ANNO QUADRAGESIMO SEPTIMO

GEORGII III. REGIS.

Cap. 41.

An Act for incloſing Lands in the Townſhip of *Croſby*, in the Pariſhes of *Frodingham* and *Flixborough*, in the County of *Lincoln*. [25th *April* 1807.]

WHEREAS there are within the Townſhip of *Croſby*, in the Pariſhes of *Frodingham* and *Flixborough*, in the County of *Lincoln*, ſeveral Open Fields, Meadows, Paſtures, Moors, Commonable and Waſte Lands and Grounds, and certain ancient Incloſures: And whereas Sir *John Sheffield*, Baronet, is Lord of the Manor of *Coneſby*, in the ſaid County of *Lincoln*, of which Manor the ſaid Townſhip of *Croſby* is Part and Parcel, and is intereſted in the Soil of ſuch Part of the Commons and Waſte Grounds within the ſaid Townſhip, as are not ſeparate Property: And whereas *George Healey*, Eſquire, is Owner of the Rectory Impropriate of *Frodingham* aforeſaid, and as ſuch is or claims to be entitled to all the Tythes of Corn and Hay ariſing within the Townſhip of *Croſby* aforeſaid; and the ſaid *George Healey* is alſo Patron of the Vicarage and Pariſh Church of *Frodingham* aforeſaid, and the Reverend *Thomas Smith*, Clerk, is the preſent Vicar or Incumbent thereof, and as ſuch is or claims to be entitled to the Vicarial Tythes ariſing within the ſaid Townſhip of *Croſby*: And whereas the ſaid Sir *John Sheffield* is Patron of the Rectory of *Flixborough* aforeſaid, and the

Reverend *Robert Sheffield*, Clerk, is the preſent Rector of the Pariſh and Pariſh Church of *Flixborough* aforeſaid, and as ſuch is or claims to be entitled to the Tythes ariſing from ſome ſmall Parts of the Townſhip of *Croſby* aforeſaid, as are in the Pariſh of *Flixborough*: And whereas the ſaid Sir *John Sheffield*, *George Healey*, *John Chatterton*, and ſome other Perſons reſpectively, are Owners and Proprietors of the ſeveral Meſſuages, Cottages, and ancient Incloſures within the ſaid Townſhip of *Croſby*, and are Proprietors of and intereſted in the ſaid Open Fields, Meadows, Paſtures, Moors, Commonable and Waſte Lands and Grounds: 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 it would be advantageous to the ſeveral Proprietors and Perſons intereſted in the ſaid Open Fields, Meadows, Paſtures, Moors, Commonable and Waſte Lands, if the ſame were divided, and ſpecific Shares thereof allotted to ſuch ſeveral Proprietors and Perſons intereſted therein, in Proportion to their reſpective Property, Rights of Common, and other Intereſts, and if Compenſation was made for the Tythes thereof, and of all the Homeſteads and ancient Incloſures within the ſaid Townſhip of *Croſby*, in the Manner herein-after expreſſed; but as ſuch Diviſion, Allotment, and Incloſure cannot be effected without the Authority of Parliament; May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame,

Commiſſioners. That *John Burcham* of *Coningsby* in the County of *Lincoln*, *Edward Hare* of *Caſtor* in the County of *Northampton*, and *William Whitelock* of *Brotherton* in the County of *York*, Gentlemen, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be and they are hereby appointed Commiſſioners for dividing, allotting, and incloſing the ſaid Open Fields, Meadows, Paſtures, Moors, Commonable and Waſte Lands, and all other Open and Unincloſed Grounds within the ſaid Townſhip of *Croſby*, and for putting this Act into Execution, ſubject to the Regulations of the ſaid recited Act, except in ſuch Caſes where the ſame are hereby varied or altered; and that all Acts, Matters, and Things authorized or neceſſary to be done and executed by the ſaid Commiſſioners, may be done and executed by any Two of them, and the ſame ſhall be as valid and effectual as if ſuch Acts, Matters, and Things had been done and executed by all the ſaid Commiſſioners.

Election of new Commiſſioners. II. And be it further enacted, That if the ſaid *John Burcham*, or any Commiſſioner to be appointed in his Stead as herein-after mentioned, ſhall die, refuſe, or be diſabled to act, then and in every ſuch Caſe it ſhall be lawful for the ſaid Sir *John Sheffield*, his Heirs or Aſſigns, within Thirty Days next after ſuch Death, Refuſal, or Diſability ſhall be ſignified to him or them in Writing by the ſurviving or remaining Commiſſioners, or either of them, to elect and appoint one other Perſon, not intereſted in the ſaid intended Diviſion and Allotment, to be a Commiſſioner in the Stead of ſuch Commiſſioner ſo dying, refuſing, or becoming diſabled to act; and if the ſaid *Edward Hare*, or any Commiſſioner to be appointed in his Stead, as herein-after mentioned, ſhall die, refuſe, or be diſabled to act, then and in every ſuch Caſe it ſhall and may be lawful for the

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ſaid *George Healy*, his Heirs or Aſſigns, within Thirty Days next after ſuch Death, Refuſal, or Diſability ſhall be ſignified to him or them in Writing by the ſurviving or remaining Commiſſioners, or either of them, to elect and appoint one other Perſon, not intereſted in the ſaid intended Diviſion and Allotment, to be a Commiſſioner in the Stead of ſuch Commiſſioner ſo dying, refuſing, or becoming diſabled to act; and alſo if the ſaid *William Whitelock*, or any Commiſſioner to be appointed in his Stead, as herein-after mentioned, ſhall die, refuſe, or be diſabled to act, then and in every ſuch Caſe it ſhall be lawful for the major Part in Value of the Proprietors and Perſons intereſted in the ſaid Open Fields, Meadows, Paſtures, Moors, and other Commonable and Waſte Lands hereby directed to be divided and allotted (except the ſaid Sir *John Sheffield* and *George Healey*, and their reſpective Heirs or Aſſigns) who ſhall be preſent at a Meeting to be appointed for that Purpoſe in the Townſhip of *Croſby* aforeſaid, or in ſome other convenient Place within Eight Miles thereof, within Thirty Days next after ſuch Death, Refuſal, or Diſability, to elect and appoint another Perſon, not intereſted in the ſaid intended Diviſion and Allotment, to be a Commiſſioner in the Place and Stead of ſuch Commiſſioner ſo dying, refuſing, or becoming diſabled to act, of which Meeting Ten Days Notice at leaſt ſhall be given in Manner as by this Act directed; all which ſeveral Appointments ſhall be in Writing, and ſigned or ſealed by 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 the Times or at ſuch Meeting reſpectively as aforeſaid, it ſhall be lawful for the ſurviving or remaining Commiſſioners or Commiſſioner, and they and he are and is hereby required, by Writing under their or his Hands or Hand, to appoint a new Commiſſioner, not intereſted in the ſaid intended Diviſion and Allotment, in the Place and Stead of each ſuch Commiſſioner ſo dying, refuſing, or becoming diſabled to act; and every ſuch new Commiſſioner ſo to be appointed in any of the Caſes aforeſaid, having firſt taken and ſubſcribed the Oath preſcribed in that Behalf, 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 veſted with by virtue of this or the ſaid recited Act.

Allowance to the Commiſſioners.

III And be it further enacted, That each of the ſaid Commiſſioners who ſhall act in the Execution of the Powers hereby veſted in them, ſhall be paid the Sum of Three Guineas for each Day he ſhall be employed therein, and the ſame ſhall be in full Satisfaction for all Trouble and Expences he ſhall be put unto in executing the ſame.

Notice of Meetings.

IV. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required to cauſe Notice in Writing of the Time and Place of their Firſt and every other Meeting for the Execution of this and the ſaid recited Act, to be affixed on the principal outer Door of each of the Pariſh Churches of *Frodingham* and *Flixborough* aforeſaid, upon ſome *Sunday* before Divine Service, and alſo to be inſerted in the *Lincoln*, *Rutland*, and *Stamford Mercury*, or in ſome other Newſpaper circulated in the ſaid County of *Lincoln*, Ten Days at leaſt before every ſuch Meeting (Meetings by Adjournment only excepted) and ſhall hold their Meetings at or within Eight Miles of the Townſhip of *Croſby* aforeſaid; and if at any

any Meeting appointed to be holden by the ſaid Commiſſioners, not more than One of them ſhall attend, the Commiſſioner ſo attending may adjourn ſuch Meeting to a future Day, not exceeding Twenty-one Days from the Time of Adjournment, and ſhall give Notice thereof to the abſent Commiſſioners.

Other Notices to be given.

V. 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 Notice in Writing, to be affixed on the ſaid principal outer Door of each of the ſaid Pariſh Churches, and by Advertiſement to be inſerted in the ſaid *Lincoln*, *Rutland*, and *Stamford Mercury*, or in ſome other Newſpaper circulated in the ſaid County.

Encroachments.

VI. And be it further enacted, That all Encroachments which at any Time within Twenty Years now laſt paſt, ſhall have been made upon the ſaid Open Fields, Meadows, Paſtures, Moors, Commonable and Waſte Lands and Grounds hereby intended to be divided, allotted, and incloſed, ſhall be deemed Part thereof, and ſhall be divided and allotted accordingly; and in caſe any Diſpute or Difference ſhall ariſe touching any ſuch Encroachments, or the Extent thereof, ſuch Diſpute ſhall be inveſtigated, ſettled, and determined by the ſaid Commiſſioners.

Commiſſioners to ſettle Diſputes.

VII. And be it further enacted, That if any Diſpute or Difference ſhall ariſe between any of the Parties intereſted or claiming to be intereſted in the Lands and Grounds hereby intended to be divided, allotted, and incloſed, or any Part thereof, touching or concerning the reſpective Rights and Intereſts which they or any or either of them ſhall have or claim to have therein, or touching or concerning any Common Rights or Intereſts which they may have or claim in, upon, or over the ſame, or touching or concerning any other Matter or Thing relating to the ſaid Diviſion and Incloſure, it ſhall be lawful for the ſaid Commiſſioners to examine into, hear, and determine the ſame: Provided always, that nothing in this Act contained ſhall authorize the ſaid Commiſſioners to determine the Title to any Manors, Meſſuages, Cottages, Lands, Tenements, or Hereditaments whatſoever.

Commiſſioners to aſſeſs Coſts.

VIII. And be it further enacted, That in caſe the ſaid Commiſſioners ſhall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them in purſuance of this or the ſaid recited Act, ſee Cauſe to award any Coſts, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby empowered, upon Application made to them for that Purpoſe, to ſettle, aſſeſs, and award ſuch Coſts and Charges as they ſhall think reaſonable, to be paid to the Party or Parties in whoſe Favour any Determination of the ſaid Commiſſioners ſhall be made, by the Perſon or Perſons whoſe Claim or Claims, Objection or Objections, ſhall be thereby diſallowed or over-ruled; and in caſe the Perſon or Perſons who ſhall be liable to pay ſuch Coſts and Charges, ſhall neglect or refuſe to pay the ſame on Demand, then and in ſuch Caſe it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required, by Warrant under their Hands 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

ing 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.

Allowing Parties diſſatisfied with the Determination of the Commiſſioners, to try their Rights at Law.

IX. Provided always, and be it further enacted, That in caſe any Perſon or Perſons, Body or Bodies Politick, Corporate, or Collegiate, intereſted in the ſaid intended Diviſion and Incloſure, ſhall be diſſatisfied with the Determination of the ſaid Commiſſioners, touching or concerning the Rights or Intereſts in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and incloſed, or any Part thereof, or touching or concerning any Common Rights or Intereſts which he, ſhe, or they may have or claim, in, upon, or over the ſame, or touching or concerning any other Matter or Thing relating to the ſaid Diviſion and Incloſure, it ſhall be lawful for the Perſon or Perſons, Body or Bodies Politick, Corporate, or Collegiate, ſo diſſatisfied, to proceed to a Trial at Law of the Matter ſo determined by the ſaid Commiſſioners, at the then next or at the following Aſſizes to be holden for the County of *Lincoln*, and for that Purpoſe the Perſon or Perſons, Body or Bodies Politick, Corporate, or Collegiate, who ſhall be diſſatisfied with the Determination of the ſaid Commiſſioners, ſhall cauſe an Action to be brought upon a feigned Iſſue againſt the Perſon or Perſons, Body or Bodies Politick, Corporate, or Collegiate, in whoſe Favour ſuch Determination ſhall have been made, within Three 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 or file Common Bail, and accept one or more Iſſue or Iſſues, whereby ſuch Claim or Claims, and the Right or Rights thereby inſiſted on may be tried and determined (ſuch Iſſue or Iſſues to be ſettled by the proper Officer of the Court in which ſuch Action or Actions ſhall be commenced, in caſe the Parties ſhall differ about the ſame); and the Verdict or Verdicts which ſhall be given in ſuch Action or Actions ſhall be final, binding, and concluſive upon all and every Perſon and Perſons whomſoever, Body or Bodies Politick, Corporate, or Collegiate, unleſs the Court wherein ſuch Action or Actions ſhall be brought ſhall ſet aſide ſuch Verdict or Verdicts, and order a new Trial to be had thereon, which it ſhall be lawful for the Court to do, as is uſual in other Caſes; and that after ſuch Verdict or Verdicts ſhall be obtained and not ſet aſide by the Court, the ſaid Commiſſioners ſhall and they are hereby required to act in conformity thereto, and to allow or diſallow the Claim or Claims thereby determined, according to the Event of ſuch Trial or Trials: Provided always, that the Determination of the ſaid Commiſſioners, touching ſuch Claim or Claims to ſuch Common Rights or other Rights or Intereſts in, over, or upon the ſaid Lands and Grounds hereby directed to be divided, allotted, and incloſed, or any Part thereof which ſhall not be objected to, or, being objected to, the Party or Parties objecting not cauſing ſuch Action at Law to be brought and proceeded in as aforeſaid, ſhall be final and concluſive upon and to all Parties.

Deaths of Parties not to ſtay Proceedings.

X. 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.

Allotment for Materials to repair Roads.

XI. And be it further enacted, That the ſaid Commiſſioners ſhall and may and they are hereby authorized, if they ſhall think neceſſary, but not otherwiſe, after ſetting out the Roads and Ways in Manner directed by the ſaid recited Act, to allot and award unto the Surveyor of the Highways of the ſaid Townſhip of *Croſby*, and his Succeſſors, ſuch Parcel or Parcels of Land, Part of the Lands and Grounds hereby intended to be divided and incloſed, as they the ſaid Commiſſioners ſhall think moſt proper, for the digging for and getting of Stone, Gravel, and other Materials for the Repair of the Highways, and publick and private Roads within the ſaid Townſhip, the Herbage or Produce of which Allotment ſhall be appropriated in ſuch Manner as the ſaid Commiſſioners ſhall in and by their Award direct and appoint.

Allotment in lieu of Tythes.

XII. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized and required in the next place to ſet out, allot, and award unto and for the ſaid *George Healey*, his Heirs and Aſſigns, and to and for the ſaid *Thomas Smith* and his Succeſſors Vicars of *Frodingham* aforeſaid, and to and for the ſaid *Robert Sheffield* and his Succeſſors Rectors of *Flixborough* aforeſaid reſpectively, to be divided and apportioned amongſt them as herein-after is directed, ſo much and ſuch Part or Parts of the Lands and Grounds hereby directed to be divided and incloſed, as in the Judgement of the ſaid Commiſſioners ſhall be of ſuch Value as herein-after mentioned (except and after ſetting out ſuch Roads and Allotments, if any, for Repair thereof as aforeſaid) in lieu of and full Satisfaction for all Tythes whatſoever, both Great and Small, Moduſes, or other Dues and Payments in lieu of any Part thereof, within the ſaid Townſhip of *Croſby* (except Mortuaries, *Eaſter* Offerings, and Surplice Fees) all which ſaid Tythes, both Great and Small, and Moduſes or other Payments in lieu of ſome Part thereof (except Mortuaries, *Eaſter* Offerings, and Surplice Fees) ſhall ceaſe and be for ever extinguiſhed from and after the Expiration of One Calendar Month next after the ſaid Commiſſioners ſhall have finiſhed the Ring Fences of the ſaid Allotments to be made for the ſame, and have extinguiſhed all Right of Common thereon, and taken ſuch other neceſſary Meaſures as that the ſaid *George Healey*, his Heirs and Aſſigns, and the ſaid *Thomas Smith* and *Robert Sheffield*, and their Succeſſors, may be reſpectively enabled to hold and enjoy the ſaid Allotments in Severalty, freed, acquitted, and wholly exonerated and diſcharged of and from the Claim or Interruption of any Perſon or Perſons whomſoever, by reaſon or in reſpect of his, her, and their Eſtates, or Rights of Common or other Intereſt therein, and alſo after Notice given by the ſaid Commiſſioners in Writing to the ſaid ſeveral Tythe Owners, or to their reſpective Agents, to enter upon and take Poſſeſſion of the ſame.

In caſe the Owners of old Incloſures ſhall not be poſſeſſed of ſufficient Quantity of Land to make Compenſation for the Tythes thereof, Com-

XIII. And be it further enacted, That in caſe the Owners of any Homeſteads, Gardens, Orchards, or old Incloſures within the ſaid Townſhip, ſhall not be entitled to ſufficient Property in the Lands and Grounds hereby directed to be divided and incloſed, to make ſuch Compenſation for the Tythes of ſuch Homeſteads, Gardens, Orchards, or old Incloſures as aforeſaid, then the ſaid Commiſſioners ſhall and may and they are hereby required, by any Writing under their Hands, to charge ſuch Homeſteads, Gardens, Orchards, and old Incloſures belonging to ſuch Owners reſpectively, with the Payment of ſuch Sum or Sums of Money,

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missioners to charge same with the Payment of a Sum of Money.

as in the Judgement of the said Commissioners shall be equal in Value to, and a full Satisfaction for the Purchase of the Inheritance of the Tythes thereof; and such Sum or Sums of Money shall be paid by such Owners respectively, to such Person or Persons, and at such Time or Times as the said Commissioners shall by any such Writing direct or appoint, and shall be applied towards defraying the Expences of carrying this and the said recited Act into Execution; and such Sum and Sums of Money shall be recovered in the same Manner as is authorized and directed by the said recited Act, with respect to the recovering the Charges and Expences therein mentioned; and in case any Surplus shall remain after such Expences shall have been fully paid and satisfied, such Surplus shall be divided and apportioned between the several Proprietors of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, according to their respective Interests therein, and to be paid to them in case they shall be seised in Fee Simple of their respective Allotments, or otherwise such Surplus shall be applied and disposed of in Manner directed by the said recited Act, with respect to Money to be paid for the Purchase or Exchange of Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the same Uses: Provided nevertheless, that in case the said Commissioners shall be of Opinion, that Part of the old inclosed Lands of any such Owners may be conveniently set out for the Tythes of the said Homesteads, Gardens, Orchards, and old Inclosures, instead of having the same charged with the Payment of any Sum of Money as aforesaid, then the said Commissioners shall and they are hereby required to set out such Part of the said old inclosed Lands accordingly, as shall in their Judgement be equal in Value to the Tythes of the Homesteads, Gardens, Orchards, and old Inclosures of such Owners respectively, according to the Share and Proportion next herein-after directed to be set out for Tythes thereof; and the Land so to be set out from any such old inclosed Lands, or other Lands and Grounds, shall be deemed Part of the Lands to be divided, allotted, and inclosed by virtue of this Act.

Directing in what Manner Compensation for Tythes, &c. shall be made.

XIV. And be it further enacted, That the Compensation and Satisfaction to be made under and by virtue of this Act, for and in lieu of Tythes, Moduses, and other Dues in lieu of Tythes, shall be as follows; that is to say, in all Cases where Great and Small Tythes are payable, it shall be equal in Value to One-fifth Part of all the Land within the Ring Fence of the said Open Arable Fields, to One-eighth Part of all the said Open Pastures, Moors, Commonable and Waste Lands and Grounds (after setting out such Roads and Allotments (if any) for Repairs thereof as aforesaid) and also to One-seventh Part of the Open Meadows, and of all the Scites of the Homesteads, Gardens, Orchards, and ancient inclosed Lands, out of which the said Great and Small Tythes shall issue; and in such Cases where Tythes are only partially due and payable, it shall be such as in the Judgement of the said Commissioners, having due Regard to the Proportions aforesaid, shall be a full Equivalent and Satisfaction for such Tythes as are due and payable, and for all Moduses and other Dues in lieu thereof.

Compensation for Tythes, &c.

XV. And be it further enacted, That all Allotments of Land which shall be set out or allotted by the said Commissioners, as a Compensation for

to be fairly and impartially made.

for Tythes, Moduſes, or other Dues in lieu of Tythes, ſhall be fairly and impartially proportioned and divided by the ſaid Commiſſioners, amongſt the ſaid *George Healey*, his Heirs and Aſſigns, and the ſaid *Thomas Smith* and *Robert Sheffield*, and their reſpective Succeſſors, according and conformable to their ſeveral and reſpective Rights and Intereſts therein.

Tythes of ſuch Incloſures (if any) as belong to the Pariſh of Weſt Halton to remain unaltered.

XVI. Provided always, and be it enacted, That nothing herein contained ſhall authorize the ſaid Commiſſioners to make any Allotment or Satisfaction for the Tythes ariſing and payable out of ſuch ancient Incloſure or Incloſures in *Croſby* aforeſaid (if any) which are within the Pariſh of *Weſt Halton*, in the ſaid County of *Lincoln*; but all ſuch laſt-mentioned Incloſures (if any) ſhall remain and continue liable to the Payment of Tythes, in like Manner as if this Act had not been made.

Allotments to George Healey, Eſquire, not to comprize any Part of the Weſt Common Paſture.

XVII. Provided always, and be it enacted, That the Allotments to be made to the ſaid *George Healey* as Impropriator or Owner as aforeſaid, ſhall not be ſet out in or comprize any Part of the Weſt Common Paſture in *Croſby* aforeſaid; and that the ſaid Commiſſioners, in making their Valuation of the Proportion of the Lands within the ſaid Weſt Common Paſture in *Croſby*, which the ſaid *George Healey* might or would have been entitled to but for the Reſtriction herein contained, ſhall have Regard to the Improvement whereof the ſame might be capable, by being warped by means of the Waters of the River *Trent*, having alſo Regard to the Expences which might attend the ſame, and ſhall accordingly give to the ſaid *George Healey*, his Heirs and Aſſigns, a Recompence and Satisfaction for the ſame, in the Allotments to be aſſigned to him and them; and that the Allotments to be made to the ſaid *Thomas Smith* as Vicar as aforeſaid, ſhall be ſet out in the Fields of *Croſby* aforeſaid, as near or convenient to his Vicarage Houſe in *Frodingham* aforeſaid as conveniently may be.

Situation of Allotments to the Vicar of Frodingham.

Allotment for Tythes to be Ring-fenced.

XVIII. And be it further enacted, That the Outermoſt or Ring Fences of the Pieces or Parcels of Land to be allotted to the ſaid Impropriator, Vicar, and Rector reſpectively, in lieu of and as a Compenſation for all Tythes and Payments as aforeſaid (except in ſuch Parts as ſhall be directed to be fenced by other Proprietors) ſhall be properly planted with good Hawthorn Quickſets, and guarded on both Sides with good Poſts and Three Rails high, the Poſts to be of Oak, and the Rails of Oak or Aſh, and ſufficient Ditches, and with good and ſubſtantial Carriage Gates and Stiles in the ſaid Fences where neceſſary, and in ſuch Manner as the ſaid Commiſſioners ſhall direct and appoint, all which Fences ſhall be made, planted, and guarded, and all which Gates ſhall be ſo made and hung by the Direction of the ſaid Commiſſioners, at the Expence of the reſt of the Proprietors of the ſeveral Lands and Grounds in and by this Act intended to be divided, allotted, and incloſed, and exonerated from the Payment of Tythes, and that all ſuch Fences and Gates of the ſaid ſeveral Allotments to be made to the ſaid Tythe Owners, and not ordered by the ſaid Commiſſioners to be repaired by any other Proprietor, ſhall, for ever after the firſt making thereof, be ſupported, maintained, and kept in Repair by the ſaid *George Healey*, his Heirs or Aſſigns, and the ſaid *Thomas Smith* and *Robert Sheffield*, and their Succeſſors reſpectively.

XIX. And

Allotment to the Lord of the Manor.

XIX. And be it further enacted, That the ſaid Commiſſioners ſhall in the next place ſet out and allot ſuch Piece or Pieces of Land, as ſhall be equal in Value to One-twentieth Part of the Reſidue of all the Common or Waſte Lands within the ſaid Townſhip, which are not ſeparate Property, and the Soil of which the Lord of the ſaid Manor of *Coneſby* is entitled to or intereſted in (after the Roads and Allotments for Repairs thereof, and for the Tythes of ſuch Common and Waſte Lands ſhall be deducted) unto the Lord of the Manor of *Coneſby* aforeſaid, in lieu of, and full Compenſation and Satisfaction for his and their Right of Soil in and to the ſaid Commons and Waſte Grounds hereby intended to be divided and incloſed, and which ſhall be accepted and taken accordingly.

Allotment of the Reſidue.

XX. And be it further enacted, That the ſaid Commiſſioners (after ſetting out Roads, and making the ſeveral Allotments aforeſaid) ſhall ſet out, allot, and award the Reſidue of all the ſaid Open and Unincloſed Lands and Grounds ſituate in the Townſhip of *Croſby* aforeſaid, and herein-before mentioned, and hereby intended to be divided and incloſed, unto and among the ſeveral Owners and Proprietors thereof and Perſons intereſted therein, in Proportion and according to their ſeveral and reſpective Parts, Shares, Rights, and Intereſts therein, ſuch Rights and Intereſts to be aſcertained by ſuch Ways and Means as to the ſaid Commiſſioners ſhall ſeem moſt juſt, reaſonable, and expedient.

Power to ſtop up, &c. Roads.

XXI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, with the Concurrence and Order of Two Juſtices of the Peace acting in and for the Parts of *Lindſey*, in the ſaid County in which the ſaid Townſhip is ſituated (ſubject to Appeal as in the ſaid recited Act is mentioned) to ſhut up, turn, or alter any ſuch old publick or private Roads or Ways within any Part of the old Incloſures in the ſaid Townſhip of *Croſby* aforeſaid, as they ſhall deem unneceſſary, and as they think proper; and ſuch Roads ſo ſtopped up, ſhall be deemed and taken as Part of the ſaid Lands and Grounds hereby intended to be divided, incloſed, and allotted, and ſhall be divided, incloſed, and allotted accordingly.

Reſpecting Freeboards.

XXII. And be it further enacted, That in all Caſes where any Part of the Lands to be divided and incloſed by virtue of this Act, ſhall adjoin to any Freeboard, or any Screed or Parcel of Land left on the Outſide of the Fences of any adjoining Pariſh, Townſhip, or Hamlet, which ſhall run into any of the Lands hereby intended to be divided and incloſed, the ſame ſhall be deemed to be Part of the Lands to be divided and incloſed by virtue of this Act, and ſhall be under the Controul and within the Juriſdiction of the ſaid Commiſſioners, and ſhall be divided, and apportioned and allotted by them in ſuch Manner as any other Land in the ſaid Townſhip of *Croſby* may be divided, proportioned, and allotted: Provided nevertheleſs, that ſuch Allotment when made for the ſaid Freeboard, ſhall be deemed to be Part of the Pariſh, Townſhip, or Hamlet, to which ſuch Freeboard did theretofore belong.

Cattle not to be grazed on the Roads for Ten Years.

XXIII. And be it further enacted, That it ſhall not be lawful for any Perſon or Perſons to graze or keep any Sort of Cattle whatſoever, in or upon any of the Roads to be ſet out by virtue of this Act or the ſaid recited Act, and which ſhall by the ſaid Commiſſioners be directed to be fenced,

fenced, for the Space of Ten Years next after the Execution of the Award of the ſaid Commiſſioners, on Pain of forfeiting and paying for every ſuch Offence any Sum not exceeding Forty Shillings, to be paid to ſuch Perſon or Perſons, and to be applied for ſuch Uſes and Purpoſes, as the ſaid Commiſſioners ſhall in and by their ſaid Award authorize and direct.

No Lambs or Sheep to be kept in the new Incloſures for Seven Years.

XXIV. And be it further enacted, That for the Space of Seven Years after the Execution of the Award of the Commiſſioners, no Lambs or Sheep ſhall be depaſtured or kept in any of the intended new Incloſures to be made under this Act, unleſs the Perſons ſo depaſturing or keeping ſuch Lambs or Sheep in ſuch new Incloſure or Incloſures, do at their own Expence effectually guard and fence their Neighbours Quickſets adjoining to ſuch Incloſures reſpectively, in which Lambs or Sheep ſhall be depaſtured and kept as aforeſaid, ſo as to prevent any Damage or Injury being done to ſuch Fences or Quickſets by any ſuch Lambs or Sheep; and that the Perſon ſo reſpectively depaſturing or keeping Lambs or Sheep in the ſaid new Incloſures, and neglecting or refuſing to guard their Neighbours Quickſets as aforeſaid, ſhall be liable in every Caſe to pay all ſuch Damages as ſhall be ſuſtained by any other Perſons whomſoever, by reaſon or on account of ſuch depaſturing and keeping Lambs or Sheep as aforeſaid, to be recovered by Action of Debt or on the Caſe, in any of His Majeſty's Courts of Record at *Weſtminſter*.

Tenants and Occupiers to reſign Poſſeſſion of allotted or exchanged Lands, receiving Satisfaction for any Loſs.

XXV. And be it further enacted, That all and every Tenant and Occupier under any Agreement or Letting at Rack Rent for any Term or Number of Years, or from Year to Year, of any Part of the ſaid Open Fields, Meadows, Paſtures, or Incloſures within the ſaid Townſhip of *Croſby* aforeſaid, which ſhall be allotted or exchanged by virtue of this Act, ſhall, immediately after the ſigning the Award of the ſaid Commiſſioners, or within ſuch other Time before or after the ſigning of the ſaid Award as the ſaid Commiſſioners ſhall appoint, and whereof Notice in Writing ſhall be given for that Purpoſe, give up and reſign the full and peaceable Poſſeſſion of ſuch allotted or exchanged Lands, and the old incloſed Lands and Tenements held therewith, to the Perſon or Perſons to or with whom the ſame ſhall be reſpectively allotted, exchanged, or belong to, ſuch reſpective Tenants and Occupiers of ſuch allotted or exchanged Lands, and old incloſed Lands and Tenements, receiving from the ſaid reſpective Owners and Proprietors thereof ſuch Satisfaction as the ſaid Commiſſioners ſhall aſcertain, order, direct, or appoint to be paid to ſuch Tenant or Tenants reſpectively on account thereof, as an Equivalent for the Loſs or Loſſes he, ſhe, or they ſhall reſpectively ſuſtain thereby, and alſo for and on account of their reſpective following or waygoing Crop (if entitled to any); and if the Money ſo to be aſcertained as aforeſaid, ſhall not be paid to the Perſon or Perſons entitled to receive the ſame, within Fourteen Days after Demand made thereof, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby required to raiſe and levy the ſame for the Uſe and Benefit of the Perſon or Perſons entitled thereto, by ſuch Ways and Means as the Coſts, Charges, and Expences of obtaining and executing this Act may be raiſed and recovered, or the ſame may be recovered by an Action of Debt or on the Caſe, in any of His Majeſty's Courts of Record at *Weſtminſter*.

XXVI. And

Lands to enure to the ſame Uſes.

XXVI. And be it further enacted, That all and every the Allotment and Allotments to be made by virtue of this Act, in or upon the ſaid Lands and Grounds hereby directed to be divided and incloſed, and all and every the Meſſuages, Lands, Tenements, or Hereditaments allotted under and by virtue of the ſaid recited Act and this Act, ſhall, from and after the making and executing of the Award of the ſaid Commiſſioners, be held under and ſubject to the ſame Tenures, Services, Rents, Chief Rents, Quit Rents, Covenants, Settlements, Charges, Terms, Clauſes, and Proviſoes, as the Lands and other Property in reſpect of which they were ſo allotted ſhall be ſubject and liable to at the Time of ſuch Diviſion and Incloſure.

Wills and Settlements not to be affected.

XXVII. Provided always, and be it enacted, That nothing in this Act contained ſhall extend or be conſtrued to extend to revoke, make void, alter, or annul any Will or Settlement or to prejudice any Perſon or Perſons having any Right or Claim of Dower, Jointure, Portion, Debts, Rents, or Incumbrances, out of, upon, or affecting any of the Meſſuages, Buildings, Lands, or Grounds to be divided, allotted, incloſed or exchanged, or any Part or Parts thereof reſpectively; but the reſpective Perſons to whom any Lands, or Hereditaments ſhall be allotted or given in exchange by virtue of this Act, ſhall be ſeiſed thereof to ſuch and the ſame Uſes, and for ſuch and the ſame Eſtates, and ſubject to ſuch and the ſame Wills, Jointures, Rents, Charges, and Incumbrances, and no other, as the Meſſuages, Buildings, Lands, Grounds, and Hereditaments whereof ſuch Perſon was ſeiſed or poſſeſſed at or immediately before the Execution of the Award to be made by the ſaid Commiſſioners, and for which or in reſpect whereof ſuch Allotment or Exchanges ſhall be made, would have been ſubject to be charged with or affected by in caſe this Act had not been made.

Directing where the Award ſhall be depoſited.

XXVIII. And be it further enacted, That the Award to be made by the ſaid Commiſſioners, when inrolled in Manner directed by the ſaid recited Act, ſhall be depoſited in the Pariſh Church of *Frodingham* aforeſaid, or in ſuch other Place as the ſaid Commiſſioners ſhall appoint.

For paying the Expences of this Act.

XXIX. And be it further enacted, That the Charges and Expences incident to and attending the obtaining and paſſing of this Act, and of ſurveying, meaſuring, dividing, and allotting the ſaid Lands and Grounds hereby intended to be divided and incloſed, and of the old or preſent incloſed Lands, and of preparing and inrolling the Award of the ſaid Commiſſioners, with the Map or Plan of the ſaid Townſhip of *Croſby* to be thereto annexed, and of fencing and incloſing all the ſeveral Allotments to be made for or in reſpect of Tythes, Moduſes, Compoſitions, or other Dues in lieu thereof, in Manner herein-before directed, and alſo the Charges of the ſaid Commiſſioners, and of the ſeveral Perſons to be employed by them, either before or after the executing their ſaid Award, and all other Coſts and Charges attending the Execution of this Act, ſhall be paid, borne, and defrayed by all the Owners and Proprietors of and Perſons intereſted in the ſaid Lands and Grounds ſo hereby directed to be divided and incloſed as aforeſaid; and the preſent incloſed Lands and Grounds to be exonerated from Tythes by virtue of this Act (other than and except the ſaid *George Healey*, his Heirs and Aſſigns, and the ſaid *Thomas Smith* and *Robert Sheffield*, and their reſpective

reſpective Succeſſors, in reſpect to the Allotments to be made in lieu of Tythes, and of Moduſes, Compoſitions, or other Payments in lieu thereof, who are hereby diſcharged from any ſuch Expences in reſpect of the ſame Allotments, and ſuch Perſon or Perſons to whom any Allotment or Allotments ſhall be aſſigned from which any Deduction ſhall be made for ſuch Expences) in ſuch Proportions as the ſaid Commiſſioners ſhall direct or appoint, by any Rate or Rates to be made and ſigned by them; and the Sums of Money to be thereby aſſeſſed, ſhall be paid to ſuch Perſon or Perſons, and at ſuch Time and Place as the ſaid Commiſſioners ſhall order and direct by their ſaid Award, or by any Writing ſigned by them, either before or after the Execution of the ſaid Award; and in caſe of Non-payment thereof, the ſame ſhall be recovered by the Ways and Means preſcribed by the ſaid recited Act.

For making Exchanges.

XXX. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners to ſet out, allot, and award any old incloſed Lands, Tenements, or Hereditaments whatſoever, within the ſaid Townſhip of *Croſby* aforeſaid, in lieu of and in exchange for any other Lands, Tenements, and Hereditaments whatſoever, within the ſaid Townſhip, or within any adjoining Pariſh, Hamlet, Manor, Townſhip, or Place; provided that all ſuch Exchanges of any Meſſuages, Tenements, Dwelling Houſes, or Homeſteads, and of all Gardens, Orchards, and old Incloſures adjoining thereto, be made with the Conſent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, or Hereditaments which ſhall be ſo exchanged, whether ſuch Owner or Owners, Proprietor or Proprietors, ſhall be a Body or Bodies Politick, Corporate, or Collegiate, or a Tenant or Tenants in Fee Simple, or for Life, or in Fee Tail General or Special, or by the Courteſy of *England*, or for Years determinable on any Life or Lives, or with the Conſent of the Guardians, Truſtees, Feoffees for charitable or other Uſes, Huſbands, Committees, or Attornies of or acting for any ſuch Proprietors or Owners as aforeſaid, who at the Time of making ſuch Exchange or Exchanges ſhall be reſpectively Infants, Femes Covert, Lunaticks, or under any other legal Diſability, or who ſhall be beyond the Seas, or otherwiſe diſabled to act for themſelves, himſelf, or herſelf, ſuch Conſent to be teſtified in Writing under the Common Seal of the Body Politick, Corporate, or Collegiate, and under the Hands of the other conſenting Parties reſpectively; and all and every Exchange and Exchanges ſo to be made, ſhall be good, valid, and effectual in the Law to all Intents and Purpoſes whatſoever: Provided nevertheleſs, that no Exchange ſhall be made of any Lands, Tenements, or Hereditaments held in Right of any Church, Chapel, or other Eccleſiaſtical Benefice, without the Conſent, teſtified as aforeſaid, of the Patron of ſuch Church, Chapel, or Benefice, and alſo of the Lord Biſhop of the Dioceſe in which ſuch Lands, Tenements, or Hereditaments ſo to be exchanges ſhall lie and be ſituate; and all ſuch Exchanges ſhall be aſcertained, ſpecified, and declared in the Award of the ſaid Commiſſioners.

Coſts of Exchanges by whom to be paid.

XXXI. 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, in ſuch Manner and in ſuch Proportions as the ſaid Commiſſioners ſhall by their Award order or direct.

XXXII. And

Commissioners to account.

XXXII. And be it further enacted, That once at least in 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 hereby required to make a true and just Statement or Account of all Sums of Money by them received and expended, or due to them for their own Trouble or Expences in the Execution of this Act; and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by them laid before any One or more of His Majesty's Justices of the Peace for the Parts of *Lindsey*, in the said County of *Lincoln*, to be by him or them examined and balanced, and such Balance shall be by the said Justice or Justices stated in the Book of Accounts to be kept in the Office of the Clerks of the said Commissioners; and no Charge or Item in such Accounts shall be binding on the Parties concerned or valid in the Law, unless the same shall have been duly allowed by such Justice or Justices.

Allowing an Appeal.

XXXIII. 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 this or the said recited Act (other than and except in such Cases where the Orders and Determinations of the said Commissioners, by the said recited Act or this Act, are directed to be final and conclusive, and except in Cases where an Issue at Law shall be tried as herein-before mentioned) then and in every such Case he, she, or they may appeal to the next General Quarter Sessions of the Peace which shall be holden for the Parts of *Lindsey*, in the said County of *Lincoln*, within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioners Fourteen Days Notice of such Appeal; and the Justices at the said next General Quarter Sessions are hereby authorized, empowered, and required to hear and determine the Matter of every such Appeal, and to make such Order therein, and award such Costs and Damages, as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs and Damages 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) on Demand to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale; which Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed by a Writ of *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere.

General Saving.

XXXIV. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person and Persons, Bodies Politick, Corporate, and Collegiate, his, her, and their Heirs, Successors, Administrators, and Assigns (other than and except such Bodies Corporate, Politick, and Collegiate, and such Person and Persons, his, her, and their Heirs, Successors, Executors, Administrators, and Assigns, to whom any Allotment or Allotments shall be made by virtue of this Act, for and in respect of such Rights and Interests as are hereby intended to be barred, destroyed, and extinguished, and all Persons claiming by, from, or under, or in Remainder after them, or any of them respectively) all such Right, Title, Estate, and Interest, as they, every, or any of them had or enjoyed of, in, to, over, or in respect of

the ſaid Open Fields, Meadows, Paſtures, Commonable, Waſte and Unincloſed Lands and Grounds reſpectively, before the paſſing of this Act, or could or ought to have enjoyed in caſe the ſame had not been made.

Act may be given in Evidence.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1807.