ANNO TRICESIMO QUINTO

Georgii III. Regis.

CAP. CVII.

An Act for dividing, allotting, incloſing, draining, and improving, the Commons and Waſte Grounds within the ſeveral Pariſhes of *Epworth*, *Haxey*, *Belton*, and *Owſton*, in the Iſle of *Axholme*, in the County of *Lincoln*; and alſo for making a Compenſation for the Tythes ariſing from the ſaid Commons, and from certain other Lands within the ſaid Pariſhes. [22d *June* 1795.]

WHEREAS there are within the ſeveral Manors of *Epworth*, *Weſtwood* (Parcel of the ſaid Manor of *Epworth*), *Haxeyhallgarth*, and *Growle*, and the ſeveral Pariſhes of *Epworth*, *Haxey*, *Belton*, and *Owſton*, in the County of *Lincoln*, ſeveral large Tracts of Common or Waſte Ground, known by the Name of *The Iſle Commons*, containing in the Whole Twelve thouſand Acres, or thereabouts, whereon the Owners of ancient Meſſuages, Cottages, and Tofts, Lands and Tenements, in the ſeveral Pariſhes of *Epworth*, *Haxey*, *Belton*, and *Owſton* aforeſaid, have for Time immemorial enjoyed a Right of Common: And whereas the King's moſt Excellent Majeſty is Lord of the ſaid ſeveral Manors of *Epworth* and *Weſtwood*, and is alſo Owner of ſeveral Meſſuages or Tofts, Lands and Tenements, within the ſaid Manors, and the Right Preamble.

Honourable *Henry Frederick* Lord *Carteret* is Leſſee thereof, by virtue of a Leaſe for a certain Term of Years granted to him of the ſame: And whereas the Moſt Reverend Father in God *William* Lord Archbiſhop of *York*, in Right of his See, is ſeiſed of the ſaid Manor of *Haxeyhall garth*, and is alſo Owner of ſeveral Meſſuages or Tofts, Lands and Tenements, in *Haxey* and *Owſton* aforeſaid, and *Joſeph Marris* Gentleman is Leſſee thereof for Three Lives, by virtue of a Leaſe granted to him of the ſame by the ſaid Archbiſhop of *York*: And whereas *Charles Pierrepont* Eſquire is ſeiſed of the ſaid Manor of *Crowle*, and is alſo Owner of ſeveral Meſſuages or Tofts, Lands and Tenements, in *Belton* aforeſaid: And whereas the King's moſt Excellent Majeſty is Patron of the Rectory and Pariſh Church of *Epworth* aforeſaid, and *John Robinſon* Clerk, Maſter of Arts, is Rector of the ſaid Pariſh and Pariſh Church, and as ſuch is entitled to all the Great and Small Tythes ariſing within the ſaid Pariſh of *Epworth*, and likewiſe to a Rectory Houſe and Glebe Lands at *Epworth* aforeſaid: And whereas the ſaid *William* Lord Archbiſhop of *York*, in Right of his See, is alſo Impropriator of the Rectory of *Haxey* aforeſaid, and the ſaid *Joſeph Marris* is Leſſee of the ſaid Rectory of *Haxey* for Three Lives, by virtue of a Leaſe granted to him of the ſame by the ſaid Archbiſhop, and the ſaid Archbiſhop, in Right of his See, is alſo Patron of the Vicarage of *Haxey* aforeſaid, and the ſaid Archbiſhop, and the ſaid *Joſeph Marris* as his Leſſee, are entitled to all the Tythes of Corn, Grain, Hay, and Clover, growing, renewing, or ariſing, within the tytheable Parts of the ſaid Pariſh of *Haxey* (except only within ſuch Part of *Weſtwood*, in the ſaid Pariſh of *Haxey*, as is herein-after mentioned to belong to the Vicar of *Haxey* aforeſaid); and alſo to certain Meſſuages or Tofts and Glebe Lands in *Haxey* aforeſaid; and the Reverend *John Lamb* Clerk is Vicar of the ſaid Pariſh of *Haxey*, and as ſuch is entitled to a Vicarage Houſe, and certain Glebe Lands in the ſaid Pariſh of *Haxey*; and the ſaid *John Lamb* is likewiſe entitled to all Great and Small Tythes, ariſing from a certain Portion of Land in *Weſtwood*, within the Pariſh of *Haxey* aforeſaid, containing by Eſtimation about One hundred and eighty Acres, and alſo to the Tythes of Wool and Lamb, and all Vicarial Tythes, growing, renewing, or ariſing, within the Whole of the Pariſh of *Haxey* aforeſaid: And whereas the ſaid Archbiſhop of *York*, in Right of his See, is alſo Impropriator of the Rectory of *Owſton* aforeſaid, and the ſaid *Joſeph Marris* is Leſſee of the ſaid Rectory of *Owſton* for Three Lives, by virtue of a Leaſe granted to him of the ſame by the ſaid Archbiſhop; and the ſaid Archbiſhop, in Right of his See, is alſo Patron of the Vicarage of the Pariſh Church of *Owſton* aforeſaid; and the ſaid Archbiſhop, and the ſaid *Joſeph Marris* as his Leſſee, are entitled to all the Great and Small Tythes and Eccleſiaſtical Dues, growing, renewing, or ariſing, within the tytheable Parts of the ſaid Pariſh of *Owſton*, (except only the Surplice Fees which belong to the Vicar of *Owſton* aforeſaid), and alſo except the Tythes of Hemp and Line, growing, renewing, or ariſing, within the ſaid Pariſh of *Owſton*, which belong to the ſaid Archbiſhop; and *William Baker* Eſquire is Leſſee thereof for a certain Term of Years, by virtue of a Leaſe granted to the ſaid *William Baker* of the ſaid Tythes of Hemp and Line by the ſaid Archbiſhop; and the ſaid Archbiſhop, and the ſaid *Joſeph Marris* as his Leſſee, are alſo entitled to certain Meſſuages, or Tofts and Glebe Lands, in *Owſton* aforeſaid; and the Reverend *Thomas Clark* Clerk is Vicar of the ſaid Pariſh of *Owſton*, and as

ſuch is entitled to a Vicarage Houſe and ſome Glebe Lands in the ſaid Pariſh of *Owſton*, and alſo to the Surplice Fees ariſing within the ſame Pariſh: And whereas the Mayor, Sheriffs, Citizens, and Commonalty, of the City of *Lincoln*, are Impropriators of the Rectory of *Belton*, and are entitled to all the Great and Small Tythes and Eccleſiaſtical Dues growing, renewing, or ariſing, within the tytheable Parts of the ſaid Pariſh of *Belton*, (except only the Surplice Fees, which belong to the Reverend *Joſeph Robinſon* Clerk, Curate of *Belton* aforeſaid), and are alſo entitled to ſome Meſſuages, or Tofts and Glebe Lands, in *Belton* aforeſaid; and the ſaid *Joſeph Robinſon* is Curate of the Perpetual Curacy of *Belton* aforeſaid, by the Appointment of the ſaid Corporate Body, and as ſuch is entitled to a Meſſuage and Croft in *Belton* aforeſaid, and alſo to the Surplice Fees ariſing within the ſaid Pariſh of *Belton*: And whereas Sir *John Sheffield* Baronet, *Alan Johnſon*, *Cornelius Stovin*, *Jonathan Acklom*, *William Johnſon*, *Richard Ryther*, *Popplewell Steer*, and *John Henry Maw*, Eſquires, the Reverend *Robert Pindar* Clerk, *Gervas Woodhouſe*, *William Gibſon*, *Robert Maw*, *Simon Maw*, and *Richard Maw*, Gentlemen, and ſeveral other Perſons, as Owners of divers ancient Meſſuages, Cottages, and Tofts, Lands and Tenements, in the ſeveral Pariſhes of *Epworth*, *Haxey*, *Belton*, and *Owſton* aforeſaid, are reſpectively entitled to Rights of Common and Turbary upon the Whole of the ſaid Commons and Waſte Grounds, in different Proportions: And whereas the ſaid Commons and Waſte Grounds, in their preſent State, are incapable of much Improvement, being ſubject to be overflowed by divers Streams of Water, and alſo by heavy Rains, by Reaſon of the level Situation thereof, whereby the ſame are rendered leſs ſerviceable and uſeful to the ſeveral Perſons entitled to Right of Common thereon, and it would be of great Advantage to the ſeveral Proprietors, and beneficial to the Publick, if the ſaid Commons and Waſte Grounds were effectually drained, divided, and incloſed, and ſpecifick Parts allotted to the ſeveral Perſons intereſted therein, in Proportion to their reſpective Properties, Rights of Common, and other Intereſts therein, and Satisfaction made for the Tythes of the ſaid Commons and Waſte Grounds, and for certain other Lands within the ſaid Pariſhes, in Manner herein-after mentioned: But as the ſame cannot be effectually carried into Execution to anſwer the Intention of the Parties, without the Aid and Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That all the Commons and Waſte Grounds lying and being within the ſeveral and reſpective Pariſhes of *Epworth*, *Haxey*, *Belton*, and *Owſton* aforeſaid, ſhall be divided, ſet out, and allotted, into Four parochial Diviſions, by *Thomas Stone* of *Gray's Inn*, in the County of *Middleſex*, *Richard Clark* of *Rothwell Haigh* in the County of *York*, *Benjamin Codd* of *Glentworth* in the ſaid County of *Lincoln*, *Thomas Fletcher* of *Whitwell* in the County of *Derby*, *Francis Raynes* the Elder of *Everton* in the ſaid County of *Nottingham*, *Samuel Turner* of *Gamcringham* in the ſaid County of *Lincoln*, *Thomas Mould* of *Knedlington* in the ſaid County of *York*, *Richard Mitton* of *Spittle Hardwick* in the ſaid County of *York*, and *William Whitelock* of *Brotherton* in the ſaid County of *York*, Gentlemen, and their Succeſſors, to be elected in

General Commiſſioners appointed.

Manner herein-after mentioned, and they and their Succeſſors ſhall be, and they are hereby appointed General Commiſſioners for dividing, ſetting out, and allotting, the ſaid Commons and Waſte Grounds into Four Parts and Shares, and for draining and improving the ſame, and for other the Purpoſes herein-after particularly mentioned, in order that the ſeparate Part and Share of each Pariſh therein may, in the Firſt Place, be fixed and determined, and a parochial Diviſion and Allotment made thereof by the ſaid General Commiſſioners, in Proportion and according to the Number of Common Rights, Meſſuages, Cottages, or Tofts, and the Value of the ſeveral Lands and Eſtates lying in each Pariſh, and for ſuch other Purpoſes as herein-after expreſſed; and that ſuch Part or Share of the ſaid Commons and Waſte Grounds as ſhall, by the ſaid General Commiſſioners, be ſet out and allotted as the Share and Proportion of and for the Pariſh of *Epworth* aforeſaid, (after the parochial Diviſion and Allotment herein-before directed to be made), ſhall be divided, allotted, and incloſed, by the ſaid *Thomas Stone*, *Richard Clark*, and *Benjamin Codd*, and their Succeſſors, to be elected in Manner herein-after mentioned, and they and their Succeſſors ſhall be, and they are hereby appointed Special Commiſſioners for dividing, allotting, and incloſing, ſuch Part of the ſaid Commons and Waſte Grounds as ſhall be ſo ſet out and allotted by the ſaid General Commiſſioners as the Share and Proportion of and for the ſaid Pariſh of *Epworth*, and for putting this Act into Execution, in the Manner, and ſubject to the Rules, Orders, and Directions, herein-after contained; and that ſuch Part or Share of the ſaid Commons and Waſte Grounds as ſhall, by the ſaid General Commiſſioners, be ſet out and allotted as the Share and Proportion of and for the Pariſh of *Haxey* aforeſaid, (after the parochial Diviſion and Allotment herein-before directed to be made), ſhall be divided, allotted, and incloſed, by the ſaid *Thomas Stone*, *Thomas Fletcher*, and *Francis Raynes*, and their Succeſſors, to be elected in Manner herein-after mentioned, and they and their Succeſſors ſhall be, and they are hereby appointed Special Commiſſioners for dividing, allotting, and incloſing, ſuch Part of the ſaid Commons and Waſte Grounds as ſhall be ſo ſet out and allotted by the ſaid General Commiſſioners as the Share and Proportion of and for the ſaid Pariſh of *Haxey*, and for putting this Act into Execution, in the Manner, and ſubject to the Rules, Orders, and Directions, herein-after contained; and that ſuch Part or Share of the ſaid Commons and Waſte Grounds as ſhall, by the ſaid General Commiſſioners, be ſet out and allotted as the Share and Proportion of and for the Pariſh of *Belton* aforeſaid, (after the parochial Diviſion and Allotment herein-before directed to be made), ſhall be divided, allotted, and incloſed, by the ſaid *Thomas Stone*, *Samuel Turner*, and *Thomas Mould*, and their Succeſſors, to be elected in Manner herein-after mentioned, and they and their Succeſſors ſhall be, and they are hereby appointed Special Commiſſioners for dividing, allotting, and incloſing, ſuch Part of the ſaid Commons and Waſte Grounds as ſhall be ſo ſet out and allotted by the ſaid General Commiſſioners as the Share and Proportion of and for the ſaid Pariſh of *Belton*, and for putting this Act into Execution, in the Manner, and ſubject to the Rules, Orders, and Directions, herein-after contained; and that ſuch Part or Share of the ſaid Commons and Waſte Grounds as ſhall, by the ſaid General Commiſſioners be ſet out and allotted as the Share and Proportion of and for the Pariſh of *Owſton* aforeſaid, (after the parochial Diviſion and Allotment

Three of the General Commiſſioners appointed Special Commiſſioners for *Epworth*;

the like for *Haxey*;

the like for *Belton*;

the like for *Owſton*;

lotment herein-before directed to be made), shall be divided, allotted, and inclosed, by the said *Thomas Stone*, *Richard Mitton*, and *William Whitelock*, and their Successors, to be elected in Manner herein-after mentioned, and they and their Successors shall be, and they are hereby appointed Special Commissioners for dividing, allotting, and inclosing, such Part of the said Commons and Waste Grounds as shall be so set out and allotted by the said General Commissioners as the Share and Proportion of and for the said Parish of *Owston*, and for putting this Act into Execution, in the Manner, and subject to the Rules, Orders, and Directions, herein-after contained.

Five General Commissioners may act.

II. And be it further enacted, That it shall be lawful for any Five or more of the said Nine General Commissioners, or their Successors, to be elected as herein-after mentioned, to do and perform every Act, Matter, and Thing, authorized to be done by them in pursuance of this Act, and to enforce such Powers and Authorities as are hereby given to and vested in them, as fully and effectually as if every such Power and Authority had been separately given to and vested in the said General Commissioners and their Successors as aforesaid, or any Five or more of them, by express Words throughout this Act; and the said General Commissioners may adjourn from Time to Time; and if Five of the said General Commissioners shall not appear at any Meeting in pursuance of this Act, then, and in such Case, any One of the General Commissioners then present may adjourn such Meeting to a future Day, not exceeding Fourteen Days from the Time of Adjournment, and shall give Notice thereof to the absent General Commissioners, any Thing herein contained to the contrary notwithstanding; and that it shall and may be lawful to and for any Two or more of the said Special Commissioners, or their Successors, to be elected as herein-after mentioned, to do and perform every Act, Matter, and Thing, authorized to be done by them in pursuance of this Act, and to enforce such Powers and Authorities as are hereby given to and vested in them, as fully and effectually as if every such Power and Authority had been separately given to and vested in the said Special Commissioners, and their Successors, as aforesaid, or any Two or more of them, by express Words throughout this Act; and that the said Special Commissioners may adjourn from Time to Time; and if Two of the said Special Commissioners shall not appear at any Meeting in pursuance of this Act, then, and in such Case, any One of the said Special Commissioners then present may adjourn such Meeting to a future Day, not exceeding Fourteen Days from the Time of Adjournment, and shall give Notice thereof to the absent Special Commissioners; any Thing herein contained to the contrary notwithstanding.

Two Special Commissioners may act.

Special Commissioners dissatisfied may appeal to the Nine General Commissioners.

III. Provided always, That if any One of the said Three Special Commissioners appointed to act for any One of the said several Parishes of *Epworth*, *Haxey*, *Belton*, and *Owston* aforesaid, shall be dissatisfied with any Thing determined by the other Two Special Commissioners, who shall be nominated for such Parish in pursuance of this Act, it shall and may be lawful for such One of the said Three Special Commissioners so dissatisfied as aforesaid to appeal to the Remainder of the said General Commissioners, and the Cause of his Complaint or Dissatisfaction being made known, it shall be lawful for such other General Commissioners to determine and settle such Difference between the said Special Commissioners,

missioners, and their Determination in the Premises shall be binding and conclusive unto and upon all Parties, provided that every such Appeal shall be made in Writing, under the Hands of such One of the said Three Special Commissioners so dissatisfied, and delivered to the said other General Commissioners, within Ten Days after the Cause of Appeal shall arise.

New Commissioners to be appointed upon Vacancies.

IV. And be it further enacted, That if the said *Thomas Stone*, or any Commissioner to be appointed in his Stead, as herein-after mentioned, shall die, refuse, or be disabled to act, then, and in every such Case, it shall be lawful for the said *Henry Frederick* Lord *Carteret*, or His Majesty's Lessee of the several Manors of *Epworth* and *Westwood* aforesaid for the Time being, with the Consent and Approbation of the Surveyor General of His Majesty's Land Revenue for the Time being, within Two Calendar Months next after such Death, Refusal, or Disability, shall be signified in Writing to the said Lord *Carteret*, or such Lessee, by the surviving or remaining Commissioners, or any of them, to elect and appoint a new Commissioner, not interested in the said Inclosure, in the Stead of such Commissioner so dying, refusing, or becoming disabled to act; and if the said *Benjamin Codd*, the Commissioner appointed by the said Parish of *Epworth*, the said *Francis Raynel*, the Commissioner appointed by the said Parish of *Haxey*, the said *Thomas Mould*, the Commissioner appointed by the said Parish of *Belton*, or the said *William Whitelock*, the Commissioner appointed by the said Parish of *Owston*, or any One of them, or any Commissioner to be appointed in their or any of their Steads as herein-after mentioned, shall die, refuse, or become disabled to act, then, and in every such Case, it shall be lawful for the major Part in Value of the Proprietors of Common Right, Houses, and Lands, within such of the said Four Parishes wherein such Vacancy shall happen, who shall be present at any Meeting convened for that Purpose, within Two Calendar Months after such Death, Refusal, or Disability, to elect and appoint a new Commissioner, not interested in the said Inclosure, in the Stead of such Commissioner so dying, refusing, or becoming disabled to act, of which Meeting Ten Days Notice at least shall be fixed upon the most publick Church Door of the Parish or Parishes by whom such new Commissioner or new Commissioners are intended to be chosen; and also, if the said *Richard Clark*, *Thomas Fletcher*, *Samuel Turner*, and *Richard Mitton*, the Commissioners appointed by the said Tythe Owners respectively, or any One of them, or any Commissioner to be appointed in their or any of their Steads, as herein-after mentioned, shall die, refuse, or become disabled to act, then, and in every such Case, it shall be lawful for the said *John Robinson* and his Successors, in case the Vacancy shall happen as to the Commissioner appointed by him, or them, and for the said Archbishop of *York* and his Successors, and his or their Lessee or Lessees for the Time being of the said Rectories of *Haxey* and *Owston*, in case the Vacancy shall happen as to the Commissioners appointed by them, and for the Mayor of *Lincoln* for the Time being, in case the Vacancy shall happen as to the Commissioner appointed by the said Corporate Body, within Two Calendar Months after such Death, Refusal, or Disability, shall be signified to them in Writing by the surviving or remaining Commissioners, or any of them, to elect and appoint a new Commissioner, not interested in the said Inclosure, in the Stead of every such Commissioner so dying,

dying, refuſing, or becoming diſabled to act; and every ſuch Election and Appointment of a new Commiſſioner, ſhall be reduced into Writing, and ſigned and ſealed by the Perſon or Perſons making ſuch Election and Appointment, and ſhall be delivered to the ſurviving or remaining Commiſſioners or Commiſſioner; and in caſe the ſaid reſpective Parties, or any of them, ſhall make Default in appointing any ſuch new Commiſſioner within Two Calendar Months next after any ſuch Death, Refuſal, or Incapacity ſhall happen, and be known and ſignified to them reſpectively as aforeſaid, then the Survivors or others of the ſaid Nine General Commiſſioners ſhall, and they are hereby required, from Time to Time, by Writing under their Hands and Seals, Fourteen Days after the Expiration of the ſaid Two Calendar Months allowed to the reſpective Parties for naming ſuch new Commiſſioner or Commiſſioners by them reſpectively as aforeſaid, to appoint One other Commiſſioner, not intereſted in the ſaid Incloſure, in the Place of ſuch Commiſſioner ſo dying, refuſing to act, or becoming incapacitated; and every ſuch new Commiſſioner ſo to be appointed, having firſt taken and ſubſcribed the Oath herein-after preſcribed to be adminiſtered to him by ſuch ſurviving or remaining Commiſſioner or Commiſſioners, ſhall have the like Powers and Authorities for putting this Act into Execution, in all Reſpects whatſoever, as the Commiſſioner in whoſe Place he ſhall have been ſo appointed and choſen was inveſted with by virtue of this Act.

If Vacancies of Commiſſioners are not filled up by Proprietors in Two Months, the remaining Commiſſioners to elect.

V. And be it further enacted, That *Joſeph Young* of *Carlton Lindrick*, in the County of *Nottingham*, and *Jonathan Teale* of *Leeds*, in the County of *York*, Land Surveyors, ſhall be and are hereby appointed Surveyors for executing the ſeveral Powers and Authorities hereby veſted in them by this Act, and in caſe of either of their Deaths, Refuſal, or Diſability to act, then ſuch other Perſon or Perſons as the ſaid General Commiſſioners ſhall direct and appoint to act in their Places and Steads ſhall be the Surveyors for the Purpoſes of this Act, ſuch Appointment to be reduced into Writing, and ſigned and ſealed by the Perſons making the ſame.

Appointment of Two Surveyors.

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

Commiſſioners and Surveyors to be ſworn.

'I do ſwear, That I will faithfully, impartially, and honeſtly, according to the beſt of my Skill and Ability, execute and perform the ſeveral Truſts, Powers, and Authorities, veſted and repoſed in me as a Commiſſioner [*or* Surveyor, *as the Caſe may be*], by virtue of an Act *for dividing, allotting, incloſing, draining, and improving, the Commons and Waſte Grounds, within the ſeveral Pariſhes of* Epworth, Haxey, Belton, *and* Owſton, *in the Iſle of* Axholme, *in the County of* Lincoln, *and alſo for making a Compenſation for the Tythes ariſing from the ſaid Commons, and from certain other Lands within the ſaid Pariſhes*, according to Equity and good Conſcience, and without Favour or Affection, Prejudice, or Partiality, to any Perſon or Perſons whomſoever.

'So help me GOD.'

Which Oath it ſhall be lawful for any One of the ſaid Commiſſioners to adminiſter, and he is hereby required to adminiſter the ſame to any other of the ſaid Commiſſioners, and alſo to the Surveyor or Surveyors; and the ſaid Oath, ſo taken and ſubſcribed by each Commiſſioner, and by the Surveyor or Surveyors, and alſo the Inſtrument of Appointment of every new Commiſſioner or Commiſſioners, Surveyor or Surveyors, if any ſuch there ſhall be, with the like Oath to be taken by him or them, ſhall be inrolled with the Commiſſioners Award herein-after directed to be made, and ſhall be deemed legal Evidence.

Commiſſioners declining to act to give Notice.

VII. And be it further enacted, That every Commiſſioner who ſhall refuſe or decline to act as aforeſaid ſhall, and he is hereby required forthwith to give Notice of his Intention to refuſe or decline acting as a Commiſſioner, in like Manner as Notices of Meetings from the ſaid Commiſſioners are hereby required to be given.

Commiſſioners to give Notice of Meetings.

VIII. And be it further enacted, That the ſaid General Commiſſioners ſhall cauſe publick Notice to be given in the ſeveral Pariſh Churches of *Epworth*, *Haxey*, *Belton*, and *Owſton* aforeſaid, upon ſome *Sunday*, immediately after Divine Service, or by Writing under their Hands, to be affixed on One of the moſt publick Doors of the ſeveral Churches aforeſaid, and alſo by Advertiſement to be inſerted in ſome Newſpaper circulating in the ſaid County of *Lincoln*, of the Time and Place of their Firſt and every ſubſequent Meeting for the Execution of this Act, Ten Days at leaſt before any ſuch Meeting of the ſaid General Commiſſioners ſhall be holden (Meetings by Adjournment only excepted); and that the ſaid Special Commiſſioners ſhall alſo cauſe publick Notice to be given in ſuch of the ſaid ſeveral Churches belonging to the Pariſh or Pariſhes for which they are hereby reſpectively appointed and empowered to act, upon ſome *Sunday*, immediately after Divine Service, or by Writing under their Hands, on One of the moſt publick Doors of the ſaid reſpective Church, and alſo by Advertiſement to be inſerted in ſome Newſpaper circulating in the ſaid County of *Lincoln*, of the Time and Place of their Firſt and every ſubſequent Meeting for the Execution of this Act, Ten Days at leaſt before any ſuch Meeting of the ſaid Special Commiſſioners ſhall be holden (Meetings by Adjournment only excepted).

Commiſſioners Allowance.

IX. And be it further enacted, That out of the Money that ſhall be raiſed for defraying the Expences of obtaining and executing this Act there ſhall be paid to each of the ſaid Commiſſioners, as a Recompence for his Pains and Trouble, the Sum of Two Guineas and no more, for each Day he ſhall be employed in travelling to, returning from, and attending in, the Execution of this Act; and that the ſaid Commiſſioners ſhall defray their travelling Expences, and alſo their own Expences, at all Meetings to be held in purſuance of this Act: Provided always, that every Proprietor or other Perſon in any Manner intereſted in the Lands and Grounds to be divided and incloſed by virtue of this Act ſhall at ſuch Meeting pay and diſcharge his own Expences.

The Boundaries to be perambulated.

X. And whereas Diſputes may ariſe touching the Boundaries of the ſaid Commons and Waſte Grounds, within the ſaid ſeveral Pariſhes of *Epworth*, *Haxey*, *Belton*, and *Owſton* aforeſaid, where the ſame adjoin to any other Townſhips, Pariſhes, or Liberties, be it therefore enacted, That

That the ſaid General Commiſſioners ſhall, as ſoon as conveniently may be after the paſſing of this Act, fix and appoint ſome Day or Days for perambulating the Boundaries of the ſaid Commons and Waſte Grounds, where the ſame adjoin to any other Townſhips, Pariſhes, or Liberties, and ſhall, at leaſt Ten Days before the Time appointed for ſuch Perambulation, give Notice of the Time and Place of beginning the ſame, in the ſeveral Pariſh Churches of *Epworth*, *Haxey*, *Belton*, and *Owſton* aforeſaid, immediately after Divine Service, or by Writing under their Hands affixed on One of the moſt publick Doors of the ſeveral Churches aforeſaid, and alſo by Advertiſement to be inſerted in ſome Newſpaper circulating in the ſaid County of *Lincoln*, ſo that all Perſons intereſted or concerned therein may have an Opportunity of attending the ſaid General Commiſſioners upon ſuch Perambulation of the ſaid Boundaries, the better to enable them to fix and aſcertain the ſame; and after ſuch Notice the ſaid General Commiſſioners ſhall, and they are hereby authorized and required to make ſuch Perambulation as aforeſaid, and thereby, and alſo by Examination of Witneſſes upon Oath, if they ſhall think neceſſary (which Oath any One or more of the ſaid Commiſſioners ſhall, and he and they is and are hereby empowered to adminiſter), and by ſuch other legal Ways and Means as they ſhall think proper, to aſcertain, fix, and ſettle, the ſaid Boundaries againſt the Boundaries of any adjoining Townſhips, Pariſhes, or Liberties, and to cauſe the ſame to be ſet out, ſtaked, and marked accordingly; and the Boundaries ſo to be fixed, aſcertained, and determined, by the ſaid General Commiſſioners as aforeſaid, ſhall be ſet forth and deſcribed in the ſaid Commiſſioners Award, and ſhall be final, binding, and concluſive, upon all Perſons whomſoever, unleſs the ſame ſhall be appealed from in the Manner herein-after mentioned: Provided nevertheleſs, that if any One or more of the Proprietors or Occupiers of Eſtates within any ſuch adjoining Pariſhes, Townſhips, or Liberties, ſhall be diſſatisfied with the Determination of the ſaid Commiſſioners in relation to the ſetting out and fixing the ſaid Boundaries, ſuch Perſon or Perſons may appeal againſt the ſame to the Juſtices of the Peace (not intereſted in the Matter in Queſtion), at the General Quarter Seſſions to be holden at *Kirton*, for the Diviſion of *Lindſey*, in the ſaid County of *Lincoln*, next after the Expiration of Twenty-one Days from the Meeting of the Commiſſioners at which ſuch Determination ſhall have been made, the Perſon or Perſons intending to make ſuch Appeal giving to the ſaid Commiſſioners, or One of them, Ten Days Notice at the leaſt of ſuch Intention; and the ſaid Juſtices ſhall, and they are hereby required to hear and determine the Matter of ſuch Appeal, and to ſettle and aſcertain ſuch Part of the ſaid Boundaries in reſpect whereof ſuch Appeal ſhall be made, and the Determination of the ſaid Juſtices therein ſhall be final and concluſive.

Lands to be ſurveyed.

XI. And be it further enacted, That a true and exact Survey and Admeaſurement ſhall be made, as well of the ſaid Commons and Waſte Grounds hereby intended to be allotted, divided, and incloſed, as alſo of all other the Fields, Meadows, Paſtures, Lands, and Grounds, whether incloſed or open, lying and being within the ſeveral Pariſhes of *Epworth*, *Haxey*, *Belton*, and *Owſton* aforeſaid, and a fair Plan delineated thereof, on or before the Tenth Day of *October* next, or as ſoon after as conveniently may be, by the ſaid *Joſeph Young* and *Jonathan Teale*, and ſuch Aſſiſtant and Aſſiſtants as they ſhall think fit, or in caſe of their or either of

of their Deaths, Refuſal, or Diſability to act, then by ſuch other Perſon or Perſons, and his and their Aſſiſtants, as the ſaid General Commiſſioners ſhall direct or appoint, in the Manner herein-before mentioned; and that ſuch Survey and Admeaſurement ſhall be reduced into Writing, and the Number of Acres, Roods, and Perches, in Statute Meaſure, contained in the ſaid Commons, and Waſte Grounds, Fields, Meadows, Paſtures, Lands, and Grounds, whether incloſed or open, within the ſaid ſeveral Pariſhes of *Epworth*, *Haxey*, *Belton*, and *Owſton* aforeſaid, and of each and every Proprietor's diſtinct Property in the ſame reſpectively, at the Time of making ſuch Survey and Admeaſurement, and the ſeparate Pariſhes wherein each and every Proprietor's diſtinct Property lies, ſhall be therein ſet forth and ſpecified; and that the ſaid Survey, Admeaſurement, and Plan, ſhall be delivered to the ſaid General Commiſſioners on or before the Thirty-firſt Day of *December* One thouſand ſeven hundred and ninety-five, or as ſoon after as conveniently may be; and ſuch Survey, Admeaſurement, and Plan, ſhall be kept by the ſaid General Commiſſioners for the Purpoſes of this Act, and ſhall be verified at the Time the ſame ſhall be delivered by the Oath or Oaths of the Perſon or Perſons who ſhall make the ſame, if thereunto required by the ſaid General Commiſſioners, or any One of them, which Oath or Oaths any One or more of the ſaid General Commiſſioners is or are hereby required and empowered to adminiſter, and to cauſe a Memorandum or Certificate thereof to be entered or indorſed upon the ſaid Plan.

Power to enter Lands.

XII. And be it further enacted, That the ſaid Commiſſioners and Surveyors appointed or to be appointed under or by virtue of this Act, together with every of their Aſſiſtants, Servants, and Perſons employed by them, at any Time for the Purpoſes and in Execution of this Act, ſhall have, and they are hereby veſted with full Power and Authority, at any Time or Times whatſoever, to enter into, view, examine, ſurvey, admeaſure, and value, as well the ſaid Commons and Waſte Grounds hereby intended to be divided and incloſed, as alſo all other the Fields, Meadows, Paſtures, Lands, and Grounds, whether incloſed or open, lying within the ſaid ſeveral Pariſhes of *Epworth*, *Haxey*, *Belton*, and *Owſton* aforeſaid, and to dig and cut up the Soil of the ſaid Lands, or any Part thereof, to make Drains, Ditches, Banks, Sluices, Cloughs, Watercourſes, and Bridges, or otherwiſe, as the Nature of the Caſe and the due Execution of this Act ſhall require.

Commiſſioners to determine upon Claims:

XIII. And be it further enacted, That all and every Perſon and Perſons having or claiming to have any Common Right or Rights, or any other Eſtate, Property, Right, or Intereſt, in or over the ſaid Commons and Waſte Grounds hereby directed to be divided and incloſed, ſhall and they are hereby required, by themſelves or their Agents, to deliver their reſpective Claims in Writing under their Hands, or the Hands of their Agents, unto the ſaid General Commiſſioners at ſuch Meeting and Meetings as ſhall be held by them for that Purpoſe, purſuant to ſuch Notices as is and are hereby directed to be given for putting this Act into Execution, diſtinguiſhing in ſuch Claims the ſeveral Particulars in reſpect whereof the Claims are made, and the Freehold, Copyhold, and Leaſehold Property, from each other, and within what Pariſh and Manor the ſame are ſituate or are Parcel of; and that no ſuch Claims

ſhall be received by the ſaid Commiſſioners, after the laſt Meeting to be held for that Purpoſe, in conſequence of ſuch Notices as aforeſaid, and which ſhall be ſo expreſſed therein, except for ſome ſpecial Cauſe to be allowed by the ſaid Commiſſioners; and after the ſaid Claims ſhall be ſo received, the ſaid Commiſſioners ſhall give ſuch publick Notice as before mentioned in the ſeveral Pariſh Churches of *Epworth*, *Haxey*, *Belton*, and *Owſton*, or upon One of the moſt publick Doors thereof reſpectively, of all ſuch Claims for Common Rights, or other Rights or Intereſts in or upon the ſaid Commons and Waſte Grounds which ſhall have been ſo made before them, and appointing ſuch Days and Places when and where all Parties concerned may appear before them, and ſhew Cauſe for or againſt the Allowance or Diſallowance of the ſaid Claims; and at ſuch Meeting and Meetings the ſaid Commiſſioners ſhall proceed to examine into, and ſettle and determine the ſame; and in caſe any Doubts or Difficulties ſhall ariſe reſpecting ſuch Claims, or if any other Diſputes or Differences ſhall happen between any of the ſaid Proprietors touching their reſpective Rights or Claims, the ſaid Commiſſioners ſhall, and they are hereby authorized and required, by Examination of Witneſſes upon Oath, (which Oath the ſaid Commiſſioners, or any One or more of them, are and is hereby empowered to adminiſter), and by ſuch other Evidence as they ſhall think proper, and after taking the Opinion of Counſel for their further Satisfaction in every Caſe where they ſhall deem it requiſite, to hear and determine the ſame; and in caſe the Party or Parties making any ſuch Claims, or the Perſon or Perſons objecting thereto ſhall be diſſatisfied with ſuch Determination and ſhall by Writing under his or their Hand or Hands ſignify the ſame to the ſaid General Commiſſioners, or any of them, within Twenty Days next after ſuch Determination ſhall be made, it ſhall be lawful for the Perſon ſo diſſatisfied with ſuch Determination to have the Subject of ſuch Claim or Objection in reſpect of which ſuch Determination ſhall be made, tried at Law, by an Action to be brought by him or them againſt any Perſon or Perſons claiming to be intereſted in the ſaid Commons or Waſte Grounds, upon a feigned Iſſue, to be ſettled by the proper Officer of the Court where ſuch Action ſhall be brought, in caſe the Parties differ about the ſame, ſuch Action to be brought within One Calendar Month next after ſuch Determination ſhall have been made; and the Defendant or Defendants in ſuch Action ſhall, and is and are hereby required to appear to ſuch Action, accept a Declaration, and plead to Iſſue; and the Plaintiff or Plaintiffs ſhall thereupon proceed in ſuch Action ſo as to have the ſame finally tried and determined at the Firſt or Second Aſſizes to be holden for the County of *Lincoln* next after the commencing of ſuch Action; and the Verdict of the Jury on ſuch Trial, if the ſame ſhall be ſatisfactory to the Court, ſhall be final and concluſive upon all the Parties intereſted therein; and after any ſuch Trial ſhall be had as aforeſaid, the Coſts and Charges of defending ſuch Action, ſo far as the Defendant or Defendants therein ſhall be charged with Coſts, ſhall be borne and paid either by the Defendant or Defendants, or by all or ſuch of the Perſons intereſted in the ſaid Commons and Waſte Grounds, in ſuch Shares and Proportions as the ſaid General Commiſſioners ſhall think reaſonable, and ſhall by Writing under their Hands direct and appoint: Provided always, that all ſuch Determinations of the ſaid General Commiſſioners as ſhall not be objected to by ſuch Notice to be given to the ſaid Commiſſioners, or any One of them, as aforeſaid, or being ſo objected to, and

the diſſatisfied Parties reſpectively not cauſing ſuch Action at Law to be brought and proceeded in as aforeſaid, ſhall be abſolutely binding, final, and concluſive.

But not to determine upon Rights or Titles.

XIV. Provided always nevertheleſs, That nothing herein contained ſhall authorize the ſaid General Commiſſioners hereby appointed, to hear and determine any Difference or Diſpute which may ariſe touching the Right or Title to any Meſſuage, Toſts, Lands, Tenements, Common Rights, or other Rights, within the ſaid ſeveral Pariſhes of *Epworth*, *Haxey*, *Belton*, and *Owſton*, for which the Parties may commence and proſecute ſuch Suits or Remedies at Law or in Equity as they ſhall be adviſed and think proper, but the ſaid Commiſſioners reſpectively ſhall aſſign and ſet out the ſeveral Allotments herein-after directed to be made, unto the Perſon or Perſons who at the Time of the ſaid Diviſion and Incloſure ſhall have the actual Seiſin or Poſſeſſion of the Common Rights, Meſſuages, Cottages, Lands, or Tenements, in Lieu or in Right whereof ſuch Allotment ſhall be reſpectively made.

Suits not to impede the Incloſures.

XV. Provided alſo, That no Difference or Suit touching the Title to any Lands or other Rights ſhall impede or delay the Commiſſioners in the Execution of the Powers veſted in them by virtue of this Act, but the Diviſion and Incloſure hereby directed to be made ſhall be proceeded in notwithſtanding ſuch Differences or Suits.

For compelling Attendance of Witneſſes.

XVI. And be it further enacted, That in caſe any Perſon or Perſons ſhall neglect or refuſe to attend the ſaid Commiſſioners to give Evidence in any ſuch Diſputes or Differences as aforeſaid, then the ſaid Commiſſioners ſhall and may, and they are hereby authorized and required, by Writing under their Hands, directed to ſuch Perſon or Perſons ſo neglecting or refuſing as aforeſaid, to require ſuch Perſon or Perſons to attend them at ſuch Time and Place as ſhall be ſpecified in ſuch Writing, to give Evidence in the Matters aforeſaid; and all and every Perſon and Perſons, upon being ſerved with a Copy of ſuch Summons, or having a Copy thereof left at his, her, or their reſpective Place or Places of Abode, Ten Days at the leaſt before the Time to be appointed for ſuch Attendance, is and are hereby required to attend the ſaid Commiſſioners accordingly, and give Evidence, to the beſt of their Knowledge, touching ſuch Diſputes and Differences as aforeſaid; and upon ſuch Perſon or Perſons not complying with, or obeying ſuch Summons as aforeſaid, the ſaid Commiſſioners are hereby authorized and impowered to levy or cauſe to be levied ſuch Penalty as they ſhall think proper, not exceeding the Sum of Five Pounds, upon the Goods and Chattels of every Perſon ſo refuſing to obey ſuch Summons as aforeſaid, and apply the ſame in ſuch Manner and in ſuch Proportion as in the Judgement of the ſaid Commiſſioners ſhall be moſt proper and advantageous for the Perſon or Perſons on whoſe Behalf ſuch Perſon or Perſons was or were ſummoned as a Witneſs or Witneſſes as aforeſaid; and if the Perſon or Perſons neglecting or refuſing to comply with ſuch Summons as aforeſaid ſhall not have ſufficient Goods or Chattels whereon to levy the ſaid Penalty, that then and in ſuch Caſe it ſhall be lawful for any One of His Majeſty's Juſtices of the Peace for the Parts of *Lindſey*, in the ſaid County of *Lincoln*, not intereſted in the ſaid Incloſure, upon Application to him for that Purpoſe made, and a Certificate under the Hands of the

ſaid Commiſſioners laid before him, ſetting forth the Name or Names of the Perſon or Perſons ſo ſummoned as a Witneſs or Witneſſes, and his or their Non-compliance with or Diſobedience of ſuch Summons, and not having ſufficient Goods or Chattels whereon to levy the ſaid Penalty, to iſſue his Warrant for apprehending ſuch Offender or Offenders, and upon his or their Refuſal or Neglect to pay the ſaid Penalty, and all incidental Coſts, Charges, and Expences, to commit ſuch Offender or Offenders to the Houſe of Correction for any Time not exceeding the Space of Three Calendar Months.

Power for General Commiſſioners to make parochial Diviſions of the Commons.

XVII. And be it further enacted, That the ſaid General Commiſſioners ſhall, and they are hereby authorized and required, in the Firſt Place, to make a parochial Diviſion and Allotment of the Whole of the ſaid Commons and Waſte Grounds hereby intended to be divided and incloſed, by ſetting out, dividing, and allotting the ſame into Four diſtinct and ſeparate Parts and Shares, One of ſuch Parts or Shares for each of the ſaid Pariſhes of *Epworth*, *Haxey*, *Belton*, and *Owſton*, according and in Proportion to the Number of Common Rights, Meſſuages, Cottages, and Tofts, and the Value of the ſeveral Lands and Eſtates lying in each Pariſh reſpectively; and in making ſuch Allotments to the ſaid ſeveral Pariſhes, the ſaid Commiſſioners ſhall have due Regard to the Quantity, Quality, and Situation, of the Grounds ſo to be allotted to each Pariſh reſpectively, and ſhall alſo ſet out ſuch Allotments as near as conveniently may be to the Pariſhes to which the ſame ſhall be reſpectively allotted, and that the ſaid parochial Diviſion and Allotment, when ſo made and completed by the ſaid General Commiſſioners in Manner aforeſaid, ſhall for ever after the making and completing thereof be deemed and taken to be the parochial Diviſion between the ſaid Four Pariſhes, and ſuch Part of the ſaid Commons and Waſte Grounds as ſhall be ſo allotted to each of the ſaid Pariſhes, ſhall, for ever after ſuch Allotment ſhall be ſet out reſpectively, be deemed and conſidered, to all Intents and Purpoſes whatſoever, to be within that Pariſh in which the ſaid General Commiſſioners ſhall in and by their Award herein-after mentioned, declare the ſame to be and lie reſpectively, and ſhall be accordingly rated to all parliamentary and parochial Taxes and Aſſeſſments.

Drainage Clauſe.

XVIII. And be it further enacted, That the ſaid General Commiſſioners ſhall, and they are hereby authorized and required (by ſuch Agents, Workmen, or Labourers, as they ſhall think fit to employ) to enlarge or make deeper any of the ancient Drains and Sewers already made upon the ſaid Commons and Waſte Grounds, or any Part or Parts thereof, or to enlarge, raiſe, widen, or otherwiſe alter and improve, any of the Cloughs, Arches, Banks, Bridges, or other Works already made thereon, except the Drains, Sewers, Cloughs, Arches, Banks, Bridges, and other Works belonging to, or made for the Uſe of the Participants of the Level of *Hatfield Chace* and Parts adjacent, in the Counties of *York*, *Lincoln*, and *Nottingham*, until Application ſhall firſt have been by them made to the Commiſſioners of Sewers for the Level and Parts aforeſaid, at ſome of their Courts or Seſſions of Sewers, and their Order has been obtained for that Purpoſe; and alſo to make, or cauſe to be made, ſuch Sluices or Cloughs in ſuch Places as ſhall appear to the ſaid General Commiſſioners to be moſt proper and convenient, to be built and erected in the

Bank

Bank of the River *Trent*, between the South Side of a certain Lane in *Derrythorpe* called *Derrythorpe Lane*, and the North-eaſt Side of a certain Lane, in the Pariſh of *Owſton* aforeſaid, called *Heckdike Lane*, of ſuch Dimenſions and Capacity, and in ſuch Manner and Form in every Reſpect, as they the ſaid General Commiſſioners ſhall think moſt effectual for the Purpoſes of Drainage; and alſo to make, or cauſe to be made, any new Cuts, Drains, Dams, Sewers, Ditches, Banks, Tunnels, Outlets, Engines, Cloughs, Bridges, or other Works, which ſhall appear needful, in, through, and upon any Part or Parts of the ſaid Commons and Waſte Grounds, and alſo in, through, and upon, the Banks of the ſaid River *Trent*, or any Lands or Grounds lying near or adjoining thereto, between the ſaid South Side of *Derrythorpe Lane*, and the North-eaſt Side of *Heckdike Lane*, ſo that the ſame be not cut through any Yard, Garden, Orchard, Croft, Paddock, Avenue, Cloſes, or Grounds, immediately adjoining to any Manſion Houſe; and alſo to make, or cauſe to be made, any Tunnels under any Ways or Roads, within any of the ſaid Pariſhes of *Epworth*, *Haxey*, *Belton*, and *Owſton* aforeſaid, or any adjoining Pariſhes, or Places, as they the ſaid General Commiſſioners ſhall, from Time to Time, think neceſſary and convenient; and alſo to make and erect, or cauſe to be made and erected, any Culvert or Culverts under the River *Torne* and *Snow Sewer*, or either of them, or any other of the Drains belonging to or made for the Uſe of the Participants of the Level of *Hatfield Chace* and Parts adjacent, in the Counties of *York*, *Lincoln*, and *Nottingham*, for the more effectually draining and improving the ſaid Commons and Waſte Grounds, ſo that ſuch Culvert or Culverts be made and erected under the Direction of an Engineer to be appointed by the ſaid General Commiſſioners, and of the Surveyor and Engineer for the Time being of the ſaid Participants; which Engineers are hereby authorized to appoint an Umpire before they proceed to act in the Premiſes, whoſe Determination therein ſhall be final as to ſuch Matters wherein the ſaid Two Engineers cannot agree, and ſo that ſuch Culvert or Culverts do not injure or prejudice any of the Works of the ſaid Participants; and alſo in and by their Award herein-after directed to be made, or by any Writing under their Hands in the mean Time, to appoint ſuch Perſon or Perſons, and to make ſuch Orders, and give ſuch Directions for carrying on, effecting, and preſerving ſuch Works, and for maintaining, ſupporting, and keeping, the ſame in good and ſufficient Repair from thenceforth for ever thereafter; and alſo to make ſuch Rates and Aſſeſſments, to be paid by all Perſons having Right of Common upon the ſaid Commons and Waſte Grounds, in ſuch Sums as the ſaid General Commiſſioners ſhall think moſt juſt and equitable, Regard being had to the Improvement which may ariſe to the whole Property of ſuch Perſon or Perſons, as well old Incloſures as Allotments to be made by virtue of this Act, in conſequence of any ſuch Works of Drainage, and for effectually executing the Purpoſe of draining and improving ſuch Commons and Waſte Grounds, or any Part or Parts thereof, in ſuch Manner as they the ſaid General Commiſſioners ſhall think proper, making ſuch Recompence and Satisfaction to any Perſon or Perſons in whoſe Lands or Grounds, (not being Part of the Lands hereby directed to be incloſed), any ſuch Cuts, Drains, Sewers, Sluices, or other Works ſhall be made, or who may be prejudiced thereby, or by Means or in Conſequence thereof, or by any Inundation to be occaſioned by any of the Matters

aforesaid, for the Value of the Ground to be used for the Purposes aforesaid, and all such other Damages which he, she, or they, shall thereby sustain, as shall or may be agreed upon between the said General Commissioners and the Owner or Owners or the Person or Persons who shall be prejudiced as aforesaid, and such Recompence and Satisfaction shall and may be raised in the same Manner as the other Expences of executing this Act, and shall be paid by such Person and Persons, and in such Shares and Proportions as the said General Commissioners shall think just and equitable, and shall accordingly order and direct, and shall be made and accepted in full Satisfaction for all such Damages as aforesaid; and if the said General Commissioners and such Person and Persons cannot agree concerning the Amount of such Damages, then the same shall be assessed, adjudged, and finally determined before such of the Justices of the Peace as shall be assembled at any General Quarter Sessions of the Peace which shall be held at *Kirton*, for the Division of *Lindsey*, in the said County of *Lincoln*, within Six Months after the said Damages shall have accrued, or the major Part of them, not being interested in the Matter in Dispute, after One Calendar Month's Notice in Writing shall be given to the said General Commissioners, by the Person or Persons complaining of such Damage, that an Application will be made to the said Quarter Sessions, and in case such Owner or Owners, or Persons prejudiced as aforesaid, shall make Oath that in his, her, or their Opinion or Judgement, such Damage exceeds the Value of Forty Shillings, such Justices shall, and they are hereby authorized and required to charge the Jury which shall attend at such Sessions, or some other Jury of Twelve honest and disinterested Men (to be then and there impannelled and returned by the Sheriff of the said County of *Lincoln*, without Fee or Reward), and cause them to be sworn well and truly on their Oaths to assess the Recompence to be made for such Damages, which Oath the said Justices are hereby required to administer to the said Jurymen, to which Jurymen the said respective General Commissioners and the Parties complaining shall have their lawful Challenges, and the said Jury being so charged and sworn as aforesaid, and after proper Evidence upon Oath to them given of the Nature of such Damages, shall by their Verdict assess the Damages and Recompence to be made for the same to such Owner or Owners, or Persons prejudiced as aforesaid, and the Verdict of the Jury, and the Judgement of the Justices thereupon, shall be final and conclusive to all Parties: Provided always, that such Justices shall and may adjourn such Appeal to any other Sessions of the Peace for the Division aforesaid, and finally determine the same at any of the said Sessions, and give Costs to either Party, as they shall think reasonable.

Commissioners to take the Opinion of Two Engineers before they make the Drains.

XIX. Provided nevertheless, and be it further enacted, That before the said General Commissioners shall make or set out any new Drains as aforesaid, they shall and are hereby required to take the Advice and Opinion thereupon of *William Jessop* of *Newark-upon-Trent*, in the County of *Nottingham*, and *Joseph Hodskinson* of *Arundel Street*, in the City of *Westminster*, Engineers, and in case of any Difference of Opinion between the said Two Engineers, then the said Commissioners shall take the Advice and Opinion of such other Engineer as the said *William Jessop* and *Joseph Hodskinson* shall nominate.

The Works of Drainage not to injure the Participants.

XX. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, nor ſhall any of the Powers hereby given to the ſaid General or Special Commiſſioners, be exerciſed or made uſe of by them, ſo as in any Reſpect to injure or damage the Banks of the River *Trent*, or impede, obſtruct, prejudice, injure, or damage, any of the preſent Drains or Works of Drainage belonging to and made for the Uſe of the ſaid Participants of the Level of *Hatfield Chace*, or any of them, or impede, obſtruct, prevent, or hinder, the ſaid Participants from overflowing their Lands and Grounds, or any Part thereof, with Water, and from improving the ſame with *Trent* Warp, or otherwiſe, as they ſhall think proper; any Thing herein-before contained to the contrary thereof in anywiſe notwithſtanding.

Juriſdiction of the Court of Sewers not to be affected.

XXI. Provided alſo, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to leſſen, prejudice, alter, or affect, the Juriſdiction, or any of the Rights, Privileges, Powers, or Authorities, of or belonging to the Commiſſioners of Sewers for the Level of *Hatfield Chace* and Parts adjacent, in the Counties of *York*, *Lincoln*, and *Nottingham*, with reſpect to the Drains, Sewers, and other Works now in being, but that the ſame and every of them ſhall remain and continue in the ſaid Commiſſioners of Sewers, as fully and effectually, to all Intents and Purpoſes, as if this Act had not been made; and alſo that all the new Cuts, Drains, Sewers, Ditches, Banks, Bridges, Sluices, Cloughs, Culverts, Tunnels, and other Works hereafter to be made by virtue of the Powers given by this Act ſhall, when made, be under and ſubject to the Controul, Directions, Survey, and Order, of the ſaid Commiſſioners of Sewers; any Thing herein or in any former Law or Statute to the contrary notwithſtanding.

Water may be let in to flood the Lands.

XXII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid ſeveral Special Commiſſioners hereby appointed for the ſaid reſpective Pariſhes, and they are hereby authorized and empowered, when and ſo ſoon as they ſhall have aſcertained and ſet out the ſeveral Allotments to be made to the ſaid reſpective Proprietors in purſuance of this Act, to ſpecify, aſcertain, and diſtinguiſh what Parts of the ſaid Lands and Grounds are, in their Opinions, capable of receiving Improvement by flooding and overflowing the ſame with the Waters of the River *Trent*, and to give publick Notice thereof, by Writing under their reſpective Hands, in ſuch Manner as Notices are by this Act directed to be given, and in and by the ſaid Award or Inſtrument in Writing herein-after directed to be made, or by any Writing under their Hands in the mean Time, to ſet forth the ſame, and to make and eſtabliſh ſuch Rules, Orders, and Regulations, for conducting and executing ſuch Flooding, in caſe the ſame ſhall be adopted by the Proprietors of ſuch Lands, in the Manner herein-after mentioned, and to that End it ſhall be lawful for a Majority in Value of the Proprietors of any ſuch Allotments lying together, which ſhall be ſo declared by the ſaid Commiſſioners capable of ſuch Improvement by Flooding, and ſuch Majority of the ſaid Proprietors is hereby authorized and empowered at any Time or Times, by and with the Conſent of the ſaid Special Commiſſioners reſpectively, until the Execution of the ſaid Award, and under ſuch Rules and Regulations as they ſhall direct, and from and

after the Execution thereof, under ſuch Regulations as ſhall be contained in the ſaid Award, from Time to Time to make uſe of, ſet open, and afterwards ſhut any of the ſaid Sluices, and to make uſe of any of the ſaid Drains and other Works now made, or hereafter to be made, which ſhall be neceſſary for the Purpoſe of overflowing as well their ancient Lands and Grounds, as thoſe which ſhall be allotted to them by virtue of this Act, with Water, and for improving the ſame with *Trent* Warp or otherwiſe; and ſuch Majority of the ſaid Proprietors is and are hereby empowered, by any Writing under their Hands, to authorize and direct ſuch Perſon and Perſons as they ſhall think proper to execute and complete all ſuch Locks, Drains, Sewers, and other Works, as ſhall be neceſſary for effecting ſuch Floodings, and by ſuch Writing or Writings to aſcertain and determine the Proportion of the Expences thereof to be paid by any ſuch Proprietors; and in caſe any ſuch Proprietors ſhall neglect or refuſe to pay the ſame to the Perſon or Perſons authorized by ſuch Majority to receive the ſame, then the Share and Proportion of any ſuch Proprietors ſo refuſing ſhall be levied by Diſtreſs and Sale of his, her, or their Goods and Chattels, to be made and taken under and by virtue of a Warrant or Order under the Hands and Seals of ſuch Majority of the ſaid Proprietors, in like Manner as in caſe of other Diſtreſſes directed to be made by the Authority of this Act.

Participants to have Power over the Sluices, for flooding the Lands;

XXIII. And be it further enacted, That the ſaid Participants ſhall have the like Power and Authority over any Sluices, Drains, Tunnels, Cloughs, and other Works, which ſhall be made by virtue of this Act, for overflowing their Lands and Grounds with Water, and improving the ſame with *Trent* Warp, as the ſaid Participants now have over any Sluices, Drains, Tunnels, Cloughs, and other Works, already made for draining and improving their Lands and Grounds within the ſaid Level, the ſaid Participants giving ſuch Security to the ſaid Commiſſioners of Sewers, or any Six or more of them, as herein-after mentioned, and alſo Security for Payment of all Expences of removing or clearing away the Mud or Dirt which ſhall be brought into the ſaid Drains, by the Participants ſo flooding or warping their Lands.

but Security to be previouſly given for Damages.

XXIV. Provided nevertheleſs, That neither the ſaid Participants, nor any Perſon or Perſons to whom Allotments are hereby directed to be made, ſhall be permitted to overflow his, her, and their Lands and Grounds with Water in Manner aforeſaid, or to make uſe of any of the ſaid Sluices or Drains for the Purpoſes aforeſaid, until he, ſhe, or they, ſhall make ſufficient interior Banks, Sluices, Tunnels, Cloughs, or other Works, and alſo enter into proper Security, to the Satisfaction of the ſaid Commiſſioners of Sewers, or any Six or more of them, for preventing any other Lands or Grounds from receiving any Damage by or in conſequence of letting in ſuch Water, or if any Damage ſhall ariſe thereby, then, and in that Caſe, for making full and ample Satisfaction for the ſame, ſuch Damages to be recoverable by the Perſon or Perſons injured or aggrieved by Action or Actions at Law or otherwiſe againſt the Perſon or Perſons by whoſe Means ſuch Damage ſhall ariſe, in Manner aforeſaid, with Treble Coſts.

XXV. And

Power for Special Commissioners to set out publick and private Roads.

XXV. And be it further enacted, That the said special Commissioners shall, in the next Place, set out and appoint, in the respective Parishes for which they are hereby severally appointed to act, such publick and private Roads, Ways, and Foot Paths, as they shall judge necessary, and also such publick and private Ditches, Mounds, Fences, Banks, Drains, Shuttles, Soughs, Waterworks, Bridges, Gates, Stiles, and other Requisites, in, over, through, or upon, the Lands and Grounds hereby directed to be divided, inclosed, and allotted, as they shall judge necessary and proper, to communicate and co-operate with the main Drains and other Works of Drainage herein-before directed to be made by the said General Commissioners, for the more effectual Drainage of the said several Parishes of *Epworth*, *Haxey*, *Belton*, and *Owston*, so as all such publick Carriage Roads shall be and remain Forty Feet in Breadth at the least between the Ditches or Fences; and that the said private Roads or Ways shall be of such Breadth as the said Special Commissioners shall order and direct; and all such publick Carriage Roads shall be well and effectually fenced on both Sides, by such of the Owners and Proprietors of the said Lands and Grounds, and within such Time as the said Special Commissioners shall respectively, by Writing under their Hands, direct or appoint; and that it shall not be lawful for any Person to erect any Gate across any of the said publick Roads, or to plant any Trees in or near the Hedges or on the Sides of any of the said Roads, at a less Distance from each other than Fifty Yards; and after the said publick Roads shall have been set out as aforesaid, the said Special Commissioners respectively shall, and they are hereby empowered and required, by Writing under their Hands, to appoint, in each of the said respective Parishes, some proper Person to be Surveyor of the said Roads, and such Surveyor shall cause the same to be properly formed and compleated, and put into good and sufficient Repair, and shall be allowed such Salary or Reward for his Trouble therein as the said Special Commissioners shall, by Writing under their respective Hands, direct and appoint, which Salary or Reward, and also the Expences (over and above the Statute Duty), of forming the said Roads and of putting the same in good and sufficient Repair, shall be raised in like Manner as the Charges and Expences of obtaining and passing this Act, and carrying the same into Execution, are herein-after authorized and directed to be raised; and that none of the Inhabitants of the said Parishes of *Epworth*, *Haxey*, *Belton*, and *Owston*, other than the respective Persons to whom any Allotment shall be made by virtue of this Act, shall be charged or chargeable (over and above the Statute Duty) towards the forming and repairing of the said publick Roads until the same shall be made fit for the Passage of Travellers and Carriages, and shall have been certified so to be by the respective Surveyors appointed in each Parish, by Writing under his and their Hands, to be delivered to the Clerk of the Peace, at some Quarter Sessions of the Peace to be holden for the Parts of *Lindsey*, in the said County of *Lincoln*, and until such Certificate shall have been allowed and confirmed by the Justices at such Sessions, which said Certificate shall be so delivered to the Clerk of the Peace at the Quarter Sessions next after the said Roads shall be formed, completed, and put into good and sufficient Repair as aforesaid, and within the Space of Two Years next after the Execution of the Award or Instrument herein-after directed to be made, unless sufficient Reason be given, to the Satisfaction of the said Justices, that a further Time is necessary for that Purpose, in which Case the said Justices may, and they

are hereby empowered to allow ſuch further Time for the delivering in the ſaid Certificate as they ſhall think proper, not exceeding One Year; and in caſe the ſaid reſpective Surveyors, or any of them, ſhall neglect or refuſe to deliver in ſuch Certificate within the Time before limited, each of them ſhall forfeit and pay the Sum of Ten Pounds, to be recovered in like Manner as any other Penalty is by this Act authorized to be recovered, and the ſame ſhall be applied towards defraying the Expences of carrying this Act into Execution, in ſuch Manner as the ſaid Special Commiſſioners ſhall direct; and that after ſuch Certificate ſhall have been delivered to the ſaid Clerk of the Peace by the ſaid reſpective Surveyors as aforeſaid, and ſhall have been allowed and confirmed at ſuch Seſſions, the ſaid Roads ſhall be from Time to Time ſupported and kept in Repair in the ſame Manner, as the other publick Roads within the ſaid reſpective Pariſhes are by Law to be amended and kept in Repair; and that the ſaid private Roads or Ways ſhall be made and kept in Repair at the Expence of ſuch Perſon or Perſons, and in ſuch Shares and Proportions as the ſaid Special Commiſſioners reſpectively ſhall order, direct, and appoint; and that after ſuch publick and private Roads and Ways ſhall be ſet out and made, it ſhall not be lawful for any Perſon or Perſons to uſe any other Roads or Ways, either publick or private, in, over, through, or upon the Lands or Grounds hereby directed to be divided and incloſed, either on Foot, or with Cattle, Horſes, or Carriages; and that all former Roads and Ways, which ſhall not be ſet out and appointed as the Roads and Ways through the ſaid intended Incloſure, ſhall be deemed Part of the Lands and Grounds to be divided and incloſed by virtue of this Act, and ſhall be divided and allotted accordingly as Part thereof; and all ſuch Ditches, Mounds, Fences, Banks, Drains, Shuttles, Soughs, Waterworks, Bridges, Gates, Stiles, and other Requiſites to be ſet out and appointed by the ſaid Special Commiſſioners reſpectively as aforeſaid, ſhall be made, and at all Times thereafter repaired, cleanſed, maintained, and kept in Repair, either by parochial Aſſeſſments, or by ſuch Perſon or Perſons, and in ſuch Manner as the ſaid Special Commiſſioners reſpectively ſhall in and by their Award or Inſtrument in Writing herein-after mentioned direct and appoint.

Notice to be given by the Commiſſioners of having ſet out Roads.

XXVI. Provided nevertheleſs, and be it further enacted, That ſo ſoon as conveniently may be after the ſaid Special Commiſſioners ſhall have ſet out and appointed ſuch publick and private Roads and Ways as aforeſaid, they ſhall ſeverally cauſe publick Notice thereof to be given in ſome Newſpaper circulating in the ſaid County of *Lincoln*; and that it ſhall and may be lawful for any Perſon or Perſons whomſoever, who ſhall think himſelf, herſelf, or themſelves, aggrieved by the Setting out, Appointment, or Diſpoſition of ſuch publick or private Roads or Ways as aforeſaid, (on giving One Calendar Month's Notice in Writing to the ſaid Special Commiſſioners reſpectively, of his, her, or their Intention), to appeal againſt all or any of ſuch publick or private Roads or Ways to ſome General Quarter Seſſions of the Peace to be holden in and for the Parts of *Lindſey*, in the ſaid County of *Lincoln*, within Four Calendar Months next after ſuch Setting out, Appointment, and Diſpoſition of the ſaid Roads, and Notice given thereof as aforeſaid, and he, ſhe, or they, ſhall be heard by himſelf, herſelf, or themſelves, or by his, her, or their Counſel, Agents, Attornies, and Witneſſes; and that the ſaid Special Commiſſioners, or any One of them, or their Surveyor or Surveyors, ſhall

ſhall attend at ſuch Seſſions, with a General Map of the ſaid Pariſhes, and the Juſtices, not intereſted in the ſaid Incloſure, before whom ſuch Appeal ſhall be made, ſhall, on hearing the Evidence, and inſpecting the ſaid Map, finally determine where the ſaid Roads or Ways ſo appealed againſt ſhall be, and whether any new or other Roads or Ways ſhall be ſet out, and ſhall make and give ſuch Orders and Directions touching the Matters before them as to them ſhall ſeem neceſſary and expedient in that Behalf; and ſuch Determination of the ſaid Juſtices ſhall be final, concluſive, and binding to all Parties concerned, and ſhall not be removed or removeable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter* or elſewhere; but in caſe no ſuch Appeal ſhall be made within the Time aforeſaid, then ſuch ſetting out, Appointment, and Diſpoſition of the ſaid Roads and Ways by the ſaid Special Commiſſioners as aforeſaid, ſhall be final and concluſive to all and every Perſon and Perſons whomſoever.

Graſs upon Roads to be veſted in the Surveyors of the Highways.

XXVII. Provided always, That after ſuch intended Diviſion and Incloſure, all the Graſs and Herbage growing or renewing on any of the ſaid Roads or Ways ſo to be ſet out, in the Pariſh of *Epworth* as aforeſaid, ſhall be and is hereby veſted in the Surveyor or Surveyors of the Highways of the Pariſh of *Epworth* aforeſaid for the Time being; and all the Graſs and Herbage growing or renewing on any of the Roads or Ways ſo to be ſet out, in the Pariſh of *Haxey* aforeſaid, ſhall be and is hereby veſted in the Surveyor or Surveyors of the Highways of the Pariſh of *Haxey* aforeſaid for the Time being; and all the Graſs and Herbage growing or renewing on any of the Roads or Ways ſo to be ſet out, in the Pariſh of *Belton* aforeſaid, ſhall be and is hereby veſted in the Surveyor or Surveyors of the Highways of the Pariſh of *Belton* aforeſaid for the Time being; and all the Graſs and Herbage growing or renewing on any of the Roads or Ways to be ſet out, in the Pariſh of *Owſton* aforeſaid, ſhall be and is hereby veſted in the Surveyor or Surveyors of the Highways of the Pariſh of *Owſton* aforeſaid for the Time being, in Truſt, to let the ſame by publick Auction for mowing only, and to apply and diſpoſe of the Rents and Profits thereof for and towards the Reparation of the ſeveral Highways within the ſaid reſpective Pariſhes of *Epworth*, *Haxey*, *Belton*, and *Owſton* aforeſaid, and ſuch Surveyors reſpectively ſhall account for the Rents and Profits thereof in the ſame Manner as they are accountable for other Money that ſhall come to their Hands as Surveyors of the Highways, and ſhall be ſubject and liable to the like Penalties for the Neglect thereof.

Roads not to be ſtocked for Seven Years.

XXVIII. And be it further enacted, That it ſhall not be lawful for any Perſon or Perſons whomſoever to graze or keep any Sort of Cattle whatſoever in or upon any of the Roads or Ways to be ſet out by virtue of this Act, which ſhall be made into Lanes, or fenced on either Side, for the Space of Seven Years next after the making and executing of the ſaid Award or Inſtrument.

To make Fences and Gates at the End of the Roads.

XXIX. And be it further enacted, That it ſhall be lawful for the ſaid Special Commiſſioners, and they are hereby authorized and required to make and ſet up, or cauſe to be made and ſet up, good and ſufficient Fences, and publick Carriage Gates in the ſame, at the Ends of the publick

Roads and Highways within the ſeveral Pariſhes wherein ſuch Commiſſioners are hereby empowered to act reſpectively, next or againſt any adjoining Pariſh, Townſhip, or Place, to prevent Cattle from treſpaſſing, and for preſerving the Quickſets to be planted in the Fences of the new Incloſures, which ſaid Fences and Gates at the Ends of ſuch publick Roads and Highways ſhall for ever after the making thereof be ſupported, maintained, and kept in Repair, by the Surveyors of the Highways of the ſaid Pariſh or Pariſhes for the Time being, wherein the ſame ſhall or may be made.

Owners of Freeboards to have Allotments in lieu thereof.

XXX. And be it further enacted, That in all Caſes where any of the Lands and Grounds by this Act intended to be divided and incloſed ſhall adjoin on any Freeboard, Screed, or Parcel of Land, left on the Outſide of the Fences of any adjoining Pariſh, Townſhip, or Place which ſhall run into any of the Lands intended to be incloſed by virtue of this Act, ſuch Freeboard, Screed, or Parcel of Land, ſhall be deemed and taken to be Parcel of the Lands hereby directed to be allotted and incloſed, and it ſhall be lawful for the ſaid Special Commiſſioners acting for the Pariſh into which the ſaid Freeboard, Screed, or Parcel of Land reſpectively ſhall run, and they are hereby authorized and required to ſet out and allot unto the Owner or Owners of ſuch Freeboard, Screed, or Parcel of Land, ſuch Piece or Parcel of Land, lying within the ſame Pariſh into which ſuch Freeboard, Screed, or Parcel of Land ſhall run, as ſhall be equal in Value (Quantity, Quality, and Situation conſidered) to ſuch Freeboard, Screed, or Parcel of Land as aforeſaid; and the Fence or Fences adjoining on ſuch Freeboard, Screed, or Parcel of Land, and now belonging to any adjoining Pariſh, Townſhip, or Place, ſhall for ever thereafter be maintained and ſupported by and at the Expence of the Owner or Owners of ſuch Freeboard, Screed, or Parcel of Land reſpectively; and that the Allotment or Allotments ſo to be ſet out and allotted as aforeſaid, in lieu of ſuch Freeboard, Screed, or Parcel of Land, ſhall be deemed and taken to be as Part and Parcel of the Pariſh, Townſhip, or Place, to which the ſaid Freeboard, Screed, or Parcel of Land in lieu of which it ſhall be ſo allotted as aforeſaid now belongs, and ſhall not be ſubject or liable to pay any Pariſh Rates, Dues, Duties, or Taxes whatſoever, in Aid of the ſaid ſeveral Pariſhes of *Epworth*, *Haxey*, *Belton*, and *Owſton*, or any of them.

Allotment for getting Materials for Repair of Roads at *Epworth*.

XXXI. And be it further enacted, That the ſaid *Thomas Stone*, *Richard Clark*, and *Benjamin Codd*, ſhall, in the Firſt Place, if they ſhall think it neceſſary, to ſet out and allot ſuch Parcel or Parcels of Land, in and upon ſome Part of the ſaid Commons and Waſte Grounds hereby directed to be divided and incloſed, which ſhall be allotted by the ſaid General Commiſſioners for and as the Share of the ſaid Pariſh of *Epworth*, as the ſaid *Thomas Stone*, *Richard Clark*, and *Benjamin Codd* ſhall think proper, to be uſed for the Purpoſe of getting Gravel, Stone, Sand, or any other Materials for the Repair of the ſeveral publick Highways within the ſaid Pariſh of *Epworth*; and that the Graſs and Herbage growing and renewing in and upon ſuch Piece or Parcel of Land ſhall be and is hereby veſted in the Surveyor of the Highways for the ſaid Pariſh of *Epworth* for the Time being, in Truſt, to let the ſame by publick Auction, and to apply the Rents and Profits thereof in the Reparation of the publick Roads within the ſaid Pariſh of *Epworth*; and ſuch Surveyor ſhall account for the

the Rents and Profits thereof in the ſame Manner as he is accountable for other Money that ſhall come to his Hands as Surveyor of the Highways, and ſhall be ſubject and liable to the like Penalties for the Neglect thereof.

Allotments for Tythes in *Epworth*.

XXXII. And whereas it is agreed that all the Tythes, both Great and Small, ariſing and renewing, and which ſhall and may hereafter ariſe and renew, out of and from ſuch Part of the ſaid Commons or Waſte Grounds intended by this Act to be incloſed, divided, and allotted, as ſhall, by the ſaid General Commiſſioners in their parochial Diviſion as aforeſaid, be aſſigned and ſet out as and for the Part and Proportion of and belonging to the Pariſh of *Epworth* aforeſaid, and alſo out of, in, upon, and from ſuch of the ſeveral Meſſuages, Cottages, Toftſteads, Open Fields, and ancient incloſed Lands, within the ſaid Pariſh of *Epworth*, as are now ſubject to the Payment of Tythes, ſhall be for ever hereafter aboliſhed and extinguiſhed, and that in lieu thereof a full and adequate Compenſation and Satisfaction ſhall be made, ſet out, allotted, and appointed unto and for the ſaid *John Robinſon* and his Succeſſors, Rectors of *Epworth* aforeſaid, of and for all the Tythes, Great and Small, and other Dues and Payments whatſoever, ariſing, renewing, and increaſing, out of and from ſuch Part of the ſaid Commons and Waſte Grounds by an Allotment of Land, and yearly Tythe or Corn Rents, in Manner and ſubject to the Variation herein-after mentioned, and for the Great and Small Tythes of the ſeveral Meſſuages, Cottages, Toftſteads, Open Field Lands, and ancient incloſed Grounds, within the Pariſh of *Epworth* aforeſaid, and all other Eccleſiaſtical Dues and Payments whatſoever, ariſing, renewing, or increaſing, out of and from the Pariſh of *Epworth* aforeſaid (except *Eaſter* Offerings, Mortuaries, and Surplice Fees) by the Payment of the yearly Sum of Four hundred and twenty Pounds, to be charged thereon by Way of Corn Rent by the Special Commiſſioners appointed for the ſaid Pariſh of *Epworth*, in the Manner, and ſubject to ſuch Variation as herein-after mentioned; be it therefore enacted, That the ſaid *Thomas Stone*, *Richard Clark*, and *Benjamin Codd*, ſhall have full Power and Authority, and they are hereby required, in the next Place, to ſet out and allot unto the ſaid *John Robinſon* and his Succeſſors, Rectors of *Epworth* aforeſaid, ſuch Piece of Land, Parcel of the ſaid Commons and Waſte Grounds to be aſſigned and ſet out as and for the Part and Proportion belonging to the ſaid Pariſh of *Epworth*, as near to the preſent Rectory Houſe and Homeſtead as conveniently may be, (as Quantity, Quality, and Situation conſidered), ſhall in their Judgement, be a full Compenſation for the Right of Common belonging to the ſaid *John Robinſon* in reſpect of the Glebe Lands and Rectory Houſe belonging to the ſaid *John Robinſon* as Rector as aforeſaid, and alſo ſuch other Piece or Parcel thereof as, excluſive of and over and above the Allotment to be made to the ſaid Rector in reſpect of his ſaid Glebe Lands and Common Rights, will make a Quantity of Land to be determined upon by the ſaid *John Robinſon*, previous to the ſetting out and allotting the ſaid Commons, not exceeding Thirty Acres; and they are hereby further required, in the next Place, to ſet out, allot, and appoint, unto the ſaid *John Robinſon* and his Succeſſors, Rectors as aforeſaid, ſuch yearly Corn Rents or Sums of Money as herein-after mentioned and directed to be paid to him and them, (excluſive of the Allotments to the ſaid Rector in reſpect of his

Allotment of Land to the Rector of *Epworth* in lieu of Tythes, &c. of *Epworth* Common.

Glebe Lands and Common Rights), out of and from the ſeveral Allotments in the ſaid Commons and Waſte Grounds to be made to the ſeveral Proprietors within the ſaid Pariſh of *Epworth*, as ſhall, in the Judgement of the ſaid *Thomas Stone*, *Richard Clark*, and *Benjamin Codd*, (Quantity, Quality, and Situation conſidered), be equal in Value to One Tenth Part, and no more, of ſuch Part of the ſaid Commons and Waſte Grounds as ſhall be aſſigned and ſet out by the ſaid General Commiſſioners as and for the Share and Proportion of the ſaid Pariſh of *Epworth* as aforeſaid, after deducting the Value of ſuch additional Allotment as before mentioned.

Corn Rent in lieu of the remaining Tythes of *Epworth* Common.

XXXIII. And, in order to aſcertain the Compenſation to be made to the ſaid *John Robinſon* and his Succeſſors, Rectors as aforeſaid, for the Tythes of the ſaid Portion of the ſaid Commons and Waſte Grounds to be ſet out and appointed as the Share of the ſaid Pariſh of *Epworth*; be it further enacted, That the ſaid *Thomas Stone*, *Richard Clark*, and *Benjamin Codd*, ſhall, and they are hereby further required, from the *London Gazette*, and by ſuch other Ways and Means as they ſhall think moſt proper, to aſcertain the Average Price of good marketable Wheat in the ſaid County of *Lincoln*, during the Term of Twenty-one Years next preceding the Commencement of this Act, and ſhall and may, and they are hereby authorized and required, in and by their Award or Inſtrument herein-after directed to be made, or by any Writing under their Hands previous to the Execution of the ſaid Award, or by any Schedule to be annexed thereto, to aſcertain and diſtinctly ſet forth the Annual Value of One Tenth Part of the ſaid Portion of the ſaid Commons and Waſte Grounds ſo aſſigned and allotted to the ſaid Pariſh of *Epworth*, after deducting from ſuch Tenth Part the Annual Value of the ſaid additional Allotments before mentioned, and alſo ſet forth what Quantity of ſuch Wheat ſhall in their Judgement, according to ſuch Average Price as aforeſaid, be equal to the yearly Value of the ſaid Tenth Part after ſuch Deduction; and that the ſaid Commiſſioners ſhall thereby alſo aſcertain, apportion, and divide, the Payment of the ſeveral Corn or Tythe Rents next herein-after mentioned, by and amongſt all the ſaid Proprietors within the ſaid Pariſh of *Epworth*, according and with due Regard to the Value of the ſeveral Allotments to be made to them of the Portion of the ſaid Commons and Waſte Grounds ſo to be allotted to the ſaid Pariſh of *Epworth*, and of the Tythes thereof reſpectively; and that there ſhall be iſſuing and payable from Time to Time and for ever thereafter to the ſaid *John Robinſon* and his Succeſſors, Rectors of *Epworth* aforeſaid, ſuch ſeveral yearly Corn Rents or Sums of Money, out of the ſaid ſeveral Allotments ſo to be made of the ſaid Commons and Waſte Grounds, to the ſaid Proprietors, within the ſaid Pariſh of *Epworth*, as ſhall be by them the ſaid *Thomas Stone*, *Richard Clark*, and *Benjamin Codd*, ſet forth in their Award as aforeſaid, and which ſhall be equal in Value to the Quantity of Wheat ſo to be aſcertained and ſet forth as aforeſaid; and that they the ſaid *Thomas Stone*, *Richard Clark*, and *Benjamin Codd*, ſhall and may, and they are hereby alſo further required by their ſaid Award, or by ſuch Writing under their Hands previous to the Execution of their ſaid Award, to aſcertain and ſet forth what Quantity of ſuch Wheat as aforeſaid ſhall, in their Judgement, according to ſuch Average Price as aforeſaid, be equal in Value to the Annual Sum of Four hundred and twenty Pounds herein-before mentioned to be agreed to be paid in Satisfaction

Payment of 420*l per Annum* to the Rector of *Epworth*, in lieu of all other Tythes.

tion of and for the other Great and Small Tythes, and all other Eccleſiaſtical Dues, Duties, and Payments whatſoever, ariſing, renewing, or increaſing, within the Pariſh of *Epworth* aforeſaid (*Eaſter* Offerings, Mortuaries, and Surplice Fees only excepted); and that there ſhall be iſſuing and payable from Time to Time and for ever thereafter to the ſaid *John Robinſon* and his Succeſſors, Rectors as aforeſaid, ſuch ſeveral yearly Corn Rents or Sums of Money out of the ſeveral Meſſuages, Cottages, Toftſteads, Open Field Lands, and ancient Incloſures belonging to the ſaid ſeveral Proprietors, within the ſaid Pariſh of *Epworth*, as ſhall be by the ſaid *Thomas Stone*, *Richard Clark*, and *Benjamin Codd*, ſet forth in their Award as aforeſaid, amounting together to the Sum of Four hundred and twenty Pounds, and which ſhall be equal in Value to the Quantity of Wheat ſo laſt directed to be aſcertained and ſet forth, and the Payment of ſuch laſt mentioned yearly Corn Rent or Sum of Four hundred and twenty Pounds ſhall be apportioned and divided by and amongſt the ſaid Proprietors, according and with due Regard to the Value of the ſeveral Eſtates to be charged therewith, and of the Tythes thereof reſpectively; all which ſaid ſeveral Rents or Sums of Money ſo directed to be made payable to the ſaid Rector and his Succeſſors ſhall be payable and paid by the Owner or Owners, or by the Perſon or Perſons who for the Time being ſhall be in the Poſſeſſion or Occupation of the ſaid Lands, Hereditaments, and Premiſes, out of which the ſaid ſeveral and reſpective Rents ſhall be iſſuing, to the ſaid Rector of *Epworth* and his Succeſſors for ever (ſubject to the Proviſo herein-after contained for re-aſcertaining the ſame every Twenty-one Years, if required), and ſhall be payable at the Rectory Houſe in *Epworth* aforeſaid, upon the Fifth Day of *January* and the Fifth Day of *July* in each Year, by even and equal Portions, the Firſt of ſuch Payments to commence and be made on ſuch of the ſaid Days as the ſaid Commiſſioners ſhall by their ſaid Award, or ſuch Writing as aforeſaid, previous thereto, appoint and direct, clear of all parliamentary and parochial Taxes, Rates, Duties, Dues, and Aſſeſſments whatſoever, and which ſaid ſeveral Allotments, and ſeveral and reſpective Tythe or Corn Rents or Sums of Money ſo to be paid to the ſaid *John Robinſon* and his Succeſſors, Rectors as aforeſaid, ſhall be in lieu of and full Compenſation and Satisfaction for all the Great and Small Tythes, and other Eccleſiaſtical Dues, Duties, and Payments whatſoever, belonging to the ſaid Rector, ariſing, renewing, increaſing, or happening within, out of, upon, or from any of the Meſſuages, Cottages, Tofts, Lands or Grounds, Commons, and other Hereditaments, within the ſaid Pariſh of *Epworth* (except *Eaſter* Offerings, Surplice Fees, and Mortuaries, which ſhall continue to be paid and payable as uſual).

Allotment to the Lord of the Manor of *Epworth* in lieu of his manerial Rights at *Epworth*.

XXXIV. And be it further enacted, That the ſaid Special Commiſſioners laſt before named ſhall and do, in the next Place, ſet out and allot unto the King's moſt Excellent Majeſty, His Heirs and Succeſſors, as Lord of the ſaid Manor of *Epworth*, and the ſaid *Henry Frederick* Lord *Carteret* as his Leſſee (excluſive of all other Allotments to the ſaid King's Majeſty, and the ſaid Lord *Carteret*, for and in reſpect of their other Property), ſuch Part and Parcel of the Reſidue of ſuch Portion of the ſaid Commons and Waſte Grounds as ſhall be allotted to the ſaid Pariſh of *Epworth* as ſhall (Quantity, Quality, and Situation conſidered), in the Judgement of the ſaid Commiſſioners laſt named, be equal in Value

to One Twentieth Part of ſuch Reſidue as aforeſaid, in lieu of and as a Compenſation for the Right and Intereſt of His ſaid Majeſty, His Heirs and Succeſſors, and the ſaid Lord *Carteret* as his Leſſee, in and to the Soil of ſuch Portion of the ſaid Commons and Waſte Grounds which ſhall be allotted to the ſaid Pariſh of *Epworth* by the ſaid General Commiſſioners, in Manner aforeſaid, and that ſuch Allotment ſhall adjoin to the other Lands in the Pariſh of *Epworth* aforeſaid, which ſhall be allotted to the ſaid King's Majeſty and His ſaid Leſſee.

Allotment of One hundred Acres at *Epworth* for a Turbary.

XXXV. And be it further enacted, That the ſaid Special Commiſſioners laſt before named ſhall, and they are hereby required, in the next Place, to ſet out and allot One or more Piece or Pieces of Land, not exceeding One hundred Acres, by the Survey herein-before directed to be made, Parcel of the ſaid Commons and Waſte Grounds to be aſſigned and ſet out as and for the Part and Proportion belonging to the ſaid Pariſh of *Epworth*, and in ſuch Place or Places as they the ſaid laſt-named Commiſſioners ſhall think moſt proper, for a Turbary, and to be for ever thereafter held and enjoyed for the Purpoſe of digging Turves for the Uſe and Benefit of the Inhabitants of the ſaid Pariſh of *Epworth*, in ſuch Manner, and ſubject to ſuch Orders, Rules, and Regulations, as they the ſaid laſt named Commiſſioners ſhall in and by the ſaid Award herein-after directed to be made, or by any Writing in the mean Time to be executed under their Hands and Seals, award, appoint, order, and direct, concerning the ſame.

Allotment of the Reſidue of the Commons at *Epworth*.

XXXVI. And be it further enacted, That the ſaid Commiſſioners laſt named ſhall, and they are hereby required and empowered, after the ſeveral Allotments herein-before directed ſhall have been made, to aſſign, allot, ſet out, and divide, the Reſidue of ſuch Portion of the ſaid Commons and Waſte Grounds, which ſhall be allotted to the ſaid Pariſh of *Epworth* by the ſaid General Commiſſioners on the parochial Diviſion and Allotment herein-before directed to be made by them, in Manner following; that is to ſay, Seven Twelfth Parts thereof, the Whole into Twelve equal Parts to be divided (Quantity, Quality, and Situation conſidered), ſhall be ſet out and allotted to and amongſt the ſeveral Owners and Proprietors of ancient Meſſuages, Cottages, Tofts, or Toftſteads, within the ſaid Pariſh of *Epworth*, having Right of Common on the ſaid Commons and Waſte Grounds (the ſaid *John Robinſon*, the Rector of *Epworth* aforeſaid, in reſpect of his Rectory Houſe, only excepted), in Shares of equal Value, that is to ſay, One equal Share to each Meſſuage, Cottage, Toft, or Toftſtead, and in making which Allotments no Regard ſhall be had to the Magnitude or Value of the ſaid Meſſuages, Cottages, Tofts, or Toftſteads, or any of them, and the remaining Five Twelfth Parts thereof ſhall be ſet out and allotted unto and amongſt the ſeveral Owners and Proprietors of Lands or Grounds within the ſaid Pariſh of *Epworth*, who were alſo, on or before the Thirteenth Day of *February* laſt paſt, Owners and Proprietors of Meſſuages, Cottages, Tofts, or Toftſteads, within the ſaid Pariſhes of *Epworth*, *Haxey*, *Belton*, and *Owſton*, or any One of them, having Right of Common on the ſaid Commons and Waſte Grounds (the ſaid *John Robinſon* in reſpect of his Glebe Lands only excepted), in Proportion and according to the Value of and to their ſeveral Rights and Intereſts in the Arable Lands, Crofts, ancient Incloſures, Meadows, and Paſtures, lying within the ſaid Pariſh of

Epworth

Epworth (Quantity, Quality, and Situation conſidered), in lieu of and as a full Recompence and Satisfaction for all the Right of Common and other Intereſt of the ſaid ſeveral Owners and Proprietors in and upon that Part of the ſaid Commons and Waſte Grounds which ſhall be allotted by the ſaid General Commiſſioners to the Pariſh of *Epworth* aforeſaid.

Allotment for getting Materials for Repair of Roads at *Haxey*.

XXXVII. And be it further enacted, That the ſaid *Thomas Stone*, *Thomas Fletcher*, and *Francis Raynes*, ſhall, in the firſt Place, if they ſhall think it neceſſary, ſet out and allot ſuch Parcel or Parcels of Land, in and upon ſome Part of the Commons and Waſte Grounds hereby directed to be divided and encloſed, which ſhall be allotted by the ſaid General Commiſſioners as and for the Share and Proportion of the ſaid Pariſh of *Haxey*, as the ſaid *Thomas Stone*, *Thomas Fletcher*, and *Francis Raynes*, ſhall think proper to be uſed for the Purpoſe of getting Gravel, Stone, Sand, or any other Materials for the Repair of the ſeveral publick Highways within the ſaid Pariſh of *Haxey*; and that the Graſs and Herbage growing and renewing in or upon ſuch Piece or Parcel of Land ſhall be and is hereby veſted in the Surveyor of the Highways for the ſaid Pariſh of *Haxey* for the Time being for ever, in Truſt, to let the ſame by publick Auction, and to apply the Rents and Profits thereof in the Reparation of the publick Roads within the ſaid Pariſh of *Haxey*; and ſuch Surveyor ſhall account for the Rents and Profits thereof in the ſame Manner as he is accountable for other Money that ſhall come to his Hands as Surveyor of the Highways, and ſhall be ſubject and liable to the like Penalties for the Neglect thereof.

Allotment for Tythes in *Haxey*.

XXXVIII. And whereas it is intended that all Tythes, both Great and Small, ariſing and renewing, and which ſhall and may hereafter ariſe and renew, out of and from ſuch Part of the ſaid Commons and Waſte Grounds as ſhall be allotted to the ſaid Pariſh of *Haxey* as aforeſaid, and alſo the Tythes of Fruit and Poultry, now payable to the ſaid *John Lamb* as Vicar as aforeſaid, and which ſhall and may hereafter ariſe and renew within the ſaid Pariſh of *Haxey*, ſhall be aboliſhed and extinguiſhed, and a Satisfaction and Compenſation made for the ſame in Manner hereinafter mentioned: And whereas the ſaid Archbiſhop as Impropriator of the ſaid Rectory of *Haxey*, and the ſaid *Joſeph Marris* as his Leſſee, and the ſaid *John Lamb* as Vicar of *Haxey* aforeſaid, have agreed to accept One Tenth Part in Value of that Portion of the ſaid Commons or Waſte Grounds which ſhall be allotted by the ſaid General Commiſſioners to the ſaid Pariſh of *Haxey*, in lieu of and in full Satisfaction for all Tythes, both Great and Small, ariſing and renewing, and which ſhall and may hereafter ariſe and renew, out of all the Commons and Waſte Grounds in the ſaid Pariſh of *Haxey*: And whereas the ſaid *John Lamb*, as Vicar of *Haxey* aforeſaid, hath agreed to accept ſuch Proportion of the ſaid Tenth Part as his Right and Intereſt as Vicar of *Haxey* in the ſaid Tythes to ariſe and renew from the ſaid Commons and Waſte Grounds in the ſaid Pariſh of *Haxey* bears to the Right and Intereſt of the ſaid Archbiſhop as Impropriator of the Rectory of *Haxey* aforeſaid, and the ſaid *Joſeph Marris* his Leſſee in the ſaid Tythes, and not to take ſuch Proportion in Land, but that the ſame ſhall be compenſated for by an adequate yearly Corn Rent or Sum of Money to be paid in lieu thereof to the ſaid *John Lamb* and his Succeſſors, Vicars of *Haxey* aforeſaid, by the ſaid

Archbiſhop

Archbiſhop of *York* and his Succeſſors, and his and their Leſſee and Leſſees of the ſaid Rectory of *Haxey* for the Time being, and in Conſideration of ſuch Yearly Corn Rent being charged upon the Whole of the ſaid Tythe Allotment in the ſaid Pariſh of *Haxey*, it hath been agreed between the ſaid Archbiſhop and the ſaid *Joſeph Marris* his Leſſee, and the ſaid *John Lamb* as Vicar as aforeſaid, that the Whole of the ſaid Tythe Allotment ſhall be awarded and allotted to the ſaid Archbiſhop and his Succeſſors, and the ſaid *Joſeph Marris* his Leſſee, in Manner herein-after mentioned: And whereas the ſaid Archbiſhop, and the ſaid *Joſeph Marris* as his Leſſee, and the ſaid *John Lamb* as Vicar of *Haxey* aforeſaid, have agreed to refer the Apportionment of the ſaid Tenth Part to be ſet out upon the Diviſion of the ſaid Commons and Waſte Grounds, in the ſaid Pariſh of *Haxey*, and the Value of the Share and Intereſt of the ſaid *John Lamb* therein, and the Corn Rent to be paid in lieu thereof, to the Award and final Determination of the ſaid *Thomas Fletcher* and *John Renſhaw*, of *Owthorp*, in the County of *Nottingham*, Gentlemen, Arbitrators mutually choſen by them, or to ſuch Umpire as herein-after mentioned, in caſe the ſaid Arbitrators ſhall not agree upon their Award: Be it therefore enacted, That the ſaid Special Commiſſioners laſt named ſhall have full Power and Authority, and they are hereby required, in the next Place, to ſet out and allot unto the ſaid Archbiſhop of *York* and his Succeſſors, and the ſaid *Joſeph Marris* his Leſſee, for and during ſuch and the ſame Term, Eſtate, and Intereſt, as the ſaid Archbiſhop, and the ſaid *Joſeph Marris* as his Leſſee, are entitled to in the other Hereditaments and Premiſes comprized in the ſaid Leaſe of the Rectory of *Haxey*, and in lieu of and in full Satisfaction for all Tythes, both Great and Small, ariſing and renewing, and which ſhall and may hereafter ariſe and renew, out of all the Commons and Waſte Grounds in the ſaid Pariſh of *Haxey*, ſuch Parcel or Parcels of that Portion of the ſaid Commons or Waſte Grounds which ſhall be allotted by the ſaid General Commiſſioners to the ſaid Pariſh of *Haxey*, as ſhall, (Quantity, Quality, and Situation, conſidered), excluſive of all other Allotments to the ſaid Archbiſhop and the ſaid *Joſeph Marris* his Leſſee, in reſpect of their other Property, be equal in Value, in the Judgement of the ſaid Special Commiſſioners laſt named, to One Tenth Part, and no more, of that Portion of the ſaid Commons or Waſte Grounds which ſhall be allotted by the ſaid General Commiſſioners to the ſaid Pariſh of *Haxey*, as aforeſaid.

A Corn Rent in lieu of the Vicar's Tythes to be charged on the Allotment for Tythes.

XXXIX. And be it further enacted, That the ſaid *Thomas Fletcher* and *John Renſhaw* ſhall be, and they are hereby nominated and appointed Arbitrators for aſcertaining, determining, and awarding, the Proportion to be ſet out for the ſaid Vicar of *Haxey*, and his Succeſſors, of the ſaid Tenth Part of that Portion of the ſaid Commons or Waſte Grounds which ſhall be ſet out in lieu of all Tythes, both Great and Small, ariſing and renewing, and which ſhall and may hereafter ariſe and renew, out of and from the Commons and Waſte Grounds in the ſaid Pariſh of *Haxey*, and for making a Valuation thereof, and for aſcertaining the Corn Rent to be paid in lieu thereof, in Manner herein-after mentioned; and they the ſaid Arbitrators are hereby fully authorized and empowered to hear and determine the Claims, Rights, and Intereſts, of the ſaid Archbiſhop of *York* and his Succeſſors, and his and their Leſſee and Leſſees, and the ſaid *John Lamb* and his Succeſſors, in the ſaid Tenth Part, either by Examination of Witneſſes upon Oath, (which Oath they are hereby empow-

empowered to adminiſter), or by ſuch other Evidence and Proof as to the ſaid Arbitrators ſhall ſeem requiſite and expedient in that Behalf, and they the ſaid Arbitrators are alſo hereby authorized and required to make or cauſe to be made an exact Valuation, according to the beſt of their Judgement, of ſuch Proportion of the ſaid Tenth Part as ſhall be deemed and adjudged by the ſaid Arbitrators, or their Umpire, to be the due Share and Intereſt of the ſaid *John Lamb* therein; and after making ſuch Valuation as aforeſaid, to aſcertain from the *London Gazette*, and by ſuch other Ways and Means as they ſhall think moſt proper, the Average Price of good marketable Wheat in the ſaid County of *Lincoln*, during the Term of Twenty-one Years next preceding the Commencement of this Act; and ſhall and may, and they are hereby authorized and required to aſcertain and determine the Annual Value of ſuch Proportion of the ſaid Tenth Part as ſhall be awarded to the ſaid *John Lamb* and his Succeſſors as aforeſaid, according to the ſaid Valuation, and alſo what Quantity of ſuch Wheat ſhall, in the Judgement of the ſaid Arbitrators, according to ſuch Average Price as aforeſaid, be equal in Value to the ſaid Proportion of the ſaid Tenth Part ſo to be adjudged and determined to be the due Share and Intereſt of the ſaid *John Lamb* and his Succeſſors as aforeſaid, in lieu of the ſaid Vicar's Right and Intereſt in the ſaid Great and Small Tythes ariſing and renewing, and which ſhall and may hereafter ariſe and renew, out of and from the ſaid Commons and Waſte Grounds, in the ſaid Pariſh of *Haxey*; and alſo, within Three Calendar Months after the ſaid Tenth Part ſhall be ſet out by the ſaid Commiſſioners laſt named, to form and draw up an Award or Inſtrument in Writing, under their Hands and Seals, whereby they ſhall aſcertain and ſet forth ſuch Share and Intereſt of the ſaid *John Lamb*, and ſuch Valuation thereof as aforeſaid, and alſo the Amount of the Yearly Corn Rent to be paid to the ſaid *John Lamb*, and his Succeſſors for the ſame; and that there ſhall be iſſuing and payable from Time to Time, and for ever thereafter, to the ſaid *John Lamb* and his Succeſſors, Vicars of *Haxey* aforeſaid, ſuch Yearly Corn Rent or Sum of Money, out of the ſaid Tythe Allotment or Allotments herein-before directed to be made to the ſaid Archbiſhop of *York* and his Succeſſors, and the ſaid *Joſeph Marris* as his Leſſee in the ſaid Pariſh of *Haxey*, as ſhall be by the ſaid Arbitrators ſet forth in their ſaid Award as aforeſaid, and which ſhall be equal in Value to the Quantity of Wheat ſo to be aſcertained and ſet forth as aforeſaid, which ſaid Yearly Rent ſhall be paid at the Vicarage Houſe in *Haxey* aforeſaid, by the ſaid Archbiſhop and his Succeſſors, or his and their Leſſee or Leſſees for the Time being of the ſaid Rectory of *Haxey*, unto the ſaid *John Lamb*, and his Succeſſors, Vicars of *Haxey*, for ever, upon ſuch Day or Days in every Year as the ſaid Arbitrators ſhall by their ſaid Award appoint and direct, ſubject to the Proviſo herein-after contained for re-aſcertaining the ſame every Twenty-one Years if required; and that the ſaid Yearly Rent, and alſo ſuch Proportion of the ſaid Tenth Part as ſhall be awarded by the ſaid Arbitrators to the ſaid *John Lamb*, and which is herein-before agreed to be allotted to the ſaid Archbiſhop and the ſaid *Joſeph Marris* his Leſſee, ſhall be and remain at all Times for ever hereafter free and clear of all parliamentary and parochial Taxes, Rates, Dues, Duties, and Aſſeſſments whatſoever; and the ſaid General Commiſſioners ſhall, and they are hereby authorized and required to comprize the Award of the ſaid Arbitrators, or their Umpire as aforeſaid, in the ſaid Commiſſioners Award herein-after directed to be made, and to make the ſame a Part thereof; and in caſe they the ſaid

Arbitrators ſhall not make and complete their ſaid Award, and deliver the ſame to the Commiſſioners laſt named, within the Time herein-before limited, then and in that caſe ſuch diſintereſted Perſon as ſhall be elected and appointed by the ſaid Arbitrators, by Writing under their Hands, for an Umpire, (ſuch Election and Appointment being made before the ſaid Arbitrators proceed in their Arbitration), ſhall be and is hereby appointed Umpire for finally determining the ſeveral Matters and Things agreed to be referred to the ſaid Arbitrators in Manner aforeſaid; but in caſe the ſaid Arbitrators ſhall not agree upon the Election and Appointment of an Umpire before they ſhall proceed in their ſaid Arbitration, then and in ſuch Caſe the ſaid Archbiſhop of *York* and his Succeſſors, and the Right Reverend the Lord Biſhop of *Lincoln* and his Succeſſors, are hereby authorized and empowered to elect and appoint ſuch Umpire; and the ſaid Umpire ſo to be elected and appointed as aforeſaid ſhall, from and immediately after the Expiration of the Time herein-before limited for making and completing the ſaid Arbitrator's Award, have the like Power and Authority in every Reſpect, and to every Intent and Purpoſe, as is hereby veſted in the ſaid Arbitrators; and ſuch Determination or Award of the ſaid Arbitrators or their Umpire, made in Writing under their Hands and Seals, ſhall be final and concluſive; and the Award of ſuch Umpire ſhall be delivered to the ſaid General Commiſſioners, to be comprized in and made a Part of their Award, within One Calendar Month next after the Execution thereof.

For appointing Arbitrators in caſe of Death, &c.

XL. And be it further enacted, That if the ſaid *Thomas Fletcher* ſhall die, refuſe, or be diſabled to act, before the ſaid Arbitration ſhall be perfected and completed, then and in ſuch Caſe the ſaid Archbiſhop of *York* and his Succeſſors, and his and their Leſſee or Leſſees for the Time being, ſhall and may, and he and they are hereby authorized and required, within One Calendar Month next after ſuch Death, Refuſal, or Diſability, ſhall be ſignified to them in Writing, to elect and appoint One other diſintereſted Perſon as Arbitrator in the Place and Stead of the ſaid *Thomas Fletcher*; and if the ſaid *John Renſhaw* ſhall die, refuſe, or be diſabled to act, before the ſaid Arbitration ſhall be perfected and completed, then and in ſuch Caſe the ſaid *John Lamb* and his Succeſſors, Vicars of *Haxey* aforeſaid, ſhall and may, and they are hereby authorized and required, within One Calendar Month next after ſuch Death, Refuſal, or Diſability, ſhall be ſignified to them in Writing, to elect and appoint One other diſintereſted Perſon as Arbitrator in the Place and Stead of the ſaid *John Renſhaw*; and if the Umpire to be elected and appointed as aforeſaid ſhall die, refuſe, or be diſabled to act, before the ſaid Umpirage ſhall be perfected and completed, (if ſuch Umpirage ſhall be neceſſary), then and in ſuch Caſe the Perſon or Perſons who ſhall elect and appoint the Umpire ſo dying, refuſing, or being diſabled to act, ſhall and may, and they are hereby authorized and required, within One Calendar Month next after ſuch Death, Refuſal, or Diſability, ſhall be ſignified to them in Writing, to elect and appoint One other diſintereſted Perſon as Umpire, in the Place and Stead of ſuch Umpire ſo dying, refuſing, or being diſabled as aforeſaid; and every ſuch Arbitrator or Umpire ſo to be elected and appointed ſhall be veſted with the like Powers and Authorities in all Reſpects whatſoever as the Arbitrator or Umpire in whoſe Place he ſhall have been ſo elected and appointed was inveſted with by virtue of this Act.

XLI. And

Allotment to the Vicar of *Haxey* in lieu of the Tythes of Orchards, Fruit, Poultry, and *Easter* Dues.

XLI. And be it further enacted, That the ſaid Special Commiſſioners laſt named ſhall, and they are hereby authorized and required, in the next Place, to make a fair and impartial Valuation, according to the beſt of their Skill and Judgement, of the Tythes of Orchards, Fruit, and Poultry, ariſing, renewing, and growing due, to the ſaid *John Lamb* as Vicar as aforeſaid, and which ſhall and may at any Time hereafter ariſe, renew, and grow due to the ſaid *John Lamb* and his Succeſſors, Vicars of *Haxey* aforeſaid, out of and from or in reſpect of all and every the Meſſuages, Cottages, Tofts, Frontſteads, Garths, Gardens, Orchards, Crofts, and all other Lands and Grounds, in the ſaid Pariſh of *Haxey*, (the Commons and Waſte Grounds only excepted), and then to ſet out and allot unto the ſaid *John Lamb* and his Succeſſors, Vicars of *Haxey* aforeſaid, ſuch Parcel or Parcels of that Portion of the ſaid Commons and Waſte Grounds which ſhall be allotted by the ſaid General Commiſſioners to the ſaid Pariſh of *Haxey*, as they the ſaid Special Commiſſioners laſt named ſhall deem and adjudge (Quantity, Quality, and Situation, conſidered) to be a juſt and adequate Satisfaction and Compenſation for the ſame Tythes laſt mentioned, and that ſuch Allotment of Land ſhall adjoin to the Lands herein-after directed to be awarded and allotted to the ſaid *John Lamb*, as Vicar as aforeſaid, in reſpect of his Glebe Lands and Right of Common, and ſhall be laid as commodious to the Vicarage Houſe in *Haxey* aforeſaid as conveniently may be.

Allotment to the Impropriator and Vicar in reſpect of their Glebe and Common Rights.

XLII. And be it further enacted, That the ſaid laſt named Special Commiſſioners ſhall, and they are hereby authorized and required, in the next Place, to ſet out and allot unto the ſaid Archbiſhop of *York* and his Succeſſors, and the ſaid *Joſeph Marris* his Leſſee, and unto and for the ſaid *John Lamb* and his Succeſſors, Vicars as aforeſaid, ſeverally and reſpectively, ſuch Parcel or Parcels of that Portion of the ſaid Commons or Waſte Grounds which ſhall be allotted by the ſaid General Commiſſioners to the ſaid Pariſh of *Haxey*, as ſhall, (Quantity, Quality, and Situation, conſidered) in the Judgement of the ſaid Special Commiſſioners laſt named, be a full Equivalent and Compenſation for the Right of Common ſeverally belonging to the ſaid Archbiſhop of *York*, and the ſaid *Joſeph Marris* his Leſſee, and the ſaid *John Lamb* as Vicar aforeſaid, in reſpect of the Glebe Lands, Vicarage Houſe, and Meſſuages or Tofts, belonging to the ſaid Rectory and Vicarage of *Haxey* aforeſaid; and that ſuch Part thereof as ſhall be allotted to the ſaid Archbiſhop, and the ſaid *Joſeph Marris* as his Leſſee, ſhall adjoin to the Allotment herein-before directed to be made to them upon the ſaid Commons and Waſte Grounds, in the Pariſh of *Haxey* aforeſaid; and that ſuch Part thereof as ſhall be allotted to the ſaid *John Lamb* and his Succeſſors, as Vicars aforeſaid, ſhall adjoin to the Allotment herein-before directed to be made to the ſaid Vicar, and as commodious to the ſaid Vicarage Houſe in *Haxey* as conveniently may be.

Allotment in *Haxey* Pariſh for Manerial Rights.

XLIII. And be it further enacted, That the ſaid Special Commiſſioners laſt named ſhall and do, in the next Place, ſet out and allot unto the King's moſt Excellent Majeſty, His Heirs and Succeſſors, as Lords of the ſaid Manors of *Epworth* and *Weſtwood*, and the ſaid Lord *Carteret*, as His Leſſee, and to the ſaid Archbiſhop of *York* and his Succeſſors, as Lords of the ſaid Manor of *Haxey Hall Garth*, and the ſaid *Joſeph Marris* as his Leſſee, (excluſive of all other Allotments to the ſaid King's

Majeſty and the ſaid Archbiſhop, and their reſpective Leſſees, for and in reſpect of their other Property), ſuch Parts and Parcels of the Reſidue of ſuch Portion of the ſaid Commons and Waſte Grounds as ſhall be allotted to the ſaid Pariſh of *Haxey*, as ſhall, (Quantity, Quality, and Situation conſidered), in the Judgement of the ſaid Commiſſioners laſt named, be equal in Value to One Twentieth Part of ſuch Reſidue as aforeſaid, in Lieu of and as a Compenſation for the Right and Intereſt of His ſaid Majeſty, His Heirs and Succeſſors, and the ſaid Archbiſhop and his Succeſſors, and their ſeveral and reſpective Leſſees, in and to the Soil of ſuch Portion of the ſaid Commons and Waſte Grounds which ſhall be allotted to the ſaid Pariſh of *Haxey* by the ſaid General Commiſſioners in Manner aforeſaid; and that ſuch Parcels of Land ſo to be allotted as aforeſaid ſhall be apportioned and divided between the ſaid King's Majeſty, in reſpect of His Manors of *Epworth* and *Weſtwood* aforeſaid, and the ſaid Lord *Carteret* as His Leſſee, and the ſaid Archbiſhop, in reſpect of his Manor of *Haxey Hall Garth*, and the ſaid *Joſeph Marris* as his Leſſee, in ſuch Shares and Proportions as the ſaid Special Commiſſioners laſt named ſhall adjudge to be fair and equitable, and according to the Number of Meſſuages, Cottages, and Toftſteads, having Common Rights in or over the ſaid Commons and Waſte Grounds, and the Value of the Lands and Hereditaments, being Parcel of the ſaid Manors reſpectively, and the Extent of the ſaid ſeveral Manors; and that ſuch Part thereof as ſhall be allotted to the ſaid King's Majeſty, and the ſaid Lord *Carteret* as His Leſſee, ſhall adjoin to the other Lands in the Pariſh of *Haxey* aforeſaid, which ſhall be allotted to the ſaid King's Majeſty and His Leſſee; and that ſuch Part thereof as ſhall be allotted to the ſaid Archbiſhop, and the ſaid *Joſeph Marris* as his Leſſee, ſhall adjoin to the other Lands in the Pariſh of *Haxey* aforeſaid, which ſhall be allotted to the ſaid Archbiſhop and his Leſſee.

Allotment of 100 Acres in *Haxey* Pariſh for a Turbary.

XLIV. And be it further enacted, That the ſaid Special Commiſſioners laſt named ſhall, and they are hereby required, in the next Place, to ſet out and allot One or more Piece or Pieces of Land, not exceeding One hundred Acres, by the Survey herein-before directed to be made, Parcel of the ſaid Commons or Waſte Grounds, to be aſſigned and ſet out as and for the Part and Proportion belonging to the ſaid Pariſh of *Haxey*, and in ſuch Place or Places as they the ſaid laſt named Commiſſioners ſhall think moſt proper for a Turbary, and to be for ever thereafter held and enjoyed for the Purpoſe of digging Turves for the Uſe and Benefit of the Inhabitants of the ſaid Pariſh of *Haxey*, in ſuch Manner, and ſubject to ſuch Orders, Rules, and Regulations, as they the ſaid laſt named Commiſſioners ſhall, in and by the ſaid Award, herein-after directed to be made, or by any Writing in the mean Time to be executed under their Hands and Seals, award, appoint, order and direct, concerning the ſame.

Allotment of the Reſidue of the Commons at *Haxey*.

XLV. And be it further enacted, That the ſaid Special Commiſſioners laſt named ſhall, and they are hereby required and empowered, after the ſeveral Allotments herein-before directed ſhall have been made, to aſſign, allot, ſet out, and divide, the Reſidue of ſuch Portion of the ſaid Commons and Waſte Grounds which ſhall be allotted to the ſaid Pariſh of *Haxey* by the ſaid General Commiſſioners, on the parochial Diviſion and Allotment herein-before directed to be made by them, in Manner following;

following; that is to ſay, Seven Twelfth Parts thereof, the Whole into Twelve equal Parts to be divided, (Quantity, Quality, and Situation, conſidered), ſhall be ſet out and allotted to and amongſt the ſeveral Owners and Proprietors of ancient Meſſuages, Cottages, Tofts, or Toft-ſteads, within the ſaid Pariſh of *Haxey*, having Right of Common on the ſaid Commons and Waſte Grounds, (the ſaid Archbiſhop of *York* and his Leſſees, and alſo the ſaid *John Lamb*, in reſpect of their Houſes or Tofts in *Haxey* aforeſaid, only excepted), in Shares of equal Value, (that is to ſay), One equal Share to each and every Meſſuage, Cottage, Toft, or Toftſtead; and in making which Allotments no Regard ſhall be had to the Magnitude or Value of the ſame, or any of them; and the remaining Five Twelfth Parts thereof ſhall be ſet out and allotted unto and amongſt the ſeveral Owners and Proprietors of Lands or Grounds within the ſaid Pariſh of *Haxey*, who were alſo, on or before the Thirteenth Day of *February* laſt paſt, Owners and Proprietors of Meſſuages, Cottages, Tofts, or Toftſteads, within the ſaid Pariſhes of *Epworth*, *Haxey*, *Belton*, and *Owſton*, or any One of them, having Right of Common on the ſaid Commons and Waſte Grounds, (the ſaid Archbiſhop of *York* and his Leſſees, and alſo the ſaid *John Lamb*, in reſpect of their Glebe Lands, only excepted), in Proportion and according to the Value of and to their ſeveral Rights and Intereſts in the Arable Lands, Crofts, ancient Incloſures, Meadows, and Paſtures, lying within the ſaid Pariſh of *Haxey*, (Quantity, Quality, and Situation, conſidered), in Lieu of and as a full Compenſation and Satisfaction for all the Rights of Common and other Intereſts of the ſaid ſeveral Owners and Proprietors in and upon that Part of the ſaid Commons and Waſte Grounds which ſhall be allotted by the ſaid General Commiſſioners to the Pariſh of *Haxey* aforeſaid.

Land allotted for Repair of Roads at *Belton*.

XLVI. And be it further enacted, That the ſaid *Thomas Stone*, *Samuel Turner*, and *Thomas Mould*, ſhall, in the Firſt Place, if they ſhall think neceſſary, ſet out and allot ſuch Parcel or Parcels of Land, in and upon ſome Part of the Commons and Waſte Grounds hereby directed to be divided and incloſed, which ſhall be allotted to the ſaid Pariſh of *Belton*, as the ſaid laſt named Commiſſioners ſhall think proper, to be uſed for the Purpoſe of getting Gravel, Stone, Sand, or any other Materials for the Repairs of the ſeveral publick Highways within the ſaid Pariſh of *Belton*; and that the Graſs and Herbage growing and renewing in or upon ſuch Piece or Parcel of Land ſhall be, and is hereby veſted in the Surveyor of the Highways for the ſaid Pariſh of *Belton* for the Time being for ever, in Truſt, to let the ſame by publick Auction, and to apply the Rents and Profits thereof in the Reparation of the public Roads within the ſaid Pariſh of *Belton*; and ſuch Surveyor ſhall account for the Rents and Profits thereof in the ſame Manner as he is accountable for other Money that ſhall come to his Hands as Surveyor of the Highways, and ſhall be ſubject and liable to the like Penalties for the Neglect thereof.

Allotment for *Belton* Tythes.

XLVII. And whereas it is intended that all Tythes, both Great and Small, ariſing and renewing, and which ſhall and may hereafter ariſe and renew, out of and from the Commons and Waſte Grounds in the ſaid Pariſh of *Belton*, and alſo the Tythes of Orchards, Fruit, and Poultry, and all *Eaſter* Dues, now payable to the ſaid Mayor, Sheriffs, Citizens, and

and Commonalty, of the City of *Lincoln*, as Impropriators as aforeſaid, and which ſhall and may hereafter ariſe and renew within the ſaid Pariſh of *Belton*, ſhall be for ever aboliſhed and extinguiſhed, and a Satisfaction and Compenſation made for the ſame in Manner herein-after mentioned; be it therefore enacted, That the ſaid Special Commiſſioners laſt named ſhall have full Power and Authority, and they are hereby required, in the next Place, to ſet out and allot unto the ſaid Mayor, Sheriffs, Citizens, and Commonalty, of the ſaid City of *Lincoln*, and their Succeſſors, in Lieu of and full Satisfaction for all Tythes, both Great and Small, ariſing and renewing, and which ſhall and may hereafter ariſe and renew, out of all the Commons and Waſte Grounds in the ſaid Pariſh of *Belton*, ſuch Parcel or Parcels of that Portion of the ſaid Commons and Waſte Grounds, which ſhall be allotted by the ſaid General Commiſſioners to the ſaid Pariſh of *Belton*, as ſhall, (Quantity, Quality, and Situation, conſidered), excluſive of all other Allotments to the ſaid Mayor, Sheriffs, Citizens, and Commonalty, in reſpect of their other Property, be equal in Value, in the Judgement of the ſaid Special Commiſſioners laſt named, to One Tenth Part, and no more, of that Portion of the ſaid Commons and Waſte Grounds which ſhall be allotted by the ſaid General Commiſſioners to the Pariſh of *Belton* aforeſaid.

Allotment in lieu of Tythes of Orchards, Fruit, Poultry, and Eaſter Dues, in *Belton*.

XLVIII. And be it further enacted, That the ſaid Special Commiſſioners laſt named ſhall, and they are hereby authorized and required, in the next Place, to make a fair and impartial Valuation, according to the beſt of their Skill and Judgement, of the Tythes of Orchards, Fruit, and Poultry, ariſing, renewing, and growing due, to the ſaid Mayor, Sheriffs, Citizens, and Commonalty, as Impropriators as aforeſaid, and which ſhall and may at any Time hereafter ariſe, renew, and grow due, to the ſaid Mayor, Sheriffs, Citizens, and Commonalty, and their Succeſſors, as Impropriators of *Belton* aforeſaid, out of and from or in reſpect of all and every the Meſſuages, Cottages, Tofts, Frontſteads, Garths, Gardens, Orchards, Crofts, and all other Lands and Grounds in the ſaid Pariſh of *Belton*, (the Commons and Waſte Grounds only excepted), and alſo of all *Eaſter* Dues and other Eccleſiaſtical Duties whatſoever, payable to the ſaid Mayor, Sheriffs, Citizens, and Commonalty, as Impropriators as aforeſaid, within the ſaid Pariſh of *Belton*, (Mortuaries and Surplice Fees only excepted), and then to ſet out and allot to the ſaid Mayor, Sheriffs, Citizens, and Commonalty, and their Succeſſors, Impropriators of *Belton* aforeſaid, ſuch Parcel or Parcels of that Portion of the ſaid Commons and Waſte Grounds, which ſhall be allotted by the ſaid General Commiſſioners to the ſaid Pariſh of *Belton*, as they the ſaid Special Commiſſioners laſt named ſhall deem and adjudge, (Quantity, Quality, and Situation, conſidered), to be a juſt and adequate Satisfaction and Compenſation for the ſame; and that the ſaid Special Commiſſioners laſt named ſhall, and they are hereby authorized and required, in the next Place, to ſet out and allot unto the ſaid Mayor, Sheriffs, Citizens, and Commonalty, and their Succeſſors, as Impropriators of the Rectory of *Belton* aforeſaid, ſuch Parcel or Parcels of that Portion of the ſaid Commons and Waſte Grounds, which ſhall be allotted by the ſaid General Commiſſioners to the ſaid Pariſh of *Belton*, as ſhall, (Quantity, Quality, and Situation, conſidered), in the Judgement of the ſaid Special Commiſſioners laſt named, be a full Equivalent and Compenſation for the Right of Common belonging to the ſaid Mayor, Sheriffs, Citizens,

Allotment to the Impropriators of *Belton* for Glebe and Common Rights.

Citizens, and Commonalty, in reſpect of the Glebe Lands and Meſſuages or Tofts belonging to the ſaid Rectory of *Belton* aforeſaid; and that the ſeveral laſt mentioned Allotments herein-before directed to be made to the ſaid Mayor, Sheriffs, Citizens, and Commonalty, and all other Allotments, which ſhall be made to them by virtue of this Act, ſhall adjoin together and be comprized in One entire Allotment; and that the ſaid Commiſſioners laſt named ſhall, and they are hereby authorized and required, in the next Place, to ſet out and allot unto the ſaid *Joſeph Robinſon*, and his Succeſſors, as Curates of the Perpetual Curacy of *Belton* aforeſaid, ſuch Parcel or Parcels of that Portion of the ſaid Commons and Waſte Grounds which ſhall be allotted by the ſaid General Commiſſioners to the ſaid Pariſh of *Belton*, as ſhall, (Quantity, Quality, and Situation, conſidered), in the Judgement of the ſaid Special Commiſſioners laſt named, be a full Equivalent and Compenſation for the Right of Common belonging to the ſaid *Joſeph Robinſon*, as Curate of the ſaid Perpetual Curacy, in reſpect of the ſaid Meſſuage and Croft in *Belton* aforeſaid, which he is entitled to as Curate as aforeſaid, and that the ſaid Allotment ſhall be laid as commodious to the ſaid laſt mentioned Meſſuage and Croft as conveniently may be.

Allotment to the Curate of *Belton* in lieu of Common Right.

Allotment in *Belton* Pariſh for Manerial Rights.

XLIX. And be it further enacted, That the ſaid Special Commiſſioners laſt named ſhall and do, in the next Place, ſet out and allot unto the King's moſt Excellent Majeſty, His Heirs and Succeſſors, as Lords of the Manor of *Epworth* aforeſaid, and to the ſaid Lord *Carteret* as His Leſſee, and to the ſaid *Charles Pierrepont*, his Heirs and Aſſigns, as Lords of the Manor of *Crowle* aforeſaid, excluſive of all other Allotments to the ſaid King's Majeſty and His Leſſee, and to the ſaid *Charles Pierrepont*, for and in reſpect of their other Property, ſuch Parts and Parcels of the Reſidue of that Portion of the ſaid Commons and Waſte Grounds which ſhall be allotted to the ſaid Pariſh of *Belton*, as ſhall, (Quantity, Quality, and Situation, conſidered), in the Judgement of the ſaid Special Commiſſioners laſt named, be equal in Value to One Twentieth Part of ſuch Reſidue as aforeſaid, in lieu of and as a Compenſation for the Right and Intereſt of His ſaid Majeſty, His Heirs and Succeſſors, and His ſaid Leſſee, and alſo the ſaid *Charles Pierrepont*, his Heirs and Aſſigns, in and to the Soil of ſuch Portion of the ſaid Commons and Waſte Grounds which ſhall be allotted to the ſaid Pariſh of *Belton* by the ſaid General Commiſſioners in Manner aforeſaid; and that ſuch Parcel or Parcels of Land ſo to be allotted as aforeſaid ſhall be apportioned and divided between the ſaid King's Majeſty, in reſpect of His Manor of *Epworth* aforeſaid, and the ſaid *Charles Pierrepont*, in reſpect of his Manor of *Crowle* aforeſaid, in ſuch Shares and Proportions as the ſaid Special Commiſſioners laſt named ſhall adjudge to be fair and equitable, and according to the Number of Meſſuages, Cottages, and Toftſteads, having Common Rights in or over the ſaid Commons and Waſte Grounds, and the Value of the Lands and Hereditaments being Parcel of the ſaid Manors reſpectively, and the Extent of their ſaid reſpective Manors; and that ſuch Part thereof as ſhall be allotted to the ſaid King's Majeſty, and the ſaid Lord *Carteret* as His Leſſee, ſhall adjoin to the other Lands, in the Pariſh of *Belton* aforeſaid, which ſhall be allotted to the ſaid King's Majeſty and His Leſſee; and that ſuch Part thereof as ſhall be allotted to the ſaid *Charles Pierrepont*, his Heirs and Aſſigns, ſhall adjoin to the other Lands, in the ſaid Pariſh of *Belton* aforeſaid,

aforeſaid, which ſhall be allotted to the ſaid *Charles Pierrepont*, his Heirs and Aſſigns.

Allotment of 100 Acres in *Belton* Pariſh for a Turbary.

L. And be it further enacted, That the ſaid Special Commiſſioners laſt named ſhall, and they are hereby required, in the next Place, to ſet out and allot One or more Piece or Pieces of Land, not exceeding One hundred Acres, by the Survey herein-before directed to be made, Parcel of the ſaid Commons or Waſte Grounds to be aſſigned and ſet out as and for the Part and Proportion belonging to the ſaid Pariſh of *Belton*, and in ſuch Place or Places as they the ſaid laſt named Commiſſioners ſhall think moſt proper, for a Turbary, and to be for ever thereafter held and enjoyed for the Purpoſe of digging Turves for the Uſe and Benefit of the Inhabitants of the ſaid Pariſh of *Belton*, in ſuch Manner, and ſubject to ſuch Orders, Rules, and Regulations, as they the ſaid laſt named Commiſſioners ſhall, in and by their ſaid Award herein-after directed to be made, or by any Writing in the mean Time to be executed under their Hands and Seals, award, appoint, order, and direct, concerning the ſame.

Allotment of the Reſidue of the Commons at *Belton*.

LI. And be it further enacted, That the ſaid Special Commiſſioners laſt named ſhall, and they are hereby required and authorized, after the ſeveral Allotments herein-before directed ſhall have been made, to aſſign, allot, ſet out, and divide, the Reſidue of ſuch Portion of the ſaid Commons and Waſte Grounds, which ſhall be allotted to the ſaid Pariſh of *Belton* by the ſaid General Commiſſioners, on the parochial Diviſion and Allotment herein-before directed to be made by them, in Manner following; that is to ſay, Seven Twelfth Parts thereof, (the Whole into Twelve equal Parts to be divided), Quantity, Quality, and Situation, conſidered), ſhall be ſet out and allotted to and amongſt the ſeveral Owners and Proprietors of ancient Meſſuages, Cottages, Tofts, or Toftſteads, within the ſaid Pariſh of *Belton*, having Right of Common on the ſaid Commons and Waſte Grounds, (the ſaid Mayor, Sheriffs, Citizens, and Commonalty, of the City of *Lincoln*, and the ſaid *Joſeph Robinſon*, in reſpect of their Houſes or Tofts, only excepted), in Shares of equal Value, (that is to ſay), One Share to each Meſſuage, Cottage, Toft, or Toftſtead, and in making which Allotments no Regard ſhall be had to, nor any Diſtinction made on Account of, the Magnitude or Value of the ſaid Meſſuages, Cottages, Tofts, or Toftſteads, or any of them; and the remaining Five Twelfth Parts thereof ſhall be ſet out and allotted unto and amongſt the ſeveral Owners and Proprietors of Lands or Grounds, within the ſaid Pariſh of *Belton*, who were alſo, on or before the Thirteenth Day of *February* laſt paſt, Owners and Proprietors of Meſſuages, Cottages, Tofts, or Toftſteads, within the ſaid Pariſhes of *Epworth*, *Haxey*, *Belton*, and *Owſton*, or any One of them, having Right of Common on the ſaid Commons and Waſte Grounds, (the ſaid Corporate Body, in reſpect of their Glebe Lands, and alſo the ſaid *Joſeph Robinſon*, in reſpect of his ſaid Croft, only excepted), in Proportion and according to the Value of and to their Eſtates and Intereſts in the Arable Lands, Crofts, ancient Incloſures, Meadows, and Paſtures, lying within the ſaid Pariſh of *Belton*, (Quantity, Quality, and Situation, conſidered), in Lieu of and as a full Recompence and Satisfaction for all the Right of Common and other Intereſt of the ſaid ſeveral Owners and Proprietors in and upon that Part of the ſaid Commons and Waſte

Grounds which ſhall be allotted by the ſaid General Commiſſioners to the Pariſh of *Belton* aforeſaid.

Allotment for getting Materials for Repair of Roads at *Owſton*.

LII. And be it further enacted, That the ſaid *Thomas Stone*, *Richard Mitton*, and *William Whitelock*, ſhall, in the firſt Place, if they ſhall think it neceſſary, ſet out and allot ſuch Parcel or Parcels of Land, in and upon ſome Part of the Commons and Waſte Grounds hereby directed to be divided and incloſed, which ſhall be allotted to the ſaid Pariſh of *Owſton*, as the Commiſſioners laſt named ſhall think proper, to be uſed for the Purpoſe of getting Gravel, Stone, Sand, or any other Materials for the repairing of the ſeveral publick Highways within the Pariſh of *Owſton* aforeſaid; and that the Graſs and Herbage growing and renewing in and upon ſuch Parcel or Parcels of Land ſhall be and is hereby veſted in the Surveyor of the Highways for the ſaid Pariſh of *Owſton* for the Time being for ever, in Truſt, to let the ſame by publick Auction, and to apply the Rents and Profits thereof in the Reparation of the publick Roads within the ſaid Pariſh of *Owſton*; and ſuch Surveyor ſhall account for the Rents and Profits thereof in the ſame Manner as he is accountable for other Money that ſhall come to his Hands as Surveyor of the Highways, and ſhall be ſubject and liable to the like Penalties for the Neglect thereof.

Allotment at *Owſton* for the Tythes of the Commons and Part of the Fields, &c.

LIII. And whereas it is intended that all Tythes, both Great and Small, ariſing and renewing, and which ſhall and may hereafter ariſe and renew, out of and from the Commons and Waſte Grounds in the ſaid Pariſh of *Owſton*, and alſo all Tythes, both Great and Small, (the Tythes of Hemp and Line only excepted), ariſing and renewing, and which ſhall and may hereafter ariſe and renew, out of and from the ſeveral Lands and Grounds in *Owſton* aforeſaid, herein-after particularly deſcribed, that is to ſay, the *Church Field*, the *Hall Flatt Field*, the *Sallow Buſh Field*, the *Siding Field*, and the *Wood Field*, containing together, by Survey, Three hundred and twenty-two Acres and Fourteen Perches, (be the ſame more or leſs), and alſo out of and from the ſeveral Cloſes and Lands herein-after particularly deſcribed, lying between the ſaid *Church Field* and *Hall Flatt Field*, called or known by the ſeveral Names following, (that is to ſay), the Two *Hall Flatt Cloſes*, containing by Survey Thirty-five Acres; the *Red Meer Cloſe*, containing by Survey Twelve Acres; the *Church Cloſe*, containing by Survey Six Acres; and the *Low Furlong Cloſe*, containing by Survey Twenty-eight Acres, (be the ſame or any of them more or leſs than as aforeſaid); and alſo the Tythes of Orchards, Fruit, and Poultry, and all *Eaſter* Dues, now payable to the ſaid Archbiſhop of *York* and the ſaid *Joſeph Marris* his Leſſee, and which ſhall and may hereafter ariſe and renew within the ſaid Pariſh of *Owſton*, ſhall be for ever aboliſhed and extinguiſhed, and a Satisfaction and Compenſation made for the ſame reſpectively, in Manner herein-after mentioned: And whereas the ſaid Archbiſhop as Impropriator of the ſaid Rectory of *Owſton*, and the ſaid *Joſeph Marris* as his Leſſee of the ſaid Rectory, and the ſaid *William Baker* as Leſſee of the Tythes of Hemp and Line, have agreed to accept One Tenth Part in Value of that Portion of the ſaid Commons and Waſte Grounds which ſhall be allotted by the ſaid General Commiſſioners to the ſaid Pariſh of *Owſton*, in Lieu of and in full Satisfaction for all Tythes, both Great and Small, ariſing and renewing, and which ſhall and may hereafter ariſe and renew, out of all the Commons and Waſte

Grounds in the ſaid Pariſh of *Owſton*: And whereas the ſaid Archbiſhop as Impropriator as aforeſaid, and the ſaid *Joſeph Marris* as his Leſſee of the ſaid Rectory of *Owſton*, have alſo agreed to accept of ſuch Compenſation and Satisfaction as is herein-after mentioned, for all Tythes, both Great and Small, (the Tythes of Hemp and Line only excepted), ariſing and renewing, and which ſhall and may hereafter ariſe and renew, out of and from the ſaid ſeveral Fields, called by the reſpective Names of the *Church Field*, the *Hall Flatt Field*, the *Sallow Buſh Field*, the *Siding Field*, and the *Wood Field*, and alſo out of and from the ſaid Cloſes called by the ſeveral Names of the *Hall Flatt Cloſes*, the *Red Meer Cloſe*, the *Church Cloſe*, and the *Low Furlong Cloſe*: Be it therefore enacted, That the ſaid Special Commiſſioners laſt named ſhall have full Power and Authority, and they are hereby required, in the next Place, to ſet out and allot unto the ſaid Archbiſhop of *York* and his Succeſſors, and the ſaid *Joſeph Marris* his Leſſee, for and during ſuch and the ſame Term, Eſtate, and Intereſt, as the ſaid Archbiſhop, and the ſaid *Joſeph Marris* as his Leſſee, are reſpectively entitled to in the other Hereditaments and Premiſes comprized in the ſaid Leaſe of the Rectory of *Owſton* aforeſaid, and unto the ſaid Archbiſhop, and the ſaid *William Baker*, for and during ſuch and the ſame Term, Eſtate, and Intereſt, as the ſaid Archbiſhop, and the ſaid *William Baker* as his Leſſee, are reſpectively entitled to in the Tythes of Hemp and Line, in the Pariſh of *Owſton* aforeſaid, and in Lieu of and full Satisfaction for all Tythes, both Great and Small, ariſing and renewing, and which ſhall and may hereafter ariſe and renew, out of all the Commons and Waſte Grounds in the ſaid Pariſh of *Owſton*, ſuch Parcel or Parcels of that Portion of the ſaid Commons and Waſte Grounds, which ſhall be allotted by the ſaid General Commiſſioners to the ſaid Pariſh of *Owſton*, as ſhall, (Quantity, Quality, and Situation, conſidered), excluſive of all other Allotments to the ſaid Archbiſhop, and the ſaid *Joſeph Marris* his Leſſee, in reſpect of their other Property, be equal in Value, in the Judgement of the ſaid Special Commiſſioners laſt named, to One Tenth Part of that Portion of the ſaid Commons or Waſte Grounds which ſhall be allotted by the ſaid General Commiſſioners to the Pariſh of *Owſton* aforeſaid; and after ſuch Tenth Part ſhall be ſo ſet out and allotted in Manner aforeſaid, it ſhall and may be lawful for the ſaid Special Commiſſioners laſt named, and they are hereby authorized and required to make a fair and impartial Valuation, according to the beſt of their Skill and Judgement, of the Tythes of Hemp and Line ariſing, renewing, and growing due, and which ſhall or may at any Time or Times hereafter ariſe, renew, and grow due, to the ſaid Archbiſhop of *York*, and the ſaid *William Baker* as his Leſſee, out of and from or in reſpect of ſuch Part of the ſaid Commons and Waſte Grounds as ſhall, on the parochial Diviſion herein-before directed to be made, be allotted to the ſaid Pariſh of *Owſton*, and then to ſpecify, declare, and ſet forth, in and by their Award herein-after directed to be made, what Share and Proportion of the ſaid Tenth Part of ſuch Portion of the ſaid Commons and Waſte Grounds as ſhall be allotted to the Pariſh of *Owſton* aforeſaid ſhall from Time to Time and at all Times thereafter belong to the ſaid Archbiſhop, and the ſaid *William Baker* as his Leſſee, for and in reſpect of the Tythes of Hemp and Line aforeſaid, and the ſame ſhall be thereby awarded to the ſaid Archbiſhop and the ſaid *William Baker*, according to their ſeveral Eſtates and Intereſts therein, in Manner above-mentioned, and the Reſidue

Allotment for Tythes of Part of the Fields at *Owſton*.

ſidue and Remainder of the ſaid Tenth Part laſt mentioned ſhall be awarded to the ſaid Archbiſhop, and the ſaid *Joſeph Marris* as his Leſſee, according to their ſeveral Eſtates and Intereſts therein, in Manner aforeſaid.

Allotment at *Owſton* for the Tythes of the other Part of the Fields.

LIV. And be it further enacted, That the ſaid Special Commiſſioners laſt named ſhall have full Power and Authority, and they are hereby required to make a fair and impartial Valuation, according to the beſt of their Skill and Judgement, of all Tythes, both Great and Small, (the Tythes of Hemp and Line only excepted), ariſing, renewing, and growing due, and which ſhall or may at any Time or Times hereafter ariſe, renew, and grow due, to the ſaid Archbiſhop of *York* and his Succeſſors, and his and their Leſſee and Leſſees, out of and from or in reſpect of the ſaid ſeveral Fields called by the reſpective Names of the *Church Field*, the *Hall Flatt Field*, the *Sallow Buſh Field*, the *Siding Field*, and the *Wood Field*, and alſo out of and from the ſaid Cloſes called by the ſeveral Names of the *Hall Flatt Cloſes*, the *Red Meer Cloſe*, the *Church Cloſe*, and the *Low Furlong Cloſe*; and that they the ſaid Special Commiſſioners laſt named, after making the Valuation aforeſaid, and after having aſcertained the different Parts, Shares, Rights, and Intereſts, in and to that Portion of the ſaid Commons and Waſte Grounds to be allotted by the ſaid General Commiſſioners to the ſaid Pariſh of *Owſton*, which upon the ſaid Diviſion and Incloſure ſhall belong to the ſeveral Proprietors of Lands and Grounds lying in the ſaid Fields and Cloſes laſt mentioned, in reſpect of their Common Rights and other Property, ſhall have full Power and Authority, and they are hereby required to ſet out and allot unto the ſaid Archbiſhop of *York* and his Succeſſors, and the ſaid *Joſeph Marris* his Leſſee, for and during ſuch and the ſame Term, Eſtate, and Intereſt, as the ſaid Archbiſhop and the ſaid *Joſeph Marris* as his Leſſee reſpectively are entitled to in the other Hereditaments and Premiſes comprized in the ſaid Leaſe of the Rectory of *Owſton* aforeſaid, and in lieu of and full Satisfaction for all Tythes, both Great and Small, (the Tythes of Hemp and Line only excepted), ariſing, renewing, and growing due, and which ſhall or may hereafter ariſe, renew, or grow due, out of the ſaid ſeveral Fields and Cloſes laſt above mentioned, or ſuch Part thereof as ſhall belong to ſuch Proprietors thereof, who ſhall be entitled to Allotments upon the ſaid Commons in *Owſton* aforeſaid, ſufficient to compenſate for the Tythes aforeſaid, ſuch a Part, Share, and Proportion, of the ſaid Allotments, which upon the ſaid Diviſion and Incloſure ſhall belong to ſuch Proprietors as are laſt above mentioned, as ſhall, (Quantity, Quality, and Situation, conſidered), excluſive of all other Allotments to the ſaid Archbiſhop, and the ſaid *Joſeph Marris* his Leſſee, in reſpect of their other Property, be equal in Value, in the Judgement of the ſaid Special Commiſſioners laſt named, and ſhall be deemed and adjudged a fair and adequate Satisfaction and Compenſation for the Tythes, both Great and Small, (the Tythes of Hemp and Line only excepted), ariſing, or to ariſe, renew, and grow due, out of the ſaid ſeveral Fields and Cloſes laſt above mentioned, or ſuch Part thereof as aforeſaid; and that the laſt-mentioned Allotment ſhall adjoin to the Lands herein-before directed to be awarded and allotted to the ſaid Archbiſhop and his Leſſee in *Owſton* aforeſaid, if he or they ſhall requeſt the ſame, but ſuch laſt-mentioned Allotments in lieu of the Tythes of the ſaid Fields and Cloſes ſhall be made ſubſequent to and after the Par-

del or Parcels of Land next herein-after directed to be aſſigned to the ſaid King's moſt Excellent Majeſty, and His Heirs and Succeſſors, as Lords of the ſaid Manor of *Epworth*, and the ſaid Lord *Carteret* as His Leſſee, ſhall have been ſet out and allotted.

Money Payments charged on Proprietors in *Owſton* Fields, who have not Allotments to ſatisfy for their Tythes.

LV. And whereas it may happen that ſome of the Proprietors of Lands and Grounds, lying in the ſaid *Church Field*, *Hall Flatt Field*, *Sallow Buſh Field*, *Siding Field*, and *Wood Field*, and the ſaid Cloſes called by the reſpective Names of the *Hall Flatt Cloſes*, the *Red Meer Cloſe*, the *Church Cloſe*, and the *Low Furlong Cloſe*, in *Owſton* aforeſaid, may not be entitled to any Right of Common upon the ſaid Commons and Waſte Grounds hereby intended to be divided and encloſed, or may be entitled to ſo ſmall an Allotment thereof as ſhall be inadequate to make Satisfaction for the Tythes aforeſaid; be it therefore enacted, That in either of ſuch Caſes it ſhall and may be lawful for the ſaid Special Commiſſioners laſt named, and they are hereby authorized and required to aſcertain, award, and appoint, ſuch yearly Sums of Money to be paid by each and every Proprietor not entitled to Common Rights as aforeſaid, for each and every Acre of Land belonging to him, her, or them, in the ſaid ſeveral Fields and Cloſes laſt above-mentioned, and after the ſame Proportion for a leſs Quantity than an Acre, as they the ſaid Commiſſioners laſt named ſhall deem and adjudge to be a full, ſufficient, and adequate, Compenſation to the ſaid Archbiſhop, and the ſaid *Joſeph Marris* as his Leſſee, for the ſaid Great and Small Tythes thereof (Hemp and Line only excepted), and alſo to aſcertain, award, and appoint, ſuch other yearly Sums of Money to be paid by each and every Proprietor entitled to Common Right as aforeſaid, but entitled to ſo ſmall an Allotment upon the ſaid Commons as ſhall be inadequate to make Satisfaction for the Tythes aforeſaid, for each and every Acre of Land belonging to him, her, or them, in the ſaid ſeveral Fields and Cloſes laſt above-mentioned (and after the ſame Proportion for a leſs Quantity than an Acre) as the ſaid Commiſſioners laſt named ſhall deem and adjudge, together with the Allotment belonging to each and every ſuch laſt-mentioned Proprietor (and which is intended to be allotted to the ſaid Archbiſhop and his Succeſſors, and the ſaid *Joſeph Marris* his Leſſee, in Part Satisfaction for ſuch Tythes as aforeſaid, to be a full, ſufficient, and adequate, Compenſation to the ſaid Archbiſhop, and the ſaid *Joſeph Marris* as his Leſſee, for the ſaid Great and Small Tythes thereof (Hemp and Line only excepted), and ſuch Sums of Money being ſet forth in the ſaid Award or Inſtrument of the ſaid Commiſſioners herein-after directed to be made, ſhall from ſuch Time and Times as the ſaid laſt named Commiſſioners ſhall order, direct, and appoint, be for ever thereafter charged upon, and iſſuing and payable out of, ſuch Lands and Grounds as the ſaid laſt named Commiſſioners ſhall charge with the Payment thereof, and ſhall be paid by the ſeveral Owners of ſuch Lands and Grounds reſpectively to the ſaid Archbiſhop or his Succeſſors, and his and their Leſſee or Leſſees for the Time being, by half-yearly Payments, upon ſuch Day and Days in every Year as the ſaid Commiſſioners laſt named ſhall by the ſaid Award appoint and direct, free and clear of all parliamentary and parochial Taxes, Rates, Duties, Dues, and Aſſeſſments whatſoever; and the Sums ſo charged upon the ſaid Lands and Grounds ſhall be in lieu of and as a Compenſation for all Great and Small Tythes ariſing, renewing, and growing due, and which ſhall or may hereafter ariſe, re-

new, and grow due, out of the ſaid Lands and Grounds laſt mentioned (Hemp and Line only excepted); and in caſe any of the ſaid half-yearly Payments ſhall be behind and unpaid by the Space of Thirty Days next after either or any of the Days or Times which ſhall be limited for that Purpoſe, it ſhall be lawful from Time to Time for the ſaid Archbiſhop or his Succeſſors, and his and their Leſſee or Leſſees for the Time being, and he and they is and are hereby fully empowered to enter and diſtrain upon the Premiſes for and in reſpect whereof ſuch Payments ſhall be in Arrear and unpaid, and to take, ſell, and diſpoſe of the Diſtreſs or Diſtreſſes which ſhall be ſo taken in like Manner as and according to the Laws in force for the Recovery of Rack Rents in Arrear.

For fencing the Field Tythe Allotment at *Owſton*.

LVI. And be it further enacted, That the Allotments ſo to be made to the ſaid Archbiſhop of *York*, and the ſaid *Joſeph Marris* as his Leſſee, in Lieu of the Tythes of the ſaid ſeveral Fields and Cloſes laſt mentioned, ſhall be fenced on all ſuch Parts and Sides as ſhall not be ordered by the ſaid Commiſſioners laſt named to be made by any other Proprietor, and againſt all publick Roads adjoining the ſame, with good and ſubſtantial Fences, all which ſhall be planted with good thriving Quickſets of White Thorn, guarded with good and ſufficient double-holed Poſts and Rails, the Poſts to be of Oak, and the Rails of Oak, Aſh, or ſome other durable Wood, and ſufficient Ditches, with a good and ſubſtantial Carriage Gate in each Allotment, within ſuch Time, and by ſuch Perſon or Perſons as the ſaid Commiſſioners laſt named ſhall appoint to make and complete the ſame, at the ſole Expence of the ſeveral Proprietors of Lands and Grounds in the reſpective Fields and Cloſes at *Owſton* aforeſaid laſt above-mentioned, if ſuch Allotment ſhall not adjoin to the Lands herein-before directed to be awarded and allotted to the ſaid Archbiſhop and his Leſſee, in Lieu of the Tythes of that Portion of the ſaid Commons which ſhall be allotted to the ſaid Pariſh of *Owſton* as aforeſaid, in ſuch Proportions, and to be paid at ſuch Time or Times as the ſaid Commiſſioners laſt named, by any Writing under their Hands, or in and by their ſaid Award or Inſtrument, ſhall order, direct, or appoint; but if the ſaid ſeveral Allotments ſo to be made to the ſaid Archbiſhop of *York*, and the ſaid *Joſeph Marris* as his Leſſee, from that Portion of the ſaid Commons and Waſte Grounds which ſhall be allotted to the ſaid Pariſh of *Owſton*, ſhall adjoin to each other, then, and in ſuch Caſe only, ſuch Proportion and Share of the Expence attending the fencing, ditching, and planting, of the Whole of ſuch ſeveral Allotments ſhall be borne and paid by the ſaid ſeveral Proprietors of Lands and Grounds in the reſpective Fields and Cloſes at *Owſton* aforeſaid laſt above-mentioned, as the ſaid Commiſſioners laſt named, by any Writing under their Hands, or in and by their ſaid Award, ſhall order and direct; and that all ſuch Fences, Ditches, and Gates, of the laſt mentioned Allotments as ſhall not, by the ſaid Award, be ordered to be repaired by any other Proprietor, ſhall, from and after the firſt making thereof, for ever thereafter be ſupported, maintained, and kept in Repair, by the ſaid Archbiſhop of *York* and his Succeſſors, and his and their Leſſee or Leſſees for the Time being.

For defraying Expences of valuing the Field Tythes in *Owſton*.

LVII. Provided always, That the Expences of the Commiſſioners laſt named, in valuing the ſaid ſeveral Fields and Cloſes laſt mentioned, and the Satisfaction to be made to the ſaid Archbiſhop and the ſaid *Joſeph Marris*

Marris as his Leſſee, in Lieu of the Tythes ariſing therefrom, in Manner above mentioned, and all other Matters and Things which ſhall in anywiſe belong to or concern the ſame, ſhall be borne and paid by the ſaid ſeveral Proprietors of the Fields and Cloſes laſt mentioned, in ſuch Shares and Proportions, and to be paid at ſuch Time or Times as the ſaid Commiſſioners laſt named, by any Writing under their Hands, or in and by their ſaid Award, ſhall direct and appoint.

Appeal allowed to diſſatisfied Parties.

LVIII. And be it further enacted, That in caſe the ſaid *Joſeph Marris* and *William Baker*, or either of them, or any future Leſſees of the ſaid Archbiſhop of *York*, ſhall be diſſatisfied with the Diviſion and Apportionment to be made by the ſaid Commiſſioners laſt named, of the Tenth Part ariſing from the ſaid Commons and Waſte Grounds in *Owſton* aforeſaid, in Lieu of the Tythes thereof, in Manner aforeſaid, it ſhall be lawful for ſuch of them ſo being diſſatisfied to appeal to the Six other Commiſſioners appointed in and by this Act, (the Party diſſatisfied giving at leaſt One Calendar Month's Notice in Writing of ſuch Appeal to the other Party, and ſignifying the Cauſe of his Diſſatisfaction), and the ſaid Six laſt named Commiſſioners, or the major Part of them, are hereby authorized and required to hear and determine the Merits of ſuch Appeal, and the different Claims, Rights, and Intereſts, of the Parties intereſted therein, either by Examination of Witneſſes upon Oath, or by ſuch other Evidence and Proof as ſhall ſeem requiſite and expedient in that Behalf, and to give ſuch Orders and Directions concerning the ſame as they ſhall think proper, whoſe Determination therein ſhall be binding and concluſive unto and upon all Parties.

If the Archbiſhop, or his Leſſee, are diſſatisfied with the Valuation of the Tythes, they may appeal.

LIX. And be it further enacted, That in caſe the ſaid Archbiſhop of *York* or his Succeſſors, or his or their Leſſee or Leſſees, or the ſeveral Proprietors of Lands and Grounds lying in the ſeveral Fields and Cloſes laſt mentioned, or the major Part of them, ſhall be diſſatisfied with the Valuation of the Tythes ariſing from the ſaid Fields and Cloſes laſt mentioned, or the Allotments to be made and ſet out in Lieu thereof, it ſhall be lawful as well for the ſaid Archbiſhop and his Succeſſors, or his or their Leſſee or Leſſees for the Time being, as alſo for the major Part of the Proprietors aforeſaid ſo being diſſatisfied, to appeal to the ſaid Six laſt named Commiſſioners, (giving Notice of ſuch Appeal in Manner aforeſaid), and the ſaid Six laſt named Commiſſioners, or the major Part of them, are hereby authorized and required to hear and determine the Merits of ſuch laſt mentioned Appeal, and the different Claims, Rights, and Intereſts, of the Parties intereſted therein, either by Examination of Witneſſes upon Oath, or by ſuch other Evidence and Proof as ſhall ſeem requiſite and expedient in that Behalf, and to give ſuch Orders and Directions concerning the ſame as they ſhall think proper, whoſe Determination therein ſhall in like Manner be binding and concluſive unto and upon all Parties: Provided always, that every ſuch Appeal ſhall be made in Writing under the Hand or Hands of the Party or Parties ſo diſſatisfied, and delivered to the ſaid Six Commiſſioners laſt named, within One Calendar Month after the Cauſe of Appeal ſhall ariſe.

Allotment in lieu of the Tythes of Orchards, Fruit,

LX. And be it further enacted, That the ſaid Three Special Commiſſioners laſt named ſhall, and they are hereby authorized and required, in

Poultry, and *Easter* Dues, at *Owston*.

in the next Place, to make a fair and impartial Valuation, according to the beſt of their Skill and Judgement, of the Tythes of Orchards, Fruit, and Poultry, ariſing, renewing, and growing due, to the ſaid Archbiſhop of *York*, and the ſaid *Joſeph Marris* as his Leſſee, and which ſhall and may at any Time hereafter ariſe, renew, and grow due, to the ſaid Archbiſhop and his Leſſee aforeſaid, out of and from, or in reſpect of, all and every the Meſſuages, Cottages, Toſts, Frontſteads, Garths, Gardens, Orchards, Crofts, and all other Lands and Grounds, in the ſaid Pariſh of *Owſton*, (the Commons and Waſte Grounds, and alſo the ſeveral Fields above mentioned, only excepted), and alſo of all *Eaſter* Dues, and other Eccleſiaſtical Duties whatſoever, payable to the ſaid Archbiſhop of *York*, and the ſaid *Joſeph Marris* as his Leſſee, within the ſaid Pariſh of *Owſton*, and then to ſet out and allot unto the ſaid Archbiſhop of *York* and his Succeſſors, and the ſaid *Joſeph Marris* his Leſſee, ſuch Parcel or Parcels of that Portion of the ſaid Commons and Waſte Grounds which ſhall be allotted by the ſaid General Commiſſioners to the ſaid Pariſh of *Owſton*, as they the ſaid Special Commiſſioners laſt named ſhall deem and adjudge, (Quantity, Quality, and Situation, conſidered), to be a juſt and adequate Satisfaction and Compenſation for the ſame, and that ſuch Allotment of Land ſhall adjoin to the Lands herein-after directed to be awarded and allotted to the ſaid Archbiſhop and his Leſſee, in reſpect of his or their Glebe Lands and Right of Common.

Allotment to the Impropriator and Vicar in reſpect of their Glebe and Common Rights.

LXI. And be it further enacted, That the ſaid Special Commiſſioners laſt named ſhall, and they are hereby authorized and required, in the next Place, to ſet out and allot unto the ſaid Archbiſhop of *York*, and his Succeſſors, and the ſaid *Joſeph Marris* his Leſſee, and unto and for the ſaid *Thomas Clark* and his Succeſſors, Vicars of *Owſton* aforeſaid, ſeverally and reſpectively, ſuch Parcel or Parcels of that Portion of the ſaid Commons or Waſte Grounds which ſhall be allotted by the ſaid General Commiſſioners to the ſaid Pariſh of *Owſton*, as ſhall, (Quantity, Quality, and Situation, conſidered), in the Judgement of the ſaid Special Commiſſioners laſt named, be a full Equivalent and Compenſation for the Right of Common ſeverally belonging to the ſaid Archbiſhop, and the ſaid *Joſeph Marris* his Leſſee, and the ſaid *Thomas Clark* as Vicar aforeſaid, in reſpect of the Glebe Lands and Meſſuages or Tofts belonging to the ſaid Rectory and Vicarage of *Owſton* aforeſaid, and that ſuch Part thereof as ſhall be allotted to the ſaid Archbiſhop, and the ſaid *Joſeph Marris* as his Leſſee, ſhall adjoin to the Allotment herein-before directed to be made to them upon the ſaid Commons and Waſte Grounds, in the Pariſh of *Owſton* aforeſaid; and that ſuch Part thereof as ſhall be allotted to the ſaid *Thomas Clark*, and his Succeſſors, as Vicars aforeſaid, ſhall be laid as commodious to the Vicarage Houſe in *Owſton* aforeſaid as conveniently may be.

For augmenting the Stipend of the Vicarage of *Owſton*.

LXII. And whereas the Penſion or Stipend charged on the ſaid Rectory of *Owſton*, and now payable to the ſaid *Thomas Clark*, as Vicar of *Owſton* aforeſaid, by the ſaid Archbiſhop of *York* and his Leſſee, of the Rectory of *Owſton* aforeſaid, amounts to the yearly Sum of Thirteen Pounds Six Shillings and Eight-pence, and it is propoſed by the ſaid Archbiſhop of *York*, and the ſaid *Joſeph Marris* his Leſſee, to augment the Vicarage of *Owſton* aforeſaid, by Payment of the further Sum of Sixteen Pounds Thirteen Shillings and Four-pence, making in the Whole the Annual Sum of Thirty Pounds, to be charged on the ſaid Rectory of

Owſton in Manner herein-after mentioned; be it therefore enacted, That from and immediately after the paſſing of this Act there ſhall be iſſuing and payable, from Time to Time and at all Times for ever thereafter, to the ſaid *Thomas Clarke* and his Succeſſors, Vicars of *Owſton* aforeſaid, the yearly Sum of Sixteen Pounds Thirteen Shillings and Four-pence, in Addition to the ſaid Sum of Thirteen Pounds Six Shillings and Eight-pence, which ſaid additional Sum of Sixteen Pounds Thirteen Shillings and Four-pence ſhall be paid to the ſaid *Thomas Clarke* and his Succeſſors, Vicars of *Owſton* aforeſaid, by the Leſſee or Leſſees for the Time being of the ſaid Rectory of *Owſton* aforeſaid, at the like Days of Payment, and by like equal Portions in every Year, as the ſaid Sum of Thirteen Pounds Six Shillings and Eight-pence is now due and payable, and recoverable in like Manner, and free and clear of all parliamentary and parochial Taxes and Deductions whatſoever, the Firſt additional Payment to commence and become due and payable on the Firſt of the ſaid Days of Payment which ſhall happen next after the paſſing of this Act, One Moiety of which ſaid Sum of Sixteen Pounds Thirteen Shillings and Four-pence ſhall be deducted and allowed by Two equal half-yearly Payments for ever hereafter to the Leſſee or Leſſees for the Time being of the ſaid Rectory of *Owſton*, by the ſaid Archbiſhop of *York* and his Succeſſors, out of the reſerved Rent to become due and payable to him and them for the ſaid Rectory of *Owſton*.

Allotment in *Owſton* Pariſh for manerial Rights.

LXIII. And be it further enacted, That the ſaid Special Commiſſioners laſt named ſhall and do, after the ſaid Allotment to the ſaid Archbiſhop and his ſaid reſpective Leſſees, in lieu of the Tythes of that Portion of the ſaid Commons and Waſte Grounds which ſhall be allotted to the ſaid Pariſh of *Owſton*, and of the Tythes of Orchards, Fruit, and Poultry, for *Eaſter* Dues, and for Glebe Lands and Common Rights, within the ſaid Pariſh of *Owſton*, ſhall have been ſet out and deducted, but previous to the making or ſetting out of the ſaid Allotment in lieu of the Tythes of the ſaid Fields and Cloſes, in the ſaid Pariſh of *Owſton* before mentioned, ſet out and allot unto the King's moſt Excellent Majeſty, His Heirs and Succeſſors, as Lords of the ſaid Manor of *Epworth* and the ſaid Lord *Carteret* as His Leſſee, and to the ſaid Archbiſhop of *York* and his Succeſſors, as Lords of the ſaid Manor of *Haxey Hall Garth*, and the ſaid *Joſeph Marris* as his Leſſee (excluſive of all other Allotments to the ſaid King's Majeſty and the ſaid Archbiſhop, and their reſpective Leſſees, for and in reſpect of their other Property), ſuch Parts and Parcels of the Reſidue of ſuch Portion of the ſaid Commons and Waſte Grounds as ſhall be allotted to the ſaid Pariſh of *Owſton*, as ſhall (Quantity, Quality, and Situation, conſidered), in the Judgement of the ſaid Commiſſioners laſt named, be equal in Value to One Twentieth Part of the Reſidue of that Portion of the ſaid Commons and Waſte Grounds which ſhall be allotted to the ſaid Pariſh of *Owſton*, in lieu of and as a Compenſation for the Right and Intereſt of His ſaid Majeſty and His Succeſſors, and the ſaid Archbiſhop of *York* and his Succeſſors, and their ſeveral and reſpective Leſſees, in and to the Soil of ſuch Portion of the ſaid Commons and Waſte Grounds, which ſhall be allotted to the ſaid Pariſh of *Owſton* by the ſaid General Commiſſioners, in Manner aforeſaid; and that ſuch Parcels of Land ſo to be allotted as aforeſaid ſhall be apportioned and divided between the ſaid King's Majeſty, in reſpect of His Manor of *Epworth* aforeſaid, and the ſaid Lord *Carteret* as His Leſſee,

and the ſaid Archbiſhop, in reſpect of his ſaid Manor of *Haxey Hall Garth*, and the ſaid *Joſeph Marris* as his Leſſee, in ſuch Shares and Proportions as the ſaid Special Commiſſioners laſt named ſhall adjudge to be fair and equitable, and according to the Number of Meſſuages, Cottages, and Toftſteads, having Common Right in or over the ſaid Commons and Waſte Grounds, and the Value of the Lands and Hereditaments, being Parcel of the ſaid Manors reſpectively, and the Extent of the ſaid reſpective Manors; and that ſuch Part thereof as ſhall be allotted to the ſaid King's Majeſty, and the ſaid Lord *Carteret* as his Leſſee, ſhall adjoin to the other Lands, in the Pariſh of *Owſton* aforeſaid, which ſhall be allotted to the ſaid King's Majeſty and His Leſſee; and that ſuch Part thereof as ſhall be allotted to the ſaid Archbiſhop, and the ſaid *Joſeph Marris* as his Leſſee, ſhall adjoin to the other Lands, in the Pariſh of *Owſton* aforeſaid, which ſhall be allotted to the ſaid Archbiſhop and his Leſſee.

Allotment at *Owſton* of 100 Acres for a Turbary.

LXIV. And be it further enacted, That the ſaid Special Commiſſioners laſt named ſhall, and they are hereby required, in the next Place, to ſet out and allot One or more Piece or Pieces of Land, not exceeding One hundred Acres, by the Survey herein-before directed to be made Parcel of the ſaid Commons or Waſte Grounds, to be aſſigned and ſet out as and for the Part and Proportion belonging to the ſaid Pariſh of *Owſton*, and in ſuch Place or Places as they the ſaid laſt named Commiſſioners ſhall think moſt proper, for a Turbary, and to be for ever thereafter held and enjoyed for the Purpoſe of digging Turves for the Uſe and Benefit of the Inhabitants of the ſaid Pariſh of *Owſton*, in ſuch Manner and ſubject to ſuch Orders, Rules, and Regulations, as the ſaid laſt named Commiſſioners ſhall, in and by their ſaid Award herein-after directed to be made, or by any Writing in the mean Time to be executed, under their Hands and Seals, award, appoint, order, and direct, concerning the ſame.

Allotment of the Reſidue of the Commons at *Owſton*.

LXV. And be it further enacted, That the ſaid Special Commiſſioners laſt named ſhall, and they are hereby required and impowered, after the ſeveral Allotments herein-before directed ſhall have been made, to aſſign, allot, ſet out, and divide, the Reſidue of ſuch Portion of the ſaid Commons and Waſte Grounds, which ſhall or may be allotted to the ſaid Pariſh of *Owſton* by the ſaid General Commiſſioners, on the parochial Diviſion and Allotment herein-before directed to be made by them, in Manner following; (that is to ſay), Seven Twelfth Parts thereof, the Whole in Twelve equal Parts to be divided, (Quantity, Quality, and Situation, conſidered), ſhall be ſet out and allotted to and amongſt the ſeveral Owners and Proprietors of ancient Meſſuages, Cottages, Tofts, or Toftſteads, within the ſaid Pariſh of *Owſton*, having Right of Common on the ſaid Commons and Waſte Grounds, (the ſaid Archbiſhop of *York* or his Leſſee, and the ſaid *Thomas Clarke* as Vicar of *Owſton* aforeſaid, in reſpect of their Houſes or Tofts, only excepted), in Shares of equal Value; (that is to ſay), one Share to each Meſſuage, Cottage, Toft, or Toftſtead, and in making which Allotments no Regard ſhall be had to, nor any Diſtinction made on account of the Magnitude or Value of the ſaid Meſſuages, Cottages, Tofts, or Toftſteads, or any of them; and the remaining Five Twelfth Parts thereof ſhall be ſet out and allotted unto and amongſt the ſeveral Owners and Proprietors of Lands, within the ſaid Pariſh of *Owſton*, who were alſo, on or before the Thirteenth Day of *February* laſt

paſt, Owners and Proprietors of Meſſuages, Cottages, Tofts, or Toft-ſteads, within the ſaid Pariſhes of *Epworth*, *Haxey*, *Belton*, and *Owſton*, or any One of them, having Right of Common on the ſaid Commons or Waſte Grounds (the ſaid Archbiſhop of *York* or his Leſſees, and the ſaid Vicar of *Owſton*, in reſpect of their Glebe Lands, only excepted), in Proportion and according to the Value of and to their ſeveral Eſtates and Intereſts in the Arable Lands, Crofts, ancient Incloſures, Meadows, and Paſtures, lying within the ſaid Pariſh of *Owſton* (Quantity, Quality, and Situation, conſidered), in lieu of and as a full Recompence and Satisfaction for all the Right of Common or other Intereſt of the ſaid ſeveral Owners and Proprietors in and upon that Part of the ſaid Commons and Waſte Grounds which ſhall or may be allotted by the ſaid General Commiſſioners to the Pariſh of *Owſton* aforeſaid.

Queſtion reſpecting the Right of depaſturing Commons to be tried by an Action at Law on a feigned Iſſue.

LXVI. And whereas the ſeveral Perſons herein-after named, that is to ſay, *Simon Killham* the younger, *Sarah Anderſon*, *Robert Batty*, *William Parkin*, *Robert Clark*, *Richard Wilkinſon*, *Thomas Moore*, and *Simon Killham* the younger, in Truſt for *Samuel Varley*; *Thomas Moore*, *Elizabeth Curtis*, *John Watkin*, *Simon Killham*, *George Kelſey*, *Jonathan Mimmick*, *John Pilſworth*, *Elizabeth Clark*, *Mary Thompſon*, *Mary Maw*, *Geoffrey Wroot*, *Samuel Laiſter*, *Elijah Pilſworth*, *William Brown*, *John Watſon*, *Edward Standage*, *John Standering*, *Thomas Siſſons*, *John Thompſon*, *Jonathan Crookes*, *John Johnſon*, *John Sampſon* the younger, *James Maw*, *Coggan Hill*, *John Sampſon* for *Amos Cutforth*, *George Brock*, *George Kynman*, *Thomas Clough*, *William Smith*, *John Thornhill*, *George Maud* for *Abraham Egarr*, *Mary Storr*, *John Farr*, *John Holmes*, *William Holmes*, *John Girdham*, *Jonathan Barnard*, *Sarah Rimmington*, *George Turner*, *Thomas Fillingham*, *William Curtis*, *Joſeph Snowden*, *Richard Weſt*, *Hannah Kelſey*, *Joſeph Kelſey*, *John Belk*, *Richard Saul*, in Truſt, and *John Hall*, claiming to be Owners of Ancient Meſſuages, Cottages, Tofts, or Toftſteads, within the ſaid ſeveral Pariſhes of *Epworth*, *Haxey*, *Belton*, and *Owſton*, aforeſaid, inſiſt that the Right of depaſturing the ſaid Commons and Waſte Lands belongs ſolely to the Owners of ancient Common Right Meſſuages, Cottages, Tofts, or Toftſteads, within the ſaid ſeveral Pariſhes, excluſive of all Regard to Lands; and that ſuch Right is not enlarged or affected by the Quantity or Value of the Lands and Grounds in the ſaid Pariſhes, held therewith, or belonging to the Owners thereof; but the reſt of the Perſons intereſted in the ſaid Commons and Waſte Grounds inſiſt, that although no Perſons have a Right to depaſture any Cattle upon the ſaid Commons and Waſte Lands hereby directed to be divided and incloſed, without being alſo Owners of One or more ancient Common Right Meſſuages, Cottages, Tofts, or Toftſteads, in the ſaid ſeveral Pariſhes, or ſome or One of them, yet that the Owners of ſuch Meſſuages, Cottages, Tofts, or Toftſteads, have only a Right to depaſture upon the ſaid Commons and Waſte Grounds, ſo many Commonable Cattle as they can reſpectively keep in Winter on the Produce of their reſpective Lands and Grounds within the ſaid Pariſhes, ſome or One of them; be it therefore further enacted, That it ſhall and may be lawful to and for the ſaid ſeveral Perſons laſt before-named, or any of them, or any other Perſon or Perſons then lawfully claiming under them, or any of them, at any Time within Two Calendar Months from and after the Commiſſion Day of the now next Aſſizes for the ſaid County of *Lincoln*, to give Notice in Writing under their reſpective Hands, to

the

the ſaid General Commiſſioners, or any Three of them, either by perſonal Service of ſuch Notice or Notices, or by leaving the ſame at their reſpective uſual Places of Abode, of his, her, or their Intention to have the ſaid Queſtion, reſpecting the Right of depaſturing the ſaid Commons and Waſte Grounds, determined by a Trial at Law; and thereupon it ſhall and may be lawful for ſuch of the Perſons laſt before-named as ſhall give ſuch Notice, and thoſe lawfully claiming under them, to have the ſame determined by a Trial at Law upon an Action to be brought in His Majeſty's Court of King's Bench, in the Name or Names of any One or more of them, on Behalf of all the Parties giving ſuch Notice, and thoſe lawfully claiming under them, againſt any One or more Perſon or Perſons being Owner or Owners of ancient Common Right Meſſuages, Cottages, Tofts or Toftſteads, and Lands and Grounds, within the ſaid ſeveral Pariſhes, or ſome or One of them, upon One or more feigned Iſſues, to be ſettled by the proper Officer of the ſaid Court, if the Parties ſhall differ about the ſame; and the Defendant or Defendants in ſuch Action ſhall, and is and are hereby required, on being ſerved with Proceſs in the ſaid Action, forthwith to give Notice thereof to the ſaid General Commiſſioners, or any Three of them, and alſo to authorize ſuch Attorney or Attornies as the ſaid General Commiſſioners, or any Five of them, ſhall appoint, to appear thereto, and accept a Declaration, and plead to Iſſue, and the Plaintiff or Plaintiffs ſhall thereupon proceed in ſuch Action ſo as to have the ſame tried and determined at the Aſſizes to be held for the County of *Lincoln*, next after the giving of ſuch Notice; and the Verdict that ſhall be given upon ſuch Iſſue, if ſatisfactory to the ſaid Court, and the Judgement of the ſaid Court thereupon, ſhall be final and concluſive; but if ſuch Verdict ſhall not be ſatisfactory to the Court, it ſhall and may be lawful to and for the ſaid Court of King's Bench to direct a new Trial to be had upon ſuch Iſſue at the next enſuing Aſſizes for the ſaid County of *Lincoln*, or a Trial at the Bar of the ſaid Court, which Verdict ſhall be abſolutely final and concluſive upon all Parties: And in caſe a Verdict ſhall be found on ſuch Trial in Favour of the Plaintiff or Plaintiffs, then the Allotments to be made to the ſeveral Perſons giving ſuch Notice or Notices as aforeſaid, and thoſe lawfully claiming under them, ſhall be increaſed from a proportionable Share and Shares, as before-mentioned, in Right of their reſpective Common Right Meſſuages, Cottages, Tofts, or Toftſteads, of Seven Twelfth Parts of the Reſidue of the ſaid Commons and Waſte Grounds in the ſaid ſeveral Pariſhes, to ſuch proportionable Share and Shares of the Whole of ſuch Reſidue thereof; and the ſaid ſeveral Special Commiſſioners herein-before named ſhall accordingly ſet out and allot unto the ſaid ſeveral Perſons giving ſuch Notice as aforeſaid, and thoſe lawfully claiming under them, in Proportion to the Number of Common Right Meſſuages, Cottages, Tofts, or Toftſteads, belonging to them reſpectively, ſuch Parcels of Land as ſhall be equal to their reſpective Shares in the Whole of the Reſidue of the ſaid Commons and Waſte Grounds hereby directed to be divided and incloſed, in like Manner as if the ſame were to be ſolely allotted to and amongſt the Owners of ſuch Common Right Meſſuages, Cottages, Tofts, or Toftſteads, and the Lands ſo to be allotted, to increaſe the Shares and Proportions of the Perſons giving ſuch Notice, and thoſe lawfully claiming under them, ſhall be taken and deducted from the ſaid Five Twelfth Parts of the Reſidue of the Whole of the ſaid Commons and Waſte Grounds ſo directed to be ſet out and allotted to the Owners of Lands or Grounds, being alſo Owners of Common Right Meſſuages, Cottages, Tofts, or Toftſteads,

ſteads, within the ſaid Pariſhes reſpectively; and the Remainder only of ſuch Five Twelfth Parts ſhall be divided amongſt ſuch Owners of Lands or Grounds as aforeſaid; but in caſe a Verdict ſhall, upon ſuch Trial, be found in Favour of the Defendant or Defendants, then the ſaid ſeveral Special Commiſſioners herein-before named ſhall ſet out and allot unto the ſeveral Perſons giving ſuch Notice or Notices as aforeſaid, and thoſe lawfully claiming under them, ſuch Parcels of Land as ſhall in the Judgement of the ſaid Commiſſioners in ſuch Caſe be a fair and adequate Satisfaction for their reſpective Rights and Intereſts in the ſaid Commons and Waſte Grounds, which ſhall be determined by ſuch Verdict, inſtead of their reſpective Shares of the ſaid Seven Twelfth Parts thereof herein-before directed to be allotted to ſuch Perſons as Owners of Common Right Meſſuages, Cottages, Tofts, or Toftſteads, as aforeſaid; and in ſuch Caſe as laſt-mentioned ſo much of the ſaid Seven Twelfth Parts as the ſaid Commiſſioners ſhall deduct from the Shares or Allotments of the ſeveral Perſons laſt-mentioned, ſhall be given to and proportionably divided amongſt ſuch Owners of Lands or Grounds as aforeſaid, within the ſaid Pariſhes reſpectively; and in caſe no ſuch Notice ſhall be given within the Time before limited, or being given, if ſuch Action ſhall not be brought and proceeded in as aforeſaid, the Parties hereby authorized and empowered to give ſuch Notice, and bring ſuch Action as aforeſaid, ſhall be barred and precluded therefrom, and the ſaid ſeveral Special Commiſſioners ſhall ſet out and allot the Reſidue of the ſaid Commons and Waſte Grounds within the ſaid Pariſhes reſpectively, in ſuch Manner as if no ſuch Right of Trial had been hereby allowed or authorized; and in caſe the Verdict of the Jury, on the Trial of the ſaid Cauſe, ſhall be given in Favour of the Plaintiff or Plaintiffs in ſuch Action, then the Coſts thereof ſhall be wholly paid by the Defendant or Defendants, but he and they ſhall be reimburſed the ſame by the ſaid Commiſſioners, who ſhall aſſeſs, levy, and raiſe, the ſame, in the ſame Manner as the Coſts, Charges, and Expences, of obtaining and executing this Act, are hereby directed to be raiſed, borne, and paid; and in caſe ſuch Verdict ſhall be given in Favour of the Defendant or Defendants in ſuch Action, then the Coſts of ſuch Action ſhall be wholly paid to the Defendant or Defendants by the Plaintiff or Plaintiffs, and thoſe on whoſe Behalf the ſame Action ſhall be brought, againſt all or any of whom Proceſs of Execution may be executed for ſuch Coſts, in like Manner as if they had been Parties in the Cauſe, although not named as Parties in the Action or Proceſs of Execution.

Who are to be benefited by the Trial reſpecting the Right of depaſturing, &c.

LXVII. Provided nevertheleſs, and it is hereby enacted and declared, That no Perſon or Perſons, except the Perſons laſt before named, and who ſhall give ſuch Notice or Notices as aforeſaid, and their reſpective Heirs and Aſſigns, and thoſe claiming under them, ſhall be permitted to try, or to have or receive any Benefit or Advantage from any Trial of the ſaid Right of depaſturing the ſaid Commons and Waſte Grounds, to be had in purſuance of this Act; neither ſhall any of the ſaid Perſons laſt before named, and who ſhall give ſuch Notice as aforeſaid, or thoſe claiming under them, have or receive any Increaſe of their reſpective Allotments under this Act, by means or in conſequence of any ſuch Trial and Verdict as aforeſaid, except only in reſpect of the Allotments to be made for ſuch Common Right Meſſuages, Cottages, Tofts, or Toftſteads,

ſteads, as the ſaid Perſons laſt before named, and who ſhall give ſuch Notice, and thoſe claiming under them, were lawfully ſeiſed of or entitled to on the Twenty-fifth Day of *March* now laſt paſt: Provided alſo, that in caſe, upon ſuch Trial, a Verdict ſhall be given in Favour of the Plaintiff or Plaintiffs, the ſeveral Perſons laſt before named, and who ſhall give ſuch Notice, and thoſe claiming under them, ſhall not, nor ſhall any of them, be entitled to have or receive any Allotment or Allotments whatſoever from or out of the ſaid Commons or Waſte Grounds, for or in reſpect of any Lands or Grounds belonging to them reſpectively, within the ſaid ſeveral Pariſhes of *Epworth*, *Haxey*, *Belton*, and *Owſton*, or any of them.

Death of Party not to abate Action.

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

To prevent Turbary or digging of the Commons in any Pariſhes after paſſing the Act, until Turbary ſet out.

LXIX. And be it further enacted, That, from and after the paſſing this Act, and until the ſeveral Allotments herein-before directed to be made for Turbaries ſhall be made and completed, it ſhall not be lawful for any Perſon or Perſons whomſoever, to cut, dig, take, gather, or carry away, any Land, Soil, Earth, Turves, Sand, Whins, or Sods, for any Uſe or Purpoſe whatſoever, in, upon, or from, any Part of the ſaid Commons or Waſte Grounds, hereby intended to be divided and incloſed, without the Conſent of the ſaid General Commiſſioners being obtained for that Purpoſe, in Writing under their Hands; and if any Perſon or Perſons ſhall attempt to cut, dig, take, gather, or carry away, the ſame, or any Part thereof, without ſuch Conſent as aforeſaid, and contrary to the true Intent and Meaning of this Act, the Perſon or Perſons ſo offending ſhall, on Conviction thereof upon the Oath of any One Witneſs before any One Juſtice of the Peace acting for the Parts of *Lindſey*, in the ſaid County of *Lincoln*, not intereſted in the Premiſes, be liable to pay Treble Damages, with full Coſts, to be aſcertained by ſuch Juſtice, and to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon or Perſons ſo offending as aforeſaid; any Law, Cuſtom, or Uſage, to the contrary notwithſtanding.

Ponds not to be uſed for ſteeping Hemp, &c.

LXX. And be it further enacted, That it ſhall not be lawful for any Perſon or Perſons, after the paſſing of this Act, to dig, make uſe of, or employ, any Pits or Ponds within any Allotment to be made from the Commons and Waſte Lands and Grounds hereby intended to be divided and incloſed, for the Purpoſe of rating or ſteeping any Hemp, Line, or Flax therein, at a leſs Diſtance than Half a Mile from any publick Highway.

For re-aſcertaining the Corn Rent.

LXXI. And be it further enacted, That it ſhall and may be lawful, as well for the ſaid Rector of *Epworth*, and the ſaid Vicar of *Haxey*, and their Succeſſors, as alſo for the ſaid Archbiſhop of *York* and his Succeſſors and Leſſees for the Time being, and for any One or more of the ſaid Owners and Proprietors hereby made liable to the Payment of Corn Rents, and of the ſaid Sum of Four hundred and Twenty Pounds herein-before directed to be paid to the Rector of *Epworth*, and aſſeſſed to the Poors Rate at the Sum of One hundred Pounds or upwards, at their reſpective proper

proper Expence, by Writing under their respective Hands, to apply, at the First Quarter Sessions of the Peace to be holden in and for the Division of *Lindsey*, in the said County of *Lincoln* in the Week after the Feast of *Easter* next after the Expiration of Twenty-one Years, to be computed from the making of the said Award by the said Commissioners, (having given Notice of such intended Application in the *London Gazette*, and also in some Newspaper usually circulating in the said County of *Lincoln*, so long as any shall be published, in the Month of *January* next preceding, to have Three Persons named and appointed by the Justices then and there assembled, to be Arbitrators or Referees for enquiring into and ascertaining, by Means of the *London Gazette*, so long as the Returns of the Average Prices of Corn and Grain shall be published therein, and in case of no such Publication, then by such Ways or Means as they shall think equitable or proper, the Average Price of a *Winchester* Bushel of good marketable Wheat within the said County of *Lincoln*, for the Twenty-one Years then last past, which said Three Arbitrators or Referees, or the major Part of them, shall, by their Report to be made and delivered to the Court of Quarter Sessions to be held in the First Week after the Feast of the *Translation of Saint Thomas the Martyr* then next ensuing, set forth such Average Price; and in case it shall by such Report appear that such Average Price of a Bushel of such Wheat is more or less than the Average Price thereof set forth in the said Award by the Value of Three-pence, the said respective yearly Corn Rents, and the said Sum of Four hundred and twenty Pounds, and the several Proportions thereof, shall be increased or diminished accordingly, in the same Proportion as the said Average Price shall appear to have increased or diminished, which shall be declared by the said Court; and the said several Rents shall, from the Half Yearly Day of Payment next after such Order, remain and continue issuing and payable as aforesaid out of the several Allotments and other Lands to be charged by the said Award with such respective Yearly Tythe or Corn Rents, or Sums of Money, until the same shall, at the End of Twenty-one Years then next ensuing, be again varied by such Application, and in such Manner as herein-before is mentioned, and so from Time to Time, at the End of every Twenty-one Years, for ever; and the said Rector of *Epworth*, and the said Vicar of *Haxey*, and their Successors respectively, shall and may have and exercise such and the like Powers and Remedies for recovering the said several Rents and Sums of Money so to be originally fixed and ascertained, or to be from Time to Time re-ascertained as aforesaid, when the same shall respectively be in Arrear, together with the Costs and Charges thereby to be incurred, against the Occupier or Occupiers of the Lands and Hereditaments out of which the said several Rents are to be issuing, or of any Part thereof, or from or out of the whole of the Lands and Hereditaments in the Possession of such Occupier or Occupiers, and hereby made liable to the Payment of Tythe or Corn Rents, or from or out of any Part or Parts of such last-mentioned Lands and Hereditaments, as by the Laws and Statutes of this Realm are provided and given against Tenants or Occupiers for the Recovery of Rack Rents in Arrear; and also such Powers and Remedies, (at the Option of the said Rector and Vicar, and their Successors respectively), by an Action or Actions at Law against the Owner or Owners of the Lands and Hereditaments out of which the said several Rents are to be issuing as aforesaid, (not being the actual Occupier or Occupiers thereof), for the Recovery of the said Rents respectively,

and

and of the Coſts and Charges occaſioned by the Non-payment thereof, as by the Laws and Statutes of this Realm are provided and given againſt Tenants or Occupiers for the Recovery of Rack Rents in Arrear, or that the ſaid Rector and Vicar, and their Succeſſors reſpectively, ſhall and may proceed in a ſummary Way againſt the ſaid Owners or Occupiers reſpectively, for the Recovery thereof, before any One Juſtice of the Peace for the Diviſion of *Lindſey*, in the ſaid County of *Lincoln*, reſiding near to the ſaid Pariſhes of *Epworth* and *Haxey*, and not intereſted in the Matters in Queſtion, in like Manner as any of the Penalties under this Act are directed to be recovered; and that upon the Death, Ceſſion, Reſignation, or Removal, of the ſaid preſent Rector and Vicar, and their Succeſſors reſpectively, he or they, or his or their Executors or Adminiſtrators, ſhall be entitled to and receive ſo much, and ſuch Part of the ſaid Tythe or Corn Rents, or Sums of Money, as ſhall be in Proportion to the Number of Days elapſed to the Day of ſuch Death, Ceſſion, Reſignation, or Removal reſpectively, from the then laſt preceding Day of Payment.

Owners of Eſtates dividing the ſame to apportion Corn Rents.

LXXII. And whereas it may be neceſſary and convenient for ſome One or more of the ſaid Owners and Proprietors of Eſtates, in the ſaid Pariſhes of *Epworth* and *Haxey*, ſubject to the ſaid Tythe or Corn Rents, to ſell and diſpoſe of his, her, or their ſaid Eſtate or Eſtates, or ſome Part thereof, in Parcels, or to make Partition thereof, and others may be deviſed by Will, and upon a Diviſion of any of the ſaid Eſtate or Eſtates in Manner aforeſaid, it may be neceſſary and convenient to the Owner or Owners thereof for the Time being, to divide and apportion the ſaid yearly Tythe or Corn Rents, or Sums of Money; be it therefore further enacted, That it ſhall be lawful for the Owner or Owners of each and every Eſtate in the ſaid Pariſhes of *Epworth* and *Haxey* for the Time being, ſubject to the ſaid Corn or Tythe Rents, upon a Diviſion of the ſame Eſtate or Eſtates, either by Sale or otherwiſe, to apportion and charge each and every Part of the Eſtate ſo divided, with a due and fair Proportion of the ſaid yearly Tythe or Corn Rents, or Sums of Money, ſo to be aſcertained and ſet forth by the ſaid Commiſſioners, provided in every ſuch Diviſion due Regard be had to the Quantity of Acres, and the Rate by the Acre, aſcertained by the ſaid Commiſſioners upon the Whole or any Part of ſuch Eſtate, and that each and every Diviſion may be made to bear a fair and juſt Proportion of the ſaid yearly Tythe or Corn Rents, or Sums of Money, ſo aſcertained by the ſaid Commiſſioners, or as near as may be; and as the Power of recovering the Arrears of the ſaid yearly Tythe or Corn Rents, or Sums of Money, is herein-before extended to the Whole of each and every Eſtate, the ſaid Power ſhall continue and remain the ſame until a Diviſion of the Eſtate and Apportionment, of the ſaid Yearly Tythe or Corn Rents, or Sums of Money, ſhall be made known to the Rector and Vicar, and their Succeſſors reſpectively for the Time being, by a written Notice thereof, ſigned by all the Parties intereſted therein, fully deſcribing and ſpecifying the Lands and Grounds ſo divided, and the Abuttals and Boundaries thereof, and after ſuch Notice his and their Power of Diſtreſs, and Recovery of Rents ſo apportioned and being in Arrear, ſhall be upon each and every Diviſion ſo made, in the like Manner as it is in and by this Act directed upon the Whole of ſuch Eſtates ſo divided as aforeſaid.

Notice of Diviſion and Apportionment to be given to the Rector and Vicar.

LXXIII. And, in order to prevent any Difficulty to the ſaid Rector and Vicar and their Succeſſors reſpectively, by the Diviſion of any Eſtate by Sale or otherwiſe, and to facilitate the future regulating of the ſaid yearly Corn Rents or Sums of Money; be it further enacted, That the ſaid *Thomas Stone*, *Richard Clark*, and *Benjamin Codd*, as being the Special Commiſſioners in reſpect of the Pariſh of *Epworth*, and the ſaid *Thomas Stone*, *Thomas Fletcher*, and *Francis Raynes*, as being the Special Commiſſioners in reſpect of the Pariſh of *Haxey* aforeſaid, reſpectively ſhall, and they are hereby required to make or cauſe to be made Duplicates of a complete ſeparate Schedule or Deſcription of each and every Allotment of the ſaid Commons and Waſte Grounds, within the ſaid ſeveral Pariſhes of *Epworth* and *Haxey* reſpectively, and of each and every ancient Incloſure, and Piece or Parcel of open and unincloſed Land, in the ſaid Pariſh of *Epworth*, with the Abuttals and Boundaries thereof, and alſo with the Name of the Owner thereof, charged with ſuch Tythe or Corn Rents, or Sums of Money, the exact Meaſure in Acres, Roods, and Perches, the yearly Tythe or Corn Rents, or Sums of Money, iſſuing out of each reſpectively, and the Quantity of Wheat in Buſhels and decimal Parts of a Buſhel, which is to govern each of the ſaid future Yearly Tythe or Corn Rents, or Sums of Money, payable to the ſaid Rector and Vicar reſpectively, and the Rate by the Acre, by which the ſaid yearly Tythe or Corn Rents, or Sums of Money, ſhall be charged as aforeſaid, and ſuch other Requiſites as ſhall be judged proper or neceſſary by the ſaid Commiſſioners to render every Matter reſpecting the ſaid yearly Tythe or Corn Rents or Sums of Money, clear and plain in future, which ſaid Schedules or Deſcriptions ſhall be reſpectively ſigned by the ſaid Three ſeveral Special Commiſſioners for each of the ſaid Pariſhes, and One Part of each depoſited in the Epiſcopal Regiſtry at *Lincoln*, and the other Part thereof annexed to that Part or Engroſſment of the Award herein-after directed to be made, which ſhall be lodged in the reſpective Pariſh Churches of *Epworth* and *Haxey* aforeſaid.

Schedules of Property with the Names of the Owners to be made by the Commiſſioners.

LXXIV. And whereas the ſeveral Perſons having or claiming to have Rights and Intereſts in and upon the ſaid Commons and Waſte Grounds hereby directed to be divided and incloſed, who have not conſented to the paſſing of this Act, do or may deny that His ſaid Majeſty, or the ſaid Lord *Carteret* as his Leſſee, or the ſaid Lord Archbiſhop of *York*, or his ſaid Leſſee, or any of them, have or hath a Right to the Soil of the ſaid Commons and Waſte Grounds, or any Part thereof, as Lords of the ſaid Manors of *Epworth*, *Weſtwood*, and *Haxey Hall Garth*, reſpectively, aſſerting that the Right to the Soil of the ſame Commons and Waſte Grounds within the ſaid Manors of *Epworth*, *Weſtwood*, and *Haxey Hall Garth*, is veſted in or in Truſt for the ſeveral Owners or Proprietors of ancient Meſſuages, Cottages, Tofts or Toftſteads, Lands and Tenements reſpectively, having Right of Common in and upon the ſaid Commons and Waſte Grounds, excluſive of the Lords of the ſame Manors in reſpect of their Manerial Rights or otherwiſe, except as Owners and Proprietors of other Property than their ſaid reſpective Manors having Right of Common upon the ſaid Commons and Waſte Grounds, but the Reſt of the Perſons intereſted in the ſaid Commons and Waſte Grounds, and who have conſented to the paſſing of this Act, acknowledge the Claims of the ſaid Lords of the ſame Manors of the Right to the Soil of the ſaid Commons

For allowing Perſons diſſenting from the Act a Right of Trial by a feigned Iſſue:

and Waſte Grounds within the ſame; be it therefore further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſeveral Perſons who have not conſented to the paſſing of this Act, or any of them, or any other Perſon or Perſons then lawfully claiming under them, or any of them, at any Time within Three Calendar Months from and after the Commiſſion Day of the now next Aſſizes for the ſaid County of *Lincoln*, to give Notice in Writing under their reſpective Hands to the ſaid Lord *Carteret*, or ſuch other Perſon or Perſons as ſhall be His Majeſty's Leſſee or Leſſees of the ſaid Manors of *Epworth* and *Weſtwood* for the Time being, or to his, her, or their Steward of the Courts of the ſame Manors for the Time being, and to the ſaid *Joſeph Marris*, or ſuch other Perſon or Perſons as ſhall be the Leſſee or Leſſees of the Archbiſhop of *York* of the ſaid Manor of *Haxey Hall Garth* for the Time being, either by perſonal Service of ſuch Notice or Notices, or by leaving the ſame at their reſpective uſual Place or Places of Abode, of his, her, or their Intention to have the Right to the Soil of the ſaid Commons and Waſte Grounds within the ſaid Manors of *Epworth*, *Weſtwood*, and *Haxey Hall Garth*, tried at Law, and thereupon it ſhall be lawful for the Party or Parties giving ſuch Notice, and thoſe lawfully claiming under them, to have ſuch Right determined by a Trial at Law, upon an Action to be brought in the Name or Names of any One or more of them on Behalf of all the Parties giving ſuch Notice, and thoſe lawfully claiming under them, againſt the ſaid Leſſees of the ſaid Manors of *Epworth*, *Weſtwood*, and *Haxey Hall Garth*, reſpectively, upon One or more feigned Iſſues, to be ſettled by the proper Officer of the Court where ſuch Action ſhall be brought, if the Parties ſhall differ about the ſame; and the Defendant or Defendants in ſuch Action ſhall, and is and are hereby required to appear to ſuch Action, and accept a Declaration or Declarations, and plead to Iſſue, and the Plaintiff or Plaintiffs ſhall thereupon proceed in ſuch Action, ſo as to have the ſame finally tried and determined at the Aſſizes to be held for the County of *Lincoln* next after the giving of ſuch Notice, if the Verdict ſhall be ſatisfactory to the Court in which ſuch Action ſhall be brought; and the Coſts and Charges of proſecuting and defending ſuch Action ſhall be borne, paid, and recovered, by and againſt ſuch Perſons, and in ſuch Manner as herein-after mentioned; and in caſe a Verdict ſhall be given generally in Favour of the Plaintiff or Plaintiffs upon ſuch Trial, then the reſpective Shares and Proportions of the ſaid reſpective Lords of the ſame Manors, and their reſpective Leſſees, againſt which Leſſees ſuch Verdict ſhall be given, herein-before directed to be ſet out and allotted to them reſpectively, as their Shares and Proportions of the ſaid Twentieth Part of the ſaid Reſidue of the ſaid Commons and Waſte Grounds herein-before directed to be aſſigned and allotted to the Lords of the ſame ſeveral Manors of *Epworth*, *Weſtwood*, and *Haxey Hall Garth*, reſpectively, ſhall be proportionally diminiſhed, and a ſufficient Part thereof taken by the ſaid Special Commiſſioners from ſuch reſpective Shares and Proportions, and applied to enlarge the reſpective Allotments of the ſaid ſeveral Perſons giving ſuch Notice as aforeſaid, and thoſe claiming under them, ſo that the ſeveral Allotments to be made to ſuch Perſons in lieu of their Rights and Intereſts in the ſaid Commons and Waſte Grounds, ſhall not be ſubject to any Diminution or Deduction for or on account of the Allotments to be made to or for ſuch Lords of the ſaid Manors of *Epworth*, *Weſtwood*, and *Haxey Hall Garth* reſpectively, in reſpect of their Manerial Rights; and that the ſaid

ſeveral

ſeveral Special Commiſſioners do and ſhall in ſuch Caſe accordingly ſet out and allot ſuch reſpective Shares of the Perſons giving ſuch Notices as aforeſaid, and thoſe claiming under them, of and in the ſaid Commons and Waſte Grounds, without making any Diminution or Deduction therefrom on Account of ſuch Twentieth Part ſo to be allotted to the Lords of the ſame Manors reſpectively as before mentioned; and in caſe the Jury ſhall, by their Verdict, find that the Right of His ſaid Majeſty and His Leſſee or Leſſees, and the ſaid Archbiſhop and his Leſſee or Leſſees, reſpectively, extends to a certain ſpecifick Part or Proportion only, of the ſaid Commons, lying within the ſaid Manors of *Epworth*, *Weſtwood*, and *Haxey Hall Garth*, then the ſaid ſeveral Special Commiſſioners ſhall, in ſetting out the ſeveral Allotments aforeſaid, make only a proportional Reduction from the Allotments to be made to the Lords of the ſame Manors reſpectively, or their Leſſees, on Account of their ſaid Manerial Rights, in Proportion to thoſe Parts of the ſaid Commons and Waſte Grounds only, within the ſame Manors, the Soil of which ſhall be found not to belong to the Lords of the ſame Manors, or their Leſſees, and the ſame ſhall be applied and ſet out in Manner aforeſaid, to enlarge the Shares and Allotments of the ſaid Perſons by whom ſuch Notice or Notices ſhall be given as aforeſaid, and thoſe claiming under them, in that Proportion only; and if ſuch Verdict ſhall be generally in Favour of the Defendant or Defendants, then the ſaid ſeveral Special Commiſſioners ſhall ſet out and allot unto the ſaid Lords of the ſame Manors reſpectively, One full and equal Twentieth Part of the Reſidue of the ſaid Commons and Waſte Grounds, from and out of the ſaid ſeveral Shares thereof to be allotted to the ſaid ſeveral Pariſhes of *Epworth*, *Haxey*, *Belton*, and *Owſton* reſpectively, in ſuch Manner as herein-before is directed; and in caſe no ſuch Notice ſhall be given within the Time before limited, or being given, if ſuch Action ſhall not be brought and proceeded in as aforeſaid, the Parties hereby authorized and empowered to give ſuch Notice and bring ſuch Action, ſhall be barred and precluded of and from the ſame, and the ſaid ſeveral Special Commiſſioners ſhall make ſuch Allotments as are hereby directed, of One Twentieth Part of the ſaid Commons and Waſte Grounds, to the Lords of the ſaid Manors reſpectively, in like Manner as though no ſuch Right of Trial had been hereby allowed or authorized; and in caſe the Verdict of the Jury upon the Trial of any ſuch Action as aforeſaid ſhall be given wholly in Favour of the Plaintiff or Plaintiffs in ſuch Action, then the Coſts of ſuch Action ſhall be wholly paid by the Defendant or Defendants in ſuch Action; or if the Verdict ſhall be given wholly in Favour of the Defendant or Defendants in ſuch Action, then the Coſts of ſuch Action ſhall be wholly paid to the Defendant or Defendants by the Plaintiff or Plaintiffs, and thoſe on whoſe Behalf the ſame Action ſhall be brought, againſt all or any of whom Proceſs of Execution may be executed for ſuch Coſts, in like Manner as if they had been Parties in the Cauſe, although not named as Parties in the Action or Proceſs of Execution; but if upon the Trial of any ſuch Action the Jury ſhall find their Verdict in Part in Favour of the Plaintiff or Plaintiffs, and in other Part in Favour of the Defendant or Defendants, then, and in ſuch Caſe, no Coſts ſhall be paid on either Side, unleſs the Verdict ſhall be in Favour of One of the Parties for more than an equal Proportion of the Commons or Waſte Grounds concerning which the Right of Soil ſhall be put in Iſſue in ſuch Action; and in that Caſe the Party in whoſe Favour ſuch Verdict

dict ſhall be found for the greater Part, ſhall recover Coſts, to be paid as aforeſaid, only in ſuch Proportion as the Part of the ſaid Waſtes or Commons for which the Verdict ſhall be in Favour of ſuch Party ſhall exceed in Quantity the Part for which the Verdict ſhall be in Favour of the other Party; and all ſuch Coſts as ſhall become payable by the Defendants to the Plaintiff or Plaintiffs in conſequence of any ſuch Trial, ſhall be paid by the ſaid Lord *Carteret* and *Joſeph Marris* reſpectively, and their reſpective Heirs, Executors, Adminiſtrators, and Aſſigns, according and in Proportion to the Value of the Allotments to be made to them for their Manerial Rights, ſuch Proportions to be ſettled, aſcertained, and determined, by the ſaid general Commiſſioners.

Perſons conſenting to this Act precluded from bringing ſuch Action, or deriving Advantage from it, &c.

LXXV. Provided nevertheleſs, and it is hereby enacted and declared, That all and every Perſon and Perſons who hath or have conſented to the paſſing of this Act, and his, her, and their Heirs and Aſſigns, and all other Perſons claiming or deriving Title from, by, or under, or in Truſt for them or any of them, is and are hereby debarred and precluded from bringing any ſuch Action, or from deriving any Benefit or Advantage therefrom; and that no Perſon or Perſons, except the Perſons who have not conſented to the paſſing of this Act, and who ſhall give ſuch Notice as aforeſaid, and thoſe Perſons who ſhall become entitled to ſome Allotment or Allotments under this Act by Title or Titles derived from ſome or One of the Perſons who have not conſented to the paſſing of this Act, and who ſhall give ſuch Notice as aforeſaid, ſhall be permitted to try, or to have or receive any Benefit or Advantage from any Trial of the Right to the Soil of the ſaid Commons and Waſte Grounds to be had in purſuance of this Act, neither ſhall any of the ſaid Perſons who have not conſented to the paſſing of this Act, and who ſhall give ſuch Notice as aforeſaid, or of the Perſons deriving Title from them as aforeſaid, have, receive, or become entitled to any Increaſe of their reſpective Allotments under this Act, or to occaſion the Shares or Allotments of the ſaid reſpective Lords of the ſaid Manors of *Epworth*, *Weſtwood*, and *Haxey Hall Garth*, and their Leſſees, of and in the ſaid Twentieth Part of the ſaid Commons and Waſte Grounds, to be diminiſhed by Means or in Conſequence of any ſuch Trial or Verdict as aforeſaid, except only in reſpect of the Allotments to be made for ſuch Meſſuages, Cottages, Toftſteads, Lands, or Tenements, as the ſaid Perſons who have not conſented to the paſſing of this Act, were lawfully ſeiſed of or entitled to on the Twenty-fifth Day of *March* now laſt paſt; any Thing herein contained to the contrary notwithſtanding.

Not to affect any Diſpute between the Lords or their Leſſees.

LXXVI. And it is hereby further enacted, That nothing in this Act contained, ſhall determine, prejudice, or affect, any Queſtion or Diſpute that may ariſe between the ſaid Lords of the ſeveral Manors before named, and their ſaid Leſſees, with reſpect to the Right to the Soil of the ſaid Commons and Waſte Grounds, and their ſeveral Shares, Rights, and Intereſts therein, but that ſuch ſeveral Lords of the ſaid Manors, and their Leſſees, ſhall and may commence and proſecute ſuch Action or Actions, Suit or Suits, or other Proceedings at Law or in Equity, for ſettling, aſcertaining, and determining, the ſame, as they ſhall think proper, and as they might have done in caſe this Act had not been made; and the ſaid ſeveral Special Commiſſioners ſhall, and they are hereby directed and required to act in Conformity to the Deciſion of any Court of

Law or Equity reſpecting ſuch Rights of the ſaid Lords of the ſaid Manors, and to any Compromiſe or Agreement that ſhall be made between them and their reſpective Leſſees in relation thereto, and ſhall ſet out and allot the ſaid Twentieth Part of the ſaid Commons and Waſte Grounds herein-before directed to be allotted to the ſaid Lords of the ſaid Manors reſpectively, and their reſpective Leſſees, according and purſuant to ſuch Deciſion or Agreement, provided that no ſuch Actions, Suits, or other Proceedings, ſhall impede or delay the ſaid Commiſſioners in the Execution of the Powers veſted in them by this Act; and in caſe the ſame ſhall not be finally determined before the ſaid ſeveral Special Commiſſioners ſhall have ſet out and allotted the ſaid Twentieth Part of the Reſidue of the ſaid Commons and Waſte Grounds to the ſaid Lords of the ſaid Manors and their reſpective Leſſees as aforeſaid, they the ſaid ſeveral Commiſſioners ſhall allot and apportion ſuch Twentieth Part to and amongſt the ſaid Lords and their reſpective Leſſees in ſuch Manner as herein-before is directed, but ſubject to and without Prejudice to the Event of any ſuch Action, Suit, or other Proceeding.

Allotment to Perſons in Truſt.

LXXVII. And be it further enacted, That the ſaid ſeveral Special Commiſſioners ſhall and may, in reſpect of the ſaid ſeveral Pariſhes for which they are hereby appointed Special Commiſſioners, reſpectively ſet out and allot unto and for the Churchwarden and Churchwardens of the ſeveral Pariſhes of *Epworth*, *Haxey*, *Belton*, and *Owſton* aforeſaid, and their Succeſſors for the Time being, and to the Overſeers of the Poor of the ſaid Pariſhes of *Epworth*, *Haxey*, *Belton*, and *Owſton*, and their Succeſſors for the Time being, who are hereby reſpectively enabled to take, hold, and enjoy, the ſame in Succeſſion, according to their ſeveral and reſpective Rights, Intereſts, Eſtates, and Property, in the ſaid Pariſhes reſpectively, and unto and for ſuch other Perſon or Perſons reſpectively, who now is or are, or ſhall or may be entitled to any Allotments in the ſaid Commons and Waſte Grounds by this Act intended to be divided and incloſed, in Right of or in Truſt for any College, Hoſpital, School, Poor, or other publick Uſe, upon the Truſts, and for the Purpoſes upon and for which the ſaid Meſſuages, Toftſteads, Lands, and Grounds, in Right whereof the ſame are allotted, are now held and enjoyed as aforeſaid, and alſo unto the Purchaſer or Purchaſers who hath or have heretofore made any Purchaſe or Purchaſes, within the ſaid Pariſhes of *Epworth*, *Haxey*, *Belton*, and *Owſton*, or either or any of them, by the Bounty of Her late Majeſty Queen *Anne*, ſuch Parcel or Parcels of the ſaid Commons as ſhall, in the Judgement of the ſaid ſeveral Commiſſioners laſt named, reſpectively be ſuch reſpective Perſon or Perſons, Proportion or Proportions thereof, after a Deduction being made thereout of ſo much as ſhall, in the Judgement aforeſaid, be equal in Value to his, her, or their reſpective Proportions of the Expences of the outſide Mounding or Fencing of ſuch Allotment or Allotments reſpectively, and of the Charges and Expences incident to the obtaining, paſſing, and executing this Act, and of ſuch other Expences as are herein-after directed to be paid and borne for them reſpectively by the other Proprietors and Perſons intereſted in the ſaid Commons and Waſte Grounds by this Act intended to be divided and incloſed, which Parcel and Parcels of Land ſo to be ſet out and allotted as aforeſaid, the ſaid Churchwarden or Churchwardens, and their reſpective Succeſſors for the Time being, and the ſaid Overſeers, and their reſpective Succeſſors for the Time being, and ſuch

other Perſon or Perſons, Purchaſer or Purchaſers as aforeſaid, are hereby empowered, by and with the Conſent, and under and ſubject to the Direction of the ſaid Commiſſioners laſt named reſpectively, to demiſe or leaſe for any Term or Number of Years, not exceeding Twenty-one Years, to be computed from the Time of the Execution of ſuch Leaſe and Leaſes; and ſuch Lands ſo deducted ſhall be divided amongſt the ſaid Proprietors ſo charged with ſuch Expence as aforeſaid.

Power for Rector and Vicar to grant Leaſes.

LXXVIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid *Joſeph Marris*, or the Leſſee or Leſſees for the Time being of the Rectories of *Haxey* and *Owſton* aforeſaid, (by and with the Conſent of the ſaid Archbiſhop of *York* and his Succeſſors, teſtified in Writing under their reſpective Hands and Seals), and for the ſaid *John Robinſon* and his Succeſſors, Rectors of the ſaid Pariſh and Pariſh Church of *Epworth* aforeſaid for the Time being, and alſo for the ſaid *John Lamb*, *Thomas Clarke*, and *Joſeph Robinſon*, and their Succeſſors for the Time being, (by and with the Conſent of the ſaid Lord Biſhop of *Lincoln* and his Succeſſors, teſtified in Writing under their reſpective Hands and Seals), to grant any Leaſe or Leaſes to any Perſon or Perſons whomſoever of the Lands and Grounds ſo to be allotted to them ſeverally and reſpectively under and by virtue of this Act, or of any Part or Parts thereof, for any Term or Number of Years, not exceeding Twenty-one Years, to be computed from the Tenth Day of *October* next after the Execution of the ſaid Award, ſo as upon every ſuch Leaſe there be reſerved and made payable, during the Continuance thereof, the beſt and moſt improved Rent that can be reaſonably had for the ſame, and ſo as no Fine or Foregift be paid or contracted to be paid for the granting of any ſuch Leaſe or Leaſes, and ſo as no ſuch Leaſe or Leaſes be made diſpuniſhable of Waſte, and ſo as the Leſſee or Leſſees to whom any ſuch Leaſes ſhall be made be obliged yearly to ſpend, ſpread, or conſume, in an huſband-like Manner, upon the Premiſes ſo to be demiſed, all the Manure ariſing from the Produce thereof, and ſo as the Rent or Rents thereby to be reſerved be made payable Quarterly, and that Power of Re-entry for Nonpayment of ſuch Rent or Rents, and ſuch other uſual and neceſſary Powers and Covenants be contained therein as are uſually inſerted in Leaſes of the like Nature, and ſo as the Leſſee or Leſſees in every ſuch Leaſe do ſeal and deliver a Counterpart of the ſame; and every ſuch Leaſe ſhall be good, valid, and effectual, in Law, to all Intents and Purpoſes; any Law, Uſage, or Cuſtom, to the contrary notwithſtanding.

Watercourſes may be turned.

LXXIX. And for the better enabling the ſaid Commiſſioners laſt named to accommodate and furniſh any of the new Allotments of the ſaid Proprietors with Water, where the ſame ſhall in their Judgement be wanted; be it further enacted, That it ſhall be lawful for the ſaid ſeveral Special Commiſſioners, in reſpect of the ſaid ſeveral Pariſhes for which they are hereby appointed Special Commiſſioners reſpectively, and they are hereby empowered to direct, order, and award, all Streams of Water, Springs, and Watercourſes, within the ſaid Pariſhes of *Epworth*, *Haxey*, *Belton*, and *Owſton*, or either or any of them reſpectively, to be carried and conveyed in ſuch Courſes, and through ſuch Lands and Grounds, Parcel of the ſaid Commons and Waſte Grounds hereby intended to be incloſed, as they in their Diſcretion ſhall think neceſſary and proper for the Purpoſes aforeſaid, ſo as not to prejudice any other Perſon or Perſons

ſons entitled to the Benefit of any ſuch Stream of Water, Spring, or Watercourſe.

Not to divert or allot *Halliwell* Spring.

LXXX. Provided always, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to empower the ſaid Commiſſioners, or any of them, to allot or divert a certain Spring or Well of Water, in a certain Lane, within that Part of the ſaid Commons adjoining to and coming from the *South Moor* to the Hamlet of *Beltoft*, in the Pariſh of *Belton* aforeſaid, called *Holy Well* or *Halliwell*, or to allot the ſame to any One or more Proprietors or Proprietor, within the ſaid ſeveral Pariſhes, or any of them, but that the ſame Well and Spring ſhall for ever hereafter remain in its preſent unincloſed State, for the free Uſe and Enjoyment of all and every the ſaid Proprietors, without any Interruption whatſoever.

Not to give any undue Preference.

LXXXI. And be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to empower the ſeveral Commiſſioners to give any undue Preference to the Parties intereſted in the ſaid intended Diviſion and Incloſure, or any of them, but that the ſaid Commiſſioners, in making all ſuch Allotments as aforeſaid, ſhall have due Regard to the Quality as well as Quantity and Situation of the Houſes and Lands belonging to each Proprietor, and the Tythes payable for the ſame, and alſo the Right of Common and other Property belonging to each Perſon intereſted, and the Quantity, Quality, and Situation, of the Lands and Grounds to be allotted in lieu thereof; and that the Allotments of the ſaid Commons to be made to each of the Proprietors having Homeſteads or incloſed Lands adjoining to the ſaid Commons, ſhall adjoin to their ancient Incloſures and Homeſteads, or ſome of them, if they ſhall ſo requeſt it, as far as ſhall be conſiſtent with general Conveniency.

For determining Objections to Allotments.

LXXXII. And be it further enacted, That when and ſo ſoon as the ſaid ſeveral Special Commiſſioners reſpectively ſhall have aſcertained the reſpective Shares, Rights, and Intereſts, of the ſaid Proprietors in the Lands and Grounds to be incloſed by virtue of this Act, and alſo the reſpective Shares and Proportions by them propoſed to be allotted to ſuch Proprietors reſpectively in lieu thereof, they the ſaid ſeveral Special Commiſſioners ſhall give Notice in Manner aforeſaid of ſome convenient Times and Places for each of the ſaid Pariſhes of *Epworth*, *Haxey*, *Belton*, and *Owſton*, when and where all Proprietors and Perſons intereſted may peruſe Schedules of ſuch intended Allotments, and Maps or Plans, whereon the ſame ſhall be ſet out and delineated, and may have and receive Copies of ſuch Schedules, ſo far as the ſame relate to ſuch Proprietors reſpectively; and in regard that ſome Perſons may, upon Peruſal of the ſaid Schedules, and Inſpection of ſuch Maps or Plans, be diſſatisfied with their intended Allotment, the ſaid ſeveral Special Commiſſioners ſhall give Notice of One Meeting at the leaſt for each of the ſaid Pariſhes of *Epworth*, *Haxey*, *Belton*, and *Owſton*, to be held by them reſpectively, for receiving Complaints and Objections againſt ſuch intended Allotment, and for hearing and determining all ſuch Complaints and Objections, and their Determination in the Premiſes, being reduced into Writing, and ſigned by them, ſhall be binding and

and concluſive upon all Parties until the Execution of the Award hereinafter mentioned.

For accepting Allotments on Notice.

LXXXIII. And be it further enacted, That the ſaid ſeveral Special Commiſſioners, when and ſo ſoon as they ſhall finally determine of and concerning the ſaid Allotments, ſhall cauſe the ſame to be ſtaked out, and forthwith give ſuch Notice as aforeſaid of their having completed all the ſaid Allotments, and appoint ſome convenient Times and Places for each of the Pariſhes of *Epworth*, *Haxey*, *Belton*, and *Owſton* aforeſaid, when and where every Proprietor may receive a Schedule of his or her Allotment reſpectively, and ſhall, by ſome Writing under their reſpective Hands, and publiſhed along with ſuch Notices, order and appoint at what Times the ſaid Proprietors may and are required to enter upon their reſpective Allotments, and how, and when, and by whom, the ſame are to be fenced, and from what Time or Times the Rights of Common or Paſturage thereon ſhall reſpectively ceaſe and be extinguiſhed, all which Orders and Directions ſhall be binding and concluſive upon all Parties intereſted, and every Perſon entitled to any ſuch Allotment or Allotments ſhall and is hereby required to accept ſuch Allotment or Allotments within the Space of Six Calendar Months next after the Publication of ſuch Notice as aforeſaid; and if any Perſon ſhall refuſe to accept his or her Share or Allotment within the Time beforementioned, or ſhall moleſt or diſturb the Poſſeſſion of any other Proprietor who ſhall have accepted of and entered upon his or her Allotment, every ſuch Perſon ſhall be and is hereby diveſted of all Right of Poſſeſſion, Right of Paſturage, and Common Right, and other Eſtate and Intereſt whatſoever, of and in any of the Lands and Grounds which ſhall be allotted to any other Perſon or Perſons, by virtue of this Act.

For fencing the Reſt of the Tythe Allotment.

LXXXIV. And be it further enacted, That the ſaid ſeveral Allotments to be made to the ſaid *John Robinſon* and his Succeſſors, as Rectors of *Epworth*, and the ſaid Archbiſhop of *York*, and the ſaid *Joſeph Marris* as his Leſſee of the Rectories of *Haxey* and *Owſton* aforeſaid, and alſo to the ſaid *John Lamb* as Vicar of *Haxey* aforeſaid, and alſo to the ſaid Mayor, Sheriffs, Citizens, and Commonalty, of the ſaid City of *Lincoln*, and alſo to the ſaid *Thomas Clark* and *Joſeph Robinſon*, in lieu of Glebe and Right of Common and Tythes, (ſave only and except the ſaid Allotment, herein-before directed to be made, in lieu of the Tythes ariſing from the ſaid Fields and Cloſes in *Owſton*, herein-before particularly mentioned, and the ſaid Churchwardens and Overſeers of the Poor, Truſtee or Truſtees for any College, Hoſpital, School, or other publick Uſe, or to any Purchaſer or Purchaſers with the Bounty of the ſaid Queen *Anne*, ſhall be fenced on all ſuch Parts and Sides as ſhall not be ordered by the ſaid Commiſſioners to be made by any other Proprietor, and againſt all publick Roads, with good and ſubſtantial Fences, all which (except as to the ſaid Allotment at *Belton* for Glebe, Right of Common, and Tythes) ſhall be planted with good thriving Quickſets of White Thorns, guarded with good and ſufficient double-holed Poſts and Rails, the Poſts to be of Oak, and the Rails of Oak, Aſh, or ſome other durable Wood; and as to the ſaid Allotment at *Belton* for Glebe, Right of Common, and Tythes, the ſame ſhall be planted with the like good thriving Quickſets, and guarded on both Sides with treble-holed Oak

Poſts, or Runner Heads with Three Rails at leaſt of Oak Timber, or ſawn out of Fir Battens, and as to all the ſaid Tythe Allotments, with ſufficient Ditches of Three Feet wide at leaſt, with good and ſubſtantial Carriage Gates to each Allotment, in ſuch Time, and by ſuch Perſon or Perſons, as the ſaid Special Commiſſioners acting for each reſpective Pariſh ſhall appoint to make and complete the ſame, at the Expence of the Reſt of the Proprietors of the Lands and Grounds to be allotted by virtue of this Act, in ſuch Proportions, and to be paid at ſuch Time or Times as the ſaid laſt named Commiſſioners reſpectively, by Writing under their reſpective Hands, or in their ſaid Award or Inſtrument, ſhall order, direct, or appoint; and that all ſuch Fences and Gates of their ſeveral Allotments, not ordered to be repaired by any other Proprietor, ſhall from thenceforth be ſupported, maintained, and kept in Repair, by the ſaid *John Robinſon* and his Succeſſors, Rectors of *Epworth* aforeſaid, the ſaid Archbiſhop of *York* and his Leſſees for the Time being, the ſaid *John Lamb* and his Succeſſors, Vicars of *Haxey* aforeſaid, and the ſaid Mayor, Sheriffs, Citizens, and Commonalty, and their Succeſſors, and the ſaid *Thomas Clark* and *Joſeph Robinſon*, and their Succeſſors, and ſuch Churchwardens, Overſeers of the Poor, Truſtee or Truſtees, Purchaſer or Purchaſers, and their Succeſſors reſpectively, for ever afterwards.

For incloſing the Reſt of the Proprietors Allotments.

LXXXV. And be it further enacted, That the ſaid ſeveral Parcels of Land and Allotments, which ſhall be ſet out and allotted by virtue of this Act, (except ſuch Allotments as ſhall be made to the ſaid *John Robinſon*, the ſaid Archbiſhop and his Leſſee, the ſaid *John Lamb*, and the ſaid Mayor, Sheriffs, Citizens, and Commonalty, of the City of *Lincoln*, and the ſaid *Thomas Clark* and *Joſeph Robinſon*, in reſpect of Glebe Common Rights, and Tythes as aforeſaid), ſhall be ſufficiently incloſed and fenced, within ſuch Time as the ſaid ſeveral Special Commiſſioners for the ſeveral Pariſhes for which they are hereby reſpectively appointed, by ſuch Writing or Writings under their Hands as aforeſaid, or by their ſaid Award and Inſtrument, ſhall order, direct, and appoint, and ſuch Fences ſhall be made, and at all Times for ever after the making thereof be ſupported, maintained, and kept in Repair, by ſuch Perſon and Perſons as the ſaid Commiſſioners laſt named ſhall direct or appoint by any ſuch Writing, or by their ſaid Award.

Openings to be left in the Fences for 12 Months.

LXXXVI. Provided always, That convenient Gaps and Openings ſhall be left in the Fences to be made by virtue of this Act, for the Space of Twelve Calendar Months next enſuing the executing of the ſaid Award, for the Paſſage of Cattle, Carts, and Carriages, in and through the ſame, unleſs the ſaid Commiſſioners ſhall, by their ſaid Award, or by any other Inſtrument in Writing under their Hands, order the ſame to be ſooner fenced and made up.

For empowering Guardians to accept.

LXXXVII. And be it further enacted, That the reſpective Guardians, Huſbands, Truſtees, Committees, or Attornies of, or Perſons acting as Guardians, Truſtees, Committees, or Attornies, for any Perſon or Perſons being a Minor or Minors, Lunaticks, under Coverture, or beyond the Seas, or otherwiſe incapable by Law to accept any ſuch Shares or Allotments as ſhall be made to them reſpectively by virtue of this Act, and all other Truſtees whomſoever, ſhall be and are hereby enabled and

required to accept thereof for and to the Uſe of ſuch Perſon or Perſons entitled to any Allotment or Allotments, and ſo incapacitated as aforeſaid; and alſo that any Perſon or Perſons entitled to any Allotment or Allotments as Tenant or Tenants for Life or Lives, ſhall be and are hereby reſpectively enabled to accept of and take ſuch Allotment or Allotments reſpectively, and every ſuch Acceptance reſpectively ſhall be and is hereby declared to be valid and effectual; any Law, Cuſtom, or Uſage, to the contrary notwithſtanding.

Non-acceptance of Guardians not to prejudice.

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

Commiſſioners to make Partition of Eſtates held by Tenants in Common, &c. and may exchange Lands, &c.

LXXXIX. And be it further enacted, That for the more convenient Situation of the ſeveral Farms, Meſſuages, Cottages, and Lands, within the ſaid Pariſhes of *Epworth*, *Haxey*, *Belton*, and *Owſton*, or either or any of them, to the ſeveral Owners or Proprietors thereof, upon the ſaid intended Diviſion and Incloſure, it ſhall be lawful for the ſaid ſeveral Special Commiſſioners acting for each of the ſaid Pariſhes reſpectively, and they are hereby authorized and required to ſeparate, divide, and make Partition of all the Houſes, Lands, Tenements, and Hereditaments, with the Common Rights thereto belonging, within the ſaid ſeveral Pariſhes of *Epworth*, *Haxey*, *Belton*, and *Owſton*, which ſhall be held by Tenants in Common or Joint Tenants, at the Time of making ſuch Diviſion and Incloſure as aforeſaid; provided that ſuch Tenants in Common or Joint Tenants ſhall, by Writing under their Hands, requeſt the ſame; and in and by the ſaid Award or Inſtrument to ſet out, allot, and appoint, ſpecifick Shares thereof to and amongſt ſuch Proprietors, in Severalty, in Proportion to their reſpective Eſtates and equitable Rights and Intereſts therein.

Alſo to exchange Meſſuages, &c. with Conſent.

XC. And be it further enacted, That alſo for the more convenient Situation and Diſpoſition of the ſeveral Farms and Lands upon the ſaid intended Diviſion and Incloſure, it ſhall and may be lawful for the ſaid Commiſſioners ſpecially appointed for each of the ſaid Pariſhes reſpectively, by and with the Conſent of any of the Owners, or the Truſtees, Committees, Guardians, Attornies, or Agents for the Owners, or the Truſtees for any publick Uſe or Charity, of any Meſſuages, Tenements, or Buildings, Homeſteads, or old Incloſures, or other Lands or Grounds, within the Pariſhes of *Epworth*, *Haxey*, *Belton*, and *Owſton*, aforeſaid, or either or any of them, or in any adjoining Pariſh, Townſhip, or Place, in Writing under their Hands, and not otherwiſe, to aſſign, allot, ſet out, and appoint, any Meſſuages, Tenements, or Buildings, Homeſteads, old Incloſures, or other Lands and Grounds, and any Allotments to be made by virtue of this Act, within the ſaid Pariſhes of *Epworth*, *Haxey*, *Belton*,

and *Owſton* reſpectively, or any of them, in Lieu of or in Exchange for any other Meſſuages, Tenements, or Buildings, Homeſteads, old Incloſures, Allotments, or other Lands and Grounds within the ſaid Pariſhes, or either or any of them, or within any other adjoining Pariſh, Townſhip, or Place, ſo that all and every ſuch Exchange or Exchanges be allotted, ſet out, aſcertained, ſpecified, and deſcribed, in the Award or Inſtrument herein-after directed to be made; and all and every ſuch Exchange or Exchanges ſhall be good, valid, and effectual, in the Law, to all Intents and Purpoſes whatſoever, provided that no ſuch Exchanges ſhall be made by the Rector of *Epworth*, or the ſaid *John Lamb*, *Thomas Clark*, or *Joſeph Robinſon*, or their reſpective Succeſſors, without the Conſent of the Lord Biſhop of *Lincoln*, or his Succeſſors, or by the ſaid *Joſeph Marris*, or the Leſſees for the Time being of the Archbiſhop of *York*, without the Conſent of the ſaid Archbiſhop, or his Succeſſors reſpectively, firſt had and obtained.

Commiſſioners to exonerate from Tythes, with Conſent of Parties.

XCI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Special Commiſſioners nominated for each of the ſaid ſeveral Pariſhes of *Haxey*, *Belton*, and *Owſton*, by and with the Conſent of the ſeveral Proprietors of Eſtates, and Tythe Owners, or any of them, within any of the ſaid Pariſhes of *Haxey*, *Belton*, and *Owſton*, ſignified in Writing under their ſeveral Hands, but not otherwiſe, to exonerate all or any Part of the Open Fields or old Incloſures, within the ſaid ſeveral Pariſhes, from the Payment of Tythes, and, in Lieu thereof, to allot Lands, or fix and appoint certain Annual Payments by Way of Corn Rents, or otherwiſe, to be charged on the ancient Eſtates of the ſaid Proprietors, as ſuch Parties and Tythe Owners ſhall agree, ſo as the ſame be ſet forth in their Award to be made in Manner herein-after mentioned.

Lands allotted to be of the ſame Tenure as the Eſtates in Right of which they ſhall be allotted.

XCII. And whereas the ſeveral Meſſuages, Cottages, Tofts, Common Rights, Lands, and Grounds, in the ſaid Pariſhes of *Epworth*, *Haxey*, *Belton*, and *Owſton*, in reſpect and in Right whereof the ſaid Commons and Waſte Grounds are hereby directed to be ſet out and allotted, do comprize and conſiſt of Freehold, Copyhold, and Leaſehold Hereditaments reſpectively; be it further enacted, That all ſuch Lands and Grounds as ſhall by virtue of this Act be allotted to any of the ſaid Proprietors, ſhall be held by ſuch Proprietors reſpectively, under the ſame Tenures, Rents, and Services, as the Meſſuages, Cottages, Tofts, Common Rights, Lands, or other Property, in reſpect of which ſuch Allotments ſhall be made, were reſpectively held and enjoyed before the paſſing of this Act, or would have been held or enjoyed in caſe this Act had not been made, and the ſeveral Lands and Grounds which in the ſaid Award ſhall be declared to have been allotted in Right of Freehold Property, ſhall, from the making and executing thereof, be deemed Freehold Lands, and ſhall from thenceforth be held of the Lord of the Fee under the ſame Rents and Services as the Freehold Property, in lieu of which they were ſo allotted were before that Time held; and the ſeveral Lands and Grounds which ſhall be therein declared to be allotted in Right of Copyhold Property, ſhall in like Manner be deemed Copyhold or Cuſtomary Lands, and ſhall be held of the ſame Lord, under and ſubject to Rents, Fines, Cuſtoms, Duties, and Services, and ſhall paſs and be held by Surrenders and Admittances in like Manner as the Copyhold Hereditaments in Right whereof ſuch Allotments ſhall be made were

were then reſpectively held; and the Lands and Grounds which ſhall be therein declared to have been allotted in reſpect of Leaſehold Property, ſhall be in like Manner deemed Leaſehold, and ſhall be under and ſubject to the ſame Tenure, Rents, and Reſervations, as the Leaſehold Tenements in reſpect whereof they were ſo allotted were then held, and the Reverſion thereof ſhall be veſted in the ſame Leſſors reſpectively as the Reverſion of ſuch other Leaſehold veſted before the making of this Act; any Law, Cuſtom, or Uſage, to the contrary notwithſtanding.

Exchanged Lands to change Qualities.

XCIII. Provided always, and be it further enacted, That the Lands and Hereditaments, which ſhall be exchanged by virtue of this Act, ſhall be held in like Manner, under and by the ſame Tenures and Rents, and ſhall be thereafter deemed to be of the ſame Quality, whether Freehold, Copyhold, or Leaſehold reſpectively, as the Lands and Hereditaments which ſhall be given and accepted in Lieu thereof were held or deemed immediately before the making of every ſuch Exchange reſpectively.

No Fines on Firſt Admittances.

XCIV. Provided always, That the ſaid ſeveral Perſons to whom any Allotments in the ſaid Commons and Waſte Grounds hereby directed to be divided and incloſed ſhall be made, either originally or in conſequence of any ſuch Exchanges as aforeſaid, ſhall not on Account of ſuch Allotments to be made by ſuch Award, or the firſt Admittances in purſuance thereof, (provided that ſuch Admittances be applied for within One Year next after making the ſaid Award), pay any Fine for the ſame, and that the Copyhold Rents, or Grave Rents, Chief Rents, or Quit Rents, now and heretofore payable yearly by the Copyholders, ſhall never hereafter be increaſed in reſpect of the new allotted Eſtates to be made from the ſaid Commons and Waſte Grounds by virtue of this Act, yet nevertheleſs the Fines to become due upon every future Death, Alienation, or Admittance, ſhall be paid in reſpect of ſuch Copyhold Eſtates ſo to be allotted by virtue of this Act, in like Manner and in the ſame Proportion as they have heretofore been paid for the ancient Copyhold Lands and Tenements within the ſaid Manors reſpectively.

Allotment to be ſeparate in reſpect of Common Right Houſes, &c. and Lands.

XCV. And be it further enacted, That the ſaid Commiſſioners ſhall, in and by their ſaid Award, in every Caſe which ſhall be required by the ſaid Proprietors reſpectively, diſtinctly and ſeparately ſet forth and aſcertain which of the ſaid Allotments, or what Part thereof, ſhall be made in reſpect of the Common Right Houſes and Toftſteads, and which of them, and what Part thereof, in reſpect of the Lands and Grounds belonging to each Proprietor of Common Right Houſes, Toftſteads, and Lands, in reſpect whereof ſuch Allotment ſhall be made to each and every Proprietor, and the different Quantities of ſuch reſpective Allotments.

Award to be made.

XCVI. And be it further enacted, That within the Space of Twelve Calendar Months next after the Diviſion, Allotment, and Drainage, of the ſaid Commons and Waſte Grounds ſhall be made and completed, or as ſoon after as conveniently may be, the ſaid Commiſſioners hereby appointed ſhall, both as General Commiſſioners and as Special Commiſſioners for the ſaid ſeveral Pariſhes reſpectively, form and draw up, or cauſe to be formed and drawn up, an Award or Inſtrument in Writing, which ſhall expreſs the Quantity, in Statute Meaſure, of the Acres, Roods, and

Perches, contained in the ſaid Commons and Waſte Grounds ſo intended to be incloſed as aforeſaid, and ſhall ſpecify, aſcertain, and deſcribe, the parochial Diviſion and Allotment thereof herein-before directed to be made, and the Quantity and Contents of each and every Parcel thereof aſſigned or allotted to the ſeveral Parties entitled to any Lands, Tythes, Common Rights, or other Property, within the ſame, and alſo a Deſcription of the Situation, Buttals, and Boundaries, of ſuch Parcels and Allotments reſpectively, and ſhall alſo ſpecify, aſcertain, and ſet forth, the ſeveral Yearly Tythe or Corn Rents, and Compoſition Rents, herein-before directed to be aſſigned and charged in lieu of Tythes, in the Manner herein-before mentioned, and ſhall contain proper Orders and Directions for and concerning the laying out, making, maintaining, ſupporting, cleanſing, and keeping in Repair, the ſeveral Roads, Ways, Fences, Gates, and Styles, Ditches, Banks, Drains, Bridges, Sluices, Cloughs, Sewers, Culverts, and other Works, hereby directed or authorized to be made, and alſo all ſuch Orders, Regulations, and Determinations, as are in and by this Act mentioned, directed, required, and authorized, to be made or eſtabliſhed, and ſuch other Orders, Regulations, Matters, and Things, as ſhall be neceſſary and proper, conformable to the true Tenor and Meaning of this Act, for the more eaſy, convenient, and effectual, Execution thereof, and for the preventing all Difficulties and Diſputes in relation to the Matters herein contained, purſuant and according to the ſeveral Powers and Authorities hereby given to and veſted in the ſaid Commiſſioners reſpectively, of which ſaid Award or Inſtrument Four Parts ſhall be fairly engroſſed upon Parchment, and ſigned and ſealed by all the ſaid General and Special Commiſſioners, and One Part thereof ſhall, within the Space of Three Calendar Months after ſuch ſigning and ſealing, be enrolled with the Steward of the Court of the Manor of *Epworth* aforeſaid, and the Inrolment thereof kept amongſt the Records of the ſaid Manor, and a true Copy of the Plan of the ſaid Pariſhes, and Commons or Waſte Grounds, and the parochial Diviſion thereof, and of the ſeveral Allotments of the ſame, made to the ſaid Proprietors, drawn upon Vellum or Parchment, and ſigned by the ſaid Commiſſioners, ſhall alſo be annexed to the ſaid Inrolment, and to each Part of the ſaid Award, One Part whereof ſhall be put into and kept in a Box or Cheſt to be placed and kept in each of the aforeſaid Pariſh Churches of *Epworth*, *Haxey*, *Belton*, and *Owſton*, to the End Recourſe may be had to the ſame by any Perſon or Perſons intereſted in the ſaid Diviſion and Incloſure; and the ſaid original Awards, or a true Copy of the Inrolment thereof, or of any Part thereof, certified by the Steward of the ſaid Manor, or his Deputy, ſhall from Time to Time be admitted in all Courts whatſoever as legal Evidence, and ſuch Officer is hereby required to enrol the ſame accordingly, and to make Copies thereof, or of any Part thereof, and to certify the ſame from Time to Time, when required, within Fourteen Days after ſuch Copies ſhall be ſo required, being paid for ſuch Inrolment after the Rate of Eight-pence *per* Sheet, and for every ſuch Copy and Certificate after the Rate of Two-pence *per* Sheet, reckoning Seventy-two Words to each Sheet; and that the ſeveral Allotments and Diviſions, and all Orders and Directions, Regulations, and Determinations, ſo to be made as aforeſaid, in and by ſuch Award or Inſtrument, ſhall be final, binding, and concluſive, unto and upon all Parties intereſted in the ſaid Diviſion and Incloſure.

Allotments to be in Bar of Common Right and Tythes.

XCVII. And be it further enacted, That the ſeveral Lands and Grounds ſo to be ſet out and allotted unto and for the ſeveral Perſons who by virtue of this Act ſhall be entitled to the ſame, ſhall be and are hereby veſted in them reſpectively, in full Bar of and Satisfaction for all Rights of Common, and other Rights and Intereſts whatſoever, in, over, and upon, the ſame Commons and Waſte Grounds hereby directed to be divided and incloſed; and that, from and immediately after the making the ſaid Diviſion and Allotments, or as ſoon after as the ſaid General Commiſſioners, by ſuch Writing as aforeſaid, or in their ſaid Award, ſhall appoint, all Right of Common in, over, and upon, all the ſaid Lands and Grounds hereby intended to be incloſed, and every Part thereof, and alſo all Tythes, both Great and Small, Moduſes, Compoſitions, and Eccleſiaſtical Dues and Payments whatſoever, ariſing and renewing out of and from the ſaid Commons and Waſte Grounds, and all other Lands and Grounds lying within the ſaid Pariſh of *Epworth*, and alſo ariſing and renewing out of and from the ſaid Commons and Waſte Grounds, within the ſaid reſpective Pariſhes of *Haxey*, *Belton*, and *Owſton*, to be incloſed by virtue of this Act, and alſo out of and from the ſeveral Fields and Cloſes in the Townſhip of *Owſton* aforeſaid, herein-before particularly mentioned and ſpecified, (except the Tythes of Hemp and Line ariſing and to ariſe out of and from all the Fields and Incloſures in the ſaid Pariſh of *Owſton*, and alſo except ſuch Corn Rents or other Payments as herein-before directed to be ſettled and aſcertained by the ſaid Commiſſioners, and alſo except Mortuaries and Surplice Fees, as herein-before excepted), ſhall ceaſe, determine, and for ever be extinguiſhed.

Perſons refuſing to incloſe Commiſſioners may do it.

XCVIII. And be it further enacted, That if any Perſon to whom any ſuch Allotment or Allotments ſhall be made, and who ſhall by the ſaid General Commiſſioners be charged with the Payment of ſuch Charges and Expences as herein-after mentioned, or any Huſband, Guardian, Truſtee, Committee, or Attorney of, or any Perſon acting as Guardian, Truſtee, Committee, or Attorney for, any Infant, Lunatick, Idiot, Feme Covert, Charity or Charities, Perſon or Perſons beyond the Seas, or otherwiſe incapable of acting for himſelf, herſelf, or themſelves, or any Tenant in Tail or for Life, or Truſtee or Truſtees for any Settlement, or any Mortgagee or Mortgagees, or other Creditors in Poſſeſſion, ſhall neglect or refuſe to accept, incloſe, and fence, his, her, or their, Allotment or Allotments, within ſuch Time or Times as the ſaid Special Commiſſioners, by any Writing as aforeſaid, or by their ſaid Award, ſhall order or direct, it ſhall be lawful for the ſaid General Commiſſioners to cauſe ſuch Allotment or Allotments to be incloſed and fenced, and charge the Expences attending the Incloſure and Fencing thereof upon the Proprietor or Proprietors of the ſame Allotment or Allotments, and by ſuch Writing as aforeſaid, or by their ſaid Award, to appoint to whom and at what Time or Times the ſame ſhall be paid, but if the Perſons upon whom the ſaid Commiſſioners ſhall charge ſuch Expences as aforeſaid ſhall neglect or refuſe to pay the ſame within ſuch Time as the ſaid Commiſſioners ſhall direct, then it ſhall be lawful for the ſaid General Commiſſioners, by Writing under their Hands, to leaſe or demiſe the Allotment or Allotments of ſuch Perſon or Perſons ſo neglecting or refuſing to accept, incloſe or fence the ſame as aforeſaid, unto any other Perſon or Perſons who may be willing to take the ſame under ſuch a Rent as the ſaid Commiſſioners ſhall think reaſonable, and for any Term or Terms of

Years, not exceeding Seven Years, or to nominate and appoint, from Time to Time, a Bailiff or Receiver of the Rents and Profits of such Allotments respectively, with such reasonable Salary for his Pains and Trouble therein as they in their Discretion shall think fit, which said Bailiff or Receiver shall have, and is hereby vested with full Power to fence and manage the same, and to receive the Rents, Issues, and Profits thereof, and pay the same, after deducting all such Demands as he shall have, in pursuance of the Trust in him reposed, to and for the Use and Benefit of the Person or Persons neglecting or refusing to accept of such respective Shares and Allotments, his, her, or their, Representatives, until such Time as he, she, or they, shall be willing and desirous to accept the same.

Leases not to be vacated, but Allotments to be made to Proprietors, on Satisfaction to the Lessees for the Loss of Common Rights.

XCIX. And be it further enacted, That no Lease or Leases affecting any of the Messuages, Cottages, Toftsteads, Lands, Hereditaments, or ancient Estates, in respect of which any such Allotment or Allotments of the said Commons and Waste Grounds by this Act intended to be inclosed, shall be made, by virtue of this Act, be rendered or be made void, (except such Leases as are made determinable on the passing of this Act), but that the same shall remain and continue in full force and virtue, except with respect to the Allotments to be made in respect of such Messuages, Cottages, Toftsteads, Lands, Hereditaments, or ancient Estates, but that all Allotments to be made in respect of such Messuages, Cottages, Toftsteads, Lands, Hereditaments, or ancient Estates as shall be subject to Leases, shall be made and belong to the Proprietors of such Messuages, Cottages, Toftsteads, Lands, Hereditaments, or ancient Estates, freed and exonerated from all Tenant Right and Interest therein, making such Satisfaction to the Lessees of such Messuages, Cottages, Toftsteads, Lands, Hereditaments, or ancient Estates, their Executors, Administrators, or Assigns, as the said General Commissioners shall ascertain as reasonable to be paid to them as an Equivalent for the Loss of their Common Rights, which Satisfaction shall be awarded by an Abatement of Rent for the Residue of the Terms then to come in such Leases respectively, or by a certain Payment in Money for the Value of such Common Right, to be paid at such Times and in such Manner as the said General Commissioners shall ascertain and set forth in and by their said Award.

No Title to be affected by this Act.

C. Provided always, and be it enacted, That nothing in this Act contained shall extend, or be construed, deemed, adjudged, or taken to revoke, make void, annul, or any Way affect, any Grant, Assurance, Limitation of Use, Declaration of Trust, or any Deed, Will, or Lease, whatsoever, (except with respect to such Leases, and so far only as herein-before is mentioned), or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Debt, Rent, Incumbrance, or other Claim or Demand out of, upon, or affecting any of the Messuages, Cottages, Tofts, Common Rights, Lands, or Grounds, in respect of which the said Commons and Waste Grounds shall be allotted, or any Part thereof, or which shall be exchanged in pursuance of this Act, but that the Lands and Grounds so to be allotted and exchanged shall, immediately after the making of such Allotments and Exchanges respectively, be, remain, and enure, and be held and enjoyed, and the several Proprietors

to whom the ſame ſhall be allotted or given in Exchange as aforeſaid, ſhall from thenceforth ſtand and be ſeiſed and poſſeſſed thereof reſpectively, ſubject to the Charges to be made thereon by virtue of this Act, under and liable to the ſame Uſes and Truſts, and to and for ſuch Uſes, and the ſame Eſtates and Intereſts, and ſubject to ſuch and the ſame Wills and Leaſes, (except only as before is excepted), Powers, Proviſoes, Limitations, Remainders, Charges, Tenures, Rents, and Services, Incumbrances, and Demands, as the ſeveral Meſſuages, Cottages, Toftſteads, Lands, and Grounds, or other Property, of every ſuch Proprietor, in reſpect whereof ſuch Allotment ſhall be made, or which ſhall be ſo exchanged, are and ſhall be ſubject and liable to at the Time of ſuch Diviſion and Incloſure.

For defraying the Expences of this Act.

CI. And be it further enacted, That the reaſonable Charges and Expences of all the ſaid Commiſſioners hereby appointed, whether acting as General or Special Commiſſioners in and concerning the Powers and Authorities hereby veſted in them, and of the obtaining and paſſing this Act, and of the ſurveying, meaſuring, dividing, allotting, draining, and improving, the Lands and Grounds ſo intended to be incloſed as aforeſaid, and of making, preparing, executing, and inrolling, the ſaid Award or Inſtrument, and all other reaſonable Charges and Expences occaſioned by the Execution of this Act, up to the Time of executing the ſaid Commiſſioners Award, ſhall be borne and defrayed by all the Proprietors of Lands, which ſhall be allotted by virtue of the ſaid Award, (except His ſaid Majeſty and His ſaid Leſſees, the ſaid Archbiſhop of *York* and his Leſſees, and alſo the ſaid *Charles Pierrepont*, in reſpect of their Manerial Rights, the ſaid *John Robinſon*, the ſaid Archbiſhop of *York* and his Leſſees, the ſaid *John Lamb*, and the ſaid Mayor, Sheriffs, Citizens, and Commonalty, of the ſaid City of *Lincoln*, and the ſaid *Thomas Clark* and *Joſeph Robinſon*, in reſpect of their ſaid Tythes, Glebe, and Common Rights reſpectively), in ſuch Shares and Proportions as ſhall be ſettled and determined by the ſaid General Commiſſioners; and that all Charges and Expences which ſhall ariſe ſubſequent to the Execution of the ſaid Commiſſioners Award, reſpecting the future Reparation and Support of the ſaid Drains, Sewers, Banks, Tunnels, Sluices, and other Works of Drainage, to be made and ordered by the ſaid General and Special Commiſſioners reſpectively, in purſuance of the Powers hereby veſted in them, ſhall be borne and defrayed from thenceforth for ever thereafter by all ſuch Proprietors as aforeſaid, in ſuch Shares and Proportions as ſhall be thought juſt and equitable by the ſaid General Commiſſioners, and as ſhall be ſet forth in their ſaid Award: Provided nevertheleſs, that the Whole of the Charges and Expences attending or incident to the ſurveying, meaſuring, and planning, of the ſaid incloſed and open Fields, Meadows, and Paſtures, ſhall be borne and defrayed by the Owners or Proprietors of the ſaid Fields, Meadows, and Paſtures.

Recovery of Expences.

CII. And be it further enacted, That when and ſo often as any of the ſaid Proprietors ſhall refuſe or neglect to pay his, her, or their Proportion of the Charges and Expences of obtaining this Act, and the aforeſaid neceſſary Expences of the ſaid Commiſſioners attending the putting the ſame into Execution, or ſhall refuſe or neglect to pay the Expences attending

attending the incloſing and fencing of any ſuch Allotments as upon the Neglect or Refuſal of the Proprietors ſhall be incloſed and fenced by the ſaid Commiſſioners as aforeſaid, at the reſpective Days and Times to be appointed for Payment of ſuch Charges and Expences, Sum or Sums of Money reſpectively, it ſhall be lawful for the ſaid General Commiſſioners, by any Warrant or Warrants under their Hands and Seals directed to any Perſon or Perſons whomſoever, to cauſe the ſaid Coſts, Charges, and Expences, and Sum or Sums of Money reſpectively, to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo making Default in Payment as aforeſaid, his, her, or their Huſbands, Guardians, Truſtees, Committees, or Attornies, whereſoever the ſame ſhall be found, rendering the Overplus (if any) on Demand, to the Owner or Owners of ſuch Goods and Chattels, the reaſonable Charges of ſuch Warrant, Diſtreſs, and Sale, being firſt deducted, together with lawful Intereſt, to be computed on ſuch Share or Shares, Proportion or Proportions, from the Time the ſame ſhall be directed to be paid by the ſaid General Commiſſioners as aforeſaid.

For borrowing Money, &c.

CIII. And be it further enacted, That it ſhall and may be lawful to and for all and every Perſon and Perſons who, after ſuch Diviſion and Incloſure to be made as aforeſaid, ſhall be Owners and Proprietors for the Time being of any of the Allotments to be made in purſuance of this Act, or of any Part thereof, and to and for the Huſbands, Guardians, Truſtees, Committees, or Attornies, of or for any of the ſaid Owners or Proprietors, being under Coverture, Minors, or beyond the Seas, or otherwiſe incapable to act for themſelves, and to and for every of them, and to and for any of the ſaid Owners or Proprietors being Tenants for Life or in Tail, or for Years, not being at Rack Rent, or any other Contingencies, and to and for every of them reſpectively for the Time being, (except the ſaid *John Robinſon*, the ſaid Archbiſhop of *York* and his Leſſee, the ſaid *John Lamb*, and the ſaid Mayor, Sheriffs, Citizens, and Commonalty, of the ſaid City of *Lincoln*, and the ſaid *Thomas Clark* and *Joſeph Robinſon*, and their Succeſſors for the Time being reſpectively), by and with the Conſent of the ſaid reſpective Special Commiſſioners, in Writing under their Hands and Seals, from Time to Time to charge the ſeveral Lands and Grounds which ſhall be comprized in ſuch reſpective Allotment, or any Part thereof, with any Sum or Sums of Money, at the Diſcretion of the ſaid Commiſſioners, not exceeding Four Pounds for every Acre of Land and Ground ſo to be allotted as aforeſaid, and alſo for every Acre of old Incloſure exonerated from Tythes, to be paid to ſuch Perſon or Perſons as the ſaid General Commiſſioners ſhall nominate and appoint, in order to be applied and diſpoſed of for and towards paying and defraying the reſpective Shares and Proportions of the Charges and Expences incident to and attending ſuch Diviſion and Incloſure as aforeſaid, and of obtaining this Act, and executing the ſame, 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 or Demiſe to be

made by any Perſon or Perſons entitled only as Tenants in Tail, or for Life or Lives, or Years, or upon any other Contingency, there be contained a Covenant to pay and keep down the Intereſt of the Money thereby to be ſecured, during his, her, or their, reſpective Life or Lives, or for ſo long as he, ſhe, or they, ſhall continue ſeiſed of ſuch Allotment or Allotments reſpectively, ſo that no Perſon afterwards becoming poſſeſſed of or entitled to ſuch Lands or Grounds ſo to be charged with any Sum or Sums of Money as aforeſaid, ſhall be liable to pay any further or larger Arrear of Intereſt than for One Year preceding the Time that the Title to ſuch Poſſeſſion ſhall have commenced, or otherwiſe it ſhall and may be lawful to and for the ſaid Special Commiſſioners, by any Deed or Deeds, Writing or Writings, under their Hands and Seals, to be atteſted by Two or more credible Witneſſes, at the Requeſt of ſuch of the ſaid Owners and Proprietors being Tenants in Tail, or for Life or Lives, or Years, or upon any other Contingencies, who ſhall reſpectively pay and diſcharge his, her, and their, proportionable Part of the Charges and Expences aforeſaid, to authorize and empower ſuch Owners and Proprietors, any or every of them, making ſuch Requeſt, to charge and ſubject the Lands and Grounds ſo to be allotted to ſuch Owners and Proprietors thereof reſpectively, with any Sum or Sums of Money as the ſaid Commiſſioners ſhall think juſt and reaſonable, not exceeding Four Pounds *per* Acre, with Intereſt for the ſame as aforeſaid; which Sum or Sums of Money ſo to be charged as aforeſaid, ſhall be payable within One Year next after the Deceaſe of every ſuch Tenant in Tail, or for Life or Lives, or Years, or other Contingency reſpectively, with the Intereſt thereof, to be computed from his, her, or their, reſpective Deceaſe, unto ſuch Perſon or Perſons as ſuch reſpective Tenants for Life, or in Tail, or other Contingency, ſhall reſpectively, by Deed or Will duly executed and atteſted, direct and appoint, and in Default thereof to his, her, or their Executors or Adminiſtrators; and every ſuch Grant, Leaſe, Mortgage, Appointment, and Demiſe, or Charge by Deed or Will as aforeſaid, ſhall be good, valid, and effectual, in the Law, for the Purpoſes thereby intended, notwithſtanding the Want of Title in ſuch Tenants for Life or in Tail, or other Contingency, and notwithſtanding any Settlement, Will, Uſe, Truſt, Remainder, or other Incumbrance of or upon the ſaid Land and Premiſes, or any Part thereof, then in being or capable of taking Effect to the contrary; and all and every Perſon or Perſons to whom any ſuch Grant, Mortgage, or Demiſe, ſhall be made by virtue of this Act, as a Security for any Sum or Sums of Money, or who ſhall be entitled to the Money thereby ſecured, ſhall and may from Time to Time, by any Deed or Deeds, Writing or Writings, under his, her, or their Hand and Seal, or Hands and Seals, to be executed in the Preſence of Two or more credible Witneſſes, aſſign or transfer the ſame Security or Securities, or the Principal Money and Intereſt thereby ſecured, and all Benefit and Advantage thereof, and all his, her, or their Right, Title, and Intereſt of, in, and to the ſame, unto any Perſon or Perſons whomſoever, who may again in like Manner aſſign the ſame, and ſo as often as the Caſe ſhall happen, and ſuch Mortgagee or Mortgagees, Aſſignee or Aſſignees, his, her, or their Executors or Adminiſtrators, and all Perſons claiming under them, or any of them, ſhall and may uſe, take, and purſue, all ſuch lawful Methods, Courſes, and Expedients, in Law or Equity, for recovering and obtaining the Poſſeſſion

Poſſeſſion of the Premiſes ſo to be mortgaged, demiſed, or aſſigned, as aforeſaid, in caſe of Non-payment of the Principal Money and Intereſt to be thereby ſecured, or any Part thereof, as is or are uſed, taken, and purſued, in all Caſes of the like Nature.

For keeping down the Intereſt.

CIV. And be it further enacted, That the Proprietors of the Lands and Grounds ſo to be charged with any Sum or Sums of Money ſhall duly pay and keep down the Intereſt during their reſpective Lives, and that no Perſon becoming poſſeſſed of ſuch Lands and Grounds afterwards, ſhall be liable to pay any Arrear of Intereſt further than One Year preceding the Time that the Title to ſuch Poſſeſſion ſhall have commenced, but that all Arrears above One Year before the Death of any ſuch Proprietor, ſhall be paid by the Executors or Adminiſtrators of ſuch Perſon ſo dying, in a Courſe of Adminiſtration.

Intereſt to be paid for Money advanced.

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

For Recovery of Penalty.

CVI. And be it further enacted, That all Penalties and Forfeitures impoſed by this Act, or which ſhall be impoſed by any of the ſaid Commiſſioners in and by any ſuch Writing or Writings under their Hands as aforeſaid, or in or by the ſaid Award, and alſo all and every the Tythe or Corn Rents herein-before directed to be ſet out and aſcertained, ſhall or may be reſpectively levied and recovered, either in the Manner herein-before directed, or in a ſummary Way, before any One Juſtice of the Peace for the Diviſion of *Lindſey*, in the ſaid County of *Lincoln*, reſiding near to any of the ſaid Pariſhes of *Epworth*, *Haxey*, *Belton*, and *Owſton*, and not intereſted in the Matter in queſtion, for which Purpoſe it ſhall be lawful for any ſuch Juſtice of the Peace, upon Complaint made to him, to ſummon the Party accuſed, and the Witneſſes on both Sides, and upon the Appearance or Contempt of the Party accuſed, to examine ſuch Witneſſes upon Oath, (which Oath every ſuch Juſtice is hereby empowered to adminiſter), and upon ſuch Evidence to give Judgement accordingly, and to condemn the Party accuſed, Proof of the Accuſation being made by One or more Witneſſes as aforeſaid, in ſuch Penalties and Forfeitures, Corn or Tythe Rents, Sum and Sums of Money reſpectively, as he ſhall have incurred, or be found liable to the Payment of, and to levy ſuch Penalties and Forfeitures, Corn or Tythe Rents, Sum or Sums of Money reſpectively, by Diſtreſs and Sale of his or their Goods and Chattels, together with reaſonable Coſts; all which Penalties and Forfeitures, the Application whereof is not particularly directed by this Act, ſhall, when and ſo ſoon as the ſame ſhall be levied, be paid and applied to and for the Uſe of ſuch Perſon or Perſons, or to or for ſuch Uſes, Intents, and Purpoſes, as the ſaid General Commiſſioners, in and by ſuch Writing or Writings aforeſaid, or in and by their ſaid Award, ſhall order, direct, or appoint.

Commiſſioners Expences to be entered in a Book.

CVII. And be it further enacted, That the ſaid General and Special Commiſſioners ſhall, and they are hereby required, from Time to Time, to

to keep and enter in a Book or Books a full and true Account of all the Charges, Expences, Receipts, Diſburſements, and Payments, which ſhall accrue or be made by virtue of this Act, and ſhall lay the ſame, together with all Receipts, Vouchers, and Papers, relating thereto, before any Two or more of the ſaid Proprietors, to be choſen and nominated by Writing under the Hands of the major Part of the Proprietors preſent at a Meeting whereat there ſhall not be leſs than Nine in Number, to be holden for that Purpoſe, purſuant to a Notice to be given in One or more Weekly Newſpapers of the ſaid County of *Lincoln*, and in the ſeveral Pariſh Churches of *Epworth*, *Haxey*, *Belton*, and *Owſton*, aforeſaid, on ſome *Sunday* immediately after Divine Service, of the Time and Place of ſuch Meeting, at leaſt Twenty-one Days before the ſame ſhall be holden, and ſuch of the ſaid Proprietors as ſhall be ſo choſen and nominated at the ſaid Meeting ſhall, and they are hereby required, authorized, and empowered, from Time to Time, and at all reaſonable Times, at any Meeting or Meetings to be held by the ſaid General or Special Commiſſioners, in purſuance of this Act, to inſpect and examine ſuch Accounts of the ſaid General and Special Commiſſioners reſpectively, and all Receipts, Vouchers, Papers, and Writings, concerning the ſame, and ſhall allow and ſign ſuch Book of Accounts, if they approve thereof, Four Copies of which Book or Books ſhall, within Three Calendar Months next after the Execution of the ſaid Award, be cloſed and ſigned by the ſaid General and Special Commiſſioners, and depoſited with the ſaid Award in the Cheſts of the ſeveral and reſpective Pariſh Churches of *Epworth*, *Haxey*, *Belton*, and *Owſton*, aforeſaid.

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

CVIII. And be it further enacted, That it ſhall be lawful for any Perſon intereſted in the ſaid intended Incloſure, except only the Rectors, Vicars, or Curates, of the ſaid Pariſhes, and the Perſon or Perſons to whom any Allotment ſhall be made in Truſt for any College, Chapel, School, Hoſpital, or other publick Uſe or Charity, at any Time before the Execution of the ſaid Award, to ſell and diſpoſe of all ſuch Eſtate, Right, Title, and Property, which he ſhall have, in, to, or upon, the ſaid Commons and Waſte Grounds, or in or to any Allotment to be made in reſpect of any Common Rights thereon, by virtue of this Act, and to convey the ſame to the Purchaſer by Surrender or Deed, according to the Tenure of the Eſtate or Intereſt in reſpect whereof ſuch Allotment ſhall be made, ſeparate from the Eſtate or other Intereſt in Right whereof he is or ſhall be ſo entitled, ſubject nevertheleſs to all Settlements, Mortgages, Charges, and Incumbrances, affecting ſuch Eſtate or Intereſt, and all Sales and Conveyances, and Contracts for Sale of ſuch Common Rights and Allotments reſpectively, made at any Time before the paſſing of this Act, ſhall, and they are hereby declared to be valid and effectual, and may be granted, conveyed, and ſurrendered accordingly, ſubject to ſuch Incumbrances as aforeſaid; and every ſuch Sale, being ſpecified and ſet forth in the ſaid Award, ſhall be good, valid, and effectual, to all Intents and Purpoſes whatſoever, and the ſaid General Commiſſioners ſhall award ſuch Allotments to the Purchaſers thereof accordingly.

Perſons aggrieved may appeal to the Quarter Seſſions.

CIX. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves, aggrieved, by any Thing done in purſuance of this Act, then and in every ſuch Caſe (except where the Orders and

Determinations of the Commiſſioners are directed to be final) he, ſhe, or they, may appeal to the General Quarter Seſſions of the Peace which ſhall be held for the Diviſion of *Lindſey*, in the County of *Lincoln*, within Six Calendar Months next after ſuch Cauſe of Complaint ſhall have ariſen, and the Juſtices at the ſaid Quarter Seſſions are hereby required to hear and determine the Matter of every ſuch Complaint, and to make ſuch Orders therein, and to award ſuch Coſts, as they may think reaſonable, and to levy the Coſts which ſhall be ſo awarded by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties liable to pay the ſame, rendering the Overplus (if any) to the Owner or Owners, after deducting the reaſonable Charges; which Determination of the ſaid Juſtices ſhall be final and concluſive to all Parties concerned, and ſhall not be removed by *Certiorari*, or any Writ or Proceſs whatſoever into any of His Majeſty's Courts of Record at *Weſtminſter* or elſewhere.

Saving Rights of the Lords of the Manors.

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

General Saving.

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

ſhall accept the ſame in Lieu of all ſuch Lands, Grounds, Common Rights, Tythes, and Intereſt, as he, ſhe, or they, have therein, or would have been entitled to, in caſe this Act had not been made.

Publick Act. CXII. And be it further enacted, That this Act ſhall be deemed, adjudged, and taken to be a Publick Act, and ſhall be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame.

5 FINIS.