ANNO TRICESIMO SEXTO

Georgii III. Regis.

CAP. CI.

An Act for dividing, allotting, incloſing, draining, embanking, and improving, the Open and Common Fields, Ings, Meadows, Paſtures, and other Commonable Lands and Waſte Grounds, within the ſeveral Townſhips of *Morton*, *Walkerith*, *Eaſt Stockwith*, *Bliton*, *Wharton*, *Pilham*, and *Gilby*, in the ſeveral Pariſhes of *Gainſburgh*, *Bliton*, and *Pilham*, in the County of *Lincoln*. [14th *May* 1796.]

Preamble.

WHEREAS there is within the Townſhips of *Morton*, *Walkerith*, *Eaſt Stockwith*, *Bliton*, *Wharton*, *Pilham*, and *Gilby*, in the ſeveral Pariſhes of *Gainſburgh*, *Bliton*, and *Pilham*, in the County of *Lincoln*, a certain open and uninclоſed Common Paſture, called *Morton Carr*, containing in the Whole Four thouſand Acres, or thereabouts, whereon the Owners of ancient Meſſuages, Cottages, Tofts, or Toftſteads, within the ſaid ſeveral Townſhips, have for Time immemorial enjoyed Right of Common: And whereas there are alſo, within the ſaid ſeveral Townſhips, certain old Incloſures, and divers Open Common Fields, Ings, Meadows, Paſtures, and other Commonable Lands and Waſte Grounds, diſtinguiſhed by ſeveral Names, which contain together Three thouſand Five hundred Acres, or thereabouts: And

whereas His Royal Highneſs the Prince of *Wales* and Duke of *Cornwall*, in Right of his ſaid Duchy, is Lord of the Manor and Soke of *Kirton*, in the Parts of *Lindſey*, in the ſaid County of *Lincoln*, within which the ſaid ſeveral Townſhips are ſituate, and as ſuch is intereſted in the Soil of the Waſte Grounds within the ſaid Townſhips: And whereas *Richard Atkinſon* Gentleman, is Impropriator of the Rectory of *Morton* and *Walkerith* aforeſaid, otherwiſe called *North Gainſburgh*, and is entitled to all the Great Tythes, and alſo claims to be entitled to all Small Tythes ariſing and renewing within the ſame Townſhips, and alſo to certain Glebe Lands and Rights of Common within the ſame Townſhips; and *David Henry Urquhart* Clerk, Maſter of Arts, is Vicar of the Vicarage of *Gainſburgh* aforeſaid, and claims to be entitled to all the Small or Vicarial Tythes ariſing within the ſaid Townſhips of *Morton* and *Walkerith*: And whereas *John Johnſon* Gentleman, is Impropriator of the Rectory of *Eaſt Stockwith* aforeſaid, and is entitled to all the Great Tythes ariſing and renewing within the ſaid Townſhip, and alſo to certain Glebe Lands and Rights of Common within the ſame Townſhip, and alſo claims to be entitled to all the Small Tythes within the ſame Townſhip; and the ſaid *David Henry Urquhart*, as Vicar of *Gainſburgh* aforeſaid, claims to be entitled to all the Small or Vicarial Tythes within the ſaid Townſhip of *Eaſt Stockwith*: And whereas the Right Honourable *George Auguſta* Earl of *Scarbrough* is Impropriator of the Rectory of *Bliton* aforeſaid, and is entitled to all the Great Tythes of the ſaid Pariſh of *Bliton*, including the ſaid Townſhip of *Wharton*; and *William Durance* Clerk, is Vicar of the ſaid Pariſh of *Bliton*, and is entitled to all the Small or Vicarial Tythes within the ſaid Pariſh of *Bliton* and Townſhip of *Wharton*: And whereas *William Dunkin* Clerk, is Rector of the Rectory of *Pilham* aforeſaid, and is entitled to a Proportion of all Tythes, both Great and Small, ariſing and renewing from or upon the ſaid Common called *Morton Carr* only: And whereas the ſaid *George Auguſta* Earl of *Scarbrough*, *John Harriſon*, *Henry Coape*, *William Earle Welby*, *William Hornby*, and *John Coats*, Eſquires, *Mary Hutton* Widow, the ſaid *Richard Atkinſon*, *John Johnſon*, and others, as Owners of divers ancient Meſſuages, Cottages, Toſts, Lands, and Tenements, in the ſaid ſeveral Townſhips of *Morton*, *Walkerith*, *Eaſt Stockwith*, *Bliton*, *Wharton*, *Pilham*, and *Gilby* aforeſaid, are reſpectively, entitled to Rights of Common and other Intereſts in and upon the ſaid Common called *Morton Carr*, and are alſo Owners and Proprietors of all the old incloſed Fields, Meadows, Paſtures, Ings, and unincloſed Grounds, within the ſame ſeveral Townſhips, in different Proportions: And whereas the Lands of the reſpective Proprietors in the ſaid Open Fields, Ings, Meadows, and Paſtures, lie diſperſed and inconveniently ſituated for the ſeveral Owners and Proprietors thereof, and the ſame, as alſo the ſaid Common called *Morton Carr*, and the ſaid other Commonable Lands and Waſte Grounds, are capable of great Improvement by an Incloſure, and it would be very beneficial to the ſaid Owners and Proprietors in general if all the ſaid Fields, Ings, Meadows, Paſtures, Commonable Lands, and Waſte Grounds, were divided and incloſed, drained, warped, and embanked, and ſpecific Parts allotted to the ſeveral Perſons intereſted therein, in Proportion to their reſpective Properties, Rights of Common, and other Intereſts, and if Satisfaction was made for the Tythes of all the ſaid old Incloſures, Fields, Ings, Meadows, Paſtures, Commonable Lands and Waſte Grounds, in Manner hereinafter

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, *Samuel Turner* of *Buſlingthorpe* in the County of *Lincoln*, *Benjamin Codd* of *Glentworth* in the ſaid County, and *John Renſhaw* of *Owthorpe* in the County of *Nottingham*, *John Parkinſon* of *Aſgarby* in the County of *Lincoln*, 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 incloſing, dividing, allotting, draining, embanking, and improving the ſaid Common called *Morton Carr*, and the ſaid Open and Common Fields, Ings, Meadows, Paſtures, and other Commonable Lands and Waſte Grounds, within the ſaid ſeveral Pariſhes and Townſhips, except as herein-after mentioned, and for putting this Act into Execution, in Manner, and ſubject to the Proviſions, Rules, Orders, and Directions herein-after contained. Commiſſioners.

II. Provided nevertheleſs, and be it further enacted, That only the ſaid *Samuel Turner*, *Benjamin Codd*, and *John Renſhaw*, and their Succeſſors to be appointed as herein-after mentioned, ſhall act in the Execution of this Act with reſpect to the ſaid Pariſh of *Bliton*, except ſo far as relates to the ſetting out the Proportion of the ſaid Common called *Morton Carr*, to and for the ſaid Pariſh of *Bliton*, and the apportioning and dividing the ſame amongſt the Proprietors of the ſaid Pariſh; any Thing herein contained to the contrary in anywiſe notwithſtanding. Three Commiſſioners only to act as to *Bliton* Fields, *etc.*

III. 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 Three or more of them, except as herein-after mentioned; and the ſaid Commiſſioners may adjourn from Time to Time; and if Three Commiſſioners, except as herein-after mentioned, 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 Ten Days from the Time of Adjournment, and ſhall give Notice thereof to the abſent Commiſſioners; any Thing herein contained to the contrary notwithſtanding. Power veſted in Three Commiſſioners.

IV. Provided always, 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 with reſpect to the ſaid Pariſh of *Bliton* (except as to *Morton Carr*) ſuch Power ſhall be conſidered as veſted in the ſaid *Samuel Turner*, *Benjamin Codd*, and *John Renſhaw*, and their Succeſſors, or any Two of them; and the ſaid Commiſſioners laſt mentioned may adjourn from Time to Time; and if Two of ſuch Commiſſioners ſhall not appear at any Meeting appointed to be holden by them, then and in ſuch Caſe any One Commiſſioner then preſent may adjourn ſuch Meeting to a future Day, not exceeding Ten Days from the Time of Adjournment, and ſhall give Notice thereof Power veſted in Two Commiſſioners as to *Bliton*.

to the abſent Commiſſioners for *Bliton* as aforeſaid; any Thing herein contained to the contrary notwithſtanding.

New Commiſſioners to be appointed upon Vacancies.

V. And be it further enacted, That if the ſaid *Samuel Turner*, 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 and may be lawful for His ſaid Royal Highneſs the Prince of *Wales*, and His Succeſſors, within Two Calendar Months next after ſuch Death, Refuſal, or Diſability ſhall be ſignified in Writing to His ſaid Royal Highneſs, or His Succeſſors, by the ſurviving or remaining Commiſſioners, or either of them, to elect and appoint a new Commiſſioner, not intereſted in the ſaid Incloſure and Drainage in the Stead of ſuch Commiſſioner ſo dying, refuſing, or becoming diſabled to act; and if the ſaid *Benjamin Codd* or *John Parkinſon*, the Commiſſioners appointed by the Majority of the ſaid Tythe Owners, or any Commiſſioner to be appointed in either of their Stead, as he ein-after mentioned, ſhall die, refuſe, or become diſabled to act, then and in every ſuch Caſe it ſhall be lawful for the Majority in Number of the ſaid Tythe Owners, within Two Calendar Months next after ſuch Death, Refuſal, or Diſability, ſhall be ſignified to 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 and Drainage, in the Stead of ſuch Commiſſioner ſo dying, refuſing, or becoming diſabled to act; and alſo if the ſaid *John Renſhaw* or *Thomas Fletcher*, the Commiſſioners appointed by the Proprietors of Common Right Houſes and Lands within the ſaid ſeveral Townſhips, or any Commiſſioner to be appointed in either of their 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 ſaid Proprietors of Common Right Houſes and Lands within the ſaid ſeveral Townſhips, who ſhall be preſent at any Meeting convened for that Purpoſe within Two Calendar Months after ſuch Death, Refuſal, or Diſability, to elect and appoint a new Commiſſioner, not intereſted in the ſaid Incloſure, in the Stead of ſuch Commiſſioner ſo dying, refuſing, or becoming diſabled to act, of which Meeting Ten Days Notice at leaſt in Writing ſhall be given, and fixed upon the moſt publick Doors of the ſeveral Pariſh Churches of *Gainſburgh*, *Bliton*, and *Pilham* 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 to act, then the ſurviving or remaining Commiſſioners or Commiſſioner ſhall and are hereby required, from Time to Time, by Writing under his or their Hand or Hands, Fourteen Days after the Expiration of the ſaid Two Calendar Months allowed to the reſpective Parties for naming ſuch new Commiſſioner or Commiſſioners by them reſpectively as aforeſaid, to appoint One other Commiſſioner not intereſted in the ſaid Incloſure, in the Place of ſuch Commiſſioner dying, refuſing to act, or becoming diſabled 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 Commiſſioners or Commiſſioner, ſhall have the like Powers and Authorities for putting this Act

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

into Execution, in all Reſpects whatſoever, as the Commiſſioner in whoſe Place he ſhall have been ſo appointed and choſen was inveſted with by virtue of this Act.

Appointment of a Surveyor.

VI. And be it further enacted, That *Anthony Bower*, of the City of *Lincoln*, Land Surveyor, ſhall be and is hereby appointed the Surveyor for executing the ſeveral Powers and Authorities 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 in Writing, and ſigned by the Perſons making the ſame).

Commiſſioners and Surveyor to be ſworn.

VII. And be it further enacted, That no Perſon ſhall act as a Commiſſioner or Surveyor, or as Aſſiſtant to a 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:

'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, *or* his Aſſiſtant, *as the Caſe may be*], by virtue of *An Act for dividing, allotting, incloſing, draining, embanking, and improving, the Open and Common Fields, Ings, Meadows, Paſtures, and other Commonable Lands and Waſte Grounds, within the ſeveral Townſhips of* Morton, Walkerith, Eaſt Stockwith, Bliton, Wharton, Pilham, *and* Gilby, *in the ſeveral Pariſhes of* Gainſburgh, Bliton, *and* Pilham, *in the County of* Lincoln, according to Equity and good Conſcience, and without Favour or Affection, Prejudice or Partiality, to any Perſon or Perſons whomſoever.

'So help me GOD.'

Which 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 to his Aſſiſtant or Aſſiſtants; and the ſaid Oath, ſo taken and ſubſcribed by each Commiſſioner, and by the Surveyor and his Aſſiſtant or Aſſiſtants, 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.

Commiſſioners declining to act to give Notice.

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

Commiſſioners to give Notice of Meetings.

IX. And be it further enacted, That the ſaid Commiſſioners ſhall cauſe publick Notice to be given in the ſeveral Pariſh Churches of *Gainſburgh*, *Bliton*, and *Pilham* aforeſaid, upon ſome *Sunday* immediately after Divine

vine Service, or by Writing under their Hands to be affixed on One of the moſt publick Doors of each of the ſaid Churches, 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 Allowance.

X. 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.

The Boundaries to be perambulated.

XI. And whereas Diſputes may ariſe touching the Boundaries of the Lands and Grounds hereby directed to be divided and incloſed where the ſame may adjoin to any other Townſhips, Pariſhes, or Liberties; be it therefore further enacted, That the ſaid Commiſſioners ſhall, as ſoon as conveniently may be after the paſſing of this Act, fix and appoint ſome Day or Days for perambulating the Boundaries of the ſaid Lands and Grounds, where the ſame adjoin to any other Townſhips, Pariſhes, or Liberties, and ſhall, at leaſt Ten Days before the Time appointed for ſuch Perambulation, give Notice of the Time and Place of beginning the ſame, in the ſeveral Pariſh Churches of *Gainſburgh*, *Bliton*, and *Pilham* aforeſaid, immediately after Divine Service, or by Writing under their Hands affixed on One of the moſt publick Doors of each of the ſaid Churches, 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 herein-after directed to be made, and ſhall be final, binding, and concluſive upon all Parties whomſoever, unleſs the ſame ſhall be appealed againſt in the Manner 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

after the Expiration of Twenty-one Days from the Meeting of the ſaid Commiſſioners, at which ſuch Determination ſhall have been made, the Perſon or Perſons intending to make ſuch Appeal giving to the ſaid Commiſſioners, or One of them, Ten Days Notice at the leaſt of ſuch Intention; and the ſaid Juſtices ſhall, and they are hereby required to hear and determine the Matter of ſuch Appeal, and to ſettle and aſcertain ſuch Part 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.

XII. And be it further enacted, That a true and exact Survey and Admeaſurement ſhall be made of the ſaid Common called *Morton Carr*, and of all the ſaid old Incloſures, and alſo of all the Lands and Grounds hereby directed to be divided, allotted, incloſed, drained, and improved, and a fair Plan delineated thereof, on or before ſuch Day as the ſaid Commiſſioners, by Writing under their Hands, ſhall direct or appoint, by the ſaid *Anthony Bower*, and ſuch Aſſiſtants as ſhall be approved by the ſaid Commiſſioners, or in caſe of his Death, Refuſal, or Diſability to act, then by ſuch other Perſon as the ſaid Commiſſioners ſhall direct or appoint, in the Manner herein-before directed; 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 Common called *Morton Carr*, and in the ſaid old Incloſures, and in the ſaid other Lands and 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 ſuch Day as they the ſaid Commiſſioners ſhall appoint as aforeſaid, 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.

Power to enter Lands.

XIII. And be it further enacted, That the ſaid Commiſſioners and Surveyor appointed or to be appointed under and by virtue of this Act, together with every of their Aſſiſtants, Servants, and Perſons employed by them, at any Time, for the Purpoſes and in Execution of this Act, ſhall have, and they are hereby veſted with full Power and Authority, at any Time or Times whatſoever, to enter into, view, examine, ſurvey, and admeaſure the ſaid Common called *Morton Carr*, and all the ſaid old Incloſures, and all the ſeveral other Lands and Grounds lying within the ſaid ſeveral Townſhips, and to dig and cut up the Soil of the ſaid Lands or any Part thereof, to make Drains, Ditches, Banks, Sluices, Cloughs, Watercourſes, and Bridges, or otherwiſe, as the Nature of the Caſe and the due Execution of this Act ſhall require, making ſuch Satisfaction to the Owner or Owners of ſuch Lands as herein-after is directed.

Commiſſioners to determine upon Claims;

XIV. And be it further enacted, That all and every Perſon and Perſons having or claiming to have any Common Right or Rights, or any other Eſtate, Property, Right, or Intereſt in or over the ſaid Common called *Morton Carr*, and the ſaid old Incloſures, and the ſaid other Lands and Grounds hereby directed to be divided and incloſed, ſhall,

and they are hereby required, by themſelves or their Agents, to deliver their reſpective Claims, in Writing under their Hands or the Hands of their Agents, unto the ſaid Commiſſioners at ſuch Meeting and Meetings as ſhall be held by them for that Purpoſe, purſuant to ſuch Notices as are hereby directed to be given, for putting this Act into Execution, diſtinguiſhing in ſuch Claims the ſeveral Particulars in reſpect whereof the Claims are made, and the Freehold, Copyhold, and Leaſehold Property from each other, and within what Pariſh and Townſhip the ſame are ſituated; and that no ſuch Claims ſhall be received by the ſaid Commiſſioners after the laſt Meeting to be held for that Purpoſe in conſequence of ſuch Notice as aforeſaid, and which ſhall be ſo expreſſed therein (except for ſome ſpecial Cauſe, to be allowed by the ſaid Commiſſioners); and after the ſaid Claims ſhall be ſo received, the ſaid Commiſſioners ſhall give ſuch publick Notice as before mentioned in the ſeveral Pariſh Churches of *Gainſburgh*, *Bliton*, and *Pilham* aforeſaid, or upon One of the moſt publick Doors of each of the ſaid Churches, of all ſuch Claims for Common Rights, and other Property, Rights, or Intereſts, in or upon the ſaid Common called *Morton Carr*, and the ſaid old Incloſures, Open and Common Fields, Ings, Meadows, Paſtures, and other Commonable Lands and Waſte Grounds, which ſhall have been ſo made before them, and appointing ſuch Days and Places when and where all Parties concerned may appear before them, and ſhew Cauſe for or againſt the Allowance or Diſallowance of the ſaid Claims, and at ſuch Meeting and Meetings the ſaid Commiſſioners ſhall proceed to examine into, and ſettle and determine the ſame; and in caſe any Doubts or Difficulties ſhall ariſe reſpecting ſuch Claims, or if any Diſputes or Differences ſhall happen between any of the ſaid Proprietors, touching their reſpective Rights or Claims, the ſaid Commiſſioners ſhall, and they are hereby authorized and required, by Examination of Witneſſes upon Oath, (which Oath the ſaid Commiſſioners, or any One or more of them, are or is hereby empowered to adminiſter), and by ſuch other Evidence as they ſhall think proper, to hear and determine the ſame, and ſuch Determination ſhall be binding and concluſive to all Parties, and ſuch Witneſſes ſhall be compellable to attend and be examined in Manner herein-after mentioned.

but not to determine upon Rights or Titles.

XV. 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 any Meſſuages, Cottages, Lands, Tenements, Common Rights, or other Rights, within the ſaid ſeveral Townſhips of *Morton*, *Walkerith*, *Eaſt Stockwith*, *Bliton*, *Wharton*, *Pilham*, and *Gilby*, for which the Parties may commence and proſecute ſuch Suits or Remedies at Law or in Equity as they ſhall be adviſed and think proper; but the ſaid Commiſſioners ſhall aſſign and ſet out the ſeveral Allotments herein-after directed to be made unto the Perſon or Perſons who at the Time of the ſaid Diviſion and Incloſure ſhall have the actual Seiſin and Poſſeſſion of the Common Rights, Meſſuages, Cottages, Lands, or Tenements, in lieu or in Right whereof ſuch Allotments ſhall be reſpectively made.

Suits not to impede the Incloſure.

XVI. 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

Diviſion and Incloſure hereby directed to be made ſhall be proceeded in notwithſtanding ſuch Differences or Suits.

Power to ſummon Witneſſes.

XVII. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, and alſo for any Arbitrators or Umpire to be appointed as herein-after mentioned, 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 referred to them reſpectively, 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 or Arbitrators, or Umpire, as the Caſe may be, 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, or Arbitrators, or Umpire, as the Caſe may be, and being firſt paid or tendered), and being thereof convicted before One of His Majeſty's Juſtices of the Peace for the Diviſion of *Lindſey* aforeſaid, upon Information thereof on Oath before any ſuch Juſtice, ſhall forfeit and pay ſuch Sum of Money, not exceeding Five Pounds, nor leſs than Forty Shillings, as ſuch Juſtice ſhall think reaſonable.

Commiſſioners to direct the Courſe of Huſbandry.

XVIII. And be it further enacted, That the ſaid Commiſſioners ſhall, as ſoon after the paſſing of this Act as conveniently may be, by ſome Writing or Writings under their Hands to be publiſhed as herein-before directed with reſpect to Notice of Meetings, order and direct the Courſe of Huſbandry that ſhall be uſed in, over, and upon the Lands and Grounds intended by this Act to be 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 alſo with reſpect to the ſtocking the ſaid Common called *Morton Carr*, agreeable and according to the Proportions in which the ſame is herein-after directed to be allotted to the ſeveral Perſons intereſted therein, and to the Quantity thereof which ſhall be capable of being depaſtured, until the ſame ſhall be divided and allotted, 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 ſaid ſeveral Townſhips of *Morton*, *Walkerith*, *Eaſt Stockwith*, *Bliton*, *Wharton*, *Pilham*, and *Gilby*, for preventing them from committing Waſte or Deſtruction upon any of the ſaid Lands and Grounds, in the ſaid ſeveral Townſhips, in the mean Time and until the Allotments and Diviſions thereof ſhall be effected, as to them ſhall ſeem expedient; all which Orders and Regulations of the ſaid Commiſſioners ſhall be binding and concluſive upon all Parties intereſted, their Farmers and Tenants; and that the ſaid Commiſſioners ſhall ſet and impoſe ſuch pecuniary Penalties and Forfeitures on every Perſon not conforming to ſuch Orders and Regulations as they ſhall think neceſſary, which Penalties and Forfeitures ſhall be paid to ſuch Perſon or Perſons, and for ſuch

Uſes

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 the Standage thereof, by the Owners of the Lands.

XIX. And be it further enacted, That the Tenants or Occupiers of the Lands and Grounds within the ſaid ſeveral Townſhips of *Morton*, *Walkerith*, *Eaſt Stockwith*, *Bliton*, *Wharton*, *Pilham*, and *Gilby* 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 way-going 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-ſix, and this Act had not been made, but nothing herein contained ſhall be conſtrued to extend to give any Tenant a Right to a following Crop where he was not entitled to the ſame before the paſſing of this Act; provided that they ſhall have purſued the ſame Courſe of Huſbandry with their Fallow and other Lands 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 way-going 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.

XX. 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, except only ſuch Part of the ſaid Common called *Morton Carr*, as ſhall be hereafter directed to be cultivated by the ſaid Commiſſioners in the mean Time, ſhall be ploughed or converted into Tillage, after the ſame ſhall be paſſed, until the making of ſuch Diviſion and Allotments thereof, and Notice given to enter upon ſuch Allotments.

XXI. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby authorized and required, previous to the making any Valuation, or any Diviſion and Allotment of the ſaid Common called *Morton Carr*, and the ſaid other Commonable Lands and Waſte Grounds, as herein-after is directed, (by ſuch Agents, Workmen, and Labourers, as they ſhall think fit to employ), to enlarge or make deeper any of the ancient Drains and Sewers already made upon the ſaid Common called *Morton Carr*, and any other Lands, within the ſaid ſeveral Townſhips, or any Part or Parts thereof, and to enlarge, raiſe, widen, or otherwiſe alter and improve any of the Cloughs, Arches, Bridges, or other Works already made thereon, and alſo to make, or cauſe to be made, ſuch Sluices or Cloughs, in ſuch Places as ſhall appear to the ſaid Commiſſioners to be moſt proper and convenient, to be built and erected in the Banks of the River *Trent*, between the Southern Extremity of the Townſhip of *Morton* and the Northern Extremity of the Townſhip of *Eaſt Stockwith* aforeſaid, of ſuch Dimenſions and Capacity, and in ſuch Manner and Form in every Reſpect as they the ſaid Commiſſioners ſhall think moſt effectual for the Purpoſes of draining, warping, and preſerving the ſaid Common called *Morton Carr*, and the ſaid other Lands or Grounds, and alſo to make, or cauſe to be made, all ſuch new Cuts, Drains, Dams, Sewers, Ditches, Banks, Tunnels, Outlets, Engines, Cloughs, Bridges, or other Works which ſhall appear needful for the Purpoſes aforeſaid, in, through, and upon, any Part or Parts of the ſaid Common called *Morton Carr*, and the ſaid other Lands or Grounds, and alſo in, through, and upon, the Banks of the ſaid River *Trent*, or any Lands or Grounds lying near or adjoining thereto, within the ſaid ſeveral Townſhips of *Morton*, *Walkerith*, *Eaſt Stockwith*, *Bliton*, *Wharton*, *Pilham*, and *Gilby*, or any of them, ſo that the ſame be not made in or cut through any Yard, Garden, Orchard, Croft, Paddock, Avenue, or any Cloſes or Grounds immediately adjoining to any Manſion Houſe; and alſo to make or cauſe to be made any Tunnels under any Ways or Roads, within any of the ſaid Townſhips of *Morton*, *Walkerith*, *Eaſt Stockwith*, *Bliton*, *Wharton*, *Pilham*, and *Gilby*, as they the ſaid Commiſſioners ſhall, from Time to Time, think neceſſary and convenient; and alſo to make and erect, or cauſe to be made and erected, any Culvert or Culverts under any of the Works of Drainage now in being within the ſaid ſeveral Townſhips, or any of them; and the ſaid Commiſſioners are hereby empowered, and expreſsly directed and required, by and with the Advice and Aſſiſtance of ſuch Engineer or Engineers as they ſhall think proper to employ, to examine and conſider the State and Condition of the preſent Banks of the River *Trent*, within the ſaid ſeveral Townſhips, and to repair, ſtrengthen, enlarge, raiſe, alter, ſupport, and maintain the ſaid Banks, ſo and in ſuch Manner as that the ſame ſhall be and become ſufficient and fully effectual, in the Judgement of the ſaid Commiſſioners, for defending and preſerving from Floods the ſaid Common called *Morton Carr*, and the other Lands and Grounds within the ſaid ſeveral Townſhips liable thereto; and the ſaid Commiſſioners are hereby alſo empowered and directed, when and ſo ſoon as the ſaid Drains, Banks, and other Works, or any Part thereof, ſhall be ſufficiently made and completed, at any Time or Times, as they ſhall judge proper and expedient, to ſet open, and afterwards ſhut, all or any of ſuch Sluices, for the Purpoſe of flooding, overflowing, and warping, by the Waters of the River *Trent*, all ſuch Parts of the ſaid Common called *Morton Carr*, and

Drainage Powers.

and the ſaid other Commons, old Incloſures, Lands, and Grounds, as can be ſo flooded and warped, to the End and Intent that the ſame may be ſufficiently and effectually ameliorated and improved by ſuch flooding and warping, as ſoon after the paſſing of this Act as the ſame can be carried into Execution and Effect; and the Charges and Expences of all ſuch Works of Drainage, Warping, and Embankment as aforeſaid, ſhall be raiſed and paid by ſuch Perſons, and in ſuch Manner as herein-after is directed concerning the ſame reſpectively; and the ſaid Commiſſioners are hereby directed and required to make ſuch Recompence and Satisfaction to any Perſon or Perſons in whoſe Lands or Grounds, (not being Part of the ſaid Common called *Morton Carr* hereby directed to be incloſed), any ſuch Cuts, Drains, Banks, Sewers, Sluices, or other Works, ſhall be made, or who may be prejudiced thereby, or by means or in conſequence thereof, or by any Inundation to be occaſioned by any of the Works aforeſaid, for the Value of the Ground to be uſed for the Purpoſes aforeſaid, and all ſuch other Damages which he, ſhe, or they ſhall thereby ſuſtain, as ſhall or may be agreed upon between the ſaid Commiſſioners and the Owner or Owners, or the Perſon or Perſons who ſhall be prejudiced as aforeſaid, (except as herein-after is mentioned), and effectually to ſecure, protect, and defend, the Banks of the River *Trent*, adjoining or near to ſuch Sluices ſo to be made by the ſaid Commiſſioners, from all Damage to be occaſioned by ſuch draining, warping, and flooding; and ſuch Recompence and Satisfaction ſhall and may be raiſed and paid in the ſame Manner as the other Expences of executing this Act, and ſhall be made and accepted in full Satisfaction for all ſuch Damages as aforeſaid; and if the ſaid Commiſſioners and ſuch Perſon or Perſons cannot agree concerning the Amount of ſuch Damages, then the ſame ſhall be aſſeſſed, adjudged, and finally determined before ſuch of the Juſtices of the Peace as ſhall be aſſembled at any General Quarter Seſſions of the Peace which ſhall be held at *Kirton*, for the Diviſion of *Lindſey*, in the ſaid County of *Lincoln*, within Six Calendar Months after the ſaid Damages ſhall have accrued, or the major Part of them, not being intereſted in the Matter in Diſpute, after One Calendar Month's Notice in Writing ſhall be given to the ſaid Commiſſioners by the Perſon or Perſons complaining of ſuch Damage, that an Application will be made to the ſaid Quarter Seſſions; and in caſe ſuch Owner or Owners, or Perſons prejudiced as aforeſaid, ſhall make Oath that, in his, her, or their Opinion or Judgement, ſuch Damages exceed the Value of Forty Shillings, ſuch Juſtices ſhall and they are hereby authorized and required to charge the Jury which ſhall attend at ſuch Seſſions, or ſome other Jury of Twelve honeſt and diſintereſted Men, (to be then and there impannelled and returned by the Sheriff of the ſaid County of *Lincoln*, without Fee or Reward), and cauſe them to be ſworn well and truly on their Oaths to aſſeſs the Recompence to be made for ſuch Damages, which Oath the ſaid Juſtices are hereby required to adminiſter to the ſaid Jurymen, to which Jurymen the ſaid Commiſſioners and the Parties complaining ſhall have their lawful Challenges; and the ſaid Jury being ſo charged and ſworn as aforeſaid, and after proper Evidence upon Oath to them given of the Nature of ſuch Damages, ſhall by their Verdict aſſeſs the Damages and Recompence to be made for the ſame to ſuch Owner or Owners, or Perſons prejudiced as aforeſaid; and the Verdict of the Jury, and the Judgement of the Juſtices thereupon, ſhall be final and concluſive to all Parties: Provided always, that ſuch Juſtices ſhall

and may adjourn such Appeal to any other Sessions of the Peace for the Division aforesaid, and finally determine the same at any of the said Sessions, and give Costs to either Party as they shall think reasonable; but it shall be lawful for the Agents, Servants, and Workmen of or other Persons employed by the said Commissioners, or by the Trustees hereinafter directed to be appointed for the Time being, and by their Orders and Directions respectively, and not otherwise, to enter upon, and to cut, dig, take, and carry away any Quantity of Earth or Materials for the Purpose of repairing, enlarging, raising, supporting, and maintaining the said Banks of the River *Trent*, in, upon, out of, or from the several Lands and Grounds adjoining or near to the said Banks, the Owners whereof are by the Tenure, or in respect of such Lands or Grounds, subject to or chargeable with the making, repairing, and supporting, the said Banks, without making any Recompence or Satisfaction for the Value of such Earth or Materials, or for the Damage thereby occasioned, so far as the same shall be necessary for repairing, maintaining, supporting, and improving, the said Banks, in such Manner as the several Persons chargeable therewith are now liable to repair, maintain, support, and improve the same, but making a Recompence and Satisfaction for such Materials as shall be used or taken, and for such Damages as shall be occasioned by enlarging, strengthening, changing, or altering the said Banks, beyond the Shares and Proportions of the Charges and Expences thereof to be borne and paid by the several Persons so chargeable, as herein-after is expressed, and directed to be ascertained and fixed by the said Commissioners, in such and the like Manner as herein-before is provided with respect to the Damages which shall be occasioned by the said Works of Drainage: Provided that no greater Quantity of Earth or Materials be cut, dug, or taken, upon or from the Lands or Grounds of each Proprietor respectively, than will be sufficient for repairing, enlarging, altering, strengthening, supporting, and maintaining, such Part or Extent of the said Banks as every such Proprietor is so liable to repair and support respectively, and that no Earth or Materials for any of the Purposes aforesaid shall be dug or taken from any Lands or Grounds adjoining, or lying on the East Side of the said Banks, except in such Cases where a sufficient Quantity of Earth or Materials necessary to support the said Banks, in such Manner as the same are now liable to be supported by the said Proprietors, cannot be obtained from the Foreshore or West Side of the said Banks adjoining the River, and not in any Case before all the Materials necessary for such Repairs, which can be obtained from such Foreshore, shall be applied for that Purpose.

Land to be sold for defraying the Expences of this Act.

XXII. And be it further enacted, That the said Commissioners shall, immediately after the Plot or Parcel of Land herein-after mentioned shall have been, in the Judgement of the said Commissioners, sufficiently improved by flooding and warping the same, set out and allot so much and such Part of that Part of the said Common called *Morton Carr* as adjoins to the Inclosures of *Ransfleet* otherwise *Ravensfleet*, in the Township of *East Stockwith*, on or towards the North, and to *Wildsworth Common* on the East (not exceeding Four hundred Acres in the Whole), in order by Sale thereof to raise a Sum of Money for or towards paying the Charges and Expences of obtaining and passing this Act, and of dividing and allotting the said Common called *Morton Carr*, and draining, embanking, flooding, warping, and improving the same, in the Manner herein-after mentioned,

mentioned, 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 of the ſaid Common called *Morton Carr*, and carrying this Act into Execution, ſo far only as all ſuch Charges and Expences ſhall relate to or concern the ſaid Common called *Morton Carr*, but not including ſuch Proportion thereof (except the Expence of Works neceſſary for warping) as would have belonged to the Tythe Owners Share of ſuch Parcel of Land, and to ſell ſuch Allotment or Allotments to any Perſon or Perſons for the beſt Price or Prices that can be reaſonably had or gotten for the ſame, and One Seventh Part at leaſt of the Money for which ſuch Land ſhall be ſold ſhall, at the Time of ſuch Sale, be depoſited by the Purchaſer or Purchaſers in the Hands of the ſaid Commiſſioners, and the Remainder of ſuch Purchaſe Money ſhall be paid to the ſaid Commiſſioners at ſuch Time as ſhall be agreed upon between them and ſuch Purchaſer or Purchaſers, not exceeding Six 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 as relates to the ſaid Common called *Morton Carr*, 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 Allotment, the ſame ſhall be veſted in Fee Simple in the Purchaſer or Purchaſers, and ſhall be aſſigned or allotted to him or them in and by the ſaid Award, or in or by any Writing to be ſigned and ſealed by the ſaid Commiſſioners previous to the ſaid Award; and all the Money ariſing from ſuch Sale or Sales ſhall be applied by the ſaid Commiſſioners in defraying the ſeveral Charges and Expences, and in making ſuch Satisfaction for Damages as aforeſaid (except the Charges of ſuch Repairs of the Banks of the River *Trent* as are herein-after 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 Perſons intereſted in the ſaid Common called *Morton Carr*, in ſuch Manner, Shares, and Proportions as the ſaid Commiſſioners ſhall think proper according to the Shares and Intereſts of the Proprietors therein reſpectively: 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, Expences, and Damages aforeſaid (except as after-mentioned), then the Deficiency ſhall be made up by the ſeveral Perſons intereſted in the ſaid Common called *Morton Carr*, hereby intended to be divided and incloſed (other than and except His Royal Highneſs the Prince of *Wales*, the ſaid ſeveral Tythe Owners, and alſo ſuch 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; and ſo much of the Charges and Expences of repairing, ſtrengthening, raiſing, ſupporting, and maintaining, the ſaid Banks of the River *Trent*, as ſhall be laid out and expended in putting the ſame into good and complete Repair, according to the Dimenſions which the ſame now are or ought to be of, or as the ſeveral Perſons chargeable therewith were immediately before the paſſing of this Act liable to repair and ſupport the ſame, and in ſuch Manner as the Commiſſioners of Sewers could or by Law might have directed and compelled ſuch Perſons to repair, amend, ſupport, and improve the ſame, ſhall be paid, borne, and defrayed by the ſeveral Perſons ſubject to or chargeable with the repairing and ſupporting the

ſaid

ſaid Banks, in reſpect of any Lands or Grounds held by them adjoining or near to the ſaid Banks, or to the River *Trent*, according and in Proportion to the Parts and Shares of the ſaid Banks which ſuch ſeveral Perſons are or ſhall be liable to repair, maintain, and ſupport, reſpectively; and all ſuch further Charges and Expences as ſhall, from Time to Time, be occaſioned by the enlarging, ſtrengthening, raiſing, changing, or altering the ſame, in ſuch Manner as the ſaid Commiſſioners, or the Truſtees herein-after appointed, ſhall think neceſſary as aforeſaid, ſhall be paid and diſcharged by and out of the Money to ariſe by Sale of the ſaid Lands and Grounds herein-before directed to be ſold by the ſaid Commiſſioners, or otherwiſe the ſame ſhall be paid by the ſeveral Perſons intereſted in the ſaid Common called *Morton Carr*, in ſuch Manner as is herein-before directed with reſpect to the General Expences of the ſaid Works of Drainage, Warping, and Embanking, as before mentioned; and the ſaid Commiſſioners are hereby directed and required to conſider and determine and to deſcribe, ſpecify, and ſet forth, in and by their Award herein-after mentioned, in what Proportion all future Expences of repairing, ſtrengthening, enlarging, raiſing, ſupporting, and maintaining, the ſaid Banks of the River *Trent* ſhall be paid, borne, and diſcharged by the ſeveral Perſons now chargeable with repairing and ſupporting the ſame, and their Heirs, Succeſſors, and Aſſigns, and what Proportion thereof by the Proprietors of the ſaid Common called *Morton Carr*, and of the other Lands and Grounds benefited by ſuch Banks; and the ſaid Commiſſioners ſhall alſo, in and by the ſaid Award, deſcribe and diſtinguiſh the ſeveral Perſons now liable to repair and ſupport the ſaid Banks, and the Lands and Grounds in reſpect whereof ſuch Perſons are ſo chargeable, and the ſeparate and diſtinct Parts and Shares of the ſaid Banks, which ſuch Perſons are ſo liable to repair and ſupport reſpectively; and in caſe any Perſon herein-before made ſubject to the Payment of any Money towards the ſaid Charges and Expences as aforeſaid, ſhall neglect or refuſe to pay his or her Share or Proportion thereof, within the Term to be appointed as aforeſaid, the ſame ſhall and may be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon, by Warrant under the Hands and Seals of the ſaid Commiſſioners, and the Overplus (if any) after deducting the Charges of ſuch Diſtreſs and Sale, ſhall be returned to the Perſon whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold.

Works of Drainage not to be ſubject to the Law of Sewers.

XXIII. Provided always, and be it further enacted, That the ſeveral Banks of the River *Trent*, and all other Banks, Drains, Cuts, Sewers, Ditches, Cloughs, Bridges, or other Works, now in being, or which may hereafter be made or altered by virtue of this Act, within the ſaid ſeveral Townſhips, ſhall not be ſubject to the Controul, Direction, Survey, or Order of any Commiſſion of Sewers, or any Law or Statute relating to Sewers; any Thing herein or in any former Law or Statute to the contrary notwithſtanding.

Bridges to be made over Drains.

XXIV. And be it further enacted, That if by the making of any Drain, Ditch, or other Work, by virtue or in purſuance of this Act, the Paſſage of any Perſon or Perſons to or from his, her, or their Grounds, with Cattle or Carriages, ſhall be prevented or interrupted, the ſaid Commiſſioners ſhall, and they are hereby required, before or immediately after ſuch Works

ſhall be completed, to cauſe proper Bridges to be built for the convenient Paſſage of the Occupier or Occupiers of ſuch Grounds reſpectively to and from the ſame, with his, her, and their Cattle and Carriages, and to defray the Expences of making and erecting ſuch Bridges in the ſame Manner as the general Works of Drainage are hereby directed to be raiſed and paid, but in caſe any Lands, the Paſſage to which ſhall be ſo interrupted, ſhall not exceed One Acre, it ſhall be lawful for the ſaid Commiſſioners to make Satisfaction to the Proprietor or Proprietors thereof for the Value of the ſame, by an Allotment of Land in or upon the ſaid Lands and Grounds hereby directed to be divided and incloſed, and the Land for which Satisfaction ſhall be ſo made ſhall from thenceforth be conſidered as Part of the Lands and Grounds directed by this Act to be divided and incloſed, and ſhall be ſet out and allotted by the ſaid Commiſſioners accordingly.

If any Fence or Ditches are filled up, Poſts and Rails to be fixed.

XXV. Provided always, and be it further enacted, That when and as often as it ſhall be found neceſſary for carrying this Act into Execution to fill up any Ditch or Ditches which is or are uſed for Fences, the ſaid Commiſſioners ſhall, and they are hereby required to order and direct ſufficient Poſts and Rails, or other ſufficient Fences, to be made in the Room of ſuch Ditch or Ditches ſo filled up, in ſuch Manner as that the Owners or Proprietors of the adjacent Grounds may ſuffer no Damage by the filling up of ſuch Ditch or Ditches reſpectively.

Commiſſioners to aſcertain the Value of Lands benefited by Drainage, as the Rule for future Aſſeſſments for preſerving thoſe Works.

XXVI. And whereas it is reaſonable and juſt that the Expence of preſerving, continuing, and ſupporting all ſuch Works of Drainage and Warping as are herein-before directed to be made by the ſaid Commiſſioners, ſhall be charged upon, and paid and contributed by the Owners and Proprietors of the Lands and Grounds to be benefited thereby, according to the Quantity and Quality thereof, and to the Benefit that ſuch Lands and Grounds will receive therefrom; be it therefore enacted, That the ſaid Commiſſioners ſhall ſet down in Writing, according to the Survey herein-before directed to be taken, an Account of the Number of Acres, Roods, and Perches of the ſaid Common called *Morton Carr*, and of the ſaid other Commons, old Incloſures, Lands, or Grounds, which ſhall be benefited by ſuch Drainage and Warping, and of the Annual Value of ſuch Lands and Grounds, and the Names of the Proprietors to whom the ſame ſhall belong, or ſhall be allotted reſpectively, by virtue of this Act, for the Purpoſe of aſcertaining and determining the Rates and Proportions according to which the ſaid Lands and Grounds ſhall at all Times thereafter be charged and aſſeſſed, for preſerving and ſupporting ſuch Works of Drainage and Warping as aforeſaid; and ſuch Particulars and Valuation ſhall be inſerted in the Award of the ſaid Commiſſioners herein directed to be made, and ſhall be the Rule and Proportion by which all Rates and Aſſeſſments to be hereafter made for preſerving and ſupporting ſuch Works of Drainage and Warping ſhall be aſſeſſed, charged, and regulated, by the Truſtees to be hereafter appointed for preſerving and ſupporting the ſame, by virtue of this Act.

For empowering the Commiſſioners to raiſe

XXVII. And, for facilitating the Execution of this Act, and for the better enabling the ſaid Commiſſioners to execute and complete the ſaid Works of Drainage and Warping herein-before directed, as ſoon as may be

be after the paſſing of this Act, be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and empowered, immediately after the paſſing of this Act, or at ſuch Time or Times as they ſhall think proper, before the Sale of the Lands hereinbefore directed to be ſold by them as aforeſaid, to borrow and take up at Intereſt of any Perſon or Perſons who ſhall be willing to advance and lend the ſame, ſuch Sum or Sums of Money as they ſhall find neceſſary for diſcharging the Expences of obtaining this Act, and the reaſonable Charges and Expences of the ſaid Commiſſioners in executing the ſame, ſo far as relates to the ſaid Common called *Morton Carr*, and of ſurveying, meaſuring, draining, and warping, and more effectually embanking the ſaid Carr, and ſuch other Charges and Expences relative thereto as ſhall be incurred in the Execution of this Act, until the Lands hereinbefore directed to be ſold for the Purpoſes aforeſaid ſhall be ſold and conveyed, and the Purchaſe Money for the ſame ſhall be received by the ſaid Commiſſioners; and for ſecuring the Re-payment of ſuch Sum and Sums of Money ſo to be borrowed, with Intereſt for the ſame, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby fully authorized and required, by any Deed or Deeds, Writing or Writings under their Hands and Seals, to be atteſted by Two or more credible Witneſſes, to charge all and every or any Part, Share, or Proportion, either divided or undivided, of the ſaid Common called *Morton Carr*, with and for the Payment of ſuch Sum or Sums of Money, and Intereſt for the ſame, and by the ſame Deed or Deeds, Writing or Writings reſpectively, to grant, mortgage, leaſe, or demiſe the ſaid Common called *Morton Carr*, or any ſuch Part, Share, or Proportion thereof as aforeſaid, unto the Perſon or Perſons ſo lending or advancing ſuch Sum or Sums of Money reſpectively, and his, her, or their Executors, Adminiſtrators, and Aſſigns, 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 or Sums of Money thereon reſpectively ſecured, with the Intereſt thereof, ſhall be paid and ſatisfied; and the Receipt and Receipts of the ſaid Commiſſioners, in Writing under their Hands, ſhall be good and effectual Diſcharges to the Perſon or Perſons ſo lending or advancing ſuch Sum or Sums of Money reſpectively, and they, or any of them, ſhall not, after ſuch Receipt or Receipts ſhall be ſo given, be anſwerable or accountable for the Money ſo received, or for the Miſapplication of the ſame, or any Part thereof; and after ſuch Receipt or Receipts ſhall be ſo given, every ſuch Charge, Grant, Mortgage, or Demiſe to be made by the ſaid Commiſſioners as aforeſaid, ſhall be valid and effectual in the Law for the Purpoſes thereby intended, and ſhall precede and take Place of all other Eſtates, Titles, Charges, and Incumbrances whatſoever, for or in any reſpect affecting the Premiſes which ſhall be ſo charged, granted, or demiſed, and ſhall be aſſigned and transferrable from Time to Time; 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 reſpectively, 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, are, or may be uſed, taken, and purſued in all Caſes of the like Nature; and the ſaid Commiſſioners ſhall, and

Money on Mortgage for executing the Works of Drainage, and other Purpoſes of this Act, ſo far as reſpects *Morton Carr*.

and they are expreſsly directed and required to apply and diſpoſe of the Money to ariſe by Sale of the ſaid Lands herein-before directed to be ſold by them, when and ſo ſoon as the ſame, or any Part thereof, ſhall be received by them, in paying and diſcharging the Principal Sum or Sums of Money, which they ſhall have ſo borrowed, and the Intereſt thereof reſpectively, until the Whole of ſuch Principal Money and Intereſt ſhall be diſcharged; and in caſe all ſuch Purchaſe Money ſhall be inſufficient to diſcharge the ſaid Principal Money and Intereſt, then the Reſidue thereof ſhall be raiſed and paid by the ſaid Commiſſioners, by and out of ſuch Rates and Aſſeſſments upon the Proprietors of the ſaid Common called *Morton Carr*, as are herein-after directed to be made by the ſaid Commiſſioners, and ſhall be paid in ſuch Shares and Proportions, and within ſuch Time as the ſaid Commiſſioners ſhall direct and appoint.

Power for Commiſſioners to join Drains, *etc.* and make Agreements for that Purpoſe.

XXVIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, by and with the Conſent and Approbation of a Majority in Value of the Owners and Proprietors of the Lands and Grounds lying lower down the ſaid River *Trent* than the Northern Extremity of the Townſhip of *Eaſt Stockwith* aforeſaid, but not otherwiſe, to join and connect any of the Drains or Sewers to be made by virtue of this Act, with any Drains or Sewers made or to be made in, upon, or through any Lands or Grounds lying or being North of or below the ſaid Common called *Morton Carr*, as far as and to and through the Townſhip of *Suſworth*, in the ſaid County of *Lincoln*, or as much lower as may be thought neceſſary, in order to effect and obtain a better Drainage and lower Outfall into the River *Trent*, for diſcharging and carrying off the Waters from the ſaid Carr, and to make any Agreement and Agreements, Contract and Contracts, with any Proprietor or Proprietors of ſuch Lands or Grounds for that Purpoſe, and upon ſuch Terms and Conditions as the ſaid Commiſſioners ſhall think proper for the better carrying into Effect the Powers hereby veſted in them; and the Charges and Expences to be occaſioned thereby ſhall be paid and diſcharged in the ſame Manner as the Expences of making and completing the ſaid Works of Drainage, Warping, and Embankment, are herein-before directed to be paid: Provided always, that all and every Perſon and Perſons compoſing ſuch Majority as aforeſaid ſhall, by virtue of this Act, be fully empowered to make any ſuch Agreements or Contracts with the ſaid Commiſſioners, notwithſtanding any legal or other Diſabilities whatſoever.

Not to make Drains, *etc.* through the Lands of Lady Viſcounteſs *Irwin*, without Conſent.

XXIX. Provided always, and be it further enacted, That nothing in this Act contained ſhall authorize the ſaid Commiſſioners, or any other Perſon or Perſons, to make any Drains, Sewers, Watercourſes, or other Works authorized to be made by this Act, in, through, over, or upon any of the Lands or Grounds of or belonging to the Right Honourable *Frances* Lady Viſcounteſs *Irwin*, ſituate in *Wildſworth* and *Scotton*, or either of them, or elſewhere, in the ſaid County of *Lincoln*, and not intended to be incloſed by virtue of this Act, without the Conſent in Writing of the ſaid *Frances* Lady Viſcounteſs *Irwin*, or of the Perſon or Perſons ſeiſed, and in the actual Poſſeſſion of ſuch Lands or Grounds for the Time being, for that Purpoſe firſt had and obtained.

XXX. Pro-

Not to make Drains, *etc.* through the Lands of Sir *John Frederick* Bart. without Conſent.

XXX. Provided always, and be it further enacted, That nothing in this Act contained ſhall authorize the ſaid Commiſſioners, or any other Perſon or Perſons, to make any Drains, Sewers, Watercourſes, or other Works authorized to be made by this Act, in, through, over, or upon any of the Lands or Grounds of or belonging to Sir *John Frederick* Baronet, ſituate in *Eaſt Ferry*, and the Parish of *Scotton*, or either of them, or elſewhere, in the ſaid County of *Lincoln*, and not intended to be incloſed by virtue of this Act, without the Conſent in Writing of the ſaid Sir *John Frederick*, or of the Perſon or Perſons ſeiſed, and in the actual Poſſeſſion of ſuch Lands or Grounds for the Time being, for that Purpoſe firſt had and obtained.

Management of future Drainage and Warping to devolve on Truſtees.

XXXI. And be it further enacted, That, from and after the Execution of the ſaid Award, all and every the Appointments of the Commiſſioners herein-before named, and their Succeſſors, to be elected as aforeſaid, and the Powers by this Act given to and veſted in them, or any of them, of any Nature or Kind whatſoever, touching or concerning the Execution of this Act, or any Part thereof, ſhall abſolutely ceaſe and determine, any Thing herein-before contained to the contrary in anywiſe notwithſtanding, and from thenceforth the future Preſervation and Support of the ſaid Banks of the River *Trent*, and of all the ſaid Works of Drainage, Warping, and Embankment ſhall devolve upon, and for ever thereafter be veſted in Three Perſons, to be elected and appointed in Manner following; (that is to ſay), all and every the Proprietors of the ſaid Lands and Grounds which, by the ſaid Commiſſioners hereby appointed, ſhall be declared to receive Benefit from the ſaid Works of Drainage and Warping, or their Deputies or Agents, to be appointed by Writing under their Hands reſpectively, or the major Part of them in Value, ſhall, at a Meeting to be held at *Gainſburgh* aforeſaid for that Purpoſe, by the Commiſſioners hereby appointed, or their Succeſſors, at the Time of, or within Three Calendar Months previous to the Execution of their ſaid Award, (of which Meeting One Month's Notice ſhall be given by the ſaid Commiſſioners in the Manner that other Notices are in and by this Act directed to be given by the ſaid Commiſſioners), by Writing under the Hands of the ſaid Proprietors, their Deputies or Agents, or the major Part of them in Value, nominate and appoint Three Perſons to be Truſtees for the Purpoſes of maintaining, ſupporting, and preſerving the ſaid Banks and Works of Embankment, Drainage, and Warping, which ſaid Truſtees ſhall continue to act in the Execution of this Act until the Election of others in their Stead as herein-after is mentioned; and it ſhall be lawful for any Five Proprietors of the ſaid Lands and Grounds benefited by the ſaid Works of Drainage, Warping, and Embankment, poſſeſſing Ten Acres or more thereof, at any Time after the Expiration of Three Years from the Election of the ſaid Truſtees as beforementioned, and ſo from Time to Time and at all Times after the End of Three Years from the Time of every Election of Truſtees, by Writing under the Hands of ſuch Five Proprietors, or in caſe and ſo often as any Truſtees ſhall die or refuſe to act, or become incapable of acting, to cauſe publick Notice to be given in ſuch Manner as Notices are directed to be given by this Act by the ſaid Commiſſioners, of a Meeting to be held at *Gainſburgh* aforeſaid, for the Election of new Truſtees, or a new Truſtee, for the Purpoſes aforeſaid; and the ſaid Proprietors laſt-mentioned, and their

Deputies and Agents, ſhall and may, at every ſuch Meeting, chuſe new Truſtees, or a new Truſtee, for the further putting this Act into Execution, as the Caſe may require, in ſuch and the ſame Manner, and under the ſame Regulations, as the original Truſtees are hereby directed to be choſen, provided that no Perſon chargeable with any Rate by virtue of this Act, ſhall be capable of being appointed a Truſtee as aforeſaid; and all and every ſuch Truſtee and Truſtees, ſo to be elected, ſhall continue to act in the Execution of this Act, until the Election of others in their Stead, in Manner before mentioned, and no longer; and ſuch ſeveral Truſtees ſhall, and are hereby declared to be Truſtees for putting in Execution the Powers and Authorities hereby given to them, as herein-after is expreſſed; and where in this Act Power is given to the ſaid Truſtees to do any Act or Thing, or make any Order, Rule, or Regulation, ſuch Power ſhall be conſidered to be veſted in the ſaid Truſtees, or any Two of them; but no Perſon ſhall act as a Truſtee in Execution of any of the Powers hereby given, except the Power of adminiſtering the Oath herein-after directed, until he ſhall have taken and ſubſcribed an Oath to the ſame Effect as is herein-before directed to be taken and ſubſcribed by the ſaid Commiſſioners previous to their executing any of the Powers of this Act, and it ſhall be lawful for any One of the ſaid Truſtees to adminiſter the ſame to any other of them; and every ſuch Oath, ſo taken and ſubſcribed by the ſaid Truſtees, ſhall be inrolled in the ſame Manner as the Award of the ſaid Commiſſioners is herein-after directed to be inrolled, and ſhall be deemed legal Evidence; and the ſaid ſeveral Truſtees ſo to be elected ſhall be paid and allowed, out of the Rates and Taxes ſo to be charged and aſſeſſed by them, as herein-after is mentioned, ſuch Sum and Sums of Money for their Time, Trouble, and Expences, in the Execution of this Act, as the Proprietors ſo electing ſuch Truſtees reſpectively ſhall determine and agree upon at the Time of ſuch Election, and which Allowance ſhall be ſpecified in the Inſtrument or Writing whereby ſuch Truſtees ſhall be elected as aforeſaid.

Power of the Truſtees.

XXXII. And be it further enacted, That the ſaid Truſtees ſo to be appointed ſhall, and they are hereby directed and required, from Time to Time, and at all Times for ever hereafter, by themſelves, or by ſuch Agents or Workmen, and with the Advice of ſuch Engineer or Engineers as they ſhall think proper to employ and conſult, to inſpect, view, and examine the State and Condition of the ſaid Banks, and all ſuch Works of Embankment, Drainage, and Warping, as ſhall have been made and executed, and ſhall remain and continue at the Time of the Execution of the ſaid Award, and to repair, amend, ſcour, cleanſe, enlarge, change, alter, and improve the ſame, and alſo to make ſuch other new Works as they ſhall judge neceſſary for the Purpoſe of preſerving and ſupporting ſuch Works of Drainage and Warping as aforeſaid, and for the more effectually draining, warping, improving, and preſerving the ſaid Lands and Grounds within the ſaid ſeveral Townſhips, capable of being benefited thereby; and the ſaid Truſtees ſhall at all Times thereafter, when and as they ſhall judge it neceſſary and expedient, and with due Attention to the Application of the reſpective Proprietors requiring the ſame, ſet open, and afterwards ſhut all or any of the ſaid Sluices, for the Purpoſe of flooding, overflowing, and warping ſuch Parts of the ſaid Lands and Grounds as they ſhall think neceſſary

ceſſary to be again improved by ſuch flooding and warping, making ſuch Satisfaction and Recompence for all Damages to be occaſioned by or in conſequence of ſuch Works, or by ſuch flooding and warping, in like Manner as is herein-before directed with reſpect to the Works to be made and executed by the ſaid Commiſſioners hereby appointed; and the ſaid Truſtees are hereby alſo empowered and directed to aſſeſs, tax, and charge, all and every the ſaid Lands and Grounds ſo liable to be charged to ſuch Works of Drainage and Warping as aforeſaid, and the Owners and Occupiers thereof reſpectively, for the doing thereof, and for the Damage to be occaſioned thereby, by a proportionable Rate or Aſſeſſment, according to the Value of ſuch Lands and Grounds, ſo to be determined and aſcertained by the ſaid Commiſſioners, in and by their ſaid Award as aforeſaid, in ſuch Sum or Sums of Money as ſhall from Time to Time be neceſſary for ſupporting, maintaining, and improving the ſaid Works of Drainage, Embankment, and Warping, and executing the other Powers hereby veſted in the ſaid Truſtees, and defraying the other neceſſary Expences incident thereto, having due Regard to the particular Benefit to be received by each Proprietor, and by Writing under their Hands, from Time to Time, to appoint ſuch Days for the Payment thereof reſpectively to the ſaid Truſtees, or ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, as they the ſaid Truſtees ſhall think proper; but in making ſuch Aſſeſſments the ſaid Truſtees ſhall charge and aſſeſs the ſeveral Perſons liable to repair and ſupport the ſaid Banks of the River *Trent*, in reſpect of ſuch Lands and Grounds as aforeſaid, with and for ſuch Sums of Money, for their ſeveral Parts and Shares of the Charges and Expences of repairing, ſupporting, and improving the ſame Banks, as they ſhall reſpectively be liable to pay and chargeable with, according and purſuant to the Proportions ſo to be aſcertained and determined by the ſaid Commiſſioners, and expreſſed in their ſaid Award as before-mentioned, and the Parts and Shares of ſuch Charges and Expences, to be paid by the ſaid general Proprietors, ſhall be borne and paid by the Proprietors of all the ſaid Lands and Grounds benefited by the ſaid Works of Drainage, Warping, and Embankment, and ſhall be diſcharged out of the general Rates and Aſſeſſments upon the ſaid Proprietors of ſuch Lands and Grounds benefited thereby, according to the Proportion ſo to be fixed and aſcertained by the ſaid Commiſſioners, except in Caſes of extraordinary or uncommon Damage to the ſaid Banks of the River *Trent*, or where new or unuſual Works ſhall be deemed neceſſary by the ſaid Truſtees, and ſhall be accordingly made and executed for changing, altering, or enlarging the ſaid Banks, in which Caſes it ſhall be lawful for the ſaid Truſtees for the Time being, and they are hereby authorized and empowered to tax and aſſeſs ſuch Share and Proportion of the extraordinary Expences to be occaſioned thereby on the ſeveral Perſons chargeable with ſupporting the ſaid Banks, as they ſhall think juſt and reaſonable, according to the exiſting Circumſtances, and the Reſidue and Remainder of ſuch Expences ſhall be borne and paid by the Proprietors of all the ſaid Lands and Grounds benefited by the ſaid Works of Drainage, Warping, and Embankment, and ſhall be diſcharged out of the general Rates and Aſſeſſments upon the ſame Proprietors, in which laſt-mentioned Caſes the ſaid Truſtees ſhall not be bound to adhere to or obſerve the Proportions that ſhall be fixed by the ſaid Commiſſioners, in their ſaid Award, for aſſeſſing the

Charges

Charges and Expences of ſupporting, altering, and improving the ſaid Banks.

For recovering Aſſeſſments made by the Truſtees.

XXXIII. And be it further enacted, That when and ſo often as any of the Perſons ſo to be rated, taxed, or aſſeſſed as aforeſaid, or any of the ſaid Proprietors or Perſons chargeable with the Repair of the ſaid Banks, ſhall refuſe or neglect to pay the ſeveral Sums which ſhall be aſſeſſed and charged upon them reſpectively by the ſaid Truſtees, by virtue of this Act, for any of the Purpoſes aforeſaid, to the Perſon or Perſons appointed to receive the ſame, within the Space of Thirty Days next after the reſpective Times appointed for Payment thereof reſpectively by the ſaid Truſtees, it ſhall be lawful for the ſaid Truſtees, by any Warrant or Warrants under their Hands and Seals, directed to ſuch Perſon or Perſons as they ſhall think proper, to cauſe the ſaid Sums reſpectively to be levied by Diſtreſs and Sale of the Goods and Chattels of the Proprietor or Proprietors, Perſon or Perſons, ſo making Default in Payment as aforeſaid, whereſoever the ſame ſhall be found, or of the Occupier or Occupiers of any Lands or Grounds belonging to ſuch Owner or Proprietor, Perſon or Perſons, and lying within the ſaid Townſhips or Pariſhes, or of any Goods and Chattels of any Perſon whatſoever, which ſhall be found upon any ſuch Grounds, rendering the Overplus ariſing by ſuch Sale (if any be) after deducting the Sum or Sums to be levied thereby, and the Charges of taking, keeping, appraiſing, and ſelling the ſaid Diſtreſs and Diſtreſſes, to the Owner or Owners of ſuch Goods and Chattels, on Demand; and the ſeveral and reſpective Tenants of all and ſingular the ſaid Lands and Grounds, on which any ſuch Diſtreſs ſhall be taken, are hereby authorized and required to pay any Sum or Sums of Money, for which any ſuch Diſtreſs ſhall be made, and to deduct the ſame out of his, her, and their Rent; and every Tenant who ſhall make any ſuch Payment ſhall be acquitted and diſcharged for ſo much Money ſo by him or her paid, as if the ſame had been actually paid unto the Perſon or Perſons to whom ſuch Rent was due or payable, and may retain the Poſſeſſion of ſuch Lands until the Whole of the Money ſo by him or her paid ſhall be reimburſed; and in caſe no ſufficient Diſtreſs ſhall be found upon the Lands or Grounds of ſuch Proprietor or Perſon ſo making Default within the ſaid Townſhips or Pariſhes, or that any ſuch Diſtreſs ſhall be reſcued, it ſhall be lawful for the ſaid Truſtees, in their own Names or in the Name of any of them, to bring or cauſe to be brought any Action or Actions for the Recovery of ſuch Coſts, Charges, and Expences, and Sum or Sums of Money, ſo rated and aſſeſſed reſpectively, and ſo unpaid and in Arrear, in any of His Majeſty's Courts of Record at *Weſtminſter*, wherein no Protection, Eſſoign, Wager of Law, or more than One Imparlance ſhall be allowed, or otherwiſe it ſhall be lawful for the ſaid Truſtees, from Time to Time, to enter upon and take Poſſeſſion of the Lands and Grounds of any ſuch Perſon or Perſons ſo refuſing or neglecting to pay as aforeſaid, being ſituate within any of the Townſhips aforeſaid, and to receive the Rents and Profits thereof reſpectively, until thereby, therewith, or otherwiſe, all ſuch Coſts, Charges, and Expences, and Sum or Sums of Money ſo rated and aſſeſſed reſpectively, and ſo unpaid and in Arrear, and alſo all Coſts, Charges, and Expences occaſioned by or attending ſuch Entry upon and Receipt of the Rents and Profits of the ſame Premiſes, ſhall be

be reſpectively fully paid and ſatisfied: Provided always, that in every Caſe where the Perſon or Perſons who ſhall be aſſeſſed by the ſaid Truſtees in any Sum or Sums of Money for Default in repairing or improving any Part of the Banks of the River *Trent*, for the Support and Preſervation whereof ſuch Perſon or Perſons ſhall be liable for or in reſpect of any Lands held by him or them, ſhall abſolutely relinquiſh and give up ſuch Lands to the ſaid Truſtees, ſuch Perſon or Perſons ſhall not afterwards be ſubject or liable to any Proceeding or Proceedings whatſoever, by or on Behalf of the ſaid Truſtees, nor ſhall the Goods or Chattels of ſuch Perſon or Perſons be ſubject to be diſtrained for recovering, raiſing, or compelling Payment of ſuch Aſſeſſments, Sum or Sums of Money, or any Part thereof, and in every ſuch Caſe it ſhall be lawful for the ſaid Truſtees, and they are hereby required to ſell and diſpoſe of, and convey all and every the Lands which ſhall be ſo relinquiſhed and given up to them as aforeſaid, and all the Eſtate and Intereſt therein, to ſuch Perſon and Perſons, for ſuch Conſideration, and in ſuch Manner as they ſhall think proper, and to pay and apply the Purchaſe Money ariſing by the Sale thereof in and for the repairing, amending, and improving, ſuch Parts and Proportions of the ſaid Banks as the Perſon and Perſons ſo making Default was and were liable to ſupport and preſerve, or otherwiſe, for the general Purpoſes of preſerving and ſupporting the ſaid other Works of Embankment and Drainage, as the ſaid Truſtees ſhall think moſt conducive to the Benefit of the Parties intereſted therein.

Banks, Drains, &c. to be veſted in Commiſſioners and Truſtees.

XXXIV. And be it further enacted, That all the Banks of the ſaid River *Trent*, lying within the ſaid Townſhips, and alſo all the Cuts, Drains, Ditches, Dams, Banks, Sluices, Tunnels, Bridges, and other Works, already made or erected, or which ſhall at any Time hereafter be making or erecting, or made, erected, ſupported, or maintained by virtue of this Act, for the Purpoſe of draining, warping, embanking, and preſerving, the ſaid Common called *Morton Carr*, and the ſaid other Lands and Grounds, and the Right and Property to and in the ſame, and the Materials of which the ſame ſhall conſiſt, ſhall be and are hereby veſted in the ſaid Commiſſioners hereby nominated and appointed, and their Succeſſors, until the Power and Authority of the ſaid Commiſſioners in executing this Act ſhall ceaſe, and until the Truſtees herein-after directed to be choſen ſhall be appointed by virtue of this Act; and after ſuch Appointment ſhall be made as aforeſaid, then all the ſaid Works, and the Right and Property to and in the ſame, and the Materials of which the ſame ſhall conſiſt, ſhall be and are hereby veſted in the ſaid Truſtees; and the ſaid Commiſſioners and Truſtees reſpectively are hereby authorized to bring and proſecute, or cauſe to be brought and proſecuted, any Action or Actions, in their own Names, or in the Name of any One of them, or to prefer, or order and direct the preferring of Indictments, or other Proſecutions, againſt any Perſon or Perſons, who ſhall dig up, break, pull down, ſteal, take, carry away, deſtroy, ſpoil, or injure, the ſaid Works and Materials, or any of them, or any Part thereof.

For puniſhing Perſons injuring the Works.

XXXV. And be it further enacted, That if any Perſon ſhall, at any Time or Times hereafter, wilfully or maliciouſly cut, throw down, deſtroy, or injure, any of the Banks, Cuts, Drains, Bridges, Sluices,

or other Works, made or to be made for the embanking, draining, and warping, the ſaid Lands and Grounds, and ſhall be convicted of ſuch Offence upon Oath of Two Witneſſes, before any One or more Juſtices of the Peace for the Parts of *Lindſey*, in the ſaid County of *Lincoln*, not intereſted in the ſaid Townſhips of *Morton*, *Walkerith*, *Eaſt Stockwith*, *Bliton*, *Wharton*, *Pilham*, and *Gilby*, or any of them, every Perſon ſo convicted ſhall forfeit, for every ſuch Offence, any Sum not exceeding the Sum of Fifty Pounds at the Diſcretion of the ſaid Juſtice or Juſtices, to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Offender, by Warrant under the Hand and Seal, or Hands and Seals of any One or more of the ſaid Juſtices before whom ſuch Conviction ſhall be had, which Sum ſo forfeited ſhall be paid to the ſaid Commiſſioners or Truſtees reſpectively, and applied for the Purpoſe of carrying on the ſaid Works of Drainage and Warping herein-after directed, and for Want of ſuch ſufficient Diſtreſs ſuch Offender ſhall, by the ſaid Juſtice or Juſtices, be committed to the Common Gaol of the ſaid County, there to remain, without Bail or Mainprize, for any Term not exceeding Twelve Calendar Months, at the Diſcretion of the ſaid Juſtice or Juſtices, unleſs he ſhall ſooner pay the ſame Penalty.

Requiring Truſtees to account.

XXXVI. And be it further enacted, That from and after the Execution of the ſaid Award or Inſtrument, the ſaid Truſtees for the Time being for executing the Purpoſes of this Act, are hereby required to keep an Account of all Monies received and diſburſed in purſuance thereof, and ſhall permit any of the Perſons intereſted in the ſaid Lands and Grounds to be benefited by the ſaid Works of Drainage, Warping, and Embankment, at any ſeaſonable Time, to inſpect and copy the ſame; and the ſaid Truſtees reſpectively ſhall from Time to Time, at the Election of Truſtees to ſucceed them as aforeſaid, or within Seven Days next after, deliver ſuch Account, and make Payment of all the Money ariſing by virtue of this Act, and then in their Hands, to the ſucceeding Truſtees, which Money ſhall be by them laid out and diſpoſed of for the Purpoſes of this Act.

Power to appoint Officers.

XXXVII. And be it further enacted, That the ſaid Truſtees ſhall have full Power and Authority, by Writing under their Hands, from Time to Time to nominate and appoint One or more proper Perſon or Perſons to be Collector or Collectors, Receiver or Receivers of the reſpective Taxes and Rates to be aſſeſſed and levied by virtue of this Act, and a Clerk or Clerks, if they ſhall ſee Occaſion, and ſuch other Officer or Officers as they ſhall judge proper, for the Management and keeping in Repair the ſaid Banks, Drains, Sluices, and other Works, to be made by virtue of this Act, and to allow and appoint to be paid to ſuch Collectors, Receivers, Clerks, or Officers reſpectively, out of ſuch Rates or Taxes, ſuch yearly or other Salary or Salaries, or Wages, for their Trouble and Pains in executing ſuch Offices, as the ſaid Truſtees ſhall think reaſonable, which ſaid Collector or Collectors, Receiver or Receivers, Clerk or Clerks, or other Officer or Officers, ſhall, before they act in the Execution of their reſpective Offices, give ſuch Security for the due Execution thereof, and for the Application of the Money to be by them reſpectively received, as the ſaid Truſtees ſhall require; and all ſuch Collectors, Receivers, Clerks, and other Officers, when thereunto required by the ſaid Truſtees, ſhall give in to ſuch Truſtees, upon Oath (which

(which Oath any One of the ſaid Truſtees is hereby authorized to adminiſter) a true, exact, and perfect Account, in Writing, under their reſpective Hands, with proper Vouchers for all Monies which ſhall have been received and paid by them reſpectively, by virtue of their ſaid Offices, to the Time of giving in ſuch Account, and ſhall pay to the ſaid Truſtees, or ſuch Perſon or Perſons as they ſhall by Writing under their Hands authorize to receive the ſame, all ſuch Money as ſhall, upon balancing the ſaid Accounts, be adjudged by the ſaid Truſtees to be due from ſuch Officers, and deliver up the ſaid Vouchers, and all Books and Writings relating to the ſaid Offices, to the ſaid Truſtees; and in caſe any ſuch Collector, Receiver, Clerk, or other Officer, ſhall not give in and make ſuch Account and Payment as aforeſaid, or ſhall refuſe or neglect to deliver up all ſuch Books and Writings to the ſaid Truſtees, or to ſuch other Perſon or Perſons as they ſhall order and direct to receive the ſame, then in either of the ſaid Caſes it ſhall be lawful for any One or more Juſtice or Juſtices of the Peace for the Diviſion of *Lindſey* aforeſaid to make Enquiry of ſuch Default, in a ſummary Way, and if ſuch Officer or Officers ſhall be thereof convicted, either by Confeſſion of the Party, or by the Teſtimony of One or more Witneſs or Witneſſes upon Oath, (which Oath the ſaid Juſtice or Juſtices is and are hereby authorized and required to adminiſter) ſuch Juſtice or Juſtices ſhall condemn the Party or Parties in ſuch Penalty as ſuch Juſtice or Juſtices ſhall think proper and adequate to the Offence, to be recovered by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties ſo offending, in like Manner as other Penalties are recoverable by virtue of this Act.

Roads to be ſet out.

XXXVIII. And be it further enacted, That the ſaid Commiſſioners ſhall, in, upon, and through, the Lands and Grounds directed by this Act to be encloſed, as ſoon after the paſſing of this Act, as they ſhall think proper, and before they proceed to make and ſet out any of the Diviſions or Allotments herein-after mentioned, appoint and ſtake out all ſuch publick Roads and Highways, within and over, as well the ſaid Common called *Morton Carr*, as the ſaid other Lands and Grounds hereby directed to be divided and encloſed, as they ſhall judge neceſſary, and ſhall 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 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 ſeveral Townſhips; 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

Orders and Directions touching the Matters 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 hereinafter 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 for each of the ſaid Townſhips, and ſuch Surveyors ſhall cauſe the ſame to be formed and put into good and ſufficient Repair, and ſhall be allowed ſuch Salaries or Rewards for their Trouble therein as the ſaid Commiſſioners ſhall, by Writing under their Hands, direct and appoint, and which ſaid Salaries or Rewards, and alſo the Expences (over and above the Statute Duty) of forming the ſaid Roads, and making the ſame fit for the Paſſage of Cattle or Carriages, ſhall be borne and paid, ſo far as the ſame ſhall extend over the ſaid Common called *Morton Carr*, in ſuch Manner, and out of ſuch Funds as the ſaid Works of Drainage and Warping are herein-before directed to be paid and diſcharged, and ſo far as ſuch Roads extend over other Lands or Grounds, by the Owners and Proprietors of the Lands and Grounds hereby intended to be encloſed, and ſhall be raiſed by a Rate to be laid on ſuch Owners and Proprietors (other than and except the ſaid ſeveral Tythe Owners, for all or any of the Allotments made to them, or any of them, by virtue of this Act, and His ſaid Royal Highneſs the Prince of *Wales*, in reſpect of the Allotment to be made to him in lieu of his Soil as Lord of the Manor as aforeſaid, with reſpect only to the original making of ſuch Roads) according to their reſpective Rights and Intereſts in the ſaid Lands and Grounds, the reſpective Proportions thereof 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* aforeſaid, upon Application made for that Purpoſe by the ſaid Surveyors reſpectively, to be collected and received by ſuch Perſon and Perſons 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 and required to grant, upon Proof on Oath of ſuch Neglect, or Refuſal of ſuch Demand, and any One of the ſaid Commiſſioners, or ſuch Juſtice, are and is hereby alſo empowered to adminiſter ſuch Oath, returning 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 encloſed) ſhall be charged or chargeable (over and above the Statute Duty) towards the forming or repairing

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 Surveyors reſpectively, by Writing under their Hands, 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 in 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 reſpective Surveyors ſhall neglect or refuſe to deliver in ſuch Certificates within the Time before limited, each Surveyor making Default as aforeſaid 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 Surveyors, 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 Townſhips reſpectively, are by Law to be amended and kept in repair; and the ſaid Commiſſioners ſhall, and they are hereby alſo empowered and required to ſet out and appoint, and cauſe to be made, erected, and completed, ſuch publick Bridle Roads and Footways, and private Roads and Ways, and alſo ſuch interior publick and private Banks, Ditches, Drains, Watercourſes, Sluices, Bridges, Stiles, and other Conveniencies, in, over, and upon, the Lands and Grounds hereby intended to be encloſed, as they ſhall think requiſite, to communicate and co-operate with the Main Drains and other Works of Drainage herein-before directed to be made by the ſaid Commiſſioners, and the ſame ſhall be made and erected, and at all Times hereafter 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 and 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 encloſed.

XXXIX. 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 encloſed Grounds in the ſaid ſeveral Townſhips of *Morton*, *Walkerith*, *Eaſt Stockwith*, *Bliton*, *Wharton*, *Pilham*, and *Gilby*, or any of them, ſhall be unneceſſary or inconvenient, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required to ſtop up or turn ſuch ancient Footway or Path; and if it ſhall appear For ſtopping up Footways.

to the ſaid Commiſſioners that any Compenſation ought to be made by the Owner of ſuch ancient encloſed 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.

Roads not to be ſtocked for 10 Years.

XL. 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 ſaid ſeveral Townſhips of *Morton*, *Walkerith*, *Eaſt Stockwith*, *Bliton*, *Wharton*, *Pilham*, and *Gilby*, or any of them, 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 the ſaid Award or Inſtrument.

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

XLI. 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 ſeveral Townſhips, 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 ſeveral Townſhips for the Time being.

Owners of Freeboards to have Allotment in lieu thereof.

XLII. And be it further enacted, That in all Caſes where any of the Lands and Grounds by this Act intended to be divided and encloſed 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 encloſed 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 the Lands and Grounds hereby directed to be divided and encloſed, 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 of ſuch 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

be ſet out and allotted as aforeſaid, in lieu of ſuch Freeboard, Screed, or Parcel of Land, ſhall be deemed and taken to be Part or Parcel of the Pariſh or Townſhip, Hamlet, or Place, to which the ſaid Freeboard, Screed, or Parcel of Land, in lieu of which it ſhall be ſo allotted as aforeſaid, now belongs, and ſhall not be ſubject or liable to pay any Rates, Dues, or Taxes whatſoever, in Aid of the ſaid Townſhips of *Morton*, *Walkerith*, *Eaſt Stockwith*, *Bliton*, *Wharton*, *Pilham*, and *Gilby*, or any of them.

For dividing *Morton Carr*.

XLIII. And be it further enacted, That the ſaid Commiſſioners ſhall and do, when and ſo ſoon as the ſaid Works of Drainage and Warping ſhall be completed, and ſuch Parts of the ſaid Common called *Morton Carr*, as ſhall be capable of being warped, ſhall, in the Judgement of the ſaid Commiſſioners be ſufficiently and effectually improved by Warping, which ſhall be completed within the ſhorteſt Time that the ſame can poſſibly be effected after the paſſing of this Act, but in caſe the ſame ſhall not be completed within the Term of Five Years next after paſſing of this Act, then that the ſaid Commiſſioner ſhall and do, before the Expiration of the ſaid Term of Five Years, in the firſt Place make a Diviſion and Allotment of the ſaid Common called *Morton Carr*, amongſt the ſaid ſeveral Townſhips, by ſetting out, dividing, and allotting, the ſame into Seven diſtinct and ſeparate Parts and Shares, One of ſuch Parts or Shares for each of the ſaid Townſhips of *Morton*, *Walkerith*, *Eaſt Stockwith*, *Bliton*, *Wharton*, *Pilham*, and *Gilby*, according and in Proportion to the Number of Common Right Meſſuages, Cottages, and Tofts, and the Value of the ſeveral Lands and Eſtates lying in each Townſhip reſpectively; and in making ſuch Allotments to the ſaid ſeveral Townſhips the ſaid Commiſſioners ſhall pay due Regard to the Quantity, Quality, and Situation, of the Grounds ſo to be allotted to each Townſhip reſpectively; and the ſaid Diviſion and Allotment, when ſo made and completed by the ſaid Commiſſioners in Manner aforeſaid, ſhall, for ever after the making and completing thereof, be deemed and taken to be the Diviſion between the ſaid Townſhips; and ſuch Part of the ſaid Common called *Morton Carr*, as ſhall be allotted to each of the ſaid Townſhips, ſhall, for ever after ſuch Allotment ſhall be ſet out reſpectively, be deemed and conſidered, to all Intents and Purpoſes whatſoever, to be within that Townſhip and Pariſh, within which the ſaid Commiſſioners ſhall, in and by their Award herein-after mentioned, declare the ſame to be and lie reſpectively, and ſhall be accordingly rated to all Parliamentary and Parochial Taxes and Aſſeſſments.

Allotment for getting Materials for Repairs of Roads.

XLIV. And be it further enacted, That the ſaid Commiſſioners ſhall, in the next Place, if they think it neceſſary, ſet out and allot ſuch ſeveral and reſpective Parcels of Land in or upon that Part of the ſaid Common called *Morton Carr*, which ſhall be allotted by the ſaid Commiſſioners for and as the Share of each of the ſaid Townſhips of *Morton*, *Walkerith*, *Eaſt Stockwith*, *Bliton*, *Wharton*, *Pilham*, and *Gilby*, or in or upon any other Part of the other Commonable Lands or Waſte Grounds in the ſaid ſeveral Townſhips reſpectively, to be uſed for the Purpoſe of getting Gravel, Stone, Sand, or any other Materials for the Repair of the ſeveral publick Highways within the ſaid ſeveral Townſhips reſpectively, and that the Graſs and Herbage growing and renewing in and upon ſuch ſeveral Parcels of Land, and alſo in and upon the ſaid Roads and Ways

to

to be ſet out as aforeſaid, ſhall be and is hereby veſted in the reſpective Surveyors of the Highways for the ſaid ſeveral Townſhips for the Time being reſpectively, in Truſt, to let the ſame by Publick Auction, and to apply the Rents and Profits thereof in the Reparation of the ſeveral publick Roads within the ſaid reſpective Townſhips; and ſuch reſpective Surveyors ſhall account for the Rents and Profits thereof in the ſame Manner as they are accountable for other Money that ſhall come to their Hands as Surveyors of the Highways, and ſhall be ſubject and liable to the like Penalties for their Neglect thereof.

Allotments to the Impropriators, Vicars, and Rector in lieu of Common Rights on *Morton Carr*;

XLV. And be it further enacted, That the ſaid Commiſſioners ſhall have full Power and Authority, and they are hereby required, in the next Place, to ſet out, allot, and appoint unto and for the ſaid *Richard Atkinſon*, his Heirs and Aſſigns, Impropriators of the Rectory of *Morton* and *Walkerith* otherwiſe *North Gainſburgh* aforeſaid, and to the ſaid *David Henry Urquhart* Vicar as aforeſaid, and unto the ſaid *John Johnſon*, as Impropriator of the Rectory of *Eaſt Stockwith*, and to the ſaid *David Henry Urquhart*, as Vicar as aforeſaid, and to the ſaid *George Auguſta* Earl of *Scarbrough*, as Impropriator of the Rectory of *Bliton*, and *Wharton*, and to the ſaid *William Durance*, as Vicar of *Bliton*, and to the ſaid *William Dunkin*, as Rector of the ſaid Pariſh of *Pilham*, ſuch ſeveral and reſpective Pieces of Land, Parcel of thoſe Proportions of the ſaid Common called *Morton Carr*, which ſhall be ſet out for the Shares of the ſaid Townſhips of *Morton*, *Walkerith*, *Eaſt Stockwith*, *Bliton*, *Wharton*, *Pilham*, and *Gilby*, 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 Rights of Common belonging to the ſaid *Richard Atkinſon*, *David Henry Urquhart*, *John Johnſon*, *George Auguſta* Earl of *Scarbrough*, *William Durance*, and *William Dunkin*, as ſuch Impropriators, Vicars, and Rector reſpectively in reſpect of their Glebe Lands, Meſſuages, or Tofts reſpectively, upon the ſaid Common called *Morton Carr*, according to the Principle upon which the ſame ſeveral Parcels of the ſaid Common are herein-after directed to be ſet out and allotted to the other Proprietors thereof, or Perſons intereſted thereon reſpectively, and alſo ſuch Parcels of the ſaid Lands and other Grounds intended to be divided and incloſed by virtue of this Act, as ſhall be equal in Value to, and a full Satisfaction for the preſent Glebe Lands, and Right of Common therein, belonging to the ſaid ſeveral Tythe Owners reſpectively.

and for their Glebe and Common Right thereto belonging.

Allotment in lieu of Tythes of *Morton* and *Walkerith*.

XLVI. And be it further enacted, That the ſaid Commiſſioners ſhall have full Power and Authority, and they are hereby required, in the next Place, to ſet out and allot unto the ſaid *Richard Atkinſon*, his Heirs and Aſſigns; and to the ſaid *David Henry Urquhart* and his Succeſſors, in Lieu of and full Satisfaction for all Tythes, both great and Small, ariſing and renewing within the ſaid Townſhips of *Morton* and *Walkerith*, (except Mortuaries, *Eaſter* Offerings, and Surplice Fees), ſuch Parcel or Parcels of the reſpective Portions of the ſaid Common called *Morton Carr*, which ſhall be allotted by the ſaid Commiſſioners to the ſaid Townſhips of *Morton* and *Walkerith* reſpectively, as ſhall in their Judgement, Quantity, Quality, and Situation conſidered, (excluſive of all other Allotments to the ſaid *Richard Atkinſon* and *David Henry Urquhart*, in lieu of their Glebe and Rights of Common as aforeſaid), be

equal in Value to One Seventh Part of all the old Incloſures, Lands, Grounds, and Homeſteads, within the ſaid ſeveral Townſhips of *Morton* and *Walkerith* reſpectively, (except the ſaid Common called *Morton Carr*), and to One Tenth Part, and no more, of ſuch ſeparate Parcels of the ſaid Common called *Morton Carr*, as ſhall be aſſigned and ſet out by the ſaid Commiſſioners as and for the ſeveral Shares and Proportions of the ſaid Townſhips of *Morton* and *Walkerith* reſpectively; and the ſaid Seventh Part of the Value of the ſaid old Incloſures, Lands, Grounds, and Homeſteads (except as aforeſaid) ſhall be taken and deducted from and out of the Parts and Shares of the ſeveral Proprietors of the ſame Incloſures, Lands, Grounds, and Homeſteads, of and in the ſaid Parcels of the ſaid Common called *Morton Carr*, in every Caſe where ſuch Proprietors ſhall be entitled to Allotments upon the ſaid Carr.

Allotment of One Fifth in lieu of the Tythes of Lands in the *North Sands Field* of *Gainſburgh*, within the Rectory of *North Gainſburgh*.

XLVII. And whereas there are, within the Townſhip of *Gainſburgh*, and within the Rectory of *Morton* and *Walkerith*, otherwiſe *North Gainſburgh* aforeſaid, Fifteen Acres Three Roods and Nineteen Perches of Land, lying in a Field called *The North Sands Field of Gainſburgh* aforeſaid, the Tythes whereof are now payable to the ſaid *Richard Atkinſon*, as Impropriator of the Rectory of *Morton* and *Walkerith*, otherwiſe *North Gainſburgh* aforeſaid, and to the ſaid *David Henry Urquhart*, as Vicar of *Gainſburgh* aforeſaid, or to One of them; and it hath been agreed between the Proprietors of ſuch Lands, and the ſaid *Richard Atkinſon* and *David Henry Urquhart*, that One Fifth Part of ſuch Lands ſhall be allotted to the ſaid *Richard Atkinſon*, his Heirs and Aſſigns, as ſuch Impropriators, and *David Henry Urquhart* and his Succeſſors, Vicars aforeſaid, in lieu of the Tythes thereof; be it therefore further enacted, That the ſaid Commiſſioners ſhall, and they are hereby required, in the next Place, to ſet out and allot unto the ſaid *Richard Atkinſon*, his Heirs and Aſſigns, and to the ſaid *David Henry Urquhart* and his Succeſſors reſpectively, in lieu of and full Satisfaction for all Tythes, both Great and Small, ariſing and renewing in or upon the ſaid Fifteen Acres Three Roods and Nineteen Perches of Land, ſuch Parcel of Land, Part of the ſaid Fifteen Acres Three Roods and Nineteen Perches, as ſhall in their Judgement, (Quantity, Quality, and Situation conſidered), be equal in Value to One Fifth Part of the ſaid Fifteen Acres Three Roods and Nineteen Perches of the ſaid Parcel of Land.

Allotment in lieu of Tythes of *Eaſt Stockwith*.

XLVIII. And be it further enacted, That the ſaid Commiſſioners ſhall have full Power and Authority, and they are hereby required, in the next Place, to ſet out and allot unto the ſaid *John Johnſon*, his Heirs and Aſſigns, and to the ſaid *David Henry Urquhart* and his Succeſſors, in lieu of and in full Satisfaction for all Tythes, both Great and Small, ariſing and renewing within the ſaid Townſhip of *Eaſt Stockwith*, (except Mortuaries, *Eaſter* Offerings, and Surplice Fees), ſuch Parcel of that Portion of the ſaid Common called *Morton Carr*, which ſhall be allotted by the ſaid Commiſſioners to the ſaid Townſhip of *Eaſt Stockwith*, as ſhall in their Judgement, Quantity, Quality, and Situation conſidered, (excluſive of all other Allotments to the ſaid *John Johnſon* and *David Henry Urquhart*, in lieu of their Glebe and Rights of Common as aforeſaid), be equal in Value to One Seventh Part of all the old incloſed

Lands, Grounds, and Homesteads, within the said Township of *East Stockwith*, except the said Common called *Morton Carr*, and to One Tenth Part, and no more, of such Parcel of the said Common called *Morton Carr*, as shall be assigned and set out by the said Commissioners as and for the Share and Proportion of the said Township of *East Stockwith*, of and in the said Carr; and the said Seventh Part of the Value of the said old Inclosures, Lands, Grounds, and Homesteads, except as aforesaid, shall be taken and deducted from and out of the Parts and Shares of the several Proprietors of the same Inclosures, Lands, Grounds, and Homesteads, of and in the said Parcel of the said Common called *Morton Carr*, in every Case where such Proprietors shall be entitled to Allotments upon the said Carr.

Reference of Apportionments of the Joint Allotment between the Rector and Vicar of *East Stockwith*.

XLIX. And be it further enacted, That when and so soon as the said several Pieces or Parcels of Land shall have been so set out and allotted for the Tythes of *Morton* and *Walkerith* and *Stockwith* respectively as aforesaid, such Two Persons as the said *Richard Atkinson*, his Heirs and Assigns, and *David Henry Urquhart* and his Successors, in the Case of *Morton* and *Walkerith*, and such Two Persons as the said *John Johnson*, his Heirs and Assigns, and *David Henry Urquhart* and his Successors, in the Case of *East Stockwith* respectively, by any Writing under their Hands to be by them delivered to the said Commissioners, at any Time previous to their setting out such last mentioned Allotments, shall nominate and appoint, shall be, and they are hereby nominated Arbitrators for apportioning and dividing the said respective Pieces or Parcels of Land so to be set out as aforesaid, between the said *Richard Atkinson* and *David Henry Urquhart*, and the said *John Johnson* and *David Henry Urquhart* respectively, or if the said *Richard Atkinson* and the said *David Henry Urquhart*, or the said *John Johnson* and *David Henry Urquhart*, or either of them respectively, shall neglect to make such Nomination as aforesaid, previous to the said Allotments being set out, then the major Part in Value of the Proprietors of Common Right Houses or Tofts, and Lands, within the said Townships of *Morton* and *Walkerith* and *East Stockwith* respectively, who shall be present at any Meeting to be held for that Purpose, and which is hereby directed to be held within Fourteen Days after such Allotments respectively shall be set out as aforesaid, shall and they are hereby authorized to nominate an Arbitrator or Arbitrators for and on Behalf of the Party or Parties so neglecting, for the Purpose of making such Division and Apportionment as aforesaid, and accordingly such Two Persons so to be nominated by the said respective Parties, or by the said Proprietors for any of them respectively who shall neglect to make such Appointment as last aforesaid, are hereby fully authorized and empowered to hear and determine the Claims, Rights, and Interests of the said respective Parties in the said Pieces or Parcels of Land so to be set out as aforesaid, either by Examination of Witnesses upon Oath, (which Oath the said Arbitrators are hereby empowered to administer), or such other Evidence and Proof as to the said Arbitrators shall seem requisite and expedient, and within Two Calendar Months, or sooner if possible, after the said Allotments shall be set out by the said Commissioners, to form and draw up respective Awards or Instruments, in Writing under the Hands and Seals of the said

ſaid Arbitrators, whereby they ſhall ſet forth and fully deſcribe the Proportion of the ſaid Allotments to be awarded and allotted to each of the ſaid reſpective Tythe Owners; and the ſaid Commiſſioners ſhall, and they are hereby authorized and required to compriſe the reſpective Awards of the ſaid Arbitrators, or their Umpires as aforeſaid, in their Award herein-after directed to be made, and to make the ſame a Part or Parts thereof; and in caſe the ſaid reſpective Arbitrators ſhall not make and complete their ſaid reſpective Awards, and deliver the ſame to the ſaid Commiſſioners within the Time herein-before limited, then and in every ſuch Caſe ſuch diſintereſted Perſon as ſhall be elected and appointed by the ſaid Arbitrators reſpectively, 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 reſpectively in Manner aforeſaid; and in caſe the ſaid reſpective Arbitrators ſhall not agree in electing an Umpire in Manner aforeſaid, before they ſhall proceed upon ſuch Arbitration, then the ſaid Commiſſioners at ſome Meeting at which all the Commiſſioners ſhall be preſent, ſhall in ſuch Caſe elect a diſintereſted Perſon as Umpire for the Purpoſes hereby expreſſed, and the ſaid reſpective 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 Arbitrators Awards, 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 Determinations or Awards of the ſaid Arbitrators or Umpire reſpectively, made in Writing under their or his Hands and Seals, or Hand and Seal reſpectively, ſhall be final and concluſive; and the Award of each ſuch Umpire ſhall be declared to the ſaid Commiſſioners, to be compriſed in and made Part of their Award, within One Calendar Month after the Execution thereof.

For nominating freſh Arbitrators and Umpires.

L. And be it further enacted, That if the Perſons ſo to be nominated Arbitrators or Umpire reſpectively as aforeſaid, or any of them, ſhall die, or refuſe, or be diſabled to act, before the ſaid Arbitration ſhall be perfected and completed, then and in every ſuch Caſe an Arbitrator or Arbitrators, or Umpire, ſhall be nominated, appointed, or elected in the Place and Stead of any ſuch Arbitrator or Umpire ſo dying, refuſing, or being diſabled to act as aforeſaid, by the Perſon and Perſons reſpectively who are hereby authorized and empowered to nominate, appoint, or elect the original Arbitrators and Umpire reſpectively, and within the reſpective Times, in like Manner, and under and ſubject to the like Limitations, Reſtrictions, and Directions; and ſuch newly appointed Arbitrators and Umpire reſpectively ſhall act and be inveſted with the ſame Powers and Authorities as are herein-before expreſſed with reſpect to the original Arbitrators and Umpire reſpectively.

Allotment in lieu of Tythes in *Bliton* and *Wharton*.

LI. And be it further enacted, That the ſaid Commiſſioners ſhall have full Power and Authority, and they are hereby required (at ſuch Time as they ſhall think it proper and expedient) to ſet out and allot unto the ſaid *George Auguſta* Earl of *Scarbrough*, his Heirs and Aſſigns, and to the ſaid *William Durance* and his Succeſſors, Vicars as aforeſaid, in lieu

lieu of and in full Satisfaction for all Tythes, both Great and Small, arising and renewing within the ſaid Townſhips of *Bliton* and *Wharton*, (except Mortuaries, *Eaſter* Offerings, and Surplice Fees), ſuch Parcel of the ſaid Open Fields, within the ſaid Townſhip of *Bliton*, as ſhall, in the Judgement of the ſaid Commiſſioners, (Quantity, Quality, and Situation conſidered), be equal in Value to One Fifth Part of all the Arable Lands within the ſaid Open Fields, in the ſaid Townſhip of *Bliton*, which are ſubject to the Payment of Tythes in Kind; and alſo to ſet out and allot unto the ſaid *George Auguſta* Earl of *Scarbrough*, as Impropriator, and the ſaid *William Durance*, as Vicar as aforeſaid, ſuch Part and Parts of the Reſidue of the Open Lands, Meadows, Paſtures, Commons, and Waſte Grounds, within the ſaid Townſhips of *Bliton* and *Wharton*, as ſhall be equal in Value to One Fifth Part of the remaining Lands, (excluſive of the ſaid Fields and *Morton Carr*), which ſhall be deemed Arable, within the ſaid Townſhips, or either of them, and to One Eighth Part of all the Open Meadow Lands and Grounds, and to One Ninth Part of all the ſaid old incloſed Lands, Grounds, and Homeſteads, Commons, Paſtures, and Waſte Lands, within the ſaid Townſhips, (except ſuch old incloſed Lands, within the ſame Townſhips, the Owners whereof ſhall not have any Lands or other Property in the ſaid Fields Lands, Grounds, Commons, and Waſtes, ſo intended to be divided and incloſed, or not ſufficient to make Compenſation for the Tythes of ſuch old incloſed Lands, and except the ſaid Common called *Morton Carr*); and alſo to ſet out and allot unto the ſaid *George Auguſta* Earl of *Scarbrough*, his Heirs and Aſſigns, and the ſaid *William Durance* and his Succeſſors, as Vicars as aforeſaid, ſuch Parcel or Parcels of thoſe Portions of the ſaid Common called *Morton Carr*, which ſhall be allotted by the ſaid Commiſſioners to the ſaid Townſhips of *Bliton* and *Wharton*, as ſhall in their Judgement, (Quantity, Quality, and Situation conſidered), be equal in Value to One Tenth Part of the Portions of the ſaid Carr ſo to be ſet out as the Shares of the ſaid Townſhips of *Bliton* and *Wharton*.

The Commiſſioners to aſcertain the Proportions of the joint Allotments between the Impropriator and Vicar of *Bliton* and *Wharton*, and them to allot for the Vicar's Share 30 Acres of Land, and a Corn Rent to be charged on the Impropriator's Allotments.

LII. And be it further enacted, That when and as ſoon as the ſaid ſeveral Pieces or Parcels of Land ſhall have been ſo ſet out and allotted unto and for the ſaid *George Auguſta* Earl of *Scarbrough* and *William Durance* as aforeſaid, the ſaid Commiſſioners ſhall, and they are hereby required to aſcertain and determine the Proportion of the ſaid ſeveral laſt mentioned Allotments, and alſo of the Allotment or Allotments ſet out as herein-before mentioned, for Glebe and Common Rights belonging to the ſaid Impropriator and Vicar as ſuch, which ought to be ſet out and allotted to the ſaid *George Auguſta* Earl of *Scarbrough* and *William Durance* reſpectively; and they are hereby fully authorized and empowered to hear and determine the Claims, Rights, and Intereſts of the ſaid *George Auguſta* Earl of *Scarbrough* and his Heirs, and the ſaid *William Durance* and his Succeſſors, in and to the ſaid ſeveral Allotments, either by Examination of Witneſſes upon Oath, (which Oath they are hereby empowered to adminiſter), or by ſuch other Evidence and Proof as to the ſaid Commiſſioners ſhall ſeem requiſite and expedient in that Behalf; and they the ſaid Commiſſioners ſhall divide and apportion the ſaid ſeveral Allotments between the ſaid *George Auguſta* Earl of *Scarbrough* and *William*

liam Durance, their Heirs, Aſſigns, and Succeſſors reſpectively, in Proportion to their reſpective Rights and Intereſts therein, to be ſettled as aforeſaid.

Allotment to the Rector of *Pilham* in lieu of Tythes of *Morton Carr*.

LIII. And be it further enacted, That the ſaid Commiſſioners ſhall have full Power and Authority, and they are hereby required, in the next Place, to ſet out and allot unto the ſaid *William Dunkin* and his Succeſſors, in lieu of and full Satisfaction for all Tythes, both Great and Small, ariſing and renewing from the ſaid Common called *Morton Carr*, (except Mortuaries, *Eaſter* Offerings, and Surplice Fees), ſuch Parcel or Parcels of the reſpective Portions of the ſaid Common called *Morton Carr*, which ſhall be allotted by the ſaid Commiſſioners to the ſaid Townſhips of *Pilham* and *Gilby* reſpectively, as ſhall, in their Judgement, (Quantity, Quality, and Situation conſidered), excluſive of all other Allotments to the ſaid *William Dunkin*, in lieu of his Glebe and Rights of Common as aforeſaid, be equal in Value to One Tenth Part, and no more, of ſuch ſeparate Parcels of the ſaid Common called *Morton Carr*, as ſhall be aſſigned and ſet out by the ſaid Commiſſioners as and for the ſeveral Shares and Proportions of the ſaid Townſhips of *Pilham* and *Gilby* reſpectively.

The Lands of Proprietors who have not Allotments to ſatisfy for their Tythes to remain ſubject to Tythes.

LIV. And whereas it may happen that ſome of the Proprietors of incloſed Lands and Grounds, lying in the ſaid ſeveral Townſhips of *Morton*, *Walkerith*, *Eaſt Stockwith*, *Bliton*, *Wharton*, *Pilham*, and *Gilby* aforeſaid, may not be entitled to any other Lands, Right of Common, or other Property, in or upon the Lands and Grounds hereby intended to be divided and incloſed, or may be intitled to ſo ſmall an Allotment thereof as ſhall be inadequate to make Satisfaction for the Tythes of ſuch laſt mentioned incloſed Lands and Grounds; be it further enacted, That in every ſuch Caſe the ſaid incloſed Lands and Grounds of every ſuch Proprietor, who ſhall not be entitled to any Allotment of Lands, by virtue of this Act, of ſufficient Value to make Satisfaction for the Tythes of ſuch incloſed Lands or Grounds, ſhall from henceforth and for ever hereafter be, remain, and continue ſubject and liable to the Payment of Tythes, in ſuch and the ſame Manner as the ſaid incloſed Lands and Grounds were ſubject and liable to before the paſſing of this Act, or as the ſame would have been ſubject to in caſe this Act had not been made.

Allotment to the Lord of the Manor.

LV. And be it further enacted, That the ſaid Commiſſioners ſhall and do, in the next Place, ſet out and allot unto His ſaid Royal Highneſs the Prince of *Wales* and his Succeſſors, as Lord of the Manor and Soke of *Kirton* aforeſaid, (excluſive of all other Allotments to His ſaid Royal Highneſs in reſpect of His other Property), ſuch Part and Parcel of the Reſidue of ſuch ſeveral Portions of the ſaid Common called *Morton Carr* as ſhall be allotted to the ſaid ſeveral Townſhips of *Morton*, *Walkerith*, *Eaſt Stockwith*, *Bliton*, *Wharton*, *Pilham*, and *Gilby*, and of the other Commons and Waſte Grounds, and other Lands hereby directed to be divided and incloſed, which are not the ſeparate Property of any Perſon or Perſons, as ſhall, (Quantity, Quality, and Situation conſidered), in the Jugement of the ſaid Commiſſioners, be equal in Value to One Twentieth Part of each of the Proportions of the ſaid Common called *Morton Carr*, to be allot-

ted to the ſaid ſeveral Townſhips of *Morton*, *Walkerith*, *Eaſt Stockwith*, *Bliton*, *Wharton*, *Pilham*, and *Gilby* reſpectively, and of ſuch other Commons, Waſtes, and other Lands as aforeſaid, in lieu of and as a full Compenſation for the Right and Intereſt of His ſaid Royal Highneſs, His Heirs and Succeſſors, in and to the Soil of the ſaid reſpective Portions of the ſaid Commons and Waſte Grounds by this Act directed to be divided and incloſed.

Allotments in lieu of *Ploughlands* in *Morton Carr*.

LVI. And whereas there are within the ſaid Pariſh of *Bliton* certain Parcels of Land, Part of the ſaid Common called *Morton Carr*, known by the Name of *Ploughlands*, which are the known and ſeparate Property of ſeveral Perſons, for the Purpoſe of digging or cutting Turves, but whereon the Perſons having Right of Common upon *Morton Carr* are entitled to depaſture their Cattle, as well as upon the other Parts of the ſaid Carr; be it therefore enacted, That the ſaid Commiſſioners ſhall, in the next Place, and before they proceed to ſet out the general Allotments herein-after mentioned, aſcertain the Right and Intereſt of each Proprietor in the ſaid Parcels of Land laſt mentioned, and allot and award to each of the ſaid Proprietors ſuch Piece or Parcel of the ſaid Common as ſhall, in the Judgement of the ſaid Commiſſioners, be equal in Value to, and a full Equivalent for, each of the ſaid Proprietors Right and Intereſt of and in the aforeſaid Parcels of Land reſpectively.

General Allotments.

LVII. And be it further enacted, That from and immediately after the ſaid Commiſſioners ſhall have ſet out Land for the Roads, Ways, and Drains, and made the ſeveral Allotments herein-before mentioned, they the ſaid Commiſſioners ſhall, in the next Place, within the Term of Five Years, from and after the paſſing of this Act, aſſign, allot, ſet out, and divide, the Reſidue of ſuch ſeveral Portions of the ſaid Common called *Morton Carr* as ſhall be allotted to each of the ſaid ſeveral Townſhips of *Morton Walkerith*, *Eaſt Stockwith*, *Bliton*, *Wharton*, *Pilham*, and *Gilby*, by the Commiſſioners, on the Diviſion and Allotment herein-before directed to be made by them, in Manner following; (that is to ſay), Seven Twelfth Parts of the ſaid Reſidue of ſuch reſpective Portions as ſhall be allotted to each of the ſaid ſeveral Townſhips, to and amongſt the Owners and Proprietors of ancient Meſſuages, Cottages, Tofts, or Toftſteads, within each of the ſame Townſhips, to which ſuch Portions ſhall be ſeverally allotted, having Right of Common on the ſaid Common called *Morton Carr*, (the ſeveral Tythe Owners in reſpect of their Glebe Lands and Common Rights as ſuch Tythe Owners only excepted), in Shares of equal Value; (that is to ſay), One equal Share to each Meſſuage, Cottage, Toft, or Toftſtead, and in making which Allotments no Regard ſhall be had to the Magnitude or Value of the ſaid Meſſuages, Cottages, Tofts, or Toftſteads, or any of them, and the remaining Five Twelfth Parts thereof ſhall be ſet out and allotted unto and amongſt the ſeveral Owners and Proprietors of Lands or Grounds within each of the ſame Townſhips, being alſo Owners and Proprietors of Meſſuages, Cottages, Tofts, or Toftſteads, within the ſaid Townſhips of *Morton*, *Walkerith*, *Eaſt Stockwith*, *Bliton*, *Wharton*, *Pilham*, and *Gilby*, or any of them, having Right of Common on the ſaid Common called *Morton Carr*, (the ſeveral Tythe Owners in reſpect of their Glebe and Rights of Common excepted

as

as aforeſaid), in Proportion and according to the Value of and to their ſeveral Rights and Intereſts in the Arable Lands, Crofts, ancient Incloſures, Meadows, and Paſtures, lying within the ſaid ſeveral Townſhips, (Quantity, Quality, and Situation conſidered), in lieu of and as a full Recompence and Satisfaction for all Rights of Common and other Intereſts of the ſaid ſeveral Owners and Proprietors in and upon the ſaid Common called *Morton Carr*; and that they the ſaid Commiſſioners purſuant and according to the ſeveral Powers and Authorities hereby given to and veſted in them reſpectively, do ſet out and allot all the Reſidue and Remainder of the open and unincloſed Common Fields, Ings, Meadows, Paſtures, and other Commonable Lands and Waſte Grounds, ſituate and lying within the ſaid Pariſh of *Bliton*, or within any of the ſaid Townſhips before mentioned, and which are 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 the ſaid Commiſſioners ſhall deem and adjudge to be a Satisfaction for the ſeveral and reſpective Lands and Grounds, Rights and Intereſts, of each of the ſaid Proprietors reſpectively; and in caſe all the Lands and Grounds within the ſaid Common called *Morton Carr*, capable of being improved by warping, ſhall not be warped, or ſhall not be completely or ſufficiently warped, in the Judgement of the ſaid Commiſſioners, at the Time when ſuch Diviſion and Allotment ſhall be made, and the ſeveral Allotments ſhall be directed to be entered upon by the ſeveral Perſons to whom the ſame ſhall be aſſigned, the ſaid Commiſſioners ſhall and may, and they are hereby authorized and empowered to make Satisfaction and Compenſation to the ſeveral Perſons to whom the Lands which ſhall not then be warped, or not completely or ſufficiently warped, ſhall be allotted, by making ſuch Rates, Charges, and Aſſeſſments, upon the ſeveral Perſons to whom any Lands or Grounds, within the ſaid Common, ſhall be allotted, which ſhall be then completely or ſufficiently warped, to be payable and paid, until the ſaid firſt mentioned Lands or Grounds ſhall be completely or ſufficiently warped, to ſuch Perſon and Perſons, at ſuch Time and in ſuch Manner, but for the Benefit of the Perſon and Perſons to whom the ſaid laſt mentioned Lands and Grounds ſhall be allotted, as the ſaid Commiſſioners ſhall, in and by their ſaid Award, direct and appoint; and all ſuch Rates, Charges, and Aſſeſſments, as laſt mentioned, ſhall be recoverable in like Manner as any other Rates or Aſſeſſments hereby directed or authorized to be made by the ſaid Commiſſioners can or may be recovered by virtue of this Act; and if any Part of the ſaid Lands and Grounds, within the ſaid Common called *Morton Carr*, ſhall be warped, and become fit for Cultivation before the ſaid Diviſion and Allotment ſhall be made, the ſaid Commiſſioners are hereby authorized and empowered thereupon to let the ſame to ſuch Perſon or Perſons, in ſuch Manner, and upon ſuch Terms as they ſhall think proper, in the mean Time and until ſuch Diviſion and Allotment ſhall be made; and the ſaid Commiſſioners ſhall apply and diſpoſe of the Money to ariſe and be received thereby, either for or towards making Compenſation to the ſeveral Proprietors, to whom any ſuch Lands or Grounds not warped, or not ſufficiently warped, ſhall be allotted as aforeſaid, or otherwiſe, in

and for the paying and diſcharging the Charges and Expences of executing this Act, as the ſaid Commiſſioners ſhall think proper, and moſt conducive to the Benefit of the Perſons intereſted in the ſaid Incloſure: Provided nevertheleſs, that it ſhall be lawful for the ſaid Commiſſioners, at any Time before the Execution of the ſaid Award, to change or alter any Allotment or Allotments which they ſhall have ſet out or allotted to any Proprietor or Proprietors, by virtue of this Act, and to aſſign and allot the ſame to any other Proprietor or Proprietors, making due Recompence and Satisfaction to the Perſon or Perſons to whom the ſame ſhall have been firſt aſſigned or allotted, for any Loſs, Damage, or Injury, to be occaſioned by ſuch Change or Alteration, and the Perſon or Perſons to whom ſuch Allotments ſhall be aſſigned and allotted, in and by the ſaid Award of the ſaid Commiſſioners, ſhall be deemed, adjudged, and taken to be, and is and are hereby declared to be entitled to ſuch Allotments reſpectively.

Not to affect a certain Action or Suit pending between the Impropriator of *Morton* and *Walkerith* and the Vicar of *Gainſburgh*, reſpecting Tythes.

LVIII. 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 the ſaid *Richard Atkinſon*, the Impropriator of the Impropriate Rectory of *Morton* and *Walkerith* otherwiſe *North Gainſburgh*, reſpecting certain Tythes ariſing within the ſaid Townſhips of *Morton* and *Walkerith*, or one of them, or within the ſaid Impropriate Rectory of *Morton* and *Walkerith* otherwiſe *North Gainſburgh*, 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 ſuch Tythes ſhall be deemed to belong to the ſaid *Richard Atkinſon* and *David Henry Urquhart*, or to ſuch of them to whom the ſame ſhall by Law be adjudged to belong; and the ſaid Arbitrators or Umpire ſhall in and by their ſaid Award herein-after directed to be made, aſcertain and diſtinguiſh what Part and Proportion of the ſaid Lands which ſhall be allotted in lieu of the Tythes of *Morton*, *Walkerith*, and *Stockwith* aforeſaid, ſhall be allotted for every Species of Vicarial Tythes, which ſhall then be in Suit between the ſaid Impropriators and the ſaid Vicar of *Gainſburgh*.

Tythes to continue payable till Allotments made, and Corn Rent commences.

LIX. And be it further enacted, That until the ſeveral Allotments to the ſaid Impropriators, Rector, and Vicars reſpectively, ſhall be ſet out and incloſed reſpectively, the ſaid Impropriators, Rector, and Vicars, and their reſpective Heirs and Succeſſors, ſhall be entitled to, and ſhall have, receive, and enjoy ſuch and the ſame Tythes as they reſpectively could, might, or ought to have had and received in caſe this Act had not been made.

Allotments to Perſons in Truſt.

LX. 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 ſaid ſeveral Townſhips of *Morton*, *Walkerith*, *Eaſt Stockwith*, *Bliton*, *Wharton*, *Pilham*, and *Gilby*, and their Succeſſors for the Time being reſpectively, and to the Overſeers of the Poor of the ſaid ſeveral Townſhips, and their Succeſſors for the Time being reſpectively, who are hereby

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 Townſhips, 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 or upon the ſaid Common called *Morton Carr*, or 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 other publick Uſe, upon the Truſts, and for the Purpoſes upon and for which the Meſſuages, Toftſteads, Lands, and Grounds, in Right whereof the ſame are allotted, are now held and enjoyed as aforeſaid, and alſo unto the Purchaſers or Purchaſer who have or hath heretofore made any Purchaſe or Purchaſes within the ſaid Townſhips by the Bounty of her late Majeſty Queen *Anne*, ſuch Parcel or Parcels of the ſaid Common called *Morton Carr*, and of the ſaid other 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 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 or Perſons, Purchaſer and Purchaſers as aforeſaid, 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, but no ſuch Deduction ſhall be made from ſuch Allotments to be made upon the ſaid Common called *Morton Carr*, unleſs the Lands and Grounds herein-before directed to be ſold for diſcharging the Expences of dividing, incloſing, warping, and draining, the ſaid Common called *Morton Carr*, ſhall be inſufficient for thoſe Purpoſes.

Power for Rectors and Vicars to grant Leaſes.

LXI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid *David Henry Urquhart*, *William Durance*, and *William Dunkin*, and their Succeſſors, Vicars and Rector as 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) from Time to Time and at all Times for ever hereafter, to grant any Leaſe or Leaſes to any Perſon or Perſons whomſoever, of the Lands and Grounds to be allotted to them ſeverally and reſpectively, under and by virtue of this Act, or any Part or Parts thereof, 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, Foregift, or improper Conſideration, 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 huſbandlike 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.

Allotment for Tythe and Glebe how to be rated.

LXII. And be it further enacted, That in all Rates, Taxes, or Aſſeſſments, to be made for the ſaid ſeveral Townſhips, 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 ſeveral Townſhips, ſhall from Time to Time be rated, taxed, and aſſeſſed, thereto, and not otherwiſe.

Watercourſes may be turned.

LXIII. And, for the better enabling the ſaid Commiſſioners to accomodate and furniſh any of the new Allotments of the ſaid Proprietors with Water, where the ſame ſhall in their Judgement be wanting, 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 ſeveral Townſhips of *Morton*, *Walkerith*, *Eaſt Stockwith*, *Bliton*, *Wharton*, *Pilham*, and *Gilby*, to be carried and conveyed in ſuch Courſes and through ſuch Lands, and Grounds, Parcels of the ſaid Lands and Grounds hereby intended to be incloſed, as they in their Diſcretion ſhall think neceſſary and proper for the Purpoſes aforeſaid, ſo as not to prejudice any other Perſon or Perſons entitled to the Benefit of any Stream of Water, Spring, or Watercourſe.

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

LXIV. Provided always, 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 all the Lands and Grounds in the ſaid Open and Common Fields in *Bliton* aforeſaid, or any other of the ſaid Townſhips (after the Proportions for Tythes are ſet out), unto and amongſt the ſeveral Owners thereof, in Proportion to the preſent Value of the Lands and Grounds of ſuch Owners therein reſpectively, and ſhall not ſet out any Allotment in lieu of Property, in the ſaid Open Fields, in or upon any other of the Lands and Grounds hereby directed to be divided and incloſed, 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

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be authoriſed, by Writing under the Hands of any ſuch Owners of Lands and Grounds, to make any of their ſaid Allotments elſewhere.

Not to give any undue Preference.

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

For determining Objections to Allotments.

LXVI. 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 incloſed by virtue of this Act, and alſo the reſpective Shares and Proportions by them propoſed to be allotted to ſuch Proprietors reſpectively in lieu thereof, they the ſaid Commiſſioners ſhall give Notice, in Manner as aforeſaid, of ſome convenient Time and Place, and 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.

LXVII. 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 Notices, order and appoint at what Times the ſaid Proprietors may and are required to enter upon their reſpective Allotments, and how, and when, and by whom the ſame are to be fenced, and from what Time or Times the Rights of Common or Paſturage thereon, ſhall reſpectively ceaſe and be extinguiſhed; all which Orders and Directions ſhall be binding,

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ing and concluſive upon all Parties intereſted; and every Perſon entitled to any ſuch Allotment or Allotments ſhall and is hereby required to accept ſuch Allotment or Allotments within the Space of Six Calendar Months next after the Publication of ſuch Notice as aforeſaid; and if any Perſon ſhall refuſe to accept his or her Share or Allotment within the Time before mentioned, or ſhall moleſt or diſturb the Poſſeſſion of any other Proprietor, who ſhall have accepted of and entered upon his or 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 empowering Guardians to accept.

LXVIII. And be it further enacted, That the reſpective Guardians, Huſbands, Truſtees, Committees, or Attornies, or Perſons acting as Guardians, Truſtees, Committees, or Attornies for any Perſon or Perſons being a Minor or Minors, Lunaticks, under Coverture, or beyond the Seas, or otherwiſe incapable by Law to accept any ſuch Shares or Allotments as ſhall be made 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 Guardian not to prejudice.

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

For fencing the Tythe Allotments.

LXX. And be it further enacted, That the ſeveral Allotments to be made in or upon the ſaid Common called *Morton Carr*, to the ſaid *Richard Atkinſon*, *David Henry Urquhart*, *John Johnſon*, *George Auguſtus* Earl of *Scarbrough*, *William Durance*, and *William Dunkin* reſpectively, as Impropriators, Vicars, and Rector as aforeſaid, and their Heirs and Succeſſors, in Right or in Lieu of Glebe, and Right of Common and Tythes, and alſo to the Churchwardens or Overſeers of the Poor, Truſtee or Truſtees, or to any Purchaſer or Purchaſers with the Bounty of the ſaid Queen *Anne*, 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 Vicars ſeparated from the Allotments to be made to the ſaid Impropriators, with good and ſubſtantial Oak Poſts and good and ſubſtantial Foreign Fir Battens, Three Rails high, and ſufficient Ditches, planted with good and thriving White Thorn Quickſets that have been tranſplanted, and of the Growth of Two Years, to be guarded on both Sides in Manner as aforeſaid, and a proper Number of good and ſubſtantial Gate Poſts of Oak, and Carriage Gates of Fir or Fir Battens, or Fir Timber, to be provided, placed down, and hung to each Allotment, in ſuch Time, and by ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall appoint to make and complete the ſame; and the Charges and Expences of making all ſuch Fences and Ditches ſhall be paid by the Reſt of the Proprietors of the ſaid Common called *Morton Carr*, in ſuch Proportions as the ſaid Commiſſioners, by any Writing under their reſpective Hands, or by their ſaid Award or Inſtrument, ſhall direct or appoint; and the ſeveral Allotments to be made to the ſaid ſeveral Impropriators and Vicars, and their Heirs and Succeſſors reſpectively, in lieu of Glebe, Right of Common, and Tythes, and to the ſaid Churchwardens, Overſeers of the Poor, Truſtee or Truſtees, Purchaſer or Purchaſers reſpectively, and their Succeſſors, in or upon any other Lands or Grounds by this Act directed to be divided and incloſed, (except the ſaid Common called *Morton Carr*), ſhall be in like Manner fenced, ſeparated, and divided, with ſuch good and ſufficient Fences and Ditches and made of ſuch Materials, and in ſuch Manner as laſt mentioned, by and at the Expence of the Reſt of the Proprietors of the Lands and Grounds to be allotted by virtue of this Act, (except the ſaid Common called *Morton Carr*), 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 ſaid ſeveral Allotments, not ordered to be repaired by any other Proprietor, ſhall from thenceforth be ſupported, maintained and kept in Repair, by the ſaid Impropriators, Vicars, and Rector, their Heirs, Aſſigns, Executors, Adminiſtrators, and Succeſſors reſpectively, and ſuch Churchwardens, Overſeers of the Poor, Truſtee or Truſtees, Purchaſer or Purchaſers, and their Succeſſors reſpectively, for ever afterwards.

For incloſing the Reſt of the Proprietors Allotments.

LXXI. And be it further enacted, That the ſaid 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 Impropriators, Vicars, and Rector in reſpect of Glebe, Common Rights, and Tythes as aforeſaid, and to the Churchwardens and Overſeers of the Poor, Truſtee or Truſtees, and their Succeſſors reſpectively as aforeſaid), ſhall be ſufficiently incloſed 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 the Fences for Twelve Months.

LXXII. 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.

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

LXXIII. And be it further enacted, That for the more convenient Situation of the ſeveral Farms, Meſſuages, Cottages, and Lands, within the ſaid ſeveral Townſhips, 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 Rights thereto belonging, within the ſaid Townſhips, which ſhall be held by Tenants in Common or Joint Tenants, at the Time of making ſuch Diviſion and Incloſure as aforeſaid, upon the Requeſt of the ſeveral Parties ſo intereſted, and in and by the ſaid Award or Inſtrument to ſet out, allot and appoint ſpecific Shares thereof to and amongſt ſuch Proprietors in Severalty, in Proportion to their reſpective Eſtates, and equitable Rights and other Intereſts therein.

Alſo to exchange Meſſuages, &c. without Conſent.

LXXIV. And be it further enacted, That for the more convenient Situation and Diſpoſition of the ſeveral Farms and Lands, upon the ſaid Diviſion and Incloſure, it ſhall and may 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 Truſtees for any publick Uſe or Charity, or any Purchaſer or Purchaſers with the Bounty of Queen *Anne*, of any Meſſuages, Tenements, or Buildings, Homeſteads or old Incloſures, or other Lands or Grounds, within the ſaid ſeveral Townſhips or in any adjoining Pariſh, Townſhip, or Place, in Writing under their Hands, and not otherwiſe, to aſſign, allot, ſet out, and appoint any Meſſuages, Tenements, or Buildings, Homeſteads, old Incloſures or other Lands and Grounds, or any Allotments to be made by virtue of this Act, within the ſaid ſeveral Townſhips, or any of them, in Lieu of or in Exchange for any other Meſſuages, Tenements, Buildings, Homeſteads, old Incloſures, Allotments, or other Lands and Grounds, within the ſaid ſeveral Townſhips, or any of them, or within any other adjoining Pariſh, Townſhip, or Place, ſo that all and every ſuch Exchange or Exchanges be allotted, ſet out, aſcertained, ſpecified, and deſcribed in the ſaid Award or Inſtrument herein-after directed to be made by the ſaid Commiſſioners; and all and every ſuch Exchange or Exchanges ſhall be good, valid, and effectual in the Law to all Intents and Purpoſes whatſoever, but no ſuch Exchange ſhall be made by the ſaid Vicars and Rector, or their Succeſſors or any of them, for the Time being, without the Conſent of the ſaid Lord Biſhop of *Lincoln*, or his Succeſſors firſt had and obtained.

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

LXXV. And whereas the ſeveral Meſſuages, Cottages, Tofts, Lands, and Grounds, in the ſaid ſeveral Townſhips, in Reſpect and Right whereof the ſaid Lands and Grounds are hereby directed to be ſet out

and

and allotted, do or may comprize and conſiſt of Freehold, Copyhold, and Leaſehold Hereditaments, or may be held in ancient Demeſne reſpectively; be it therefore further enacted, That all ſuch Lands and Grounds as ſhall, by virtue of this Act, be allotted to any of the ſaid Proprietors, ſhall be held by ſuch Proprietors reſpectively under the ſame Tenures, Rents, and Services as the Meſſuages, Cottages, Tofts, Lands, and 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, or of Hereditaments held in ancient Demeſne, ſhall, from the making and executing thereof, be deemed Freehold Lands, or be held in ancient Demeſne reſpectively, and ſhall from thenceforth be held of the Lord of the Fee under the ſame Rents and Services as the Freehold Property and Hereditaments held in ancient Demeſne, in lieu of which they were ſo allotted reſpectively, were before that Time held; and the ſeveral Lands and Grounds which ſhall be therein declared to have been allotted in reſpect of Copyhold and Leaſehold Property reſpectively, ſhall be in like Manner deemed Copyhold and Leaſehold, and ſhall be under and ſubject to the ſame Fines, Tenures, Services, Rents, and Reſervations, and ſhall paſs and be held in the ſame Manner as the Copyhold and Leaſehold Tenements, and Hereditaments, in reſpect whereof they were ſo allotted, were then held reſpectively, and the Reverſion of ſuch Leaſehold Tenements ſhall be veſted in the ſame Leſſors reſpectively as the Reverſion of ſuch other Leaſehold Tenements veſted before the making of this Act, any Law, Cuſtom, or Uſage to the contrary notwithſtanding.

Exchange Lands to change Qualities.

LXXVI. 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 Freehold, Copyhold, or Leaſehold reſpectively, as the Lands and Hereditaments which ſhall be given and accepted in lieu thereof were held or deemed, immediately before the making of every ſuch Exchange reſpectively.

Commiſſioners to diſtinguiſh in their Award what Land is allotted in reſpect of Cottages, and what of other Property.

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

Award to be made.

LXXVIII. And be it further enacted, That within the Space of Twelve Calendar Months next after the Diviſion, Allotments, and Drainage of the ſaid Common called *Morton Carr*, and the ſaid Fields, Ings, Meadows, Paſtures, and other Commonable Lands and Waſte Grounds, ſhall

ſhall be made and completed, the ſaid Commiſſioners hereby appointed, and their reſpective Succeſſors ſhall, according to the ſeveral Powers and Authorities hereby given to and veſted in them reſpectively, join in forming and drawing up, or in cauſing 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 Common called *Morton Carr*, and the Diviſion, Allotment, and Apportionment thereof, unto and for the ſaid ſeveral Townſhips of *Morton*, *Walkerith*, *Eaſt Stockwith*, *Bliton*, *Wharton*, *Pilham*, and *Gilby* reſpectively, and alſo the Quantity, in Statute Meaſure, of the Acres, Roods, and Perches, contained in the ſaid Open Fields, Ings, Meadows, Paſtures, and other Commonable Lands and Waſte Grounds ſo intended to be incloſed as aforeſaid, and the Quantity and Contents of each and every Parcel of the ſaid Carr, and of all ſuch other Lands and Grounds aſſigned or allotted to the ſeveral Parties entitled to any Lands, Tythes, Common Rights, or other Property, within the ſame reſpectively, and alſo a Deſcription of the Situation, Buttals, and Boundaries, of ſuch Parcels and Allotments reſpectively, and ſhall contain proper Orders and Directions for and concerning the laying out, making, maintaining, 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 and proper, conformable to the true Tenor and Meaning of this Act, for the more eaſy, convenient, and effectual, Execution thereof, and for the preventing any Difficulties and Diſputes in Relation to the Matters herein contained, purſuant and according to the ſeveral Powers and Authorities hereby given to and veſted in the ſaid Commiſſioners reſpectively; of which ſaid Award or Inſtrument Three Parts ſhall be fairly engroſſed upon Parchment, and ſigned and ſealed by the ſaid Commiſſioners, One Part whereof ſhall, within the Space of Six Calendar Months after ſuch ſigning and ſealing, be inrolled by the Steward of the Courts of the Manor and Soke of *Kirton*, in *Lindſey* aforeſaid, and the Inrolment thereof kept amongſt the Records of the ſaid Manor and Soke; and a true Copy of the Plan of the ſaid ſeveral Townſhips, and of the ſaid Common called *Morton Carr*, and of all the other Lands and Grounds within the ſame Townſhips, and the Diviſion thereof, and of the ſeveral Allotments of the ſame, drawn upon Vellum, and ſigned by the ſaid Commiſſioners, ſhall alſo be annexed to the ſaid Inrolment, and to each Part of the ſaid Award, One Part whereof ſhall be put into and kept in a Box or Cheſt to be placed and kept in each of the ſaid Pariſh Churches of *Gainſburgh*, *Bliton*, and *Pilham* 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 Awards, or a true Copy of the Inrolment thereof, or any Part thereof, certified by the Steward of the ſaid Manor and Soke, or his Deputy, ſhall from Time to Time be admitted in all Courts whatſoever as legal Evidence, and ſuch Officer is hereby required to inrol the ſame accordingly, and make Copies thereof, or of any Part thereof,

and to certify the ſame from Time to Time, when required, within Fourteen Days after ſuch Copies ſhall be ſo required, being paid for ſuch Inrolment at the Rate of Eight-pence for each Sheet, and for every ſuch Copy and Certificate after the Rate of Two-pence for each 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 in Bar of all former Lands, Common Rights, and Tythes.

LXXIX. And be it further enacted, That the ſeveral Lands and Grounds ſo to be ſet out and allotted in and upon the ſaid Common called *Morton Carr*, and the ſaid Open Fields, Meadows, Paſtures, Lands, and Grounds hereby directed to be divided and incloſed, unto and for the ſeveral Perſons who by virtue of this Act ſhall be entitled to the ſame reſpectively, ſhall be and are hereby veſted in them reſpectively, in lieu and in full Bar of and Satisfaction for all the Lands and Grounds, and all Rights of Common, and other Rights and Intereſts whatſoever, in, over, and upon the ſaid *Carr*, and the ſaid Fields, Meadows, Paſtures, and other Commons, Lands, or Grounds, hereby directed to be divided and incloſed, which ſuch ſeveral Perſons had before the paſſing of this Act, or immediately before the making of ſuch Allotments; and that, from and immediately after the making of the ſaid Diviſion and Allotments, or as ſoon after as the ſaid Commiſſioners, by ſuch Writing as aforeſaid, or in their ſaid Award ſhall appoint, all Right of Common, Right of Stray, and Average, in, over, and upon all and every the Lands and Grounds, Commons and Waſte, hereby intended to be incloſed, and every Part thereof, and alſo all Tythes, both Great and Small, and all Eccleſiaſtical Dues and Payments whatſoever, ariſing and renewing out of and from the ſaid Common called *Morton Carr*, and out of and from all the incloſed Grounds lying within the ſaid ſeveral Townſhips of *Morton*, *Walkerith*, *Eaſt Stockwith*, *Bliton*, *Wharton*, *Pilham*, and *Gilby*, and every of them (except *Eaſter* Offerings, Mortuaries, and Surplice Fees, as herein-before is excepted) ſhall ceaſe, determine, and be for ever extinguiſhed.

Perſons refuſing to incloſe, Commiſſioners may do it.

LXXX. 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, Idiot, Feme Covert, Charity or Charities, Perſon or Perſons beyond the Seas, or otherwiſe incapable of acting for himſelf, herſelf, or themſelves, or any Tenant in Tail or for Life, or Truſtee or Truſtees under 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,

ed, and charge the Expences attending the incloſing 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 Repreſentative, until ſuch Time as he, ſhe, or they ſhall be willing and deſirous to accept the ſame.

Leaſes at Rack Rent to be void.

LXXXI. And be it further enacted, That all and every Leaſe and Leaſes at Rack Rent now ſubſiſting of all or any Part of the ſaid Lands and Grounds hereby intended to be incloſed, alone or together with any Meſſuages, Cottages, ancient incloſed Lands, or other Hereditaments, lying and being within the ſaid ſeveral Townſhips of *Morton*, *Walkerith*, *Eaſt Stockwith*, *Bliton*, *Wharton*, *Pilham*, and *Gilby*, or any of them, and all other Agreements for any Term or Terms, or Number of Years therein reſpectively, ſhall ceaſe, determine, and be void immediately on ſuch Allotments and Diviſions being made, the reſpective Leſſees or Tenants thereof firſt receiving or having duly tendered to them from the reſpective Proprietors of the ſame Premiſes, who have made or have had aſſigned to them any ſuch Leaſes or Agreements, ſuch Satisfaction as the ſaid Commiſſioners ſhall aſcertain as reaſonable to be paid to ſuch Tenant or Tenants as an Equivalent for the ſame reſpectively.

No Titles to be affected by this Act.

LXXXII. Provided always, and be it enacted, That nothing in this Act contained ſhall extend, or be conſtrued, deemed, adjudged, or taken to revoke, make void, annul, or anyway affect any Grant, Aſſurance, or Limitation of Uſe, Declaration of Truſt, or any Deed, Will, or Leaſe whatſoever, (except with reſpect to ſuch Leaſes as aforeſaid), or to prejudice any Perſon or Perſons having any Right or Claim of Dower, Jointure, Portion, Debt, Rent, Incumbrance, or other Claim or Demand, out of, upon, or affecting any of the Meſſuages, Cottages, Toftſteads, Common Rights, Lands, or Grounds, in reſpect of which the ſaid Common called *Morton Carr*, and the ſaid Fields, Meadows, Paſtures, and other 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 by virtue of this Act, under and ſubject to the ſame Uſes and Truſts, and for ſuch and the ſame Eſtates and Intereſts, and ſubject to ſuch and the ſame Wills, Leaſes, (except only as before excepted), Powers, Proviſoes, Limitations, Remainders, Charges, Tenures, Rents, Services, Incumbrances, and Demands, as the ſeveral Meſſuages, Cottages, Toftſteads, Lands, and Grounds, Common Rights, or other Property of any 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.

For defraying the Expences of the Act.

LXXXIII. 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 of this Act, and of the ſurveying, meaſuring, valuing, dividing, and draining, warping, 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, (except only the Expences of obtaining this Act, and ſurveying, meaſuring, and valuing the ſaid Common called *Morton Carr*, ſo far as relates to the Proportion of the ſaid Four hundred Acres thereof directed to be ſold, which would have belonged to the ſaid Impropriators, Vicars, and Rector), ſhall be borne and defrayed by all the Proprietors of Lands which ſhall be allotted by virtue of the ſaid Award (except the ſaid Common called *Morton Carr*) or who ſhall be entitled to any Lands or Eſtates within the ſaid ſeveral Townſhips ſubject to the Payment of Tythes, or ſhall be otherwiſe benefited by ſuch Incloſure in reſpect of Eſtates therein, and by the Perſons to whom any Allotments ſhall be made in or upon the ſaid Common called *Morton Carr*, in caſe the Money to ariſe by Sale of all the ſaid Lands herein-before directed to be ſold for paying ſuch Charges and Expences, as to the ſaid Carr, ſhall prove inſufficient for thoſe Purpoſes, and after the Whole of ſuch Money ſhall have been ſo applied and diſpoſed of according to their reſpective Properties and Intereſts in the ſaid Lands and Eſtates, and in the ſaid Carr reſpectively, (except His Royal Highneſs the Prince of *Wales*, in reſpect of his Manerial Rights, and the ſaid Impropriators, Vicars, and Rector, in reſpect of the Tythes, Glebe, and Common Rights reſpectively belonging to them within the ſaid ſeveral Townſhips, as ſuch Impropriators, Vicars, or Rector as aforeſaid), 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 all ſuch Proprietors as aforeſaid, including His ſaid Royal Highneſs and his Succeſſors, and the

the ſaid Impropriators, Vicars, and Rector, purſuant and according to the Rules, Regulations, and Directions, and in the Manner hereinbefore expreſſed and contained.

Recovery of Expences.

LXXXIV. And be it further enacted, That when and ſo often as any of the ſaid Proprietors ſhall refuſe or neglect to pay his, her, or their Proportion of any Rate or Rates, or any Aſſeſſment or Aſſeſſments to be made by the ſaid Commiſſioners, in reſpect or on account 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, according to the Directions aforeſaid, or ſhall refuſe or neglect to pay the Expences attending the incloſing and fencing of any ſuch Allotments, as upon the Neglect or Refuſal of the Proprietors ſhall be incloſed and fenced by the ſaid Commiſſioners as aforeſaid, at the reſpective Days and Times to be appointed for Payment of ſuch Rate or Rates, or Aſſeſſment or Aſſeſſments, 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 ſaid Rate or Rates, Aſſeſſment and Aſſeſſments, Coſts, Charges, and Expences, and Sum or Sums of Money reſpectively, to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo making Default in Payment as aforeſaid, his, her, or their Huſbands, Guardians, Truſtees, Committees, or Attornies, whereſoever the ſame ſhall be found, rendering the Overplus (if any) on Demand to the Owner or Owners of ſuch Goods and Chattels, the reaſonable Charges of ſuch Warrant, Diſtreſs, and Sale, being firſt deducted, together with lawful Intereſt, to be computed on ſuch Share or Shares, Proportion or Proportions, from the Time the ſame ſhall be directed to be paid by the ſaid 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 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.

LXXXV. And be it further enacted, That it ſhall and may be lawful to and for every Perſon or Perſons, who, after ſuch Diviſion and Incloſure to be made as aforeſaid, ſhall be Owners and Proprietors for the Time being of any of the Allotments to be made in purſuance of this Act, or of any Part thereof, and to and for the Huſbands, Guardians, Truſtees, Committees, or Attornies of or for any of the ſaid Owners or Proprietors being under Coverture, Minors, or beyond the Seas, or otherwiſe incapable to act for themſelves, and to and for every of them, and to and for any of the ſaid Owners or Proprietors being

Tenants for Life or in Tail, or for Years, not being at Rack Rent, or any other Contingencies, and to and for every of them reſpectively for the Time being (except the ſaid Vicars and Rector, and their Succeſſors for the Time being reſpectively, and the ſeveral Perſons from whoſe Allotments a Deduction ſhall have been made 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 Re-payment of ſuch Sum or Sums of Money, with Intereſt, to grant, mortgage, leaſe, or demiſe, the Lands and Grounds ſo to be charged therewith, unto any Perſon or Perſons who ſhall lend and advance the ſame reſpectively for any Term or Number of Years, ſo as every ſuch Grant or Demiſe be made with a Proviſo or Condition to ceaſe and be void when ſuch Sum and Sums of Money thereby ſecured, with the Intereſt thereof, ſhall be paid and ſatisfied, and ſo as in every ſuch Grant or Demiſe, to be made by any Perſon or Perſons entitled only as Tenants in Tail, or for Life or Lives, or Years, or upon any other Contingency, there be contained a Covenant to pay and keep down the Intereſt of the Money thereby to be ſecured during his, her, or their reſpective Life or Lives, or for ſo long as he, ſhe, or they ſhall continue ſeiſed of ſuch Allotment or Allotments reſpectively, ſo that no Perſon afterwards becoming poſſeſſed of, or entitled to ſuch Lands or Grounds ſo to be charged with any Sum or Sums of Money as aforeſaid, ſhall be liable to pay any further or larger Arrear of Intereſt than for One Year preceding the Time that the Title to ſuch Poſſeſſion ſhall have commenced, or otherwiſe it ſhall and may be lawful to and for the ſaid 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 and appoint, and in Default thereof to his, her, or their Executors or Adminiſtrators; and every ſuch Grant, Leaſe, Mortgage, Appointment, and Demiſe or Charge by Deed or Will as aforeſaid, ſhall be good, valid, and effectual in the Law for the Purpoſes thereby intended, notwithſtanding the Want of Title in ſuch Tenants in Tail, or for Life or Lives, or Years, or ſubject to any other Contingency, and notwithſtanding any Settlement, Will, Uſe, Truſt, Remainder, or other Incumbrance of or upon the ſaid Lands and Premiſes, or any Part thereof, then in being or capable of taking Effect to the contrary; and all and every Perſon or Perſons to whom any ſuch Grant, Mortgage, or Demiſe ſhall be made, by virtue of this Act, as a Security for any Sum or Sums of Money, or who ſhall be entitled to the Money thereby ſecured, ſhall and may, from Time to Time, by any Deed or Deeds, Writing or Writings, under his, her, or their Hand and Seal, or Hands and Seals, to be executed in the Preſence of Two or more credible Witneſſes, aſſign or transfer the ſame Security or Securities, and the Principal Money and Intereſt thereby ſecured, and all Benefit and Advantage thereof, and all his, her, or their Right, Title, 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 thereby to be 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.

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

LXXXVII. 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 Mortgage or Sale of the ſaid Lands, which the ſaid Commiſſioners are hereby authorized to mortgage and ſell as aforeſaid, or by any ſuch Rate as ſhall be aſſeſſed and charged by the ſaid Commiſſioners, by virtue of the Powers and Authorities hereby given to them as aforeſaid.

LXXXVIII. And

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

LXXXIX. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby required, from Time to Time, to keep and enter in a Book or Books a full and true Account of all the Charges, Expences, Receipts, Diſburſements, and Payments, which ſhall accrue or be made by virtue of this Act, and ſhall lay the ſame, together with all Receipts, Vouchers, and Papers relating thereto, before any Two or more of the ſaid Proprietors, to be choſen and nominated by Writing under the Hands of the major Part of the Proprietors preſent at any 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 Newſpaper, in the ſaid County of *Lincoln*, and in the ſeveral Pariſh Churches of *Gainſburgh*, *Bliton*, and *Pilham* 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 ſeaſonable 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 each Part of the ſaid Award, in the Commiſſioners Expences to be entered in a Book.

ſeveral

ſeveral Cheſts of the Pariſh Churches of *Gainſburgh*, *Bliton*, and *Pilham*, aforeſaid.

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

XC. And be it further enacted, That it ſhall be lawful for any Perſon intereſted in the ſaid Incloſure (except only the ſaid Vicars and Rector reſpectively, and their Succeſſors, and the Perſon and Perſons to whom any Allotment ſhall be made in Truſt for any College, Chapel, School, Hoſpital, or other publick Uſe or Charity) at any Time before the Execution of the ſaid Award, to ſell and diſpoſe of all ſuch Eſtate, Right, Title, and Property, which he ſhall have in, to, or upon the ſaid Common called *Morton Carr*, and the ſaid other Commons and Waſte Grounds, or in or to any Allotment to be made in reſpect of any Common Right thereon reſpectively, by virtue of this Act, and to convey the ſame to the Purchaſer, by Deed, or otherwiſe, according to the Tenure of the Eſtate or Intereſt in reſpect whereof ſuch Allotment ſhall be made, ſeparate from the Meſſuages, Cottages, Toftſteads, Lands or Grounds, or other Eſtate or Intereſt, in Right whereof he is or ſhall be ſo entitled, ſubject nevertheleſs to all Settlements, Mortgages, Charities, and Incumbrances affecting ſuch Meſſuages, Cottages, Toftſteads, Lands, Grounds, Eſtates, or Intereſts; 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 they are hereby declared to be valid and effectual, and may be granted and conveyed accordingly, ſubject to ſuch Incumbrances as aforeſaid; and every ſuch Sale, being ſpecified and ſet forth in the ſaid Award, ſhall be good, valid, and effectual, to all Intents and Purpoſes whatſoever, and the ſaid Commiſſioners ſhall award ſuch Allotments to the Purchaſers thereof accordingly.

Perſons aggrieved may appeal to Quarter Seſſions.

XCI. 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, Arbitrators, or Umpire, 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.

Saving Rights to the Lord of the Manor.

XCII. And be it further enacted, That nothing herein contained ſhall prejudice, leſſen, or defeat the Right, Title, or Intereſt, of His ſaid Royal Highneſs the Prince of *Wales*, His Heirs or Succeſſors, Lord of the Manor

Manor or Soke of *Kirton*, in *Lindſey* aforeſaid, or of any Perſon or Perſons who ſhall reſpectively for the Time being be Lord or Lords, Lady or Ladies, of any Manor or Manors, Lordſhip or Lordſhips, or reputed Manors or Lordſhips, within the Juriſdiction or Limits whereof the ſaid Common called *Morton Carr*, and the ſaid Fields, Meadows, Paſtures, Commonable Lands and Waſte Grounds, hereby directed to be incloſed, or any Part thereof reſpectively, are compriſed, of, in, or to, the Seigniory or Royalties incident and belonging to ſuch Manor, Lordſhip, or Soke, reſpectively, or either or any of them, but that His ſaid Royal Highneſs, His Heirs or Succeſſors and all ſuch Lords or Ladies as aforeſaid, ſhall and may, from Time to Time and at all Times hereafter, hold and enjoy the ſame reſpectively, and all 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 or Soke reſpectively, 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, Privileges, Matters, and Things, whatſoever, to the ſaid Manor or Soke, or to any ſuch other Manor or Manors as aforeſaid, or to His ſaid Royal Highneſs, His Heirs or Succeſſors, or ſuch other Lords or Ladies thereof for the Time being, incident or belonging, (other than and except the Right of His ſaid Royal Highneſs as Owner of the Soil and Inheritance of the ſaid Common called *Morton Carr*, and the ſaid Commons or Waſte Grounds, and ſuch Right of Common as can or may be claimed by His ſaid Royal Highneſs, or ſuch Lord or Lords reſpectively, in, over, and upon, the ſame, as ſuch Owner or Owners, or otherwiſe howſoever), 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.

XCIII. 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 Intereſts 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 as they, every, or any of them, had or enjoyed of, in, to, or in reſpect of the ſaid Common called *Morton Carr*, the ſaid Fields, Lands, Commonable and other Grounds, before the paſſing of this Act, or would or ought to have had or enjoyed in caſe the ſame had not been made, but no ſuch Perſon or Perſons, Bodies Politick or Corporate, his, her, or their Heirs, Executors, Adminiſtrators, or Succeſſors, ſhall have Power to defeat the End and Deſign of this Act by avoiding, impeaching, or any Way deſtroying any of the ſeveral Diviſions or Allotments ſo to be made as aforeſaid, but ſhall accept the ſame in lieu of all ſuch Lands, Grounds, Common Rights, Tythes, and Intereſts, as he, ſhe, or they have

General Saving.

have therein, or would have been entitled to in caſe this Act had not been made.

Publick Act. XCIV. 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.