

Demand made by the Collector or Collectors of the said Taxes, then it shall and may be lawful for the said *Black Sluice* Commissioners, or any Five or more of them, and they are hereby authorized, by Warrant or Warrants under their Hands and Seals, to empower their Collector or Collectors to levy the same by Distress and Sale of the Goods or Chattels which shall be found on the Allotment or Allotments of the Person or Persons so refusing or neglecting as aforesaid; and if no sufficient Distress can be found on the said Allotments for levying the said Taxes, the said Allotments chargeable therewith shall remain a Security for Payment thereof; and the said *Black Sluice* Commissioners, or any Five or more of them, shall in such Case, after Default in Payment for Three Calendar Months, be, and they are hereby authorized and empowered to enter into and upon the said Allotments, and let the same from Year to Year for the best Rent that can be procured for the same, until all Arrears of the said Taxes, and all Expences of raising the same, shall have been fully paid and satisfied, and the Produce thereof shall be applied in the first Place towards discharging the said Taxes, and the Charges attending such Entry, and the Residue thereof, shall be paid by such Collector or Collectors to the Owner or Owners of such Allotments, or his, her, or their Agent, when demanded: Provided nevertheless, That nothing herein contained shall prevent or restrain the said *Black Sluice* Commissioners, or any Person or Persons acting under their Authority, from inclosing or leasing any Part of the said North Fen, in such and the like Manner and for the like Purposes as they are authorized to do at the Time of passing this Act, unless the said General Commissioners shall pay the Monies which they are hereby authorized and directed to raise and pay to the said *Black Sluice* Commissioners as aforesaid.

Powers of the
Black Sluice
Commission-
ers saved.

Schedules of
Allotments
to be delivered
to the *Black*
Sluice Com-
missioners.

XXV. And be it further enacted, That the Special Commissioners for the Parts of *Holland* shall, within Six Months after Possession shall be given of the Allotments to be made by them in the said North Fen, deliver or cause to be delivered to the said *Black Sluice* Commissioners, or to their Clerk for the Time being, an Account in Writing signed by them, containing the Names of the several Persons to whom Allotments shall be made by virtue of this Act, and the Quantities in Statute Measure of the Acres, Roods, and Perches of the Lands which shall be allotted to each Proprietor respectively, and without being entitled to receive any Compensation for the said Account from the said *Black Sluice* Commissioners.

In setting out
Lands for
Sale, due Re-
gard to be
had to the
Interest of
the respective
Parties.

XXVI. Provided, and it is hereby further enacted, That in setting out such Lands for Sale as aforesaid, the said General Commissioners shall have due regard to the Rates, Taxes, or Assessments owing or to accrue due to the said *Welland* Commissioners, in respect of the said *Crowland Common* Washes and Fodder Lots, and the general Works of Drainage, Costs, and Charges to be made and borne in respect of the same Lands, and also to the Costs, Charges, and Expences to be incurred, and the Taxes owing or to accrue due to the said *Welland* Commissioners, in respect of the Shares or Proportions of the said Commons so to be allotted to the Proprietors of Messuages, Houses, Toststeads, Lands, and Hereditaments within each of the said Divisions of *Kesteven* and *Holland* as aforesaid, to the Intent that the respective Persons and Parties

Parties interested therein may bear no more than a due Proportion of such Rates, Taxes, Costs, Charges, and Expences.

XXVII. Provided also, That if there shall be any Surplus remaining of the Monies arising from the Sale of the Lands herein-before directed to be sold for the Purposes aforesaid, after Payment of the several Rates, Taxes, Assessments, Costs, Charges, and Expences to which the same are directed to be applied as aforesaid, such Surplus shall be laid out in such further Works of general Drainage, or in supporting those to be made as herein directed, or for such other Purposes of this Act, as the said General Commissioners shall order or direct.

XXVIII. And be it further enacted, That if any Surplus Money arising by Sale of Land as aforesaid, or any Money which shall be agreed, adjudged, or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any other Disability or Incapacity, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds or upwards, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting any other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands, Tenements, or Hereditaments, which shall be so purchased and taken or used for the Purposes of this Act, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments,

Surplus Mo-
ney arising
from Sales
how to be
applied.

Directing the
Application
of Purchase
Money ex-
ceeding 200*l*.

[Loc. & Per.]

Hereditaments, so hereby directed to be purchased in case such Settlement or Purchase were made.

Application where the Compensation does not exceed 200*l.* nor less than 20*l.*

XXIX. Provided always, and be it further enacted, That if any Surplus Money arising by Sale of Land as aforesaid, or any Money so agreed, adjudged, or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds and shall exceed Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved by the Commissioners or Trustees, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Cases shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Directing the Application of Purchase Money under 20*l.*

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

XXXI. And be it further enacted, That all other Monies which shall be raised or received by the said General Commissioners, or by their Order, or for their Use, under and by virtue of this Act, over and above what is herein provided to be paid to the said *Welland* Commissioners, or the Treasurer, Banker, or other Person by them duly authorized to receive the same, shall, as often as the same shall amount unto the Sum of Fifty Pounds, be paid into the Hands of some Banker, or of such other Person or Persons as shall be approved by a Majority in Value of the said Proprietors in each of the said Parts, who shall be present at the First Meeting of the said General Commissioners (and in the Notice of which Meeting shall be expressed the Intention of the said Commissioners to appoint such Banker, or other Person or Persons) to be there placed to the Account of the said General Commissioners; and that the Monies so paid in shall not afterwards be issued out of the Hands of such Banker, or

or other Person or Persons, without an Order under the Hands of the said General Commissioners, specifying the Sum to be paid, the Person to whom the same is made payable, and the Service for which the same is due, and the same Commissioners are hereby required to keep a Book of Accounts, and to enter or cause to be entered therein all Sums of Money received and paid by them in the Execution of this Act, and to file Vouchers for all such Payments; and it shall be lawful for any Five or more of the Proprietors interested in the said Inclosure and Drainage, and their Agents, duly authorized, to examine and inspect the said Accounts and Vouchers at any Meeting of the said Commissioners to be held under the Authority of this Act, and to settle and allow such Accounts, and for that Purpose any Five of the said Proprietors are hereby authorized to call a Meeting of the said Commissioners, by Advertisement in the *Lincoln, Rutland, and Stamford* Newspaper, in case no Meeting shall have been held by them for the Space of Six Calendar Months previous to such Advertisement; and upon the final Settlement of the said Accounts, the Balance (if any) shall be repaid to the Proprietors, in proportion to the Sums they respectively paid or contributed thereto: Provided always, That the said Commissioners shall not be accountable for the Money so lodged with the said Banker, or other Person or Persons, so long as the same shall remain in his or their Hands, nor shall any One of the said Commissioners, not signing the said Orders, be accountable for the several Sums for which the said Orders shall be given by the others of the said Commissioners.

Commissioners not to be answerable for such Banker, nor for each other.

XXXII. And be it further enacted, That the said General Commissioners shall, and they are hereby authorized and required, as soon as conveniently may be after such final Adjudications and setting out Lands for Sale as aforesaid, and after setting out the several Drains, Banks, and Forelands herein directed, and the said One hundred and twenty Feet in Breadth of Land next the said Rivers *Welland* and *Glen*, together with the Herbage of the said Banks, to make a parochial or general Division of the Residue of that Portion of the said Commons which shall be set out in respect of the Rights and Interests of the several Owners and Proprietors of Messuages, Houses, Toststeads, Lands, and Hereditaments in the several Parishes and Places of *Market Deeping, West Deeping, Deeping Saint James, Langtoft, Baston, Tallington, Uffington, Barholm cum Stow*, and the said *White House* in *Greatford*, and Lands thereto belonging, in the Parts of *Kesteven* aforesaid, according and in proportion to the Number of ancient Commonable Messuages, Houses, and Toststeads, and to the Value of the several Lands and Hereditaments in each of the said last-mentioned Parishes and Places in the said Parts of *Kesteven*, so as aforesaid to be adjudged entitled to Rights of Common, or interested in the same Commons, reckoning upon such Division into parochial or general Allotments, within the said Parts of *Kesteven*, a Toststead as only entitled to One Half in proportion to a Commonable Messuage or House, and such Commonable Messuages, Houses, and Toststeads, as entitled in the Aggregate to Three Fifth Parts, and the said Lands to the remaining Two Fifth Parts of such Portion of the said Commons, and shall also make a parochial or general Division of the Residue of that Portion of the said Commons which shall be set out in respect of the Rights and Interests of the several Owners and Proprietors of Messuages, Houses, Toststeads, Lands, and Hereditaments in the several Parishes and Hamlets of *Spalding, Cowbit, Peakhill,*

General Commissioners to divide the Residue of the Commons, etc. into parochial Allotments.

Peakhill, and *Pinchbeck*, in the said Parts of *Holland*, into Two distinct and separate Parts and Shares, One of them in respect of the Rights and Interests in *Spalding*, *Cowbit*, and *Peakhill* aforesaid, and the other of them in respect of the Rights and Interests in the said Parish of *Pinchbeck*, to be respectively ascertained as herein directed.

Expences of
Division
Fences of pa-
rochial Allot-
ments, &c.

XXXIII. And be it further enacted, That the Expence of all Division Fences, Bridges, Gates, Ditches, and Watercourses for dividing and separating such respective parochial or general Allotments from each other, shall be paid and defrayed out of the Monies to arise by Sale of Land for the Purposes of this Act; and that all such Division Fences, Bridges, Gates, Ditches, and Watercourses, shall at all Times thereafter be repaired, scoured, and maintained, by and at the Expence of such Person and Persons, Parish, Township, or Place respectively, to whom or to which the same shall be allotted, and in such Manner as the said General Commissioners shall in and by their said Award, or by any Writing under their Hands in the mean Time, order, direct, or appoint.

Allotments
for Tythes in
Kesteven.

XXXIV. And be it further enacted, That the said Special Commissioners for the said Parts of *Kesteven* shall, and they are hereby required, after the several Drains, Banks, Forelands, Roads, and Allotments for Repair of Roads and Banks respectively shall be set out as herein directed, to set out unto and for the said *Charles Peter Layard*, as Rector of *Uffington* aforesaid, the said Trustees of the Schools of *Oakham* and *Uppingham* aforesaid, Improprators of *Barholm with Stow* aforesaid, and the said *Thomas Orme*, Vicar of *Barholm with Stow* aforesaid, and the said *Henry Key Bonney*, Rector of *Greatford* aforesaid, and their respective Successors, so much and such Part or Parts of the respective parochial or general Allotments, herein directed to be set out in respect of Messuages, Houses, Toftsteads, Lands, and Hereditaments in the said several Parishes of *Uffington* and *Barholm with Stow*, and *Greatford* aforesaid, as in the Judgement of the Commissioners setting out the same shall be equal in Value to One Ninth Part of each such parochial or general Allotment; and shall in the next Place set out and allot unto and for the King's most Excellent Majesty, and the said Duke of *Ancafter* and *Kesteven*, his Lessee, or such other Lord or Lords, Lady or Ladies of any Manor or Manors as shall be finally adjudged to extend over the same, such further Part or Parts of the said parochial or general Allotments in the Parishes and Places last aforesaid, as in the Judgement of the same Special Commissioners shall be equal in Value to One Fortieth Part of each such parochial or general Allotment, after the several Roads, Drains, and Compensation for Tythes are set out as herein-before directed, and shall divide such Manerial Allotments among the respective Persons interested therein, according to their several Rights and Interests in such respective Allotments.

Allotments
for Tythes
of *Spalding*,
&c.

XXXV. And be it further enacted, That the said Special Commissioners for the said several Parishes and Hamlets in the said Parts of *Holland*, shall, and they are hereby required (after setting out Land for Sale as aforesaid, and after the several Drains, Banks, Forelands, and Roads, and Allotments for Repairs of Roads and Banks respectively, shall be set out as herein directed) to set out and allot unto and for the said Feoffees of the Rectory Improprate and Church of *Spalding* aforesaid, and

and the said *Maurice Johnson* as their Lessee, and Minister of *Spalding* aforesaid, the said *Walter Maurice Johnson*, and his Successors, Ministers of *Wykeham* aforesaid, in case he and they shall be found entitled to any Tythes, and the said *Joseph Mills*, and his Successors, Ministers of *Cowbit* aforesaid, so much of the said North Fen and Drovers, and of the said Commons herein declared to be situate within the said Parish of *Spalding*, as in the Judgement of the same Special Commissioners (Quantity, Quality, and Situation considered) shall be equal in Value to One Fifth Part of all such ancient inclosed Arable Lands, and One Ninth Part of all such ancient inclosed Meadow and Pasture Lands within the said Parish of *Spalding*, as are respectively liable to the Payment of Tythes, and also equal in Value to all such Moduses or Customary Payments in lieu of Tythes, as have been usually and are now paid in respect of any such ancient inclosed Lands, and to One Ninth Part of such of the Lands and Grounds intended by this Act to be divided and inclosed, as are herein declared to be situate within the said Parish of *Spalding*; and the same Special Commissioners shall, and they are hereby required in like Manner to set out unto and for the Master, Fellows, and Scholars of *Emanuel College* in the University of *Cambridge* for the Time being, Improprators of *Pinchbeck* aforesaid, and the said *William Healey* their Lessee, the said *Thomas Hearson Wayet* and his Successors, Vicars of *Pinchbeck* aforesaid, and the said *William Vise*, and his Heirs, Owners of the Tythe of Flax within the said Parish of *Pinchbeck*, so much of the said North Fen and Drovers, and of the said Commons as are herein declared to be situate within the said Parish of *Pinchbeck*, as in the Judgement of the same Commissioners (Quantity, Quality, and Situation considered) shall be equal in Value to One Fifth Part of all such ancient inclosed Arable Lands, and Two Seventeenth Parts of all such ancient inclosed Meadow and Pasture Lands within the said Parish of *Pinchbeck*, as are respectively liable to the Payment of Tythes, and also equal in Value to all such Moduses or Customary Payments in lieu of Tythes, as have been usually and are now paid in respect of any such ancient inclosed Lands, and to One Ninth Part of such of the Lands and Grounds intended by this Act to be divided and inclosed, as are herein declared to be situate within the said Parish of *Pinchbeck*; and it is hereby declared, that in settling such respective Proportions as aforesaid, within the said respective Parishes, all Reed Lands shall be deemed and taken to be Pasture Land.

Allotments
for Tythes in
Pinchbeck.

XXXVI. And be it further enacted, That nothing herein contained shall prejudice the Rights of the several Tythe Owners in respect to the Tythes of the Lands directed to be sold from the said Commons, for the Purposes herein mentioned; but that the said General Commissioners shall, in setting out the said parochial or general Allotments, make a Deduction therefrom to the Value of such Tythes, and allot the Lands so deducted unto and amongst the several Improprators, Rectors, Vicars, Ministers, and Tythe Owners, in proportion to the Value of their respective Rights and Interests therein.

Tythe to be
paid for
Land sold for
Arrars of
Taxes.

XXXVII. And be it further enacted, That the same Special Commissioners shall, and they are hereby required, as soon as may be after receiving the Claims as herein directed, to ascertain and adjudge what inclosed Lands and Grounds are Arable and Pasture, or Meadow respectively, at the Time of passing this Act, within the said respective Parishes and Ham-

Ascertain-
ment of
Arable and
Grass Land.

lets of *Spalding, Cowbit, Peakhill, and Pinchbeck*, and on such Ascertainment and Adjudication, the same shall respectively be liable to contribute in the several Proportions aforesaid, to the Allotments herein directed to be set out in lieu of Tythes as aforesaid; provided that the Adjudication of the said Commissioners shall not affect the Rights of the respective Persons and Parties interested in the Tythes of the said Lands, until they shall respectively enter upon the Allotments to be set out in lieu thereof.

If Lands subject to a Modus, Proprietors to have a Deduction in respect thereof.

Power to try Rights to Tythe Allotments by a feigned Issue.

XXXVIII. Provided always, and be it further enacted, That in all Cases arising as well in the said Parts of *Kesteven* as in the said Parts of *Holland*, where any Lands, Tenements, or Hereditaments, having Right of Common over any such parochial or general Allotment as is herein directed to be subdivided and inclosed, are held discharged of Tythes, or are subject to a Modus or customary Payment in lieu thereof, the Owner of such Lands, Tenements, or Hereditaments shall have and be entitled to such Share and Proportion of the Tythe Allotments in respect of the Share and Interest of such Lands, Tenements, and Hereditaments, in the Lands and Grounds to be subdivided and inclosed, as shall be equal to such Tythes, or to the Difference in Value between the same, to be ascertained as aforesaid, and the Modus or customary Payment in lieu thereof, and the said respective Special Commissioners shall make a Deduction from the said several Tythe Allotments accordingly in Favour of such Owners or Proprietors; provided that if any Tythe Owner shall be dissatisfied with the Directions herein contained, respecting the Appropriation of the Lands to be set out in lieu of the Tythes of any Allotment to be made in respect of Lands, Tenements, or Hereditaments held discharged of Tythes, or liable only to a Modus or customary Payment in lieu thereof, it shall be lawful for the Person or Persons interested therein or affected thereby, to try his, her, or their Right to any such Lands so to be set out in lieu of Tythes as aforesaid by a feigned Issue, to be had in such and the same Manner, and within such and the same Time as is herein directed with respect to other Issues to be had and taken under the Authority of this Act; and that all such Costs, Charges, and Expences, as the Defendant or Defendants in such Action shall incur or be put unto by reason thereof, shall be borne, defrayed, and raised by a Rate or Assessment upon the several Persons interested in such Exemptions, according to such their Interests, and be recovered by Entry and Perception of the Rents and Profits of the Premises respectively charged therewith, under the Order and Direction of the said General Commissioners.

Inclosed Lands to be allotted in lieu of Tythes, where the Proprietors have not sufficient Commonable.

XXXIX. Provided, and it is hereby enacted, That in all Cases where any Owner or Proprietor of ancient inclosed Lands, Tenements, or Hereditaments intended to be exonerated of Tythes, Moduses, or Customary Payments in lieu of Tythes, shall not be entitled to any Allotment in the Lands and Grounds to be subdivided and inclosed, or where the Allotment to which such Owner or Proprietor is entitled shall be insufficient for the Purpose of exonerating such ancient inclosed Lands, Tenements, and Hereditaments from Tythes, Moduses, or Customary Payments in lieu thereof as aforesaid, it shall be lawful for the said Special Commissioners, and they are hereby required to set out and allot for the several Persons and Parties interested in such Tythes, Moduses, and customary Payments respectively, so much and such Part or

Parts

Parts of the ancient inclosed Lands, Tenements, and Hereditaments belonging to such Owner or Proprietor as shall be sufficient to compensate for the same, after the several Proportions aforesaid; and the Lands that would otherwise have been set out in Compensation of such Tythes, Moduses, or Customary Payments, shall be considered as Part of the Residue of the Lands intended by this Act to be divided and inclosed, and be set out and allotted accordingly.

XL. And be it further enacted, That the said Special Commissioners for the said Parts of *Holland*, after setting out Roads, Drains, and Allotments for Tythes and Repairs of Roads as aforesaid, shall, and they are hereby required to set out unto and for the said Lord *Eardley*, either solely or jointly with such other Lord or Lords, Lady or Ladies of any Manor or Manors extending over any Part of the parochial or general Allotments to be set out in respect of Messuages, Houses, Toststeads, Lands, and Hereditaments in *Spalding, Cowbit, Peakhill, and Pinchbeck* aforesaid, as shall be finally adjudged to be entitled thereto, so much and such Part of the same Allotments as in the Judgement of the said Special Commissioners shall be equal in Value to One Fortieth Part of the then Residue of such parochial or general Allotments, and also of the Drovers and Waste Lands in the said respective Parishes and Places last mentioned, and shall either allot such Land solely to the said Lord *Eardley*, or otherwise divide the same between the said Lord *Eardley* and such other Lords or Ladies as shall be interested therein, according to their several Rights and Interests in such respective Allotments.

Allotments to Lords of Manors in the Parts of *Holland*.

XLI. And be it further enacted, That all such Allotments so to be set out and allotted in respect of Manerial Rights as aforesaid, shall be had and taken by the several Persons to whom the same shall be respectively allotted, in lieu, and full Bar of, and Compensation for all Right of Soil in the Lands and Grounds so directed to be subdivided and inclosed; and that all such Allotments to be set out and allotted in respect of Tythes as aforesaid, shall in like Manner be had and taken in lieu of, and full Satisfaction and Compensation for all Tythes, both Great and Small, Moduses, Compositions, Ecclesiastical Dues and Payments whatsoever, as well in respect of the Lands and Grounds so directed to be subdivided, and inclosed, as also in respect of the ancient inclosed Lands, Tenements, and Hereditaments in *Spalding* (including the said Hamlets of *Cowbit* and *Peakhill*) and *Pinchbeck* aforesaid, (Mortuaries, *Easter* Offerings, and Surplice Fees, only excepted).

Allotments to Lords of Manors to be in Satisfaction of their Right to the Soil. Allotments to Tythe Owners to be in Satisfaction of Tythes.

XLII. And be it further enacted, That after the said Allotments shall have been set out as aforesaid, the said respective Special Commissioners shall subdivide and allot all the then Residue of the said North Fen Drovers and Waste Lands in the Parishes of *Spalding* and *Pinchbeck* aforesaid, and of the several parochial or general Allotments hereby directed to be set out for the several Parishes and Places of *Uffington, Barholm cum Stow, Greatford, Spalding, and Pinchbeck* aforesaid, unto and amongst the several Owners and Proprietors of ancient Commonable Messuages, Houses, Toststeads, Lands, and Hereditaments, in the Proportion and in the Manner following; (that is to say) Three Fifth Parts thereof unto

Subdivision of parochial Allotments.

and amongst the several Owners and Proprietors of ancient Commonable Messuages, Houses, and Toststeads interested therein respectively, according to the Number but without Regard to the Value of such their respective Messuages, Houses, and Toststeads, and the remaining Two Fifth Parts thereof unto and amongst the several Owners and Proprietors of Lands in each such Parish, Hamlet, and Place appertaining to such Messuages, Houses, and Toststeads so interested as aforesaid, in proportion to the Value of such their respective Lands, to be ascertained by the said General Commissioners as herein-before is directed; provided that upon such Subdivisions as aforesaid, the Owners and Proprietors of Toststeads in the said Parts of *Kesteven*, shall have and be entitled only to Half the Compensation that shall be adjudged to belong to Messuages or Houses, and that in the said Parts of *Holland*, the Compensation in respect of Messuages, Houses, and Toststeads, shall be equal; and provided also, that in allotting the said One hundred and twenty Feet in Breadth out of the said North Fen, subject to the Right of the said *Black Sluice* Commissioners, for getting Earth for the Repairs of the North Bank of the said River *Glen*, the said Special Commissioners for the Parts of *Holland* shall allot the same to be grazed only with Sheep, and no Fences shall be made across the same, without the Consent of the said *Black Sluice* Commissioners.

Proprietor of Allotments in *Cowbit Wash*, to have Satisfaction for Earth taken by the Adventurers.

XLIII. And it is hereby further enacted, That if the Proprietor or Proprietors, Occupier or Occupiers, of any Allotment or Allotments to be set out and awarded in *Cowbit Wash*, shall at any Time sustain Loss or Damage by reason of the said Adventurers of *Deeping Fen* taking Earth or Soil from any such Allotment or Allotments for Repair of the North Bank of the said River *Welland*, pursuant to the Powers vested in them for that Purpose, and for which Compensation shall not be recoverable of the said Adventurers; the Trustees in whom the Herbage of the Banks and Forelands of the Main Drains is vested shall and they are hereby required, by and out of the Rents and Profits of the said Herbage, and also by and out of the Rates and Taxes to be raised by them under the Authority of this Act, to make such Recompence and Satisfaction to the Proprietor or Proprietors, Occupier or Occupiers, sustaining such Loss or Damage, to be ascertained and determined by such Ways and Means as the said Commissioners shall in and by their said Award order and direct.

Encroachments within Twenty Years to be deemed Part of the Common, &c.

XLIV. And be it further enacted, That all Encroachments which have been made upon the said Commons or upon the said North Fen and Drovers, or other Lands and Grounds intended by this Act to be divided and inclosed, within the Space of Twenty Years next preceding the Twenty-fourth Day of *June* One thousand eight hundred and one, and all Encroachments which shall be made after the passing of this Act, or for which the Possessor or Possessors pay an Acknowledgement or Acknowledgements to the Lord or Lords, Lady or Ladies of any Manor within any of the said Parishes or Places interested in the said Division and Inclosure, and none other, shall be deemed Part of the Lands and Grounds hereby intended to be divided and inclosed; and in case any Difficulties or Disputes shall happen to arise touching what are Encroachments, or whether the same have been made within the Time aforesaid, such Difficulties and Disputes shall be settled and determined by the said General Commis-

Commissioners, who shall have Power to examine Witnesses on Oath or Affirmation, and examine and receive such other Evidence as they shall think proper, and shall set out and allot unto such Person or Persons, being entitled to Right of Common upon the said Commons or upon the said North Fen, and other uninclosed Lands and Grounds, as are and shall be in Possession of any such Encroachment or Encroachments, all and every of the Lands or Grounds comprehended therein, for and in Part of the Allotment to be so made to them respectively by virtue of this Act; and in case the Person or Persons having made such Encroachment or Encroachments respectively, shall have no such Right of Common as aforesaid, and shall desire to be the Purchaser of such Encroachment or Encroachments respectively, and signify such his, her, or their Desire in Writing, under his, her, or their Hand or Hands respectively, to the said General Commissioners, at any Meeting to be held in pursuance of this Act, either agreeable to Notice or in consequence of Adjournment, then and in all such Cases, and also where it shall happen that the Encroachment or Encroachments made by any Person or Persons entitled to Allotments, shall be greater or more (Quantity and Quality considered) than the Allotment or Allotments amount unto which belong to the Person or Persons in Possession of such Encroachment or Encroachments respectively, the said General Commissioners are hereby directed and required to charge all such Persons for the Whole or Part of the said Encroachments, as the Case shall be, at the Rate of Thirty-two Years Purchase, on the Gross Annual Value of the Grounds comprehended in such Encroachment or Encroachments, according to its original intrinsic Value, and the Value of the Residue of the said Lands and Grounds so intended to be divided and inclosed, without Regard to the Improvement made thereon, and the said several Sums of Money so charged as aforesaid, shall be recoverable by the said General Commissioners in a summary Way, or by an Action at Law, to be brought against the Person or Persons in Possession of such Encroachment or Encroachments, and shall be paid by the said General Commissioners into the Hands of a Banker or other Person, in Manner herein directed, for the Purposes of this Act; and the said Encroachments shall, on Payment of the said several Sums of Money so to be charged as aforesaid, either from and immediately after the Execution of the Award of the General Commissioners herein-after directed to be made, or at such other Time as the said General Commissioners shall, by any Writing under their Hands and Seals, direct or appoint, vest in the several Persons so paying for the same as Freehold Estates of Inheritance; any Law, Usage, or Custom of Courts within the said Manors, or any of them, to the contrary thereof in anywise notwithstanding.

XLV. And be it further enacted, That in case any Person or Persons shall, between the Time of passing this Act and the Time of making the Award of the General Commissioners herein-after directed, cut, dig, take up, carry, or lead away in Carts, Waggons, or otherwise, any Turf or Sods from any Part of the Lands and Grounds hereby directed to be divided and inclosed, except upon his, her, or their own specifick Allotment or Allotments, every such Person or Persons so offending shall, on Conviction thereof before any Justice of the Peace for the Divisions or Parts of *Kesteven* or *Holland*, within which the Offence shall be committed, by Confession of the Party offending, or by the Oath or Oaths of One

Penalty for digging Turfs.

[Loc. & Per.]