ANNO TRICESIMO QUINTO

Georgii III. Regis.

CAP. LXXXII.

An Act for enclosing, dividing, allotting, draining, embanking, and improving the Open and Common Fields, Meadows, Pastures, Commons, Wastes, and other unincloſed Grounds, within the Townſhip of *Gainſburgh*, in the Pariſh of *Gainſburgh*, in the County of *Lincoln*; and alſo for making a Compenſation for the Tythes ariſing within the ſaid Townſhip and within the Lordſhip of *Thonock*, in the ſaid Pariſh. [22d *May* 1795.]

Preamble.

WHEREAS there are within the Townſhip of *Gainſburgh*, in the Pariſh of *Gainſburgh*, in the County of *Lincoln*, ſeveral Open and Unincloſed Common Fields, Meadows, Paſtures, Commons, Warrens, and other Commonable Lands and Waſte Grounds, diſtinguiſhed by ſeveral Names, which contain together, by Eſtimation, One thouſand and ſix hundred Acres, or thereabouts: And whereas *Frances Hickman* Spinſter, is Lady of the Manor of *Gainſburgh* aforeſaid, and alſo of the Manor of *Thonock*, otherwiſe *Thonnock*, otherwiſe *Thunnock*, in the Pariſh of *Gainſburgh* aforeſaid, and as ſuch is alſo Owner of the Soil of all the ſaid Commons and Waſte Grounds, and of the Coney Warrens thereon, and is alſo Owner of ſeveral Burgage Meſſuages or Dwelling Houſes, or Scites thereof, and of ſeveral Open and Unincloſed Lands and Grounds, and other Hereditaments within the ſaid Townſhip and Manors: And whereas the Right Reverend the Lord Biſhop of *Lincoln*, in Right of his See, is Impropriator of the Rectory

of *Gainſburgh* aforeſaid, and *John Burgeſs Parker* Gentleman, is Leſſee thereof for Three Lives, by virtue of a Leaſe granted to him of the ſame by the ſaid Biſhop, and the ſaid Biſhop, and the ſaid *John Burgeſs Parker* as his Leſſee, are entitled to all the Great Tythes ariſing and renewing within the ſaid Townſhip and Lordſhip, except the Great Tythes of Fifteen Acres Three Roods Nineteen Perches, lying in a Field within the Townſhip of *Gainſburgh* aforeſaid, called *The North Sands Field*, within the Rectory of *North Gainſburgh*, and alſo to certain Glebe Lands within the ſaid Townſhip and Lordſhip; and *David Henry Urquhart* Clerk, Maſter of Arts, is Vicar of the Vicarage of *Gainſburgh* aforeſaid, and as ſuch is entitled to all Vicarial Tythes ariſing and renewing within the ſaid Townſhip and Lordſhip, or to certain Moduſes, Compoſitions, or other Money Payments in reſpect thereof, or of ſome Part thereof, and alſo claims to be entitled to a Right of Common: And whereas the ſaid *Frances Hickman*, *Peter Dickinſon*, *Freeman Flower*, Eſquires, and others, are Proprietors and Owners of ancient Burgage Meſſuages or Dwelling Houſes, or the Scites thereof, in the Townſhip of *Gainſburgh* aforeſaid, and as ſuch are entitled to Rights of Common on certain Parts of the ſaid Commons and Waſte Grounds, called or known by the Names of *The South Warren* or *Common*, *Summer Gangs*, *Milking Hills*, and *Bleaching Hills*, ſituate on the South Side of *Gainſburgh* aforeſaid, and are alſo entitled to a Right of Average in certain Places, called *The Humblecarr* and *South Sands Field*, at certain Seaſons in the Year; and the ſaid *Frances Hickman*, *Peter Dickinſon*, *Freeman Flower*, and others, are alſo Owners of Lands and Grounds in the ſaid Open Common Fields, Meadows, and Paſtures, and Commonable Places in different Proportions: And whereas the Lands of the reſpective Proprietors in the ſaid Open Fields, Meadows, and Paſtures, lie diſperſed and inconveniently ſituated for the ſeveral Owners and Proprietors thereof, and the ſame, as alſo the ſaid Commons and Waſte Grounds, are capable of great Improvement by an Incloſure, and it would alſo be very beneficial to the ſaid Owners and Proprietors in general if the ſaid Fields, Meadows, Paſtures, Commons, and Waſte Grounds were divided and incloſed, drained and embanked, and ſpecific 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 Fields, Meadows, Paſtures, Commons, and Waſte Grounds, and alſo for the Tythes within the Lordſhip of *Thonock* aforeſaid, in Manner herein-after mentioned; but as the ſame cannot be effectually carried into Execution 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 *Benjamin Codd* of *Glentworth*, in the County of *Lincoln*, *John Renſhaw* of *Owthorpe*, in the County of *Nottingham*, and *Thomas Fletcher* of *Whitwell*, in the County of *Derby*, Gentlemen, and their Succeſſors, to be elected in Manner herein-after directed, ſhall be and they are hereby appointed Commiſſioners for dividing, ſetting out, allotting, draining, embanking, and incloſing the ſaid Open and Common Fields, Meadows, Paſtures, and other Commonable Lands and Waſte Grounds, within the Townſhip of *Gainſburgh*, and for making a Compenſation for all the Tythes of the ſaid Townſhip, and for the Tythes of the Lordſhip of *Thonock*, in the Pariſh

For appointing Commiſſioners.

of *Gainſburgh* aforeſaid, and for otherwiſe putting this Act into Execution, in the Manner, and ſubject to the Rules, Orders, and Directions, herein-after contained.

Power veſted in Two Commiſſioners.

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

New Commiſſioners to be appointed on Vacancies.

III. And be it further enacted, That if the ſaid *Benjamin Codd*, 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 *Frances Hickman*, her Heirs and Aſſigns, within Two Calendar Months next after ſuch Death, Refuſal, or Diſability, ſhall be ſignified in Writing to the ſaid *Frances Hickman*, her Heirs or Aſſigns, by the ſurviving or remaining Commiſſioners, or either 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 *John Renſhaw*, or any Commiſſioner to be appointed in his Stead 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 Burgeſs Parker*, his Heirs or Aſſigns, within Two Calendar Months next after ſuch Death, Refuſal, or Diſability, ſhall be ſignified to him in Writing by the ſurviving or remaining Commiſſioners, or either 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 *Thomas Fletcher*, or any Commiſſioner to be appointed in his Stead 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 the ſaid Townſhip, who ſhall be preſent at any Meeting convened for that Purpoſe, within Two Calendar Months next after ſuch Death, Refuſal, or Diſability, ſhall be ſignified to them, or any of them, in Writing, by the ſurviving or remaining Commiſſioners, or either 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, of which Meeting Ten Days Notice at leaſt in Writing ſhall be given, and fixed upon the moſt publick Door of the Pariſh Church of *Gainſburgh* aforeſaid, all which ſeveral Appointments ſhall be in Writing, under the Hands of the reſpective Parties making the ſame; 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 the Death of any Commiſſioner, or his Refuſal, or becoming diſabled to act, then the ſurviving or remaining Commiſſioner or Commiſſioners ſhall, and he and they is and are hereby required from Time to Time, by Writing under his or their Hand or Hands, Fourteen Days after the Expiration of the Times allowed to the reſpective Parties

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

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 each Commiſſioner ſo dying or refuſing to act; and every ſuch new Commiſſioner ſo to be appointed, having firſt taken and ſubſcribed the Oath herein 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 whatever, as the Commiſſioner in whoſe Place he ſhall have been ſo appointed and choſen was inveſted with by virtue of this Act.

Appointment of a Surveyor.

IV. And be it further enacted, That *Edmund Woodhead* of *Gainſburgh* aforeſaid, Land Surveyor, ſhall be and is hereby appointed the Surveyor for executing the ſeveral Powers and Authorities hereby veſted in him by virtue of this Act; and in caſe of his Death, Refuſal, or Diſability to act, then ſuch other Perſon or Perſons as the ſaid Commiſſioners ſhall direct and appoint to act in his Stead, ſhall be the Surveyor for the Purpoſes of this Act, ſuch Appointment to be reduced into Writing, and ſigned and ſealed by the Commiſſioners making the ſame, and to be entered and inrolled in the ſame Manner as herein-before directed reſpecting the Appointment of new Commiſſioners.

Commiſſioners and Surveyor to be ſworn.

V. 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:

'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 incloſing, dividing, allotting, draining, embanking, and improving, the Open and Common Fields, Meadows, Paſtures, Commons, Waſtes, and other unincloſed Grounds, within the Townſhip of* Gainſburgh, *in the Pariſh of* Gainſburgh, *in the County of* Lincoln; *and alſo for making a Compenſation for the Tythes ariſing within the ſaid Townſhip, and within the Lordſhip of* Thonock, *in the ſaid Pariſh*, 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; and the ſaid Oath ſo taken and ſubſcribed by each Commiſſioner, and by the Surveyor, and alſo the Inſtrument of Appointment of every new Commiſſioner or Commiſſioners, or Surveyor, (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 mentioned and directed to be made, and ſhall be deemed legal Evidence.

VI. And

VI. 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 declining to act to give Notice.

VII. And be it further enacted, That the ſaid Commiſſioners ſhall cauſe publick Notice to be given in the Pariſh Church of *Gainſburgh* 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 ſaid 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 ſhall be holden (Meetings by Adjournment only excepted). Commiſſioners to give Notice of Meetings.

VIII. 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. Commiſſioners Allowance.

IX. And whereas Diſputes may ariſe, touching the Boundaries of the ſaid Fields, Meadows, Paſtures, Commons, and Waſte Grounds, within the ſaid Townſhip of *Gainſburgh*, where the ſame adjoin to any other Townſhip, Pariſh, or Liberties; be it therefore further enacted, That the ſaid Commiſſioners ſhall, as ſoon as conveniently may be after the paſſing this Act, fix and appoint ſome Day or Days for perambulating the Boundaries of the ſaid Fields, Meadows, Paſtures, 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 Pariſh Church of *Gainſburgh* aforeſaid, immediately after Divine Service, or by Writing under their Hands, affixed on One of the moſt publick Doors of the ſaid Church, and alſo by Advertiſement to be inſerted in ſome Newſpaper circulating in the ſaid County of *Lincoln*, ſo that all Perſons intereſted or concerned therein may have an Opportunity of attending the ſaid Commiſſioners upon ſuch Perambulation of the ſaid Boundaries, the better to enable them to fix and aſcertain the ſame; and after ſuch Notice the ſaid Commiſſioners ſhall, and they are hereby authorized and required to make ſuch Perambulation as aforeſaid, and thereby, and alſo by Examination of Witneſſes upon Oath, if they ſhall think neceſſary, (which Oath any of the ſaid Commiſſioners 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 Commiſſioners as aforeſaid, ſhall be ſet forth and deſcribed in the ſaid Commiſſioners Award, The Boundaries to be perambulated.

and

and ſhall be final, binding, and concluſive, upon all Parties whomſoever, unleſs the ſame ſhall be appealed from in the Manner herein-after mentioned: Provided nevertheleſs, that if any of the Proprietors or Occupiers of Eſtates within any adjoining Pariſhes or Townſhips, ſhall be diſſatisfied with the Determination of the ſaid Commiſſioners, in relation to the ſetting out and fixing the ſaid Boundaries, ſuch Perſons may appeal againſt the ſame to the Juſtices of the Peace, (not intereſted in the Matter in Queſtion), at the General Quarter 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.

X. And be it further enacted, That a true and exact Survey and Admeaſurement ſhall be made of all the ſaid Fields, Meadows, Paſtures, Commons, Waſtes, and unincloſed Grounds, and of all ancient incloſed Lands and Grounds, within the Lordſhip of *Thonock* and Townſhip of *Gainſburgh* aforeſaid, and a fair Plan delineated thereof, on or before the Firſt Day of *November* One thouſand ſeven hundred and ninety-five, by the ſaid *Edmund Woodhead*, and ſuch Aſſiſtant or Aſſiſtants as he ſhall think fit, or in caſe of his Death, Refuſal, or Diſability to act, then by ſuch other Perſon, and his Aſſiſtant or Aſſiſtants, as the ſaid Commiſſioners ſhall direct or appoint; 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 Fields, Meadows, Paſtures, Commons, Waſtes, incloſed and unincloſed Grounds, and of each and every Proprietor's diſtinct Property in the ſame reſpectively, at the Time of making ſuch Survey and Admeaſurement, ſhall be therein ſet forth and ſpecified; and that the ſaid Survey, Admeaſurement, and Plan, ſhall be delivered to the ſaid Commiſſioners on or before the ſaid Firſt Day of *November* One thouſand ſeven hundred and ninety-five, otherwiſe the Surveyor appointed to make the ſame ſhall be deemed to have refuſed to act; and ſuch Survey, Admeaſurement, and Plan, ſhall be kept by the ſaid 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 Commiſſioners, or any One of them, which Oath or Oaths any One of the ſaid Commiſſioners is hereby required and empowered to adminiſter, and cauſe a Memorandum or Certificate thereof to be entered or indorſed upon the ſaid Plan.

Power to enter Lands.

XI. And be it further enacted, That the ſaid Commiſſioners and Surveyor appointed or to be appointed under or by virtue of this Act, together with 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, and examine, ſurvey and admeaſure, the ſaid Open Fields, Meadows, Paſtures, Commons,

Waſtes, incloſed and unincloſed Grounds, and to dig and cut up the Soil of the ſaid Lands, or any Part thereof, to make Drains, or otherwiſe, as the Nature of the Caſe and the due Execution of this Act ſhall require.

Claims to be made within a limited Time, and determined upon by Commiſſioners.

XII. And be it further enacted, That previous to making the ſaid Diviſion and Incloſure, the ſaid Commiſſioners ſhall give ſuch publick Notice as before directed, in the Pariſh Church of *Gainſburgh* aforeſaid, or otherwiſe upon One of the moſt publick Doors thereof, of all Claims for Common Right and other Intereſt in and upon the ſaid Fields, Meadows, Paſtures, Commons, Waſtes, and unincloſed Grounds, made before them by the Proprietors of Burgage Meſſuages or Dwelling Houſes, or Scites thereof, Lands and Tenements in the ſaid Townſhip and Lordſhip, at any of their Meetings before that Time held for the Execution of this Act, diſtinguiſhing ſuch as they propoſe to allow and diſallow reſpectively, and appointing ſuch Days and Places as they ſhall think fit, when and where all Parties concerned may appear before them, and ſhew Cauſe for or againſt ſuch Allowance or Diſallowance of any of the ſaid Claims, and when and where all Perſons who ſhall not have before made their Claims may bring in and ſupport the ſame, ſo that the Whole of the ſaid Claims made by the Proprietors of Burgage Meſſuages or Dwelling Houſes, or Scites thereof, or of Lands and Tenements within the ſaid Townſhip and Lordſhip, may be then finally ſettled and determined; and no Claim ſhall afterwards be admitted or allowed by the ſaid Commiſſioners for any Right or Intereſt in or upon the ſaid Fields, Meadows, Paſtures, Commons, Waſtes, and unincloſed Grounds, which accrued to the Party claiming as a Proprietor of Burgage Meſſuages or Dwelling Houſes, or Scites thereof, or of Lands and Tenements in the ſaid Townſhip or Lordſhip by Purchaſe or Contract, after the Day ſo to be appointed for finally ſettling and determining ſuch Claims; and it ſhall be lawful for the ſaid Commiſſioners, and they are hereby required to hear, determine, and ſettle any other Doubts, Diſputes, or Differences which may ariſe or happen between any of the ſaid Proprietors of Burgage Meſſuages or Dwelling Houſes, or Scites thereof, Lands or Tenements, concerning their reſpective Shares and Intereſts in the ſaid Fields, Meadows, Paſtures, Commons, Waſtes, and unincloſed Grounds, ſo intended to be divided and incloſed, or concerning the reſpective Shares or Proportions which they or any of them ought to have upon the ſaid intended Diviſion and Incloſure; and for the better ſettling and determining upon the ſaid Claims, Diſputes, and Differences, it ſhall be lawful for the ſaid Commiſſioners to examine Witneſſes upon Oath, (which Oath the ſaid Commiſſioners, or any One of them, are hereby authorized to adminiſter accordingly), and ſuch Determination ſhall be binding and concluſive to all Parties.

Power to ſummon Witneſſes.

XIII. And, the better to enable the ſaid Commiſſioners to determine as well upon the Claims of Proprietors to Rights or Intereſts in and upon the Lands and Grounds to be incloſed by Authority of this Act in Manner before directed, as alſo to hear and determine all ſuch Objections, Complaints, and Diſputes, be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, from Time to Time as they ſhall ſee Occaſion, by any Writing under their Hands, to ſummon and require any Perſon or Perſons to appear before them at a Day and Place in ſuch

Writing respectively to be named, then and there to testify the Truth touching any Matter in Difference between any of the Proprietors or Persons interested, and to cause a true Copy of such Writing to be served upon such Person required to testify, or left at his or her Place of Abode, and every such Person so summoned, who shall not appear before the said Commissioners pursuant to such Summons, or if appearing shall refuse to be sworn or examined, (the reasonable Charges of his or her Attendance being settled by the said Commissioners, and being first paid or tendered), and being thereof convicted before any One of His Majesty's Justices of the Peace for the said Division of *Lindsey*, upon Information thereof on Oath made before any such Justice, shall forfeit and pay such Sum of Money, not exceeding Three Pounds, nor less than Twenty Shillings, as such Justice shall think reasonable, to be levied by Warrant of any such Justice, and by Distress and Sale of the Goods and Chattels of the Person so convicted, together with all reasonable Costs.

Commissioners not to determine upon Rights or Titles.

XIV. Provided always nevertheless, That nothing herein contained shall authorize the said Commissioners to hear and determine any Difference or Dispute which may arise touching the Right or Title to the Lands or other Rights that may be claimed in the said Fields, Meadows, Pastures, Commons, Wastes, and unenclosed Grounds, 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: 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 this Act; but the Division and Inclosure hereby directed to be made shall be proceeded in notwithstanding such Differences or Suits.

Suits not to impede the Enclosure.

Commissioners to direct the Course of Husbandry.

XV. And be it further enacted, That the said Commissioners shall, as soon after the Commencement of this Act as conveniently may be, by some Writing or Writings under their Hands, to be published as hereinbefore directed, order and direct the Course of Husbandry that shall be used in, over, and upon, the Lands and Grounds intended by this Act to be inclosed, until the Time when they shall have made and completed the said intended Division and Allotments, as well with respect to the laying down, ploughing, fallowing, and tilling thereof, as to the stocking and eating the Fallows or Stubbles, and also to the cutting of Turf, Peat, Furze, Thorns, or Bushes, getting or digging of Wood, or doing any Injury unto or upon the Lands intended by this Act to be inclosed, and by the same or any other Writing or Writings under their Hands, to be published as aforesaid, shall and may make such Orders and Regulations touching the Conduct of Farmers and Tenants within the Township of *Gainsburgh* aforesaid, for preventing them from committing Waste or Destruction upon any of the said Lands and Grounds in the said Township, in the mean Time and until the Allotments or Division thereof shall be effected, as to them shall seem expedient; all which Orders and Regulations of the said Commissioners shall be binding and conclusive upon all Parties interested therein, Farmers and Tenants; and that the said Commissioners shall set and impose such pecuniary Penalties and Forfeitures on every Person not conforming to such Orders and Regulations as they shall think necessary, which

Penalties

Penalties and Forfeitures ſhall be paid to ſuch Perſon or Perſons, and for ſuch Uſes and Purpoſes, as the ſaid Commiſſioners ſhall, by any Writing or Writings under their Hands, or by their Award herein-after mentioned, direct or appoint.

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

XVI. And be it further enacted, That the Tenants or Occupiers of the Lands and Grounds within the Townſhip of *Gainſburgh* aforeſaid, ſhall be allowed to ſow, reap, and take away, the ſame Kinds of Corn or Grain, upon or from the ſame Number of Acres, and in, upon, and from, the ſame Fields, Lands, and Grounds, as and for their following or waygoing Crops, without paying any Rent, or making any Satisfaction or Compenſation for the Standage thereof, as they would have been reſpectively entitled to if they had quitted their Farms at *Lady-day* or *May-day* One thouſand ſeven hundred and ninety-five, and this Act had not been made; provided that they ſhall have purſued the ſame Courſe of Huſbandry with their Fallow and other Land as hath been the uſual Cuſtom in the ſaid Fields; but in caſe they ſhall vary therefrom, or ſhall have ſown ſuch Land with Corn as ought in the due Courſe of Huſbandry to have lain fallow, the ſaid Commiſſioners are hereby empowered to make ſuch Charges upon their following Crop, to be paid before the ſame is taken off the Ground, as to them ſhall ſeem reaſonable and proper: Provided nevertheleſs, and the ſaid Commiſſioners are hereby directed, authorized, and empowered, by ſome Writing or Writings under their Hands, to aſcertain, order, and appoint, what Recompence and Satisfaction, in Money, ſhall be paid by the Owner or Owners of ſuch Lands and Grounds, from which ſuch following or waygoing Crops ſhall be reaped and taken away as aforeſaid, for the Standage of ſuch Crops, to the Perſon or Perſons to whom ſuch Lands and Grounds ſhall be allotted by virtue of this Act; but if in either of the ſaid Caſes ſuch Charge, Recompence, and Satisfaction ſhall not be ſatisfied and paid at the Time and in the Manner to be appointed by the ſaid Commiſſioners, then the ſaid Commiſſioners ſhall and may, by any Warrant or Warrants under their Hands and Seals, directed to any Perſon or Perſons whomſoever, (which Warrant or Warrants they are hereby directed and empowered to grant accordingly), cauſe the ſame to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons required to make ſuch Recompence and Satisfaction as aforeſaid, together with the Coſts and Charges of ſuch Diſtreſs and Sale, rendering the Overplus (if there ſhall be any) to the Owner or Owners of ſuch Goods and Chattels.

Old Swarth not to be ploughed.

XVII. Provided always, and be it further enacted, That no old Swarth Ground, Parcel of the Lands and Grounds intended to be incloſed by Authority of this Act, and which ſhall not have been ploughed or uſed in Tillage for the Space of Ten Years laſt paſt before the Commencement of this Act, ſhall be ploughed or converted into Tillage after the ſame ſhall commence, until the making of ſuch Diviſion and Allotments thereof, and Notice given to enter upon ſuch Allotment.

Commiſſioners to repair Banks of the River *Trent*.

XVIII. And whereas the River *Trent* runs on one Side of that Part of the Lands and Grounds hereby intended to be divided and incloſed, commonly called *Humblecarr*, and Part thereof has been frequently waſhed away by the ſaid River; be it therefore further enacted, That it

ſhall

ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required before they make their Award, to make ſuch freſh Banks, and to repair and amend the preſent Banks of the ſaid River, in ſuch Manner as they ſhall think fit and neceſſary for preventing the ſaid Lands and Grounds from being waſhed away, and to charge the Expences thereof upon all and every of the Proprietors of the Lands and Grounds within the ſaid Commons, Piece of Meadow Ground, and other Lands hereby intended to be divided and incloſed, in Proportion to their ſeveral and reſpective Rights and Intereſts therein, and the Benefits to be derived therefrom; which ſaid Expences ſhall be levied and recovered in the ſame Manner as the Expences of obtaining and paſſing this Act are herein-after directed to be levied and recovered; and the ſaid Banks ſhall for ever afterwards be repaired and kept in Repair by ſuch Perſon and Perſons, and in ſuch Manner, as the ſaid Commiſſioners ſhall by their Award order and direct.

Roads. XIX. And be it further enacted, That the ſaid Commiſſioners ſhall, in, upon, and through, the Lands and Grounds directed by this Act to be incloſed, as ſoon as conveniently may be after their Firſt or Second Meeting, and before they proceed to ſet out the Allotments herein-after mentioned, appoint and ſtake out One publick Highway, extending in a ſtraight Line and Direction Northwards, from a certain Bridge lately erected by the ſaid *Frances Hickman*, at the Eaſt Entrance of the Field leading from *Gainſburgh* to *Spittle*, acroſs the ſaid Field to the preſent Entrance into the Grounds of the ſaid *Frances Hickman*, called *Thonock Cloſes*, at certain Gates there, leading to the preſent Manſion of the ſaid *Frances Hickman* at *Thonock Grove* aforeſaid, and alſo ſtake out all ſuch other publick Roads and Highways within the ſaid Lands and Grounds hereby directed to be divided and incloſed as they ſhall think proper, and give Notice of the ſame in ſome Newſpaper circulating in the ſaid County of *Lincoln*; and that it ſhall be lawful for any Perſon or Perſons who ſhall think himſelf, herſelf, or themſelves, aggrieved by the Diſpoſition of the Roads ſo to be appointed and ſtaked out, (on giving One Calendar Month's Notice in Writing to the ſaid Commiſſioners, or any One of them, of his, her, or their Intention or Intentions), to appeal againſt all or any Part of ſuch Diſpoſition, (except the Direction of ſuch Road to *Thonock* firſt hereby directed as aforeſaid), to the next General Quarter Seſſions of the Peace to be held for the Diviſion of *Lindſey* aforeſaid, within Four Calendar Months after ſuch 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, or Agents and Witneſſes; and the ſaid Commiſſioners, or One of them, or their Surveyor, ſhall attend at ſuch Seſſions with a general Map of the ſaid Townſhip; and the Juſtices before whom ſuch Appeal ſhall be made ſhall, on hearing the Evidence and inſpecting the ſaid Map, finally determine where the ſaid Roads ſo appealed againſt ſhall be made, and whether any new Highway or Highways is or are neceſſary to be ſet out, and ſhall make and give ſuch Orders and Directions touching the Matter before them as ſhall be neceſſary and expedient in that Behalf, and that if no ſuch Appeal ſhall be made, then ſuch Appointment and Diſpoſition of the ſaid Roads and Highways ſhall be final and concluſive, all which publick Roads and Highways ſhall not be leſs than Forty Feet broad between the Fences and Ditches bounding the ſame, and that it ſhall not be lawful for any Perſon to erect any Gate

across any of the said Roads, (except as herein-after is directed), or to plant any Trees in the Hedges on the Sides of any of the said Roads at a less Distance from each other than Fifty Yards; and after the said Roads shall have been set out as aforesaid, the said Commissioners shall, and are hereby empowered and required, by Writing under their Hands, to appoint some proper Person to be Surveyor of the said Roads, and such Surveyor shall cause the same to be formed and put in good and sufficient Repair, and shall be allowed such Salary or Reward for his Trouble therein, as the said Commissioners shall, by Writing under their Hands, direct and appoint, and which said Salary or Reward, and also the Expence (over and above the Statute Duty) of forming the said Roads, and putting the same in good and sufficient Repair, shall be borne and paid by the several Owners and Proprietors of the Lands and Grounds hereby intended to be inclosed, and shall be raised by a Rate to be laid on such Owners and Proprietors, (other than and except the said Bishop and his Successors, and his Lessee, and the said *David Henry Urquhart*, and his Successors, for all or any of the Allotments made to them, or any of them, by virtue of this Act, and the said *Frances Hickman*, in respect of the Allotment to be made to her in Lieu of her Soil as Lady of the Manor aforesaid), according to their respective Rights and Interests in the said Lands and Grounds, the respective Proportions whereof to be ascertained by the said Commissioners in and by their said Award, such Rate to be laid and assessed by the said Commissioners, or by any Justice of the Peace for the Division of *Lindsey*, in the said County of *Lincoln*, upon Application made for that Purpose by the said Surveyor, and to be collected and received by such Person as the said Commissioners or Justices by whom such Rate shall be laid and assessed shall by Writing appoint; and in case any Person shall neglect or refuse to pay his or her Share of the said Rate within Twenty-one Days next after Demand thereof, the same shall and may be levied by Distress and Sale of the Goods and Chattels of the Person or Persons neglecting or refusing, by Warrant under the Hands and Seals, or Hand and Seal, of the said Commissioners, or any Justice of the Peace for the said Division of *Lindsey*, which Warrant the said Commissioners or such Justice are or is hereby empowered or required to grant, upon Proof on Oath of such Neglect or Refusal of such Demand, (and any One of the said Commissioners or such Justice are or is hereby also empowered to administer such Oath), returning the Overplus (if any) to such Owner of the Goods and Chattels, after deducting the Charges of such Distress and Sale; and that no other Person or Persons, (other than the Owners and Proprietors of the Lands and Grounds intended by this Act to be inclosed), shall be charged or chargeable (over and above the Statute Duty) towards the forming or repairing of the said Roads, until the same shall be fit for the Passage of Travellers and Carriages, and shall have been certified so to be by the said Surveyor by Writing under his Hand, to be delivered to the Justices at some Quarter Sessions of the Peace to be holden for the Division of *Lindsey* aforesaid, and such Certificate shall have been allowed and confirmed by them, which said Certificate shall be delivered to the said Justices at their Quarter Sessions to be holden next after the said Roads shall be formed and put into good and sufficient Repair as aforesaid, and within the Space of Two Years next after the Execution of the said Award or Instrument, unless sufficient Reason be given, to the Satisfaction of the said Justices, that a further Time is necessary for that Purpose, in which Case the said Justices may, and they

are hereby empowered to allow ſuch further Time for delivering in the ſaid Certificate as they ſhall think proper, not exceeding One Year; and in caſe the ſaid Surveyor ſhall neglect or refuſe to deliver in ſuch Certificate within the Time before limited, ſuch Surveyor ſhall forfeit and pay the Sum of Ten Pounds, to be recovered in like Manner as the Rate herein-before authorized to be made is to be recovered, and the ſame ſhall be applied in Aid of the ſaid Rate ſo to be laid as aforeſaid; and that from and after ſuch Certificate ſhall have been delivered to the ſaid Juſtices by the ſaid Surveyor, and ſhall have been by them allowed and confirmed, the ſaid Roads ſhall from Time to Time be ſupported and kept in Repair in the ſame Manner as the other publick Roads within the ſaid Townſhip are by Law to be amended and kept in Repair; and the ſaid Commiſſioners ſhall and are hereby alſo empowered and required to ſet out and appoint, and cauſe to be made, erected, and completed, ſuch publick Bridle Roads and Foot Ways, and private Roads and Ways, and alſo ſuch Banks, Ditches, Drains, Watercourſes, Sluices, Cloughs, Bridges, Stiles, and other Conveniencies, in, over, and upon, the Lands and Grounds hereby intended to be incloſed as they ſhall think requiſite, and the ſame ſhall be made and erected, and at all Times thereafter repaired, cleanſed, maintained, and kept in Repair, either by a Parochial Rate or Aſſeſſment, or by ſuch Perſons and in ſuch Manner as the ſaid Commiſſioners ſhall direct and appoint; and that after the ſeveral publick and private Roads and Ways ſhall have been ſet out and made as herein-before mentioned, it ſhall not be lawful for any Perſon to uſe any other Roads or Ways, either publick or private, over or upon the ſaid Lands or Grounds; and that all former Roads and Ways which ſhall not be ſet out and appointed as the Roads and Ways through or over the ſaid Lands and Grounds, ſhall be deemed Part of the Lands or Grounds hereby intended to be divided and incloſed.

For ſtopping up Footways.

XX. And be it further enacted, That if upon ſetting out the Roads and Footways as before mentioned, it ſhall appear to the ſaid Commiſſioners that any ancient Footway or Path in, through, or over, any of the ancient incloſed Grounds, in the ſaid Townſhip of *Gainſburgh* and Lordſhip of *Thonock*, ſhall be unneceſſary and inconvenient, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required to ſtop up or turn ſuch ancient Footway or Path; and if it ſhall appear to the ſaid Commiſſioners that any Compenſation ought to be made by the Owner of ſuch ancient incloſed Lands, for whoſe Accommodation any Footway or Path may be ſtopped up or turned as aforeſaid, it ſhall be lawful for the ſaid Commiſſioners to order and direct the Conſideration Money to be paid, either to ſuch Perſon or Perſons as in their Judgement ſhall or may be injured or incommoded by the ſtopping up or turning of the ſaid Footway or Path, or the ſaid Commiſſioners ſhall receive the ſame, and apply it towards the general Purpoſes and Expences of this Act; and the ſaid Commiſſioners are hereby directed to ſet forth, in their Award or Inſtrument herein-after mentioned, a Deſcription of ſuch Footway or Path ſo ſtopped up or turned, and that from and after the Execution of the ſaid Award or Inſtrument, or at ſuch earlier Time as the ſaid Commiſſioners ſhall direct, ſuch Footway or Path ſhall be and is hereby declared to be diſcontinued, and from thenceforth it ſhall not be lawful for any Perſon or Perſons to make uſe of the ſame, or any Part thereof.

XXI. And

Allotments for Repairs of Roads.

XXI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required, before any other Allotment is made in purſuance of this Act, to ſet out and appoint ſuch One or more Pieces or Parcels of Land from and out of the Commons and Waſte Lands hereby directed to be incloſed, in ſuch convenient Places within the ſaid Townſhip of *Gainſburgh* as they ſhall think proper, except that Part of the ſaid Waſtes herein-after directed to be allotted to the Truſtees of the Grammar School, for getting Stone, Gravel, Sand, or other Materials, for repairing the Roads and Ways within the ſaid Townſhip, and as Layſtalls for depoſiting the Soil, Dirt, Duſt, and Filth, which ſhall be carried from and out of the Streets, Lanes, Alleys, and Paſſages, in the ſaid Town of *Gainſburgh*, directed by the Act for paving, cleanſing, lighting, and watching, the Streets, Lanes, Alleys, and publick Paſſages in the ſaid Town of *Gainſburgh*, to be depoſited upon ſome convenient Part of the ſaid Commons; and ſuch Parcels of Land as ſhall be allotted for ſuch Repairs of Roads, ſhall be veſted in the reſpective Surveyor or Surveyors of the Highways of the ſaid Townſhip for the Time being, and their Succeſſors, upon Truſt, for the Purpoſes in this Act mentioned, and ſuch Layſtalls ſhall be veſted in the Truſtees for executing the ſaid recited Act from thenceforwards for ever.

Diſpoſal of the Herbage of Roads and Gravel Pits.

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

Roads not to be ſtocked for 10 Years.

XXIII. Provided nevertheleſs, That it ſhall not be lawful for any Perſon or Perſons to graze or keep any Sort of Cattle whatſoever in or upon any of the Roads or Ways within the Townſhip of *Gainſburgh* aforeſaid, to be ſet out by virtue of this Act, which ſhall be made into Lanes, or fenced on both Sides, for the Space of Ten Years next after the making and executing of the ſaid Award or Inſtrument.

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

XXIV. And be it further enacted, That it ſhall be lawful for the ſaid 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 ſaid Townſhip, next or againſt any adjoining Pariſh, Townſhip, or Place, to prevent Cattle from treſpaſſing, and for preſerving the young Quickſets to be planted in the Fences of the new Incloſures, which ſaid Fences and Gates at the End 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 Townſhip for the Time being.

XXV. And

Owners of Freeboards to to have Allotments in lieu thereof.

XXV. 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, Hamlet, or Place, which ſhall run into any of the Lands intended to be inclosed by virtue of this Act, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required to ſet out and allot unto the Owner or Owners of ſuch Freeboard, Screed, or Parcel of Land, ſuch Piece or Parcel of Land 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, Hamlet, 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 or Parcel of the Pariſh, Townſhip, Hamlet, or Place, to which the ſaid Freeboard, Screed, or Parcel of Land, for which it ſhall be ſo allotted in Lieu of as aforeſaid now belongs, and ſhall not be ſubject or liable to pay any Rates, Dues, or Taxes, whatſoever in Aid of the ſaid Townſhip of *Gainſburgh*.

Allotment to the Truſtees of the Grammar School in *Gainsburgh*.

XXVI. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby required, in the next Place, to ſet out, allot, and appoint, unto and for the Truſtees of the Grammar School of *Gainſburgh*, and their Succeſſors, all that Piece or Parcel of Waſte Ground, containing by Eſtimation One Acre and One Rood, or thereabouts, now uſed as a Lay Stall for depoſiting Manure, abutting upon the Road leading from *Gainſburgh* to *Spittle* on the Weſt, upon the preſent Road from *Gainſburgh* to *Heapham* on the North and Eaſt, and upon a certain Cloſe called *Mauvis Croft* otherwiſe *Malpas Croft* on the South, in Truſt, to erect and maintain a Grammar School in *Gainſburgh* aforeſaid, and that ſuch Piece or Parcel of Waſte Ground ſhall be entered upon by the ſaid Truſtees immediately after the ſame ſhall be ſet out and allotted by the ſaid Commiſſioners and aſcertained by Writing under their Hands, previous to the Execution of their Award herein-after mentioned.

Allotment to the Biſhop and his Leſſee and Vicar in lieu of Glebe and Common Rights.

XXVII. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required, in the next Place, to ſet out, allot, and appoint, unto and for the ſaid Lord Biſhop and his Succeſſors, and the ſaid *John Burgeſs Parker* as his Leſſee, Owners of the Impropriate Rectory of *Gainſburgh* aforeſaid, and to the ſaid *David Henry Urquhart*, Vicar as aforeſaid, and his Succeſſors, ſuch ſeveral and reſpective Parts and Proportions of the ſaid Lands and Grounds hereby directed to be divided and incloſed, as (Quantity, Quality, and Situation, conſidered) ſhall, in the Judgement of the ſaid Commiſſioners, be equal in Value to, and in full Compenſation for, the preſent Glebe Lands and Rights of Common belonging to the ſaid Biſhop, and the ſaid *John Burgeſs Parker* as his Leſſee as aforeſaid, and the ſaid *David Henry Urquhart*, Vicar as aforeſaid reſpectively, within the ſaid Lands and Grounds by this Act intended to be divided and incloſed.

XXVIII. And

XXVIII. And whereas it is agreed that all the Tythes, both Great and Small, and alſo all Moduſes, Compoſitions, or yearly Money Payments, and all other Eccleſiaſtical Dues, Duties, and Payments whatſoever, yearly ariſing and renewing of, in, or upon the ſaid Townſhip of *Gainſburgh* and Lordſhip of *Thonock*, or either of them, (the Tythes of Gardens, Mortuaries, Surplice Fees, and *Eaſter* Offerings, only excepted), ſhall be for ever hereafter aboliſhed and extinguiſhed, and that in Lieu thereof a full and adequate Compenſation and Satisfaction ſhall be made for the ſame in Manner herein-after mentioned: And whereas the ſaid Biſhop, as Impropriator of the ſaid Rectory of *Gainſburgh*, and the ſaid *John Burgeſs Parker* as his Leſſee, and the ſaid *David Henry Urquhart* as Vicar as aforeſaid, have agreed to accept One Fifth Part in Value of the tythable Parts of the Open Arable Fields, except the ſaid Fifteen Acres Three Roods and Nineteen Perches, lying in the ſaid *North Sands Field* of *Gainſburgh* aforeſaid, within the Rectory of *North Gainſburgh*, One Eighth Part in Value of the Open Meadow Lands or Grounds, and One Ninth Part in Value of all the Commons, and One Ninth Part in Value of certain incloſed Lands and Grounds in the Townſhip of *Gainſburgh* aforeſaid, belonging to the ſaid *Frances Hickman*, which are not covered or alledged to be covered by Moduſes, Compoſitions, or yearly Money Payments, and herein-after particularly deſcribed; (that is to ſay), All and every the Lands and Hereditaments held by the ſaid *Frances Hickman*, under any Leaſe or Leaſes from the Dean and Chapter of *Lincoln*, certain Cloſes in the Occupation of *William Barnard*, extending from the *Pinfold* near *Northolme*, up to the Field leading from *Gainſburgh* aforeſaid to *Spittle*, a certain Cloſe in the Occupation of *William Porter* called *Fulbeck Cloſe*, a certain Cloſe in the Occupation of *John Furley* called *Tithe Kiln*, a certain Cloſe adjoining to the South Warren or Common in the Occupation of *John Sooby* and *George Radley*, certain Cloſes at the End of the North Warren called *Burnt Carr Cloſes*, in the Occupation of *Thomas Colton*, Three Cloſes on the South Side of the Road leading from *Gainſburgh* to *Spittle*, in the Occupation of *John Sooby* and others, Two Cloſes on the North Side of ſuch Road in the Occupation of *John Sooby*, and Two Cloſes adjoining to the Lordſhip of *Somerby* near the *Becks* (One of which is called *The Fox Cloſe*), in the Occupation of *George Radley* and others; a certain other Cloſe, in the Occupation of *George Radley*, by Eſtimation Four Acres, and a certain Cloſe in the Occupation of *Barber* Widow, and both abutting on the Open Field North, and a certain Cloſe called *Beanfield*, South; and alſo One Ninth Part in Value of all other ancient incloſed Lands in the ſaid Townſhip not belonging to the ſaid *Frances Hickman*, nor to any Proprietor of Lands, being only a Proprietor of incloſed Lands or Grounds within the ſaid Townſhip of *Gainſburgh*, 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 the ſaid Open Fields (except only the ſaid Fifteen Acres Three Roods and Nineteen Perches in the ſaid *North Sands Field*), Meadows, Commons, and herein-before mentioned incloſed Lands and Grounds (except the Tythes of Gardens, Mortuaries, Surplice Fees, and *Eaſter* Offerings): And whereas the ſaid *David Henry Urquhart*, as Vicar as aforeſaid, hath agreed to accept Seven Twenty-fourth Parts in Value of the Whole of the above-mentioned Allotment or Allotments, in lieu of and full Satisfaction for all the Small Tythes ariſing and renewing, and which ſhall and may hereafter ariſe

Recitals of Agreements reſpecting Tythes.

ariſe and renew, out of all and every ſuch Part of the Townſhip of *Gainſburgh* aforeſaid, in reſpect whereof ſuch joint Allotment is to be made (except the Tythes of Gardens, Mortuaries, Surplice Fees, and *Eaſter* Offerings), and the ſaid Biſhop, and the ſaid *John Burgeſs Parker* as his Leſſee, and the ſaid *David Henry Urquhart* as Vicar as aforeſaid, have agreed to refer the Value and Situation of ſuch Seven Twenty-fourth Parts to the Award and final Determination of the ſaid *John Renſhaw*, and ſuch other Perſon as the ſaid *David Henry Urquhart* ſhall hereafter nominate or appoint as Arbitrators, mutually choſen by them, or to ſuch Umpire as herein-after mentioned, in caſe the ſaid Arbitrators do not agree upon their Award: And whereas the ſaid Biſhop, and the ſaid *John Burgeſs Parker* as his Leſſee, have agreed to accept One Twelfth Part in Value of all the incloſed Grounds in the Townſhip aforeſaid, except the aforeſaid Gloſes, in reſpect whereof One Ninth Part in Value is agreed to be given as a Compenſation for Great and Small Tythes as aforeſaid, out of the Allotments herein-after directed to be made to the ſaid *Frances Hickman*, in lieu of, and full Satisfaction of and for all the Great Tythes ariſing or renewing out of or in reſpect thereof, and to exonerate the Lands of the ſaid *Frances Hickman* within the Lordſhip of *Thonock* aforeſaid (except the Lands lying on the Weſt Side of the Lane called *Thonock Lane*) from Great Tythes, by a yearly Corn Rent to the Value of One Twelfth Part thereof, in Manner herein-after mentioned; and the ſaid Biſhop, and the ſaid *John Burgeſs Parker* as his Leſſee, and the ſaid *David Henry Urquhart*, as Vicar as aforeſaid, have agreed to exonerate the Reſidue of the Lands of the ſaid *Frances Hickman* at *Thonock* aforeſaid, ſo lying on the Weſt Side of ſuch Lane, from Great and Small Tythes, by a yearly Corn Rent to the Value of One Ninth Part thereof in Manner herein-after mentioned; and the ſaid *David Henry Urquhart* hath agreed to accept Seven Twenty-fourth Parts of ſuch laſt-mentioned Corn Rents, to be aſcertained and apportioned by the ſaid Arbitrators or their Umpire, in like Manner as with reſpect to the joint Allotment before-mentioned, in lieu of the Small Tythes ariſing or renewing in reſpect of the ſaid laſt-mentioned Lands of the ſaid *Frances Hickman*, lying on the Weſt Side of the ſaid Lane called *Thonock Lane* aforeſaid, (the Tythes of Gardens, Mortuaries, Surplice Fees, and *Eaſter* Offerings, only excepted); and the ſaid *David Henry Urquhart*, and the ſaid *Frances Hickman*, have alſo agreed that all and every other the Small Tythes ariſing in reſpect of or from all and every other the Meſſuages, Cottages, Toftſteads, Open Field Lands, and ancient incloſed Lands and Grounds in the Lordſhip of *Thonock* and Townſhip of *Gainſburgh* aforeſaid, or either of them, belonging to the ſaid *Frances Hickman*, and all Moduſes, Compoſitions, and other yearly Payments in lieu thereof, (the Tythes of Gardens, Mortuaries, Surplice Fees, and *Eaſter* Offerings, only excepted), ſhall be compenſated for by the Payment of the yearly Sum of Thirty Pounds, to be charged thereon by way of Corn Rent, in the Manner and ſubject to ſuch Variation as herein-after is mentioned; be it therefore enacted, That the ſaid Commiſſioners ſhall and they are hereby required, in the next Place, to ſet out and allot, as and for a joint Allotment, to be ſubdivided as herein-after is mentioned, unto the ſaid Biſhop, and the ſaid *John Burgeſs Parker* as his Leſſee, and to the ſaid *David Henry Urquhart* as Vicar as aforeſaid, ſuch Pieces or Parcels of Land within the ſaid Lands and Grounds hereby intended to be divided and incloſed, as ſhall, (Quantity, Quality, and Situation conſidered), excluſive of all other Allotments to the ſaid Biſhop, and the ſaid

Allotment to the Rector and Vicar in lieu of Tythes of Fields, Meadows, and Commons.

John Burgeſs Parker as his Leſſee, and the ſaid *David Henry Urquhart* as Vicar as aforeſaid, in reſpect of their Glebe and Rights of Common, in the Judgement of the ſaid Commiſſioners, be equal in Value to One Fifth Part of all the ſeparate, diſtinct, and known Property, of any Perſon or Perſons whomſoever, in the tythable Parts of the Open Fields, Lands, and Grounds within the ſaid Townſhip of *Gainſburgh* (except the ſaid Fifteen Acres, Three Roods, and Nineteen Perches, in the ſaid *North Sands Field*), and to One Eighth Part of all the Open Meadow Lands and Grounds, and alſo to One Ninth Part of all and every the ſaid Incloſures of the ſaid *Frances Hickman*, herein-before particularly deſcribed, and not covered or alleged to be covered by any Modus, Compoſition, or other yearly Payment; and alſo to One Ninth Part of all and every the ſaid Commons, Paſtures, and Waſte Grounds, and alſo to One Ninth Part of all the ancient incloſed Lands in *Gainſburgh* aforeſaid, belonging to any Proprietor of incloſed Lands, being alſo an Owner and Proprietor of a Burgage Meſſuage or Dwelling Houſe in *Gainſburgh* aforeſaid, or the Scite thereof, (except only the ſaid *Frances Hickman*, in reſpect of the Reſidue of her incloſed Lands at *Gainſburgh* aforeſaid, and her Incloſures in the Lordſhip of *Thonock*, or either of them), 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 the ſaid Incloſures, Open Fields, Meadows, Paſtures, Commons, and other Waſte Grounds, hereby intended to be divided and incloſed (the Tythes of Gardens, Mortuaries, Surplice Fees, and *Eaſter* Offerings, only excepted.)

References of the Apportionment of the joint Allotment between the Rector and Vicar.

XXIX. And be it further enacted, That when and ſo ſoon as the ſaid ſeveral Pieces and Parcels of Land ſhall have been ſo ſet out and allotted as laſt aforeſaid, the ſaid *John Renſhaw*, and ſuch other Perſon as the ſaid *David Henry Urquhart*, by any Writing under his Hand to be by him delivered to the ſaid *John Burgeſs Parker*, at any Time previous to the ſetting out ſuch laſt-mentioned Allotment, ſhall nominate or appoint, ſhall be and they are hereby nominated Arbitrators for aſcertaining, determining, and ſetting out, Seven Twenty-fourth Parts in Value (Quantity, Quality, and Situation conſidered) of ſuch laſt mentioned Pieces or Parcels of Land, as and for the Share and Intereſt of the ſaid *David Henry Urquhart* therein; and accordingly they the ſaid *John Renſhaw*, and ſuch Perſon ſo to be hereby appointed as Arbitrator by the ſaid *David Henry Urquhart* as aforeſaid, are hereby fully authorized and empowered to ſet out ſuch Pieces or Parcels of Land within the ſaid Lands and Grounds hereby intended to be divided and incloſed, and being Part or Parcel of the ſaid laſt mentioned Allotments, or ſome of them, in a Situation as near to the preſent Vicarage Houſe at *Gainſburgh* aforeſaid as conveniently may be, (taking into Conſideration the Situation of both the Rectory and Vicarage Houſe), as ſhall (Quantity, Quality, and Situation conſidered) be equal in Value to Seven Twenty-fourth Parts, and no more, of the ſaid ſeveral Pieces and Parcels of Land ſo to be allotted jointly to the ſaid Biſhop and his Succeſſors, and the ſaid *John Burgeſs Parker* as his Leſſee, and the ſaid *David Henry Urquhart* as Vicar as aforeſaid; and alſo to Seven Twenty-fourth Parts of the aforeſaid ſeveral Proportions of One Fifth, One Eighth, or One Ninth Part of the Allotment herein-before directed to be made to the ſaid Biſhop and his Succeſſors, and the ſaid *John Burgeſs Parker* as his Leſſee, in lieu of their Glebe Lands in the Open Arable Fields; and alſo to Seven Twenty-fourth Parts of the like Proportions of all other the Glebe and other open and

and incloſed Lands of him the ſaid *John Burgeſs Parker*, as Leſſee as aforeſaid; and within One Calendar Month, or ſooner if poſſible, after the ſaid laſt mentioned joint Allotment 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, ſet forth, and fully deſcribe, ſuch Seven Twenty-fourth Parts ſo to be awarded and allotted to the ſaid *David Henry Urquhart* and his Succeſſors, as Vicar as aforeſaid; and the ſaid Commiſſioners hereby appointed ſhall, and they are hereby authorized and required to comprize the Award of the ſaid Arbitrators, or their Umpire as aforeſaid, in their Award herein-after directed to be made, and to make the ſame a Part thereof; and in caſe the ſaid *John Renſhaw*, and the ſaid Arbitrator ſo to be named by the ſaid *David Henry Urquhart* as aforeſaid, ſhall not make and complete their ſaid Award, and deliver the ſame to the ſaid Commiſſioners hereby appointed 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 *John Renſhaw*, and ſuch Perſon ſo to be appointed by the ſaid *David Henry Urquhart* as aforeſaid, 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 Biſhop 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 Commiſſioners, to be comprized in and made a Part of their Award, within One Calendar Month after the Execution thereof.

For nominating freſh Arbitrators and Umpire.

XXX. And be it further enacted, That 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 Biſhop 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 *John Renſhaw*; and if the Perſon ſo to be nominated by the ſaid *David Henry Urquhart* as aforeſaid, ſhall die, refuſe, or be diſabled to act before the ſaid Arbitration ſhall be perfected and completed, then, and in ſuch Caſe, the ſaid *David Henry Urquhart* and his Succeſſors, Vicars of *Gainſburgh* 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 him or them, to elect and appoint One other diſintereſted Perſon as Arbitrator, in the Place and Stead of ſuch Perſon ſo to be nominated by the ſaid *David Henry Urquhart*; and if the Umpire to be elected and appointed as aforeſaid

ſhall

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 becoming incapable 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.

Tythes of old Incloſures to be taken from the other Property of the Owners; but where there is none, or not ſufficient Property, a Corn Rent for the Whole or ſuch Deficiency accordingly.

XXXI. And be it further enacted, That all and every the Lands ſo to be ſet out in Lieu of the Tythes of the old Incloſures, ſhall be taken from or out of ſome Part of the open Property belonging to the Owners of ſuch Incloſures reſpectively; provided always nevertheleſs, that if it ſhall happen that there be any entire old Incloſure or Incloſures not belonging to the ſaid *Frances Hickman*, either in the Lordſhip of *Thonock* or Townſhip of *Gainſburgh* aforeſaid, the Owner or Owners whereof ſhall not by virtue of this Act or otherwiſe have an Eſtate or Intereſt in the ſaid Lands and Grounds directed to be divided and incloſed, equal in Value to the Tythes of ſuch entire old incloſed Lands or Homeſteads, or not a ſufficient Quantity for that Purpoſe, then and in ſuch Caſe there ſhall be a Compenſation for the Tythes of ſo much of the entire old Incloſure, as the Owner or Owners thereof reſpectively cannot compenſate or make a Satisfaction for in other Lands as aforeſaid, by a Corn Rent, to the Annual Value of One Eighth Part of the Whole or deficient Parts of the ſaid Incloſures, to be iſſuing and payable thereout to the ſaid Biſhop and his Succeſſors, and the ſaid *John Burgeſs Parker* as his Leſſee, and the ſaid *David Henry Urquhart* and his Succeſſors as Vicar as aforeſaid, and to be aſcertained from Time to Time, and recoverable in like Manner as the Corn Rent herein-after reſerved for the ſaid Biſhop, and the ſaid *John Burgeſs Parker* as his Leſſee, and the ſaid *David Henry Urquhart* as Vicar as aforeſaid, are herein-after directed to be aſcertained, iſſuing, and payable, and ſhall be apportioned between the ſaid Biſhop and his Leſſee, and the ſaid Vicar, in like Manner as the other Corn Rents herein-after mentioned are to be apportioned between the ſaid Biſhop, and the ſaid *John Burgeſs Parker* as his Leſſee, and the ſaid *David Henry Urquhart* as Vicar.

Allotment in lieu of Great Tythes of *Gainsburgh* old Incloſure.

XXXII. And be it further enacted, That the ſaid Commiſſioners ſhall have full Power and Authority, and they are alſo hereby required to ſet out and allot unto the ſaid Biſhop and his Succeſſors, and the ſaid *John Burgeſs Parker* as his Leſſee, ſuch Pieces or Parcels of Land within the ſaid Commonable Lands and Grounds hereby intended to be divided and incloſed as aforeſaid, being Parcel of the Lands herein-after directed to be allotted to the ſaid *Frances Hickman*, as ſhall (Quantity, Quality, and Situation, conſidered) be equal in Value to One Twelfth Part of all the incloſed Lands and Grounds belonging to the ſaid *Frances Hickman* in the Townſhip of *Gainſburgh* aforeſaid, except only the Lands herein-before mentioned, and not including any of the Incloſures of the ſaid *Frances Hickman* within the Lordſhip of *Thonock*, in the ſaid Townſhip of *Gainſburgh*, in Lieu of and in full Satisfaction for all Great Tythes what-

whatſoever ariſing and renewing, and which ſhall and may hereafter ariſe and renew, out of and from the ſaid laſt mentioned incloſed Lands and Grounds.

Corn Rent in lieu of Great Tythes of Part of Miſs *Hickman's Thonock* Incloſure.

XXXIII. And, in order to aſcertain the Compenſation to be made to the ſaid Biſhop and his Succeſſors, and the ſaid *John Burgeſs Parker* as his Leſſee, for the Great Tythes of the Incloſure at *High* or *Low Thonock*, belonging to the ſaid *Frances Hickman*, except only the Cloſes lying on the Weſt Side of the Lane leading from *Gainſburgh* to *Blyton*, in the ſaid County of *Lincoln*, called *Thonock Lane*; be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required, by *The London Gazette*, and by ſuch other Ways and Means as they ſhall think 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 they are hereby authorized and required, in and by their Award or Inſtrument herein-after directed to be made, or by any Schedule to be annexed thereto, or by any Writing under their Hands, previous to the Execution of the ſaid Award, to aſcertain and diſtinctly ſet forth the Annual Value of the ſaid old Incloſure at *High* or *Low Thonock* belonging to the ſaid *Frances Hickman*, except the ſaid Cloſes ſo lying on the Weſt Side of the ſaid Lane, and alſo to ſet forth what Quantity of ſuch Wheat ſhall in their Judgement, according to ſuch Average Price as aforeſaid, be equal in Annual Value to One Twelfth Part of the ſaid Incloſure, herein-before agreed to be paid or given in Satisfaction of and for all the Great Tythes of the ſaid laſt mentioned Incloſures at *High* or *Low Thonock* aforeſaid, and that there ſhall be iſſuing and payable from Time to Time for ever hereafter to the ſaid Biſhop and his Succeſſors, and the ſaid *John Burgeſs Parker* as his Leſſee, ſuch ſeveral yearly Corn Rents or Sums of Money out of the ſeveral Incloſures laſt mentioned, as ſhall be by the ſaid Commiſſioners ſet forth in their Award, or by any Writing under their Hands previous to the Execution of the ſaid Award, and ſhall be equal to the ſaid Twelfth Part of the Value of the ſaid laſt-mentioned Incloſures of the ſaid *Frances Hickman*, and which ſhall be equal in Value to the Quantity of Wheat ſo directed to be aſcertained as laſt aforeſaid.

Corn Rent in lieu of the Great and Small Tythes of the remaining Property of Miſs *Hickman* at *Thonock*.

XXXIV. And be it further enacted, That the ſaid Commiſſioners ſhall, in the next Place, after aſcertaining ſuch Price of Wheat as aforeſaid, and they are hereby authorized and required, in and by their ſaid Award or Inſtrument, or by the ſaid Schedule to be annexed thereto, or by any Writing under their Hands previous to the Execution of the ſaid Award, to aſcertain and diſtinctly ſet forth the Annual Value of the ſaid Cloſes of the ſaid *Frances Hickman*, lying on the Weſt Side of the ſaid Lane called *Thonock Lane*, and alſo to ſet forth what Quantity of ſuch Wheat ſhall in their Judgement, according to ſuch Average Price as aforeſaid, be equal in Annual Value to One Ninth Part of the ſaid Incloſures, herein-before agreed to be paid or given in Satisfaction of and for all the Great and Small Tythes ariſing and renewing, and which ſhall and may hereafter ariſe and renew, out of all and every the ſaid Cloſes of the ſaid *Frances Hickman*, lying on the Weſt Side of the ſaid Lane called *Thonock Lane* aforeſaid, (the Tythes of Gardens, Mortuaries, Surplice Fees, and *Eaſter* Offerings, only excepted), and that there ſhall be iſſuing and payable, from Time to Time and for ever thereafter, to the ſaid Biſhop and his Succeſſors, and the ſaid *John Burgeſs Parker* as

his Leſſee, ſuch ſeveral yearly Corn Rents or Sums of Money out of the ſeveral Cloſes laſt mentioned, as ſhall be by the ſaid Commiſſioners ſet forth in their ſaid Award, or by Writing under their Hands previous to the Execution of the ſaid Award, be equal to Seventeen Twenty-fourth Parts of the Annual Value of the ſaid Ninth Part of the ſaid laſt mentioned Incloſures, and which ſhall be equal in Value to Seventeen Twenty-fourth Parts of the Quantity of Wheat ſo directed to be aſcertained as laſt aforeſaid; and that there ſhall be iſſuing and payable, from Time to Time and for ever thereafter, to the ſaid *David Henry Urquhart* and his Succeſſors, as Vicar as aforeſaid, ſuch ſeveral yearly Corn Rents or Sums of Money out of the ſeveral Incloſures laſt mentioned, as ſhall be by the ſaid Commiſſioners ſet forth in their Award, or by any Writing under their Hands previous to the Execution of the ſaid Award, to be equal to Seven Twenty-fourth Parts of the Annual Value of the ſaid Ninth Part of the ſaid laſt mentioned Incloſures, and which ſhall be equal in Value to Seven Twenty-fourth Parts of the Quantity of Wheat ſo directed to be aſcertained as laſt aforeſaid.

Corn Rent in lieu of Vicarial Tythes of the remaining Incloſures of Miſs *Hickman* at *Thonock* and *Gainſburgh*.

XXXV. And be it further enacted, That the ſaid Commiſſioners ſhall, in the next Place, after aſcertaining ſuch Price of Wheat as aforeſaid, and they are hereby authorized and required, in and by their ſaid Award or Inſtrument, or by the ſaid Schedule to be annexed thereto, or by any Writing under their Hands previous to the Execution of the ſaid Award, to aſcertain and diſtinctly 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 Thirty Pounds hereinbefore mentioned to be agreed to be paid in Satisfaction of and for the other Small or Vicarial Tythes, and all other Eccleſiaſtical Dues, Duties, and Payments whatſoever ariſing, renewing, or increaſing, in reſpect of that Part of the Eſtate of the ſaid *Frances Hickman*, covered or alledged to be covered by Modus, Compoſition, or other yearly Payment as aforeſaid, within the Lordſhip of *Thonock* and Townſhip of *Gainſburgh*, in the Pariſh of *Gainſburgh* aforeſaid, (Tythes of Gardens, Mortuaries, Surplice Fees, and *Eaſter* Offerings, only excepted), and that there ſhall be iſſuing and payable, from Time to Time, and for ever hereafter, to the ſaid *David Henry Urquhart* and his Succeſſors, Vicars as aforeſaid, ſuch ſeveral yearly Corn Rents or Sums of Money out of the Reſidue of the ſaid Incloſures at *Gainſburgh* and *Thonock* aforeſaid, belonging to the ſaid *Frances Hickman*, as ſhall be by the ſaid Commiſſioners ſet forth in their Award as aforeſaid, amounting together to the Sum of Thirty Pounds, and which ſhall be equal in Value to the Quantity of Wheat ſo laſt directed to be aſcertained and ſet forth.

Corn Rents to be paid Half Yearly free from Taxes.

XXXVI. And be it further enacted, That the ſaid ſeveral Corn Rents ſo directed to be made payable to the ſaid Biſhop and his Succeſſors, and his and their Leſſee and Leſſees, and alſo to the ſaid Vicar 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 Biſhop and his Leſſee, and the ſaid Vicar 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 to the ſaid Biſhop and his Leſſee at the Rectory Houſe, and to the ſaid Vicar and his Succeſſors, at the

the Vicarage Houſe in *Gainſburgh* 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, direct or appoint, clear of and free from all Parliamentary and Parochial Taxes, Rates, Dues, Duties, and Aſſeſſments whatſoever.

Allotments in lieu of Warrens.

XXXVII. And be it further enacted, That the ſaid Commiſſioners ſhall, in the next Place, ſet out, allot, and award, unto and for the ſaid *Frances Hickman*, as Lady of the ſaid Manor, ſuch Part and Parcel of *The North and South Warrens* or *Commons*, as (Quantity, Quality, and Situation conſidered), ſhall in their Judgement be equal in Value to One full Sixth Part thereof, in Satisfaction and as a Compenſation for and in lieu of her ſaid Warrens, and which ſaid Warrens ſhall be totally deſtroyed and diſcontinued on or before the Firſt Day of *March* One thouſand ſeven hundred and ninety-ſix, or as ſoon after that Time as the ſaid Commiſſioners by their ſaid Award, or any Writing previous thereto, ſhall order or direct.

Allotment for Manerial Rights.

XXXVIII. And be it further enacted, That the ſaid Commiſſioners ſhall, in the next Place, ſet out, allot, and award, unto the ſaid *Frances Hickman* as Lady of the ſaid Manor, her Heirs and Aſſigns, (excluſive of all other Allotments to the ſaid *Frances Hickman*, for and in reſpect of her other Property), ſuch Part and Parcel of the Reſidue of all the Commons or Waſte Lands, and other Lands and Ground within the ſaid Townſhip of *Gainſburgh*, which are not the ſeparate Property of any Perſon or Perſons in particular, as ſhall, (Quantity, Quality, and Situation conſidered), in the Judgement of the ſaid Commiſſioners, be equal in Value to One Eighteenth Part of ſuch Commons or Waſte Lands, or other Lands as aforeſaid, in lieu of, and as a Compenſation for, the Rights and Intereſts of the ſaid *Frances Hickman*, her Heirs and Aſſigns, in or to the Soil of the ſaid Commons or Waſte Lands by this Act directed to be divided and incloſed.

Lands to be ſold for defraying the Expences of the Act.

XXXIX. And be it further enacted, That the ſaid Commiſſioners ſhall, in the next Place, (ſubject to ſuch Right of Road (if any) as the Heir at Law, of the late *John Nettleſhip* ſhall appear to them to be entitled unto), ſet out and allot that Part of the ſaid *South Warren* or *Common*, extending in Length from the Brewery late belonging to *John Nettleſhip*, at the South End of *Gainſburgh* aforeſaid, to the firſt loweſt or North Staith between the ſame and the Bridge lately erected acroſs the River *Trent* at *Gainſburgh* aforeſaid, and from the ſaid Bridge to the Clough in the Banks of the ſaid River *Trent*, adjoining to a Cloſe called *The Aſh Crofts*, and the whole Breadth thereof reſpectively, extending from the ſaid River *Trent* to the High Road leading from the ſaid Brewery to the Town of *Lea*, and ſell and diſpoſe of the ſame by publick Auction in ſuch Lots as they ſhall think proper, for the beſt Price and moſt Money that can be had or obtained for the ſame, and pay One Half of the Purchaſe Money ariſing from the Sale of that Part thereof extending from the ſaid Brewery to the ſaid firſt loweſt or North Staith, unto and for the ſole proper Uſe of the ſaid *Frances Hickman*, and apply the other Half of ſuch laſt mentioned Purchaſe Money, and alſo the Whole of the Purchaſe Money ariſing from the Sale of the Reſidue thereof ſo directed to be ſet

out as aforeſaid, for or towards paying the Charges and Expences of obtaining and paſſing this Act, and of dividing and allotting the ſaid Open Common Fields, Meadows, Paſtures, Commons, Waſtes, and unincloſed Grounds, and of preparing and inrolling the Award of the ſaid Commiſſioners, and all other incidental Charges and Expences whatſoever, for or by reaſon of, or preparatory to, the ſaid intended Diviſion and Incloſure, and carrying this Act into Execution, ſo far only as extends to the Rights of any Proprietor or Proprietors as a Burgeſs or Burgeſſes therein, and One Seventh Part at leaſt of the Money for which ſuch Land ſhall be ſold, ſhall, at the Time of ſuch Sale, by the Purchaſer or Purchaſers be depoſited in the Hands of the ſaid Commiſſioners, and the Remainder of the Purchaſe Money ſhall be paid to the ſaid Commiſſioners within Three Calendar Months next after ſuch Sale, or in Default of ſuch Payment the Money depoſited as aforeſaid ſhall be forfeited, and ſhall be applied towards carrying this Act into Execution, ſo far only as extends to the Rights of any ſuch Burgeſs or Burgeſſes, and the Allotment or Allotments ſhall be again put up to Sale in Manner aforeſaid; and after Payment of the full Purchaſe Money for any ſuch Allotments, the ſame ſhall be veſted in Fee Simple in the Purchaſer or Purchaſers, and ſhall be aſſigned and allotted to him or them in and by the ſaid Award, or in or by any Writing to be by the ſaid Commiſſioners executed previous to the ſaid Award; and ſuch Part of the Money ariſing from ſuch Sale or Sales as is herein-before directed to be paid to the ſaid *Frances Hickman*, ſhall be paid to her by the ſaid Commiſſioners within Fourteen Days after they ſhall receive the ſame, and the Reſidue thereof ſhall be applied by them for the Purpoſes herein-before mentioned; and in caſe there ſhall be any Overplus, the ſame ſhall be diſtributed amongſt or applied for the Uſe or Benefit of the ſeveral Burgeſſes intereſted in the ſaid Commons and Waſte Grounds, proportionably according to their ſeveral and reſpective Burgage and Common Rights thereon: Provided always, that in caſe the Money ariſing by the Sale of ſuch Allotment or Allotments as aforeſaid, ſhall not be ſufficient to defray all the Charges and Expences aforeſaid, then the Deficiency ſhall be made up by the ſeveral Perſons intereſted in the Lands and Grounds hereby intended to be divided and incloſed, (other than and except the ſaid Biſhop and his Leſſee, and the ſaid Vicar, and alſo the Perſon or Perſons to whom any Allotment ſhall be made in Right of any College, Chapel, School, Hoſpital, or other publick Uſe or Charity), and ſhall be paid in ſuch Shares and Proportions, and within ſuch Time as the ſaid Commiſſioners ſhall direct and appoint.

Allotments for Tythes and Glebe how to be rated.

XL. And be it further enacted, That in all Rates, Taxes, or Aſſeſſments, to be made for the ſaid Townſhip, after the Execution of the Award made in purſuance of this Act, the Lands and Grounds which ſhall be allotted for and in lieu of the ſaid Tythes and Glebe Lands, ſhall be aſſeſſed to ſuch of them only as the ſaid Tythes and Glebe Lands are now liable to or chargeable with, and in the ſame Proportion only as other Lands and Tenements in the ſaid Townſhip ſhall, from Time to Time, be rated, taxed, and aſſeſſed thereto, and not otherwiſe.

Allotment of Land to the Bridge Company for getting Materials, and in

XLI. And whereas in and by an Act of Parliament, paſſed in the Twenty-ſeventh Year of the Reign of His preſent Majeſty, intituled, *An Act for building a Bridge at or near the Ferry over the River* Trent, *from* Gainſburgh, *in the County of* Lincoln, *to the oppoſite Shore, in the Pariſh of*

lieu of Right of Entry on certain Parts of the Common.

of Saundby, *in the County of* Nottingham; it is enacted, That it ſhould be lawful for the Company of Proprietors of the ſaid Bridge, by themſelves, their Agents, Servants, or Workmen, to dig, gather, and take, any Quantity of Sand to be uſed in erecting, building, and repairing, the ſaid Bridge, and for other Purpoſes mentioned in the ſaid Act, in, out of, and from, the ſaid South Common, without paying any Thing for ſuch Sand; and alſo that it ſhould be lawful for the ſaid Company of Proprietors, from Time to Time, and at all Times from and after the paſſing of the ſaid Act, at their Will and Pleaſure to bring, place, lay, work, and uſe, any Timber, Stone, Brick, Lime, or other Materials for building and erecting, or for repairing or rebuilding the ſaid Bridge, or for executing any other of the Purpoſes of the ſaid Act, in, upon, through, and over, any Common or Waſte Ground within Five hundred Yards of the ſaid Bridge, without making any Recompence for ſo doing; and it hath been, and is agreed by and between the ſaid Company of Proprietors of the ſaid Bridge, and the Proprietors and Perſons intereſted in the ſaid Commons and Waſte Grounds hereby intended to be divided and incloſed, that they the ſaid Company of Proprietors of the ſaid Bridge ſhall have a certain Piece or Parcel of Land in and upon the ſaid South Common, in ſuch Situation, and to contain ſuch Quantity or Proportion thereof as the ſaid Commiſſioners in and by their ſaid Award, or any Writing under their Hands previous to the Execution thereof, ſhall order and direct; be it therefore enacted, That the ſaid Commiſſioners ſhall, and they are hereby authorized and impowered to ſet out and allot unto the ſaid Company of Proprietors of the ſaid Bridge, and their Succeſſors, ſuch Piece or Parcel of Land in and upon the ſaid Commons and Waſte Grounds, for the Purpoſes mentioned in the ſaid recited Act of Parliament (Half an Acre whereof ſhall be at no greater Diſtance than Four hundred Yards from the ſaid Bridge, and ſhall include and comprize the Parcel of Land extending from the North Side of the ſaid Bridge to the firſt loweſt or North Staith herein-before mentioned, and the whole Breadth thereof from the ſaid River *Trent* to the ſaid Road leading to the Town of *Lea* aforeſaid), as they ſhall judge neceſſary and expedient, and a fair Satisfaction and Compenſation for the aforeſaid Rights and Privileges of the ſaid Proprietors of the ſaid Bridge, and in lieu and ſtead thereof; and that from and immediately after the ſaid Commiſſioners ſhall in and by their Award, or any Writing under their Hands previous to the Execution thereof, have aſcertained and ſet out ſuch Piece or Parcel of Land, the aforeſaid Rights and Privileges of the ſaid Company of Proprietors of the ſaid Bridge ſhall ceaſe and be for ever extinguiſhed.

Allotment of the Reſidue.

XLII. And be it further enacted, That the ſaid Commiſſioners 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 the ſaid Commons and Waſte Grounds called *The South Warren* or *Commons*, *Summergangs*, *Milking Hills*, and *Bleaching Hills*, ſituate on the South Side of the Townſhip of *Gainſburgh* aforeſaid, unto and amongſt the ſeveral Owners and Proprietors of ancient Burgage Meſſuages or Dwelling Houſes, or the Scites thereof, in the Town of *Gainſburgh* aforeſaid, having Rights of Common in the ſaid Commons and Waſte Grounds (the ſaid *David Henry Urquhart*, in reſpect of his Common Right claimed as aforeſaid, only excepted), in Shares of equal Value; that is to ſay, One Share to each Burgage Meſſuage or

Dwelling Houſe, or Scite thereof, 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 Burgage Meſſuages or Dwelling Houſes, or of the Scites thereof reſpectively, in lieu of and as full Recompence and Satisfaction for all the Right of Common or other Intereſt of the ſaid ſeveral Owners and Proprietors in and upon the ſaid *South Warren* or *Commons*, *Summergangs*, *Milking Hills*, and *Bleaching Hills*, reſpectively, and to ſet out and allot all the Reſidue and Remainder of the Open and Common Fields, Meadows, Paſtures, Commonable Lands, and Waſte Grounds, by this Act directed to be divided and incloſed, unto and amongſt the ſeveral Perſons, Bodies Politick or Corporate, who, at the Time of making ſuch Allotment, ſhall be entitled to any Eſtate, Property, Right, or Intereſt therein, in ſuch Quantities, Shares, and Proportions, as by the ſaid Commiſſioners ſhall be adjudged and determined to be a Compenſation and Satisfaction for the ſeveral and reſpective Lands and Grounds, Rights of Common, and other Intereſts of each of the ſaid Proprietors.

Not to affect a certain Action or Suit pending between the Rector and Vicar reſpecting Tythes.

XLIII. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to abate or in anywiſe affect any Action or Suit now pending between the ſaid *David Henry Urquhart* and *Richard Atkinſon*, the Rector of the Impropriate Rectory of *North Gainſburgh*, reſpecting certain Tythes in the *North Sands Field*, or in any other Lands or Grounds within the ſaid Townſhip, claimed and demanded by the ſaid *David Henry Urquhart* as Vicar as aforeſaid, but that the ſame Action or Suit ſhall be proſecuted and proceeded in, in like Manner in all Reſpects as the ſame would have been if this Act had not been made, any Thing herein contained to the contrary notwithſtanding; and the Tythes payable in reſpect thereof ſhall be reſerved and deemed to belong to the ſaid *Richard Atkinſon* or the ſaid *David Henry Urquhart*, or to ſuch of them to whom the ſame ſhall be by Law adjudged to belong.

Tythes to continue payable until Rents commence.

XLIV. And be it further enacted, That until the ſeveral Allotments to the ſaid Biſhop and his Leſſee, and to the ſaid Vicar and his Succeſſors, ſhall be ſet out and incloſed, and until the Commencement of the ſaid yearly Rents or Sums of Money, the Leſſee or Leſſees of the ſaid Biſhop and his Succeſſors, and the ſaid Vicar and his Succeſſors, ſhall be entitled unto, and ſhall receive and enjoy ſuch and the ſame Tythes as they reſpectively could, might, or ought to have done, in caſe this Act had not been made.

Allotments to Perſons in Truſt.

XLV. And be it further enacted, That the ſaid Commiſſioners ſhall and may ſet out and allot unto and for the Churchwarden and Churchwardens of the Townſhip of *Gainſburgh* for the Time being, and to the Overſeers of the Poor of the ſaid Townſhip 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 Townſhip, and unto and for ſuch other Perſon or Perſons reſpectively who now is or are, or ſhall or may be, entitled to any Allotment in the ſaid Lands and Grounds by this Act intended to be divided and incloſed, in Right of or in Truſt for any College, Hoſpital, School, Poor, or publick Uſe, upon the Truſts and for the Purpoſes upon and for which the Burgage Meſſuages or Dwelling Houſes, and the Scites thereof,

thereof, or the Lands and Grounds in Right whereof the ſame are allotted, are now held and enjoyed as aforeſaid, ſuch Parcel or Parcels of the ſaid Lands and Grounds, as ſhall, in the Judgement of the ſaid Commiſſioners, 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 Lands and Grounds by this Act intended to be divided and incloſed, which Parcel or Parcels of Land ſo to be ſet out and allotted as aforeſaid, the ſaid Churchwarden and Churchwardens, and their reſpective Succeſſors for the Time being, and ſuch other Perſon and Perſons, are hereby empowered, by and with the Conſent, and under and ſubject to the Direction of the ſaid Commiſſioners, 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 or Leaſes, and ſuch Land ſo deducted ſhall be divided amongſt the ſaid Proprietors ſo charged with ſuch Expences as aforeſaid.

For re-aſcertaining the Corn Rents.

XLVI. And be it further enacted, That it ſhall be lawful for the ſaid Biſhop of *Lincoln* and his Succeſſors, and his and their Leſſee and Leſſees for the Time being, and alſo for the ſaid *David Henry Urquhart* and his Succeſſors for the Time being, and alſo for the ſaid *Frances Hickman*, and for any One or more of the ſaid Owners and Proprietors hereby made liable to the Payment of Corn Rents, and aſſeſſed to the Poors Rate at the Sum of One hundred Pounds or upwards, at their reſpective proper Expence, by Writing under their reſpective Hands, to apply at the Firſt General 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 the ſaid Award by the ſaid Commiſſioners (having given Notice of ſuch intended Application in *The London Gazette*, and alſo in ſome Newſpaper uſually circulated in the ſaid County, ſo long as any ſhall be publiſhed, in the Month of *January* next preceding) to have Three Perſons named or appointed by the Juſtices then and there aſſembled, to be Arbitrators or Referrees 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 Referrees, 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 ſeveral Proportions thereof, ſhall be increaſed or diminiſhed accordingly, in the ſame Proportions 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 Biſhop of *Lincoln* and his Succeſſors, his and their Leſſee and Leſſees, and the ſaid Vicar and his Succeſſors, 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 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 Biſhop of *Lincoln* and his Succeſſors, his and their Leſſee and Leſſees, and of the ſaid Vicar and his Succeſſors, Executors, and Adminiſtrators 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 of the Coſts and Charges occaſioned by the Nonpayment 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 Biſhop of *Lincoln* and his Succeſſors, his and their Leſſee and Leſſees, and alſo the ſaid Vicar and his Succeſſors, Executors, and Adminiſtrators reſpectively, ſhall and may proceed in a ſummary Way againſt the ſaid Occupiers or Owners 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 Townſhip of *Gainſburgh*, and not intereſted in the Matter 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 Vicar and his Succeſſors reſpectively, he or they, or his or their Executors or Adminiſtrators ſhall be entitled to receive ſo much and ſuch Part of the ſaid Corn Rents or Sums of Money as ſhall be in Proportion to the Number of Days elapſed from the then laſt preceding Day of Payment to the Day of ſuch Death, Ceſſion, Reſignation, or Removal, reſpectively.

Owners of Eſtates dividing the ſame to apportion Corn Rents.

XLVII. And whereas it may be neceſſary and convenient for ſome One or more of the Owners and Proprietors of Eſtates in the ſaid Townſhip, ſubject to the ſaid Corn Rents, to ſell and diſpoſe of his, her, or their Eſtate or Eſtates, or ſome Part thereof, in Parcels, or to make a Partition thereof, and others may be divided by Will, and upon a Diviſion

ſion of any of the ſaid 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 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 Townſhip for the Time being, ſubject to the ſaid Corn 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 Eſtates ſo divided with a due and fair Proportion of the ſaid yearly 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 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 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 Corn Rents or Sums of Money ſhall be made known to the ſaid Biſhop of *Lincoln* and his Succeſſors, his and their Leſſee and Leſſees, and alſo to the ſaid Vicar and his 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, a Copy of which Notice ſhall alſo be depoſited in the Epiſcopal Regiſtry at *Lincoln*, 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 to be given to the Rector and Vicar.

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

XLVIII. And, in order to prevent any Difficulty to the ſaid Biſhop and his Succeſſors, his and their Leſſee and Leſſees, and the ſaid Vicar and his 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 Commiſſioners 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 Lands and Grounds hereby directed to be divided and incloſed, and of each and every ancient Incloſure and Piece or Parcel of open and unincloſed Land in the ſaid Townſhip and Lordſhip, with the Abuttals and Boundaries thereof, and alſo with the Name of the Owners thereof charged with ſuch Corn Rents or Sums of Money, the exact Meaſure in Acres, Roods, and Perches, the yearly 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 Corn Rents or Sums of Money payable to the ſaid Biſhop and his Leſſee, and the ſaid Vicar reſpectively, and the Rate by the Acre by which the ſaid yearly 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 Corn Rents or Sums of Money clear and plain in future, which ſaid Schedules or Deſcriptions ſhall be reſpectively ſigned by the ſaid Commiſſioners, and One Part depoſited in the

Epiſcopal Regiſtry at *Lincoln*, and the other Part thereof annexed to the Award herein-after directed to be made, which ſhall be lodged in the Pariſh Church of *Gainſburgh* aforeſaid.

Power for the Vicar to grant Leaſes.

XLIX. And be it further enacted, That it ſhall be lawful for the ſaid *David Henry Urquhart* and his Succeſſors, Vicars of *Gainſburgh* aforeſaid for the Time being, (by and with the Conſent of the Biſhop of *Lincoln* for the Time being, teſtified in Writing under his Hand and Seal), to grant any Leaſe or Leaſes to any Perſon or Perſons whomſoever of the Lands and Grounds to be allotted to him under and by virtue of this Act, or of any Part or Parts thereof, (ſave and except Fifteen Acres which are ſituated neareſt to the Vicarage Houſe of the ſaid Vicarage of *Gainſburgh*), for any Term or Number of Years not exceeding Twenty-one Years, to be computed from Six Calendar Months 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 yearly 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.

L. And, for the better enabling the ſaid Commiſſioners 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 Commiſſioners to direct, order, and award, all Streams of Water, Springs, and Watercourſes within the ſaid Townſhip of *Gainſburgh*, to be carried and conveyed in ſuch Courſes, and through ſuch Lands and Grounds, Parcel of the Lands and Grounds, hereby intended to be encloſed, as they in their Diſcretion ſhall think neceſſary and proper for the Purpoſes aforeſaid; ſo as not to prejudice any other Perſon or Perſons entitled to the Benefit of any ſuch Stream of Water, Spring, or Watercourſe.

Allotments in Fields to be equal to the preſent Value of the Property therein.

LI. And be it further enacted, That the ſaid Commiſſioners, notwithſtanding any Thing to the contrary thereof in this Act contained, ſhall ſet out and allot unto and amongſt the ſeveral Owners of the Lands and Grounds in the ſaid open Common Fields (after the Proportions for Tythes are ſet out) in Proportion to the preſent Value of the Lands and Grounds of ſuch Owner therein, and ſhall, in making ſuch Allotments, pay due Regard to the Situation of the preſent Property for and in lieu of which they are to be made, and alſo to the future Convenience of the reſpective Owners of ſuch Lands and Grounds, unleſs the ſaid Commiſſioners ſhall be authorized by Writing under the Hands of any ſuch Owners

Owners of Lands and Grounds to make any of their ſaid Allotments elſewhere.

Not to give any undue Preference.

LII. And be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to empower the ſaid Commiſſioners to give any undue Preference to the Parties intereſted in the ſaid intended Diviſion and Encloſure, 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 Quality, Quantity, and Situation of the Lands and Grounds to be allotted in lieu thereof, and that the Allotments of the ſaid Fields, Meadows, Paſtures, and Commons, to be made to each of the Proprietors having Homeſteads or encloſed Lands adjoining the ſaid Fields, Meadows, Paſtures, and Commons, ſhall adjoin to their ancient Encloſures and Homeſteads, or ſome of them, if they ſhall ſo requeſt it, as far as ſhall be conſiſtent with general Conveniency.

For determining Objections in Allotments.

LIII. And be it further enacted, That when and ſo ſoon as the ſaid Commiſſioners ſhall have aſcertained the reſpective Shares, Rights, and Intereſts, of the ſaid Proprietors in the Lands and Grounds to be encloſed by virtue of this Act, and alſo the reſpective Shares and Proportions by them propoſed to be allotted to ſuch Proprietors reſpectively in lieu thereof, they the ſaid Commiſſioners ſhall give Notice, in Manner as aforeſaid, of ſome convenient Time and Place when and where all Proprietors and Perſons intereſted may peruſe a Schedule of ſuch intended Allotments, and Maps or Plans whereon the ſame ſhall be ſet out and delineated, and may have and receive a Copy of ſuch Schedule, ſo far as the ſame relates to ſuch Proprietors reſpectively; and in regard that ſome Perſons may, upon Peruſal of the ſaid Schedules, and Inſpection of ſuch Map or Plan, be diſſatisfied with their intended Allotments, the ſaid Commiſſioners ſhall give Notice of One Meeting at the leaſt to be held by them for receiving Complaints and Objections againſt ſuch intended Allotments, and for hearing and determining all ſuch Complaints and Objections, and their Determination in the Premiſes, being reduced into Writing and ſigned by them, ſhall be binding and concluſive upon all Parties until the Execution of the Award herein-after mentioned.

For accepting Allotments on Notice.

LIV. And be it further enacted, That the ſaid 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 Time and Place when and where every Proprietor may receive a Schedule of his or her Allotments reſpectively, and ſhall, by ſome Writing under their Hands, and publiſhed along with ſuch Notice, order and appoint at what 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

accept such Allotment or Allotments within the Space of Six Calendar Months next after the Publication of such Notice as aforesaid; and if any Person shall refuse to accept his or her Share or Allotment within the Time before mentioned, or shall molest or disturb the Possession of any other Proprietor who shall have accepted of and entered upon his or their 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 Tythe Allotments.

LV. And be it further enacted, That the several Allotments to be made to the said Bishop of *Lincoln*, and his Successors, and the said *John Burgess Parker* as his Lessee, and the said *David Henry Urquhart* as Vicar as aforesaid, and his Successors, in lieu of Glebe, and Right of Common, and Tythes, and also to the Churchwardens or Overseers of the Poor, Trustee or Trustees, and their Successors respectively as aforesaid, shall be fenced on all such Parts and Sides as shall not be ordered by the said Commissioners to be fenced by any other Proprietor, and against all publick Roads, and the Allotments made to the said *David Henry Urquhart* the Vicar, separated from the Allotments to be made to the said Bishop of *Lincoln*, and the said *John Burgess Parker* as his Lessee, with good and substantial Fences, all which shall be planted with good Hawthorn Quickets, guarded on each Side with good Oak Posts, and double Oak or Ash Rails or Battings, and sufficient Ditches, and where such Fences are against any publick Roads or unincloſed Lands, then such Fences shall be made with Three Rails or Battings, and there shall also be a Gate hung with Oak Posts to each Allotment, in such Time, and by such Person or Persons, as the said Commissioners 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 Commissioners, by any 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 Bishop of *Lincoln* and his Successors, and his and their Lessee for the Time being, and the said *David Henry Urquhart* and his Successors, Vicars as aforesaid, and such Churchwardens, Overseers of the Poor, Trustee or Trustees, and their Successors respectively, for ever afterwards.

For enclosing the Rest of the Proprietors Allotments.

LVI. And be it further enacted, That the several Parcels of Land and Allotments which shall be set out and allotted by virtue of this Act, (except such Allotments as shall be made to the said Bishop of *Lincoln* and his Lessee, and the said *David Henry Urquhart* in respect of Glebe, Common Rights, and Tythes, and also to the Churchwardens and Overseers of the Poor, Trustee or Trustees, and their Successors respectively as aforesaid), shall be sufficiently enclosed and fenced within such Time as the said Commissioners, by any such Writing or Writings under their Hands as aforesaid, or by their said Award or Instrument, shall order, direct, and appoint; and such Fences shall be made, and at all Times for ever after the making thereof be supported, maintained, and

kept in Repair, by ſuch Perſon and Perſons as the ſaid Commiſſioners ſhall direct or appoint by any ſuch Writing, or by their ſaid Award.

Openings to be left in Fences for Twelve Months.

LVII. 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 impowering Guardians to accept.

LVIII. 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 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.

LIX. Provided nevertheleſs, That the Non-claim or Non-acceptance of any Guardian, Huſband, Truſtee, Committee, or Attorney, ſhall not exclude or prejudice the Claim or Acceptance of any Infant, Lunatick, Feme Covert, or other Perſon under 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 any 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.

LX. And be it further enacted, That for the more convenient Situation of the ſeveral Farms, Meſſuages, Cottages, and Lands, within the ſaid Townſhip, to the ſeveral Owners or Proprietors thereof upon the ſaid intended Diviſion and Incloſure, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required to ſeparate, divide, and make Partition of all the Houſes, Lands, Tenements, and Hereditaments, with the Common Right thereto belonging, within the ſaid Townſhip, which ſhall be held by Tenants in Common, or Joint Tenants, at the Time of making ſuch Diviſion and Incloſure as aforeſaid, upon Requeſt of the ſeveral Parties ſo intereſted; 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 other Intereſts therein.

Alſo to to exchange Meſſuages, &c. with Conſent.

LXI. And be it further enacted, That for the more convenient Situation and Diſpoſition of the ſeveral Farms and Lands upon the ſaid intended

tended Diviſion and Inclоſure; it ſhall be lawful for the ſaid Commiſſioners, 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 ſaid Townſhip or Lordſhip, 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 incloſed or other Lands and Grounds, and any Allotments to be made by virtue of this Act within the ſaid Townſhip and Lordſhip, in lieu of or in Exchange for any other Meſſuages, Tenements, Buildings, Homeſteads, old Incloſures, Allotments, or other Lands and Grounds, within the ſaid Townſhip and Lordſhip, 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 be made by the ſaid *John Burgeſs Parker*, or the Leſſees for the Time being of the Biſhop of *Lincoln*, or by the ſaid *David Henry Urquhart*, or the Vicars of *Gainſburgh* for the Time being, without the Conſent of the ſaid Biſhop of *Lincoln* firſt had and obtained.

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

LXII. And whereas the ſeveral Burgage Meſſuages or Dwelling Houſes, or Scites thereof, Lands and Grounds, in the ſaid Townſhip, 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 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 Burgage Meſſuages or Dwelling Houſes, or the Scites thereof, 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 have been 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 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 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.

LXIII. Provided always, and be it enacted, That the Lands and Hereditaments which ſhall be exchanged by virtue of this Act, ſhall be held in like Manner under and by virtue of the ſame Tenures and Rents, and ſhall be thereafter deemed to be of the ſame Quality, whether

ther Freehold 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.

Award to be made.

LXIV. And be it further enacted, That within the Space of Six Calendar Months next after the Diviſion, Allotments, and Drainage, of the ſaid Fields, Meadows, Paſtures, Commons, and Waſte Grounds, ſhall be made and completed, the ſaid Commiſſioners ſhall 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 Fields, Meadows, Paſtures, Commons, and Waſte Grounds ſo intended to be incloſed as aforeſaid, and the Quantity and Contents of each and every Parcel thereof aſſigned or allotted to the ſeveral Parties entitled to any Lands, Tythes, Common Rights, or other Property within the ſame, and alſo a Deſcription of the Situation, Buttals, and Boundaries, of ſuch Parcels and Allotments reſpectively, and ſhall alſo ſpecify, aſcertain, and ſet forth, the ſeveral yearly Corn 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, Stiles, Ditches, Banks, Drains, Bridges, Sluices, Cloughs, Sewers, 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, or authorized to be made or eſtabliſhed, and ſuch other Orders, Regulations, Matters, and Things as ſhall be neceſſary or proper, and 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, which ſaid Award or Inſtrument ſhall be fairly engroſſed upon Parchment, and ſigned and ſealed by the ſaid Commiſſioners, and ſhall, within the Space of Six Calendar Months after ſuch ſigning and ſealing, be inrolled with the Clerk of the Peace for the Diviſion of *Lindſey* aforeſaid, or in One of His Majeſty's Courts of Record at *Weſtminſter*, and a true Copy of the Plan of the ſaid Lands and Grounds drawn upon Vellum, and ſigned by the ſaid Commiſſioners, ſhall alſo be annexed to the ſaid Inrolment, and the ſaid Award and Plan ſhall be put into and kept in a Box or Cheſt to be placed and kept in the Pariſh Church of *Gainſburgh* aforeſaid, to the End Recourſe may be had to the ſame by any Perſon or Perſons intereſted in the ſaid Diviſion and Incloſure, and the ſaid original Award or a true Copy of the Inrolment thereof, or any Part thereof, ſhall from Time to Time be admitted in all Courts whatſoever as legal Evidence, and the proper Officer as aforeſaid is hereby required to inrol the ſame accordingly, and to make Copies thereof, or of any Part thereof, and to certify the ſame from Time to Time when required, within Fourteen Days after ſuch Copies ſhall be ſo required, being paid the ſame Fees for ſuch Inrolment as are uſually paid for inrolling any Bargain and Sale in the ſame Court, and for every ſuch Copy and Certificate after the Rate of Two-pence *per* Sheet, reckoning Seventy-two Words to each Sheet, and for every Inſpection of the ſaid Inrolment the Sum of One Shilling, and no more; 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 made in Bar of Common Right.

LXV. 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 ſaid Commons and Waſte Grounds hereby directed to be divided and incloſed; and that from and immediately after the making of the ſaid Diviſion and Allotment, or as ſoon after as the ſaid Commiſſioners, by ſuch Writing as aforeſaid or in their ſaid Award, ſhall appoint, all Right of Common in, over, and upon, all the Lands and Grounds hereby intended to be incloſed, and every Part thereof, and alſo all Tythes, both Great and Small, Moduſes, Compoſitions, and all other Money Payments, 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 Townſhip of *Gainſburgh* and Lordſhip of *Thonock*, (except ſuch Corn Rents or other Payments as are herein-before directed to be ſettled and aſcertained by the ſaid Commiſſioners, and alſo except the Tythes of Gardens and *Eaſter* Offerings, Mortuaries, and Surplice Fees, as herein-before excepted), ſhall ceaſe, determine, and for ever be extinguiſhed.

Perſons refuſing to incloſe Commiſſioners may do it.

LXVI. And be it further enacted, That if any Perſon to whom any ſuch Allotment or Allotments ſhall be made, or any Huſband, Guardian, Truſtee, Committee, or Attorney, or any Perſon acting as Guardian, Truſtee, Committee, or Attorney, for any Infant, Lunatick, Ideot, 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 Creditor 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 Commiſſioners, by any Writing as aforeſaid, or by their ſaid Award, ſhall order or direct, it ſhall be lawful for the ſaid 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, or otherwiſe it ſhall be lawful for the ſaid Commiſſioners, by any Writing under their Hands, 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 Right.

LXVII. And be it further enacted, That no Leaſe or Leaſes affecting any of the Burgage Meſſuages or Dwelling Houſes, or the Scites thereof, Lands, Hereditaments, or ancient Eſtates, in reſpect of which any ſuch Allotment or Allotments of the ſaid Lands and Grounds by this Act intended to be incloſed ſhall be made, ſhall, 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 Burgage Meſſuages or Dwelling Houſes, or the Scites thereof, Lands, Hereditaments, or ancient Eſtates; but that all Allotments to be made in reſpect of ſuch Burgage Meſſuages, or Dwelling Houſes, or the Scites thereof, Lands, Hereditaments, or ancient Eſtates, as ſhall be ſubject to Leaſes, ſhall be made and belong to the Proprietors of ſuch Burgage Meſſuages, or Dwelling Houſes, or Scites thereof, Lands, Hereditaments, or ancient Eſtates, freed and exonerated from all Tenant Right and Intereſt therein, on their making ſuch Satisfaction to the Leſſees, Tenants, or Occupiers, of ſuch Burgage Meſſuages, or Dwelling Houſes, or Scites thereof, Lands, Hereditaments, or ancient Eſtates, their Executors, Adminiſtrators, or Aſſigns, as the ſaid 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, 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 Commiſſioners ſhall aſcertain and ſet forth in and by their ſaid Award.

No Titles to be affected by this Act.

LXVIII. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued, deemed, adjudged, or taken to revoke, make void, annul, or anyway 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 is herein-before 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 Burgage Meſſuages or Dwelling Houſes, or Scites thereof, Common Rights, Lands, or Grounds, in reſpect of which the ſaid Fields, Meadows, Paſtures, 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 excepted), Powers, Proviſoes, Limitations, Remainders, Charges, Tenures, Rents, Services, Incumbrances, and Demands, as the ſeveral Burgage Meſſuages, or Dwelling Houſes, or Scites thereof, Lands and Grounds, and other Property of every ſuch Proprietor in reſpect whereof ſuch Allotments 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.

LXIX. Pro-

LXIX. Provided alſo, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to deſtroy, defeat, or prejudice, the Fiſhery in the River *Trent*, now belonging to the ſaid *Frances Hickman*, but that the Commiſſioners ſhall, in and by their ſaid Award, order and provide for the future Enjoyment thereof as effectually in every reſpect as the ſame is now or heretofore hath been held and enjoyed. Not to injure Mrs *Hickman*'s Fiſhery.

LXX. And be it further enacted, That the reaſonable Charges and Expences of all the ſaid Commiſſioners hereby appointed 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, draining, allotting, 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, or who ſhall be entitled to any Lands or Eſtates within the ſaid Townſhip, ſubject to the Payment of Tythes, or ſhall be otherwiſe benefited by ſuch Incloſure in reſpect of Eſtates therein (except the ſaid *Frances Hickman* in reſpect of her Manerial Rights, the ſaid Biſhop of *Lincoln*, the ſaid *John Burges Parker* his Leſſee, and the ſaid *David Henry Urquhart* in reſpect of their ſaid Tythes, Glebe, and Common Rights reſpectively, and the Churchwardens and Overſeers of the Poor, Truſtee or Truſtees, and their Succeſſors reſpectively) in ſuch Shares and Proportions as ſhall be ſettled and determined by the ſaid 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 Sewers, Banks, Sluices, and other Works of Drainage, to be made and ordered by the ſaid Commiſſioners, in purſuance of the Powers hereby veſted in them, ſhall be borne and defrayed from thenceforth for ever thereafter by ſuch Proprietors as aforeſaid, in ſuch Shares and Proportions as ſhall be thought juſt and equitable by the ſaid Commiſſioners, and as ſhall be ſet forth in their ſaid Award. For defraying the Expences of the Act.

LXXI. 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 the fencing and incloſing 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 Commiſſioners, by any Warrant or Warrants under their Hands and Seals, directed to any Perſon or Perſons whomſoever, to cauſe the 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 Recovery of Expences.

treſs 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 Commiſſioners as aforeſaid, or otherwiſe it ſhall be lawful for the ſaid Commiſſioners, or any Perſon or Perſons authorized by them, to enter upon and take Poſſeſſion of the Premiſes ſo to be allotted to ſuch Perſon or Perſons refuſing or neglecting to pay as aforeſaid, and to receive and take the Rents, Iſſues, and Profits thereof, until thereby, therewith, or otherwiſe, the Shares or Proportions of the ſaid Coſts and Charges ſo ordered and directed by the ſaid Commiſſioners to be paid by ſuch Perſon or Perſons as aforeſaid, and all Intereſt thereon, to be computed as aforeſaid, and alſo all Coſts, Charges, and Expences, occaſioned by or attending ſuch Entry upon and Perception of the Rents and Profits of the ſaid Premiſes, ſhall be fully paid and ſatisfied.

For borrowing Money.

LXXII. And be it further enacted, That it ſhall be lawful for all and every Perſon or Perſons who, after ſuch Diviſion and Incloſure to be made as aforeſaid, ſhall be Owners and Proprietors for the Time being of any 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 Yeats, not being at Rack Rent, or any other Contingencies, and to and for every of them reſpectively for the Time being (except the ſaid Biſhop of *Lincoln* and his Leſſee, and the ſaid *David Henry Urquhart*, and their Succeſſors for the Time being reſpectively, and the ſaid Churchwardens and Overſeers of the Poor, and Truſtee or Truſtees, and their Succeſſors as aforeſaid), by and with the Conſent of the ſaid Commiſſioners, in Writing under their Hands and Seals, from Time to Time, either before or after the Execution of the ſaid Award, to charge the ſeveral Lands and Grounds which ſhall be comprized in ſuch reſpective Allotments, or any Part thereof, with any Sum or Sums of Money at the Diſcretion of the ſaid Commiſſioners, not exceeding Four Pounds for every Acre of Land and Ground ſo to be allotted as aforeſaid, and alſo for every Acre of old Incloſure exonerated from Tythes, to be paid to ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall nominate and appoint, in order to be applied and diſpoſed of, for, and towards paying and defraying the reſpective Shares and Proportions of the Charges and Expences incident to and attending ſuch Diviſion and Incloſure 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 be lawful for the ſaid Commiſſioners, by any Deed or Deeds, Writing or Writings, under their Hands and Seals, to be atteſted by Two or more credible Witneſſes, at the Requeſt of ſuch of the ſaid Owners and Proprietors being Tenants in Tail, or for 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 either of them making ſuch Requeſt, to charge and ſubject the Lands and Grounds ſo to be allotted to ſuch Owners and Proprietors thereof reſpectively, with any Sum or Sums of Money as the ſaid Commiſſioners ſhall think juſt and reaſonable, not exceeding Four Pounds *per* Acre, with Intereſt for the ſame as aforeſaid; which Sum or Sums of Money, ſo to be charged as aforeſaid, ſhall be paid within One Year next after the Deceaſe of every ſuch Tenant for Life or in Tail, or 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 in Tail, or for Life or Lives, or Years, or other Contingency, ſhall reſpectively by Deed or Will duly executed and atteſted, direct or 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, or notwithſtanding any Settlement, Will, Uſe, Truſt, Remainder, or other Incumbrance, of or upon the ſaid Lands and Premiſes, or any Part thereof, then in being or capable of taking Effect to the contrary; and all and every Perſon or Perſons to whom any ſuch Grant, Mortgage, or Demiſe, ſhall be made by virtue of this Act, as a Security for any Sum or Sums of Money, or who ſhall be entitled to the Money thereby ſecured, ſhall and may, from Time to Time, by any Deed or Deeds, Writing or Writings, under his, her, or their Hand and Seal, or Hands and Seals, to be executed in the Preſence of Two or more credible Witneſſes, aſſign or transfer the ſame Security or Securities, or the Principal Money, and the Intereſt thereby ſecured, and all Benefit and Advantage thereof, and all his, her, or their Right, Title, or 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 of the Premiſes ſo to be mortgaged, demiſed, or aſſigned, as aforeſaid, in caſe of Nonpayment 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.

LXXIII. 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

that no Perſon becoming poſſeſſed of ſuch Lands and Grounds afterwards, ſhall be liable to pay any Arrear of Intereſt further than for One Year preceding the Time that the Title to ſuch Poſſeſſion ſhall have commenced, but that all Arrears above One Year 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.

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

For Recovery of Penalties.

LXXV. 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 and by their ſaid Award, ſhall be reſpectively levied and recovered in a ſummary Way before any One Juſtice of the Peace for the Diviſion of *Lindſey* aforeſaid, reſiding near to the ſaid Townſhip, 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 Witneſs or Witneſſes as aforeſaid), in ſuch Penalties and Forfeitures reſpectively as he ſhall have incurred or be found liable to, the Payment of, and to levy ſuch Penalties and Forfeitures reſpectively, by Diſtreſs and Sale of his, her, or their Goods and Chattels, together with reaſonable Coſts, all which Penalties and Forfeitures, the Application whereof is not particularly directed by this Act, ſhall, when and ſo ſoon as the ſame ſhall be levied, be paid and applied to and for the Uſe of ſuch Perſon or Perſons, or to or for ſuch Uſes, Intents, and Purpoſes, as the ſaid Commiſſioners in and by ſuch Writing or Writings as aforeſaid, or in and by their ſaid Award, ſhall order, direct, or appoint.

Commiſſioners Expences to be entered into a Book.

LXXVI. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required, from Time to Time, to keep and enter into 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, in the ſaid County of *Lincoln*, and in the Pariſh Church of *Gainſburgh* 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 held, and ſuch of the ſaid Proprietors as ſhall be 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

Commiſſioners in purſuance of this Act, to inſpect and examine ſuch Accounts of the ſaid Commiſſioners, and all Receipts, Vouchers, Papers, and Writings, concerning the ſame, and ſhall allow and ſign ſuch Book of Accounts if they approve thereof, a Copy of which Book ſhall, within Three Calendar Months next after the Execution of the ſaid Award, be cloſed and ſigned by the ſaid Commiſſioners, and depoſited with the ſaid Award in the Cheſt of the ſaid Pariſh Church of *Gainſburgh* aforeſaid.

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

LXXVII. And be it further enacted, That it ſhall be lawful for any Perſon intereſted in the ſaid Incloſure (except only the ſaid Biſhop of *Lincoln* and his Succeſſors, and his and their Leſſee and Leſſees, and the ſaid *David Henry Urquhart*, and his Succeſſors, 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, Intereſt, and Property, which he ſhall have into and upon the ſaid Commons and Waſte Grounds, or in or to any Allotment to be made in reſpect of any Common Right thereon by virtue of this Act, and to convey the ſame to the Purchaſer by 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, Conveyances, and Contracts for Sale, of ſuch Common Rights and Allotments reſpectively, made at any Time before the paſſing of this Act, ſhall and are hereby declared to be valid and effectual, and may be granted and conveyed accordingly, and the Exemptions from Tolls and Common Right belonging thereto is hereby declared to be veſted in ſuch Purchaſer, and his Heirs and Aſſigns, 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 Commiſſioners ſhall award ſuch Allotments to the Purchaſers thereof accordingly: But it is hereby enacted, that all future Exemption from Tolls in reſpect of any Burgage Right ſhall not be ſeparate from ſuch Burgage Right, but for ever hereafter remain attached to, and held and enjoyed together with the Eſtate and Property to which it doth now belong.

Perſons aggrieved may appeal to the Quarter Seſſions.

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

LXXIX. And

Saving Right to the Lady of the Manor.

LXXIX. And be it further enacted, That nothing herein contained ſhall prejudice, leſſen, or defeat, the Right, Title, or Intereſt, of the ſaid *Frances Hickman*, or of any other Perſon or Perſons who ſhall reſpectively for the Time being, be Lord or Lords, or Lady or Ladies, of any Manor or Manors, Lordſhip or Lordſhips, or reputed Manors or Lordſhips, within the Juriſdiction or Limits whereof the ſaid Lands and Grounds hereby directed to be encloſed, or any Part thereof reſpectively, are comprized, of, in, or to the Seigniory or Royalties incident and belonging to ſuch Manor or Lordſhip, or either or any of them, but that the ſaid *Frances Hickman*, and all ſucceeding Lords or Ladies of the ſaid Manor, ſhall and may from Time to Time and at all Times, hold and enjoy all Burgh Rents, Quit Rents, and other Rents, Reliefs, Duties, Cuſtoms, and Services, and all Courts, Perquiſites, and Profits of Courts, Rights of Fiſhery, and Liberty of Hawking, Hunting, Fiſhing, and Fowling, within the ſaid Manor; and all Tolls, Fairs, Marts, Markets, Stallage, Goods and Chattels of Felons and Fugitives, Felons of themſelves, and put in Exigent, Deodands, Treaſure Trove, Waifs, Eſtrays, Forfeitures, Royalties, Juriſdictions, Franchiſes, Matters, and Things whatſoever, to the ſaid Manor, or to the Lord or Lady thereof, incident or belonging, (other than and except ſuch Common Right as could or might be claimed by the ſaid *Frances Hickman*, as Owner of the Soil and Inheritance of the ſaid Commons or Waſte Grounds), 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.

LXXX. 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 to 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 and Waſte Grounds whoſe Claims ſhall not be allowed by the ſaid Commiſſioners), all ſuch Eſtates and Intereſts, Powers, and Privileges not compenſated for by virtue of this Act, as they, every or any of them, had enjoyed, of, in, to, or in reſpect of the 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 anyway deſtroying, any of the ſeveral Diviſions or Allotments to be made as aforeſaid, but ſhall accept the ſame in lieu of all ſuch Lands, Grounds, Commons, Rights, Tythes, and Intereſts as he, ſhe, or they have therein, or would have been entitled to in caſe this Act had not been made.

Publick Act.

LXXXI. And be it further enacted, That this Act ſhall be deemed, a Publick Act; and all Judges, Juſtices, and other Perſons, are required to take Notice thereof as ſuch, without ſpecially pleading the ſame.

FINIS.