

the Value of such their respective Lands, to be ascertained by the said General Commissioners as hereinbefore 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, of 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.

Proprietors of Allotment in Cowbit Wash, to have Satisfaction for Earth taken by the Adventurers.

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.

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 made after the passing of this Act, or for which the Possessor or Possessors pay an Acknowledgment or Acknowledgments 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

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 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 hereinafter

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directed



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.

Penalty for digging Turfs.

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 hereinafter directed, cut, dig, take up, carry, or lead away in Carts, Waggon, 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 specific 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 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.

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 Judgment 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 as he or she shall have incurred, and to levy such Penalties and

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.

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 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.

Owners required to accept their Allotments.

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 Tythes, Moduses, and Compositions in lieu of Tythes, and also all Right of Common in, over, and upon the Lands and Grounds comprized in such Notice, shall cease and

Tythe and Right of Common to cease.

be



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 Tythes, 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.

Allotments  
in lieu of  
Tythes to be  
subdivided  
and fenced.

And be it further Enacted, That as soon as may be after the respective Allotments for Tythes shall be set out as herein is directed, the same shall be respectively subdivided amongst the several Tythe 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 Tythe 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 Tythe Allotment for the Time being.

General  
Fencing.

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 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, in 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

missioners shall, 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.

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.

Convenient  
Gaps to be  
left.

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.

Guardians,  
&c. to accept.

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.

Non-accept-  
ance not to  
bar.

And be it further Enacted, That it shall be lawful for the said General Commissioners, by any Writing or Writings under their

Regulations  
of Allot-  
ments not  
subdivided.



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 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.

For enabling  
Commission-  
ers to bor-  
row Money.

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 detracting the said Arrear of Taxes herein provided for, and the Costs, Charges, and Expences of and relating to the passing 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

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 as aforesaid; and during such Term of Years the Mortgagee or Grantee 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.

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 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 Improprators, 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

Power to  
borrow Money.



for and towards their respective Portions of the Expences of inclosing, 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 bor-  
rowed.

**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 for  
Life, &c. em-  
powered by  
Deed or Will  
to charge  
Allotments.

**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 of Tythes 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

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 Tythes 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 should 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.

**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, Toftstead, 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, Toftsteads, Lands, and Hereditaments, in respect whereof such Allotments shall have been made.

Common  
Rights may  
be sold  
separate  
from Houses.

**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, Husbards, 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, Toftsteads, 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,

Power of  
Exchange.

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for



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 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  
Allotments.

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 Tythes, 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

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 dishonourable 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.

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 Tythes for which a Compensation is herein directed to be made, or of the Lands and Grounds which are hereby directed to be exonerated from Tythes, 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 sub-divided 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

Leases to be  
vacated.