



ANNO QUADRAGESIMO OCTAVO

GEORGII III. REGIS.

Cap. 81.

An Act for inclosing Lands in the Parish of *Scotter*, in the County of *Lincoln*. [27th May 1808.]

WHEREAS there are within the Parish and Lordship of *Scotter*, in the County of *Lincoln*, and the Townships, Hamlets, or Places of *Scotterthorpe* and *Susworth*, in the Parish of *Scotter* aforesaid, certain Open and Common Fields, Moors, Meadows, Pastures, and other Commonable Lands and Waste Grounds, containing by Estimation Four thousand five hundred Acres, or thereabouts: and whereas the Dean and Chapter of the Cathedral Church of *Peterborough* are, in their Corporate Capacity, Lords of the Manor of *Scotter*, and *Francis Edward Morley*, Esquire, is Lessee thereof, by virtue of a Lease for a certain Term of Years granted to him of the same by the said Dean and Chapter: And whereas the Right Reverend *Spencer* Lord Bishop of *Peterborough*, in Right of his Episcopal See, is Patron of the Rectory and Parish Church of *Scotter* aforesaid; and *Henry John Wollaston* Clerk, Master of Arts, is Rector of the said Rectory and Parish Church, and in Right thereof is entitled to all the Great and Small Tythes arising within the said Parish of *Scotter*, (except the Great and Small Tythes arising from a certain Piece of Land called *The Short and Long Intake*, containing by Estimation about Fifty Acres, lying within a certain Parcel of Meadow or Pasture Ground called *The South Ings*, in the said Parish of *Scotter*, but within the Rectory of the Parish and Parish Church of *Scotton*) and the said *Henry John Wollaston* is likewise entitled to a Rectory House, Glebe Lands, and Rights of Common in *Scotter* aforesaid: And whereas Sir *John Frederick*, Baronet, is Patron of the Rectory and Parish Church of *Scotton* aforesaid, and *Broxholm Brown*, Clerk, is Rector of the said Rectory and Parish Church, and in

[Loc. & Per.] 16 U. Right

Right thereof is entitled to all Great and Small Tythes arising from the aforesaid Piece of Land called *The Short and Long Intake*: And whereas the said Dean and Chapter of *Peterborough*, and *Francis Edward Morley*, and also *Henry Revel Reynolds*, Doctor of Physic, *William Hutton*, Esquire, *Thomas Hill*, *George Morley*, *Thomas Peacock*, Gentlemen, and several other Persons, are respectively Owners and Proprietors of divers Messuages, Cottages, Tofts, Toftsteads, Lands, and Tenements, and are respectively entitled to Gates, Rights of Common, and other Interests in and upon the said Moors, Meadows, Pastures, and other Commonable Lands and Waste Grounds, and are also Owners and Proprietors of all the Residue of the Open and Common Fields, ancient Inclosures, and Meadows, within the said Parish and Lordship, Townships, Hamlets, or Places, in different Proportions: And whereas the Lands and Grounds of the respective Proprietors in the said Common Fields, Moors, Meadows, Pastures, and other Commonable Lands and Waste Grounds, lie very much intermixed, and dispersed in small Parcels, and are very inconveniently situated for the Occupation thereof, and in their present State are incapable of much Improvement; and it would tend greatly to the Benefit of all Persons interested therein if the same were divided and enclosed, and specific Parts thereof allotted to the several Persons interested therein according to their respective Properties, Rights of Common, and other Interests, and if Satisfaction were to be made for all the Tythes thereof in Manner hereinafter mentioned: But, as such Purposes cannot be effectually carried into Execution without the Authority of Parliament; May it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *John Cragg*, of *Threckingham* in the County of *Lincoln*, and *John Burcham*, of *Coningsby*, in the said County, Gentlemen, and their Successors, to be elected in Manner hereinafter mentioned, shall be and they are hereby appointed Commissioners for dividing, allotting, draining, inclosing and improving all the said Open and Common Fields, Moors, Meadows, Pastures, and other Commonable Lands and Waste Grounds within the said Parish and Lordship of *Scotter*, and within the said Townships, Hamlets, or Places of *Scotterthorpe* and *Susworth*, in the said Parish of *Scotter*, pursuant to the Powers, Regulations, and Directions contained in this Act, and to such of the Powers and Provisions contained in an Act, passed in the Forty-first Year of the Reign of His present Majesty, intituled, 'An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts,' as are not hereby varied or altered.

Appoint-
ment of Com-
missioners.

Appoint-
ment of new
Commission-
ers.

II. And be it further enacted, That if the said *John Burcham* shall die or refuse to qualify himself in Manner by the said recited Act directed, or become incapable of acting, then and in such Case the surviving or remaining Commissioner shall within One Calendar Month next after such Death, Refusal, or Incapacity of the said *John Burcham* to act, shall be made known to him, give Notice thereof in Writing to the said *Henry John Wollaston* and his Successors Rectors as aforesaid, to be left at his or their usual Place of Abode, who shall, within One Calendar Month next after such Notice being given as aforesaid, nominate and appoint one other Person, not interested in the said intended Inclosure; to be a Commissioner in the

room and stead of the said *John Burcham*, and so from Time to Time as often as any Commissioner so to be appointed as aforesaid, shall die or refuse to act, or become incapable of acting as aforesaid; and that in case the said *John Cragg* shall die or refuse to act, or become incapable of acting in the due execution of this Act, then and in such Case it shall and may be lawful to and for the said Dean and Chapter, and their Lessee or Lessees for the Time being, and also to and for the Proprietors of the Lands and Grounds within the said Parish and Lordship of *Scotter*, and within the said Townships, Hamlets or Places of *Scotterthorpe* and *Susworth*, hereby intended to be divided, allotted, and inclosed, or the major Part of them in Value (except the said Rector and his Successors) from Time to Time at any Meeting to be held for that Purpose within Two Calendar Months next after such Death, Refusal, or Incapacity as aforesaid shall happen (Fourteen Days Notice being first given of such Meeting by the surviving or remaining Commissioner before the same shall be held, by Writing to be affixed on the principal outer Door of the Parish Church of *Scotter* aforesaid, and also by Advertisement to be inserted in some News-paper circulating in the said County of *Lincoln*, and also left with the known Agent of the said Dean and Chapter at *Peterborough* by any Writing under their Hands, to elect and appoint one other Person, not interested in the said intended Inclosure, to be a Commissioner in the room and stead of the said *John Cragg*, and so from Time to Time as often as any Commissioner so to be appointed as aforesaid, shall die or refuse to act, or become incapable of acting as aforesaid; and every such new Commissioner or Commissioners, to be appointed in Manner aforesaid, shall have such and the like Powers and Authorities for putting this and the said recited Act into execution as if he had been originally appointed a Commissioner in and by this Act; but in case the said *Henry John Wollaston* and his Successors, Rectors as aforesaid, or the said Dean and Chapter, and their Lessee or Lessees for the Time being, and the said several Proprietors who are hereby respectively authorized to appoint a Commissioner or Commissioners as aforesaid respectively, shall not elect and appoint a new Commissioner to supply such Vacancy within the Time and in the Manner aforesaid, it shall be lawful for the surviving or remaining Commissioner, and he is hereby required, within Fourteen Days after the Expiration of the Times hereby allowed to the said Parties respectively for appointing a new Commissioner by Writing under his Hand, to elect and choose a proper Person (not interested in the Premises) to be a Commissioner in the place or stead of such Commissioner so dying, refusing, neglecting, or becoming incapable to act as aforesaid, and so from Time to Time as often as the like Case shall happen; and every such Commissioner so appointed shall have the like Powers and Authorities as aforesaid, and the surviving or remaining Commissioner shall give Notice of every such Appointment by him in Writing under his Hand, to be affixed on the principal outer Door of the said Church of *Scotter*; all which said several Writings appointing such new Commissioner or Commissioners, shall be annexed to and inrolled with the Award directed to be made by the said Commissioners.

III. And be it further enacted, That the said Commissioners shall and they are hereby required, before they proceed in the execution of this or the said recited Act, by Writing under their Hands, to name and appoint some one proper Person, not interested in the said intended Division and Inclosure, to act as a Third Commissioner or Umpire between them

Commissioners to name an Umpire before they begin to act.

To appoint a
fresh Umpire
in case of
Death.

them if Occasion shall require; and if the said Commissioners hereby appointed or their Successors, shall differ or disagree in Opinion touching or concerning any of the Matters or Things to be by them done and performed in pursuance of this Act or the said recited Act, then and in every such Case they the said Two Commissioners shall and are hereby required to refer the Matter thereof to such Third Person so to be named and appointed as aforesaid; and the Judgment and Determination of the said Third Commissioner or Umpire therein, shall be deemed and considered to be the Judgment and Determination of the said Commissioners hereby nominated and appointed, or to be appointed in Manner aforesaid; and in case the said Third Commissioner or Umpire shall die, refuse, or neglect to act, or become incapable of acting as such Third Commissioner or Umpire, it shall and may be lawful for the Commissioners for the Time being, by Writing under their Hands, at any Meeting to be holden in pursuance of this Act, to appoint another proper Person (not interested in the said intended Division and Inclosure) in the place and stead of the said Third Commissioner or Umpire; and in case and when and as often as a Vacancy shall afterwards happen by the Death, Refusal, or Disability of the Third Commissioner or Umpire, such Vacancy shall be supplied from Time to Time by the said Commissioners in the Manner aforesaid; and such Third Commissioner or Umpire, so to be appointed as aforesaid, shall have the like Powers and Authorities to act in determining the Point or Matter of any Disagreement or Disagreements in Opinion of the said Commissioners as if he had been hereby and herein named and appointed Third Commissioner or Umpire; all which said several Writings appointing such Third Commissioner or Umpire shall be annexed to and inrolled with the said Award.

Umpire to
be sworn.

IV. Provided always, and be it further enacted, That no Person shall be capable of acting as a Third Commissioner or Umpire in the execution of this or the said recited Act, until he shall have taken and subscribed the Oath or Affirmation following, that is to say,

‘ I *A. B.* do swear [*or*, being one of the People called Quakers, do solemnly affirm] that I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the several Trusts, Powers, and Authorities, vested and reposed in me as Third Commissioner or Umpire, by virtue of an Act for inclosing Lands in the Parish of *Scotter* in the County of *Lincoln*, according to Equity and good Conscience, and without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever.

‘ So help me GOD.’

Which Oath or Affirmation it shall be lawful for the said Commissioners, or either of them, to administer to the said Third Commissioner or Umpire; and the said Oath or Affirmation so taken and subscribed by such Third Commissioner or Umpire, shall be annexed to and inrolled with the Award of the said Commissioners, and a Copy of the Inrollment thereof shall be admitted as legal Evidence.

Appoint-
ment of Two
Surveyors.

V. And be it further enacted, That *Joseph Thackray*, of *Gainsborough*, in the County of *Lincoln*, and *Christopher Epworth*, of *Great Grimshy* in the said County, Land Surveyors, shall be and are hereby appointed Surveyors for executing the several Powers and Authorities vested in them by virtue of
this

this Act and the said recited Act: and in case the said *Joseph Thackray* shall die or refuse to qualify himself in Manner by the said recited Act directed, or become incapable of acting, then and in such Case the said Commissioners shall within One Calendar Month next after such Death, Refusal, or Disability of the said *Joseph Thackray* shall be made known to them, give Notice thereof in Writing to the said Dean and Chapter, and their Lessee or Lessees for the Time being, by leaving the same with the known Agent of the said Dean and Chapter at *Peterborough*, and at the usual Place of Abode of their said Lessee, who shall within One Calendar Month next after such Notice being given as aforesaid, nominate and appoint one other Person, not interested in the said intended Inclosure, to be a Surveyor in the room and stead of the said *Joseph Thackray*, and so from Time to Time as often as any Surveyor, so to be appointed as aforesaid, shall die or refuse to act, or become incapable of acting as aforesaid; and that in case the said *Christopher Epworth* shall die or refuse to act, or become incapable of acting in the due execution of this Act, then and in such Case it shall and may be lawful to and for the said several other Proprietors of the Lands and Grounds within the said Parish and Lordship of *Scotter*, and within the Townships, Hamlets, or Places of *Scotterthorpe* and *Susworth*, hereby intended to be divided, allotted, and inclosed, or the major Part of them in Value, from Time to Time, at any Meeting to be held for that Purpose within Two Calendar Months next after such Death, Refusal, or Incapacity as aforesaid shall happen, Fourteen Days Notice being first given of such Meeting by the said Commissioners before the same shall be held, by Writing to be affixed on the principal outer Door of the Parish Church of *Scotter* aforesaid, and also by Advertisement to be inserted in some News-paper circulating in the said County of *Lincoln* by any Writing under their Hands to elect and appoint one other Person, not interested in the said intended Inclosure, to be a Surveyor in the room and stead of the said *Christopher Epworth*, and so from Time to Time as often as any Surveyor so to be appointed as aforesaid shall die or refuse to act or become incapable of acting as aforesaid; and every such new Surveyor or Surveyors, to be appointed in Manner aforesaid, shall have such and the like Powers and Authorities for putting this and the said recited Act into execution as if he had been originally appointed a Surveyor in and by this Act; but in case the said Dean and Chapter, and their Lessee or Lessees for the Time being, and the said several other Proprietors who are hereby respectively authorized to appoint a Surveyor, shall not elect and appoint a new Surveyor to supply such Vacancy aforesaid, it shall be lawful for the said Commissioners, and they are hereby required, within Fourteen Days after the Expiration of the several Times hereby allowed to the said Parties respectively for appointing a new Surveyor, to elect and choose a proper Person (not interested in the Premises) to be a Surveyor in the place or stead of such Surveyor so dying, refusing, neglecting, or becoming incapable to act as aforesaid, and so from Time to Time as often as the like Case shall happen, and every such Surveyor, so appointed, shall have the like Powers and Authorities as aforesaid; all which said several Writings appointing such new Surveyor or Surveyors, shall be annexed to and inrolled with the said Award.

VI. And be it further enacted, That out of the Money that shall be raised for defraying the Expences of obtaining and executing this Act, there shall be paid to each of the said Commissioners and Umpire, as a Recommendation.

[*Loc. & Per.*]

16 X

pence

pence for his Pains and Trouble, the Sum of Two Pounds Twelve Shillings and Sixpence, and no more, for each Day he shall be employed in travelling to, returning from, and attending in the execution of this and the said recited Act; and that the said Commissioners shall defray their travelling Expences, and also their own Expences, at all Meetings to be held in pursuance of this Act; and the Surveyors herein appointed and to be appointed shall be paid such Sum or Sums of Money *per Day*, or otherwise for their respective Pains and Trouble in attending the said Commissioners in the execution of this Act, as to the said Commissioners shall seem just and reasonable.

Commissioners to give Notice of Meetings.

VII. And be it further enacted, That the said Commissioners shall and they are hereby required to cause public Notice to be given in the Parish Church of *Scotter* aforesaid, upon some Sunday immediately after Divine Service, or by Writing under their Hands to be affixed on the most public outer Door of the said Parish Church, and also by Advertisement to be inserted in some News-paper circulating in the County of *Lincoln*, of the Time and Place of their first and every other subsequent Meeting for the execution of this or the said recited Act, Ten Days at least before any such Meeting shall be holden (Meetings by Adjournment only excepted); and if at any Meeting appointed to be holden by the said Commissioners as aforesaid, only One of the said Commissioners shall attend, the Commissioner so attending may adjourn such Meeting to such Time, not exceeding Twenty-one Days from the Time of Adjournment, and to such Place as shall be by him deemed most convenient, giving Notice thereof in Writing to the absent Commissioner; and that all such Meetings, as well by Adjournment as otherwise shall be held at *Scotter* aforesaid, or within Eight Miles thereof; and that all the Meetings for receiving and determining Claims and Objections to Claims, shall be held at *Scotter* aforesaid.

Other Notices how to be given.

VIII. Provided always, and be it further enacted, That all other Notices necessary or requisite to be made and given by the said Commissioners, shall be so made and given by Writing to be affixed on one of the most public outer Doors of the said Parish Church of *Scotter*, and by Advertisement in some News-paper circulating in the said County of *Lincoln*.

Course of Husbandry.

IX. And be it further enacted, That as soon after the passing of this Act as conveniently may be, the said Commissioners shall, by One or more Writing or Writings under their Hands to be affixed on one of the principal outer Doors of the said Parish Church of *Scotter*, order and direct what Course of Husbandry shall be used in the said Lands and Grounds hereby directed to be divided, allotted, and inclosed, and make such Stint or Rule for Enjoyment of the said Commons and Waste Grounds until the Time when they shall have completed the said Division and Inclosure, as well with respect to the laying down, ploughing, sowing of Grass Seeds, fallowing and tilling thereof, as to the stocking and eating the Fallows or Stubbles, and also the graving Turves or Peats, cutting of Furze, Gorse, Thorns or Bushes, upon the Lands intended by this Act to be divided, allotted, and inclosed, and to make such Recompense for the same as they shall think right; and by the same or any other Writing or Writings under their Hands, to be affixed on the Church Door as aforesaid, shall and may make such further Orders and Regulations touching the Conduct of the Farmers and Occupiers of Lands within the said Parish and Lordship, Townships, Hamlets,

Hamlets, or Places, for preventing them from committing Waste upon any of the Lands or Grounds therein until the Division and Allotment intended by this Act shall be completed, as to the said Commissioners shall seem proper and expedient, and the said Commissioners shall and may set and impose such pecuniary Penalties and Forfeitures on every Person not conforming to such Orders and Regulations as they shall think necessary, not exceeding the Sum of Five Pounds on any one Person for any one Offence, which Penalties and Forfeitures shall be paid to such Person or Persons, and shall be applied for such Uses and Purposes as the said Commissioners shall by any Writing or Writings under their Hands, or by their Award, order, direct, and appoint; and shall and may also settle, adjudge, and determine what Portion of the Manure shall belong to the Landlords and Tenants respectively in such Cases where the Tenant is entitled, by Agreement, to the Manure arising from the Lands in his Occupation; and such Penalties and Forfeitures and other Sum and Sums of Money, so to be settled, adjudged, ordered, and determined, to be paid for or on Account of the several Matters and Things aforesaid, shall be recovered and recoverable in the Manner directed in the said recited Act.

X. And be it further enacted, That the Tenants or Occupiers of the Lands and Grounds within the said Parish and Lordship, Townships, Hamlets or Places, hereby intended to be divided, allotted, and inclosed, shall be allowed to sow, reap, and carry away the same kinds of Corn or Grain upon or from the same Number of Acres, and in, upon and from the same Fields, Lands, and Grounds, as and for their following or way-going Crops, without paying any Rent, or making any Satisfaction or Compensation for the Standage thereof, as they would have been respectively entitled to if they had quitted their Farms at the end of their respective Years therein, and this Act, had not been made, (except in such Cases where there are Special Agreements to the contrary) provided they shall have pursued the same Course of Husbandry with their Fallow and other Lands as has been the usual Custom in the said Fields; but in case they shall vary therefrom, or shall have sown such Lands with Corn as ought, in the due Course of Husbandry, to have lain fallow, the said Commissioners are hereby empowered to make such Charges upon their following Crops, to be paid before the same are taken off the Ground, as to them shall seem reasonable and proper; but nothing herein contained shall extend or be construed to extend to give any Tenant a Right to a following Crop where he or she was not entitled to the same before the passing of this Act: Provided nevertheless, and the said Commissioners are hereby authorized and empowered, by some Writing or Writings under their Hands, to ascertain, order, and appoint what Recompense and Satisfaction in Money shall be paid by the Owner or Owners of such Lands or Grounds from which such following or way-going Crops shall be reaped and carried away as aforesaid, for the Standage of such Crops, to the Person or Persons to whom such Lands and Grounds shall be allotted by virtue of this Act; and if in either of the said Cases such Charge, Recompense, and Satisfaction, shall not be satisfied and paid at the Time and in the Manner to be appointed by the said Commissioners, then the said Commissioners shall and may by Warrant or Warrants under their Hands and Seals, directed to any Person or Persons whomsoever (which Warrant or Warrants they are hereby directed and empowered to grant accordingly) cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person and Persons required

Tenants to be allowed for following Crop, and Satisfaction made for Standage thereof by Owners.

quired to make such Recompence and Satisfaction as aforesaid, together with the Costs and Charges of such Distress and Sale, rendering the Overplus (if any) upon Demand, to the Owner or Owners of such Goods and Chattels.

Old Swarth
of 10 Years
standing not
to be plough-
ed.

XI. Provided always, and be it further enacted, That from and after the passing of this Act, no old Swarth Ground, Parcel of the Lands and Grounds hereby directed to be divided, allotted, or inclosed, and which shall not have been ploughed up or converted into Tillage for the Space of Ten Years last past before the passing of this Act, shall be ploughed, broke up or converted into Tillage until the making of such Division and Allotments thereof, and Notice given to enter upon such Allotments.

Encroach-
ments.

XII. And be it further enacted, That the said Commissioners, in ascertaining, setting out, determining, and fixing the Boundaries of the said Lands and Grounds intended to be divided, allotted, and inclosed in manner directed by the said recited Act, shall enquire into and determine what Encroachments have been made upon the said Commons and Waste Lands by this Act intended to be divided, allotted, and inclosed, and all Encroachments made upon or from any Part thereof (except such Part or Parts thereof as has or have been enjoyed in Severalty for Twenty Years last past without Interruption, or at any Time granted by the Lords of the Manor, which Possession is hereby declared to be a sufficient Title to the excepted Premises) shall be deemed Part and Parcel of the said Commons and Waste Lands hereby directed to be divided, allotted, and inclosed, and shall be divided and allotted accordingly (save and except and without prejudice to any of the Parties in respect of the Right of Warren claimed by the said Dean and Chapter and their Successors, Lessee or Lessees, in or upon any Part of the said Commons or Waste Grounds).

Allowance to
Proprietors
having more
than due
Proportion
of Fencing.

XIII. And be it further enacted, That in case it shall happen that any of the said Proprietors shall have a greater Proportion of Fences to make and maintain upon any of the Lands hereby directed to be divided, allotted, and inclosed, than in the Judgment of the said Commissioners such Proprietors of Allotments ought to be charged with (having due regard to the necessary interior Fences) it shall and may be lawful to and for the said Commissioners, where they shall judge it proper, to ascertain and appoint such Sum or Sums of Money to be paid to every such Proprietor towards making and maintaining such Fences by such other of the said Proprietors who may have a less Proportion of Fencing, according to the Value and Quantity of Lands to be allotted to them respectively, as they the said Commissioners shall think reasonable, in order that the said Fences may be brought as near as may be to a just and equal Proportion.

For stopping
up ancient
Roads
through old
Inclosures.

XIV. And be it further enacted, That it shall and may be lawful for the said Commissioners to direct, turn, and stop up or alter any of the old or accustomed Carriage Roads or Ways, or any private Footway or Path, Footways or Paths, in, through, upon or over any of the Inclosed Lands or Grounds within the said Parish and Lordship, Townships, Hamlets, or Places, or any of them, which they the said Commissioners shall judge to be useless or unnecessary, and to let out and allot such Carriage Roads or Ways as Part of the Lands and Grounds by this Act directed to be divided, allotted and inclosed, to any of the said Owners and Proprietors interested therein as aforesaid; provided that no such old or accustomed Roads or

Road as last mentioned shall be stopped up, diverted or altered, without the Concurrence of Two Justices of the Peace for the Parts of *Lindsey*, in the said County of *Lincoln*, and subject to such Appeal as mentioned in the said recited Act.

XV. And be it further enacted, That the said Commissioners shall and they are hereby required (after making the Allotments for public Roads as directed by the said recited Act) to set out, allot, and appoint such several Plots or Pieces of Land or Ground within the said Parish and Lordship, Townships, Hamlets, or Places respectively (being Part of the Lands hereby intended to be divided, allotted, and inclosed) in such convenient Place or Places as they the said Commissioners shall adjudge proper, to be used for the Purpose of public Watering Places for Cattle, and for getting Stone, Sand, Gravel, or other Materials for repairing the Highways and Roads to be set out and made in, over and upon the Lands and Grounds hereby intended to be divided, allotted, and inclosed, or any other ancient Roads within the said Parish and Lordship, Townships, Hamlets, or Places, for the Use of the Inhabitants thereof respectively; and shall also order and direct in what manner the Herbage and Produce thereof shall be appropriated.

Allotments
for Gravel,
&c. for re-
pairing
Roads, and
for public
Watering
Places.

XVI. And be it further enacted; That the said Commissioners shall and they are hereby required in the next place to set out, allot, and appoint unto the said *Henry John Wollaston* as Rector of the said Rectory and Parish Church of *Scotter* aforesaid, and his Successors Rectors as aforesaid for the Time being, such several and respective Parts and Proportions of the said Lands and Grounds hereby directed to be divided and inclosed, as shall in the Judgment of the said Commissioners be equal in Value to and a full Compensation for the present uninclosed Glebe Lands and Rights of Common in respect thereof, belonging to the said *Henry John Wollaston* as Rector as aforesaid, lying within the said Lands and Grounds by this Act intended to be divided and inclosed.

Allotments
to the Rector
in lieu of
Glebe.

XVII. And be it further enacted, That the said Commissioners shall and they are hereby required in the next place to set out, allot, and appoint unto the said *Henry John Wollaston* as Rector as aforesaid; and his Successors Rectors for the Time being (over and above and exclusive of the Lands and Grounds so to be allotted for the said Glebe Lands and Rights of Common in respect thereof as aforesaid) such Pieces or Parcels of the Lands and Grounds hereby directed to be divided and inclosed as shall in their Judgment be equal in Value to One-fifth Part of the old inclosed Arable Lands, and to One-ninth Part of the old inclosed Meadow and Pasture Grounds within the said Parish, Townships, and Hamlets, which are subject to the Payment of Tythes, and such Pieces and Parcels of Land and Ground within the Open Fields of *Scotter* and *Scotterthorpe* aforesaid, as in their Judgment shall be equal in Value to One-fifth Part of all the Arable Land; and to One-ninth Part of all the Meadow or Pasture Land in the said Open Fields, being subject to the Payment of Tythes, and such other Pieces and Parcels of Land or Ground within the Open Meadows and Stinted Pastures by this Act directed to be divided and inclosed, as shall in their Judgment be equal in Value to One-ninth Part of the said Open Meadows and Stinted Pastures, being subject to the Payment of Tythes (except the said Lands within the Rectory of *Scotter* aforesaid).

Allotments
for Tythes
to the Rector
of *Scotter*.

aforesaid) and fuch Pieces and Parcels of Land or Ground within the faid Commons and Waste Grounds as fhall in the Judgment of the faid Commissioners be equal in Value to One-tenth Part of all and every the Commons and Waste Grounds within the faid Parifh, Townfhips, Hamlets, or Places refpectively, in lieu of and as a full Satisfaction and Compenfation for all Tythes, both Great and Small, and all Modufes, Compositions or other Payments in refpect thereof whatfoever belonging to the faid Rector, arifing, renewing, increafing or happening, or which fhall or may hereafter arife, renew, increafe or happen, within, out of, upon or from any of the Meffuages, Cottages, Tofts, Lands, or Grounds, Commons or other Hereditaments, within the faid Parifh and Lordfhip of *Scotter*, or the faid Townfhips, Hamlets or Places of *Scotterthorpe* and *Sufworth* aforefaid, or any of them (except Eaſter Offerings, Mortuaries, and Surplice Fees, which fhall continue to be paid and payable as uſual): Provided always, that the faid Commissioners fhall fet out and allot Thirty Acres, Part of the Allotments hereby directed to be made, to the faid *Henry John Wollaſton* as near to the preſent Rectorſhip Houſe and Homeſtead as conveniently may be.

Allotment
to the Rector
of Scotton in
lieu of Tythe.

XVIII. And be it further enacted, That the faid Commissioners fhall and they are hereby required in the next place to fet out, allot, and appoint unto the faid *Broxholm Brown*, as Rector of *Scotton*, and his Succeſſors Rectors as aforefaid for the Time being, fuch Piece or Parcel, Pieces or Parcels of Land or Ground lying within the Rectorſhip of *Scotton* aforefaid as in the Judgment of the faid Commissioners fhall be equal in Value to One-ninth Part of all and every the faid ſeveral Pieces or Parcels of Land within the Rectorſhip of *Scotton* aforefaid, in lieu and Satisfaction of and for all Tythes, both Great and Small, and all Modufes, Compositions, and other Payments whatfoever belonging to the faid Rectorſhip of *Scotton*, arifing and renewing, and which fhall hereafter arife and renew from, in, upon or out of the faid Pieces or Parcels of Land or Ground in the faid Parifh of *Scotter* lying within the faid Rectorſhip of *Scotton*, and hereby directed to be divided and incloſed.

Allotment
for Manorial
Rights of
Soil.

XIX. And be it further enacted, That the faid Commissioners fhall and they are hereby required in the next place to fet out, allot, and award unto the faid Dean and Chapter, as Lords of the Manor of *Scotter* aforefaid, and their Succeſſors, and unto the faid *Francis Edward Morley* as their Leſſee (exclusive of all other Allotments to the faid Dean and Chapter, and the faid *Francis Edward Morley*, for and in refpect of their other Property) fuch Pieces and Parcels of the Reſidue of the faid Commons and Waste Grounds hereby directed to be divided and incloſed, as fhall in the Judgment of the faid Commissioners be equal in Value to One-twentieth Part of fuch Reſidue of all and every fuch Parcel and Parcels of the faid Commons and Waste Grounds, the Soil of which the faid Dean and Chapter are entitled to or intereſted in as Lords of the faid Manor of *Scotter*, in lieu of and as a Compenfation for all the Right and Intereſt of the faid Dean and Chapter, and their Succeſſors, and the faid *Francis Edward Morley* or their Leſſee for the Time being, in and to the Soil of the faid Commons and Waste Grounds by this Act directed to be divided and incloſed.

Allotment in
lieu of Right
of Warren.

XX. And be it further enacted, That the faid Commissioners fhall and they are hereby authorized and required in the next place to aſſign, fet
out,

out, and allot unto the said Dean and Chapter, and their Lessee for the Time being, such Part or Parts of the said Commons and Waste Lands as in the Judgment of the said Commissioners (after hearing all Evidence to be produced relating to the same) shall be a full Equivalent and Compensation for their Right of Warren or keeping Rabbits upon the said Commons and Waste Lands, and such Allotment or Allotments shall be in lieu of and full Bar and Compensation for the same.

XXI. And be it further enacted, That the said Commissioners shall and they are hereby required, after the several Allotments hereinbefore directed shall have been made, to assign, set out, allot, and divide, all the Residue of the said Commons and Waste Grounds by this Act directed to be set out, allotted, and divided in manner following (that is to say) Seven-twelfth Parts thereof (the whole into Twelve equal Parts to be divided) shall be set out and allotted unto and amongst the several Owners and Proprietors of ancient Messuages, Cottages, Tofts or Toftsteads within the said Parish and Lordship, Townships, Hamlets, or Places having Right of Common in or upon the said Commons and Waste Grounds, in Shares of equal Value (that is to say) One equal Share to each Messuage, Cottage, Toft or Toftstead, and in making which Allotments no regard shall be had to the Magnitude or Value of the said Messuages, Cottages, Tofts or Toftsteads, or any of them; and the remaining Five-twelfth Parts of the said Commons and Waste Grounds shall be set out and allotted unto and amongst the several Owners and Proprietors of Lands or Grounds within the said Parish of *Scotter*, who were, on or before the 1st Day of *March*, One thousand eight hundred and eight, Owners and Proprietors of Messuages, Cottages, Tofts or Toftsteads, within the said Parish of *Scotter*, having Right of Common on the said Commons and Waste Grounds, in proportion, and according to the Value of and to their several Rights and Interests in the Homesteads, Crofts, ancient Inclosures, Open Arable Lands, Meadows, and Stinted Pastures, lying within the said Parish and Lordship, Townships, Hamlets, or Places, or any of them, in lieu of and as a full Recompence and Satisfaction for all Rights of Common and other Interests in and upon the said Commons and Waste Grounds; and that the said Commissioners shall also set out, allot, and appoint all the Residue and Remainder of all the several Open and Common Fields, Meadows, and Stinted Pastures situate and being within the said Parish, Hamlets, Townships, or Places, unto and amongst the several Persons, Bodies Politic or Corporate, who at the Time of making such Allotments shall be entitled to any Estate, Property, or Interest therein, in such Quantities, Shares, and Proportions, as by the said Commissioners shall be adjudged and determined to be a Compensation and Satisfaction for the several and respective Lands and Grounds, Rights of Common, and other Interests of each of the said Proprietors therein.

XXII. And be it further enacted, That any Allotment or Allotments in any of the said Open and Common Fields, Meadows, and Stinted Pastures, by this Act directed to be divided, allotted, and inclosed, may, upon the Request, and with the Consent of the respective Parties, be made for or in lieu of Lands in any other or others of the said Fields, Meadows, or Pastures, or for or in lieu of Common Rights or other Interests belonging to any of the said Proprietors in or upon the said Commons and Waste Grounds; and also that any Allotment or Allotments

Allotment of
the Residue.

Allotments,
upon Re-
quest, may be
made in
Fields, &c.
in lieu of
Common
Rights and
Common
Land for
Land in
Fields, &c.

ments in or upon the said Commons and Waste Grounds may in like manner be made for or in lieu of Lands and Grounds belonging to any of the said Proprietors in or upon the said Open and Common Fields, Meadows, and Stinted Pastures, or any of them; any Thing hereinbefore contained to the contrary thereof in anywise notwithstanding.

For fencing
the Tythe
Allotments.

XXIII. And be it further enacted, That the several Allotments to be made to the said *Henry John Wollaston* and *Broxholm Brown*, as Rectors respectively, and their respective Successors as aforesaid, in lieu of Glebe Lands and Rights of Common in respect thereof, and Tythes respectively, shall be fenced on all such outer Parts and Sides thereof as shall not be ordered by the said Commissioners to be fenced by any other Proprietors, and against all public Roads, with good substantial Fences, all which shall be planted with good Hawthorn Quicksets, guarded on each Side with good Oak Posts and double Oak or Ash Rails or Battins, and sufficient Ditches; and where such Fences are against any public Roads or uninclosed Lands, then such Fences shall be made with Three Rails or Battins, and there shall also be a Gate hung with Oak Posts to each Allotment in such Time and by such Person or Persons as the said Commissioners shall appoint to make and complete the same, at the Expence of the Rest of the Proprietors of the Lands and Grounds to be allotted by virtue of this Act, in such Proportions, and to be paid at such Time or Times as the said Commissioners, by any Writing under their respective Hands, or in their said Award or Instrument, shall order, direct, or appoint; and that all such Fences and Gates of the several Allotments so to be made to the said *Henry John Wollaston* and *Broxholm Brown*, as Rectors respectively as aforesaid, not ordered to be repaired by any other Proprietor, shall from thenceforth be supported, maintained, and kept in repair by the said *Henry John Wollaston* and *Broxholm Brown*, and their Successors respectively, for ever afterwards.

Commissioners
to settle
Disputes.

XXIV. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested in or claiming to be interested in the Division, Allotment, and Inclosure hereby directed and intended to be made, touching or concerning the Lands and Grounds aforesaid, or any Part thereof, or touching or concerning the respective Rights and Interests therein which they or any of them have or claim to have in or to such Lands or Grounds, or touching or concerning any other Matter or Thing relating to the said Division, Allotment, and Inclosure, it shall and may be lawful to and for the said Commissioners to examine into, hear, and determine the same: Provided always, that nothing herein contained shall authorize the said Commissioners to determine the Title to any Messuages, Cottages, Lands, Tenements, or Hereditaments whatsoever.

Commissioners
to award
Costs.

XXV. And be it further enacted, That in case the said Commissioners shall upon the hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of this or the said recited Act, see cause to award any Costs, it shall be lawful for the said Commissioners, and they are hereby empowered, upon Application made to them for that Purpose, to settle, assess, and award such Costs and Charges as they shall think reasonable, to be paid to the Party or Parties in whose Favour any Determination of the said Commissioners shall be made, by the Person or Persons whose Claim or Claims, Objection or Objections, shall

shall be thereby disallowed or over-ruled; and in case the Person or Persons who shall be liable to pay such Costs and Charges shall neglect or refuse to pay the same on Demand, then and in such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required, by Warrant under their Hands directed to any Person or Persons whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same as aforesaid, rendering the Overplus (if any) upon Demand, to the Person or Persons whose Goods and Chattels have been so distrained and sold, after deducting the Costs and Charges of such Distress and Sale.

XXVI. Provided always, and be it further enacted, That in case the said Dean and Chapter or their Successors, or their Lessee or Lessees for the Time being, or any other Person or Persons interested or claiming to be interested in the said intended Division, Allotment, and Inclosure, shall be dissatisfied with any Determination of the said Commissioners touching or concerning any Claim or Claims of the Right to the Soil of the said Moors, Stinted Pastures, Commons or Waste Grounds, or any Part thereof, or touching or concerning any other Rights or Interests relating to the said Division, Allotment, and Inclosure, it shall and may be lawful to and for the said Dean and Chapter, and their Lessee or Lessees, or the Person or Persons so dissatisfied, to proceed to a Trial at Law of the Matter so determined by the said Commissioners, at the then next or at the following Assizes to be held within and for the said County of *Lincoln*, and for that Purpose the Person or Persons who shall be dissatisfied with the Determination of the said Commissioners shall cause an Action to be brought upon a feigned Issue against the Person or Persons in whose Favour the said Determination shall have been so made, within Two Calendar Months next after such Decision of the said Commissioners; and the Defendant or Defendants in such Action or Actions shall, and he, she, or they are hereby required to name an Attorney or Attornies, who shall appear thereto, or file Common Bail, and accept One or more Issue or Issues, whereby such Claim or Claims, and the Right or Rights thereby insisted on, may be tried and determined (such Issue or Issues to be settled by the proper Officer of the Court in which such Action shall be commenced, in case the Parties shall differ about the same); and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding, and conclusive on all Persons and Bodies Politic and Corporate whomsoever, (unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial or new Trials to be had, which it shall be lawful for the Court to do) and also, upon such sufficient Cause shewn, to put off the Trial of such Issue or Issues, as is usual in other Cases; and that after such Verdict or Verdicts shall be obtained, and not set aside by the Court, the said Commissioners shall and they are hereby required, to act in conformity thereto, and to allow or disallow the Claim or Claims thereby determined according to the Event of such Trial or Trials: Provided always, that the Determination of the said Commissioners touching such Claim or Claims, or other Rights or Interests, in, over, and upon the Lands and Grounds herein directed to be divided, allotted, and inclosed, or any Part thereof, which shall not be objected to, or being objected to the Party or Parties objecting not causing such Action at Law to be brought within the Space of Two

Parties dissatisfied may try their Rights by an Issue at Law.

Determination of Commissioners not objected to, or after Trial, to be final.

Calendar Months after Objection made, or not proceeded therein as
aforesaid, shall be final and conclusive on all Parties.

Death of
Parties not
to stay Pro-
ceedings at
Law;
nor Trials
suspend the
execution of
the Act.

XXVII. Provided always, and be it further enacted, That if any of the Parties, Plaintiffs or Defendants in any Action to be brought in pursuance of this Act, shall die pending the same, such Action shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened; and that no such Difference, Action, or Proceeding as aforesaid, nor any Difference, Dispute, or Proceeding, touching the Title to any Lands, Tenements, or Hereditaments within the said Parish, Townships, Hamlets, or Places, shall impede or delay the said Commissioners in the execution of this Act, but the said Division and Inclosure shall be proceeded in notwithstanding any such Difference, Suit, or Proceeding.

Provision in
Case of
Death of
Parties be-
fore Actions
brought.

XXVIII. Provided always, and be it further enacted, That if any Person or Persons in whose favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought, if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time hereinbefore limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Bodies Politic or Corporate, who might have brought such Action or Actions against the Person or Persons so dying, to bring the same, within the Time so limited as aforesaid, against such Person or Persons as if actually living, and to serve the Clerk of the said Commissioners with Process for commencing such Action or Actions, in the same manner as the Party or Parties might have been served therewith if living; and it shall thereupon be incumbent on the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein in the same manner as if such Person or Persons had been actually living; and the Rights of all Parties shall be equally bound and concluded by the event of such Action or Actions.

Right of Pos-
session of Per-
sons not to be
determined
by Commis-
sioners.

XXIX. Provided also, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioners to determine any Right between any Parties contrary to the Possession of any of such Parties, except in Cases of Encroachments made within the Period of Twenty Years as hereinbefore mentioned; but in case the said Commissioners shall be of Opinion against the Right of the Person or Persons so in possession they shall forbear to make any Determination thereupon, until the Possession shall have been given up, or recovered from such Person or Persons by Ejectment or other due course of Law.

No Sheep,
Lambs,
Horses, Asses,
Horned
Cattle, Pigs,
or Geese to
be kept
within twelve
Years after
the execution
of Award,

XXX. And be it further enacted, That no Sheep or Lambs, Horses, Asses, Horned Cattle, Pigs, or Geese shall be depastured or kept in any of the said new Inclosures during the Space of Twelve Years to be computed from the Day of the execution of the Award of the said Commissioners, unless the Persons respectively so depasturing or keeping such Sheep or Lambs, Horses, Asses, Horned Cattle, Pigs, or Geese therein, do at their own Charges respectively, well and effectually guard and fence the Quicksets or new Fences on any other Person's Allotment adjoining to such Inclosures respectively, in which Sheep or Lambs, Horses, Asses, Horned
Cattle,

Cattle, Pigs, or Geese, shall be depastured or kept as aforesaid, so as to prevent any Damage or Injury being done to such Quicksets or new Fences by any such Sheep or Lambs, Horses, Asses, Horned Cattle, Pigs, or Geese; and the Person or Persons respectively depasturing, or keeping the same as aforesaid, and neglecting or refusing to guard and fence the Quicksets, Hedges, or new Fences, shall for every such Offence forfeit and pay any Sum of Money not exceeding Ten Pounds over and above and together with the Sum estimated to be the Amount of the Damage to be sustained thereby, as shall be thought just and reasonable, to be levied and recovered in such manner as is directed by the said recited Act for the Recovery and Application of Penalties; and every such Penalty and Damages, when so levied, shall be paid to the Person or Persons so injured as aforesaid.

unless the adjoining Quicksets are guarded, &c.

XXXI. And be it further enacted, That if any Person or Persons shall from and after the staking out of the Roads, as directed by the said recited Act, put or cause to be turned or put, or knowingly suffer to be turned or put any of his, her, or their Sheep or Lambs, Horses, Asses, Horned Cattle, Pigs, or Geese, into any of the Roads so to be set out, at any Time within Fifteen Years next after the making and executing the Award of the said Commissioners, it shall and may be lawful to and for the Person or Persons whose Hedges, Fences, Crops, Herbage or Ground, shall or may be damaged thereby, or any other Person or Persons to impound the same; and every such Person or Persons so offending shall for every such Offence forfeit and pay any Sum or Sums of Money, from Time to Time, not exceeding at any one Time the Sum of Forty Shillings over and above, and together with the Sum estimated to be the Amount of the Damage to be sustained thereby as shall be thought just and reasonable, to be levied and recovered in such manner as is directed by the said recited Act for the Recovery and Application of Penalties, which Penalty or Penalties, when so recovered, shall be paid to the Surveyor or Surveyors of the Highways for the Time being of the Parish or Lordship, Townships, Hamlets, or Places of *Scotter*, *Scotterthorpe*, and *Susworth* aforesaid, and shall be by him or them applied in the Amendment of the Highways within the same Parish or Lordship, Townships, Hamlets, or Places; and the Sum estimated to be the Amount of the Damage to be sustained as aforesaid, when recovered as hereinbefore mentioned, shall be paid to the Person or Persons whose Hedges, Fences, Crops, Herbage, or Grounds shall be so damaged, by the Ways and Means aforesaid; and that the Grass and Herbage growing or renewing on any of the Roads or Ways to be set out within the said Parish or Lordship, Townships, Hamlets or Places, shall be vested in the said Surveyor or Surveyors respectively, and shall by him or them be publicly let to the best Bidder or Bidders on Easter Monday in each Year, for the Purpose of Mowing only, for the Term of Fifteen Years from the execution of the said Award, and for ever afterwards for Mowing or Pasturage, as such Surveyor or Surveyors shall think expedient; and the Rents and Profits thereof shall be applied in the same manner and for the same Purposes as the last above-mentioned Penalties, when recovered, are hereinbefore directed to be applied, and shall be accounted for by the said Surveyor or Surveyors of the Highways within the Parish or Lordship, Townships, Hamlets, or Places aforesaid, in the same manner as he or they is or are accountable for other Money that shall or may come to his or their Hand.

No Cattle, &c. to be turned on the Roads until Fifteen Years after execution of the Award.

Herbage of the Roads to be vested in the Surveyor of the Highways.

Hand or Hands as Surveyor or Surveyors of the Highways; and shall be subject and liable to the like Penalties for Neglect thereof.

Settlements,
&c. not to be
prejudiced.

XXXII. And be it further enacted, That nothing in this or the said recited Act contained shall extend, or be construed or adjudged to extend, to revoke, make void, annul, or alter any Settlement, Deed, Will, or Lease, or to prejudice any Person having any Right or Claim of Dower, Jointure, Annuity, Rent, Debt, Charge, or Incumbrance whatsoever, in, out of, upon, or affecting any of the Lands, Tenements, or Hereditaments hereby directed to be divided, allotted, and inclosed, or which shall be exchanged or assigned, in Compensation for any other Estate or Right in pursuance of this Act; but as well the Lands allotted, as the Tenements or other Hereditaments which shall be assigned in Exchange or in Compensation for any other Estate or Right, shall immediately after such Allotment, Exchange, or Assignment shall be made, remain and enure, and the several Persons to whom the same shall be allotted, assigned, or given in Exchange as aforesaid, shall thenceforth stand and be seised and possessed thereof respectively, to, for, and upon such and the same Uses, Estates, Intents, Trusts, and Purposes respectively, and subject and liable to such and the same Wills, Settlements, Limitations, and Remainders, Conditions, Charges, and Incumbrances, as the said several Lands, Tenements, and Hereditaments, in respect whereof such Allotments, Assignments, and Exchanges shall have been made, should or would have stood severally limited, settled, vested, or subject or liable to, or been held by, in case the same had not been allotted, assigned, or exchanged, and this Act had not been made.

Allotments
to the Pro-
priators hav-
ing Lands,
&c. held
under differ-
ent Titles,
to be distin-
guished;

and Supple-
mental In-
strument
may be exe-
cuted by said
Commission-
ers subse-
quent to the
execution of
the Award
for supplying
Omissions in
certain Cases.

XXXIII. And be it further enacted, That where the Proprietor or Proprietors of any Lands or other Hereditaments which shall be allotted by this Act, shall hold their respective Lands or Hereditaments by different Tenures, or for different Estates, or under different Titles, the said Commissioners shall (upon the Request of such respective Proprietors in Writing under their Hands) ascertain and distinguish the Lands or other Hereditaments held by each of such Tenures for each of such Estates, and under such Titles respectively, and shall accordingly in their said Award set out and distinguish the several Allotments which shall be set out and assigned for such Lands or other Hereditaments respectively; and where for want of the necessary Information before the said Commissioners, or from any other Cause, they shall have omitted to discriminate such different Titles, Estates, and Tenures respectively in their said Award, and after making thereof. Request shall be made to the said Commissioners by any Person or Persons interested (by Writing under his, her, or their Hand or Hands) to have such Omission supplied by a separate Instrument or Instruments, then and in every such Case the said Commissioners are hereby authorized to do every Thing necessary for supplying such Omission, and so far as shall be necessary for that Purpose, to examine Witnesses, and in every other respect to proceed and act as if their said Award had not been made; and when they shall have obtained sufficient Information, they the said Commissioners are hereby authorized, by any Deed under their Hands and Seals, to ascertain and distinguish the several Allotments which shall be set out and assigned for the Lands and Hereditaments held by such different Tenures, Estates, and Titles, respectively, and shall set out and allot the same accordingly, in the same manner as if the same had been inserted in the said Award; and every

every such separate Instrument, after having been duly executed by the said Commissioners, shall have the same Effect as if it was contained in the said Award, and shall be delivered unto the Person or Persons upon whose Request the said Omission shall have been supplied, or the Person or Persons to whom the Custody of the Deeds and Writings concerning the Title to the Premises in question shall in the Opinion of the said Commissioners most properly belong for the Time being; and all Charges which shall be reasonably incurred in and about any such Supplementary Instrument as aforesaid, shall be paid and payable by the Person or Persons who shall have requested the said Commissioners to make and execute the same, or by his, her, or their Heirs, Executors, or Administrators.

XXXIV. And be it further enacted, and the said Commissioners are hereby authorized and required, to ascertain the Amount of the Sum and Sums of Money which shall be assessed and charged by them the said Commissioners upon each Copyholder for the Expences of obtaining and executing this Act, for and in respect of his Copyhold Estate and Allotments within the said Manor, and also upon the said Dean and Chapter and their said Lessee, in respect of the whole of their Estate and Allotments within the said Manor (except in respect of their Allotment for the Right of Soil) and having so ascertained the same, they the said Commissioners shall assign, set out, and allot unto each Copyholder such Part or Proportion of his said Allotments in and upon the said Commons and Waste Grounds as shall in the Judgment and Opinion of the said Commissioners, be equal in Value to the Sum and Sums of Money which shall be so assessed, and charged upon and paid by each such Copyholder, such Part or Proportion of the said Allotments being declared and considered as Freehold Lands, and to be held as such of the said Dean and Chapter and their Lessee or Lessees for the Time being, Lords of the said Manor; and the said Commissioners shall sell and dispose of so much of the Allotment or Allotments which the said Dean and Chapter and their said Lessee shall be entitled to for their Right of Common in and upon the said Commons and Waste Grounds, as shall, by the Sale thereof, produce a sufficient Sum or Sums of Money to pay and discharge the said Sum and Sums which shall be so assessed and charged upon the said Dean and Chapter and their said Lessee, in respect of the whole of their said Estate and Allotments (except their Allotment for the Right of Soil); and for this End and Purpose the said Commissioners shall have full Power and Authority, and they are hereby directed, on Payment of the respective Purchase Monies for which such Lands shall be sold, to grant and convey the same unto and to the Use of the several Purchasers thereof and their Heirs and Assigns, for ever, as Freehold, and the Receipt and Receipts of the said Commissioners for such Purchase Monies, shall be a full and absolute Discharge to such Purchaser and Purchasers for the same, and the said Commissioners shall pay and apply the said Purchase Monies in paying and discharging the Sum and Sums of Money so to be charged and assessed upon the said Dean and Chapter and their said Lessee, as before mentioned: Provided always, that if there shall be any Overplus of the Money arising by such Sale, the same shall be applied in the Manner directed by the said recited Act with respect to Money to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the same Uses.

For Enfranchisement of Copyhold.

XXXV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby required, by inspecting the Court Rolls of the Manor of *Scotter* aforesaid, the Accounts of Fines received by the Lords of the said Manor, or their Lessee or Lessees, and all other Evidences which they may think necessary to call before them, or may be produced by the said Lords or their Lessee, or any Copyholder or Copyholders within the said Manor, and by a due Investigation and Consideration of all other Circumstances which they may think necessary, or may be suggested to them by the said Lords or their Lessee, or any of the said Copyholders, relating to the subject, to ascertain what has been the Value of the Fines in respect to the Copyhold Property for Thirty Years last past, and having ascertained the same, to fix and determine what Proportion of Land is in their Judgment a just and equitable equivalent to the said Lords for enfranchising the Whole of the Copyhold Lands and Estates, within the said Manor; and that the said Commissioners, after having so fixed and determined the same, shall give public Notice in such Manner as other Notices are by this Act required to be given, at least One Month previous to their making any Allotments by virtue of this Act, of a certain Time and Place when and where they will hold a Meeting, at which every Copyholder within the said Manor shall declare in Writing whether he will agree to have his Copyhold Lands and Hereditaments enfranchised on such Terms as shall be fixed by the said Commissioners; and that the said Commissioners, having so ascertained the Proportion or Value of the Lands to be allotted to the Lords of the said Manor for enfranchising the Whole of the said Copyhold Property, shall, on a Requisition in Writing to be delivered to them at such Meeting by the Copyholders who shall require to have all their Copyhold Estates within the said Manor, including the Lands to be allotted by virtue of this Act, enfranchised on the Terms so fixed by the said Commissioners, allot a due and just Part and Proportion of each Estate, which shall be, continue, and remain of Copyhold Tenure, according to the Declaration contained in the said immediately preceding Clause, and shall not be allotted as Freehold as aforesaid, and which the Owner shall so require to be enfranchised, pursuant and according to the Value of enfranchising all the said Copyhold Estates which shall have been so ascertained unto the said Dean and Chapter and their Successors, and the said *Francis Edward Morley* as their Lessee, as a full Compensation and Satisfaction for such Enfranchisement, and that the said Commissioners shall allot so much of the Compensation for enfranchising such Parts of the ancient Estates of the said Copyholders as are known open and uninclosed Lands, out of the known open and uninclosed Lands of the said Copyholders, and the Compensation for enfranchising the Messuages, Cottages, Tofts or Toftsteads, Crofts, and ancient Inclosures and Allotments of the said Commons and Waste Grounds of the said Copyholders, from and out of the Allotments of the said Commons and Waste Grounds, and also out of such ancient Inclosures where the respective Allotments of such Copyholders in and upon the said Commons and Waste Grounds shall not be of sufficient Value to make Compensation for such Enfranchisement; and that the Allotments to be made for enfranchising the Whole of the Property which shall be so required to be enfranchised by the several Copyholders or Proprietors within the said Open Fields, Meadows, Pastures, Commons, and Waste Grounds, shall be laid together or added to the other Allotments of the said Dean and Chapter and their Successors, and the said *Francis Edward Morley* their Lessee

in the said Open Fields, Meadows, Pastures, Commons, and Waste Grounds respectively; and that all Messuages, Cottages, Tofts, Crofts, Lands, and Hereditaments belonging to any Person or Persons whatsoever, and being now Copyhold, Parcel of the said Manor, and all Allotments to be made in lieu thereof by virtue of this Act, and which shall be so agreed and required to be so enfranchised as aforesaid, shall, from and after the said Allotments so made to the said Dean and Chapter, and the said *Francis Edward Morley* as their Lessee, in lieu and as a Compensation for the Enfranchisement thereof, be held and enjoyed of the said Dean and Chapter or their Lessee for the Time being Lords of the said Manor, as Freehold, to all Intents and Purposes, and discharged of and from all Copyhold Fines, Heriots, Chief Rents, Copyhold Rents, Duties, and Services whatsoever.

XXXVI. And be it further enacted, That the said Commissioners shall and may set out and allot unto and for the Churchwarden or Churchwardens of the Parish of *Scotter*, and their Successors for the Time being respectively, and to the Overseer or Overseers of the Poor of the said Parish of *Scotter*, and their Successors for the Time being respectively, who are hereby respectively enabled to take, hold, and enjoy the same in Succession, according to their several and respective Rights and Interests, Estates, and Property in the same Parish, and unto and for such other Person or Persons respectively who now is or are or shall or may be entitled to any Allotment in the said Lands and Grounds by this Act intended to be divided, allotted, and inclosed, in Right of or in Trust for any College, Hospital, School, Poor, or public Use, upon the Trusts and for the Purposes upon and for which the Hereditaments and Premises, and other Property in Right whereof the same were allotted, are now held and enjoyed as aforesaid; and also unto the Purchaser or Purchasers who hath or have heretofore made any Purchase or Purchases within the said Parish, by the Bounty of her late Majesty *Queen Anne*, such Parcel or Parcels of the said Lands and Grounds as shall in the Judgment of the said Commissioners be such respective Person or Persons, Proportion or Proportions thereof, after a Deduction being made thereout of so much as shall in their Judgment be equal in Value to his, her, or their respective Proportions of the outside Mounding or Fencing of such Allotment or Allotments respectively, and of the Charges and Expences incident to the obtaining, passing, and executing this Act, and of such other Expences as are hereinafter directed to be paid and borne for them respectively, by the other Proprietors and Persons interested in the said Lands and Grounds by this Act intended to be divided and inclosed; which Parcel or Parcels of Lands so to be set out and allotted as aforesaid, the said Churchwarden or Churchwardens, Overseer or Overseers, and their respective Successors for the Time being; and such other Person or Persons, Purchaser or Purchasers as aforesaid, are hereby empowered, by and with the Consent, and under and subject to the Directions of the said Commissioners, to demise or lease for any Term or Number of Years not exceeding Twenty-one Years, to be computed from the Time of the execution of such Lease or Leases; and such Land, so deducted, shall be divided amongst the said Proprietors so charged with such Expences as aforesaid.

XXXVII. And be it further enacted, That it shall and may be lawful for all and every Person and Persons interested in the said intended Division, Allotments in Trust.
Power for Proprietors to sell their Rights or

Allotments
separate from
their other
Property be-
fore the exe-
cution of the
Award.

tion, Allotment, and Inclosure (except only the said *Henry John Wollaston* and the said *Broxbolm Brown*, and their Successors Rectors as aforesaid, and the Person or Persons to whom any Allotments shall be made in Trust as aforesaid), at any Time before the execution of the Award of the said Commissioners, to sell and dispose of all such Estate, Right, Title, and Property which he, she, or they shall have in to or upon the Lands and Grounds hereby intended to be divided, allotted, and inclosed, or in or to any Allotment or Allotments to be made by virtue of this Act, and to convey the same by Deed or Surrender, according to the Tenure of the Estate or Interest in respect whereof such Allotment shall be made, to the Purchaser thereof, separate from the Estate or other Interest in Right whereof he, she, or they is or are or shall be so entitled, and also to grant, surrender, mortgage, sell and convey all or any of the Allotments which shall be set out and assigned to and for such Person and Persons respectively, by virtue of this Act, though the said Award of the said Commissioners shall not then have been executed, subject nevertheless to all Settlements, Mortgages, Charges and Incumbrances affecting the Messuages, Cottages, Toststeads, Lands, Grounds, Estates, or Interests, in respect whereof such Rights shall arise, or such Allotments shall be made.

Freeboards
to be deter-
mined by
Commission-
ers.

XXXVIII. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and empowered to receive, hear, and determine all Claims of Freeboard upon the said intended Division and Allotment; and if any such Claim shall be fully established by sufficient Proof to the Satisfaction of the said Commissioners, they are hereby authorized and empowered to set out and allot One or more Plot or Plots, Allotment or Allotments of Land, in lieu of any such Freeboard or Freeboards so established; and such Plot or Plots, Allotment or Allotments, shall for ever thereafter respectively be deemed to be within and Part of such Parish as the said Commissioners, in and by their Award, shall adjudge and determine.

Power to
enter adjoining
Lands
to dress
Ditches, &c.

XXXIX. And be it further enacted, That it shall be lawful for the Owners, Proprietors, or Occupiers of the several new Allotments to be made in pursuance of this Act, and their respective Servants and Labourers, to enter into and upon any Land and Ground next adjoining to their respective Allotments from Time to Time, and at all reasonable Times, between the First Day of *November* and the First Day of *May* in each Year after such their Allotment shall be made and fenced in by virtue hereof, for the Purpose of cleansing, scouring, and dressing the Ditches and Drains belonging to the said Allotments which shall or may be dug or made next to which shall border upon in such adjoining Grounds; and also that it shall and may be lawful to and for the Owner, Proprietor, and Occupiers of such new Allotments, or of any other Lands already inclosed, from the Time of staking out the several Allotments hereby directed to be made, to set up and place, and from Time to Time and at all Times thereafter, to continue and maintain Posts and Rails across the Ditch or Ditches of such his, her, or their Allotment or Allotments, or other Lands already inclosed, in and upon the Bank and Banks next adjoining to such his, her, or their Allotment or Allotments, or other Lands already inclosed, without being deemed a Trespasser or Trespassers for so doing, or liable to make good any Damage for the same.

XL. And

XL. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby authorized, at any Time or Times before the execution of the said Award, by Notice in Writing under their Hands to be affixed upon the principal outer Door of the Parish Church of *Scotter* aforesaid, to order and direct all or any Part of the Gates, Rights of Common, and other Interests, in, over, or upon the said Ings, Meadows, Pastures, Moors, Commons, and Waste Grounds or any Part thereof, to be extinguished, or the Exercise thereof to be suspended for and during such Time as shall be expressed in such Writing; and that all such Gates, Rights and Interests, as the said Commissioners shall by such Writing order and direct to be extinguished, or the Exercise thereof to be suspended as aforesaid, shall from the Time specified in such Notice, cease, determine and be extinguished, or the Exercise thereof be suspended accordingly; any Law, Usage or Custom to the contrary thereof notwithstanding.

For extinguishing or suspending Gates, Rights of Common and Interests, before the Award.

XLI. And be it further enacted, That all and every Tenant and Occupier from Year to Year, or under any Lease or Agreement at Rack Rent for any Term or Number of Years of any Open Land or Ground, old Inclosures, or other Interest of, in, or within the said Parish or Lordship, Township, Hamlets, or Places (save and except the said *Francis Edward Morley* in respect of a certain Lease or Demise, bearing date the Thirtieth Day of *June* One thousand eight hundred and one, and made between the said Dean and Chapter of *Peterborough* of the one Part, and the said *Francis Edward Morley* of the other Part) shall immediately upon the making of such Division and Inclosure as aforesaid, or at such Time as the said Commissioners shall appoint by Writing under their Hands, give up and resign the full and peaceable Possession of any such allotted or exchanged Lands, ancient Inclosures, or other Interest which such Tenants or Occupiers shall hold or be entitled to within the said Parish of *Scotter* (save and except the said *Francis Edward Morley* as aforesaid) to the Owner or Owners thereof, such respective Tenants and Occupiers receiving from the respective Owners or Proprietors thereof such Satisfaction as the said Commissioners shall ascertain, order, direct or appoint to be paid to such Tenant or Tenants respectively on account thereof, or as an Equivalent for the Loss or Losses he, she, or they shall respectively sustain thereby; and if the Money, so to be ascertained as aforesaid, shall not be paid to the Person or Persons entitled to receive the same within Fourteen Days after Demand made thereof, it shall be lawful for the said Commissioners and they are hereby required to raise and levy the same for the Use and Benefit of the Person or Persons entitled thereto, by such Ways and Means as the Costs, Charges, and Expences of obtaining and executing this Act, can or may be raised or recovered: Provided always, that if there shall be any Lease or Leases of Lands, Part of which lie in the Parish, Townships, Hamlets or Places aforesaid, and Part in any adjoining Township or Parish, all and every such Lease or Leases upon Rack Rent now subsisting may be vacated, such Satisfaction being made as aforesaid; but where any Lands shall be taken in Exchange, which Lands shall be under Lease, and wholly situate in an adjoining Township or Parish, the Lease of such last mentioned Lands shall not be vacated.

Tenants to give up allotted or exchanged Lands, having Satisfaction for so doing.

XLII. And be it further enacted, That all Lands and Grounds as shall by virtue of this Act be set out and allotted to any of the said Proprietors, shall

Lands allotted to be of the same Tenants

[*Loc. & Per.*]

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nure, as
Estates in
Right of
which they
shall be al-
lotted.

shall be held by such Proprietors respectively under the same Tenures, Rents, Customs, and Services, as the Lands and other Property in respect of which such Allotments shall be made were respectively held and enjoyed before the passing of this Act, or would have been held and enjoyed in case this Act had not been made; and the several Lands and Grounds which in the said Award shall be declared to have been allotted in Right of Freehold Lands or Hereditaments, shall, from the making and executing thereof, be deemed Freehold Lands, and shall from thenceforth be held of the Lord of the Fee under the same Rents, and by the same Services, as the Freehold Property in lieu or in respect of which they were so allotted, was before that Time held; and the several Lands and Grounds which shall be therein declared to be allotted in lieu or in respect of Copyhold Property, and which shall not be enfranchised by virtue of the Powers and Provisions in this Act contained, shall be in like manner deemed Copyhold or Customary, and shall be held of the Lords of the Manor of *Scotter* aforesaid, under the same Rents, and by the same Customs, Duties, and Services, as the Copyhold Lands or other Property, in lieu or in respect of which they were so allotted, were or ought to have been held, and shall pass by the like Surrenders as the present Copyhold Lands, Hereditaments, and Premises, in respect whereof such Allotments shall be made, are now holden under and are liable to; and the Lands and Grounds which shall be therein declared to have been allotted in lieu or in respect of Leasehold Lands or other Leasehold Property, shall be in like manner deemed Leasehold, and shall be held under the same Rents as the Lands or other Property in lieu or in respect whereof they were so respectively allotted were held, and the Reversion thereof shall be vested in the same Lessors respectively as the Reversion of such other Lands and Property was vested before the making of this Act.

Commission-
ers to widen
ancient
Ditches, and
make new
ones.

XLIII. And be it further enacted, That the said Commissioners shall and may scour out and widen all the ancient Brooks, Ditches, Drains, Watercourses, Tunnels, Sluices, and Bridges, and shall and may make, cut, erect, set out, and appoint all such new Ditches, Drains, Watercourses, Tunnels, Sluices, Gates, Banks, and Bridges, as well in, through, and over the Lands and Grounds hereby intended to be divided, allotted, and inclosed, as also in, over, and through any ancient inclosed Lands, and also in, through, and upon the Banks of the River *Trent*, within the said Parish of *Scotter* (except Gardens, Orchards, and Homesteads, belonging to any Person or Persons whomsoever) making such Satisfaction to the Proprietor or Proprietors of such ancient inclosed Lands for the Damage done thereto as the said Commissioners in their Judgment shall think reasonable, and making such Recompence or Satisfaction to the Person or Persons in whose Lands or Grounds any such Cuts, Drains, Sewers, Sluices, or other Works shall be made, or who may be prejudiced thereby, or by means or in consequence thereof, or by any Inundation to be occasioned by any of the Matters aforesaid, for the Value of the Ground to be used for the Purposes aforesaid, and which they the said Commissioners are hereby authorized to purchase and accept a Conveyance of for the Purposes of this Act, and for all such other Damages which he, she, or they shall thereby sustain, as shall or may be agreed upon between the said Commissioners and the Owner or Owners, or the Person or Persons who shall be prejudiced as aforesaid, and such Recompence and Satisfaction shall and may be raised in the same manner as the other Expences of executing this Act, and shall be

be paid by such Person and Persons and in such Shares and Proportions as the said Commissioners shall think just and equitable, and shall accordingly order and direct, and shall be made and accepted in full Satisfaction for the Value of such Lands, and for all such Damages as aforesaid; and the said Drains, Sewers, Sluices, and other Works, shall be made of such Depth and Breadth and Dimensions, and in such Directions, Manner and Form as the said Commissioners shall think proper; and they shall and may, and are hereby directed and required, in and by their said Award, to order and determine by whom, at whose Expence, in what Proportions, at what Time, and in what Manner the said Brooks, Ditches, Drains, Watercourses, Tunnels, Sluices, Gates, Banks, and Bridges shall be made, and afterwards cleansed, scoured, repaired, and maintained, and also to make such Orders and give such Directions for preserving, maintaining, and keeping the same in good and sufficient Repair from thenceforth for ever thereafter, by such Person and Persons, in such Manner as they the said Commissioners shall judge to be necessary or adviseable; and if any Person or Persons shall obstruct, injure, or damage any of the Works aforesaid, every such Person or Persons so offending, and being thereof convicted before One or more Justice or Justices of the Peace for the said Division of *Lindsey*, (not interested in the said intended Division and Inclosure) who is and are hereby required to hear and determine the same, on the Oath of One or more credible Witnesses or Witnessess, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds over and above the Amount of the Damage done to such Work, to be levied by Distress and Sale of the Goods and Chattels of such Offender or Offenders, by Warrant or Warrants under the Hand and Seal or Hands and Seals of such Justice or Justices, One-half of which Penalty shall be paid to the Informer or Informers, and the other Half shall be applied in repairing and maintaining such Brooks, Ditches, Drains, Watercourses, or other Works; and for want of sufficient Distress, such Offender or Offenders shall by such Justice or Justices be committed to the Common Gaol or House of Correction for the said Division, there to remain for any Time not exceeding Three Calendar Months: Provided always that nothing in this Act contained shall extend or be construed to extend to enable the said Commissioners, or any of the said Proprietors, to raise or enlarge the Bank on the South Side of the River *Eau* to a greater Height or higher Level than the Height or Level of the Banks of the said River *Eau* within the Parish of *Messingham*, so that the Lands within the said Parish of *Messingham* lying on the North Side of the said River *Eau* may not be flooded or overflowed by means of such Embankment in the said Parish of *Scotter*.

XLIV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby required when and so soon as they shall have set out and ascertained the several Allotments to be made to the said respective Proprietors in pursuance of this Act, to specify, ascertain, and distinguish what Part of the Lands and Grounds lying within the said Parish and Lordship, Townships, Hamlets or Places, as well ancient as new inclosed, are in their Opinion capable of receiving Improvement by flooding and overflowing the same with the Waters of the River *Trent*, and to give public Notice thereof by Writing under their Hands in such Manner as Notices are by this Act directed to be given, and in and by their said Award or Instrument, or by any Writing under

Water may
be let in to
flood the
Lands.

under their Hands, in the mean Time to set forth the same, and to make and establish such Rules, Orders, and Regulations for conducting such Flooding, in case the same shall be adopted by the Proprietors of such Lands in Manner hereinafter mentioned; and to that End, it shall and may be lawful for a Majority in Value of the Proprietors of any such Lands lying together, which shall be deemed by the said Commissioners capable of such Improvement by Flooding, and such Majority of the said Proprietors is hereby authorized and empowered, at any Time or Times, by and with the Consent of the said Commissioners, until the execution of the said Award, and under such Rules and Regulations as they shall direct, and from and after the execution thereof under such Regulations as shall be contained in the said Award, from Time to Time to make use of, set open, and afterwards shut any of the said Sluices, and to make use of any of the said Drains and other Works now made or hereafter to be made, for the Purpose of overflowing as well their ancient Lands and Grounds as those which shall be allotted to them by virtue of this Act, with Water, and improving the same with *Trent Warp*, or otherwise; and such Majority of the said Proprietors is and are hereby empowered by any Writing under their Hands, to authorize and direct any such Person or Persons as they shall thereby appoint, to execute and complete all such Locks, Drains, Sewers, and other Works as shall be necessary for effecting such Floodings, and also to ascertain and determine the Proportion of the Expences thereof to be paid by each such Proprietor, having due regard to the Benefit he, she, or they is or are likely to derive therefrom; and in case any such Proprietor shall neglect or refuse to pay the same when thereunto required by the Person or Persons so to be nominated and appointed as aforesaid, then the Share or Proportion of every such Proprietor so refusing shall be levied and recovered in such Manner as directed by the said recited Act: Provided nevertheless, that no such Person or Persons shall be permitted to overflow his, her, or their Lands and Grounds with Water in Manner aforesaid, or to make use of any of the said Sluices or Drains for the Purposes aforesaid, until he, she, or they shall make sufficient interior Banks, Sluices, Tunnels, Cloughs, or other Works, and also enter into proper Security to the Satisfaction of the Commissioners of Sewers acting for the Level and Parts wherein the said Lands and Grounds are situate, or any Six or more of them, for preventing any other Lands or Grounds from receiving any Damage by or in consequence of letting in such Water, and for sufficiently cleansing out and securing all and every the Drains to be made use of for the Purpose of overflowing as aforesaid after each Season for Warping, and at other Times, when and as often as the same shall be thought necessary for the Purposes of Drainage; and if any Damage shall arise therefrom, then and in such case for making full and ample Satisfaction for the same, such Damages to be recoverable by the Person or Persons injured or aggrieved by Action or Actions at Law or otherwise, against the Person or Persons by whose Means such Damage shall arise, with Treble Costs.

Further Regulations as to Warping.

For defraying the Expences of the Act.

XLV. And be it further enacted, That the reasonable Costs, Charges, and Expences of all the said Commissioners hereby appointed, in and concerning the Powers and Authorities hereby vested in them, and of the obtaining and passing this Act, and of the surveying, measuring, dividing, draining, allotting, and improving the Lands and Grounds so intended to be inclosed as aforesaid, and of surveying and valuing all the old Inclosures

and other Lands and Grounds within the said Parish and Lordship, Townships, Hamlets, or Places respectively, and of making, preparing, executing, and enrolling the said Award or Instrument, and all other reasonable Charges and Expences occasioned by obtaining and by the execution of this or the said recited Act in respect to the said Parish of *Scotter*, up to the Time of executing the said Commissioners Award, shall be borne and defrayed by all the Proprietors of Lands which shall be allotted by virtue of the said Award, or who shall be entitled to any Lands or Estates within the said Township which shall be exonerated from the Payment of Tythes, or shall be otherwise benefited by such Inclosure in respect of any Estates therein (except the said Dean and Chapter and their Lessee or Lessees, in respect of their Allotment for the Right of Soil, the said *Henry John Wollaston* and *Broxholm Brown*, and their Successors Rectors as aforesaid, in respect of their Tythes, Glebe Lands, and Rights of Common in respect thereof, and the Churchwardens and Overseers of the Poor, and such Trustee or Trustees and their Successors respectively as aforesaid), in such Shares and Proportions as shall be settled and determined by the said Commissioners; and that all Charges and Expences which shall arise subsequent to the execution of the said Commissioners Award, respecting the future Reparation and Support of the said Sewers, Banks, Sluices, and other Works to be made and ordered by the said Commissioners in pursuance of the Powers hereby vested in them, shall be borne and defrayed from thenceforth for ever thereafter by all such Proprietors as aforesaid, including the said Dean and Chapter and their Lessee or Lessees, and the said *Henry John Wollaston*, and *Broxholm Brown*, and their Successors Rectors as aforesaid, in such Shares and Proportions as shall be thought just and equitable by the said Commissioners, and as shall be set forth in their said Award.

XLVI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to set out, allot, and award any Lands, Tenements, or Hereditaments whatsoever within the said Parish, Townships, Hamlets, and Places, in lieu of and in exchange for any other Lands, Tenements, and Hereditaments whatsoever within the said Parish, Townships, Hamlets, and Places, or within any adjoining Parish, Hamlet, Township, or Place; provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioners, and be made with the Consent in Writing of the Owner or Owners, Proprietor or Proprietors for the Time being seised of or entitled in Possession to the Lands, Tenements, or Hereditaments which shall be so exchanged, or to the actual Receipt of the Rents, Issues, and Profits thereof, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politic or Corporate, or a Body or Bodies Collegiate, Corporation Aggregate or Sole, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail General or Special, or by the Courtesy of England, or for Years determinable on any Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees or Attornies of or acting for any such Proprietors or Owners as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Femes Covert, Lunatics, or under any other legal Incapacity, or who shall be beyond the Seas or otherwise disabled to act for themselves, himself, or herself; and all and every such Exchange and Exchanges so to be made, shall be good, valid, and effectual in the Law, to all Intents and Purposes whatsoever;

[Loc. & Per.]

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Exchanges may be made.

ever : Provided nevertheless, that no Exchange shall be made of the Lands, Tenements, or Hereditaments held in Right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent (testified as aforesaid) of the Patron thereof, and of the Lord Bishop of the Diocese in which such Lands, Tenements, and Hereditaments so to be exchanged shall lie or be situate : Provided always, that the Costs, Charges, and Expences attending the making and completing any Exchanges, or Partitions, and the Enfranchisements as aforesaid, shall be paid and borne by the several Persons, Bodies Politic, Corporate or Collegiate, making such Exchanges or Partitions, or requiring such Enfranchisements in such Manner and in such Proportions as the said Commissioners shall order and direct.

Expence of Exchanges, how to be paid.

Proprietors and Agents to pay their own Expences.

XLVII. Provided always, and be it further enacted, That all and every the said Proprietors, their Attornies and Agents, shall pay their own Expences when they or any of them shall attend the said Commissioners at any of their Meetings to be holden in pursuance of this and the said recited Act.

Money advanced for obtaining this Act to be first paid with Interest.

XLVIII. And be it further enacted, That if any of the Proprietors, or any other Person or Persons, shall advance and pay any Money for the Purpose of defraying the Expences of applying for and obtaining and executing this Act, such Person or Persons shall be repaid the same, with lawful Interest, out of the first Monies to be raised by virtue of this Act.

For borrowing of Money.

XLIX. And be it further enacted, That it shall and may be lawful to and for every Person and Persons, who, after such Division and Inclosure to be made as aforesaid, shall be Owners and Proprietors for the Time being of any of the Allotments to be made in pursuance of this Act, or of any Part thereof, and to and for the Husbands, Guardians, Trustees, Committees, or Attornies of or for any of the said Owners or Proprietors being under Coverture, Minors, or beyond the Seas, or otherwise incapable to act for themselves, and to and for every of them, and to and for any of the said Owners or Proprietors being Tenants for Life or in Tail, or for Years, not being at Rack Rent, or any other Contingencies, and to and for every of them respectively for the Time being, (except the said *Henry John Wolleston* and the said *Broxholm Brown*, and their Successors Rectors as aforesaid, and the several Persons from whose Allotments a Deduction shall have been made as aforesaid) by and with the Consent of the said Commissioners in Writing under their Hands and Seals, from Time to Time, either before or after the execution of the said Award, to charge the several Lands and Grounds which shall be comprized in such respective Allotments, or any Part thereof, with any Sum or Sums of Money, with lawful Interest for the same from the Time of such Charge being made, at the Discretion of the said Commissioners, not exceeding Five Pounds for each Acre of Land and Ground so to be allotted as aforesaid, and also for every Acre of old Inclosure exonerated from Tythes, to be paid to such Person or Persons as the said Commissioners shall nominate and appoint, in order to be applied and disposed of for and towards paying and defraying the respective Shares and Proportions of the Charges and Expences incident to and attending such Division and Inclosure as aforesaid, and of obtaining this Act and executing the same, and for making the Subdivision Fences of the several Allotments, and for securing the Repayment of the said Sum or Sums of Money,

with

with Interest, either before or after the execution of the said Award, and as well before as after, to grant, mortgage, lease, or demise the Lands and Grounds so to be charged therewith unto any Person or Persons who shall lend and advance the same respectively for any Term or Number of Years, so as every such Grant or Demise be made with a Proviso or Condition to cease and be void when such Sum and Sums of Money thereby secured, with the Interest thereof, as aforesaid, shall be paid and satisfied, and so as in every such Grant or Demise to be made by any Person or Persons entitled only as Tenants in Tail or for Life or Lives or Years, or upon any other Contingency, there be contained a Covenant to pay and keep down the Interest of the Money thereby to be secured during his, her, or their respective Life or Lives, or for so long as he, she, or they shall continue seised of such Allotment or Allotments respectively, so that no Person afterwards becoming possessed of or entitled to such Lands or Grounds so to be charged with any Sum or Sums of Money, as aforesaid, shall be liable to pay any further or longer Arrear of Interest than for One Year preceding the Time that the Title to such Possession shall have commenced; or otherwise it shall and may be lawful to and for the said Commissioners, by any Deed or Deeds, Writing or Writings under their Hands and Seals, to be attested by Two or more credible Witnesses, at the Request of such of the said Owners and Proprietors, being Tenants in Tail, or for Life or Lives or Years, or upon any other Contingencies, who shall respectively pay and discharge his, her, and their proportionable Part of the Charges and Expences aforesaid, to authorize and empower such Owners and Proprietors, any or either of them, making such Request, to charge and subject the Lands and Grounds so to be allotted to such Owners or Proprietors thereof respectively, with any Sum or Sums of Money as the said Commissioners shall think just and reasonable, not exceeding Five Pounds *per* Acre, with Interest for the same, as aforesaid; which Sum or Sums of Money, so to be charged as aforesaid, shall be paid within One Year next after the Decease of every such Tenant for Life or in Tail, or other Contingency respectively, with Interest thereof, to be computed from his, her, or their respective Decease, to such Person or Persons as such respective Tenants in Tail, or for Life or Lives or Years, or other Contingency, shall respectively by Deed or Will duly executed and attested, direct and appoint, and in Default thereof to his, her, or their Executors or Administrators; and every such Grant, Lease, Mortgage, Appointment, and Demise, or Charge by Deed or Will as aforesaid, shall be good, valid, and effectual in the Law for the Purposes thereby intended; and all and every Person and Persons to whom any such Grant, Mortgage, Charge, or Demise shall be made by virtue of this Act, as a Security for any Sum or Sums of Money, or who shall be entitled to the Money thereby secured, shall and may from Time to Time, by any Deed or Deeds, Writing or Writings under his, her, or their Hand and Seal or Hands and Seals, to be executed in the Presence of Two or more credible Witnesses, assign or transfer the same Security or Securities, or the Principal Money and the Interest thereby secured, and all Benefit and Advantage thereof, and all his, her, or their Right, Title, or Interest of, in, and to the same, unto any Person or Persons whomsoever, who may again in like manner assign the same, and so often as the case shall happen; and such Mortgagee or Mortgagees, Assignee or Assignees, his, her, or their Executors or Administrators, and all Persons claiming under them or any of them, shall and may use, take, and pursue all such lawful Methods, Courses and Expedients, in Law or Equity, for recovering and obtaining the Possession of the Premises so to be mortgaged,

gaged, charged, demised, or assigned as aforesaid, in case of Non-payment of the Principal Money and Interest to be thereby secured, or any part thereof, as is or are used, taken, and pursued in all Cases of the like Nature: Provided, that nothing herein contained shall authorize or empower the said *Francis Edward Morley*, or the Lessee or Lessees of the said Dean and Chapter for the Time being, to make any Mortgage, Demise, or Charge which shall have Effect beyond the Duration of his, her or their subsisting Lease or Leases.

For keeping
down the In-
terest.

L. And be it further enacted, That the Proprietors of the Lands and Grounds so to be charged with any Sum or Sums of Money, shall duly pay and keep down the Interest thereof during their respective Lives, and that no Person becoming possessed of such Lands and Grounds afterwards shall be liable to pay any Arrear of Interest further than for One Year preceding the Time that the Title to such Possession shall have commenced, but that all Arrears above One Year before the Death of any such Proprietor, shall be paid by the Executors or Administrators of such Person so dying, in course of Administration.

Penalty on
Persons neg-
lecting to
keep Fences,
&c. in Re-
pair.

LI. And be it further enacted, That in case any Person or Persons by whom any Roads, Hedges, Fences, Banks, Ditches, Drains, Watercourses, Sewers, Bridges, Gates, Stiles, or other Works and Improvements, shall be ordered or directed by the said Commissioners to be maintained, cleansed, and kept in Repair, or his, her, or their Tenant or Tenants, shall neglect or refuse to maintain, cleanse, and keep in Repair the same, or any Part thereof, for the Space of Twenty-one Days after Notice given by the Person or Persons aggrieved of any Default therein, then and in every such Case it shall be lawful for the Person or Persons who shall be damaged or aggrieved thereby to make Complaint thereof upon Oath or Affirmation before any One Justice of the Peace acting in and for the said Division of *Lindsey* (not interested in the Matter in Question) who is hereby authorized and required to administer such Oath or Affirmation, and to hear and determine the Matter of every such Complaint in a summary Way, and for that Purpose to summon the Party or Parties so accused, or upon his, her, or their Neglect or Refusal to appear (except for some reasonable Excuse) to examine Witnesses upon Oath or Affirmation, and thereupon to give Judgment accordingly, and condemn the Party or Parties accused in such Penalty or Penalties, Sum or Sums of Money from Time to Time (not exceeding at any one Time the Sum of Five Pounds) as the said Justice shall think just and reasonable, and thereupon to issue a Warrant under his Hand and Seal, to cause such Penalty or Penalties to be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, together with reasonable Costs, returning the Overplus (if any) on Demand, to the Owner or Owners of such Goods and Chattels, which Penalty or Penalties, Sum or Sums of Money, when so recovered, shall be paid to the Person or Persons so damaged or aggrieved as aforesaid.

Watercourses
may be
turned.

LII. And, for the better enabling the said Commissioners to accommodate and furnish any of the new Allotments of the said Proprietors with Water, where the same shall in their Judgment be wanted; Be it further enacted, That it shall be lawful for the said Commissioners to direct, order, and award all Streams of Water, and Springs and Watercourses within the said Parish of *Scotter*, to be carried and conveyed in
such

such Courses, and through such Lands and Grounds, Parcel of the Lands and Grounds hereby intended to be inclosed, as they in their Discretion shall think necessary and proper for the Purposes aforesaid so as not to prejudice any other Person or Persons entitled to the Benefit of any such Stream of Water, Spring, or Watercourse: Provided always, that no Brook or Stream of Water shall be diverted or turned without the Consent of the Owner or Proprietor, Owners or Proprietors, of the Lands and Grounds from which any such Brook or Stream shall be diverted, and into which any such Brook or Stream shall be turned.

LIII. Provided always, and be it further enacted, That the Banks of the River *Trent*, fronting the ancient Inclosures in the said Parish of *Scotter*, shall continue to be maintained and repaired by the same Person and Persons as are liable thereto at the Time of the passing of this Act; and that such Part of the said Banks as lieth opposite to each Allotment to be made by virtue of this Act adjoining or immediately opposite to the said Bank, shall, from and after the making of such Allotments, be maintained and repaired by the respective Owner or Owners of the said Allotments; but that all the Roads lying upon the said Banks, or between the same Banks and Allotments and old Inclosures respectively, shall, from and after the making of such Allotments, be maintained and repaired by the Surveyors of the Highways in the Township of *Scotter* aforesaid.

How the Banks of the River Trent are to be repaired.

LIV. And be it further enacted, That the said Commissioners shall in and by their Award, to be made and executed in the Manner directed in and by the said recited Act, ascertain, specify, and declare what Part and Proportion of the general, public, and private Roads to be set out, in, through, over, and along the said Lands and Grounds intended by this Act to be divided, allotted, and inclosed, shall be deemed to be within and shall be for ever thereafter maintained and repaired by the Hamlet or Place of *Scotterthorpe* aforesaid; and that the Residue and Remainder of such public and private Roads shall be deemed to be within and shall be for ever thereafter maintained and repaired by the said Township of *Scotter*, and the respective Hamlets thereof (except the said Hamlet or Place of *Scotterthorpe*); and the said Commissioners shall also in and by their said Award, ascertain, specify, and declare what Part and Proportion of the said Lands and Grounds intended by this Act to be divided, allotted, and inclosed, shall be deemed to be within the Hamlet of *Scotterthorpe* aforesaid, and that the Rest, Residue, and Remainder thereof shall be deemed to be within the said Township of *Scotter*, and the respective Hamlets thereof (except the said Hamlet of *Scotterthorpe*); and that the said Award, when made and completed, shall within Six Calendar Months after the execution thereof, be enrolled in Manner directed by the said recited Act, and when so enrolled, shall be deposited in the Parish Church of *Scotter* aforesaid.

Directing to what Townships Roads shall belong.

LV. And be it further enacted, That once at least in each and every Year during the execution of this Act, the said Commissioners shall and they are hereby required to make a true and just Statement or Account of all Sums of Money by them received and expended, or due to them for their own Trouble or Expences in the execution of this and the said recited Act, and such Statement or Account, when so made, together with the Vouchers relating thereto, shall be by them the said Commissioners.

Commissioners to lay their Accounts before a Justice once a Year.

tioners laid before *Gervas Woodhouse*, of *Owston Place* in the County of *Lincoln*, Esquire (being One of His Majesty's Justices of the Peace for the Parts of *Lindsey*, in the said County of *Lincoln*) or in case of his Death or Refusal to act, before such other Person, being One of His Majesty's Justices of the Peace for the said Division of *Lindsey* (not interested in the said Division or Inclosure) as shall be mutually agreed upon between the Majority in Value of the said Proprietors who may be present at a Meeting for that Purpose, or their Agents deputed by them for that Purpose, and the said Commissioners, to be examined and balanced; and such Balance shall be by the said *Gervas Woodhouse*, or such Magistrate, stated in the Books of Accounts to be kept in the Office of the Clerk to the said Commissioners; and no Charge or Item in such Account of the said Commissioners shall be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed by the said *Gervas Woodhouse*, or such Magistrate.

Persons ag-
grieved may
appeal to the
Quarter Ses-
sions.

LVI. And be it further enacted, That it shall and may be lawful for any Person or Persons who shall think himself, herself, or themselves aggrieved by any Thing done by virtue of this and the said recited Act (except in such Cases where the Orders and Determinations of the said Commissioners are herein or by the said recited Act declared to be final, binding, and, conclusive, and except in such Cases wherein an Issue at Law shall be tried as hereinbefore mentioned) to appeal to the General Quarter Sessions of the Peace which shall be holden at *Kerton* in *Lindsey* aforesaid, or any Adjournment thereof, within Four Calendar Months next after the Cause of Complaint shall have arisen, first giving or causing to be given Fourteen Days Notice thereof in Writing to the said Commissioners, or One of them, or to the Parties intended to be appealed against; and the Justices at their said General Quarter Sessions, or any Adjournment thereof, are hereby authorized and required to hear and determine the Matter of every such Appeal, and to make such Order therein, and to award such Costs as to them in their Discretion shall seem meet, and by their Warrant to levy the Costs so awarded, by Distress and Sale of the Goods and Chattels of the Parties respectively adjudged to pay the same, rendering the Overplus (if any) to the respective Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale; and every Determination of the said Justices shall be final and conclusive on all Parties concerned; and no such Complaint, Appeal, or Proceeding, shall be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere.

General
Saving.

LVII. Saving always to the King's Most Excellent Majesty, his Heirs and Successors, and to all and every other Person or Persons, Bodies Politic and Corporate, and his, her, and their Heirs, Successors, Executors and Administrators, all such Estate, Right, Title, and Interest (other than and except such as are hereby intended to be barred, destroyed, or extinguished) as they, every or any of them had or enjoyed of, in, to, or out of or in respect of the said Lands, Grounds and Premises so directed to be divided, allotted and inclosed or exchanged as aforesaid before the passing of this Act, or could or might have had or enjoyed in case the same had never been made.

LVIII. And be it further enacted, That this Act shall be printed by the Printer to the King's Most Excellent Majesty; and a Copy thereof, so printed, shall be admitted as Evidence thereof by all Judges, Justices, and others.

Act to be printed by the King's Printer.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1808.

