

or more credible Witness or Witnesses, for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds; and the Evidence of any Witness or Witnesses shall be admissible, notwithstanding his, her, or their being Owner or Occupier in the Lands and Grounds where such Offence shall be committed; and the said respective Justices are hereby required to take Cognizance of such Offences, and to proceed to Conviction accordingly, and on Non-payment of such Penalty to commit the Offender to the House of Correction for the Division or District in which the Offence shall be committed, for any Term not exceeding Three Months, unless such Penalty shall be sooner paid.

For Recovery  
of Penalties.

XLVI. And be it further enacted, That all Penalties and Forfeitures imposed by or under the Authority of this Act, or the Award to be made in pursuance thereof, shall be levied and recovered in a summary Way before any One Justice of the Peace for the Division or Parts wherein the same shall be incurred, not interested in the Matter in Question, for which Purpose it shall be lawful for any such Justice of the Peace, upon Complaint made to him, to summon the Party accused, and the Witnesses on both Sides, and upon the Appearance or Contempt of the Party accused, to examine such Witnesses upon Oath, which Oath every such Justice is hereby empowered and required to administer, and upon such Evidence to give Judgement accordingly, and to condemn the Party accused (Proof of the Accusation being made to the Satisfaction of the said Justice, by One or more Witness or Witnesses as aforesaid) in such Penalties and Forfeitures by Distress and Sale of his or her 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 often as the same shall be levied, be paid and applied to and for such Uses, Intents, or Purposes of this Act, as the said General Commissioners, by any Writing or Writings as aforesaid, or in and by their said Award, shall order, direct, or appoint other than and except such Penalties as shall be imposed by the said respective Special Commissioners, which shall be paid and applied to and for such Uses, Intents, or Purposes of this Act, as the Special Commissioners imposing the same shall in like Manner order, direct, or appoint.

Owners re-  
quired to ac-  
cep their  
Allotments.

XLVII. And be it further enacted, That all and every Person and Persons to whom any Allotment or Allotments shall be made, or whose Estates shall be partitioned or exchanged by virtue of this Act, shall, and they are hereby required to accept his, her, or their respective Allotments, Shares, Partitions, and Exchanges, at such Time as the General or respective Special Commissioners setting out the same, shall, by their said Award or by any other Writing under their Hands, direct and appoint, of which Notice shall be given some Sunday immediately after Divine Service, in the several Churches and Chapels of the respective Parishes and Hamlets interested therein, or within which such Allotment or Allotments shall be situate, a Copy of which Notice shall also be affixed on the Doors of the said Churches and Chapels; and in case any Person or Persons shall neglect or refuse to accept his, her, or their Share or Allotment, Shares or Allotments, Partition or Partitions, Exchange or Exchanges, within the Time mentioned in the said Award or in the said Notice as aforesaid, such Person or Persons so neglecting or refusing, shall be

be totally excluded from any Estate, Interest, Right of Common, or other Property whatsoever, in, over, and upon any Allotments set out by virtue of this Act, or Lands and Hereditaments partitioned or exchanged, except such respective Allotments, Partitions, or Exchanges, as they shall be severally entitled to by virtue of this Act.

XLVIII. And be it further enacted, That from and after the Publication of such Notice as aforesaid, or at such other previous Time as the said General or respective Special Commissioners publishing the same shall appoint, by any Writing under their Hands, to be published in like Manner, all Tithes, Moduses, and Compositions in lieu of Tithes, and also all Right of Common in, over, and upon the Lands and Grounds comprized in such Notice, shall cease and be for ever extinguished, and the several Lands and Grounds so set out and allotted unto the several Persons who, by virtue of this Act, shall be entitled to the same, shall be and are hereby vested in them respectively, in full Bar, Satisfaction, and Compensation of and for all such Tithes, Moduses, and Compositions, Right of Common and other Right whatsoever, in, over, and upon the Lands and Grounds so set out and allotted in pursuance of this Act.

Tithe and  
Right of  
Common to  
cease.

XLIX. And be it further enacted, That as soon as may be after the respective Allotments for Tithes shall be set out as herein is directed, the same shall be respectively subdivided amongst the several Tithe Owners according to their several and respective Rights and Interests therein, by the said respective Special Commissioners, and, according to such Subdivision, shall be inclosed on all such Sides or Parts thereof as the Special Commissioners setting out the same, shall not order or direct to be fenced, by any other Person or Persons, with a good and sufficient Ditch, Eight Feet wide and Four Feet deep, and the Expence thereof shall be paid out of the Fund herein provided for defraying the Charges and Expences attending the Subdivision of the parochial or general Allotment, within which such Tithe Allotments shall be respectively situate; and the same shall for ever thereafter be maintained and kept in Repair by the several Persons and Parties interested in such Tithe Allotment for the Time being.

Allotments in  
lieu of Tithes  
to be subdivi-  
ded and  
fenced.

L. And be it further enacted, That the Residue of the Lands in such parochial or general Allotments, so intended to be subdivided as aforesaid, shall be fenced by and at the Expence of the several Proprietors to whom the same shall be respectively allotted, and the Fences at all Times for ever thereafter repaired and maintained by and at the Expence of such Proprietors respectively, and in such Proportion and Manner as the respective Special Commissioners setting out the same, shall, in and by

General  
Fencing.

their Award, or any other Writing under their Hands, direct or appoint; and in case any Person or Persons to whom any Allotment or Allotments shall be set out as aforesaid, shall neglect or refuse to inclose the same within such Time and in such Manner as the same Commissioners shall, by their said Award, or by any other Writing under their Hands, direct or appoint, then and in such Case it shall be lawful for the Commissioners setting out the same to enter into and upon and to let and set to any Person or Persons whomsoever, the Land so as aforesaid to be allotted to such Person or Persons as shall have so refused or neglected to make such Fences thereon as by the said Award or Writing shall be directed to be made, and to hold and enjoy the same until the same Commissioners shall

out



out of the Rents and Profits thereof, or otherwise on Account thereof, have received and taken to themselves so much Money as shall be necessarily expended in and about inclosing such Land, and a reasonable Allowance for their Trouble and all Charges attending the same; and until such Inclosure and Fence shall be completed, it shall not be lawful for any such Person or Persons so neglecting or refusing as aforesaid, or his, her, or their Tenant or Tenants, to sue for or recover any Damage which he, she, or they may sustain by the Estray of any other Person's Beast or Beasts, Cattle or Sheep, into such uninclosed Allotment, or to impound such Beast or Beasts, Cattle or Sheep, so estraying as aforesaid.

Convenient  
Gaps to be left.

LI. Provided always, That convenient Openings shall be left in the said Fences, for the Space of Six Calendar Months next ensuing the Execution of the said Award or Instrument, for the Passage of Cattle and Carriages, unless the same Special Commissioners shall, by any Writing under their Hands, direct the contrary.

Guardians,  
&c. to accept.

LII. And be it further enacted, That the Guardians, Husbands, Trustees, Committees, Executors in Trust, or Attornies of any Person or Persons being Minors, under Coverture, Lunatics, or beyond the Seas, or otherwise incapable by Law to accept such Allotments so to be made as aforesaid, shall be, and are hereby enabled and required to accept thereof for the Use of such Person or Persons; and such Acceptance shall be, and is hereby declared to be as valid and effectual, as if the Person or Persons to or for whom the same shall be made respectively, was or were capable of acting for himself, herself, or themselves.

Non-accept-  
ance not to  
bar.

LIII. Provided nevertheless, That the Non-claim or Non-acceptance of any Guardian, Husband, Trustee, Committee, Executor in Trust, or Attorney, shall not exclude or in anywise prejudice the Claim or Acceptance of any Infant, Feme Covert, or other Person under such Disability or Incapacity as aforesaid, who shall claim within Twelve Calendar Months next after such Disability or Incapacity is removed, or of any Person or Persons entitled as Heir or in Remainder after the Death of any Person or Persons so dying under such Disability or Incapacity, who shall claim or accept their respective Shares or Allotments within Twelve Calendar Months next after their respective Right, Title, or Interest shall have descended, vested, or accrued.

Regulations  
of Allotments  
not subdivided.

LIV. And be it further enacted, That it shall be lawful for the said General Commissioners, by any Writing or Writings under their Hands from Time to Time until the Execution of the said Award, and from and after the Execution thereof, for the Owners or Proprietors of Four Fifth Parts in Value of the Messuages, Cottages, Toststeads, Lands, and Hereditaments in each of the several Parishes and Places aforesaid, having Right of Common on such of the parochial or general Allotments of the said Commons as shall remain unsubdivided, either under this Act or any other Act or Acts for subdividing the same, from Time to Time and at any Time or Times, by Writing under their Hands, to make such Rules or Orders for regulating the Manner of using and occupying the same, and of stocking the same with Cattle, Sheep, and other Stock, and for limiting and stinting the Number and Kinds of the said Stock (each Person

Person entitled to such Common Rights and other Rights and Hereditaments, continuing nevertheless to be entitled to a just Proportion according to the Extent of his Interest) and for limiting the Times and Seasons of stocking, and such other Rules, Orders, and Regulations, for the better Management and more convenient Enjoyment thereof, as they shall from Time to Time think proper, and for the mutual Benefit of all Persons interested therein, according to their respective Rights and Interests; and also from Time to Time, by Writing under the Hands of the said Commissioners and of the Owners or Proprietors of Four Fifth Parts in Value for the Time being respectively, of such Messuages, Houses, Toststeads, Lands, and Hereditaments, to annul, repeal, or alter all or any such Rules, Orders, and Regulations, and make such others as they shall deem expedient, and for the mutual Benefit of all Persons interested therein, according to their respective Rights and Interests; and such Rules, Orders, and Regulations, from the Time of their being so signed and deposited in the Parish Chest of the Parish in which such parochial or general Allotment shall be situate, shall be binding upon and observed by all Persons interested in the said Allotments, in respect of which such Rules, Orders, and Regulations shall be made.

LV. And be it further enacted, That the said General Commissioners shall and may borrow and take up at Interest, of any Person or Persons who shall be willing to advance and lend the same, such Sum and Sums of Money as they shall from Time to Time think necessary, for paying and defraying the said Arrear of Taxes herein provided for, and the Costs, Charges, and Expences of and relating to the passing of this Act, and the lawful Interest thereof, and also such other Costs, Charges, and Expences as shall from Time to Time be incurred in and about the carrying this Act into Execution, until the same can be raised by Sale of Land as aforesaid, which said Sum and Sums of Money so to be borrowed, shall be and the same are hereby charged on all the said Commons, and also on the said North Fen and Drovers, until the same shall be repaid by the Money to be raised by Sales as aforesaid, with lawful Interest for the same, from the Time each respective Sum shall be advanced; and the said General Commissioners shall have Power, if they shall see Occasion, to grant a Term or Terms of Years in any Part or Parts of the said Commons, North Fen, and Drovers, and to let or set the same or any Part thereof, for the best and most improved Rent that can be had, for securing the said Monies so to be advanced, with Interest of the said Lands, or any Part thereof, shall be at Liberty to recover the same, or any Part thereof, by Ejectment or otherwise, and hold the same discharged of any Right of Common therein, unless the Principal Money borrowed on Credit as aforesaid, and the Interest thereof in Arrear, be paid and satisfied: Provided nevertheless, That no Part or Parts of the said Commons, North Fen, or Drovers, shall be let, set, or held, otherwise than for the depasturing of Cattle or mowed for Hay, or converted to Tillage, until after the same shall have been subdivided and allotted.

Forenabling  
Commission-  
ers to borrow  
Money.

LVI. And be it further enacted, That it shall be lawful for any Proprietor or Proprietors of any Allotment or Allotments to be made by virtue of this Act, or of any ancient inclosed Lands discharged of Tythes

Power to  
borrow Mo-  
ney.

[Loc. & Per.]



under the Authority of this Act, being Tenants for Life or Lives, or in Tail, and also for any Husbands, Guardians, Trustees, Committees, or Attornies, or any Person acting as Guardians, Trustees, Committees, or Attornies of any of the said Proprietors, being under Coverture, Minors, Idiots, Lunatics, or beyond the Seas, or otherwise incapable of acting for themselves, and to and for the Lessee or Lessees of any Corporation Sole or Aggregate, and to and for any Mortgagees, Trustees, or other Persons in Possession, or any of them (other than and except the said Impropriators, Rectors, and Vicars respectively, or other Persons in respect of their Allotment or Allotments for Tythes and Glebe, and such Persons from whose Allotments Lands shall be deducted as aforesaid) by and with the Consent and Approbation of the said Commissioners, to be testified under their Hands and Seals, from Time to Time, after such Allotments and Divisions shall be made and published as aforesaid, and either before or after the Execution of the said Award, to charge the Lands and Grounds which shall be allotted to such Proprietors respectively by virtue of this Act, or the ancient inclosed Lands discharged of Tythes as aforesaid, with any Sum or Sums of Money for ditching, and fencing their respective Allotments, not exceeding Two Pounds for each Acre of the Lands and Grounds so to be allotted, and not exceeding for such ancient inclosed Lands so exonerated from Tythes, the gross Sum paid or the Proportion of the several Expences which shall have been incurred in respect of their being discharged of Tythes as aforesaid; and for securing the Re-payment of such Sum or Sums of Money, with Interest, to grant, mortgage, lease, or demise the said Lands and Grounds to such Person or Persons as shall advance any Sum or Sums respectively, for any Term or Number of Years; so that such Grant, Mortgage, Lease, or Demise be made with a Proviso or Condition to surrender the same, when such Sum or Sums of Money, with the Interest thereof, shall be fully paid and satisfied; and every such Grant, Mortgage, Lease, or Demise shall be good, valid, and effectual in the Law for the Purposes thereby intended, without any Fine or Recovery, and notwithstanding the Want of legal Title, or any Settlement, Will, Trust, Use, Remainder, Limitation, or other Incumbrance, of, upon, affecting, or concerning the same Grounds, Lands, and Premises, or any Part thereof, then in being or capable of taking Effect to the contrary.

Tenants to keep down Interest of Money borrowed.

LVII. Provided nevertheless, and be it enacted, That every such Tenant or Tenants for Life or Lives, or in Tail, and all and every other Person or Persons who shall so mortgage or charge his, her, or their respective Allotments or ancient inclosed Lands as aforesaid, shall pay and keep down the Interest of the Principal Money so to be borrowed; and that no Person or Persons in Reversion or Remainder of the Premises so to be charged or mortgaged as aforesaid, shall be liable to or charged with the Payment of more than One Year's Interest for any such Principal Money preceding the Time of the Death of such Tenant or Tenants for Life or Lives, or other Person or Persons respectively.

Tenants to Life, &c. empowered by Deed or Will to charge Allotments.

LVIII. And be it further enacted, That it shall be lawful for any Tenant or Tenants for Life or Lives (except as before excepted), and for any Tenant or Tenants in Tail of any Allotment or Allotments to be made by virtue and in pursuance of this Act, or of any ancient inclosed Lands discharged

discharged of Tithes as aforesaid, by any Deed or Deeds in Writing, or by his, her, or their last Will and Testament in Writing, to be duly executed, to charge such Allotment or Allotments and ancient inclosed Lands respectively, with such Sum or Sums of Money as shall be appointed by the said Commissioners to be paid, and which shall accordingly have been paid by such Tenant or Tenants for Life or Lives, or in Tail, for his, her, or their Expences of inclosing, ditching, and fencing their respective Allotments, so as the same do not exceed the Sum of Two Pounds an Acre of such Allotment or Allotments, nor more for such ancient inclosed Lands than the Sum paid in respect of such ancient inclosed Lands, discharged of Tithes as aforesaid, and by such Deed or Deeds, or last Will and Testament, to direct and appoint the Money to be charged on such Allotment or Allotments, and ancient inclosed Lands respectively, so to be paid to such Person or Persons as he, she, or they shall think fit, with Interest for the same, to commence from the Day of the Death of such Tenant or Tenants for Life or Lives, or in Tail respectively.

LIX. And be it further enacted, That it shall be lawful for any Person or Persons entitled to any Right of Common in or upon the said Commons, North Fen, Drovers, and Waste Lands hereby directed to be divided and inclosed, or any of them, at any Time before the Execution of the Award of the said Commissioners, to sell and dispose of his, her, or their Right of Common in or upon the same Commons or Fens, Drovers, and Waste Lands, or any of them, or the Allotment to be set out upon the Subdivision of any particular or general Allotment in lieu thereof, separate and apart from the Messuage, House, Toststead, or Land, in respect of which he, she, or they shall be entitled to such Right of Common or Allotment; and on a Conveyance or Surrender thereof being made and executed, every such Sale being set forth and specified in the Award of the said Commissioners, shall be good, valid, and effectual in Law; but the same shall remain subject nevertheless to such Mortgages or other Incumbrances as before the passing of this Act affected the Messuages, Houses, Toststeads, Lands, and Hereditaments, in respect whereof such Allotments shall have been made.

Common Rights may be sold separate from Houses.

LX. And be it further enacted, That for the more convenient Situation and Disposition of the Farms and Lands in the said several Parishes, Hamlets, and Places in which any Lands or Grounds intended to be hereby divided and allotted are respectively situate, it shall be lawful for all or any of the Proprietors, whether Guardians, Husbands, Trustees, Committees, Feoffees of Church School or Poor Estates, Executors, or Life Tenants, or otherwise seised of or interested in Estates within the same respectively, to exchange all or any of his, her, or their Messuages, Houses, Toststeads, old Inclosures, or other Lands and Grounds, or new Allotments to be made by virtue of this Act, Rents, Revenues, or other Rights or Interests within any of the said several Parishes, Hamlets, or Places, for any other Messuages, Houses, Toststeads, old Inclosures, or other Lands and Grounds, or new Allotments as aforesaid, Rents, Revenues, or other Rights or Interests within any of the said several Parishes, Hamlets, or Places, or any adjoining Parish, Hamlet, Township, or Place, and also for joint Tenants and Tenants in Common, or any other Person seised of any undivided Shares or Interests in any Messuages, Houses, Toststeads, old Inclosures, or other Lands and Grounds, or new Allotments

Power of Exchange.



Allotments as aforesaid, Rents, Revenues, Rights, or Interests, or having or holding any intermixed Lands, Grounds, or Hereditaments with each other, where their several Boundaries or Limits are not exactly known, within any of the said Parishes, Hamlets, and Places, or within any adjoining Parish, Hamlet Township, or Place, to make Partition thereof; so as all and every such Exchange or Exchanges, Partition or Partitions, be made with the Consent and Approbation of the said respective Special Commissioners under this Act, and the Agreement for making the same be certified to them by some Writing, signed by the Parties so exchanging or making Partition, or their Guardians, Agents, or Attornies, and such Agreement, Consent, and Approbation, be specified and declared in the said Award or Instrument to be executed by the said Special Commissioners in pursuance of this Act; and every such Exchange and Partition so made as aforesaid, shall be set out by the same Special Commissioners by Metes and Bounds, and shall be good, valid, and effectual in Law, to all Intents and Purposes whatsoever, notwithstanding any Want of Title in the Parties or Persons exchanging or making Partition as aforesaid, or any of them; provided that no such Exchange or Partition as aforesaid, shall be made of any Lands or other Hereditaments belonging to any Ecclesiastical Benefice, without the Consent in Writing of the Lord Bishop of the Diocese, or the Ordinary and the Patron thereof respectively, nor of any Lands or Hereditaments belonging to the Crown, without the Consent in Writing of the Surveyor General for the Time being.

Power for  
Vicar to lease  
new Allot-  
ments.

LXI. And be it further enacted, That it shall be lawful for the several Rectors of appropriate Rectories, Vicars, and Ministers respectively, interested in any Allotment or Allotments to be set out in respect of Tithes, upon the Subdivision of any parochial or general Allotment, by and with the Consent and Approbation of the Lord Bishop of *Lincoln* for the Time being, and the Patron thereof respectively, and also for the said *Maurice Johnson*, as Lessee as aforesaid, to grant any Lease or Leases to any Person or Persons of all or any Part or Parts of the Lands and Grounds to be allotted or assigned in Exchange to the said appropriate Rectors, Vicars, and Ministers respectively, by virtue of this Act, for any Term not exceeding Twenty-one Years in Possession, to be computed from the *Lady day* or *Michaelmas*, which shall first happen after the Execution of the said Award, so as the best improved yearly Rent that can be reasonably had be taken; and so as no Fine, Foregift, or other 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 for Waste, and so as the Rents reserved in every such Lease be made payable Quarterly to the Rector, Vicar, or Minister granting the same, and his Successors for the Time being, and that Power of Re-entry on Non-payment of such Rent or Rents, and other usual and necessary Powers and Covenants, be contained therein, and so as the Lessee or Lessees in every such Lease or Leases do execute a Counterpart or Counterparts of the same; any Law, Usage, or Custom to the contrary notwithstanding.

Leases to be  
vacated.

LXII. And be it further enacted, That it shall be lawful for the said respective Special Commissioners, at any Time previous to the Execution of the said Award, in all Cases where they in their Discretion shall deem it necessary or expedient for the due Execution of this Act, by any Writing or Writings under their Hands, to determine and make void all

or any of the Leases or Agreements for Leases at Rack Rent, or from Year to Year, then subsisting, of all, every, or any Part or Parts of the Tithes for which a Compensation is herein directed to be made, or of the Lands and Grounds which are hereby directed to be exonerated from Tithes, or which shall be exchanged by virtue of this Act, or of any Commonable Interest in any of the parochial or general Allotments by this Act directed to be subdivided and inclosed, either as to the Whole thereof, or as to some Part or Parts only, and at such Time or Times in the Year as the said Commissioners shall in their Discretion think most convenient and expedient, according to the Circumstances of the Case; and in all Cases where any such Leases or Agreements shall be determined as aforesaid, the same Commissioners shall ascertain and declare whether any and what Sum or Sums of Money in the Gross ought to be paid, or any and what Deduction or Abatement in the reserved Rent or Rents ought to be made by the Lessors or Landlords to the Lessees or Tenants, as a Compensation and Satisfaction for such Determination of their respective Leases or Agreements; and such reduced Rents so ascertained and declared as aforesaid, shall respectively become payable or commence at such Time or Times, and in such Manner as the same Commissioners shall direct and appoint, and shall be recovered in like Manner as the original Rent reserved by such Lease or Agreement would have been by Law recoverable; and in all Cases where any Sum or Sums of Money in the Gross, shall, by the said respective Special Commissioners, be ascertained as a Compensation to be paid by the Lessor, for determining such Lease or Agreement, the same shall be actually paid before such Lessors respectively are put into Possession of the respective Lands and Hereditaments and Right of Common, or of the Allotments in respect of such Tithes as aforesaid, so discharged from such Lease or Agreement; and in all Cases where such subsisting Leases or Agreements shall continue in Force, as to the Whole or any Part or Parts of the Hereditaments therein comprized, it shall be lawful for the said Commissioners in like Manner to ascertain and declare whether any and what additional Rent or Rents ought to be paid by the Lessees or Tenants to the Lessors or Landlords, for or in respect of any Improvement in the annual Value of the Hereditaments comprized in such Leases or Agreements respectively, upon Account of the same being exonerated from Tithes, and exchanged revided and inclosed by virtue of this Act; and such additional Rents so ascertained and declared as last aforesaid, shall commence at such Time or Times as the said Commissioners shall direct and appoint, and shall afterwards be payable and recoverable in like Manner as the Rents originally reserved would have been payable and recoverable if this Act had not passed; and it shall be lawful for the said Commissioners in like Manner to settle, ascertain, and declare the Course of Husbandry to be used by such Lessees or Tenants, during the Remainder of their subsisting Leases and Agreements, in all Cases where they shall deem it necessary or proper so to do; provided, that when any Leases or Agreements for Leases at Rack or extended Rents, or from Year to Year, shall be then subsisting, of any Lands, Tenements, or Hereditaments not intended to be exonerated from Tithes, or exchanged by virtue of this Act, for or in respect whereof such Lessees or Tenants hold or enjoy any Commonable Interest in any of the Lands and Grounds intended to be divided and inclosed, such Lessees or Tenants shall respectively be entitled to such and the like Right of Common in, over, and

[Loc. & Per.]



upon the parochial or general Allotment to be set out for the Parish or Place in which such Lands, Tenements, and Hereditaments are respectively situate, and which shall not be subdivided under the Authority of this Act, subject to the Regulations herein authorized, as such Lessees or Tenants had or enjoyed in respect of the said Lands or Hereditaments before the passing of this Act, in the said Lands and Grounds intended to be set out in any such parochial or general Allotment.

Allotments to be of the same Tenures, and to go with the same Use, as the Estates in lieu of which they were made.

LXIII. And it is hereby further enacted and declared, That the several Lands, Tenements, and Hereditaments, which shall be respectively allotted and exchanged by virtue of this Act, shall, upon the Allotment and Exchange thereof respectively, become and be of the same Tenure, and be held under the same Rents and Services, and go and remain to the same Persons, for the same Estates and Interests, and to the same Uses, upon the same Trusts, and to and for the same Intents and Purposes, and be under and subject to the same Powers, Provisions, Limitations, Conditions, Covenants, Debts, Charges, and Incumbrances, and Provisions of every Kind, and in the same Manner as the Hereditaments in respect whereof the same Lands, Tenements, and Hereditaments shall be respectively allotted and exchanged, would belong or stand, or be limited to or upon, or be subject unto, if such Allotment and Exchange thereof had not been made, or this Act had not been passed, except as to such Leases and Agreements at Rack Rent as shall be determined under this Act, or where any other Provisions of this Act shall be to the contrary; but such Allotments shall nevertheless be subject to such Charges and Incumbrances thereon, as shall be made in pursuance of this Act.

Gates may be erected across private Roads.

LXIV. And be it further enacted, That all and every of the Proprietors of the Allotments to be made by virtue of this Act, shall have full Power and Liberty, from Time to Time, and at all Times after the setting out of such Allotments, to set up and continue any Fence or Fences, and Gate or Gates, in the same, in and across any Road or Roads (except Turnpike Roads and publick Carriage Roads) to be made by virtue of this Act, through or against his, her, or their respective Allotments for keeping out Cattle, and to prevent their destroying any Banks, Drains, Trees, Plants, Quicksets, or Fences, which shall be made or planted for fencing or inclosing any of the Lands and Grounds hereby directed to be divided and inclosed, so as no such Fence or Gate shall in anywise prevent or hinder any Person or Persons who shall have Right to pass upon any such Road, from passing and repassing thereon, and through such Gates respectively.

Private Roads.

LXV. And be it further enacted, That the said respective Special Commissioners shall, and they are hereby authorized and required, before they respectively subdivide any parochial or general Allotment under the Authority of this Act, to set out, ascertain, and appoint such publick Horse Roads and Footways, and private Carriage and Drift Roads and Ways, and also such Banks, Ditches, Drains, Watercourses, Bridges, Gates, Stiles, and other Conveniences, in, over, and through such parochial or general Allotments so intended to be subdivided, as they shall think requisite, and the same shall respectively be made and erected, and at all Times thereafter repaired, cleansed, maintained, and kept in Repair, at such Times, and by such Person or Persons, Proprietor or Proprietors,

Proprietors, and in such Manner, as the said respective Special Commissioners by their Award, when the same shall be executed, and in the mean Time and until the Execution thereof, by any Writing under their Hands, shall respectively order, direct, or appoint; and the Grass and Herbage growing or arising on any of the said private Ways or Roads to be set out as last aforesaid, shall at all Times be and remain for the Use and Benefit of such Person or Persons, and for such Purposes as the Special Commissioners setting out the same, shall, by their said Award, order and direct.

LXVI. Provided nevertheless, That nothing in this Act contained shall authorize the said respective Special Commissioners to turn, alter, stop up, or discontinue any publick Road or publick or private Communication, which shall be set out by the said General Commissioners as herein directed, in, over, or through any of the Lands and Grounds intended to be divided and inclosed.

Not to stop up or turn any publick Road.

LXVII. And whereas by virtue of Two Acts of Parliament, the One passed in the Sixteenth and Seventeenth, and the other in the Twenty-second Years of the Reign of King Charles the Second, and of Two several other Acts passed in the Eleventh Year of the Reign of King George the Second, and in the Fourteenth Year of the Reign of His present Majesty, certain Powers and Authorities were vested in the Adventurers and Persons in such Acts respectively named, for draining and preserving *Deeping Fen*, and other Fens therein mentioned, and they were thereby required to drain and preserve the same in Manner therein directed, in which said Fens were included the said *Crowland Common* otherwise *Goggsland*, and all the Commons or Fens hereby intended to be divided and inclosed (except the said Drovers and Waste Lands in the Parishes of *Spalding* and *Pinchbeck*): And whereas by and under the Direction of the Commissioners acting under Two several Acts of Parliament, the one passed in the Fifth Year of His present Majesty's Reign, intituled, *An Act for draining and improving certain Low Marsh and Fen Lands, lying between Boston Haven and Bourn, in the Parts of Kesteven and Holland, in the County of Lincoln*, and the other passed in the Tenth Year of the same Reign, for amending and rendering the said former Act more effectual, the said *Pinchbeck North Fen*, although Part of the said Lands so required to be drained by the said Adventurers, was included in the Drainage provided for by the said last mentioned Acts: And whereas the said inclosed taxable and free Lands in *Deeping Fen*, being Part of the Fens so intended to have been drained, were in consequence of such Undertaking, and as a Recompence for carrying the said Works of Drainage into Execution, vested in the said Adventurers or Persons named in the said Act of the Sixteenth and Seventeenth of Charles the Second, immediately on the passing thereof, and the Adventurers or Owners of the said taxable Lands are liable, in respect of their said Lands, to make, support, and maintain certain Works of Drainage, by the said several Acts relating to the Drainage of *Deeping Fen*, some or One of them, required to be made, supported, and maintained: And whereas by the said Act, passed in the Thirty-fourth Year of His present Majesty's Reign, the said Adventurers are required to enlarge, deepen, and scour out a certain Drain called *The Vernatts Drain*, running from *Spalding Common* through the several Parishes of *Spalding* and *Pinchbeck*, from the Sluice across the

Recital of former Acts for draining *Deeping Fens* &c.

Recital of 5 and 10 Geo. III.

Adventurers by 34 Geo. III, required to deepen, &c. *Vernatts Drain*.