

planning, and valuing all such Lands and Grounds lying within the said several Parishes or Places interested in the Lands and Grounds so to be divided and inclosed or drained, or any of them, or to be exchanged or partitioned by virtue of this Act, as are necessary to be surveyed, admeasured, planned, and valued for the due Execution of this Act, and also the necessary Expences of first forming, making, and putting in good and sufficient Repair such public Carriage Roads as aforesaid, and of paying a Salary to the Surveyor or Surveyors thereof, and of discharging such Part of the Expence of making the several Bridges, Drains, and other Works of Drainage, as is herein directed to be defrayed by the said General Commissioners, and also the Expence of fencing the said parochial or general Allotments from each other, and of preparing and inrolling the Award or Instrument, as hereinafter mentioned, and all other the necessary Charges and Expences to be incurred in the due Execution of this Act, or that the said General and Special Commissioners, or any Person or Persons acting under them, shall be put unto in respect thereof, not herein otherwise provided for; and in case there shall be any Deficiency after such Sale as aforesaid, then the said General Commissioners shall set out for Sale such further Portion or Portions of the said *Crowland* Common and the said other Commons respectively, as they shall judge sufficient in Value, when sold, to pay and defray the Residue of such Costs, Charges, and Expences; and it shall be lawful for the said General Commissioners to sell, convey, and assure in like Manner such further or other Part or Parts of the said Commons as shall be sufficient, when sold, to defray the Residue of the said Costs, Charges, and Expences, and answer the several Purposes aforesaid.

Power to sell
Part of
Pinchbeck
North Fen,
&c. to defray
the Taxes
due to the
Black Sluice
Commission-
ers for that
Fen.

And be it further Enacted, That it shall and may be lawful for the said General Commissioners, and they are hereby required to sell and dispose of so much of the said *Pinchbeck* North Fen, or of the Drovers within the said several Parishes and Hamlets of *Spalding*, *Cowbit*, *Peakbill*, and *Pinchbeck*, as will raise a Sum sufficient to pay and discharge all Taxes, Rates, and Assessments due or to accrue due to the said *Black Sluice* Commissioners in respect of the said North Fen, up to the Twenty-fifth Day of *March* next after Possession shall be given of the Allotments out of the said North Fen, to be made in pursuance of this Act, and also a Sum sufficient to make such Compensation for any Lease or Leases of any Part of the said North Fen, that may have been granted by the Commissioners acting under the Authority of Two several Acts passed in the Fifth and Tenth Years of His present Majesty hereinafter recited, or either of them,

them, as the said General Commissioners shall think just and reasonable, in case any such Lease or Leases shall be vacated before such Possession shall be given of the said Allotments as aforesaid, to be ascertained in such and the like Manner as is herein directed in other Cases where Leases are vacated by the said General Commissioners under the Authority of this Act, and to convey the Land so sold in Manner before provided for with respect to other Lands hereby directed to be sold; and in case the said General Commissioners shall not, from Time to Time, pay or cause to be paid to the said *Black Sluice* Commissioners, or their Treasurer for the Time being, such further Taxes for the said North Fen, when and as soon as they shall become due and payable, until the Twenty-fifth Day of *March* next after Possession shall be given of the Allotments to be made in pursuance of this Act, then it shall and may be lawful to and for the said *Black Sluice* Commissioners, or any Five or more of them, and they are hereby authorized and empowered to tax and charge all the Allotments to be made in the said North Fen, with such equal Rates and Taxes as shall be requisite and necessary to raise such Sum or Sums of Money as shall or may be due and in Arrear for the Taxes of the said Fen; and if any Person or Persons whose Allotment or Allotments shall be so taxed by the said *Black Sluice* Commissioners, shall refuse or neglect to pay such Tax for the Space of Twenty Days after 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:

Powers of
the Black
Sluice Com-
missioners
saved.

demand: 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.

Schedules of
Allotments
to be deli-
vered to the
Black Sluice
Commission-
ers.

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
Regard to be
had to the
Interest of
the respective
Parties.

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

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

Provided also, That if there shall be any Surplus remaining of the Monies arising from the Sale of the Lands hereinbefore directed to be sold for the Purposes aforesaid, after Payment of the several Rates, Taxes, Assessments, Costs, Charges, and Expenses 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 sup-
porting

porting those to be made as herein directed, or for such other Purposes of this Act, as the said General Commissioners shall order or direct.

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, Lunatic, 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 his Account *ex parte* the said Commissioners or Trustees, to the Intent 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

Directing the
Application
of Purchase
Money ex-
ceeding
£. 200.

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

Directing Application of Purchase Money not exceeding £. 200. nor less than £. 20.

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 Privy 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 hereinbefore 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 said 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 hereinbefore 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.

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.

And

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 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* News-paper, 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.

General Commissioners to pay over all the Monies received by them to a Banker, and to keep Accounts.

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

And be it further Enacted, That the said General Commissioners shall, and they are hereby authorized and required, as soon as conveniently

General Commissioners to divide the Rent due

of the Com-
mons, &c.
into paro-
chial Allot-
ments.

veniently 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, Toftsteads, Lands, and Hereditaments in the several Parishes and Places of *Market Deeping*, *West Deeping*, *Deeping Saint James*, *Langtoft*, *Boston*, *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 Toftsteads, 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 Toftstead as only entitled to One Half, in proportion to a Commonable Messuage or House, and such Commonable Messuages, Houses, and Toftsteads, 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, Toftsteads, Lands, and Hereditaments in the several Parishes and Hamlets of *Spalding*, *Cowbit*, *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.

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, Town-ship,

ship, 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.

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 Trustees of the Schools of *Oakham* and *Uppingham* aforesaid, Impropropriators 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 Judgment 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 *Ancaster* 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 Judgment 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 hereinbefore 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 in
Kesteven.

Allotments
to the Lords
of Manors.

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 Impropropriate and Church of *Spalding* aforesaid, 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,

Allotments
for Tythe
of *Spalding*,
Cowbit, and
Peakhill.

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 Judgment 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, Impropropriators of *Pinchbeck* aforesaid, and the said *William Healey* their Lessee, the said *Thomas Heardson 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 Judgment 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.

Tythe to be
paid for
Land sold.

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 Impropropriators, Rectors, Vicars, Ministers, and Tythe Owners, in proportion to the Value of their respective Rights and Interests therein.

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 Hamlets 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.

Ascertain-
ment of
Arable and
Grass Land.

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

If Lands sub-
ject to a Mo-
dus, Pro-
prietors to
have a De-
duction in
respect
thereof.

Power to try
Rights to
Tythe Al-
lotments by
a feigned
Issue.

affected

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.

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 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.

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, Toftsteads, Lands, and Hereditaments in *Spalding*, *Cowbit*, *Peakbill*, and *Pinchbeck* aforesaid, as shall be finally ad-

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

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

judged to be entitled thereto, so much and such Part of the same Allotments as in the Judgment 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.

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 sold, subdivided, and inclosed respectively, as also in respect of the ancient inclosed Lands, Tenements, and Hereditaments in *Spalding* (including the said Hamlets of *Cowbit* and *Peakbill*) and *Pinchbeck* aforesaid, (Mortuaries, *Easter* Offerings, and Surplice Fees, only excepted.)

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, Toftsteads, Lands, and Hereditaments, in the Proportion and in the Manner following; (that is to say) Three Fifth Parts thereof unto and amongst the several Owners and Proprietors of ancient Commonable Messuages, Houses, and Toftsteads interested therein respectively, according to the Number but without Regard to the Value of such their respective Messuages, Houses, and Toftsteads, 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 Toftsteads so interested as aforesaid, in proportion to the

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.

Subdivision of parochial Allotments.