Claims, or any other Determination of the said Commissioner made in the Execution of this Act or the said recited Acts, it shall be lawful for the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, so dissatisfied, to cause an Action to be brought upon a feigned Issue against the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, in whose Favour any such Determination shall have been made, within Three Calendar Months next after the Determination of the said Commissioner shall have been notified in Writing to the Party or Parties against whom such Determination shall

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

If no Action,
the Commis-
sioner's De-
termination
to be final.

Death of
Parties not
to stop Pro-
ceedings at
Law, nor
Suits to delay

Death of
Parties not to
suspend the
Execution of
this Act.

shall have been so made, or to his, her, or their known Agent or Attorney; and thereupon the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, so dissatisfied, shall proceed to a Trial at Law at the then next Assizes, or at the Assizes immediately following such next Assizes, to be held for the said County of *Lincoln* after such Action or Actions shall have been commenced; and the Defendant or Defendants in such Action or Actions shall, and he, she, or they is and are hereby required to name an Attorney or Attornies, who shall appear thereto or file Common Bail, and accept of One or more Issue or Issues, whereby such Claim or Claims, and the Right or Rights thereby insisted on, may be tried and determined (such Issue or Issues to be settled by the proper Officer of the Court in which such Action or Actions shall be commenced in case the Parties shall differ about the same); and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding, and conclusive upon all Persons, Bodies Politic, Corporate, or Collegiate whomsoever, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall be lawful for the Court to do; and that after such Verdict or Verdicts shall be obtained, and not set aside by the Court, the said Commissioner shall and he is hereby required to act in conformity thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials: Provided always, that if no such Action at Law shall be commenced within such Three Calendar Months as aforesaid, or if any such Action shall be commenced, and the Plaintiff or Plaintiffs therein shall not proceed to Trial within the Time herein-before limited for that Purpose, then the Determination of the said Commissioner shall be binding, final, and conclusive to all Intents and Purposes whatsoever: Provided also, that if any of the Parties in any such Action to be brought as aforesaid shall die pending the same, such Action shall not abate by reason thereof, but may be proceeded in as if no such Death had happened: Provided also, that no Difference or Suit touching the Matters aforesaid shall impede or delay the said Commissioner in the Execution of the Powers vested in him by this Act, but the Division, Inclosure, and Discharge from Tithes hereby directed and authorized to be made, and all other Matters and Things to be done in pursuance of this Act or the said recited Acts, shall be proceeded in notwithstanding such Differences or Suits; and the Allotment or Allotments in respect of such litigated Property shall be had and taken by the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who upon the Determination of such Action or Actions shall become entitled to the same.

XIV. And be it further enacted, That if any of the Parties interested in the said Division and Inclosure shall die before the same shall be completed, the Powers and Authorities vested in the said Commissioner shall not be thereby determined or suspended, but the said Commissioner shall proceed in the Execution of the Powers and Authorities vested in him in such Manner as he might have done in case such Parties had not died.

XV. Pro-

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

How Actions may be brought after the Death of Parties.

XVI. And be it further enacted, That in case any Person or Persons having in his, her, or their Custody any accurate Surveys, Maps, or Plans of the said Lands and Grounds, or of any Part or Parts thereof, or of the inclosed or other Lands or Grounds within the said Townships or Hamlets of *Frodingham*, *Scunthorpe*, and *Gunhouse* (otherwise *Gunnas*), or any of them, shall deliver such Surveys, Maps, or Plans to the said Commissioner at such Time as he may appoint, it shall be lawful for the said Commissioner to inquire into the Accuracy or Authenticity thereof on the Oath or solemn Affirmation as well of the Person or Persons producing and delivering such Surveys, Maps, or Plans respectively, as of any other Person or Persons, (which Oath or Affirmation the said Commissioner is hereby authorized to administer,) or by such other Means as he shall think proper; and in case the said Commissioner shall be satisfied that the same, or any or either of them, are or is accurate or authentic and sufficient for answering the Purpose of new Surveys, Maps, or Plans, then it shall be lawful for the said Commissioner and he is hereby authorized to make use of the same as far as the same shall be available for the Purpose of carrying this Act and the said recited Acts into execution; and the said Commissioner shall or may purchase the same, or make unto the Owner or Owners of such Surveys, Maps, and Plans, or to the Person or Persons producing the same respectively, a just and fair Payment or Allowance for the same, or for the Production and Use of such Surveys, Maps, and Plans, out of the Monies to be raised for the general Purposes of this Act.

Commissioner may use Surveys already made.

XVII. And be it further enacted, That for the Purpose of shortening or rendering straight the Boundary Lines between the said several Townships or Hamlets of *Frodingham*, *Scunthorpe*, and *Gunhouse* (otherwise *Gunnas*) in the said Parish of *Frodingham*, and between the said respective Townships or Hamlets or Parish and

For shortening Boundaries.

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any Township, Hamlet, or Parish adjoining thereto or to any of them, it shall be lawful for the said Commissioner, with the Consent of the Lord or Lords or Lady or Ladies of the Manor or Manors, and of the Owners of the Lands adjoining to such Boundary Lines, testified by Writing under their respective Hands, or under the Common Seal of any of them being a Corporation Aggregate, to alter and straighten or shorten the same Boundary Lines, or any of them, or any Part or Parts thereof, and to set out, ascertain, and determine such Boundaries as the said Commissioner shall think proper for the Purposes aforesaid; and after such Boundaries shall be so set out, ascertained, and determined, the same shall be made, fenced, ditched, or mounded by such Person or Persons, in such Manner, and at such Time or Times as the said Commissioner shall order and direct; and such Boundaries shall for ever thereafter be deemed and taken to be the Boundaries between the said several and respective Townships, Hamlets, or Parishes accordingly, any Law, Usage, or Custom to the contrary notwithstanding.

Power for
draining.

XVIII. And be it further enacted, That the said Commissioner shall and he is hereby authorized and empowered (by such Agents, Workmen, and Labourers as he shall think fit to employ,) to enlarge, scour out, widen, or make deeper all or any of the ancient or present Brooks, Ditches, Drains, Sewers, Watercourses, Sluices, and Tunnels in and upon any of the Lands and Grounds by this Act directed to be divided and inclosed, and any of the now inclosed or other Lands and Grounds within the said several Townships or Hamlets of *Frodingham*, *Scunthorpe*, and *Gunhouse* (otherwise *Gunnas*), and to enlarge, raise, alter, improve, or rebuild all or any of the Bridges, Cloughs, Arches, Banks, or other Works already made within or upon the same, and also to set out, cut, erect, appoint, and make such new Cuts, Drains, Ditches, Sewers, Watercourses, Dams, Headings, Banks, Tunnels, Sluices, Outlets, Gates, Engines, Cloughs, Mills, Bridges, and other Works, as he shall judge necessary for effectually draining the same Lands and Grounds, in, through, and over the same Lands and Grounds, or any of them, or any Part or Parts thereof, (except Gardens, Orchards, and Homesteads,) and also in, through, over, and upon the Banks of the River *Trent*, (making reasonable Recompence and Satisfaction in Money to the Owners of inclosed Lands for the Value of the Ground so cut; covered, taken, or otherwise used for any of the Purposes aforesaid, and also making full Compensation to such Owner or Owners or other Person or Persons who may be prejudiced by any of such Works, or in consequence thereof, for all Injury, Loss, or Damage occasioned by the making of such Works, or by, or through Means thereof;) and the said Works shall be of such Dimensions, and in such Courses and Directions, as the said Commissioner shall think proper and expedient for effecting the Purposes of this Act, and for protecting and defending the said Lands and Grounds from the Upland Water; and for better effecting such Purposes the said Commissioner is hereby authorized and empowered (under such Agreement or with such Consents as is or are herein-after mentioned) to join and connect any of the Drains and Sewers to be made by virtue of this Act with any Drains and Sewers made or to be made in any

Parish or Place adjoining to the said several Townships or Hamlets, into which Drains or Sewers there is or shall be any legal Right to drain Waters from any Lands or Grounds within the same several Townships or Hamlets or any of them, and to make any Contracts or Agreements with the Owners of any Drains, Sewers, or other Works, for that Purpose, and also to agree with the Proprietors of any Drains, Cloughs, or other Works of Drainage in any adjoining Parishes, Townships, or Places, for the Purchase of any such Works for the Purposes aforesaid, or otherwise to agree with such Proprietors for the Use and Benefit of any of 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 or Times and upon such Terms and Conditions as the said Commissioner shall think proper and expedient.

XIX. And be it further enacted, That the said Commissioner shall and he is hereby authorized and required, in and by his said Award, or by any Writing under his Hand before the Execution of the said Award, to order and determine by whom, at what Time or Times, and in what Manner all or any the Works of Drainage to be set out, improved, or made by the said Commissioner before the Execution of his Award, or to be set out, improved, and made by the Special Commissioner to be appointed as herein-after mentioned, when made, shall be afterwards cleansed, scoured, repaired, or maintained, and also to make such Orders and give such Directions for the future superintending, and for maintaining, supporting, preserving, and keeping the same in good Repair for ever thereafter, by such Person or Persons as he shall by his Award nominate or appoint, or by such Person or Persons as shall by his Award be directed in any Manner to be appointed, and also to make such Orders and give such Directions for assessing, receiving, and recovering the Costs, Charges, and Expences thereof, as to him shall seem proper and expedient; and all the Costs, Charges, and Expences whatsoever attending, or which shall be at any Time hereafter caused, incurred, or occasioned by or consequent upon the maintaining, supporting, preserving, and keeping in repair such Works of Drainage, shall be borne and paid by the several Persons interested in the Lands and Grounds in the said several Townships or Hamlets, in such Shares and Proportions and at such Times as the said Commissioner shall by his said Award, or by such Writing as aforesaid; direct and appoint, and shall in case of Nonpayment on Demand be recoverable and recovered and levied by Distress and Sale of the Goods and Chattels of the Person or Persons liable to pay and refusing or neglecting to pay the same, by virtue of any Warrant of Distress under the Hand and Seal of any Justice of the Peace, which Warrant any Justice of the Peace, having Jurisdiction, is hereby authorized and required to grant on the Application of the Person to be appointed as aforesaid for superintending such Works, and assessing, receiving, and recovering such Costs and Expences, after Proof of Service of Notice on the Person or Persons against whose Goods and Chattels such Warrant shall be intended to be issued; or left at his, her, or their last or usual Place of Abode, Ten Days at least before the issuing of such Warrant, of the Intention to make Application for the same; and the said Commissioner

Commis-
sioner to
make Rules
for the future
Management
of the Works,

and to make
Assessments,
and levy the
same, if not
paid.

sioner shall in and by his said Award, or some Schedule or Writing thereunto annexed, specify and set forth the Number of Acres, Roods, and Perches in the Lands and Grounds in the said several Townships or Hamlets, which in his Judgment shall be benefited by such Works of Drainage, and the Particulars thereof, and the Names of the Proprietors to whom the same shall belong or be allotted respectively; and the said Commissioner shall thereby fix and ascertain a proportionate Rate to be paid by such Proprietors respectively for supporting and preserving the said Works in future, which shall at all Times thereafter be the Scale and Proportion by which all Rates and Assessments for those Purposes shall be charged and regulated.

Commis-
sioner to as-
certain the
Lands im-
provable by
warping, and
determine
the same.

XX. And be it further enacted, That the said Commissioner shall and may and he is hereby authorized and directed, as soon as conveniently may be after the passing of this Act, to inquire and ascertain which of the ancient and other Inclosures, Commons, and other Lands and Grounds in the said several or respective Townships or Hamlets, or what Part or Parts thereof respectively within the said several Townships or Hamlets, are in his Opinion capable of receiving Improvement by flooding and overflowing the same by the Waters of the River *Trent*; and the said Commissioner shall set forth, specify, and distinguish the same in or by some Instrument or Writing under his Hand, and shall then give Notice, in the same Manner as other Notices are directed to be given by this Act, of a Meeting to be held for the Purpose of hearing Objections to such Specification; and the said Commissioner shall, after hearing the Parties or their Agents present at such Meeting, determine all such Objections by amending such Specification, or by confirming the same, as he shall think proper; and in case any Proprietor or Proprietors shall be dissatisfied with such Determination, then he, she, or they may appeal, within Three Calendar Months after the Day on which such Determination shall be made, to the Court of General or Quarter Sessions in manner herein-after mentioned; and the said Commissioner shall amend such his Determination according to the Event of such Appeal, if the same shall be amended by such Court; and such Instrument or Writing, Determination and Specification, shall then and from thenceforth be binding upon all Owners and Proprietors of such Lands and Grounds; and the said Commissioner shall in and by his said Award also set forth such his final Determination in the Premises, and the same shall be binding upon all Owners and Proprietors of such Lands and Grounds.

Penalty on
Obstructions
of the Drain-
age Works,
&c.

XXI. Provided always, and be it further enacted, That if any Person or Persons shall obstruct, injure, or damage any of the Works to be made or executed by virtue or in pursuance of this Act, every such Person or Persons so offending, and being thereof convicted before One or more Justice or Justices of the Peace for the Division of *Lindsey* in the said County of *Lincoln*, (not interested in the said intended Division and Inclosure, Drainage and Warping,) who is and are hereby required to hear and determine the same upon the Oath of One or more credible Witness or Witnesses, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds over and above the Amount of the Damage done to such Work, and occasioned

occasioned by any such Obstruction or Injury, to be forthwith levied, in default of Payment, by Distress and Sale of the Goods and Chattels of such Offender or Offenders, together with reasonable Costs, by Warrant or Warrants under the Hand and Seal or Hands and Seals of such Justice or Justices; one Moiety of which Penalty shall be paid to the Informer or Informers, and the other Moiety applied in repairing and maintaining the Works obstructed, injured, or damaged as aforesaid; and the Amount of the Money to be recovered for the Damage done to such Works, or occasioned by such Obstruction or Injury, shall be paid and applied in the Repair of the Work so injured, or to any Person or Persons sustaining any Loss in consequence of such Injury or Obstruction, as by the same Justice or Justices shall be ordered and directed; and for Want of sufficient Distress, such Offender or Offenders shall, in default of Payment as aforesaid, be committed by such Justice or Justices to the Common Gaol or House of Correction for the said Division, there to remain for any Time not exceeding Three Calendar Months.

XXII. And be it further enacted, That all Inclosures and Encroachments which at any Time within Twenty Years now last past have been made from and upon the said Commonable Lands and Waste Grounds hereby directed to be divided and inclosed, shall be deemed Part thereof, and shall be divided and allotted accordingly.

Encroachments within 20 Years deemed Part of the Waste.

XXIII. Provided always, and be it further enacted, That no Inclosure or Encroachment which shall have been made from or upon the said Commonable Lands and Waste Grounds, or any Part or Parts thereof, for Twenty Years or upwards antecedent to the passing of this Act, shall be thrown open, divided, allotted, or inclosed under the Provisions of this Act or of the said first-recited Act, nor shall any such Inclosure or Encroachment as last aforesaid, nor the Houses, Cottages, Buildings, and other Erections thereupon, be considered as Part of the said Commonable Lands and Waste Grounds, nor shall the Title or Titles derived under such Inclosure or Encroachment be disturbed by this Act or any thing herein contained.

Encroachments for Twenty Years not to be allotted.

XXIV. And be it further enacted and declared, That if any Dispute shall arise as to the Space of Time during which any such Inclosures or Encroachments shall have been made or subsisted, the same shall be examined into and determined by the said Commissioner.

Date of Encroachments.

XXV. Provided always, and be it further enacted, That if any such Inclosures or Encroachments shall within Five Years now last past have been made by poor Persons or Labourers, and Houses and Cottages shall have been erected thereon for their Residence, and the said Commissioner shall be of opinion that such Inclosures or Encroachments were made either by the express Consent of, or were not interrupted or prohibited by, the Lord of the Manor and Soke of *Kirton in Lindsey*, or principal Inhabitants of the said Townships or Hamlets of *Frodingham*, *Scunthorpe*, and *Gunhouse* (otherwise *Gunnas*), or that the Case of the Persons who made the same ought to be favourably considered, the said Commissioner is hereby empowered either to allot the same Inclosures or Encroachments to such poor

Commissioner in certain Cases may make Compensation to poor Persons who have made Encroachments within Five Years.

[*Local.*]

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or

or labouring Persons for such Estates and Interests therein as the said Commissioner shall think fit, or to permit them to take down any Houses, Buildings, or Trees erected or planted thereon, or to make them respectively any moderate or reasonable Compensation, either by the Allotment to them respectively of any other Part of such Commonable Lands and Waste Grounds, or out of the Monies to be raised by virtue of this Act, as to the said Commissioner shall seem reasonable and expedient.

Commis-
sioner may
stop up old
Roads.

55 G. 3. c. 68.

None of the
present
Roads to be
stopped un-
til new Ones
are made.

Temporary
Roads to be
provided.

XXVI. And be it further enacted, That it shall be lawful for the said Commissioner, and he is hereby authorized and empowered, to stop up and discontinue or divert and turn any old or accustomed Road or Roads, Way or Ways, Path or Paths, passing or leading through or over any Part of the Lands and Grounds by this Act directed to be divided and inclosed, or of the old Inclosures within the said Townships or Hamlets of *Frodingham*, *Scunthorpe*, and *Gunhouse* (otherwise *Gunnas*), and to set out and appoint any new Roads, Ways, or Paths through the said Lands and Grounds and old Inclosures, and to make such Order or Orders as to him shall seem proper for that Purpose; and the Provisions and Directions contained in the said first-recited Act in regard to the setting out and Appointment of public Carriage Roads and Highways, and the diverting, turning, and stopping up of Roads and Tracks, shall, so far as the same may be applicable, extend and apply to this Act, so far as it relates to the Roads, Ways, and Paths by this Act authorized to be stopped up, discontinued, diverted, turned, set out, and appointed: Provided nevertheless, that no Roads, Ways, or Paths leading into, through, or over any old Inclosures shall be stopped up, discontinued, diverted, or turned, in pursuance of this Act, without the Concurrence and Order of Two Justices of the Peace acting for the Parts of *Lindsey*, and not interested in the Repair thereof, which Order shall be subject to an Appeal to the Quarter Sessions for the said Parts of *Lindsey* in manner mentioned and contained in an Act passed in the Fifty-fifth Year of the Reign of King George the Third, intituled *An Act to amend an Act of the Thirteenth Year of His present Majesty, for the Amendment and Preservation of the public Highways, in so far as the same relates to Notice of Appeal against turning or diverting a public Highway, and to extend the Provisions of the said Act to the stopping up of unnecessary Roads*: Provided further nevertheless, that no public Road, Way, or Path in the said Townships or Hamlets shall be stopped up or discontinued until the Roads, Ways, or Paths intended to be and remain public Roads, Ways, or Paths shall be properly formed and made fit for Use: Provided also, that all private Roads, Ways, and Paths which shall be set out and appointed by the said Commissioner, shall be made by him, and for ever after be maintained and kept in repair by such Persons, and the Expences of such Repairs shall be paid, raised, and levied in such Manner and by such Ways and Means as the said Commissioner shall by his Award or any other Writing under his Hand order, direct, or appoint.

XXVII. Provided also, and be it further enacted, That if in the Prosecution of any of the Works by this Act authorized or intended to be made, it shall be necessary to cut through or across any public

or other Road or Way a Passage to any Lands or Grounds, the said Commissioner, or the Special Commissioner to be appointed as hereinafter mentioned, or the said *Charles Winn*, his Executors or Administrators, as the Case may be, shall and is hereby authorized and required in the first place to provide a sufficient temporary Road, Way, or Passage in lieu of the Road, Way, or Passage which shall be so necessary to be cut through, and to make the same through any adjoining Lands or Grounds, (not being Gardens, Orchards, or Homesteads,) making full Compensation to the Proprietors and Occupiers of such adjoining Lands or Grounds out of the Monies to be raised for the Purposes of this Act.

XXVIII. And be it further enacted, That the said Commissioner shall and he is hereby authorized and required to receive, hear, and determine all Claims of Freeboard upon the said intended Inclosure; and in all Cases where it shall appear that any of the Lands or Grounds by this Act directed to be divided and inclosed shall adjoin any Freeboard, Screed, or Parcel of Land left on the Outside of the Fences of any adjoining Lordship, Parish, Township, or Place, such Freeboard, Screed, or Parcel of Land shall be deemed to be Part of the Lands and Grounds by this Act directed to be divided and inclosed, and each Portion of such Freeboard, Screed, or Parcel of Land, when allotted, shall, after the Execution of the Award of the said Commissioner, to all Intents and Purposes be deemed to be within the Parish of *Frodingham* aforesaid, and within such of the said Townships, Hamlets, or Places of *Frodingham*, *Scunthorpe*, and *Gunhouse* (otherwise *Gunnas*) as the adjoining Lands may be situated in; and the said Commissioner shall and he is hereby required to set out and allot unto the Owner or Owners of any such Freeboard, Screed, or Parcel of Land, such Allotment or Allotments in lieu thereof as shall be equal thereto in Value; and the Allotment or Allotments to be set out and allotted as aforesaid in lieu of any such Freeboard, Screed, or Parcel of Land shall be deemed and taken to be Part and Parcel of such Lordship, Parish, Township, or Place as the said Commissioner shall in and by his said Award determine and declare, and in default of such Determination and Declaration, then to be Part and Parcel of the Lordship, Parish, Township, or Place to which the same Freeboard, Screed, or Parcel of Land now belongs, and shall not be subject or liable to pay any Rates, Dues, or Taxes whatsoever in aid of or as belonging to any other Parish, Township, or Place whatsoever.

Owners of
Freeboard,
&c. to have
Allotments
in lieu
thereof.

XXIX. And be it further enacted, That it shall be lawful for the said Commissioner to set out and allot One or more Parcel or Parcels of Land in each of the said Townships or Hamlets of *Frodingham*, *Scunthorpe*, and *Gunhouse* (otherwise *Gunnas*), not exceeding Three Acres in each Township or Hamlet, out of the Lands and Grounds hereby directed to be divided and inclosed, as he the said Commissioner shall think proper, for the digging for and getting of Stone, Gravel, or Materials for the Repairs of the Roads and Ways within such Township or Hamlet; and the Allotment or Allotments so to be set out and allotted in each Township or Hamlet for the Purposes aforesaid shall, from and after the Execution of the Award

Allotments
for Gravel
and Stone
Pits.

of

of the said Commissioner, be vested in the Surveyor or Surveyors for the Time being of the Highways of such Township or Hamlet, in Trust for the Purposes aforesaid; and the Surveyor or Surveyors in whom the Allotment or Allotments in each Township or Hamlet shall for the Time being be vested shall from Time to Time let the Herbage thereof for the most Money that can be reasonably made of the same, and shall apply the Rents and Profits arising from the same towards the Repairs of the public Roads or Highways within such said Township or Hamlet.

Manorial
Allotment.

XXX. And be it further enacted, That the said Commissioner shall and he is hereby authorized and required to set out and allot unto and for the Owner or Proprietor of the Soil of the said Commonable Lands and Waste Grounds such Part or Parts of the Lands and Grounds by this Act directed to be divided and inclosed as shall be equal in Value to One Twentieth Part of the said Commonable Lands and Waste Grounds, after the Lands for the public Drains and Roads shall be deducted, in lieu of and full Satisfaction of his Right to the Soil of the said Commonable Lands and Waste Grounds.

Allotment
in lieu of
Glebe.

XXXI. And be it further enacted, That the said Commissioner shall and he is hereby authorized and required, in the next place, to set out and allot unto and for the Vicar of *Frodingham* aforesaid for the Time being such Part or Parts of the Lands and Grounds by this Act directed to be divided and inclosed as in the Judgment of the said Commissioner shall be a full Equivalent and Compensation for the uninclosed Glebe Lands belonging to the said Vicarage, and for all Rights of Common belonging to the said Vicarage.

Allotments in
lieu of Tithes.

XXXII. And be it further enacted, That the said Commissioner shall and he is hereby authorized and required, in the next place, to set out and allot for the Impropiator of *Frodingham* for the Time being, and the Vicar of *Frodingham* for the Time being, such Part or Parts of the Lands and Grounds by this Act directed to be divided and inclosed, and which shall remain after the public Drains and Roads, and the Allotments for the uninclosed Glebe Lands belonging to the Vicar of *Frodingham*, shall have been taken out and deducted, as shall in the Judgment of the said Commissioner (Quantity, Quality, and Situation considered, but 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 or Drainage, or any Prospects of Improvement by warping any of such Lands and Grounds,) be equal in Value to One Fifth Part of all the Open Arable Fields in the Townships or Hamlets of *Frodingham*, *Scunthorpe*, and *Gunhouse* (otherwise *Gunnas*) which are subject to Tithes, or Moduses or customary Payments in lieu of Tithes, and (Quantity, Quality, and Situation considered) to One Seventh Part of the ancient and other inclosed Lands, and of the Open Ings, Meadows, and Pastures within the said Townships or Hamlets, which are subject to Tithes, or Moduses or customary Payments in lieu of Tithes, and (Quantity, Quality, and Situation considered) to One Eighth Part of all the Commonable Lands and Waste Grounds within the same Townships or Hamlets which are subject to Tithes, or Moduses or customary

customary Payments in lieu of Tithes: Provided always, that in every Case in which there shall be a Modus or customary Payment in lieu of Tithes within the said Townships or Hamlets, or any of them, the Value of the Difference between the Tithes in respect of which the Modus may be payable and the Modus itself, or between the Tithes in lieu of which the customary Payment may be made and the actual Payment, as the Case may be, shall be calculated by the said Commissioner; and the Value of the Allotments herein-before directed to be set out for the Impropiator and Vicar as aforesaid shall be so much as shall remain after deducting from the Value of such Allotments the Amount of the Difference or respective Differences to be so calculated as aforesaid; and the Allotments which shall be so set out for the Impropiator and Vicar as aforesaid shall be in lieu and in full Satisfaction of all Tithes whatsoever, and all Moduses and all customary Payments in lieu of Tithes, arising, renewing, increasing, or due or payable from, out, or in respect of all the Open Fields, ancient and other inclosed Lands, Ings, Meadows, Pastures, Commons, Moors, and Waste Lands, and all other Lands, Tenements, and Hereditaments whatsoever within the said Townships or Hamlets of *Frodingham*, *Scunthorpe*, and *Gunhouse* (otherwise *Gunnas*), (except Mortuaries, *Easter* Offerings, and Surplice Fees, which shall remain due and payable in the same Manner as before the passing of this Act); and the said Tithes, Moduses and Payments in lieu of Tithes, (except Mortuaries, *Easter* Offerings, and Surplice Fees,) shall respectively cease and be for ever extinguished immediately after the said Allotments shall have been set out in lieu thereof, and after Notice thereof shall have been given by the said Commissioner, by Writing under his Hand, to be fixed on the principal Door of the Parish Church of *Frodingham* aforesaid upon a *Sunday* during Divine Service, that the same Allotments may be forthwith entered upon respectively, or from and after such other Time as the said Commissioner may in and by such Notice direct and appoint.

XXXIII. And be it further enacted, That the said Commissioner shall and he is hereby required to divide the Allotments so to be set out for the said Impropiator and Vicar respectively into such distinct Parts or Shares as the said Commissioner shall determine to be an adequate and just Compensation for their respective Rights and Interests in the Tithes, Moduses and customary Payments in lieu of Tithes, arising, renewing, increasing, or due or payable within the said Townships or Hamlets of *Frodingham*, *Scunthorpe*, and *Gunhouse* (otherwise *Gunnas*), and conformably to such Determination to allot and award one of such Parts or Shares unto and for the said Impropiator for the Time being, and the other of the said Parts or Shares unto and for the said Vicar for the Time being, in lieu and satisfaction of their respective Rights and Interests in the said Tithes Moduses and customary Payments in lieu of Tithes.

Commis-
sioner to
apportion
Allotments
between the
Impropiator
and Vicar of
Frodingham

XXXIV. And be it further enacted, That in case there shall be any Homesteads, Gardens, Orchards, or other ancient inclosed Lands or Grounds in the said Townships or Hamlets of *Frodingham*, *Scunthorpe*, and *Gunhouse* (otherwise *Gunnas*), subject to Tithes, or Moduses or customary Payments in lieu of Tithes, the respective Proprietors

Proprietors,
not having
sufficient
Allotments,
to make
Compensa-
tion in Mo-

[*Local.*]

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whereof

ney for their
Tithes.

whereof shall not be entitled under this Act to any Allotment or Allotments; or to an Allotment or Allotments sufficient to make full Compensation for such Tithes, or Moduses or Payments in lieu of Tithes, such Proprietors respectively shall pay or cause to be paid, unto such Person or Persons and at such Time or Times as the said Commissioner shall appoint, such Sum or Sums of Money as the said Commissioner shall adjudge and determine to be a full Compensation for the Tithes, or Moduses or Payments in lieu of Tithes, of such Homesteads, Gardens, Orchards, or other ancient inclosed Lands or Grounds respectively, or such Part thereof for which a Compensation in Land cannot be made as aforesaid; which Sum or Sums shall be applied towards defraying the Charges and Expences of applying for and obtaining this Act, and executing the same and the said recited Acts, payable by the several Persons from whose Allotments any Deduction shall have been made for making such Compensation for Tithes or Moduses or Payments in lieu of Tithes as aforesaid, and shall and may be levied and recovered, with Costs, in like Manner as Penalties or Forfeitures are by the said first-recited Act directed to be levied and recovered; and the Surplus (if any) of such Sum or Sums shall be apportioned and paid amongst and to the several Persons from whose Allotments any Deductions shall have been so made as aforesaid, or be deposited in the Bank of *England*, to be laid out and disposed of in manner by this Act directed, as the Case may require.

Allotment for
Right of
Warren.

XXXV. And be it further enacted, That the said Commissioner shall and he is hereby required to set out and allot unto and for the Owner or Proprietor of any existing Right of Warren for Conies in, over, and upon certain Parts of the Commonable Lands and Waste Grounds in the Townships or Hamlets of *Frodingham*, *Scunthorpe*, and *Gunhouse* (otherwise *Gunnas*), or in some one or more of the said Townships or Hamlets, such Part or Parts of the Lands or Grounds in such Township or Townships as in the Judgment of the said Commissioner shall be a just and full Equivalent and Compensation for such Right of Warren; and the said Right of Warren shall cease and determine after Notice thereof shall be given by the said Commissioner under his Hand, to be affixed on the principal outer Door of the Parish Church of *Frodingham* aforesaid upon a *Sunday* during Divine Service; that the Allotment or Allotments for such Right of Warren may be forthwith entered upon.

Allotment of
Residue.

XXXVI. And be it further enacted, That after the several Allotments herein-before directed shall have been made, the said Commissioner shall and he is hereby required to set out and allot all the Residue of the said Commonable Lands and Waste Grounds by this Act directed to be divided and inclosed in manner following; (that is to say,) One equal Half Part thereof shall be set out and allotted unto and among the several Owners and Proprietors of any Messuages, Cottages, Tofts, or Toftsteads having Right of Common in or upon the said Commonable Lands and Waste Grounds, according and in proportion to the Number of such Rights respectively, in Shares of equal Value, that is to say, One equal Share to each Messuage, Cottage, Toft, or Toftstead in and out of such of the

the said Commonable Lands and Waste Grounds as the Owners and Proprietors of such Messuages, Cottages, Tofts, or Toftsteads shall have Right of Common over and upon, without regard to the Magnitude or Value of the said Messuages, Cottages, Tofts, or Toftsteads, or any of them; and the remaining Half Part of the said residuary Commonable Lands and Waste Grounds shall be set out and allotted unto and amongst the several Owners and Proprietors of Lands and Grounds having Right of Common on the said Commonable Lands and Waste Grounds, according to the Extent of such Rights respectively as aforesaid, and in proportion to the Value of their several Rights and Interests in the Homesteads, Tofts, Crofts, and other ancient Inclosures, Open Arable Lands, Meadows, Pastures, and other Lands, being the separate Property of any Person or Persons lying within the said Townships or Hamlets, so as the Allotments so to be made shall be situate within the Township or Hamlet wherein the Messuages, Cottages, or Lands in respect whereof such Allotments shall be made are or is situate; which several Allotments so to be made of the Residue of the said Commonable Lands and Waste Grounds shall be in lieu of and as a full Recompence and Satisfaction for all Rights of Common and other Interests in and upon the said Commonable Lands and Waste Grounds; and the said Commissioner shall also set out and allot all the Residue and Remainder of all the several Open and Common Fields, Meadows and Pastures, Moors, and other Open Lands, being the separate Property of any Person or Persons situate and being within the said Townships or Hamlets of *Frodingham*, *Scunthorpe*, and *Gunhouse* (otherwise *Gunnas*), unto and amongst the several Persons, Bodies Politic, Corporate, and Collegiate, who at the Time of making such Allotments shall be possessed of or entitled to any Estate, Property, or Interest therein, in such Shares and Proportions as by the said Commissioner shall be adjudged and determined to be a Compensation and Satisfaction for the several and respective Lands and Grounds, Rights of Pasturage, and other Interest therein of each of such Proprietors.

XXXVII. And be it further enacted, That when and so soon as the said Commissioner 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 of such Lands and Grounds proposed to be allotted to such Proprietors respectively in lieu thereof, the said Commissioner shall cause Notice to be given, in the Manner hereinbefore directed with respect to the Notice of the Commissioner's Meetings, of some convenient Time and Place within the said Parish of *Frodingham*, or within Eight Miles thereof, when and where all Proprietors and Persons interested may peruse a Schedule of such intended Allotments, and inspect a Map or Plan whereon the same shall be set out and delineated, and may have and receive a Copy of such Schedule, so far as the same relates to such Proprietors respectively; and as some Persons may, upon Perusal of the said Schedule and Inspection of such Map or Plan, be dissatisfied with their intended Allotments, the said Commissioner shall cause Notice to be given of One Meeting at least to be held by him for receiving Complaints and Objections in Writing against the said intended Allotments, and for hearing

For determining Objections to Allotments.

hearing and determining all such Complaints and Objections; and the Determinations of the said Commissioner in the Premises shall be reduced into Writing and signed by him, and be final and conclusive on all Parties.

Allotments
to the Impro-
priator and
Vicar, and
Manorial
Allotments,
to be fenced.

XXXVIII. And be it further enacted, That all Allotments which in pursuance of this Act shall be made to the Vicar of *Frodingham* for the Time being for Glebe, and to the Impropriator and Vicar of *Frodingham* for the Time being respectively in lieu of Tithes, Moduses and customary Payments in lieu of Tithes, and also of any Rights of Common to which they or either of them may be entitled as such, and also the Allotments herein-before directed to be made in lieu of or as a Compensation for the Right of Soil in the said Commons and Waste Lands, shall, in the first instance, be inclosed or fenced on all such outer Parts or Sides thereof as shall not be directed by the said Commissioner to be fenced by other Proprietors, or as are not made and maintained by some other Parish or Person at the Time of making such Allotments, with such good and substantial Fences, and Carriage Gates therein, and in such Manner as the said Commissioner shall order and direct, at the Expence of the Persons hereby made liable to the Costs and Charges of obtaining and executing this Act, in such Proportions and to be paid at such Time or Times as the said Commissioner by his Award or any other Writing under his Hand shall direct and appoint; and after the making of such Fences and Gates the same shall be for ever maintained and kept in repair, as the said Commissioner shall by his Award direct, by and at the Expence of the said Impropriator and Vicar.

Vicar, with
Consent of
Patron and
Bishop, may
lease for
Twenty-one
Years.

XXXIX. And be it further enacted, That it shall be lawful for the Vicar of *Frodingham* for the Time being, by Indenture under his Hand and Seal, with the Consent and Approbation previously had and obtained of the Patron of the said Vicarage and of the Bishop of the Diocese, to lease and demise all or any Part of the Allotment or Allotments to be made to him by virtue of this Act to any Person or Persons whomsoever, for any Term not exceeding Twenty-one Years, to commence within Twelve Calendar Months from the passing of this Act, so that the Rent or Rents for the same shall be thereby reserved to such Vicar for the Time being by quarterly Payments in every Year; and so that there be thereby reserved to such Vicar the best and most improved Rent or Rents that can be reasonably gotten for the same, without taking any Fine, Foregift, Premium, Sum of Money, or other Consideration for granting any such Lease; and so that no Lessee by any such Lease or Demise be made punishable for Waste by any express Words to be therein contained; and so that there be inserted in every such Lease Power of Re-entry on Nonpayment of the Rent or Rents to be thereby reserved within a reasonable Time, to be therein limited, after the same shall become due; and so that a Counterpart of every such Lease be duly executed by the Lessee or Lessees to whom such Lease shall be so made as aforesaid; and every such Lease shall be valid and effectual, any Law or Usage to the contrary notwithstanding; and that whenever any such Lease or Leases to be granted as aforesaid shall by any means become forfeited or void, or be surren-
dered

dered before the Expiration, by Effluxion of Time, of the Term or Terms thereby granted, then and in such Case, and so often as the same shall so happen, it shall be lawful for the said Vicar of *Frodingham* for the Time being, with the previous Consent and Approbation of the said Patron and of the Bishop of the Diocese, to grant a new Lease of the Lands for such Term or Terms of Years as shall at the Time or Times of such Avoidance be then to come and unexpired of the original Term or Terms granted by such original Lease or Leases, subject nevertheless to the Provisions and Conditions contained in such original Lease or Leases, and then remaining unperformed and capable of taking effect.

XL. 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 those Allotments for the inclosing or fencing of which, in the first instance, Provision is made as herein-before is mentioned,) shall be sufficiently inclosed and fenced by the several Persons to whom the same shall be allotted respectively in such Manner and within such Time as the said Commissioner by his Award, or any other Writing or Writings under his Hand, shall order, direct, and appoint; and the Fences so to be made shall at all Times for ever afterwards be supported, maintained, and kept in repair by such Person or Persons as the said Commissioner shall by his Award order or direct.

For inclosing the rest of the Proprietors Allotments.

XLI. And be it further enacted, That in case any Person or Persons shall, contrary to the Orders and Directions of the said Commissioner, expressed in his Award or in Writing under his Hand, 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 Roads, Ways, Brooks, Ditches, Banks, Rivulets, Drains, Bridges, Cloughs, Arches, Engines, Gates, common Sewers, Tunnels, Sluices, Outlets, Watercourses, or other Works, 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 any such Person or Persons before any Justice of the Peace for the said Parts of *Lindsey* (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 the said Justice is hereby authorized 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 the said Complaint shall be exhibited to be forthwith made and completed and repaired and put into a proper State, according to the Orders and Directions of the said Commissioner, and also shall and may in case such Person or Persons so neglecting or refusing or making Default as aforesaid shall not, on Demand, pay to the Person or Persons exhibiting such Complaint the Charges and Expences of making, completing, or repairing such Works, by Warrant under his

In case Proprietors neglect to fence, &c. other Persons may do it at Proprietor's Expence.

[*Local.*]

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Hand

Hand and Seal, cause such Charges and Expences to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting, refusing, or making Default; rendering to him, her, or them the Surplus (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; and for Want of sufficient Distress, 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 or upon any Lands or Grounds within the said several Townships or Hamlets of *Frodingham*, *Scunthorpe*, and *Gunhouse* (otherwise *Gunnas*), which may belong to such Person or Persons so neglecting, refusing, or making Default as aforesaid, and to receive the Rents and Profits of the same Premises respectively, until thereby and therewith the said Charges and Expences, together with the Costs and Charges occasioned by attending the Entry and Perception of the Rents and Profits of the same Premises respectively, shall be paid and satisfied.

Gaps or
Openings to
be left.

XLII. And be it further enacted, That such convenient Gaps or Openings shall be left in the said Fences and Inclosures to be made as aforesaid, for the Passage of Cattle, Carts, and Carriages through the same, and for such Time, as the said Commissioner shall by some Writing or Writings under his Hand or by his said Award direct.

Allowance to
Proprietors
having too
great a
Proportion
of Fencing.

XLIII. And be it further enacted, That if, in consequence of Situation or other Circumstances, it shall happen that any of the said Proprietors shall have a greater Proportion of Fences to make upon any of the Lands and Grounds by this Act directed to be divided and inclosed than in the Judgment of the said Commissioner such Proprietors of Allotments ought to be charged with, (having due Regard to the necessary interior Fences,) it shall be lawful for the said Commissioner, where he shall think proper, to ascertain and appoint such Sum or Sums 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 Lands to be allotted to them respectively, or otherwise to make such Allowance on account of such Inequality, to the Proprietors entitled thereto, out of the public or general Expences to be raised by virtue of this Act, as he the said Commissioner shall think reasonable in order that the Expences of the said Fences may be brought as near as may be to a just and equal Proportion.

Tenure of the
Allotments.

XLIV. And be it further enacted, That all the Lands and Grounds which shall be allotted to any Person or Persons by virtue of this Act shall be held under the same Tenures, Rents, Customs, and Services as the Messuages, Cottages, Tofts, Toftsteads, Lands, and other Hereditaments in respect or in lieu of which such Allotments shall be made were respectively held immediately before the Execution of the Award of the said Commissioner.

Commission-
er to distin-
guish what

XLV. And be it further enacted, That the said Commissioner shall in and by his Award, in every Case in which he shall think it expedient

so to do, and also in every Case in which he shall be required so to do by any of the said Proprietors, distinctly and separately set forth and ascertain which of the Allotments, or what Part thereof, shall be made and awarded in respect of Messuages, Cottages, Tofts, and Toftsteads, and which of them, and what Part thereof, in respect of Lands and Grounds, and the different Quantities of such respective Allotments; and that, when any of the said Proprietors shall hold their Lands, Rights, or Hereditaments for different Estates or Interests or under different Titles, the said Commissioner shall (upon the Request in Writing, either of the Persons in Possession thereof, or otherwise interested therein,) and he is hereby required to ascertain the several Lands, Rights, or Hereditaments held for each of such Estates or under each of such Titles respectively, and shall accordingly in his Award set out distinct Allotments in respect of the same; and where, for Want of necessary Information, or from any other Cause, the said Commissioner shall have omitted to discriminate such different Titles and Estates respectively in his Award, and within Twelve Calendar Months after the Execution thereof a Request shall be made to the said Commissioner by any Person or Persons interested (by Writing under their or his Hands or Hand) to have such Omission supplied by a separate Instrument or Instruments, then and in every such Case the said Commissioner is hereby authorized to do every thing requisite for supplying such Omission, and so far as shall be necessary for that Purpose to examine Witnesses, and in every other respect proceed and act as if his Award had not been made; and the said Commissioner, when he shall have obtained sufficient Information, is hereby authorized and required, by any Deed or Instrument under his Hand and Seal, to ascertain, distinguish, and declare what Parts of the several Allotments set out by his Award shall be held for such different Estates or under such different Titles; and every such separate Instrument, after having been duly executed by the said Commissioner, and the Declaration thereby made, shall be effectual to all Intents and Purposes as if the same were Part of his Award, and shall be deposited in the Place in which the Award of the said Commissioner shall be deposited, and Evidence thereof shall be given in the same Manner as by the said first-recited Act is directed concerning the said Award; and a Copy of every such separate Instrument written or ingrossed upon Parchment or Vellum in the Book Form, and signed and attested by the said Commissioner to be a true Copy thereof, shall be delivered to the Clerk of the Peace for the Parts of *Lindsey* aforesaid, who is hereby required to deposit and keep the same among the Records of the said Parts of *Lindsey*, with the Copy of the Award to be deposited there as herein-after mentioned, and shall to all Intents and Purposes be deemed and considered as Part of the Copy of the said Award; and all the Expences which shall be reasonably incurred in or about any such subsequent Inquiry and separate Instrument as aforesaid shall be paid by the Person or Persons who shall have requested the said Commissioner to make and execute the same, or by his, her, or their Heirs, Executors, or Administrators.

Land is allotted in respect of Messuages, and what of other Property. Allotments to Proprietors having Lands, &c. under different Titles to be distinguished.

XLVI. And be it further enacted, That it shall be lawful for any Person or Persons who shall be entitled to any Allotment or Allotments

Power for Proprietors to sell Allotments

ments and
Common
Rights before
the Award.

Allotments under or by virtue of this Act, at any Time or Times before the Execution of the Award of the said Commissioner, by Deed or by Will executed so as to pass Freehold Estates, to dispose of such Allotment or Allotments, either by Sale, Mortgage, or in any other Manner, at any Time after the same shall have been set out, and all Complaints and Objections against the Allotments to be made in pursuance of this Act shall have been determined by the said Commissioner, for all or any Part of his, her, or their Estate or Interest in the Lands, Grounds, or Hereditaments in lieu or in respect of which such Allotment or Allotments is or are to be made; and every such Disposition of every such Allotment shall be of the same Force and Validity as the same would have been if the said Award had been executed previously to the Disposition of the Allotment, and the same had been awarded to the Person or Persons disposing thereof; and it shall also be lawful for any Person or Persons seised or possessed of or entitled to any Common Right or other Interest appendant or in anywise belonging or attached to any Tenements or Hereditaments whatsoever in, upon, or over any of the Lands or Grounds hereby directed to be divided and inclosed, and in respect whereof an Allotment or Allotments is or are to be made by virtue of this Act, by Deed to dispose of, by Sale, such Right or Interest separately and distinctly from the Tenements and Hereditaments to which the same may be so appendant, belonging, or attached, as fully and effectually as the same Person or Persons could have so disposed of such Allotment or Allotments if then set out and awarded in pursuance of this Act; and the Person or Persons who in consequence of such Disposition would, immediately before the Execution of the Award of the said Commissioner, have been entitled to such Right or Interest, shall, immediately after such Execution, be entitled to the Allotment or Allotments which shall be awarded in respect of such Right or Interest, in as full and ample a Manner, as to Extent of Estate, and in every other respect, as he, she, or they was or were entitled to such Right or Interest.

Allotments
for Common
Rights sold
before the
passing of
the Act.

XLVII. And be it further enacted, That if any Person or Persons seised or possessed of or entitled to any Common Right or other Interest appendant or in anywise belonging or attached to any Tenements and Hereditaments whatsoever in, upon, or over any of the Lands or Grounds hereby directed to be divided and inclosed, and in respect whereof an Allotment or Allotments is or are to be made by virtue of this Act, shall, previously to the passing of the same, have sold such Right or Interest separately and distinctly from the Tenements and Hereditaments to which the same may be so appendant, belonging, or attached, the Person or Persons who in consequence of such Sale shall, at the Time of the Execution of the Award of the said Commissioner, be entitled to such Right or Interest, shall be entitled to the Allotment or Allotments which shall be awarded in respect thereof, in as full and ample a Manner, as to Extent of Estate, and in every other respect, as he, she, or they would have been if such Sale of such Right or Interest had been postponed till after the passing of this Act, and had then been made under the Power herein-before contained.

XLVIII. And

XLVIII. And be it further enacted, That it shall be lawful for the said Commissioner to set out, allot, and award any Lands, Tenements, or Hereditaments within the said several Townships or Hamlets of *Frodingham, Scunthorpe, and Gunhouse* (otherwise *Gurnas*), in lieu of and in exchange for any other Lands, Tenements, or Hereditaments within the said several Townships or Hamlets aforesaid, or within any adjoining Parish, Township, or Place, provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioner, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, or Hereditaments which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, or a Tenant or Tenants in Fee Simple, or for Life or Lives, or in Fee Tail, General or Special, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, (by and with the Consent of the Lessor or Lessors, but not otherwise,) or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Proprietors or Owners as aforesaid who at the Time of making such Exchange or Exchanges shall be respectively Infants, Femes Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise unable to act for themselves, himself, or herself, such Consent to be testified in Writing under the Common Seal of the Body Politic, Corporate, or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every such Exchange and Exchanges so made shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Lands, Tenements, or Hereditaments held in right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent, testified as aforesaid, of the Patron or Patrons thereof, and of the Bishop of the Diocese in which such Lands, Tenements, or Hereditaments so to be exchanged shall lie or be situate.

Power to
make Ex-
changes.

XLIX. Provided always, and be it further enacted, That all Costs, Charges, and Expences attending the making of any Exchanges and Partitions by virtue of this Act or the said first-recited Act, shall be paid and borne by the several Persons making such Exchanges or Partitions, distinct and apart from the other Expences attending the Execution of this Act, in such Manner, Shares, and Proportions as the said Commissioner shall by any Writing under his Hand order or direct, and shall be levied, with Costs, in the Manner by the said first-recited Act directed with respect to the Recovery of Penalties and Forfeitures.

Expences of
Exchanges.

L. And be it further enacted, That every Lease or Tenancy at Rack Rent, or Agreement for a Lease at Rack Rent, of any of the Lands and Grounds by this Act directed to be divided and inclosed, or of any Right of Common or other Right in or over all or any of the Commonable Lands or Waste Grounds by this Act directed to be divided and inclosed, shall, whether other Hereditaments are included in such Lease, Tenancy, or Agreement, or not, and every Lease or

Leases at
Rack Rent
to be void.

[*Local.*]

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Tenancy

Tenancy at Rack Rent, or Agreement for a Lease at Rack Rent, of any Messuages, Cottages, old Inclosures, or Hereditaments which may be exchanged by virtue of this Act, shall, if other Lands or Hereditaments are included in such Lease, Tenancy, or Agreement, at such Time as shall be declared and determined by the said Commissioner; either by his Award, or by any Instrument in Writing under his Hand at any Time before the Execution of the said Award, cease and be void; and the Body or Bodies Politic, Corporate, or Collegiate, or Person or Persons, who, at the Time of the Execution of the said Award or such Instrument in Writing as aforesaid, shall be entitled to the Premises comprised in every such Lease, Tenancy, or Agreement, for the first beneficial Estate in Reversion or Remainder expectant on the Determination of such Lease, Tenancy, or Agreement, shall make such Satisfaction or Compensation to the Tenant or Tenants of the Premises therein comprised for the Loss or Damage which he, she, or they shall sustain thereby, as the said Commissioner shall deem fair and reasonable, and shall by his said Award or such Instrument in Writing as aforesaid order or direct; and such Satisfaction or Compensation shall be recovered, with Costs, in the same Manner as any Penalty or Forfeiture may be recovered by virtue of the said recited Act: Provided always, that if there shall be any Lease of Lands, Part of which shall be situate within the Limits of this Act, and Part in any adjoining Parish, any such Lease at Rack Rent may be vacated; but where any Lands shall have been taken in exchange, which Lands shall be under Lease and wholly situate in any adjoining Parish, the Lease of such last-mentioned Lands shall not be vacated by virtue of this Act.

Wills and
Settlements
not to be
affected.

LI. Provided always, and be it further enacted, That nothing in this Act or in the said recited Acts contained shall extend or be construed, deemed, adjudged, or taken to revoke, make void, vary, alter, annul, or in anywise affect any Will, Settlement, Deed, or Assurance whatsoever, (except such Leases and Tenancies at Rack Rent, or Agreements for Leases at Rack Rent, as are herein-before mentioned,) or to prejudice any Person or Persons having any Estate, Right, Title, Claim, or Demand whatsoever in, to, out of, upon, or affecting any of the Messuages, Lands, Grounds, or Hereditaments which shall be allotted or exchanged in pursuance of this Act, or whereof Partition shall be made in pursuance of the said first-recited Act; but the several Messuages, Lands, Grounds, or Hereditaments which by virtue of this Act or the said first-recited Act shall be respectively allotted or given in exchange or upon Partition in lieu or in respect of other Messuages, Lands, Grounds, or Hereditaments, shall immediately after the making of such Allotments, Exchanges, and Partitions respectively, (but subject to the Charges to be made by virtue of this Act,) be, remain, and enure to such and the same Persons, Bodies Politic or Corporate, for such and the same Estates and Interests, and to such and the same Uses, and for such and the same Intents and Purposes, and with, under, and subject to such and the same Powers, Provisoës, Limitations, Conditions, Covenants, Agreements, Debts, Charges, Incumbrances, and Provisions of every kind, as the Messuages, Lands, Grounds, or Hereditaments in lieu or in respect whereof such Allotments, Exchanges, or Partitions shall be respectively

respectively made, would have respectively remained limited, settled, or subject or liable to if such Allotments, Exchanges, or Partitions respectively had not been made.

LII. And be it further enacted, That whenever any Sum of Money is, under the Provisions of the said recited Act of the Forty-first Year of the Reign of His Majesty King *George* the Third, or this Act, to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the same Uses, it shall and may be lawful to and for the said Commissioner out of such Sum to defray such Proportion of the Expence of passing this Act, and of carrying the same and the said recited Acts into execution, as shall (if any) be charged upon any of the Lands, Tenements, or Hereditaments of the Person or Persons, Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, Feoffee, Executor, Administrator, Husband, Guardian, Committee, or Trustee in Possession of the Lands, Tenements, or Hereditaments so purchased or exchanged, or on which such Timber or Wood actually grew, and also the Expence of any permanent Improvement, such as building, subdividing, draining, warping, or planting, and the like, which shall in the Judgment of the said Commissioner be proper to be made, and shall be made under his Direction, upon any Lands to be by virtue of this Act allotted to such Person or Persons, Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, Feoffee, Executor, Administrator, Husband, Guardian, Committee, or Trustee respectively; and in case the Surplus of such Money shall amount to or exceed the Sum of Two hundred Pounds, the same shall, with all convenient Speed, be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* the Commissioner for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster, on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward and shall, when so paid in, there remain until the same shall, by Order of the said Court, made upon a Petition to be preferred to the said Court in a summary Way by the Person or Persons who would have been entitled to the Rents and

Application
of Compensation
Money
when
amounting
to 200*l*.

1 G. 4. c. 35.

and Profits of the said Lands, Tenements, or Hereditaments, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Payment or Discharge of any Debt or Debts, or other Incumbrances, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, or to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court of Exchequer shall authorize to be purchased or redeemed or paid or discharged, or such Part or Parts thereof as shall be necessary; or until the same shall, upon the like Application, be laid out in a summary Way, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the afore-mentioned Lands, Tenements, or Hereditaments stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime, and until such Order can be made, the said Money may, by Order of the said Court, upon Application thereto, 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, or Government or Real Securities; and in the meantime, and until the said Bank Annuities or Government or Real Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce of the said Consolidated or Reduced Bank Annuities or Government or Real Securities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled.

When under
200*l.* and
amounting
to 20*l.*

LIII. Provided always, and be it further enacted, That in case the Surplus of such Money shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of 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, Tenements, or Hereditaments so purchased or exchanged, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, Lunacy, or other Incapacity, with the Approbation of the said Commissioner, to be signified in Writing under his Hand, be paid into the Bank of *England* in the Name and with the Privy of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees to be nominated by the Person or Persons who for the Time being would be entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, such Nomination to be approved of by the said Commissioner, and such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall

shall be by them applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank in the Name of the Accountant General of the Court of Exchequer, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

LIV. Provided always, and be it further enacted, That in case the Surplus of such Money 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 Lands, Tenements, or Hereditaments so purchased or exchanged, for his, her, or their own Use and Benefit; or in case of Infancy, Idiocy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons so entitled respectively. When under 20l.

LV. And be it further enacted, That as soon after the passing of this Act as conveniently may be, the said Commissioner shall, by some Writing or Writings under his Hand, to be affixed on the principal outer Door of the said Parish Church of *Frodingham*, order and direct what Course of Husbandry, and what Stint or Rule of Stocking and Enjoyment, shall be respectively observed and used in, over, and upon the Fields, Commons, Lands, and Grounds to be divided and allotted by virtue of this Act, until such Time as he shall have completed the said Division and Inclosure, as well with respect to the laying down, ploughing, sowing, fallowing, and tilling thereof, as to the stocking and eating the Commonable Lands and Fallows and Stubbles, and also the graving of Turves or Peat; cutting of Furze, Gorse, Thorns, or Bushes, upon the said Lands and Grounds to be divided and inclosed by virtue of this Act, and to make such Recompence for the same as he shall think right, and by the same or any other Writing or Writings under his Hand, to be affixed to such Church Door as aforesaid, shall and may make such further Orders and Regulations touching the Conduct of the Farmers and Occupiers of Lands within the several Townships or Hamlets aforesaid, for preventing them from committing Waste or Destruction upon, or improperly managing or stocking, any of the Lands or Grounds therein, until the Division and Inclosure intended by this Act shall be completed, as to the said Commissioner shall seem proper and expedient; and all such said Orders and Regulations of the said Commissioner shall be binding and conclusive upon all Parties interested, their Farmers and Tenants; and the said Commissioner shall and may set and impose such pecuniary Penalties and Forfeitures on every Person not conforming to such Orders and Regulations, as he shall think necessary, not exceeding the Sum of Five Pounds on any One Person for any One Offence; and shall and may also settle, adjudge, and determine what Proportion of the Manure arising from any of the Lands or Grounds to be divided and inclosed by virtue of this Act shall belong to the Landlords and Tenants respectively, in all Cases where the Tenant is entitled by Agreement to the Manure arising from the Lands in his Occupation. Course of Husbandry.

[*Local.*]

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LVI. And

Tenants to
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Commis-
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Satisfaction
shall be
made for
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Owners.

Old Swarth
of Five Years
standing not
to be plough-
ed up.

LVI. And be it further enacted, That the Tenants or Occupiers of the Fields, Lands, and Grounds within the said several Townships or Hamlets to be divided and inclosed by virtue of this Act, shall be allowed to sow, reap, and carry 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 for the Standage thereof, in such and the same Manner and to the same Extent as they would have been respectively entitled to if they had quitted their Farms at the End of their respective Years therein; and this Act had not been made, (except in such Cases where there are special Agreements to the contrary,) provided they shall have pursued the same Course of Husbandry with their fallow and other Lands as has been the usual Custom in the said Fields or shall have been specially agreed upon; but in case any of the said Tenants or Occupiers shall have sown such Land with Corn as ought in due Course to have laid fallow, or shall otherwise have varied therefrom, the said Commissioner is hereby empowered to make such Charges upon the following Crops of such Tenants or Occupiers, to be paid by such Tenants or Occupiers before the same are taken off the Grounds, as to the said Commissioner shall seem reasonable and proper; but nothing herein contained shall extend or be construed to extend to give any Tenant a Right to a following Crop where he or she was not entitled to the same before the First Day of *January* last: Provided nevertheless, and the said Commissioner is hereby authorized and empowered, by some Writing or Writings under his Hand, to ascertain, order, and appoint what Recompence and Satisfaction in Money shall be paid by the Owner or Owners of such Lands or Grounds from which such following or waygoing Crops shall be reaped and carried away as aforesaid, for the Standage of such Crops, to the Person or Persons to whom such Lands and Grounds shall be allotted by virtue of this Act; and if in either of the said Cases such Charges or such Recompence and Satisfaction shall not be paid or satisfied at the Time and in manner to be appointed by the said Commissioner, then the said Commissioner shall and may, by Warrant or Warrants under his Hand and Seal directed to any Person or Persons whomsoever, (which Warrant or Warrants he is hereby directed and empowered to grant accordingly,) cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person and Persons required to pay such Charges or to make such Recompence and Satisfaction as aforesaid, together with the Costs and Charges of such Distress and Sale, rendering the Surplus (if any), upon Demand, to the Owner or Owners of such Goods and Chattels.

LVII. Provided always, and be it further enacted, That from and after the passing of this Act, no old Swarth Ground, Parcel of the Lands and Grounds hereby directed to be divided and inclosed, which shall not have been ploughed up or converted into Tillage for the Space of Five Years last past before the passing of this Act, shall be ploughed, broken up, or converted into Tillage until the same shall be divided and inclosed, and Notice given to enter upon such Allotments, under

the Penalty or Forfeiture of Twenty Pounds for every Acre so ploughed, broken up, or converted into Tillage, and a proportionable Penalty or Forfeiture for every greater or less Quantity than an Acre.

LVIII. And be it further enacted, That it shall be lawful for the said Commissioner to borrow and take up at Interest, of any Person or Persons willing to advance and lend the same, such Sum and Sums of Money as shall from Time to Time be necessary for defraying the Charges and Expences of applying for and obtaining this Act, and carrying the same and the said recited Acts into execution, until the same shall be raised by the Ways and Means herein-after mentioned.

Commis-
sioner may
borrow Mo-
ney.

LIX. And be it further enacted, That all Monies which have been or may be advanced and paid by any Person or Persons whomsoever for the Purpose of defraying the Charges and Expences of applying for and obtaining this Act, and carrying the same and the said recited Acts into execution, shall be repaid, with lawful Interest, to such Person or Persons out of the first Monies to be raised by virtue of this Act.

Money ad-
vanced for
obtaining this
Act to be
repaid, with
Interest.

LX. And be it further enacted, That all the Charges and Expences incident to and attending the obtaining and passing of this Act, and all the Charges and Expences of carrying this Act and the said recited Acts into execution, (not by this Act directed to be otherwise borne and defrayed,) shall be borne and defrayed by all the Proprietors of or Persons interested in the Lands and Grounds by this Act directed to be divided and inclosed, and all the Persons entitled to or interested in the ancient and other inclosed Lands which shall be exonerated from Payment of Tithes, Moduses and customary Payments in lieu of Tithes, (save and except the said *Charles Winn*, in respect of the Allotment or Allotments to be made to him in lieu and satisfaction of his Right to the Soil of the said Commonable Lands and Waste Grounds as herein-before directed, and except the said Impropiator and Vicar for the Time being respectively, for and in respect of any Allotment or Allotments which shall be made to them respectively as Impropiator and Vicar as aforesaid,) and the said Charges and Expences shall be paid in such Shares and Proportions as shall be settled, adjusted, and determined by the said Commissioner, according to the several Rights and Interests of such Proprietors and other Persons, and at such Times and Places and in such Manner as the same Commissioner shall appoint: Provided always, that in ascertaining such Charges and Expences the same shall not be rated by the said Commissioner according to the Value of the Lands in respect whereof the same shall be charged on the several Proprietors, or according to the Improvement that may accrue to such Lands from warping, but according to the Benefit and Advantage which in the Judgment of the said Commissioner will result to such Lands by or from the other Works to be made, done, or executed by virtue of this Act; and in case any Person subject to the Payment of any Money towards the said Costs, Charges, and Expences as aforesaid, shall neglect or refuse to pay his or her Share or Proportion thereof within the Time to be appointed as aforesaid, the same shall

For paying
the Expences
of this Act.

Expences to
be rated ac-
cording to
the Improve-
ment.

shall and may be levied and recovered by such Ways and Means as are provided or mentioned in and by the said first-recited Act.

Commis-
sioner may
deduct Land
to defray
Expences.

LXI. Provided always, and be it further enacted, That it shall be lawful for the said Commissioner, and he is hereby authorized and required, (if requested in Writing at his second or any subsequent Meeting by any Person or Persons empowered to borrow Money on Mortgage of any Allotment or Allotments as herein-after mentioned,) to deduct from the said Allotment or Allotments so much of such Allotment or Allotments as in the Judgment of the said Commissioner shall be equal in Value to the Money which such Person or Persons is or are authorized to borrow on Mortgage of such Allotment or Allotments, not exceeding Five Pounds for each and every Acre thereof, and in every Case of such Deduction, by Deed, to convey in Fee Simple the Land so deducted to any Person or Persons who shall be willing to purchase the same, or to such Uses and in such Manner as the Purchaser or Purchasers, or his, her, or their Heirs or Assigns, shall direct, freed and absolutely discharged from all Estates, Rights, Interests, Incumbrances, Claims, and Demands whatsoever; and the Receipt of the said Commissioner for the Purchase Money or Purchase Monies shall be an effectual Discharge or effectual Discharges to all Intents and Purposes; and the Person or Persons who shall pay the same shall not be answerable for the Misapplication or Nonapplication of such Money or Monies or any Part thereof, or to inquire into the Propriety or Necessity of the Sale or Sales: Provided always, that in all Cases where any Land shall be so deducted as aforesaid from the Allotment or Allotments of any of the said Proprietors or Persons, it shall not be lawful for the Proprietor or Person from whose Allotment or Allotments Land shall be so deducted to charge his, her, or their Lands, Tenements, or Hereditaments, by virtue of the said first-recited Act or this Act, with any Money towards Payment of any Charges and Expences authorized to be charged upon the Allotments by virtue of the said first-recited Act, unless the Money to be raised by means of such Deduction shall not be equal to the Sum of Five Pounds *per* Acre, and then and in every such Case the Excess or Difference may be raised by borrowing or charging under the other Powers or Provisions of this Act.

Tenants for
Life may
charge Lands
with Money
paid in ex-
oneration of
Tithes.

LXII. And be it further enacted, That it shall be lawful for the Husbands, Guardians, Trustees, Committees, or Attornies of the Proprietors of Homesteads, Gardens, Orchards, or other ancient inclosed Lands or Grounds subject to Tithes, Moduses or Payments in lieu of Tithes, for which Compensations in Money, either wholly or in part, are by virtue of this Act to be paid by such Proprietors, being under Coverture, Minors, Lunatics, beyond the Seas, or under any other Disability or Incapacity, and it shall also be lawful for such Proprietors who shall be Trustees for charitable Uses, or the major Part of them, and for such Proprietors who shall be Tenants in Tail, or Tenants for Life or Lives, or for Years determinable on a Life or Lives, or on any other Contingency, or otherwise interested in such Homesteads, Gardens, Orchards, or other inclosed Lands or Grounds, by Deed, respectively to charge such Homesteads, Gardens, Orchards,

Orchards, or other inclosed Lands or Grounds with such Sums of Money as such Proprietors respectively will have to pay for any such Compensations, and also with all such Sums of Money as the said Commissioner shall order to be paid by such Proprietors respectively for their Shares of the Charges and Expences of applying for and obtaining this Act, and of carrying the same and the said recited Acts into execution, with relation to such Exoneration from Tithes, and by Deed respectively to convey or demise, either in Fee or for long Terms of Years, the Hereditaments and Premises to be so respectively charged to or in Trust for the Persons respectively who shall advance the Sums charged, for the Purpose of securing to such Persons respectively, or their respective Executors, Administrators, or Assigns, the Repayment thereof respectively, by way of Mortgage, with Interest in the meantime, at any Rate not exceeding Five Pounds for every One hundred Pounds by the Year; and every Sum to be so advanced for a Compensation for Tithes, Moduses and Payments in lieu of Tithes, shall be applied by the said Commissioner to the same Purposes to which such Sum ought to have been applied in pursuance of this Act if the same had been paid by the Proprietor or Proprietors on whose Account the same shall have been advanced; and every Sum to be so advanced on account of the Money to be paid by any Proprietor or Proprietors for his, her, or their Share or Shares of such Charges and Expences as aforesaid, shall be applied by the said Commissioner in the Payment of such Charges and Expences; and the Receipt of the said Commissioner for every Sum to be so advanced shall be sufficient to discharge the Person or Persons paying the same from being answerable or accountable for the Misapplication or Nonapplication thereof, and from being obliged to see to the Application thereof; and in every Mortgage to be so made, it shall be provided that no Person or Persons afterwards becoming entitled in Possession (subject to such Mortgage) to the Hereditaments and Premises therein comprised shall be liable to pay any further or larger Arrear of Interest than for Six Calendar Months preceding the Time when his, her, or their Title to such Possession shall have commenced.

LXIII. And be it further enacted, That it shall be lawful for the Husbands, Guardians, Trustees, Committees, and Attornies of the Proprietors of the Allotments to be set out and awarded by virtue of this Act, who shall be under Coverture, Minors, Lunatics, beyond the Seas, or under any other Disability or Incapacity, and it shall also be lawful for such Proprietors who shall be Trustees for charitable Uses, or the major Part of them, and for such Proprietors who shall be Tenants in Tail, or Tenants for Life or Lives, or for Years determinable on a Life or Lives, or on any other Contingency, or otherwise interested in the Allotments to be set out and awarded by virtue of this Act, by Deed respectively to charge such Allotments whereof they shall respectively be in Possession or Receipt of the Rents and Profits, or any Part thereof, with any Sums of Money which the Commissioner shall by his Award, or by any Writing or Writings under his Hand and Seal either before or after the Execution of his Award, allow and declare to be necessary to pay and defray the respective Shares of such Proprietors of and in the Charges and

Trustees and Persons holding limited Interests empowered to borrow Money to defray Expences.

[*Local.*]

11 X

Expences

Expences incidental to and attending the applying for and obtaining this Act, and carrying the same and the said recited Acts into execution, and of embanking, ditching, draining, and fencing the respective Allotments, and making necessary Subdivision Fences, and of charging the Allotments therewith, or with so much of such Sums as shall not have been raised by Sale of Lands as herein-before mentioned, so that the Sum charged in every Case shall not exceed the Rate of Five Pounds for every Acre of such Allotments; and also by Deed respectively to convey or demise, either in Fee or for long Terms of Years, the Allotments to be so respectively charged to or in Trust for the Persons respectively who shall advance the Sums charged, for the Purpose of securing to such Persons respectively, their respective Executors, Administrators, and Assigns, the Repayment thereof respectively, by way of Mortgage, with Interest in the meantime, at any Rate not exceeding Five Pounds for every One hundred Pounds by the Year; and every Sum to be so advanced shall be applied by the said Commissioner to the Purposes for which such Sum shall have been raised; and the Receipt of the said Commissioner for every Sum to be so advanced shall be sufficient to discharge the Person or Persons paying the same from being answerable or accountable for the Misapplication or Nonapplication thereof, and from being obliged to see to the Application thereof; and in every Mortgage to be so made it shall be provided that no Person or Persons afterwards becoming entitled in Possession (subject to such Mortgage) to the Allotment or Allotments therein comprised shall be liable to pay any further or larger Arrear of Interest than for Six Calendar Months preceding the Time when his, her, or their Title to such Possession shall have commenced.

For auditing
the Commis-
sioner's Ac-
counts.

LXIV. And be it further enacted, That once at least in every Three Calendar Months during the Execution of this Act (to be computed from the Day of the passing of this Act) the said Commissioner shall and he is hereby required to make a true and just Statement or Account of all the Sums of Money by him received, expended, or applied, or due to him or to his Clerk for their respective Trouble and Expences, in the Execution of this Act, and of all Sums of Money paid and allowed to the Clerk, Surveyors, or other Persons acting under him; and in such Statement or Account shall be particularly stated and specified the several Items and Articles for which each particular Sum has been paid and disbursed; and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by him laid before One of His Majesty's Justices of the Peace for the Parts of *Lindsey* in the County of *Lincoln*, not interested in the said Division and Inclosure, to be by him examined and balanced, and such Balance shall be by such Justice stated in the Book of Accounts to be kept by the Clerk to the said Commissioner; and an Abstract of such Account so examined and balanced shall, within Fourteen Days after the same shall have been so examined and balanced, be published in the *Lincoln, Rutland, and Stamford Mercury*, or some other Newspaper circulated in the said County of *Lincoln*; and no Charge or Item in such Account shall be binding on the Parties concerned, or valid in Law, unless the same shall

shall have been allowed by such Justice, nor until such Accounts or the Abstract of such Accounts shall have been published in such Newspaper as aforesaid, subject nevertheless to the Power of Appeal herein-after contained.

LXV. And be it further enacted, That the said Commissioner shall and he is hereby required to make and execute his Award within the Space of Three Years from the passing of this Act; and a Copy of the said Award shall be written or engrossed upon Parchment, in the Book Form, and signed and attested by the said Commissioner to be a true Copy thereof, together with such Maps and Plans as he shall think proper, and the said Commissioner shall, within Ten Days after the Execution of the said Award, deliver the said Copy and Maps, or cause the same to be delivered, to the Clerk of the Peace for the said Parts of *Lindsey*, who is hereby required to deposit and keep the same among the Records of the said Parts of *Lindsey*, so that Recourse may be had thereto by any Person or Persons interested in the Premises, for the Reception whereof the Fee of Two Pounds and Two Shillings shall be paid, and no more, and for the Inspection and Perusal whereof the Sum of One Shilling, and no more, shall be paid; and the said Award shall, from and after the Delivery of such Copy thereof so signed and attested as aforesaid to the said Clerk of the Peace, be deemed and taken to be enrolled according to the Directions and within the Meaning of the said first-recited Act; and a Copy of the Enrolment of the said Award or any Part thereof, signed by the Clerk of the Peace certifying the same to be a true Copy, shall at all Times be admitted and allowed in all Courts whatsoever as legal Evidence of the Matters and Things therein contained, for which Copy no more shall be paid than Sixpence *per* Sheet, each Sheet containing One hundred Words; and the said original Award, together with all necessary Maps and Plans, executed on Parchment or Vellum, bound up in the Book Form, shall, within the Period aforesaid, be deposited in a Box in the Parish Church of *Frodingham* aforesaid, so that Recourse may at all reasonable Times be had thereto by any Person or Persons whomsoever.

LXVI. And be it further enacted, That after the Determination of the said Commissioner as to the Lands and Grounds capable of being warped shall have been made and finally concluded, it shall and may be lawful for the said *Charles Winn*, his Executors or Administrators, and he and they is and are hereby authorized and directed, to erect, cut, and make in, through, under, or upon the said Lands and Grounds, and also any Land within the said Townships or Hamlets of *Frodingham*, *Scunthorpe*, and *Gunhouse* (otherwise *Gunnas*), lying between the said Lands and Grounds and the River *Trent*, all such Banks, Cuts, Sluices, Dams, Cloughs, Watercourses, Culverts, Bridges, Roads, and other Works as shall be necessary for warping the said Lands and Grounds, and also to remove, alter, repair, support, and maintain, or cause to be removed, altered, repaired, supported, and maintained, all such Cuts, Drains, Dams, Banks, Aqueducts, Culverts, Outlets, Sluices, Cloughs, Engines, Bridges, Tunnels, Roads, and other Works as the said *Charles Winn*, his Executors or Administrators,

Lands to be warped by Mr. Winn.

nistrators, shall think necessary for warping the said Lands and Grounds, and also to cut, alter, embank, deepen, and widen the present Course or Beds of the several Streams of Water, Becks, Brooks, Drains, or Watercourses running through the said Lands and Grounds, or the Land lying as aforesaid between the said Lands and Grounds and the River *Trent*, and also to erect such suitable Buildings for the Habitation of any Person or Persons employed in the said Works, and for depositing Stores or Materials belonging thereto, as the said *Charles Winn*, his Executors or Administrators, shall from Time to Time think necessary, the said *Charles Winn*, his Executors or Administrators, making reasonable Recompence and Satisfaction in Money to the Owners or Proprietors of any Lands or Grounds in, upon, over, or through which any such Cuts, Drains, and other Works shall be made or erected, for the Value of the Land or Ground cut, covered, taken, or otherwise used for any of the Purposes aforesaid, and also making full Compensation to all Owners or Proprietors of any Lands or Tenements for all Injury, Loss, or Damage occasioned by the making of such Works, or by or through Means thereof, and to all Persons who may be prejudiced or injured thereby.

For preventing Interruption in the Progress of the Works in certain Cases.

LXVII. And in order to provide against any Inconvenience or Interruption in the Progress and due Execution of the said Works of warping, by reason of the Death of the said *Charles Winn* before the Completion of the same, or in case the said *Charles Winn*, or the Executors or Administrators of the said *Charles Winn*, shall at any Time or Times hereafter be desirous of being relieved from superintending the Works necessary for warping the said Lands and Grounds; be it further enacted, That it shall be lawful for the said *Charles Winn*, or his Executors or Administrators, by any Writing under his or their Hand or Hands, to appoint some fit and competent Person to superintend the said Works, and from Time to Time to remove such Person, and to appoint any other Person in his Stead to superintend the said Works; and the Superintendent for the Time being shall have as full Powers of carrying on the said Works as are hereby given to the said *Charles Winn*, his Executors or Administrators; and the said Superintendent shall be remunerated by the said *Charles Winn*, his Executors or Administrators, and the Amount of such Remuneration shall be such as shall be agreed upon by such Superintendent and the said *Charles Winn*, his Executors or Administrators.

Mr. Winn's Estate to be answerable for Misconduct in the warping.

LXVIII. Provided always, and be it further enacted, That the said *Charles Winn* and his Estate and Effects shall alone be answerable for the Neglect or Misconduct of any Superintendent or other Person or Persons employed in the warping of such Lands and Grounds as aforesaid, whether any such Superintendent or other Person or Persons shall be appointed by the said *Charles Winn*, or by his Executors or Administrators; and the Executors or Administrators of the said *Charles Winn* shall be answerable for such Neglect or Misconduct to the Extent of the Estate and Effects of the said *Charles Winn*, but shall not be liable to make good out of their separate Estate and Effects any Loss or Damage arising from such Neglect or Misconduct: Provided nevertheless, that nothing herein contained shall extend or be

be construed to extend to discharge such Superintendent or other Person or Persons as aforesaid from Liability or Responsibility to the said *Charles Winn*, his Executors or Administrators, for any such Neglect or Misconduct as aforesaid.

LXIX. And be it further enacted, That in consideration of the great Charges and Expences which the said *Charles Winn*, his Executors or Administrators, will necessarily be obliged to incur and defray in warping the said Lands and Grounds, the same shall, immediately after the Determination of the said Commissioner as to the Lands and Grounds to be capable of being warped shall have been made and finally concluded, be subject to be rated and charged with the Sum of Twenty Pounds *per Acre*; and when and so soon as any specific Part of the said Lands and Grounds to be warped shall be properly embanked for the Purpose of going through the Process of warping, One Moiety or equal Half Part of the said Sum of Twenty Pounds with which such specific Part is hereby charged shall be paid by the Owner or Proprietor or Owners or Proprietors of such specific Part to the said *Charles Winn*, his Executors or Administrators, on Demand and Notice in Writing, specifying that such Embankments have been completed, made or given by or on behalf of the said *Charles Winn*, his Executors or Administrators; and immediately after the warping of such specific Part shall, by the Engineers or Umpire by this Act appointed or to be appointed for ascertaining and determining the same, have been declared to be as well and effectually completed and finished as the Situation and Level thereof will admit, the remaining Moiety or equal Half Part of the said Sum of Twenty Pounds with which such specific Part is hereby charged shall be paid by the Owner or Proprietor or Owners or Proprietors of such specific Part to the said *Charles Winn*, his Executors or Administrators, on Demand and Notice in Writing, specifying that such warping has been declared by the Engineers or Umpire by this Act appointed for that Purpose to be so completed, made, or given by or on behalf of the said *Charles Winn*, his Executors or Administrators.

Providing for
Costs of
warping.

LXX. And be it further enacted, That if any Portion of the Sum of Twenty Pounds *per Acre* hereby charged as aforesaid shall not be paid to the said *Charles Winn*, his Executors or Administrators, within One Calendar Month after the same shall have become due, and have been demanded in manner aforesaid, then and in such Case such Portion shall bear Interest after the Rate of Five Pounds for every One hundred Pounds by the Year, to be computed from the End of the said Calendar Month, and the said *Charles Winn*, his Executors or Administrators, and the said Superintendent, shall have the same Powers and Remedies for recovering and compelling Payment of such Portion, and the Interest thereof, by Distress and Sale of the Goods and Chattels of the Owner or Proprietor or Owners or Proprietors of the Lands or Grounds charged therewith, or of his, her, or their Husbands, Guardians, Trustees, Committees, or Attornies, wheresoever the same shall be found, and by entering upon and taking possession of the Lands and Grounds charged therewith, and

For Recovery
of Costs of
warping.

[*Local.*]

11 Y

taking

taking the Rents and Profits thereof, as the said Commissioner will, under or by virtue of the said first-recited Act, have and enjoy for the recovering and compelling Payment of any Proportion of the Charges and Expences of carrying this Act and the said recited Acts into execution.

Engineers
for ascertain-
ing when the
Lands are
properly
warped.

LXXI. And for the Purpose of ascertaining when the said Lands and Grounds shall be or be deemed to be as well and effectually warped as the Situation and Level thereof will admit, be it further enacted, That *Edward Peacock* of *Yaddleshorpe* in the said County of *Lincoln*, and *Mark Favell* of *Amcott's Lodge* in the Parish of *Althorpe* in the said County of *Lincoln*, Gentlemen, shall be and they are hereby appointed Engineers for inquiring into, ascertaining, and determining the same.

For appoint-
ing Engineers
in case of
Death, &c.

LXXII. And be it further enacted, That in case the said Engineers, or either of them, shall die, or refuse to act, or shall neglect to act as such Engineers or Engineer for the Space of Thirty Days after receiving Notice in Writing from the said *Charles Winn*, his Executors or Administrators, that he or they hath or have completed the warping of the said Lands or Grounds, then and in every such Case some other proper and skilful Persons or Person, not interested in the said Lands and Grounds, shall be appointed Engineers or Engineer in the Place or Stead of the Engineers or Engineer so dying, refusing or neglecting to act as aforesaid, by the Court of General or Quarter Sessions of the Peace for the Parts of *Lindsey* in the said County of *Lincoln*, on the Application of the said *Charles Winn*, his Executors or Administrators, or of any Two or more of the Proprietors or Persons interested in the Lands and Grounds so warped, which Appointment shall be made in Writing under the Hand of the Chairman of the said Court, or of any Two Justices assembled thereat; and every Engineer so appointed shall be and is hereby declared to be invested with the same Powers and Authorities as the Engineers respectively in this Act named are or is invested with by virtue of this Act.

Umpire to be
appointed.

LXXIII. And for the Purpose of settling and determining the Sufficiency, or otherwise, of warping the said Lands and Grounds, in case the said Engineers shall not agree concerning the same; be it further enacted, That the said Engineers shall, before they shall commence or proceed to act as such Engineers for the Purposes aforesaid, and they are hereby required, by Writing under their Hands, to nominate and appoint some proper and skilful Person (not interested in the said Lands and Grounds) to be the Umpire for the Purposes aforesaid; and in case the said Engineers cannot agree concerning the Sufficiency, or otherwise, of the warping of the said Lands and Grounds or of any Part or Parts thereof, then and in every such Case such Umpire shall be and is hereby authorized and required to inquire into, ascertain, and determine the same; and the Determination of the said Umpire touching the Sufficiency, or otherwise, of such warping, shall be deemed and considered to be the Judgment and Determination of the said Engineers, and shall be final and conclusive upon the said Engineers, and upon all Persons interested

interested or concerned in the warping of the said Lands and Grounds: Provided always, that in case the Person so nominated and appointed by the said Engineers as Umpire shall die, or refuse to act, or become incapable of acting as such Umpire, then and in every such Case it shall be lawful for the said Engineers to nominate and appoint one other such proper Person as aforesaid to be Umpire in the Room or Stead of the Person so dying, refusing to act, or becoming incapable of acting as last aforesaid, and so from Time to Time as Occasion shall require; and in case any such Person shall neglect to act as such Umpire within Thirty Days after he shall have received Notice in Writing that the said Engineers cannot agree in the Premises, such Neglect shall be deemed a Refusal to act within the Intent and Meaning of this Act.

LXXIV. And be it further enacted, That the said Engineers and the said Umpire shall be paid and allowed the Sum of Three Guineas each *per* Day for their Trouble and Expences in the Execution of such their respective Offices of Engineers and Umpire, to be paid in the first instance by the said *Charles Winn*, his Executors or Administrators; but One Moiety or Half Part of such Payment or Payments shall be repaid to the said *Charles Winn*, his Executors or Administrators, by the several Proprietors of the Lands and Grounds so warped, in fair and equal Proportions, such Proportions, in case of Dispute respecting the same, to be settled and determined by any Justice of the Peace for the said Parts of *Lindsey*, and to be certified in Writing under the Hand of such Justice; and in case of Non-payment, on Demand, to the said *Charles Winn*, his Executors or Administrators, the same shall be recoverable and recovered in the same Manner or by the same Ways and Means as the Costs or Charges of warping the said Lands and Grounds may by virtue of this Act be levied or recovered.

Allowance to
Engineers
and Umpire.

LXXV. And be it further enacted, That when it shall appear to the said Engineers or to the said Umpire that the warping of the said Lands and Grounds shall have been as well and effectually completed and finished by the said *Charles Winn*, his Executors or Administrators, or the said Superintendent, as the Situation and Level thereof will admit, the said Engineers or the said Umpire shall and they or he are and is hereby required to make a Declaration or Certificate, in Writing under their Hands and Seals or his Hand and Seal, that the said Lands and Grounds are or have been well and effectually warped according to the true Intent and Meaning of this Act; and such Declaration or Certificate shall be by them or him delivered to the said *Charles Winn*, his Executors or Administrators, or the said Superintendent, and the same shall be binding upon all Persons interested or concerned in the warping of the said Lands and Grounds.

Engineers to
certify when
the Lands are
properly
warped.

LXXVI. And in order that the said Lands and Grounds after the warping thereof shall have been completed may be effectually drained and protected from Injury by Floods or Water, be it further enacted, That any Two or more of the Proprietors of the said Lands and Grounds shall or may, at any Time after the warping of the said Lands

Appointment
of Special
Commis-
sioner for
draining, &c.
the warped
Lands.

and Grounds shall have been completed, and Demand shall have been made by the said *Charles Winn*, his Executors or Administrators, of Payment of the Second Moiety of the Charge for warping the same, give or cause public Notice to be given in the Parish Church of *Frodingham* on some *Sunday* during or immediately after Divine Service, and in One or more of the Newspapers printed and circulated in the said County of *Lincoln*, that the Proprietors of the Lands and Grounds so warped as aforesaid, or their Deputies or Agents, to be appointed in Writing under their Hands, will meet in the Vestry Room of the Parish Church of *Frodingham* aforesaid on some Day or Days to be named therein after the Expiration of Ten Days from the Date of such Notice, then and there to make choice of some Person to be a Special Commissioner for draining the said Lands and Grounds; and it shall be lawful for such Proprietors, or their Deputies or Agents, assembled at any such Meeting or Meetings, or at any Adjournment thereof, to nominate, elect, and appoint some Person, not interested in the said Lands and Grounds, to be a Special Commissioner for the Purpose of making and executing the necessary Cuts, Drains, and Works for draining and protecting from Injury by Floods or Water the said Lands and Grounds; and it shall be lawful for every such Proprietor, or his or their Deputy or Agent appointed as aforesaid and present at such Meeting, to vote in the Election and Appointment of such Special Commissioner; and every such Election and Appointment shall then and from Time to Time be made by a Majority of Votes of the Proprietors present, such Majority to be determined according to the Number of Acres of the Lands belonging to Proprietors voting as aforesaid, and shall be certified in Writing, under the Hands of the Proprietors so voting, in a Book to be provided and kept for that Purpose; and that when any Special Commissioner to be elected or appointed by virtue of this Act shall die, or refuse to act, or become incapable of acting in the Execution of this Act, it shall and may be lawful for the Majority in Number of Acres of the said Proprietors, who shall be assembled together at a Meeting to be convened by any Two or more of them, (by Notice to be given in the said Parish Church and in some Newspaper, subject to the like Regulations as are herein-before mentioned respecting Notices to be given for electing the first Special Commissioner,) to elect and appoint some Person, not interested in the said Lands and Grounds, to be a Special Commissioner in the Place and Stead of the Special Commissioner so dying, or refusing to act, or becoming incapable of acting, in the same Manner in all respects as the Special Commissioner is directed to be elected and appointed in the first instance; and that such Special Commissioner being so elected and appointed shall have and be invested with all and every the like Powers and Authorities to all Intents and Purposes as the Special Commissioner in the Room or Stead of whom he shall be appointed would have had by virtue of this Act if in being and continuing to act in execution of this Act; and every such Special Commissioner shall be paid and allowed such Allowance or Remuneration for his Time, Trouble, and Expences, as the Proprietors by whom he shall be elected and appointed shall think proper, and order to be paid or allowed, and shall be accountable for all Monies coming to

to his Hands by virtue of this Act, and shall be subject to all the same Rules, Regulations, and Restrictions as the Commissioner herein-before named is or might be subject or liable to under the Provisions of this Act or the said recited Act.

LXXVII. Provided always, and be it further enacted, That no Oath. Person shall be capable of acting as a Special Commissioner until he shall have taken and subscribed an Oath, or, being one of the People called *Quakers*, a solemn Affirmation, to the Effect following; (that is to say,)

‘ I *A. B.* do swear, [*or, being one of the People called Quakers, do solemnly affirm,*] That I will faithfully, impartially, and honestly do, execute, and perform the several Duties and Trusts reposed in me as a Special Commissioner under and by virtue of an Act passed in the First and Second Years of the Reign of King *William the Fourth*, intituled [*here set forth the Title of this Act*], according to the best of my Skill and Judgment, and according to Equity and good Conscience, and without Partiality, Favour or Affection, Prejudice or Malice, to any Person or Persons whomsoever.

‘ So help me GOD.’

[*Or, being one of the People called Quakers, omit the Words ‘ So help me God.’*]

Which Oath or Affirmation it shall be lawful for any Justice of the Peace to administer, and he is hereby required to administer the same; and such Oath or Affirmation so taken or made shall be written upon Parchment, and subscribed by the Person taking or making the same, and shall be deposited with the Award of the Commissioner.

LXXVIII. And be it further enacted, That it shall be lawful for the said Special Commissioner to appoint some fit and proper Person to be his Clerk; and in case such Clerk shall die, refuse, neglect, or become incapable to act, then and in every such Case, and when and so often as the same shall happen, the said Special Commissioner shall and may appoint some other fit and proper Person to be his Clerk in the Place and Stead of such Clerk who shall die, refuse, neglect, or become incapable to act; and such Clerk shall be remunerated for his Trouble and Expences by the said Special Commissioner out of the Monies to be by him raised, subject to the Rules, Regulations, and Restrictions herein provided in respect of the Clerk to be appointed by the Commissioner of Inclosure and Drainage appointed by or in pursuance of this Act.

Special Commissioner may appoint a Clerk.

LXXIX. And be it further enacted, That the said Special Commissioner shall and he is hereby authorized and empowered (by such Agents, Workmen, and Labourers as he shall think fit to employ,) to enlarge, scour out, widen, or make deeper all or any of the Cuts, Drains, Ditches, Sewers, Watercourses, Sluices, and Tunnels which at the Time of his Election and Appointment shall be in and upon any of the Lands and Grounds by this Act directed to be set out to be warped, and to enlarge, raise, alter, improve, or rebuild all or any

Power for draining the warped Lands.

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of the Bridges, Cloughs, Arches, Banks, or other Works which shall then be already made within or upon the same, and also to set out, cut, erect, appoint, and make such new Cuts, Ditches, Drains, Sewers, Watercourses, Dams, Headings, Banks, Tunnels, Sluices, Outlets, Gates, Engines, Cloughs, Mills, Bridges, and other Works, as he shall judge necessary for effectually draining the same Lands and Grounds, in, through, and over the same Lands and Grounds or any Part or Parts thereof, (except Gardens, Orchards, and Homesteads,) and also in, through, over, and upon the Banks of the River *Trent* (making reasonable Recompence and Satisfaction in Money to the Owners of any inclosed Lands for the Value of the Ground cut, covered, taken, or otherwise used for any of the Purposes aforesaid, and also to the said *Charles Winn*, his Executors or Administrators, in respect of any Cuts, Drains, or Works by him or them to be made or improved in pursuance of this Act for effecting such warping as aforesaid, in case the said Special Commissioner shall make use of the same, or any of them, for the Purposes of such Drainage, and also making full Compensation to such Owner or Owners or other Person or Persons who may be prejudiced by any of such Works or in consequence thereof, for all Injury, Loss, or Damage occasioned by the making of such Works, or by or through Means thereof); and the said Works shall be of such Dimensions and in such Courses and Directions as the said Special Commissioner shall think proper and expedient for effecting the Purposes aforesaid, and for protecting and defending the said Lands and Grounds from the Upland Water; and for effecting such Purposes, the said Special Commissioner shall be and he is hereby invested with all and every the Powers and Authorities by this Act or the said recited Acts given to or vested in the Commissioner of Inclosure and Drainage named in or to be appointed by virtue of this Act, as well for purchasing, taking, and using Lands, and making and executing such Works of Drainage, as for rating, assessing, levying, and recovering all the Costs, Charges, and Expences incurred or occasioned by or consequent upon the making and completing the same; and the future Repairs and Maintenance of such Drains and Works shall be done and effected according to the Provisions of this Act for the Repair and Maintenance of the other Drains and Works of Drainage to be made or executed in pursuance of this Act.

Expences of
Drainage of
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Lands how
to be paid.

LXXX. And be it further enacted, That all the Charges and Expences incident to and attending the making and completing the said last-mentioned Works of Drainage, and all the Costs, Charges, and Expences of the said Special Commissioner, his Assistants and Labourers, or which shall be incurred or occasioned or consequent upon the Execution of the said Works of Drainage, or the Execution of this Act in respect thereof, shall be borne and defrayed by all the Proprietors of or Persons interested in the Lands and Grounds by this Act directed to be divided and inclosed and drained, and all the Persons entitled to or interested in the ancient and other inclosed Lands which shall be exonerated from Payment of Tithes, Moduses and customary Payments in lieu of Tithes (save and except the said *Charles Winn*, in respect of the Allotment or Allotments to be made to him in lieu and satisfaction of his Right to the Soil of the said

Commonable

Commonable Lands and Waste Grounds as herein-before directed, and except the said Impropiator and Vicar for the Time being respectively, for and in respect of any Allotment or Allotments which shall be made to them respectively as Impropiator and Vicar as aforesaid); and the said Charges and Expences shall be paid in such Shares and Proportions as shall be settled, adjusted, and determined by the said Special Commissioner, consistently with such Directions as shall be contained in the Award to be made in pursuance of this Act by the Commissioner of Inclosure and Drainage with relation thereto; and in case any Person subject to the Payment of any Money towards the said Costs, Charges, and Expences as aforesaid, shall neglect or refuse to pay his or her Share or Proportion thereof within the Time to be appointed as aforesaid, the said Special Commissioner shall have the same Powers and Remedies for recovering and compelling Payment of the same by Distress and Sale of the Goods and Chattels of the Owner or Proprietor or Owners or Proprietors of the Lands or Grounds charged therewith, or of his, her, or their Husbands, Guardians, Trustees, Committees, or Attornies, wheresoever the same shall be found, and by entering upon and taking possession of the Lands and Grounds charged therewith, and taking the Rents and Profits thereof, as the Commissioner of Inclosure and Drainage will, under or by virtue of the said first-recited Act, have and enjoy for the recovering and compelling Payment of any Proportion of the Charges and Expences of carrying this Act and the said recited Acts into execution.

LXXXI. And be it further enacted, That it shall and may be lawful to and for all and every Person and Persons who shall be Tenants for Life or in Tail or for Years, and for the Husbands, Guardians, Trustees, Committees, or Attornies of all and every Person or Persons being under Coverture, Minors, Lunatic, or beyond the Seas, or otherwise incapable to act for themselves, and whose Lands or Grounds shall respectively be warped or improved in pursuance of this Act, by Writing under his or their Hand and Seal or Hands and Seals, to charge the several Lands or Grounds which shall be so warped or improved, or any Part thereof, with any Sum or Sums of Money, not exceeding the aforesaid Sum of Twenty Pounds for every Acre of Land and Ground so to be warped and improved as aforesaid, in order to be applied and disposed of for and towards paying and defraying their respective Shares and Proportions of the Charges and Expences attending such warping and Improvement as aforesaid, and, for securing the Repayment of the said Sum or 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 as 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 as in every such Grant and 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

Enabling
Tenants for
Life, &c. to
borrow Mo-
ney to pay
the Warping
Rate.

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 seised of such Lands or Grounds 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 Six Calendar Months preceding the Time that the Title to such Possession shall have commenced; and every such Grant, Lease, Mortgage, Assignment, Appointment, and Devise or Charge shall be good, valid, and effectual in the Law, for the Purposes thereby intended.

Persons ag-
grieved may
appeal to
the Quarter
Sessions.

LXXXII. And be it further enacted, That if any Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, shall think himself, herself, or themselves aggrieved by any thing done or omitted to be done in pursuance of or contrary to this Act or the said recited Acts, or either of them, either touching the Costs, Charges, or Expences of executing the same or any of them, the Quantity, Quality, or Situation of any Allotment or Allotments, any Determination of the said Commissioner or the said Special Commissioner, or other Act, Deed, Neglect, Omission, or Matter whatsoever in anywise relating to, concerning, or arising in consequence of the said intended Allotment, Division, and Inclosure, or Drainage, or the future Maintenance of the Works of Drainage, (except as to such Claims, Matters, and Things as are herein-before directed or authorized to be tried, settled, or determined by the Verdict of a Jury, or by the Engineers or Umpire with respect to warping, or where by any of the Clauses or Provisions of the said recited Acts or of this Act the Determination of the said Commissioner is declared or directed to be final and conclusive,) he, she, or they may appeal to any General or Quarter Sessions of the Peace, or Adjournment thereof, which shall be holden for the Division of *Lindsey* aforesaid within Three Calendar Months next after the Cause of Complaint shall have arisen, such Appellant or Appellants first giving to the said Commissioner or Special Commissioner, or to their Clerk, or to the Person or Persons against whose Act such Appeal shall be made, and to the Party or Parties interested therein, Ten Days Notice at least in Writing of such Appeal and of the Matter thereof; (except with respect to the Accounts of the said Commissioner, which, notwithstanding the same shall have been examined and balanced and published as aforesaid, may be appealed against at any Time within Six Calendar Months after the depositing of the said Award, on giving to the said Commissioner or his Clerk such Notice as last aforesaid;) and the Justices, not interested in the Premises, in the said General or Quarter Sessions, are hereby empowered and required to hear and determine the Matter of every such Appeal, and to make such Order therein, and award such Costs, as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Surplus (if any), upon Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges and Expences of every such Distress and Sale; which
Determination

Determination of the said Justices shall be final and conclusive, and shall not be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without any Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants as to the said Justices in their Discretion shall seem reasonable, and such Costs shall be levied in manner aforesaid.

LXXXIII. And be it further enacted, That nothing herein contained shall prejudice, lessen, or defeat the Right, Title, or Interest of the said Lord or Lady or Lords or Ladies for the Time being of the said Manor and Soke of *Kirton in Lindsey* aforesaid, or of the said *Charles Winn*, his Heirs or Assigns, of, in, and to the Royalties and Seignorial Rights incident or belonging thereto, but that they and each and every of them shall and may, according to their several and respective Rights and Interests therein, from Time to Time and at all Times hereafter hold and enjoy the same, and all Pasche Fines, Fines for Beaupleader, Fines upon Descent and Alienation, and other Fines, Rents, Heriots, Tolls, Duties, Issues, Amerciaments, Customs, Coustom Works and Services, and all Sokemote, Wapentake, or ancient Demesne Courts, Courts Leet, Courts Baron, and other Courts, and the Perquisites and Profits thereof, Right of Fishery in the Water of *Trent* and other Fisheries, Free Warrens, Chases, Liberty of hunting, hawking, fishing, and fowling within the said Lands and Grounds or any of them, and elsewhere, and all Fairs, Marts, Markets, Stallage, Goods and Chattels of Felons and Fugitives, Felons of themselves and Persons outlawed, Deodands, Treasure Trove, Mines, Minerals, and Quarries, within, upon, or under any of the said Commonable and Waste Lands and elsewhere, Waifs, Estrays, Escheats, Forfeitures, Rights, Royalties, Pleas, Jurisdictions, Franchises, Privileges, Immunities, Matters, and Things whatsoever to the said Manor and Soke belonging or appertaining, (other than and except such as are intended to be barred, destroyed, and extinguished by virtue of this Act,) in as full, ample, extensive, and beneficial a Manner as he, she, or they could or might have held and enjoyed the same in case this Act had not been made, subject nevertheless to the Terms and Interests of any Person or Persons in any of such several Royalties under any Lease or Demise now existing.

Saving of
Rights to the
Lord and
Lady of
Kirton
Seignory.

LXXXIV. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all other Persons, Bodies Politic, Corporate, and Collegiate, his, her, and their respective Heirs, Successors, Executors, Administrators, and Assigns, all such Estates, Rights, Titles, and Interests (other than and except such as are meant and intended to be barred, destroyed, extinguished, or affected by virtue of this Act,) as He, they, every or any of them could or might have held and enjoyed in, to, or out of the Lands and Grounds by this Act directed to be divided and inclosed, in case this Act had not been passed.

General
Saving.

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LXXXV. And

Act to be
printed by
the King's
Printers.

LXXXV. And be it further enacted, That this Act shall be printed by the several Printers to the King's most Excellent Majesty duly authorized to print the Statutes of the United Kingdom; and a Copy thereof, so printed by any of them, shall be admitted as Evidence thereof by all Judges, Justices, and others.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1831.