



ANNO QUINQUAGESIMO PRIMO

GEORGI II. REGIS.

Cap. 129.

An Act for inclosing Lands in, or belonging to the Parishes of *Caistor*, *North Kelsey*, *South Kelsey*, *Clixby*, *Grasby*, and *Searby-cum-Owmbly*, in the County of *Lincoln*. [25th May 1811]

WHEREAS there are, within or belonging to the Parishes, Townships, or Places of *Caistor*, *North Kelsey*, *Clixby*, *Grasby*, and *Searby-cum-Owmbly*, in the County of *Lincoln*, certain Commons, Moors, and Waste Lands or Grounds, usually called *Caistor Commons* or *Moors*, containing in the whole Three Thousand Acres, or thereabouts, whereon the Owners of ancient Messuages, Cottages, Tofts, or Toftsteads, and Lands and Grounds thereunto belonging, within the said several Parishes, Townships, or Places, have for Time immemorial, enjoyed Right of Common: And whereas there are, within the said several Parishes, Townships or Places of *Caistor*, *North Kelsey*, *Clixby*, *Grasby*, and *Searby-cum-Owmbly* aforesaid, and the Parish of *South Kelsey*, in the said County, some or one of them, certain known Lands, being open Meadow, called *Smithfield*, containing about One hundred and fifty Acres, belonging to several Persons; and which from *Lammas* to *Lady-day*, in every Year, are commonable for the Owners and Occupiers of ancient Messuages, Cottages, Tofts, and Toftsteads, and the Lands and Grounds thereto belonging, situate in the several Parishes, Townships, and Places lastly hereinbefore-mentioned, or some or one of them: And whereas *Philip Skipworth* Esquire, claims to be Lord of the Manor and Soke of *Caistor* aforesaid; and *George Moore* Clerk, Prebendary of the Prebend of *Caistor* aforesaid, founded in the Cathedral Church of the

[Loc. & Per.] 30G. Blessed

Blessed Virgin Mary of Lincoln; and the Right Honourable *William Beauclerk* (commonly called Lord *William Beauclerk*), as his Lessee for Three Lives, claim to be entitled to a Manor within the said Parish of *Caistor*: And whereas the Right Honourable *Charles Lord Yarborough* claims to be Lord of the Manor of *Audleby*; and the Right Honourable Lord *Eardly* claims to be Lord of the Manors of *Hundon* and *Fondby*, all in the said Parish of *Caistor*; and the said *George Moore*, as Prebendary of the Prebend aforesaid, is Patron of the Vicarage and Parish Church of *Caistor* aforesaid; and the said *George Moore*, and the said Lord *William Beauclerk* (as his Lessee), are seised of or entitled to the Rectory of *Caistor* aforesaid, including the Township of *Clixby* aforesaid; and *Isaac Wilson* Clerk is the Vicar of the Vicarage of *Caistor* aforesaid; and the said *Philip Skipworth* is entitled to a Free Warren in, on or over Three hundred Acres of Land (Part of the said Commons or Moors) lying within the said Parish of *Caistor*: And whereas *John Nelthorpe* Esquire claims to be Lord of the Manor of *North Kelsey* aforesaid; and *Francis Clifton* Clerk, as Prebendary of the Prebend of *North Kelsey* aforesaid, founded in the Cathedral Church of *Lincoln* aforesaid, is Patron of the Vicarage and Parish Church of *North Kelsey* aforesaid; and the said *Francis Clifton*, and *John Sexty* Gentleman, (in right of *Ursula Jane*, his Wife), as Lessee of the said Prebend, are seised of or entitled to the Rectory of *North Kelsey* aforesaid; and *Robert Bingham* Clerk is Vicar of the said Parish and Parish Church of *North Kelsey*: And whereas the King's most Excellent Majesty, in right of his Crown, and the said *Philip Skipworth*, are alternate Patrons of the Rectory of *Saint Mary, South Kelsey* aforesaid, with *Saint Nicholas, South Kelsey* aforesaid annexed; and the Reverend *Thomas Francis Twigge* is Rector of the said Rectory, and as such claims to be entitled to a certain Piece or Parcel of Land called the Tithe Piece; and also to a Right of Common of Pasture in, over or upon the said open Meadow called *Smithfield*: And whereas *Richard Nicholson*, and *Thomas Marris*, Gentlemen (as Trustees of the Estate of *Charles Fitzwilliam* Esquire deceased), claim to be entitled to the Manor of *Clixby* aforesaid: And whereas *Matthew Burkinshaw* Gentleman is Impropiator of the Rectory of *Grasby* aforesaid; and the Reverend *William Wilkinson* is Patron, and also Vicar of the Vicarage and Parish Church of *Grasby* aforesaid: And whereas *Richard Roadley* Esquire claims to be Lord of the Manor of *Searby* aforesaid; and the said *Charles Lord Yarborough* claims to be Lord of the Manor of *Owmby* aforesaid; and the Dean of the Cathedral Church of *Lincoln* aforesaid, and the Chapter of the said Church, and the said *Richard Roadley* (as their Lessee), are seised of or entitled to the Rectory of *Searby-cum-Owmby* aforesaid, and the said Dean and Chapter are Patrons of the Vicarage and Parish Church of *Searby-cum-Owmby* aforesaid; and *Robert Hudson* Clerk is Vicar of the said Vicarage and Parish Church of *Searby-cum-Owmby*: And whereas the said Lord of the said Manor and Soke of *Caistor*, and the Lords of the said several other Manors, claim to be entitled to the Right of Soil of, in, or upon such of the said Commons, Moors, and Waste Lands, as are or shall be within or appertain to the said Manor and Soke, and their several Manors respectively: And whereas the several Impropiators, Rectors, and Vicars before named, and the respective Lessees of such Impropiators or Rectors (except the said *Thomas Francis Twigge*), claim to be entitled, according to their respective Rights and Interests, and to the Extent of their several Rectories and Vicarages respectively,

pectively, to all such Tithes as shall hereafter arise from the said Commons and Waste Lands, in case the same shall be divided and inclosed: And whereas the said Charles Lord Farborough, Lord Eardley, and Philip Skipworth, John Nelthorpe, and also John Turner Esquire, Samuel Turner Clerk, Samuel Booth, John Kirby, Stephen Berry, Thomas Freer, the said Richard Nicholson, and Thomas Marris (as such Trustees as aforesaid), Matthew Burkinshaw, Richard Roadly, William Bennard, William Wright, and others, as Owners of divers ancient Messuages, Cottages, Tofts, Lands, and Tenements in the said several Parishes, Townships, or Places of Caistor, North Kelsey, Clixby, Grasby, and Searby-cum-Owmy aforesaid, are respectively entitled to Rights of Common or other Interests in, over and upon the said Commons, Moors, and Waste Land; and the said several Persons last before-mentioned, or some of them, and others, as Owners of divers ancient Messuages, Cottages, Tofts, Lands, and Tenements within the said several Parishes, Townships, or Places, or some of them respectively, together also with the Owners of ancient Messuages, Cottages, Tofts, Lands, and Tenements, within the said Parish of South Kelsey, are respectively entitled to Rights of Common in, over and upon the said open Meadow called Smithfield; and they, or some of them, are also Proprietors of Lands in the same Meadow, subject to such Rights of Common as aforesaid, in different Proportions: And whereas an Act was 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*: And whereas the Lands of the several Proprietors of the said Meadow, called Smithfield, lie intermixed and dispersed in small Parcels; and the same, and also the said Commons, Moors, and Waste Grounds, in their present State, are incapable of any considerable Improvement, and it would be highly beneficial to all Persons interested therein if the same were divided, allotted, and inclosed respectively, and if Compensation were made for the Tithes thereof in the Manner hereinafter-mentioned; but such beneficial Purposes cannot be effectuated without the Aid and 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 Samuel Dickinson, of Thorganby, John Bur-
Commis-
sioners

 cham, of Coningsby, and Benjamin Codd, of Glentworth, all in the said County of Lincoln, Gentlemen, shall be, and are hereby appointed Commissioners, for dividing, allotting, and inclosing the said Meadow, Commons, Moors, and Waste Lands, within or belonging to the said several Parishes, Townships, or Places of Caistor, North Kelsey, South Kelsey, Clixby, Grasby, Searby, and Cromby aforesaid, or some of them; and for carrying into Execution the other Purposes of this Act, and under and subject to such of the Powers, Authorities, Regulations, and Directions contained in the said Act of the Forty-first Year of the Reign of His present Majesty, as are not repugnant to, or otherwise provided for by any of the Clauses contained in this Act; and it shall be lawful for any
Power vest-
ed in Two
Commission-
ers.

 Two or more of the said Commissioners to do and perform any and every Act, Matter and Thing necessary to be done in pursuance or Execution of the said recited Act and this Act.

II. And

New Commissioners to be appointed upon Vacancies.

II. And be it further enacted, That if the said *Samuel Dickinson*, or any Commissioner to be appointed in his Stead, as hereinafter-mentioned shall die, refuse, or be disabled to act, then, and in every such Case, it shall be lawful for the Majority in Number of the several Persons claiming to be Lords of the respective Manors aforesaid, within Two Calendar Months next after such Death, Refusal, or Disability shall happen, to elect and appoint one other fit and proper Person, not interested in the said Inclosure, to be a Commissioner in the Stead of such Commissioner so dying, refusing, or becoming disabled to act; and if the said *John Burcham*, or any Commissioner to be appointed in his Stead, as hereinafter-mentioned, shall die, refuse, or become disabled to act, then, and in every such Case it shall be lawful for the Majority in Number of the said Tithe Owners, within Two Calendar Months next after such Death, Refusal, or Disability shall happen, to elect and appoint one other fit and proper Person, not interested in the said Inclosure, to be a Commissioner in the Stead of such Commissioner so dying, refusing, or becoming disabled to act; and also if the said *Benjamin Codd*, or any Commissioner to be appointed in his Stead, as hereinafter-mentioned, shall die, refuse, or become disabled to act, then, and in every such Case, it shall be lawful for the major Part in Value, (such Value to be ascertained by the Land Tax Assessment then last made) of the said Proprietors of Common Right Houses, Lands, and Tenements, within the said several Parishes, Townships, or Places, (except the several Lords of the said Manors, and the respective Tithe Owners aforesaid) who shall be present at any Meeting convened for that Purpose, within Two Calendar Months after such Death, Refusal, or Disability shall happen, to elect and appoint one other fit and proper Person, not interested in the said Inclosure, to be a Commissioner in the Stead of such Commissioner so dying, refusing, or becoming disabled to act, of which Meeting Ten Days' Notice, at least, shall be given in the *Lincoln and Stamford Mercury*, or some other Newspaper circulating in the said County of *Lincoln*, and also by Writing to be affixed upon one of the most public Doors of each of the said Parish Churches of *Caistor, North Kelsey, South Kelsey, Clixby, Grasby and Searby* aforesaid: all which several Appointments shall be in Writing, under the Hands of the respective Parties making the same; and in case the said respective Parties, or any of them, shall make Default in appointing any such new Commissioner within Two Calendar Months next after the Death of any Commissioner, on his Refusal or Disability to act, then the surviving or remaining Commissioner or Commissioners shall, and are hereby required, from Time to Time, by Writing under his or their Hand or Hands, Ten Days after the Expiration of the several Times allowed to the respective Parties for naming such new Commissioner or Commissioners by them respectively as aforesaid, or as soon afterwards as conveniently may be, to appoint one other fit and proper Person, not interested in the said Inclosure, in the Place of such Commissioner dying, refusing, or becoming disabled to act as aforesaid; and every such new Commissioner, so to be appointed, shall have the like Powers and Authorities for putting this and the said recited Act into Execution, in all Respects whatsoever, as the Commissioner in whose Place he shall have been so appointed and chosen was invested with, by virtue of this and the said recited Act.

If Vacancies of Commissioners, not filled up by the Parties in Two Months, the remaining Commissioners to appoint new ones.

Commissioners declining to

III. And be it further enacted, That every Commissioner who shall refuse or decline to act as aforesaid shall, and he is hereby required forth-

forthwith, to give Notice of his Intention to refuse or decline acting as a Commissioner, in like Manner as Notice of Meetings from the said Commissioners are hereby required to be given. act, to give Notice.

IV. And be it further enacted, That the said Commissioners shall, and they are hereby required to cause public Notice to be given by Advertisement, to be inserted in such Newspaper as aforesaid, or by Writing under their Hands, to be affixed on one of the most public Doors of each of the said Parish Churches of *Caistor*, *North Kelsey*, *South Kelsey*, *Clixby*, *Grasby* and *Searby* aforesaid, of the Time and Place of their first and every 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 it shall be lawful for the said Commissioners to adjourn their Meetings from Time to Time, as they shall see Occasion for the Execution of this and the said recited Act; and if only one Commissioner shall be present at any Meeting, it shall be lawful for him to adjourn such Meeting from Time to Time, until Two or more Commissioners shall be present; and if no Commissioner shall be present at the Time and Place appointed for any Meeting, it shall be lawful for the Clerk to the said Commissioners to adjourn such Meeting; and the Commissioners or Clerk making such Adjournment is hereby required forthwith to give Notice thereof to the absent Commissioners, but no such Adjournment shall be made for a longer Space of Time than Ten Days; and all the Meetings of the said Commissioners, by Adjournment or otherwise, shall be held at the Town of *Caistor* aforesaid, or within the Distance of Eight Miles therefrom. Commissioners to give Notices of Meetings.

V. 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 the most public outer Doors of the several Parish Churches of *Caistor*, *North Kelsey*, *South Kelsey*, *Clixby*, *Grasby* and *Searby-cum-Owmbly* aforesaid, and by Advertisement in the said Newspaper, or some other Newspaper circulating in the said County of *Lincoln*. Other Notices how to be given.

VI. And be it further enacted, That *Richard Fowler*, of *Ashby*, in the said County of *Lincoln*, Land Surveyor, shall be, and is hereby appointed the Surveyor, for the Purposes of this Act; and out of the Money which shall be raised for defraying the Expences of obtaining and executing this Act, there shall be paid to the said *Richard Fowler* the several Sums of Money hereinafter mentioned; *videlicet*, For the Survey of the said Meadow, Commons, Moors and Waste Grounds, hereby directed to be divided, allotted and inclosed, and every other Matter and Thing which may be necessary to be done and performed by him as Surveyor for the Sub-division and Inclosure thereof, a Sum after the Rate of One Shilling *per* Acre for every Acre of the said Meadow, Commons, Moors and Waste Grounds; for the Survey of all other the open and inclosed Lands and Grounds within the said Parish of *North Kelsey*, the Sum of Thirty Pounds; for the Survey of all other the open and inclosed Lands and Grounds within the said Parish of *Grasby*, the Sum of One Shilling *per* Acre; for the Survey of all other the Lands and Grounds within the said several Parishes, Townships, or Places of *Caistor*, *South Kelsey*, *Clixby*, *Searby* and *Owmbly*, the Sum of Five Pounds for each Parish or Place; which said several and respective Allowances shall be considered not only Surveyor appointed.

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as full Compensation for the said several Surveys, Sub-divisions and Inclosures as aforesaid, but also for his Time and Trouble, and for all his Expences, Labourers' Wages, Attendances on the Commissioners, Stakes, setting out the Quantities and Allotments, and for making such Maps, Sketches and Plans, as the said Commissioners may think necessary, for allotting and dividing the said Meadow, Commons, Moors, Lands and Grounds, hereby directed to be divided, allotted and inclosed, and to be annexed to the Award of the said Commissioners, and the Inrolment thereof, for attending the Solicitors, and giving Instructions for the Award; and for every other Matter and Thing to be done and executed by the said *Richard Fowler*, as Surveyor as aforesaid, relative to the said Inclosures and Divisions of the said Lands and Grounds hereby directed to be divided, allotted and inclosed; and in case of the Refusal, Death or Disability of the said *Richard Fowler*, or if he shall not proceed to execute and complete the Survey and Admeasurement of the said Meadow, Commons, Moors and Waste Grounds, and of the other Lands and Grounds within the said Parishes, Townships and Places before mentioned, to the Satisfaction of the said Commissioners, and within such Time as they shall appoint for that Purpose, at their Second Meeting, to be holden next after such Refusal, Death, Disability or Want of Proceeding as aforesaid, for executing this Act, it shall be lawful for the said Commissioners, and they are hereby authorized and required to appoint such other Person or Persons as they shall think proper to be Surveyor or Surveyors for the Purposes of this Act, which Appointment shall be in Writing, and signed by the Persons making the same; and from and immediately after the signing the same, the said *Richard Fowler* shall be discharged from the said Office of Surveyor, and shall have no further Authority to execute any of the Powers herein contained.

Commis-
sioners to
settle Dis-
putes.

VII. And be it further enacted, That in case any Dispute or Difference shall happen to arise between any of the Parties that now are, or shall, before the making of the Award of the said Commissioners, be interested or claim to be interested in the said intended Division, Allotment and Inclosure, touching or concerning the respective Shares which any of them shall claim, in or to any of the said Lands and Grounds hereby directed to be divided, allotted and inclosed as aforesaid, or touching or concerning any other Rights or Interests, intended to be affected by this Act, it shall be lawful for the said Commissioners, and they are hereby authorized and required to examine into, hear and determine the same respectively: Provided always, that nothing herein contained shall authorize the said Commissioners to determine the Title to the said Manor and Soke, or to any other of the said Manors, Messuages, Cottages, Lands, Tithes or other Hereditaments whatsoever.

But not to
determine
Titles.

Commis-
sioners not to
determine
Rights con-
trary to the
Possession.

VIII. 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 such Parties, except in cases of Encroachments made within the Period of Twenty Years, as hereinafter 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.

IX. And

IX. 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 Act, see Cause to award any Costs, it shall and may be lawful to and 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 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 and may be lawful to and for the said Commissioners, and they are hereby authorized and required, by Warrant under their Hands and Seals, 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, rendering the Overplus (if any) upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale: Provided always, That in case the Person or Persons whose Claim or Claims shall have been so over-ruled or disallowed by the said Commissioners, shall cause an Action to be brought pursuant to this Act, and shall upon the Trial of such Action establish the claim which shall have been so over-ruled or disallowed by the said Commissioners, such Person or Persons shall not be liable to the Payment of any such Costs or Charges as last aforesaid.

Power to assess Costs.

X. Provided always, and be it further enacted, That in case any Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, interested in the said intended Division, Allotment and Inclosure, shall be dissatisfied with the Determination of the said Commissioners, touching or concerning any such Claims, Rights or Interests as aforesaid, or any Objection or Objections thereto, it shall be lawful for the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, so dissatisfied, to proceed to a Trial at Law of the Matter so determined by the said Commissioners, at the first Assizes to be holden for the said County of *Lincoln*, after the Expiration of Three Calendar Months from the Time of such Determination of the Commissioners; and for that Purpose the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, who shall be dissatisfied with the Determination of the said Commissioners, shall cause an Action to be brought in one of His Majesty's Courts of Record at *Westminster*, upon a feigned Issue, against the Person or Persons in whose Favour such Determination shall have been made, within Two Calendar Months next after such Determination of the said Commissioners; and the Defendant or Defendants in such Action or Actions shall, and he, she or they is and are hereby required to name an Attorney or Attornies, who shall appear thereto, and file Common Bail, and accept one or more Issue or Issues, whereby such Claim or Claims, Objection or Objections, 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 or Actions shall be commenced; in case the Parties shall differ about the same; and if at the Trial of any such Issue or Issues it shall appear that

Allowing Parties to try their Rights at Law.

the Party claiming is entitled to any qualified or less Right or Rights, or Interests, than was or were claimed by such Party, then it shall and may be lawful for the Jury, by whom such Issue or Issues shall be tried, to find and declare the same by their Verdict, which shall be endorsed on the Postea, in Addition to the Verdict given on the Issue or Issues joined; but nevertheless the Costs of such Action or Actions shall abide and be determined by the Verdict given upon the Issue or Issues joined, as if no such special Finding had been made; and the Verdict or Verdicts which shall be given in such Action or Actions, upon the Issue or Issues therein joined, in case there shall be no such special Finding and Endorsement, or such special Finding or Endorsement, if any such shall be made, shall be final, binding and conclusive upon all and every Person and Persons whomsoever, Body or Bodies Politic, Corporate or Collegiate, unless the Court in which such Action or Actions shall be brought shall set aside such Verdict or Verdicts, or Finding and Endorsement, and order a new Trial or Trials to be had thereupon, which it shall be lawful for the Court to do, as is usual in other Cases; and also, upon sufficient Cause shewn, to put off the Trial of such Action or Actions; and after such Verdict or Verdicts, or special Finding or Endorsement 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, Objection or Objections, thereby determined, according to such Verdict or Verdicts, or special Finding and Endorsement: Provided always, That the Determination of the said Commissioners, touching such Claims, Rights, and Interests aforesaid, which shall not be objected to within Three Calendar Months after such Determination, or being objected to, the Party or Parties objecting, not causing such Action or Actions to be brought, and proceeded in within the Time, and in the Manner aforesaid, shall be final and conclusive upon all Parties and Persons interested.

Actions not
to abate by
Deaths of
Parties.

XI. Provided also, and be it further enacted, That if any of the Parties, 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.

Provision in
case of Death
of Parties
before Ac-
tions
brought.

XII. 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

been actually living; and the Rights of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

XIII. And be it further enacted, That if by the making of any Drain, Ditch, or other Work, by virtue or in pursuance of this and the said recited Act, the Passage of any Person or Persons to or from his, her or their Grounds, with Cattle or Carriages, shall be prevented or interrupted, the said Commissioners shall, and they are hereby required, before or immediately after such Work shall be completed, to cause proper Bridges to be built for the convenient Passage of the Occupier or Occupiers of such Grounds respectively, to and from the same, with his, her and their Cattle and Carriages, and to defray the Expences of making and erecting such Bridges, in the same Manner as the Expences of the said intended Division, Allotment and Inclosure, are hereby directed to be raised and paid; but in case any Lands, the Passage to which shall be so interrupted, shall not exceed Five Acres, it shall be lawful for the said Commissioners to make Satisfaction to the Proprietor or Proprietors thereof, for the Value of the same, by an Allotment of Land, in or upon the said Lands and Grounds hereby directed to be divided, allotted, and inclosed; and the Land for which Satisfaction shall be so made shall from henceforth be considered as Part of the Lands and Grounds directed by this Act to be divided, allotted, and inclosed, and shall be set out and allotted by the said Commissioners accordingly.

Bridges to
be made over
Drains.

XIV. Provided always, and be it further enacted, That when and as often as it shall be found necessary for carrying this and the said recited Act into Execution, to fill up any Ditch or Ditches which is or are used for Fences, the said Commissioners shall, and they are hereby required to order and direct sufficient Posts and Rails, or other sufficient Fences, to be made in the Room of such Ditch or Ditches so filled up, in such Manner as that the Owners or Proprietors of the adjacent Grounds may suffer no Damage by the filling up of such Ditch or Ditches respectively.

If Ditches
are filled up
Posts and
Rails to be
affixed.

XV. And be it further enacted, That the said Commissioners shall and may scour out and widen all such ancient Brooks, Ditches, Drains, and Watercourses, and make and set out such new Ditches, Drains, Tunnels, Sluices, Banks and Bridges, as they shall think proper, as well through and over the Lands and Grounds hereby directed to be divided or inclosed, as also in, over, and through any old Inclosures, in the said several Parishes, Townships and Places before named (except Gardens, Orchards and Homesteads), for the more effectual draining of the said Lands and Grounds hereby intended to be divided or inclosed, making such Compensation to the Proprietors of such old Inclosures, for any Damages they may sustain thereby, as the said Commissioners shall think reasonable; and they shall, in and by their Award, order and determine by whom, at whose Expence, at what Time, and in what Manner the said Brooks, Drains, Watercourses, Tunnels, Sluices, Banks and Bridges shall be made, and afterwards repaired, cleansed, scoured, and maintained; and the said Commissioners shall and may also cause the Course of any Rivulets, Springs or Streams of Water, running in, over, or through the said Moors, Lands and Grounds hereby intended to be inclosed, or through any inclosed Lands, in respect of which any Allot-

Brooks,
Drains, &c.

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ment shall be made by virtue of this Act, to be changed and altered in Manner as they the said Commissioners shall think proper; provided that no such Brook or Stream of Water shall be diverted or turned without the Consent of the Owner or Owners of the Lands and Grounds from which any such Brook or Stream shall be diverted, or through or into which any such Brook or Stream shall be turned.

Not to turn,
&c. the
Stream of
Water run-
ning from
Caistor, to
the Injury of
the Caistor
Canal.

Power to
discontinue
Roads be-
tween old
Inclosures.

XVI. Provided also, That nothing herein contained shall extend to empower the said Commissioners to divert, turn, vary or alter the Stream of Water running from *Caistor* aforesaid, through the Parish of *Nettleton*, in the said County of *Lincoln*, from its present Entrance into the said Parish of *South Kelsey*, or in any Manner to injure or prejudice the River or Canal called or known by the Name of the *Caistor Canal*.

XVII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered to stop up any old Carriage Roads, Bridleways, Ways or Footpaths, leading through and over the Lands and Grounds intended to be divided and inclosed by virtue of this Act, or passing or leading through any of the old Inclosures, in the said several Parishes, Townships or Places of *Caistor*, *North Kelsey*, *South Kelsey*, *Clixby*, *Grasby*, and *Searby-cum-Owmbly*, and the Soil of the Roads or Ways so to be stopped up shall be deemed and taken as Part of the Lands and Grounds to be divided and inclosed by virtue of this Act, provided that no such Carriage Roads, Bridleways, Ways or Footpaths, passing or leading through old Inclosures, shall be stopped up without the Concurrence and Order of Two Justices of the Peace, acting in and for the County, Division or District, in which such Roads or Ways are situated, and not chargeable towards the Repair thereof, which Order shall be subject to an Appeal to the Quarter Sessions for the same County, Division or District, in like Manner, and under such Forms and Restrictions as if the same had been originally made by such Justices.

No Cattle to
be turned in-
to the Roads.

XVIII. And be it further enacted, That no Person shall from and after the Execution of the Award of the said Commissioners, turn or put, or cause to be turned or put, or knowingly suffer to be turned or put any of his, her or their Horses, Asses, Beasts, Sheep, Lambs, Swine or Geese, into any of the Roads to be set out by virtue of this Act, which shall be fenced on both Sides thereof; and that after the Execution of the Award of the said Commissioners, the Herbage and Produce of all the Public Roads, to be set out by virtue of this and the said recited Act, which shall be fenced on both Sides thereof, and also the Herbage and Produce of the Ground to be set out as aforesaid, within each of the said several Parishes, Townships or Places of *Caistor*, *Clixby*, *Grasby*, *Searby* and *Owmbly* respectively, for getting Stone, Gravel and other Materials, for the Repairs of the Highways, shall be vested in the said Surveyor or Surveyors, within each of the said last-mentioned Parishes, Townships or Places respectively, and shall by him or them be publicly let to the best Bidder or Bidders, for the Purpose of Mowing only, and the Rents or Profits thereof shall be applied towards the Reparation of the several Highways within the same several Parishes, Townships, or Places respectively, and shall be accounted for by the said Surveyor or Surveyors of the Highways of each of the said several Parishes, Townships, or Places

Places annually, on or about the Thirteenth Day of *May*, at a public Meeting to be called for that Purpose, in each of the said several Parishes, Townships or Places aforesaid.

XIX. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and required to make and set up, or cause to be made and set up, good and sufficient Fences, and public Carriage Gates, at the End of the several Public and Private Roads, which shall be made by virtue of this Act, in, over, and upon the Lands and Grounds hereby directed to be inclosed, to prevent Cattle from trespassing, and for preserving the young Quicksets to be planted in the Fences of the new Inclosure; which said Fences and Gates at the End of such public and private Roads shall for ever after the making thereof be supported, maintained, and kept in Repair by the Surveyors of the Highways of the said several Parishes, Townships, or Places, for the Time being, to which they shall respectively belong.

To make
Fences and
Gates at
the End of
the Roads.

XX. And be it further enacted, That in all Cases where any of the Lands and Grounds by this Act intended to be divided and inclosed, shall adjoin on any Freeboard, Screed, or Parcel of Land left on the Outside of the Fences of any adjoining Parish, Township, or Place, such Freeboard, Screed, or Parcel of Land shall be deemed to be Part of the Lands intended to be inclosed by virtue of this Act, and the Commissioners shall set out and allot unto the Owner or Owners of such Freeboard, Screed, or Parcel of Land, such Allotment in lieu thereof as shall be equal in Value (Quantity, Quality, and Situation considered) to such Freeboard, Screed, or Parcel of Land as aforesaid; and the Fence or Fences adjoining on such Freeboard, Screed, or Parcel of Land, and now belonging to any adjoining Parish, Township, or Place, shall for ever thereafter be maintained and supported by and at the Expence of the Owner or Owners of such Freeboard, Screed or Parcel of Land respectively.

Owners of
Freeboards,
&c. to have
Allotments
in lieu
thereof.

XXI. And be it further enacted, That after the said Commissioners shall have set out Lands for the public Roads, Ways, and Drains, and when they shall have holden a Meeting for the Purpose of receiving Requisitions for Compensations in the said Parochial Allotments, for Lands, Rights, and Interests in the said Meadow called *Smithfield*, they shall, in the next Place, divide, set out, and allot all the Residue of the said Commons, Moors, and Waste Lands, and the said Meadow called *Smithfield*, into Seven distinct and separate Parts or Shares; and shall allot and award one of such Parts or Shares to or for each of the said Parishes, Townships, or Places, of *Caistor*, *North Kelsey*, *South Kelsey*, *Clixby*, *Grasby*, *Searby* and *Owmby* aforesaid; which Parts or Shares shall be regulated and ascertained, and shall in the Judgment of the said Commissioners be proportioned in Value according to the Number of the Messuages, Cottages, Tofts, and Toftsteads, to which Rights of Common on the said Commons, Moors, and Waste Grounds, and the said Meadow, are appendant, appurtenant, or belonging; and the Value of the Lands belonging to the respective Owners of such Messuages, Cottages, Tofts, and Toftsteads, in each of the said Parishes, Townships, or Places, and the Rights and Interests of the said Owners of such ancient Messuages, Cottages, Tofts or Toftsteads, Lands and Grounds, in the said Commons, Moors, and Waste

For dividing
the Moors,
&c. into Pa-
rochial Di-
visions.

Grounds,

Grounds, and the said Meadow called *Smithfield*, in respect of the same; and further, that as well in the General or Parochial Divisions of the said Commons, Moors, and Waste Lands, and the Right of Common or Stray in the said Meadow called *Smithfield*, as in the Subdivisions of the said Parochial Allotments or Divisions (except that for *North Kelsey*) Two-third Parts thereof shall be set out and allotted for and in respect of such Messuages, Cottages, Tofts, and Toftsteads as aforesaid, according to the Number, and without Regard to the respective Value thereof; and that the remaining One-third Part thereof shall be set out and allotted for and in respect of, and according to the value of the Lands and Grounds within each of the said several Parishes, Townships, or Places respectively, belonging to the Owners of the same Messuages, Cottages, Tofts, and Toftsteads; and in setting out such Allotments to the said several Parishes, Townships, or Places, the said Commissioners shall pay due Regard to the Quantity, Quality, and Situation of the Land or Ground so to be allotted to each Parish, Township, or Place, respectively; and such Parts of the said Commons, Moors, and Waste Lands, and the said Meadow called *Smithfield*, as shall be set out or allotted to, for, or in respect of each of the said Parishes, Townships, or Places, shall for ever afterwards be deemed and considered, to all Intents and Purposes whatsoever, to be situate within that Parish, Township, or Place, in which the said Commissioners shall, by their Award, declare the same to be and lie respectively.

Allotment
for getting
Materials for
Repairs of
Roads.

XXII. And be it further enacted, That the said several Parochial or General Allotments to be set out as aforesaid, for the said several Parishes, Townships, or Places, of *Caistor*, *Clixby*, *Grasby*, *Searby*, and *Owmbly*, shall be respectively subdivided in Manner following; that is to say, the said Commissioners shall, in the first Place, set out and allot such Pieces or Parcels in each of the said several last-mentioned Parochial or General Allotments, as they shall think proper, to be used for the Purpose of getting Gravel, Stone, Sand, or any other Materials, for the Repair of the several Public Highways and Roads, in each of the same Parishes, Townships, and Places.

Allotments
to the Im-
propriators,
Rectors, and
Vicars, in
lieu of Com-
mon Rights
in the
Moors, &c.

XXIII. And the said Commissioners are hereby authorized and required, in the next Place, to set out for the said respective Impropropriators and their Lessees, and the said several Rectors and Vicars respectively, such Parcels of the respective Portions of the said Lands and Grounds hereby directed to be inclosed as shall be assigned to and for the said Parishes, Townships, or Places, of *Caistor*, *Clixby*, *South Kelsey*, *Grasby*, *Searby*, and *Owmbly*, as, Quantity, Quality, and Situation considered, shall, in the Judgment of the said Commissioners, be equal in Value to, and in full Compensation for the Rights of Common belonging to the said several and respective Impropropriators and their Lessees, and the said Rectors and Vicars respectively, in respect of their Messuages, Cottages, Tofts, and Glebe Lands respectively, upon the said Lands and Grounds hereby directed to be inclosed, according to the Principle upon which the same several Parcels of the said Lands or Grounds are hereafter directed to be set out and allotted to the other Proprietors thereof, or Persons interested therein, respectively.

Allotments
in lieu of
Tithes.

XXIV. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required, in the next Place, to set
out

out for the said several Impropriators and their Lessees, and the said Rectors and Vicars for the Time being respectively, according to their Rights and Interests in and to the Tithes arising within the said last-mentioned Parishes, Townships, and Places respectively, such further Parcels of the respective General or Parochial Allotments as shall be equal in Value to One-tenth Part thereof, and no more (except so much and such Part and Parts of such General or Parochial Allotment as shall have been comprised therein as a Compensation for Lands, Rights, or Interests, in the said Meadow, which were not liable to the Payment of Tithes, or which may happen to have been discharged therefrom by virtue of this Act); which several Allotments shall be respectively accepted and taken by the said several Tithe Owners, and their respective Heirs, Successors, Executors, Administrators, and Assigns, in Lieu of and in full Recompence and Satisfaction for all Tithes, both great and small, arising or hereafter to arise within, out of, or from the said Lands and Grounds hereby directed to be divided and inclosed.

XXV. And be it further enacted, That when and so soon as conveniently may be, after the several Pieces or Parcels of Land shall have been so set out for the said several Tithe Owners, in lieu of Tithes as aforesaid, the said Commissioners shall, and they are hereby required to ascertain and determine the Proportion of the said several last-mentioned Allotments to be assigned to the said several and respective Impropriators and their Lessees, and the said Rectors and Vicars respectively; and the said Commissioners shall then divide and apportion the said several Allotments between the said several Tithe Owners respectively, in proportion to their respective Rights and Interests therein, to be ascertained and settled as aforesaid.

The Commissioners to ascertain the Proportions of the Joint Allotments between the Impropriators and Vicars.

XXVI. And be it further enacted, That the said Commissioners shall, in the next Place, set out and allot unto the Lord of the Manor and Soke aforesaid, and to the respective Lords of the several Manors aforesaid, according to their respective Rights and Interests (except the Lord of the Manor of *North Kelsey*), and exclusive of all other Allotments to them in respect of their other Property, such Part and Parcel of the Residue of the General or Parochial Allotments for the said several Parishes, Townships or Places of *Caistor, Clixby, Grasby, Searby and Owby*, after setting out the said Allotments for getting Materials for the Repairs of the Highways, and the Allotments in lieu of Tithes as aforesaid, as shall in the Judgment of the said Commissioners be equal in Value to One-twentieth Part thereof, in lieu of and as a full Compensation for the Right and Interest of the said Lord of the said Manor and Soke, or the Lords of the said respective Manors, in and to the Soil of the said Commons, Moors and Waste Grounds, or any Part or Parts thereof.

Allotments to the Lords of the Manors.

XXVII. And be it further enacted, That the said Commissioners shall, and do in the next Place, set out and allot unto the said *Philip Skipworth*, his Heirs or Assigns, in such Part of the said Commons, Moors and Waste Lands as shall be allotted and awarded to or for the General or Parochial Division for the said Parish or Township of *Caistor*, such Piece or Parcel of Land or Ground, as shall be equal to Fifty Acres of the average Value of the same General or Parochial Division, in such Place as the said Commissioners shall think proper; in lieu of and as a full

Allotment to Mr. Skipworth, in lieu of his Right of Warren.

Compensation and Satisfaction for his or their Right of Warren, in, over or upon Three hundred Acres of Land, in such Part of the said Commons, Moors, Wastes and other Lands and Grounds, as are within the said Parish of *Caistor*.

For subdividing the General Allotments.

XXVIII. And be it further enacted, That after the said Commissioners shall have set out Land for the Roads and Ways, and made the several Allotments hereinbefore particularly mentioned and directed, they shall set out; allot and divide the Residue of the said several and respective General or Parochial Allotments, which shall be allotted to, for or in respect of the several Parishes, Townships or Places aforesaid, (except *North Kelsey*) unto, among and between the respective Owners and Proprietors of ancient Messuages, Cottages, Tofts or Toftsteads, and the several Owners and Proprietors of Lands and Grounds within each of the said several Parishes, Townships or Places of *Caistor*, *Clixby*, *South Kelsey*, *Grasby*, *Searby* and *Owmbly*, having Right of Common upon the Lands and Grounds hereby intended to be divided, allotted and inclosed, in the Proportions and Manner hereinbefore mentioned, and unto, between and among the several other Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who may be entitled to any Allotment or Allotments in the same respectively, by virtue of this Act, or in pursuance of the Provisions herein contained, according to their several Estates, Rights and Interests, and which said Allotments shall be in lieu of, and as a full Recompence and Satisfaction for all Rights of Common, and other Interests of the said several Owners and Proprietors, in or upon the said Commons, Moors and Waste Lands, and the said Meadow called *Smithfield*, in respect of the said several and respective ancient Messuages, Cottages, Tofts and Toftsteads, Lands and Grounds thereto belonging, and for their several and respective Lands, Rights and Interests in the said Meadow, for which Compensation shall have been requested to be made as hereinbefore mentioned; and the said Commissioners shall set out, allot and award in Severalty, unto the said several Owners and Proprietors of Lands and Grounds, Rights and Interests in the said Meadow called *Smithfield*, for which Compensation shall not have been made in some other General or Parochial Division, by virtue of this Act, as hereinbefore mentioned, so much and such Part and Parts of the Parochial Division hereinbefore directed to be allotted unto or for the said Parish of *North Kelsey*, as in the Judgment of the said Commissioners shall be a just and adequate Compensation to each of the said Owners or Proprietors, Lands and Grounds, Rights and Interests therein (but subject nevertheless to the same Right of Common or Stray for the Cattle of the Owners or Occupiers of the said ancient Messuages, Cottages, Tofts and Toftsteads, and Lands and Grounds thereunto belonging, situate and being in *North Kelsey* aforesaid, in every Respect as the said Meadow called *Smithfield* was subject or liable to).

For stinting North Kelsey Common.

XXIX. And be it further enacted, That such Parcels of the said Meadow, Commons, Moors and Waste Grounds, as shall be set out by the said Commissioners, as and for the General or Parochial Division of or for the said Parish of *North Kelsey*, of and in the same, shall (except so much, and such Part and Parts thereof as shall be specifically set out, allotted and awarded as aforesaid) for ever thereafter be held, used and enjoyed, as a Common Pasture, and the Soil thereof shall be and for ever

ever continue vested in the Lord of the Manor of *North Kelsey* aforesaid for the Time being; and the said Parochial Allotment shall be subject to the Payment of such Tithes to the Impropiator and Vicar of *North Kelsey* aforesaid, as the other Lands, within the same Parish, are by Law subject and liable to; and the said Commissioners shall, if thereunto required by the major Part, in Value of the Owners or Proprietors of the said ancient Messuages, Cottages, Tofts and Toftsteads, and Lands and Grounds thereunto belonging in the said Parish of *North Kelsey*, such Value to be ascertained according to the Number and Extent of the Common Rights enjoyed, in respect of such last mentioned Hereditaments, or by such other Means as the said Commissioners shall think proper, in and by their said Award, order, direct and appoint, on what Day or Days, Time or Times in every Year, the said Common Pasture shall be depastured and stocked; and when and for what Time the same shall be shut up or unstocked; and what Number of Gates or Rights of Common; and for what Sort or Description of Stock, consisting of Horses, Neat-Cattle, Sheep or Geese; and the said Commissioners shall, on receiving such Requisition as aforesaid, in and by their said Award, set out, assign and appoint such Gates and Rights of Common, in or upon the said Common Pasture, unto and amongst the several Owners of ancient Messuages, Cottages, Tofts and Toftsteads within the said Parish of *North Kelsey*, having Right of Common upon the said Commons, Moors and Waste Grounds hereby directed to be divided and allotted, in proportion to the Number of such Messuages, Cottages, Tofts and Toftsteads, respectively, and without Regard to the Value thereof; and in proportion and according to the Value of the Lands and Grounds in the said Parish, belonging to the Owners of such Messuages, Cottages, Tofts and Toftsteads respectively; and the said Commissioners shall, if they shall receive such Requisition as aforesaid; in and by their said Award, make and declare such other Orders, Rules and Regulations respecting the stocking, fencing, draining and improving the said Common Pasture of *North Kelsey*, as they shall think proper and expedient, for the due Management, Enjoyment and Improvement thereof; all which Orders, Rules and Regulations, shall from thenceforth, and for ever thereafter, be binding and conclusive upon all Persons, Bodies Politic, Corporate or Collegiate, having any Right or Interest in the said Common Pasture, if the said Commissioners shall receive such Requisition as aforesaid; it shall be lawful for them, in the Meantime, and until their said Award shall be made and executed, by Writing under their Hands, to order, direct and appoint, in what Portions and Manner, and under what Rules and Regulations, the said Common Pasture belonging to the said Parish of *North Kelsey* shall be stocked and depastured, and otherwise managed, which shall be observed, and be binding and conclusive upon all Parties interested, until the same Award shall be made and executed.

XXX. And whereas several of the Owners or Proprietors of Lands, Rights and Interests, in the said Meadow called *Smithfield*, are also Owners or Proprietors of Messuages, Cottages, Tofts and Toftsteads, Lands and Grounds, in some or one of the said Parishes, Townships or Places of *Caistor*, *Clixby*, *South Kelsey*, *Grasby*, *Searby* and *Owmbly* aforesaid, or may be entitled to an Allotment or Allotments of Land, by virtue of this or the said recited Act, in some or one of the General or Parochial Divisions or Allotments of the Lands and Grounds hereby intended to be divided

Persons having Lands, &c. in *Smithfield*, and entitled to Allotments in certain Parishes may have Compensation in such Parishes.

for their
Rights in
Smithfield.

divided and allotted, and inclosed, which may be set out and awarded to the said last-mentioned Places, and may be desirous of having a Compensation for their said Lands, Rights and Interests in the said Meadow, comprised in the General or Parochial Division or Divisions, to be set out and awarded to some or one of the said Parishes or Places in which his, her or their other Property may be situate, and in which he, she or they may be entitled to an Allotment or Allotments, by virtue of this or the said recited Act; be it therefore enacted, That after the said Commissioners shall have set out Lands for the public Roads, Ways and Drains, they shall hold a Meeting (of which Notice shall be given as hereinbefore directed) for the Purpose of receiving the Requests in Writing of such of the Owners and Proprietors of Lands, Rights and Interests, in the said Meadow called *Smithfield*, as shall be desirous of having a Compensation for the same in any of the said Parochial Divisions, in which such Owner or Owners shall be entitled to have any Allotment or Allotments by virtue of this Act; and upon receiving such Request or Requests at such Meeting, the said Commissioners in setting out each of the said last-mentioned Parochial Divisions or Allotments (hereinafter directed to be made) shall comprise therein what in their Judgment shall be a just Equivalent and Compensation to the Owner or Owners of Lands, Rights and Interests in the said Meadow, for which Compensation is requested to be made as aforesaid.

XXXI. Provided always, That if the Lands and Grounds, Rights and Interests in the said Meadow called *Smithfield*, so requested to be compensated for, shall be subject or liable to Tithes in Kind, or to any Modus or Composition in lieu of Tithes, and such Tithe, Modus or Composition, shall be due or payable to any Person or Persons, Body or Bodies Politic, Corporate or Collegiate, who shall not be entitled to any Allotment or Allotments in the Parochial Division in which such Compensation is requested to be made, in the same or the like Right that he, she or they is or are entitled to the said Tithes, Moduses or Compositions for Tithes; then the Compensations for such Tithes, Moduses or Compositions, shall be set out and allotted in the Parochial Division for the Parish or Place in which he, she or they shall be entitled to such Allotment or Allotments; if such Person or Persons, Body or Bodies Politic, Corporate or Collegiate; either by themselves or their respective Agent or Agents, shall request the same as aforesaid; and if no such Request shall be made respecting such last-mentioned Tithes, Moduses and Compositions, or of or concerning any of the Lands, Rights and Interests in the said Meadow, or such Part and Parts thereof for which Compensation shall not be made in any of the said Parochial Divisions for *Caistor, Clixby, South-Kelsey, Grasby, Searby* or *Owmbly*, then Compensation is hereby directed to be made in the Parochial Division for the said Parish of *North-Kelsey* (except for Right of Common or Stay therein for Cattle belonging to the Owners or Occupiers of certain ancient Messuages, Cottages, Tofts and Toftsteads, Lands and Grounds, in the said several Parishes, Townships and Places last aforesaid, which from and after the Execution of the Award of the said Commissioners, or at such other Time as they shall direct, shall be for ever barred and extinguished).

For deter-
mining Ob-
jections to
Allotments.

XXXII. And be it further enacted, That when and so soon as the said Commissioners shall have ascertained the respective Shares, Rights and

and Interests of the said Proprietors in the Lands and Grounds to be inclosed by virtue of this Act, and also the respective Shares and Proportions, by them proposed to be allotted to such Proprietors respectively in lieu thereof, the said Commissioners shall give Notice in the Manner hereinbefore directed, with respect to the Notice of Commissioners' Meetings, of some convenient Time and Place, when and where all Proprietors and Persons interested may peruse a Schedule of such intended Allotments, and a Map or Plan whereon the same shall be set out and delineated, and may have and receive a Copy of such Schedule, so far as the same relates to such Proprietors respectively; and as some Persons may, upon Perusal of the said Schedule and Inspection of such Map or Plan, be dissatisfied with their intended Allotments, the said Commissioners shall give Notice of One Meeting at least, to be held by them for receiving Complaints and Objections against the intended Allotments, and for hearing and determining all such Complaints and Objections, and their Determinations in the Premises shall be reduced into Writing, and signed by the said Commissioners.

XXXIII. And be it further enacted, That the several Allotments to be made to the respective Impropropriators and their Lessees, and the said Rectors and Vicars respectively, in lieu of Glebe and Right of Common and Tithes (except such Allotment or Allotments as may be made in the Parish of *North Kelsey* aforesaid), shall be fenced on all such Parts and Sides thereof as shall not be ordered by the said Commissioners to be fenced by any other Proprietor, and against all public Roads, with good and substantial Oak Posts, and good and substantial Foreign Fir Battens, or good Ash Rails, Three Rails high, and sufficient Ditches, planted with good and thriving White-thorn Quicksets that have been transplanted, and of the Growth of Two Years, to be guarded on both sides in Manner aforesaid, and a proper Number of good and substantial Gate Posts of Oak, and Carriage Gates of Fir or Fir Battens, or Fir Timber, to be provided, placed down and hung to each Allotment, in such Time, and by such Person or Persons, as the said Commissioners shall appoint to make and complete the same; and the Charges and Expences of making all such Fences and Ditches shall be paid by the rest of the Proprietors of the said Commons, Moors and Waste Lands, in such Manner as the Expences of passing and executing this Act are hereby directed to be raised and paid; and that all such Fences and Gates, in or upon their said several Allotments, not ordered to be repaired by any other Proprietor, shall from thenceforth for ever afterwards be supported, maintained and kept in Repair by the said Impropropriators and their Lessees, and the said Rectors and Vicars for the Time being respectively.

For fencing
the Tithe and
Glebe Allot-
ments.

XXXIV. And be it further enacted, That the several Parcels of Land and Allotments which shall be set out and allotted in the several Parishes, Townships or Places of *Caistor, Clixby, South Kelsey, Grasby, Searby* and *Owmby* aforesaid, by virtue of this Act (except such Allotments as shall be made to the said respective Impropropriators and their Lessees, and the said Rectors and Vicars respectively, for their Glebe Lands, Rights of Common, and Tithes as aforesaid), shall be sufficiently inclosed and fenced by the several Persons to whom the same shall be allotted respectively, within such Time as the said Commissioners, by any Writing or Writings under their Hands, or by their said Award, shall order, direct

For inclosing
the rest of the
Proprietors'
Allotments.

and appoint; and such Fences shall be made, and at all Times for ever afterwards supported, maintained and kept in Repair by such Person and Persons as the said Commissioners shall order, direct or appoint, in or by their Award, or any other Writing under their Hands.

Gaps or
Openings to
be left.

XXXV. And be it enacted, That such convenient Gaps or Openings shall be left in the said Fences and Inclosures, erected and made by virtue of this Act, and for such Time as the said Commissioners shall direct, for the Passage of Cattle, Carts and Carriages through the same.

Power to set
Posts and
Rails across
the Ditches
of adjoining
Allotments.

XXXVI. And be it further enacted, That the Proprietors of any Allotment or Allotments, the Fences or Ditches whereof shall abut against the Ditches of any other Allotments, or of any Lands already inclosed; shall be at liberty, and are hereby empowered, from the Time of staking out the several Allotments hereby directed to be made, to set up and place, and from Time to Time maintain, and at all Times thereafter continue Rails across the Ditch or Ditches of such other Allotment or Allotments, or of such Lands already inclosed; and in every Case, where the Ends of Two several Proprietors' Ditches shall happen to meet, both of them shall, at their joint Expence, set up and place, and at all Times thereafter maintain and continue Posts and Rails upon the Bank or Banks, and across the Ditch or Ditches, where the same shall so meet.

Commissioners
may
equalize the
Expences of
Fencing.

XXXVII. And be it further enacted, That the said Commissioners shall, and they are hereby required not to order or direct any more than a fair and due Proportion of Fencing to be allotted to the said Proprietors and Occupiers of Lands in the said Parish of *North Kelsey*, in respect of the said Boundary of Parochial Allotment Fence; and the said Commissioners are hereby authorized and required to direct, by Writing under their Hands, by whom or at whose Expence, and in what Manner the Boundary or Parochial Allotment Fence which may belong to the said Parish of *North Kelsey* shall be made, and from and after the making thereof, by their said Award, direct by whom or at whose Expence the same shall be from Time to Time maintained, repaired and kept in Repair.

Leases at
Rack Rent
to be void.

XXXVIII. And be it further enacted, That all and every Lease and Leases, Agreement or Agreements, for any Time or Term, not exceeding Twenty-one Years, at Rack Rent, (upon which no Fines are paid for the Renewal thereof) now subsisting of all or any of the said Lands and Grounds hereby intended to be divided and allotted, or any Common Right thereupon, shall, so far as respects the same Lands and Grounds, or Common Rights only, cease, determine and become void immediately on the Allotments being set out in pursuance of this Act, or at such other Time or Times as the said Commissioners shall, by Writing under their Hands, direct or appoint; the respective Lessees or Tenants first receiving for or having duly tendered to them, by the respective Proprietors of the same Premises, such Satisfaction as the said Commissioners shall think reasonable to be paid to such Tenant or Tenants, as an Equivalent for the Determination of their respective Estates or Interests.

XXXIX. And

XXXIX. And be it further enacted, That no Lease or Leases to be granted by virtue of the said recited Act of the Forty-first Year of his present Majesty, by the Rector of the said Parish of *Saint Mary, South Kelsey* aforesaid, with *Saint Nicholas, South Kelsey* aforesaid, annexed, or his Successors, of any Lands or Grounds to be allotted to him or them by virtue of this Act, in Right of the said Rectory, shall be good, valid, or effectual, without the Consent of the King's most Excellent Majesty, and the said *Philip Skipworth*, their respective Heirs, Successors, or Assigns, as Patrons of the said Rectory, shall be had and obtained thereto, previously to the Execution of such Lease.

Leases by the Rector of South Kelsey not to be valid without the Consent of the Patrons.

XL. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed, deemed, adjudged, or taken to revoke, make void, alter, or annul any Will or Settlement, or to prejudice any Person or Persons, having any Dower, Jointure, Portion, Debt, Charge, or Incumbrance out of the Lands, Tenements, or Hereditaments hereby directed to be divided and allotted, or which shall be exchanged or assigned in lieu of or Compensation for any other Property, in pursuance of this Act or the said recited Act respectively, otherwise than by the Substitution of the Lands, Tenements, or Hereditaments to be allotted, exchanged, or assigned, in pursuance of this or the said Act, for the Lands, Tenements, or Hereditaments, in lieu whereof such Allotments and Exchanges shall be respectively made; and that the several Lands, Tenements, and Hereditaments, which shall be so allotted or assigned, or taken in Exchange in pursuance of this Act, shall thereupon vest in such and the same Persons respectively, for such and the same Estate and Estates, Interest and Interests respectively, and shall go, remain and be, to, for, and upon such and the same Uses, Trusts, Intents and Purposes respectively, and subject to such and the same Powers, Provisions, Limitations, Remainders, Reversions, Charges, and Incumbrances respectively, as the several Lands, Tenements, and Hereditaments, in lieu whereof such Allotments, Assignments, and Exchanges shall be made as aforesaid, are or were, or would have been vested in, or subject or liable to in case this Act had not been made.

No Titles to be affected by this Act.

XLI. And whereas there are divers ancient Inclosures within the said Parish of *Caistor*, which are now subject to the Payment of Tithes in Kind, and it may be desirable that the said Commissioners should be authorized to make Satisfaction for such Tithes out of the Lands and Grounds hereby directed to be divided and inclosed; be it therefore enacted, That it shall and may be lawful for the said Commissioners, by and with the Consent of the respective Owners of any such ancient Inclosures, within the said Parish of *Caistor*, and of the Person or Persons, Bodies Politic, Corporate or Collegiate, entitled to the Tithes thereof respectively, in Writing under their respective Hands, or the Seal or Seals of such Body or Bodies Politic, Corporate, or Collegiate, to set out and allot such Portions of the Allotments to be made or assigned by virtue of this Act, to the Owner or Owners of such ancient Inclosures respectively, in Lieu of and Satisfaction for the Tithes of the same respectively, as shall, in the Judgment of the said Commissioners, be equal to and a full Recompence and Satisfaction for such Tithes respectively; and the same being specified and ascertained in the Award of the said Commissioners, shall be accepted and taken by such Tithe Owners respectively, in Discharge of

For exonerating old Inclosures in the Parish of Caistor from Tithes.

and

and Satisfaction for all such Tithes which shall, from and after the Execution of the said Award, or such other Time or Times as the said Commissioners shall appoint, by any Writing or Writings under their Hands, cease, and for ever be abolished and extinguished; and all the Expences incident to and attending the Exoneration of such ancient Inclosures from Tithes, and also of inclosing and fencing the Lands to be allotted in lieu thereof (which shall be done and fenced in the same Manner as is hereinbefore directed, in respect to the other Allotments in lieu of Tithes), shall be paid and borne by the Owners of Lands to be so exonerated from Tithes respectively.

Tithes payable till Allotments are made.

XLII. And be it further enacted, That until the Division and Allotments shall be made and finished, in pursuance of this and the said recited Act, the said respective Impropriators, Rectors, and Vicars, for the Time being, shall be entitled to, and shall receive and enjoy such and the same Tithes as they respectively could, might, or ought to have done, in case this Act had not been made.

Commissioners to direct the Course of Husbandry.

XLIII. And be it further enacted, That the said Commissioners shall, as soon after the passing of this Act as conveniently may be, by some Writing or Writings under their Hands, to be published upon the most public Door of each of the Parish Churches of *Caistor, North Kelsey, South Kelsey, Clixby, Grasby, and Searby-cum-Owby* aforesaid, make such Orders and Regulations, respecting the mowing and stocking of the said Lands and Grounds hereby directed to be divided and inclosed, and as to the cutting of Thorns or Bushes, Furze, Whins, or Gorse, and digging and graving of Sods, Turves, or Peat thereon, in the Meantime, and until the Allotments and Divisions thereof shall be effected, as to them shall seem expedient; all which Orders and Regulations of the said Commissioners shall be binding and conclusive upon all Parties interested, their Farmers, Tenants, and others; and that the said Commissioners shall set and impose such pecuniary Penalties and Forfeitures on every Person not conforming to such Orders and Regulations, as they shall think reasonable and necessary, not exceeding the Sum of Five Pounds on any one Person for any one Offence; which Penalties and Forfeitures shall and may be levied and recovered in the same Manner as any other Penalty or Forfeiture is, by this Act or the said recited Act, authorized and directed to be levied and recovered; and shall be paid to such Person or Persons, and for such Uses and Purposes, as the said Commissioners shall, by any Writing or Writings under their Hands, direct or appoint; and all such Orders of the said Commissioners shall be binding and conclusive upon all Parties interested, their Farmers and Tenants.

Horses, Beasts, Sheep, Lambs, &c. to be kept out of the Inclosures for Twelve Years, under certain Restrictions.

XLIV. And be it further enacted, That no Horse, Ass, Beasts, Sheep, Lambs, Swine, or Geese, shall be depastured or kept in any of the said intended Inclosures, during the Space of Twelve Years from the Execution of the Award of the said Commissioners, unless the Persons respectively depasturing or keeping the same do, at their own Expence, effectually guard and fence the young Quickset Hedges, on every Side of the Allotment or Allotments in which Horses, Asses, Beasts, Sheep, Lambs, Swine, or Geese shall be depastured or kept as aforesaid, so as to prevent any Damage or Injury being done thereby to such Quickset Hedges, or to their Neighbours' Crops.

XLV. And

XLV. 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, as a Recompence 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 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 that every Proprietor, and all other Persons, shall at such Meetings pay and discharge his and their own Expences.

Commissioners' Allowance.

XLVI. And be it further enacted, That all Monies which have been, or may be advanced and paid by any of the Proprietors or Persons interested in the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or by any other Person or Persons whomsoever, for the Purpose of defraying the Expences of applying for and obtaining this Act, shall be repaid with lawful Interest to such Person or Persons, out of the first Monies to be raised by virtue of this Act.

Money advanced for obtaining this Act to be repaid with Interest.

XLVII. Provided also, and be it further enacted, That the Charges and Expences of obtaining and passing this Act, and of the surveying, measuring, dividing, and allotting the Lands and Grounds intended to be hereby divided and allotted, and of making and completing the said Public Carriage Roads and Drains, and of Ring-Fencing the Tithe and Glebe Allotments, and of making, preparing, executing, and enrolling the said Award, and all other reasonable Costs, Charges, and Expences, incurred by or by the Order of the said Commissioners in the Execution of this Act, and not otherwise directed to be paid, shall be borne and paid by all the Proprietors of Lands, Common Rights, or other Rights, for which any Compensation or Equivalent is intended to be made, by virtue of this Act, (except the respective Impropiators, Rectors, and Vicars aforesaid, in respect of their Allotments for Glebe Lands, and Common Rights appertaining thereto, and Tithes; and also, except the Lord of the said Manor and Soke, and the Lords of the said respective Manors, in respect of their Allotments, for their Rights in the Soil of the said Waste Lands according to their respective Rights and Interests aforesaid, to be adjusted, settled, and determined by the said Commissioners); but the several Proprietors of Common Rights, Messuages, Cottages, Tofts or Toftsteads, Lands and Grounds, within the Parish of *North Kelsey*, shall not be subject or liable to a greater Proportion of the Costs, Charges, and Expences of obtaining and executing this Act, than shall in the Judgment of the said Commissioners be a fair and due Proportion thereof, for effecting the General or Parochial Divisions of the said Meadow, Commons, Moors, and Waste Lands, hereby directed to be made.

For defraying the Expences of this Act.

XLVIII. And be it further enacted, That all Costs, Charges, and Expences attending the making of any Exchanges or Partitions, by virtue of this or the said recited Act, shall be paid, borne, and defrayed by the several Persons making such Exchanges and Partitions respectively, in such Manner and Proportions as the said Commissioners shall, by their said Award or other Writing under their Hands, order and direct.

How Expences of Exchanges are to be paid.

Expences of surveying Lands to be paid by the Owners thereof.

XLIX. Provided always, and be it further enacted, That all Costs, Charges and Expences, attending the surveying and admeasuring of any of the said Lands or Grounds, in respect of which Allotments are hereby directed to be made, shall be paid, borne and defrayed by the several Owners or Proprietors of such Lands respectively, in such Proportions and Manner as the said Commissioners shall direct, and not by any Person or Persons who is or are only possessed of Common Right Messuages, Cottages, Tofts or Toftsteads.

Power to recover the Proportion of Expences, payable by the Owners in North Kelsey.

L. And be it further enacted, That in case any of the Owners or Proprietors of the said ancient Messuages, Cottages, Tofts and Toftsteads, Lands and Grounds thereunto belonging, situate in *North Kelsey* aforesaid, having Right of Common in the said Lands and Grounds hereby directed to be divided and inclosed, shall refuse or neglect to pay his, her or their Proportion of the Charges and Expences of obtaining this Act, and of carrying the same and the said recited Act into Execution (such Proportion to be ascertained as aforesaid), at the respective Days and Times to be appointed for Payment thereof, it shall be lawful for the Commissioner or Commissioners acting in the Execution of this Act, by any Warrant or Warrants under his or their Hands and Seals, directed to any Person or Persons whomsoever, to cause the said Costs, Charges and Expences to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so making Default in Payment as aforesaid, his, her or their Husbands, Guardians, Trustees, Committees or Attornies, wheresoever the same shall be found, rendering the Overplus (if any) on Demand, to the Owner or Owners of such Goods and Chattels, the reasonable Charges of such Warrant, Distress and Sale, being first deducted, together with the Interest, after the Rate of Five Pounds *per Centum per Annum*, to be computed on such Share or Shares, Proportion or Proportions, from the Time the same shall be directed to be paid by such Commissioner or Commissioners as aforesaid; or otherwise it shall be lawful for such Commissioner or Commissioners, or any Person or Persons authorized by him or them, to enter upon and take Possession of the said ancient Messuages, Cottages, Tofts and Toftsteads, and Lands and Grounds thereunto belonging, situate in *North Kelsey* aforesaid, having Right of Common on the Lands and Grounds hereby directed to be divided, allotted and inclosed, belonging to the Person or Persons refusing or neglecting to pay as aforesaid, and to receive and take the Rents and Profits thereof, until thereby, or therewith, or otherwise, the Share or Shares, Proportion or Proportions of the said Costs, Charges, and Expences, so ordered and directed by such Commissioner or Commissioners to be paid by such Person or Persons as aforesaid, and all Interest on such Share or Shares, Proportion or Proportions, to be computed from the Time the same shall, by such Commissioner or Commissioners, be directed to be paid as aforesaid, and also all Costs, Charges and Expences, occasioned by or attending such Entry upon and Perception of the Rents and Profits of the said Premises, shall be fully paid and satisfied.

Land may be deducted from Allotments for Expences.

LI. And be it further enacted, That it shall be lawful for the said Commissioners, upon the Request of the Owners or Proprietors of the Lands and Grounds hereby directed to be divided and allotted, or to any Allotment or Allotments therein, whether seised in Fee, or being Tenants in Tail, or for Life or Lives, or for any Number of Years determinable on

on a Life or Lives, or for any other determinable Estate or Interest, or at the Request of the respective Husbands, Guardians, Trustees, Committees, Receivers, Agents or Attornies, of any such Owners or Proprietors, being under Coverture, Minors, Lunatics or beyond the Seas, or under any other Disability or Incapacity; or for the Persons acting as such Guardians, Trustees, Committees, Receivers, Agents or Attornies, or the Trustees for any charitable or public Uses, or the major Part of them respectively, to deduct from the Value and Amount of the Allotment or respective Allotments of such Owner or Owners, by whom or on whose Behalf such Request shall be made as aforesaid, so much as shall in the Judgment of the said Commissioners be equal to the Share and Proportion, or respective Shares and Proportions, of the Person or Persons by or on whose Behalf any such Request shall be made, of the Charges and Expences of passing this Act, and of carrying the same and the said recited Act into Execution; and to allot the Land and Value so deducted to and amongst such of the other Owners and Proprietors, or any other Person or Persons, who shall be willing to take the same, and to pay and defray such Expences as such Estates shall by the said Commissioners be charged with, and who shall pay such Charges and Expence: Provided, that it shall be lawful to and for the said Commissioners, and they are hereby required, upon any such Request as aforesaid, and on the Payment, by the Person or Persons making such Request, of his, her or their full Proportion of such Costs and Expences; to allot to the Person or Persons respectively, by whom or on whose Behalf such Request and Payment shall be made, his, her or their Heirs or Assigns, the Land which shall have been so deducted, and the Person or Persons respectively, to whom any such Allotment shall be made and awarded, shall be and become seized thereof, of an absolute Estate in Fee Simple, freed and discharged from all former Titles, Charges and Incumbrances; provided that every such Request, as aforesaid shall be made in Writing and signed by the Person or Persons making the same, and shall be delivered to one of the Commissioners at one of the Meetings for carrying this and the said recited Act into Execution, to be holden previously to their allotting the Lands and Grounds hereby directed to be divided and inclosed: Provided, that the Value of the Land so to be deducted from any Allotment or Allotments shall not in any Case exceed, according to the Opinion and Judgment of the said Commissioners, the Rate of Five Pounds for every Acre of the Land which shall, by virtue of this Act, be allotted or exchanged to the Person or Persons making such Request; and that nothing in this Act contained shall authorize any Person or Persons to raise or charge by Sale, Mortgage or any other Ways or Means, in the said recited Act or this Act mentioned, any further Sum or Sums of Money for the Costs and Charges of passing this Act, and carrying the same into Execution, than after the Rate of Five Pounds for every Acre of the Lands to be allotted and exchanged to such Person or Persons by virtue of this Act; and in all Cases where any Lands shall be sold for the Payment of such Costs and Charges, it shall not be lawful for such Person or Persons to charge his, her or their Lands, Tenements or Hereditaments, with any Sum or Sums of Money for the Payment thereof.

And may be allotted to Persons paying such Expences.

III. 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

For borrowing of Money.

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 several Rectors and Vicars, 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 comprised 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 Tithes, 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 Sub-division Fences of the several Allotments, and for securing the Re-payment of the said Sum or Sums of Money, 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 such Sum or Sums of

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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, 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.

LIII. And be it further enacted, That once at least in each and every Year during the Execution of this Act, such Year to be computed from the Day of the passing thereof, the said Commissioners shall, and they are required to make a true and just Statement and Account of all the Sums of Money by them received and expended, or due to them for their own Trouble or Expences in the Execution of this Act; and such Statement or Account, when so made, together with the Vouchers relating thereto, shall be by them laid before one of His Majesty's Justices of the Peace, acting for the Division of *Lindsey*, in the said County of *Lincoln*, not interested in the said Division and Allotment, to be by him examined and balanced; and such Balance shall, by the said Justice, be stated in the Book of Accounts, to be kept in the Office of the Clerk to the said Commissioners, and no Charge or Item in such Account shall be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed by such Justice.

Commissioners to lay their Accounts before a Referee.

LIV. And be it further enacted, That the said Commissioners shall, in and by their said Award, in every Case which shall be required by the said Proprietors respectively, distinctly and separately set forth and ascertain which of the said Allotments, or what Part thereof, shall be made and assigned, in respect of Messuages, Cottages, Tofts and Toftsteads, and

Commissioners to distinguish, in their Award, what Land is allotted in respect of Messuages,

[*Loc. & Per.*]

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which

and what of
other Pro-
perty.

which of them, and what Part thereof, in respect of Lands and Grounds, and the different Quantities of such respective Allotments.

Power for
Proprietors
to sell Allot-
ments before
the Award.

LV. And be it further enacted, That it shall be lawful for any Person or Persons who shall be entitled to any Allotment or Allotments under and by virtue of this Act, to give, grant, mortgage, charge, bargain, sell, convey and assure the same, at any Time before the Execution of the Award of the said Commissioners, for all or any Part of his, her or their Estate or Interest therein, and every such Gift, Grant, Mortgage, Charge, Bargain, Sale, Conveyance and Assurance shall be of the same Force and Validity as if made after the Execution of the said Award; and it shall also be lawful for any of the Owners or Proprietors of any Common Right, or any Interest in, upon, or over the Lands and Grounds hereby directed to be divided and allotted, to sell and dispose of the same, or of the Allotment or Allotments to be made in respect thereof by virtue of this Act, separate and distinct from the Estate in Right of which he or she is entitled unto the same, in such Manner as he or she might have done at any Time after the Execution of the said Award; and it shall be lawful for the said Commissioners, and they are hereby authorized and required to award all and every such Allotment or Allotments which shall be so sold or disposed of, to the Purchaser or Purchasers thereof, or other Person or Persons who shall be entitled to the same, by virtue of any such Sale or Disposition.

Award to be
deposited.

LVI. And be it further enacted, That the Award to be made by the said Commissioners shall be executed and published within the Space of Three Years from the passing of this Act, and together with such Map or Plan as shall be annexed thereto, shall, after the Enrollment of the said Award, as directed by the said recited Act, be deposited in the Parish Church of *Caistor* aforesaid.

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

LVII. And be it further enacted, That if any Person or Persons shall think himself, herself or themselves aggrieved by any Thing done in pursuance of the said recited Act, or this Act, then and in every such Case (except as to such Claims, Matters and Things, as are hereinbefore directed or authorized to be tried, settled or determined by the Verdict of a Jury, or where, by any of the Clauses or Provisions of the said recited Act, or of this Act, the Determination of the said Commissioners is declared or directed to be final and conclusive), he, she or they may appeal to the next General Quarter Sessions of the Peace which shall be holden for the Division of *Lindsey* aforesaid, within Six Calendar Months next after the Cause of Complaint shall have arisen; and the Justices in the said General Quarter Sessions are hereby empowered and required to hear and determine the Matter of every such Appeal, and to make such Order therein, and award such Costs as to them in their Discretion shall seem reasonable; and by their Order or Warrant, to levy the Costs which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) upon Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges and Expences of every such Distress and Sale; which Determination of the said Justices shall be final and conclusive, and shall not be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of his Majesty's Courts at *Westminster*, or elsewhere.

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LVIII. Saving

LVIII. Saving always to the King's most Excellent Majesty, his Heirs and Successors, and to all and every Person and Persons, Bodies Politic and Corporate, his, her and their respective Heirs, Successors, Executors, Administrators, and Assigns, all such Estate, Right, Title and Interest, (other than those meant and intended to be barred, destroyed, extinguished, altered, changed, or affected by virtue of this Act) as they, every or any of them had or enjoyed, of, in, to or out of the said Lands and Grounds hereby directed to be divided and allotted as aforesaid, before the passing of this Act, or could or might have held and enjoyed in case this Act had not been made; but no such Person or Persons, Bodies Politic or Corporate, his, her or their Heirs, Successors, Executors, Administrators or Assigns, shall have Power to defeat the End and Intent of this Act, or to avoid or in any Way to impeach any of the Divisions or Allotments made in pursuance of this Act, but shall be bound and concluded thereby, and shall accept such Allotments in lieu of all such Lands, Rights of Common, Tithes, and other Interests, as he or they would have had or been entitled to in case this Act had not been made.

General
Saving.

LIX. 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 by all Judges, Justices, and others.

To be printed
by the
King's
Printer.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1811.

