ANNO QUINQUAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 159.

An Act for incloſing, draining, and exonerating from Tythes, Lands in the Lordſhip of *North Kelſey*, in the County of *Lincoln*. [22d *June* 1813.]

WHEREAS there are within the Lordſhip and in the Pariſh of *North Kelſey*, in the County of *Lincoln*, ſeveral open and unincloſed Common Fields, Meadows, Paſtures, Moors, Cars, Commonable Lands, and Waſte Grounds, diſtinguiſhed by ſeveral Names, and computed to contain together about Three thouſand Acres; and alſo divers Homeſteads and other incloſed Lands, computed to contain One thouſand Acres, or thereabouts: And whereas there are alſo within the ſaid Lordſhip of *North Kelſey*, but in the Pariſh of *South Kelſey*, in the ſaid County of *Lincoln*, certain other open and unincloſed Common Fields, Meadows, and Paſtures, diſtinguiſhed by ſeveral Names, and computed to contain together about Three hundred and ſixty-nine Acres; alſo certain incloſed Lands, eſtimated to contain about Four Acres; and a ſmall Piece or Parcel of Waſte Ground adjoining on the ſaid Common Fields: And whereas by an Act paſſed in the Fifty-firſt Year of the Reign of His preſent Majeſty, intituled, *An Act for incloſing Lands in or belonging to the Pariſhes of* Caiſtor, North Kelſey, South Kelſey, Clixby, Graſby, *and* Searby-cum-Owmby, *in the County of* Lincoln, after reciting (amongſt other Things) that there were within or belonging to the ſaid Pariſhes, Townſhips, or Places of *Caiſtor*, *North Kelſey*, *Clixby*, *Graſby*, and *Searby cum-Owmby*, certain Commons, Moors, 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 thereto

51 G. 3. c. 129.

thereto belonging, within the ſaid ſeveral Pariſhes, Townſhips, or Places, had for Time immemorial enjoyed Right of Common; and that there were within the ſame ſeveral Pariſhes, Townſhips, or Places, 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 were Commonable for the Owners and Occupiers of ancient Meſſuages, Cottages, Tofts, 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; it is by the Act now in recital (amongſt other Things) enacted, that after the Commiſſioners in the ſaid Act named, or appointed by virtue thereof, ſhould have ſet out Lands for the public Roads, Ways, and Drains, and when they ſhould have holden a Meeting for the Purpoſe of receiving Requiſitions for Compenſations in the Parochial Allotments therein and hereinafter mentioned, for Lands, Rights, and Intereſts in the ſaid Meadow called *Smithfield*, in the Manner in the ſaid Act preſcribed, they ſhould 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 ſhould 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*, and *Searby-cum-Owmby* aforeſaid, which Parts or Shares ſhould be regulated and aſcertained, and ſhould 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 were 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 Grounds, and the ſaid Meadow called *Smithfield* in reſpect of the ſame; and that in ſetting out ſuch Allotments to the ſaid ſeveral Pariſhes, Townſhips, or Places, the ſaid Commiſſioners ſhould 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 ſhould be ſet out or allotted to, for, or in reſpect of each of the ſaid Pariſhes, Townſhips, or Places, ſhould 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 ſhould by their Award declare the ſame to be and lie reſpectively: And it is by the now reciting Act alſo enacted, That the ſaid Commiſſioners ſhould ſet out, allot, and award in Severalty unto the ſaid ſeveral Owners and Proprietors of Lands and Grounds, Rights and Intereſts in the Meadow, called *Smithfield*, for which Compenſation ſhould not have been made in ſome other General or Parochial Diviſion by virtue of the ſaid reciting Act, as therein is mentioned, ſo much and ſuch Part and Parts of the Parochial Diviſion thereinbefore directed to be allotted unto or for the ſaid Pariſh of *North Kelſey*, as in the

the Judgment of the ſaid Commiſſioners ſhould be a juſt and adequate Compenſation to each of the ſaid Owners or Proprietors, Lands and Grounds, Rights and Intereſts therein; but ſubject neverthleſs 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: And it is by the Act now in recital further enacted, That ſuch Parcels of the ſaid Meadow, Commons, Moors, and Waſte Grounds, as ſhould be ſet out by the ſaid Commiſſioners as and for the General or Parochial Diviſion of or for the ſaid Pariſh of *North Kelſey*, ſhould (except ſo much and ſuch Part and Parts thereof as ſhould 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 ſhould be and for ever continue veſted in the Lord of the Manor of *North Kelſey* aforeſaid for the Time being; and the ſaid Parochial Allotment ſhould be ſubject to the Payment of ſuch Tythes to the Impropriator and Vicar of *North Kelſey* aforeſaid, as the other Lands within the ſaid Pariſh were by Law ſubject and liable to: And, whereas the Commiſſioners named in and appointed by the ſaid in part recited Act have begun to put the ſame into Execution, but have not yet made the Parochial Diviſions thereby directed as aforeſaid: And whereas *John Nelthorpe* Eſquire is Lord of the Manor or Lordſhip of *North Kelſey* aforeſaid, and in right thereof is ſeiſed of or intereſted in the Soil of all the Commonable Waſte and unknown Lands or Grounds within the ſame Manor or Lordſhip, and alſo claims to be entitled to or intereſted in the Soil of the ſaid Parochial Allotment when ſet out for the ſaid Pariſh of *North Kelſey* by virtue of the ſaid in part recited Act (except ſuch Part or Parts thereof as ſhall be allotted in Severalty as aforeſaid, in reſpect of the ſaid Meadow called *Smithfield*); and is alſo a Proprietor of certain Meſſuages, Cottages, Tofts, or Toftſteads, Lands, Grounds, and Rights of Common within the ſaid Lordſhip of *North Kelſey*: And whereas *Jacob Henry Brooke Mountain* Clerk, as Prebendary of the Prebend of *North Kelſey* aforeſaid, founded in the Cathedral Church of the Bleſſed Virgin *Mary* of *Lincoln*, is Impropriator of the Rectory of *North Kelſey* aforeſaid, and as ſuch Claims to be entitled to the Tythes of Corn and Grain yearly ariſing or payable within the ſaid Pariſh of *North Kelſey*, and alſo to the Tythe of Hay, Wool, Lamb, and of the Agiſtment of certain Cattle yearly, ariſing or payable within the ſaid Pariſh of *North Kelſey*, and is alſo entitled to certain unincloſed Lands and Right of Common within the ſaid Lordſhip; and *John Sexty* Eſquire (in right of *Urſula Jane* his Wife) is Leſſee of the ſaid Rectory for Three Lives; and the ſaid *Jacob Henry Brooke Mountain* in right of his ſaid Prebend is Patron of the Vicarage and Pariſh Church of *North Kelſey* aforeſaid; and *Robert Bingham* Clerk is Vicar thereof, and as ſuch claims to be entitled to certain unincloſed Lands and Right of Common within the ſaid Lordſhip, and to all Agiſtment Tythe (or ſuch Portion thereof as is not payable to the ſaid Impropriator), and to the Tythe of Pigs, Geeſe, Chickens, Seedrape, Gardens, and other Vicarial Tythes yearly ariſing or payable within the Pariſh of *North Kelſey* aforeſaid: And whereas the King's moſt Excellent Majeſty in right of His Crown, and *Philip Skipworth* Eſquire, are alternate Patrons of the Rectory of *St. Mary South Kelſey* aforeſaid,

with

with *Saint Nicholas South Kelsey* annexed; and *Thomas Francis Twigge* Clerk, is Rector of the said Rectory, and as such is entitled to the Tythe of Corn, Grain, and Hay, and all other Tythes arising or payable upon or from the said Lands within the said Parish of *South Kelsey*, and also to certain unincloſed Lands lying within the Lordship of *North Kelsey* aforesaid: And whereas *William Beauclerk* Esquire, commonly called the Right Honourable Lord *William Beauclerk*, Sir *Henry Nelthorpe* Baronet, the said *Philip Skipworth*, and *George Tennyson* Esquire, *Samuel Turner* Clerk, *Thomas Frear*, *William Popple*, *George Cuthbert*, *John Cox*, and *Thomas Drayton*, or some of them, are, together with other Persons, the Owners of the Residue of the said several ancient and other incloſed Lands, Messuages, Cottages, Tofts, or Toftsteads, Rights of Common, Open and Common Fields, Meadows, Pastures, and other Grounds, being separate Property, and would also be entitled to Rights of Common and other Rights in the said Parochial Allotment of *North Kelsey* aforesaid, when set out in different Proportions:
41 G. 3. c. 109. 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 Persons interested in the said open and unincloſed Common Fields, Meadows, Pastures, Moors, Cars, and other Commonable Lands and Waste Grounds, and in the said Parochial Allotment so intended to be made for *North Kelsey* as aforesaid, if the same were divided and allotted unto and among them according to their respective Rights and Interests therein, to be held in Severalty, and if Compensations were made in lieu of the Tythes thereof, and of the ancient and other Inclosures within the said Lordship; but as the same cannot be effected without the Aid and Authority of Parliament; may it 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 said County of *Lincoln*, and *Richard Fowler* of the City of *Lincoln*, Gentleman, and their Successors to be appointed in Manner hereinafter mentioned, shall be, and they are hereby appointed Commissioners for valuing, dividing, and allotting all the said Open and Common Fields, Meadows, Pastures, Moors, Cars, Commonable Lands, and Waste Grounds within the Lordship of *North Kelsey* aforesaid, and the said Parochial Allotment, when made, to and for the said Parish of *North Kelsey*, and for carrying this Act into Execution.

Power to appoint new Commissioners. II. Provided always, and be it further enacted, That if the said *John Burcham*, or any Commissioner to be appointed in his Place as hereinafter mentioned, shall before the Execution of all the Powers and Authorities hereby vested in him, die, refuse, or become incapable of acting in the Execution of this Act, then and in every such case, it shall be lawful for the Impropriator and Vicar of the said Parish of *North Kelsey*, and the Rector of the Rectory aforesaid, for the Time being respectively, or a Majority of them in Number, and they or such Majority are hereby required, within Two Calendar Months next after such Death, Refusal, or Incapacity, by Writing under their Hands, to appoint

appoint some other fit Person (not interested in the said Division and Inclosure) to be a Commissioner in the Stead of the said *John Burcham*, or such other Commissioner hereafter appointed in his Place, so dying, refusing, or becoming incapable of acting, as aforesaid; and if the said *Richard Fowler*, or any Commissioner to be appointed in his Place, as hereinafter mentioned, shall, before the Execution of all the Powers and Authorities hereby vested in him, die, refuse, or become incapable of acting in the Execution of this Act, then, and in every such Case, it shall be lawful for the Person or Persons entitled to, or interested in the Soil of the Commonable Waste and unknown Lands (including the said Parochial Allotment for *North Kelsey* aforesaid) intended to be divided, inclosed, and improved by virtue of this Act, and the major Part in Value of such other Persons being Proprietors (interested in the said Division and Inclosure) of Messuages, Cottages, Tofts or Toftsteads, Lands and Grounds, and of such Lands and Grounds as may be set out in Severalty, as aforesaid, within the said Parochial Allotment, if then made, such Value to be ascertained by the then last Land Tax Assessment (except the said Impropriator, Vicar and Rector for the Time being) as shall be present at any Meeting to be convened for that Purpose, within Two Calendar Months next after such Death, Refusal or Disability shall happen, Eight Days' Notice at least of such Meeting having been given in the *Lincoln*, *Rutland*, and *Stamford Mercury*, or some other Paper circulating in the said County of *Lincoln*, and also by Writing to be affixed on one of the principal outer Doors of the Parish Church of *North Kelsey* aforesaid, and they are hereby required, by Writing under their Hands, to appoint some other fit Person, not interested in the said Division and Inclosure, to be a Commissioner in the Stead of the said *Richard Fowler*, or such other Commissioner hereafter appointed in his Place, so dying, refusing, or becoming incapable of acting, as aforesaid; 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, Refusal, or Disability of any such Commissioner, as aforesaid, then it shall be lawful for the surviving or remaining Commissioner, and he is hereby required, by Writing under his Hand, immediately on the Expiration of the said Period of Two Calendar Months, or so soon afterwards as conveniently may be, to appoint some other fit Person to be a Commissioner in the Stead of the Commissioner who shall have died, refused, or become incapable to act, as aforesaid; and that every such Commissioner so to be appointed in the Place of the said *John Burcham* or *Richard Fowler*, as aforesaid, shall have the like Powers and Authorities for carrying this Act into Execution, as fully in all Respects as if he had been hereby named and appointed; and every such Appointment shall be annexed to, and inrolled with the Award of the said Commissioners.

Umpire.

III. And be it further enacted, That if any Dispute or Difference shall arise between the said Commissioners acting in the Execution of this Act, respecting the Division and Allotments hereby directed to be made, or any of the Claims, Rights, or Interests of the Proprietors thereof, or any other Matter or Thing relating thereto, or to the Execution of this, or the said recited Act of the Forty-first Year of His said Majesty's Reign, then, and in every such Case, such Dispute and Difference shall be forthwith reduced into Writing, and signed by

by the said Commissioners, and the same shall be thereupon referred to *Richard Parkinson* of *Asgarby*, in the said County of *Lincoln*, Gentleman; or in case of the Death, Refusal, or Disability to act of the said *Richard Parkinson*, or of any other Umpire appointed in his Stead, as hereinafter mentioned, then to such fit Person, not interested in the said Division and Inclosure, as the said Impropriator, Vicar and Rector for the Time being, the Person or Persons entitled to or interested in the Soil aforesaid, and the major Part in Value of the Proprietors of Messuages, Cottages, Tofts and Toftsteads, Lands and Grounds within the said Lordship of *North Kelsey*, interested in the said Division and Allotment, such Value to be ascertained as hereinbefore is directed (except the Owner or Owners of the Soil aforesaid, and the said Impropriator, Vicar and Rector for the Time being, in respect of any such Hereditaments) who shall be present at any Meeting to be convened for that Purpose within the Time and in the Manner hereinbefore mentioned, appoint by Writing under their Hands, as often as there shall be Occasion; and they are hereby required, from Time to Time, so to appoint some such fit Person to be an Umpire in the Room of the said *Richard Parkinson*, or such other Umpire so dying, refusing, or becoming incapable of acting, as aforesaid: And in case the said respective Parties, or any of them, shall make Default in appointing any such new Umpire within Two Calendar Months next after the Death, Refusal, or Disability of any such Umpire as aforesaid, then it shall be lawful for the Commissioners for the Time being, and they are hereby required, by Writing under their Hands, immediately on the Expiration of the said Period of Two Calendar Months, or as soon afterwards as conveniently may be, to appoint some other fit Person to be Umpire in the Stead of the Umpire who shall have so died, refused, or become incapable of acting, as aforesaid; and that any such Umpire so to be appointed, shall have the like Powers and Authorities for carrying this, and the said recited Act into Execution, as fully in all Respects as if he had been named and appointed Umpire in and by this Act; and the Determination of such Umpire in Writing under his Hand, upon every such Dispute and Difference, shall be deemed and taken to be the Determination of the said Commissioners.

Umpire and Surveyor to to take an Oath.

IV. Provided always, and be it further enacted, That no Person shall be capable of acting as Umpire or Surveyor in the Execution of this Act, until he shall have taken and subscribed an Oath, in the Form following; (that is to say),

'I *A. B.* do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the Trusts, Powers, and Authorities vested and reposed in me as Umpire [*or* Surveyor, *as the Case may be*] by virtue of an Act passed in the Fifty-third Year of the Reign of King *George* the Third, intituled [*here set forth the Title of this Act*] according to Equity and good Conscience, and without Favour or Affection, Prejudice or Partiality to any Person or Persons whomsoever. So help me GOD.'

Which Oath either of the said Commissioners is hereby empowered and required to administer; and such Oath, when so taken and subscribed by every such Umpire and Surveyor as aforesaid, and also the Appointment of every such new Umpire and Surveyor, shall be annexed to, and inrolled with the Award of the said Commissioners.

V. And

V. And be it further enacted, That each of the said Commissioners shall be allowed and paid the Sum of Five hundred Pounds, and no more, for attending in the Execution of this and the said last recited Act, and for travelling to and from the Meetings held for that Purpose, and the same shall be in full Satisfaction for all the Expence, Time, and Trouble whatever which he shall personally incur, expend, or be put unto thereat, therein, or thereby, or otherwise, in the Execution of the Trusts and Powers hereby reposed in him; and that the said Umpire shall, when called in by the said Commissioners in case of any such Dispute or Difference as aforesaid, be allowed the Sum of Two Pounds Twelve Shillings and Sixpence, and no more, for every Day he shall be necessarily attending in the Execution of this and the said last recited Act, and in necessarily travelling to and from the said Meetings, and the same shall be in full Satisfaction for all the Expence, Time, and Trouble which he shall in any Manner personally incur, expend, or be put unto in the Execution of the Trusts hereby reposed in him; and that the Surveyor to be appointed by the said Commissioners shall be allowed the Sum of Two hundred Pounds, and no more, for surveying and admeasuring the said ancient and other inclosed Lands within the said Lordship of *North Kelsey*, for surveying, admeasuring, and allotting the said Lands and Grounds hereby directed to be divided and allotted, and for making two neat Plans, to be approved by the said Commissioners, of the said Lands and Grounds when allotted, and of the said ancient and other inclosed Lands and Grounds within the said Lordship, and such other Maps, Sketches, and Plans as the said Commissioners may think necessary; also for his Attendances on the Commissioners, and their Solicitors and Clerks, and giving Instructions for the said Award, and the same shall likewise be in full Satisfaction for all the Expence, Time, and Trouble which he shall in any other Manner personally incur, expend, or be put unto in the Execution of his Duty as Surveyor, as aforesaid; and that the Sum of Four hundred Pounds a-piece, Part of the said Sum of Five hundred Pounds (so directed to be paid to the said Commissioners) shall be paid to them when and so soon as they shall have set out the several Allotments hereby directed to be made; and that the further Sum of One hundred Pounds a-piece (Residue of the said Sum of Five hundred Pounds), and the said Sum of Two hundred Pounds, hereinbefore directed to be paid to the said Surveyor, shall not be allowed to the said Commissioners and Surveyor respectively, until after the Execution and Inrolment of the said Award: And in case of any new Commissioner or Commissioners, Surveyor or Surveyors, being so appointed, as aforesaid, the same several Sums shall be divided respectively between or among the Persons who shall have acted in the same Place, Situation, and Capacity (the Executors or Administrators of such of them as may be dead receiving their or his Share or Shares), in such Proportions and Manner as shall, by the Person acting as Auditor for the Time being of the Accounts of the said Commissioners under and by virtue of this Act as hereinafter expressed, be settled, adjusted, and determined (with due Regard to the Expence, Time, and Trouble incurred and expended by each of such Commissioners or Surveyors,) in and by some Writing under his Hand and Seal. Allowance to the Commissioners, Referee, and Surveyor.

VI. And be it further enacted, That the said Commissioners shall, and they are hereby required to cause Notice of the Time and Place of their Meetings. Notice of

First,

First and every other Meeting for carrying this and the said recited Act into Execution, to be inserted in the *Lincoln*, *Rutland*, and *Stamford Mercury*, or some other Newspaper circulating within the said County of *Lincoln*, Eight Days at least before every such Meeting (Meetings by Adjournment only excepted), and shall hold all their Meetings, whether by Adjournment or otherwise, at or within the Distance of Eight Miles from the Boundary of the said Lordship of *North Kelsey*, such Distance to be calculated on a straight Line supposed to be drawn from the same Boundary; and the said Commissioners are hereby authorized to adjourn from Time to Time; and if at any Meeting by Adjournment, or otherwise, only One Commissioner shall attend, such Commissioner shall and may adjourn such Meeting to a future Day, not exceeding Twenty-one Days from such Adjournment, giving Notice thereof to the absent Commissioner.

Other Notices.

VII. Provided always, and be it further enacted, That all other Notices necessary to be given in the Execution of this or the said recited Act of the Forty-first Year of the Reign of His said Majesty, shall be given in the *Lincoln*, *Rutland* and *Stamford Mercury*, or in some other Newspaper circulating in the said County of *Lincoln*, and shall be affixed on the most public outer Door of the Parish Church of *North Kelsey* aforesaid.

Commissioners to settle Disputes.

VIII. And be it further enacted, That in case any Dispute or Difference shall arise between any of the Parties interested, or claiming to be interested in the said intended Division and Allotment, touching or concerning the respective Rights or Claims of them, or any of them, or touching or concerning any other Matter or Thing relating to the said Division and Allotment, it shall be lawful for the said Commissioners, and they are hereby authorized and required to examine into, hear, and determine the same: Provided always, that nothing in this Act contained, shall authorize the said Commissioners or their Umpire to determine the Title to any Messuages, Cottages, Lands, Tenements, or Hereditaments whatsoever.

Commissioners not to determine Titles.

Commissioners to assess Costs.

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 or the said recited Act of the Forty-first Year of His said Majesty's Reign, or upon the Hearing or Determination of any such Dispute or Difference, as aforesaid, 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, or Body or Bodies Politic, Corporate or Collegiate, whose Claim or Claims, Objection or Objections, shall be thereby disallowed or overruled, or against whom the said Commissioners shall have determined, as aforesaid; and in case the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who shall become 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

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, Body or Bodies Politic, Corporate, and Collegiate, ſo neglecting or refuſing to pay the ſame, rendering the Surplus (if any), upon Demand, to the Perſon or Perſons, Body or Bodies Politic, Corporate or Collegiate, whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold, after deducting the Coſts and Charges of ſuch Diſtreſs and Sale: Provided nevertheleſs, that in caſe the Perſon or Perſons, Body or Bodies Politic, Corporate or Collegiate, whoſe Claim or Claims ſhall have been ſo diſallowed or over-ruled 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 diſallowed or over-ruled by the ſaid Commiſſioners, ſuch Perſon or Perſons, Body or Bodies Politic, Corporate or Collegiate, ſhall not be liable to the Payment of any ſuch Coſts or Charges as laſt aforeſaid.

X. Provided always, and be it further enacted, That in caſe any Perſon or Perſons, or Body or Bodies Politic, Corporate or Collegiate, intereſted or claiming to be intereſted in the ſaid intended Diviſion and Allotment, ſhall be diſſatisfied with any Determination of the ſaid Commiſſioners or their Umpire, touching or concerning any Rights or Intereſts, Matters or Things, in, over, upon, or relating to the Lands and Grounds hereby directed to be divided and allotted, or any Part thereof, or the Diviſion, Allotment, or Incloſure of the ſame, or touching or concerning any other Matter or Thing relating thereto, or to the ſaid ancient and other Incloſures, it ſhall be lawful for the Perſon or Perſons, or 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 then Firſt or at the Second Aſſizes to be holden for the ſaid County of *Lincoln* next after ſuch Determination; 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 or Umpire, ſhall and may, after objecting thereto by ſome Writing delivered to the ſaid Commiſſioners, or One of them, or to any Clerk of the ſaid Commiſſioners, cauſe an Action to be brought upon a feigned Iſſue againſt the Perſon or Perſons, Body or Bodies Politic, Coporate, or Collegiate, in whoſe Favour ſuch Determination ſhall have been made, within Two Calendar Months next after the ſame Determination; 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, Matters or Things thereby inſiſted on may be tried and determined (ſuch Iſſue or Iſſues to be ſettled by the proper Officer of the Court in which the ſaid Action or Actions ſhall be commenced, in caſe the Parties or their Attornies ſhall differ about the ſame); and the Verdict or Verdicts which ſhall be given upon the Trial of ſuch Action or Actions ſhall be binding, final, and concluſive upon all and every Perſon and Perſons, and Body or Bodies Politic, 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 ſuch Court to do in caſe the ſaid Court ſhall think proper; and it ſhall

alſo be lawful for the ſame Court, upon ſufficient Cauſe ſhewn, to put off the Trial of ſuch Iſſue, as is uſual in other Caſes; and that after ſuch Verdict or Verdicts ſhall be obtained, and not ſo ſet aſide as aforeſaid, the ſaid Commiſſioners ſhall, and they are hereby required to allow or diſallow the Claim or Claims, Right or Rights thereby determined, according to the Event of ſuch Trial or Trials, and otherwiſe act conformably thereto: Provided always, that the Determination of the ſaid Commiſſioners or Umpire, touching ſuch Claim or Claims, or other Rights or Intereſts, Matters or Things as aforeſaid, which ſhall not be ſo objected to as hereinbefore expreſſed, or being objected to, the Party or Parties objecting, not cauſing ſuch Action at Law to be brought and proceeded in within the Time and in the Manner aforeſaid, ſhall be final and concluſive upon all Parties: Provided alſo, that no ſuch Difference, Action, or Proceeding, nor any Difference or Suit touching the Title to any Lands or Rights whatſoever within the ſaid Lordſhip, ſhall impede or delay the ſaid Commiſſioners in the Execution of the Powers by this or the ſaid laſt recited Act veſted in them, but the Diviſion and Allotments hereby directed to be made ſhall be proceeded in as if no ſuch Difference or Suit had happened or were pending.

If any of the Parties die, Proceedings not to abate.

XI. Provided always, and be it further enacted, That if any of the Parties, Plaintiffs, or Defendants in any Action to be ſo 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 taken place.

Proviſion in caſe of Deaths of Parties before Actions 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, Body or Bodies Politic, Corporate, or Collegiate, 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 any 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 be thereupon incumbent on the Heir or Heirs, or other Perſon or Perſons who ſhall claim the Benefit of ſuch Determination as aforeſaid, to appear and defend ſuch Action or Actions in the Name or Names of the Perſon or Perſons ſo dead, and Proceedings ſhall be had therein in the ſame Manner, as if ſuch Perſon or Perſons had been actually living; and the Rights of all Parties ſhall be equally bound and concluded by the Event of ſuch Action or Actions.

Perſons in Poſſeſſion not to be moleſted without due Courſe of Law.

XIII. Provided alſo, and be it further enacted, That nothing in this Act contained ſhall extend to enable the ſaid Commiſſioners to determine any Right between any Parties contrary to the Poſſeſſion of any of ſuch Parties, except in Caſes of Encroachments made within the Period of Twenty Years, as hereinafter is mentioned; but in caſe the Opinion

Opinion of the ſaid Commiſſioners or their Umpire ſhall be 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.

Powers for Drainage.

XIV. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby authorized and required (by ſuch Agents, Workmen, and Labourers, as they ſhall think fit to employ) to enlarge, ſcour out, widen, or make deeper, all or any of the ancient or preſent Brooks, Ditches, Drains, Sewers, Watercourſes, Sluices, and Tunnels, in and upon any of the Lands and Grounds by this Act directed to be divided and allotted, or in and upon any of the old incloſed Lands or Grounds within the ſaid Lordſhip of *North Kelſey* aforeſaid, and to enlarge, raiſe, alter, improve, or rebuild all or any of the Bridges, Cloughs, Arches, Banks, or other Works already made within or upon the ſame; and alſo to ſet out, cut, erect, appoint, and make ſuch new Ditches, Drains, Sewers, Watercourſes, Banks, Tunnels, Sluices, Outlets, Gates, Engines, Cloughs, Bridges, and other Works, as they ſhall judge neceſſary, in, through, and over the ſaid Lands and Grounds hereby directed to be divided and allotted, and alſo in, through, and over any incloſed Lands (except Gardens, Orchards, and Homeſteads belonging to any Perſon or Perſons whomſoever within the ſaid Lordſhip of *North Kelſey*), making reaſonable Recompence and Satisfaction in Money to the Owners of ſuch incloſed Lands, for the Value of the Ground cut, covered, taken, or otherwiſe uſed for any of the Purpoſes aforeſaid, and alſo to ſuch Owner or Owners, or other Perſon or Perſons who may be prejudiced by any of ſuch Works, or in conſequence thereof, or by any Inundation occaſioned thereby, for the Loſs or Damage ſo ſuſtained; and the ſame ſhall be of ſuch Dimenſions and Form, and in ſuch Courſes and Directions, as the ſaid Commiſſioners ſhall think proper and expedient for protecting and defending the ſaid Lands and Grounds from the Upland Water that may be liable to overflow the ſame, and alſo for effectually draining and otherwiſe improving the ſaid Lands and Grounds: And for the better effecting ſuch Purpoſes, the ſaid Commiſſioners are hereby authorized and empowered to join and connect any of the Drains and Sewers to be made by virtue of this Act, with any Drains or Sewers made or to be made in any Pariſh or Place adjoining, or near to the ſaid Lordſhip of *North Kelſey*, into which Drains or Sewers there is or ſhall be any legal Right to drain Waters from any Lands or Grounds within the ſame Lordſhip; and to make any Contracts or Agreements with the Owners of any Drains, Sewers, or other Works for that Purpoſe; and alſo to agree with the Proprietors of any Drains, Cloughs, or other Works of Drainage in any adjoining Pariſhes or Places, for the Purchaſe of any ſuch Works for the Purpoſes aforeſaid, or otherwiſe to agree for the Uſe and Benefit of any ſuch Drains, Cloughs, or other Works, either already made, or hereafter to be made, enlarged, or improved, in any ſuch adjoining Pariſhes or Places, for ſuch Time and Times, and upon ſuch Terms and Conditions as the ſaid Commiſſioners ſhall think proper and expedient.

XV. And

Commissioners to make Orders for the future Management of the Works, and to make Assessments.

XV. And be it further enacted, That the said Commissioners shall, and are hereby authorized and required in and by their Award, or by any Writing under their Hands, in the Meantime to order and determine by whom, and at whose Expence, and in what Proportions, at what Time or Times, and in what Manner, all or any such Works of Drainage, and other Works as aforesaid shall be made, and afterwards cleansed, scoured, repaired, and maintained; and also to make such Orders and give such Directions for carrying on and effecting all such Works, and for maintaining, supporting, preserving, and keeping the same in good Repair for ever thereafter, by such Person or Persons as they shall appoint or direct to be in any Manner appointed, and for assessing, receiving, and recovering the Costs, Charges, and Expences thereof, as to them shall seem just and expedient; and the Costs, Charges, Damages, and Expences whatsoever, either by the said Commissioners, or at any Time hereafter, caused, incurred, or occasioned by or consequent upon the making, executing, and completing such Works of Drainage as aforesaid, and by such Contracts, Agreements, and Purchases as shall be entered into and made by the said Commissioners by virtue of the Powers hereinbefore contained, shall be borne and paid by the several Persons interested in the Lands and Grounds in the said Lordship of *North Kelsey*, to be benefited by such Works (other than and except the said Impropriator and his Lessee, and the said Rector and Vicar respectively, and their respective Successors, with respect to the first making and executing the said Works), in such Shares and Proportions, and at such Times as the said Commissioners shall by their said Award, or by such Writing as aforesaid, direct and appoint, and shall be levied and recovered in such Manner as the other Expences of obtaining and executing this Act are by the said recited Act of the Forty-first Year of His said Majesty's Reign directed to be levied and recovered; and the said Commissioners shall in and by their said Award, or some Schedule in Writing thereunto annexed, specify and set forth the Number of Acres, Roods, and Perches in the Lands and Grounds by this Act directed to be divided and allotted, which in their Judgment will be benefited by such Works of Drainage, and the Particulars and annual Value thereof, and the Names of the Proprietors to whom the same shall belong or be allotted respectively; and the said Commissioners shall thereby fix and ascertain a proportionate Rate to be paid by such Proprietors respectively (including the said Tythe Owners) for supporting and preserving the said Works in future, which shall at all Times thereafter be the Scale and Proportion by which all Rates and Assessments for those Purposes shall be charged and regulated.

Penalties on Obstruction of the Drainage Works.

XVI. Provided always, and be it further enacted, That if any Person or Persons shall obstruct, injure, or damage any of the Works aforesaid, every such Person or Persons so offending, and being thereof convicted before One or more Justice or Justices of the Peace for the Division of *Lindsey*, in the said County of *Lincoln* (not interested in the said intended Division and Inclosure or Drainage), who is and are hereby required to hear and determine the same, upon the Oath of One or more credible Witness or Witnesses, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, over and above the Amount of the Damage done to such Work, and occasioned by any such

ſuch Obſtruction or Injury, to be forthwith levied in default of Payment, by Diſtreſs and Sale of the Goods and Chattels of ſuch Offender or Offenders, together with reaſonable Coſts, by Warrant or Warrants under the Hand and Seal or Hands and Seals of ſuch Juſtice or Juſtices, One-half of which Penalty ſhall be paid to the Informer or Informers, and the other Half applied in repairing and maintaining ſuch Drainage Works as aforeſaid; and the Amount of the Damage ſo to be recovered ſhall be paid and applied in the Repair of the Work ſo injured, or to any Perſon or Perſons ſuſtaining any Loſs in conſequence of ſuch Injury or Obſtruction, or ſhall be ſo divided and apportioned as by the ſame Juſtice or Juſtices ſhall be ordered and directed; and for Want of ſufficient Diſtreſs, ſuch Offender or Offenders ſhall, in Default of Payment as aforeſaid, be committed by ſuch Juſtice or Juſtices to the Common Gaol or Houſe of Correction for the ſaid Diviſion, to remain for any Time not exceeding Three Calendar Months.

Application of Compenſation Monies.

XVII. And be it further enacted, That all and every the Sum and Sums of Money which ſhall be agreed to be paid for any Lands or Grounds cut, covered, taken, or uſed by virtue of the Powers of this Act, belonging to any Corporation, Feme Covert, Infant, Lunatic, or Perſon or Perſons ſeiſed or entitled for any limited Eſtate or Intereſt, or under any Diſability as aforeſaid, and which ought to be laid out in the Purchaſe of other Lands, Tenements, or Hereditaments to be ſettled to the ſame Uſes, ſhall by the ſaid Commiſſioners be applied and inveſted in the Manner and according to the Courſe directed and preſcribed in and by the ſaid recited Act, of the Forty-firſt Year of His preſent Majeſty's Reign, with reſpect to Money paid for the Purchaſe of Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, which ought to be ſo laid out.

For ſhortening Boundary Fences.

XVIII. And be it further enacted, That in order to ſtraighten and ſhorten the Boundary Fences, as well between any of the Lands and Grounds by this Act directed to be divided and incloſed, as between other Lands in any adjoining Pariſh or Pariſhes, Manor or Manors, it ſhall and may be lawful for the ſaid Commiſſioners, with ſuch Conſent as hereinafter mentioned, to ſtraighten or ſhorten ſuch Boundary Fences as aforeſaid, or any of them, or any Part or Parts thereof, and to ſet out and aſcertain ſuch Boundary Fences for the Purpoſe aforeſaid, as the ſaid Commiſſioners ſhall think proper; and after ſuch new Boundary Fences ſhall be ſet out and aſcertained as aforeſaid, the ſame ſhall be made by ſuch Perſon or Perſons in ſuch Manner, and at ſuch Time or Times as the ſaid Commiſſioners ſhall order and direct; and ſuch Fences ſhall accordingly for ever thereafter, be deemed and taken to be the Boundaries between ſuch Pariſhes and Manors reſpectively; Provided that no new Boundary Fence ſhall be ſet out or made in purſuance of this Act, without the previous Conſent in Writing under the Hand or Hands of the Lord or Lords of the Manor or Manors, or Owner or Owners of the Soil liable to be affected thereby, or the major Part in Value, ſuch Value to be aſcertained according to the Land Tax Aſſeſſment for the Year then preceding, of ſuch Owners; and alſo of the Owner or Owners of the Lands upon which any new Fence is intended to be made for that Purpoſe firſt had and obtained.

Directions as to the Piece of Land in South Kelsey.

XIX. And be it further enacted, That the small Piece or Parcel of Waste Ground hereinbefore mentioned to be situate within the said Parish of *South Kelsey* adjoining on the Open Fields there, shall for the several Purposes of this Act be deemed and taken to be Part and Parcel of the same Fields, and shall be allotted unto and amongst the Proprietors thereof, according and in Proportion to their several Rights and Interests therein.

Encroachments.

XX. And be it further enacted, That the said Commissioners shall inquire into and determine what Encroachments have been made, within Twenty Years prior to the passing of this Act, upon the said Open Fields, Meadows, Pastures, Moors, Cars, Commonable Lands, and Waste Grounds, or any of them; and all such Encroachments shall be deemed Part thereof, and be allotted accordingly.

For stopping up ancient Roads through old Inclosures.

XXI. And be it further enacted, That it shall and may 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, not interested in the Repair of such Roads, and in such Manner and subject to such Appeal as in the said recited Act of the Forty-first Year of the Reign of His said Majesty is mentioned, to direct, turn, and stop up, or alter any of the old or accustomed public Carriage Roads or Ways, or any private Footways or Paths in, through, upon, or over any of the inclosed Lands or Grounds within the said Lordship, or any of them, which they the said Commissioners shall judge to be useless or unnecessary, and to set out and allot such public Carriage Roads or Ways, as Part of the Lands and Grounds by this Act directed to be divided and allotted, to any of the said Owners and Proprietors interested therein as aforesaid.

No Cattle to be turned into the Roads.

XXII. And be it further enacted, That no Person or Persons shall, from and after the Execution of the said Award, turn or put, or cause to be turned or put, any Horses, Asses, Mules, Horned Cattle, or other Beasts, Sheep, Lambs, Swine, or Geese, into any of the Highways, Lanes, or Passages, to be set out by virtue of this or the said recited Act of the Forty-first Year of His said Majesty's Reign.

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

XXIII. And be it further enacted, That after the Execution of the Award of the said Commissioners, the Herbage and Produce of all the Highways, Lanes, and Passages, to be set out by virtue of this or the said recited Act of the Forty-first Year of His said Majesty's Reign, and also the Herbage and Produce of the Parcel or Parcels of Land to be set out and appointed for the Purpose of digging for and getting Stone, Gravel, or other Materials for the Repairs of the Roads and Ways within the said Parish of *North Kelsey* as hereinafter is directed, shall be vested in the Surveyor or Surveyors of the Highways for the Time being of the respective Parishes in which such Roads, Highways, Lanes, and Passages shall be situate; and such Parcel or Parcels of Land shall be set out and appointed as aforesaid, and shall annually by him or them be publicly let to the best Bidder or Bidders, for the Purpose of mowing only; and the Rents and Profits thereof shall be applied towards the Reparation of the Highways within the said respective Parishes, and be accounted for by the said Surveyor or Surveyors of the

Highways

Highways of each Parish annually, on or about the Thirteenth Day of *May*, at a public Meeting to be called and held therein respectively for that Purpose.

Allotment for Materials for Repair of Roads.

XXIV. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required to set out and appoint such Parcel or Parcels of Land, not exceeding Ten Acres, out of the Lands and Grounds hereby directed to be divided and allotted in the said Parish of *North Kelsey*, as they the said Commissioners shall think proper, for the digging for and getting of Stone, Gravel, or other Materials for the Repair of the Roads and Ways within the same Parish.

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

XXV. And be it further enacted, That it shall and may 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 divided and allotted, to prevent Cattle from trespassing, and for preserving the young Quickſets to be planted in the Fences of the new Inclosures; 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 for the Time being of the Highways of the said Parishes to which they shall respectively belong.

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

XXVI. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and empowered to receive, hear, and determine all Claims of Freeboard upon the said intended Division and Allotment; and in all Cases where it shall appear that any of the Lands and Grounds by this Act intended to be divided and allotted, shall adjoin on any Freeboard, Screed, or Parcel of Land left on the outside of the Fences of any adjoining Parish, Lordship, Townſhip, or Place, such Freeboard, Screed, or Parcel of Land, shall be deemed to be Part of the Lands and Grounds intended to be divided and allotted by virtue of this Act; and each Parcel of such Freeboard or Screed, when so allotted, shall (after the Execution of the said Award) to and all for Intents and Purposes whatsoever be deemed to be within the said Lordship of *North Kelsey*, and within the Parish in which the adjoining Lands lying in the same Lordship may be situate; and the said Commissioners shall, and they are hereby required to set out and allot unto the Owner or Owners of any such Freeboard, Screed, or Parcel of Land, such Allotment or Allotments, in lieu thereof, as shall be equal thereto in Value; and the Fence or Fences adjoining on any such Freeboard, Screed, or Parcel of Land, and now belonging to any adjoining Lordship, Parish, Townſhip, or Place, shall for ever thereafter be maintained and supported by and at the Expence of the Person or Persons to whom such Freeboard, Screed, or Parcel of Land shall be allotted by virtue of this Act, as the said Commissioners shall by their Award direct; and the Allotment or Allotments to be set out and allotted as aforesaid, in lieu of any such Freeboard, Screed, or Parcel of Land, shall be deemed and taken to be Part and Parcel of such Lordship, Parish, Townſhip,

ſhip or Place as the ſaid Commiſſioners in and by their ſaid Award ſhall determine and declare, and in Default of ſuch Determination and Declaration, then to be Part and Parcel of the Pariſh, Townſhip, or Place to which the ſame Freeboard, Screed, or Parcel of Land now belongs, and ſhall not be ſubject or liable to pay any Tythes, Rates, Dues, or Taxes whatſoever, unto, in aid of, or as belonging to any other Pariſh, Townſhip, or Place whatſoever.

Allotments to the Impropriator, Rector and Vicar reſpectively, in lieu of Glebe and Rights of Common.

XXVII. And be it further enacted, That the ſaid Commiſſioners ſhall and are hereby authorized and required to ſet out and allot unto and for the ſaid *Jacob Henry Brooke Mountain* and his Succeſſors, and his and their Leſſees, and unto and for the ſaid *Thomas Francis Twigge* and *Robert Bingham*, and their reſpective Succeſſors, Rectors and Vicars as aforeſaid for the Time being, ſuch Parts of the Lands and Grounds directed to be divided and allotted by virtue of this Act, within their reſpective Pariſhes, as in the Judgment of the ſaid Commiſſioners ſhall be a full Equivalent and Compenſation for the unincloſed Lands and Rights of Common belonging to them reſpectively.

Allotments to Impropriator, Rector, and Vicar reſpectively, in lieu of Tythes.

XXVIII. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized and required to ſet out for the ſaid *Jacob Henry Brooke Mountain* and his Succeſſors, Impropriators as aforeſaid, and his and their Leſſees, and the ſaid *Robert Bingham* and his Succeſſors, Vicars as aforeſaid reſpectively, as a Compenſation and Satisfaction in reſpect of the Tythes ariſing within the ſaid Pariſh of *North Kelſey*; and ſhall alſo ſet out and allot and award as a Compenſation and Satisfaction unto and for the ſaid *Thomas Francis Twigge* and his Succeſſors, Rectors as aforeſaid, in reſpect of his Right to Tythes ariſing within the ſaid Lands ſituate in the ſaid Pariſh of *South Kelſey*, but in the Lordſhip of *North Kelſey* aforeſaid, ſuch further Pieces or Parcels (to be ſituate within their reſpective Pariſhes) of the Lands and Grounds directed to be divided and allotted by virtue of this Act, as ſhall in the Judgment of the ſaid Commiſſioners be equal in Value to One-fifth Part of all the ſaid open and unincloſed Arable Lands ſubject to the Payment of Tythes; and of the ſaid ancient and other incloſed Lands, ſubject to the Payment of Tythes which ſhall have been in Tillage on or at any Time ſince the Eleventh Day of *October* One thouſand eight hundred and ten, and One-eighth Part of all the ſaid ancient and other incloſed Lands, and of the ſaid open Meadows, Paſtures, and other open known Lands, not being Arable as aforeſaid, ſubject to the Payment of Tythes reſpectively, to the ſaid Impropriator, Vicar or Rector, or any of them; and of all the Waſte and unknown Lands, ſo far as the ſame or the Rights therein are ſubject to the Payment of Tythes; ſuch ſeveral Parts and Proportions to be calculated and ſet out for the ſaid Impropriator and Vicar in reſpect only of ſuch open incloſed and Waſte Lands as are ſituate within the ſaid Pariſh of *North Kelſey*, and unto and for the ſaid Rector in reſpect only of the open incloſed and Waſte Lands lying within ſuch Part of the ſaid Pariſh of *South Kelſey* as is ſituate in the Lordſhip of *North Kelſey* aforeſaid, and in each of the ſaid Pariſhes out of and from the Reſidue only of ſuch of the ſame Lands as ſhall ſeverally remain after the public and private Drains and Roads, and Allotments for the Repairs thereof, and for the Lands and Rights of Common belonging to the ſaid Rectory and Vicarage

Vicarage respectively, shall have been severally taken out and deducted; which said Allotments so to be set out as aforesaid, shall be in full Satisfaction and Compensation for all Tythes whatsoever, or Moduses, Prescriptive or other Payments in lieu of Tythes, arising, renewing, increasing, or due or payable from, out or in respect of all and every the said Open Fields, ancient and other inclosed Lands Meadows, Pastures, Commonable and Waste Lands, and all other Lands, Tenements, and Hereditaments whatsoever, within the said Lordship of *North Kelsey* (except Mortuaries, Easter Offerings, and Surplice Fees, which shall remain due and payable in the same Manner as before the passing of this Act); and all which said Tythes, Moduses, prescriptive or other Payments in lieu of Tythes (except Mortuaries, Easter Offerings, and Surplice Fees), shall respectively cease, and be for ever extinguished, from and immediately after the said Allotments shall be made in lieu thereof, and Notice given by the said Commissioners, by Writing under their Hands, to be affixed on the principal outer Doors of the Parish Churches of *North Kelsey* and *South Kelsey* aforesaid, that the same Allotments may be forthwith entered upon respectively, or from and after such other Time as the said Commissioners may in and by any such Notice direct and appoint.

Commissioners to apportion Allotments between the Impropriator and Vicar of North Kelsey.

XXIX. And be it further enacted, That the said Commissioners shall and they are hereby required to divide the Parcel or Parcels of Land so to be set out for the said Impropriator and his Lessee, and the said Vicar respectively, into such Two distinct Parts or Shares as the said Commissioners shall determine to be an adequate and just Compensation and Satisfaction for their respective Rights and Interests in the Tythes to which they are severally entitled as aforesaid; and conformably to such Determination to allot and award One of such Parts or Shares unto, and for the said *Jacob Henry Brooke Mountain* and his Successors, Impropriators as aforesaid, and his and their Lessees, and the other of such Parts or Shares unto and for the said *Robert Bingham* and his Successors, Vicars as aforesaid, in lieu and Satisfaction of their respective Rights and Interests in the said Tythes of the Parish of *North Kelsey* aforesaid.

Compensation for Tythes of old Inclosure belonging to Persons who have not sufficient Property uninclosed to exonerate it.

XXX. And whereas the said Tythe Owners respectively will, by virtue of the Directions hereinbefore contained, receive a full Compensation in Land, from and out of the said Lands and Grounds by this Act directed to be divided and allotted, for the Tythes of all the ancient and other inclosed Lands within the said Lordship of *North Kelsey*, which are subject or liable to the Payment of Tythe in Kind; be it further enacted, That if any Person or Persons, being the Owner or Owners of any ancient or other inclosed Lands within the said Lordship of *North Kelsey*, subject to the Payment of Tythes in Kind, or any Modus or Moduses in lieu thereof, who shall not have any Estate or Interest in any Open Fields or other Grounds from which the Value of the same can be taken as aforesaid; then, and in every such Case, the Person or Persons so circumstanced shall pay or cause to be paid unto such Person or Persons, and at such Time or Times as the said Commissioners shall direct or appoint, such gross Sum or Sums of Money as the said Commissioners shall deem and adjudge to be a full Recompence and Satisfaction for the absolute Purchase of the Inheritance of such Tythes,

Modus or Moduſes, or of ſo much thereof as any deficient Eſtate or Intereſt which ſuch Owner or Owners may have, or be entitled to in the ſaid Open Fields or other Grounds, ſhall not be equal to and avail to ſatisfy; which Sum or Sums of Money ſhall be applied towards or in Part diſcharge and Satisfaction of the Charges and Expences incident to or attending the paſſing and obtaining this Act and carrying the ſame into Execution, which any Owner or Owners, from whoſe Allotment or Allotments any Land ſhall have been deducted for or towards making any ſuch Compenſation in Land as laſt aforeſaid, ſhall be chargeable with, and ſhall be recovered in the ſame Manner as the Expences of paſſing and executing this Act are, by the ſaid recited Act of the Forty-firſt Year of His ſaid Majeſty's Reign, directed to be recovered; and if any Surplus ſhall remain, after Payment of ſuch Expences as aforeſaid, ſuch Surplus ſhall be divided between the ſeveral Perſons intereſted in the ſaid Lands and Grounds in Proportion to their reſpective Intereſts and Property therein; and the Shares of ſuch of the ſaid Perſons as ſhall be Tenants thereof in Fee-Simple ſhall be paid to them reſpectively, and the Shares of the others of the ſaid Perſons ſhall be applied in the Manner directed by the ſaid recited Act, with reſpect to Money to be paid for the Purchaſe or Exchange of 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.

Allotment to the Lord of the Manor.

XXXI. And be it further enacted, That the ſaid Commiſſioners ſhall in the next place ſet out and allot unto and for the ſaid *John Nelthorpe*, or ſuch Perſon or Perſons as may be entitled in that Behalf, ſuch Parcel or Parcels of the ſaid Lands and Grounds hereby directed to be divided and allotted as aforeſaid, as ſhall be equal in Value to One Twentieth Part of the Reſidue of all the ſaid Commonable or Waſte and unknown Lands within the ſaid Lordſhip of *North Kelſey*, including the Waſte or unknown Land in the ſaid Parochial Allotment when made, in lieu of and full Compenſation and Satisfaction for his or their Right and Intereſt in and to the Soil of the Commonable or Waſte and unknown Lands which ſhall be divided and allotted by virtue of this Act.

Allotment of the Reſidue.

XXXII. And be it further enacted, That after the ſeveral Allotments herein before directed ſhall have been made, the ſaid Commiſſioners ſhall and they are hereby required to ſet out, divide, and allot all the Reſidue of the ſaid Commonable Lands and Waſte Grounds by this Act directed to be ſet out, divided, and allotted (including the ſaid Parochial Allotment for *North Kelſey* aforeſaid, except ſuch Part or Parts thereof as ſhall be allotted in Severalty as aforeſaid, in reſpect of the ſaid Meadow called *Smithfield*) in Manner following, (that is to ſay) Two Third Parts thereof (the whole into Three equal Parts to be divided) ſhall be ſet out and allotted unto and amongſt the ſeveral Owners and Proprietors of ancient Meſſuages, Cottages, Tofts, or Toftſteads, within the ſaid Pariſh of *North Kelſey*, having Right of Common in or upon the ſaid Commons and Waſte Grounds (except the ſaid Impropriator and Vicar, and their Succeſſors) in Shares of equal Value, (that is to ſay) One equal Share to each Meſſuage, Cottage, Toft, or Toftſtead, without regard to the Magnitude or Value of the ſaid Meſſuages, Cottages, Tofts, or Toftſteads, or any of them; and the remaining One Third Part of the ſaid

residuary Commons and Waste Grounds shall be set out and allotted unto and amongst the several Owners and Proprietors of Lands or Grounds within the said Parish of *North Kelsey*, who were on or before the First Day of *March* One thousand eight hundred and thirteen, Owners and Proprietors of any Messuages, Cottages, Tofts, or Toftsteads within the said Parish of *North Kelsey* having Right of Common on the said Commons and Waste Grounds, or any of them (except the said Impropriator and Vicar, and their Successors) in Proportion and according to the Value of their several Rights and Interests in the Homesteads, Crofts, ancient and other Inclosures, Open Arable Lands, Meadows and Pastures, and other Lands, being separate or known Property, lying within the said Parish (including the Lands to be allotted as aforesaid within the same Parochial Allotment for *North Kelsey*, in respect of the said Meadow called *Smithfield*) in lieu of and as a full Recompence and Satisfaction for all Rights of Common and other Interests in and upon the said Commonable Waste and unknown Lands or Grounds: And that the said Commissioners shall also set out, allot, and appoint all the Residue and Remainder of the several Open and Common Fields, Meadows, Pastures, and other Open Lands, being separate Property, situate and being within the said Lordship of *North Kelsey*, including the said Lands to be allotted in Severalty within the last-mentioned Parochial Division in respect of the said Meadow called *Smithfield*, unto and amongst the several Persons and Bodies Politic, Corporate and Collegiate, who at the Time of making such Allotments shall be possessed of or entitled to any Estate, Property, or Interest therein, in such Shares and Proportions as by the said Commissioners shall be adjudged and determined to be a Compensation and Satisfaction for the several and respective Lands and Grounds, Rights of Pasturage, and other Interests therein, of each of such Proprietors.

Persons who did not claim their Common Rights on Caistor Moors, not to be entitled to any Allotment by virtue of this Act.

XXXIII. Provided always, and be it further enacted, That the several Persons who made no Claim for their Right of Common and other Interests in and upon the said Commons and Moors, Waste Lands and Grounds, called *Caistor* Commons or Moors, under and by virtue of the said recited Acts, shall not be intitled to or receive any Allotment or Allotments on the Division and Inclosure to be made by virtue of this Act, out of the said Parochial Allotment for the Parish of *North Kelsey* aforesaid, in lieu or in respect of any Right or Rights, Interest or Interests which they might so have claimed respectively.

For determining Objections to Allotments.

XXXIV. And be it further enacted, That when and so soon as the said Commissioners shall have ascertained the respective Shares, Rights and Interests of the said Proprietors in the Lands and Grounds to be divided and allotted 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 cause Notice to be given, 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 inspect 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

said Schedule and Inspection of such Map or Plan be dissatisfied with their intended Allotments, the said Commissioners shall cause Notice to be given, as aforesaid, of One Meeting at least to be held by them for receiving Complaints and Objections against the said 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.

Allotments to Impropriator, Rector, and Vicar to be fenced.

XXXV. And be it further enacted, That all and every the Parcel and Parcels of Land, which in pursuance of this Act shall be allotted unto the said *Jacob Henry Brooke Mountain*, as Prebendary and Impropriator as aforesaid, and his Successors, and his and their Lessees, the said *Thomas Francis Twigge* and his Successors, Rectors as aforesaid, and the said *Robert Bingham* and his Successors, Vicars as aforesaid, respectively, shall in the first Instance be inclosed or fenced on all such outer Parts or Sides thereof, as shall not be directed by the said Commissioners to be fenced by other Proprietors, or as are not made and maintained by some other Parish or Person at the Time of setting out such Allotment or Allotments, with such good and substantial Fences of Three Rails on each Side, of Oak, Ash, or other durable Wood, with Oak Posts, and good Quick and proper Ditches, and Carriage Gates therein where necessary, and in such Manner as the said Commissioners shall think proper and necessary, order and direct, at the Expence of the Persons hereby made liable to the Costs and Charges of obtaining and executing this Act, in such Proportions, and to be paid at such Time or Times as the said Commissioners by their Award or any other Writing under their Hands shall direct and appoint; and from and after making such Fences and Gates, the same, with such other Fences and Gates as the said Commissioners shall by their Award direct, shall for ever be maintained and kept in Repair by and at the Expence of the said Impropriator and his Lessee, and the said Rector and Vicar, and their Successors respectively.

For fencing the rest of the Proprietors' Allotments.

XXXVI. And be it further enacted, That the several Parcels of Land and Allotments which shall be set out and allotted by virtue of this Act (except such Allotments as shall be made to the said Impropriator and his Successors, and his and their Lessees, and the said Rector and Vicar and their Successors respectively, for their Lands, Rights of Common, and Tythes as aforesaid) shall be sufficiently inclosed and fenced by the several Persons to whom the same shall be allotted respectively, in such Manner and within such Time as the said Commissioners by their Award, or any other Writing or Writings under their Hands, shall direct and appoint; and such Fences so to be made shall at all Times for ever afterwards be supported, maintained, and kept in Repair by such Person and Persons as the said Commissioners shall in or by their said Award order and direct.

Gaps or Openings to be left.

XXXVII. And be it further enacted, That such convenient Gaps or Openings shall be left in any of the Fences to be made, as aforesaid, for the Passage of Cattle, Carts, and Carriages through the same, for such Time as the said Commissioners shall direct.

XXXVIII. Pro-

Allowance to be made to Persons having too great a Proportion of Fencing.

XXXVIII. Provided always, and be it further enacted, That in case, from Situation or other unavoidable Circumstances, it shall happen that any of the said Proprietors shall have more than an equal or proportionate Share of Boundary Fences allotted to them on the said Division and Inclosure, it shall be lawful for the said Commissioners, where they shall judge proper, to ascertain and appoint such Sum or Sums of Money to be paid to every such Proprietor towards making such Fences, by such other of the said Proprietors as may have a less Proportion of Fencing, according to the Value and Quantity of Land to be allotted to them, or otherwise to make such Allowance, on account of such Inequality, to the Proprietors entitled thereto, out of the public or general Expences to be raised by virtue of this Act, as they shall think reasonable, in order that the Expences of the said Boundary Fences may be brought as near as may be to a just and equal Proportion.

Horses, &c. to be kept out of the Inclosures for Eight Years, under certain Restrictions.

XXXIX. And be it further enacted, That no Horses, Asses, Mules, Horned Cattle, or other Beasts, Sheep, Lambs, Swine, or Geese, shall be depastured or kept in any of the said intended Inclosures during the Space of Eight Years from the Execution of the Award of the said Commissioners, except those which shall be set out to the said Impropriator, Vicar, and Rector respectively, unless the Person or Persons respectively depasturing or keeping the same shall and do, at his, her, or their own Expence, effectually guard and fence the young Quickset Hedges on every Side of the Allotment or Allotments in which any Horses, Asses, Mules, Horned Cattle, or other Beasts, Sheep, Lambs, Swine, or Geese, shall be so depastured or kept as aforesaid, except the said Impropriator, Vicar, and Rector respectively, so as to prevent any Damage or Injury being done thereby to such Quickset Hedges, or to the Crops of the Owners or Occupiers of any adjoining Allotments.

Bridges to be made over Drains, &c.

XL. And be it further enacted, That if by the making of any Drain, Ditch, or other Work, by virtue or in pursuance of this or the said recited Act of the Forty-first Year of the Reign of His present Majesty, the Passage of any Person or Persons to, over, 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, over, and from the same, with his, her, or their Cattle and Carriages, and to defray the Expences of making and erecting such Bridges, in the same Manner as the Expences of this Division and Allotment are hereby directed to be raised and paid.

If Ditches are filled up, Posts and Rails to be fixed.

XLI. 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 of the Forty-first Year of His said Majesty's Reign 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 the Ditch or Ditches so filled up, in such Manner that the Owners or Proprietors of the adjacent Grounds may suffer no

Damage by reaſon of the filling up of ſuch Ditch or Ditches reſpectively.

Commiſſioners to diſtinguiſh Land allotted in reſpect of Meſſuages and other Property.

Allotments for Lands under different Tenures to be diſtinguiſhed.

XLII. 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 which of them or what Part thereof in reſpect of Lands and Grounds, and the different Quantities of ſuch reſpective Allotments; and that when any of the ſaid Proprietors ſhall hold their Lands, Rights, or Hereditaments by different Tenures, or for different Eſtates, or under different Titles, the ſaid Commiſſioners ſhall (upon the Requeſt of ſuch Proprietors, either being Perſons in Poſſeſſion, or otherwiſe intereſted, in Writing under their reſpective Hands) aſcertain the ſeveral Lands, Rights, or Hereditaments held by each of ſuch Tenures, for each of ſuch Eſtates, or under each of ſuch Titles reſpectively, and ſhall accordingly in their ſaid Award ſet out diſtinct Allotments in reſpect of the ſame; and where for Want of neceſſary Information before the ſaid Commiſſioners, or from any other cauſe, they ſhall have omitted to diſcriminate ſuch different Titles, Eſtates, or Tenures reſpectively in their ſaid Award, and after the Execution thereof a Requeſt ſhall be made to them by any Perſon or Perſons intereſted (by Writing under their or his Hand or Hands) to have ſuch Omiſſion ſupplied by a ſeparate Inſtrument or Inſtruments, then and in every ſuch Caſe the ſaid Commiſſioners are hereby authorized to do every Thing requiſite for ſupplying ſuch Omiſſion, and ſo far as ſhall be neceſſary for that Purpoſe to examine Witneſſes, and in every other reſpect proceed and act as if their ſaid Award had not been made; and when they ſhall have obtained ſufficient Information, they the ſaid Commiſſioners are hereby authorized and required, by any Deed or Inſtrument under their Hands and Seals, to aſcertain, diſtinguiſh, and declare what Parts of the ſeveral Allotments ſet out by their ſaid Award ſhall be held by ſuch different Tenures, for ſuch different Eſtates, or under ſuch different Titles; and every ſuch ſeparate Inſtrument, after having been duly executed by the ſaid Commiſſioners, and the Declaration thereby made, ſhall be as effectual to all Intents and Purpoſes as if the ſame were Part of their ſaid Award, and ſhall (after having been inrolled in one of His Majeſty's Courts of Record at *Weſtminſter*, or with the Clerk of the Peace for the ſaid Parts of *Lindſey*) be delivered unto the Perſon or Perſons upon whoſe Requeſt the ſaid Omiſſion ſhall have been ſupplied, or to the Perſon or Perſons legally entitled to the Cuſtody of the Deeds and Writings concerning the Title to the Premiſes in queſtion; and all Charges which ſhall be reaſonably incurred in and about any ſuch Supplementary Inſtrument as aforeſaid, ſhall be paid and payable by the Perſon or Perſons who ſhall have requeſted the ſaid Commiſſioners to make and execute the ſame, or by his, her, or their Heirs, Executors, or Adminiſtrators.

Power for Proprietors to ſell Allotments before the Award.

XLIII. 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, leaſe, charge, bargain, ſell, convey and aſſure, deviſe or bequeath the ſame, at

at any Time after such Allotment or Allotments shall have been set out and entered upon, though 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, Devise or Bequest, 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 Person or Persons seised or possessed of or entitled to any Common Right or other Interest (appendant or in anywise belonging or attached to any Messuages, Cottages, Tofts, Toftsteads, Lands, Tenements, or Hereditaments whatsoever) in, upon, or over the Lands or Grounds hereby directed to be divided and allotted, and in respect whereof an Allotment or Allotments are or is intended to be made by virtue of this Act, to sell, grant, and convey, devise and bequeath, lease or mortgage such Right or Interest separately and distinctly from the Estate, Lands, Tenements, or Hereditaments, to which the same may be appendant, belonging, or attached, as fully and effectually as the same Person or Persons could have so disposed of such Allotment or Allotments if then set out and awarded, but not further or otherwise; and it shall be lawful for the said Commissioners, and they are hereby authorized and required to award all and every the same Allotment or Allotments to the Person or Persons entitled thereto, or to any such Right or Interest under or by virtue and according to the Tenor and Effect of any such Disposition.

Power to make Exchanges.

XLIV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to set out, allot, and award any Lands, Tenements, or Hereditaments within the said Lordship of *North Kelsey*, in lieu of and in Exchange for any other Lands, Tenements, or Hereditaments within the said Lordship, or within any adjoining Parish, Hamlet, Township, or Place; provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioners, and be made with the Consent 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 Politic, Corporate or Collegiate, Corporation Aggregate or Sole, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail General or Special, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, or with the Consent of the Guardians, Trustees, Husbands, Committees, or Attornies of or acting for any such Proprietors or Owners as aforesaid, or of the Feoffees or Trustees for any charitable or other public Uses, or the major Part of them, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Femes Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise unable to act for themselves, himself, or herself, such Consent to be testified in Writing under the Common Seal of the Body Politic, Corporate, or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every such Exchange and Exchanges so 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 or Patrons thereof, and of the Lord Bishop of the Diocese in which such Lands, Tenements, or Hereditaments so to be exchanged shall lie or be situate for the Time being respectively: Provided also, that all Costs, Charges, and Expences attending the making of any Exchanges and Partitions by virtue of this or the said last recited Act, shall be paid and borne by the several Persons making such Exchanges or Partitions, in such Manner and in such Proportions as the said Commissioners shall order and direct.

Leases at Rack Rent to be void.

XLV. And be it further enacted, That all Leases at Rack Rent now subsisting of all or any Part of the Lands and Grounds hereby directed to be divided and allotted, either alone or together with any other Lands within the same Lordship, and all Tenancies from Year to Year, or other Agreements for any Time or Term therein, shall cease immediately on such Allotments being made, the several Lessees and Tenants receiving from the respective Proprietors such full Equivalent and Compensation as the said Commissioners shall ascertain and award to be made on such account.

Directions as to Leases by the Rector of South Kelsey.

XLVI. 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 *St. Mary South Kelsey* aforesaid, with *St. 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.

This Act not to affect Wills and Settlements.

XLVII. Provided always, and be it further enacted, That nothing in this Act or in the said last recited Act contained, shall extend or be construed, deemed, adjudged, or taken to make void, annul, alter, vary, or in anywise affect any Grant, Assurance, Limitation of Use, Declaration of Trust, or any Deed or Will whatsoever (except such Leases and Agreements as hereinbefore mentioned) or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Rent-charge, Annuity, Debt, Rent, Incumbrance, or other Claim or Demand out of, upon, or affecting any of the Lands or Grounds hereby directed to be divided and allotted, or any of the Messuages, Lands, Tenements, or Hereditaments, which shall be exchanged in pursuance of this Act; but that the Lands and Grounds so to be allotted, and the Messuages, Lands, Tenements, and Hereditaments so to be exchanged, shall immediately after the making such Allotments and Exchanges respectively, be, remain, and enure, and be held and enjoyed, and the several Proprietors to whom the same respectively shall be allotted or given in Exchange as aforesaid, shall from thenceforth stand and be seised thereof respectively (subject to the Charges to be made by virtue of this Act on the Lands and Grounds hereby directed to be divided and allotted) under and subject to the same Uses, Trusts, Powers, Provisoes, Limitations, Remainders, Charges, and Incumbrances, and to and for such and the same Estates, Interests, Intents,

and

and Purposes, as the several Lands, Tenements, and Hereditaments, in respect whereof such Allotments and Exchanges shall have been made, and shall be subject and liable to, at or immediately before the Time of such Division and Allotment or Exchange.

Commissioners to direct the Course of Husbandry.

XLVIII. 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 affixed on the principal outer Door of the said Parish Church in *North Kelsey* aforesaid, order and direct what Course of Husbandry, and what Stint or Rule of Stocking and Enjoyment shall be respectively observed and used, in, over, and upon the Fields, Commons, Lands, and Grounds to be divided and allotted by virtue of this Act, including the said Parochial Allotment when made, until such Time as they shall have completed the said Division and Allotments, as well with respect to the laying down, ploughing, sowing, fallowing, and tilling thereof, as to the stocking and eating the Commonable Lands and Fallows or Stubbles, and also the graving of Turves or Pear, cutting of Furze, Gorse, Thorns, or Bushes, upon the said Lands or Grounds to be divided and allotted by virtue of this Act, and to make such Recompence for the same as they shall think right; and by the same or any other Writing or Writings under their Hands, to be published as last aforesaid, shall and may make such further Orders and Regulations touching the Conduct of the Farmers and Occupiers within the Lordship of *North Kelsey* aforesaid, for preventing them from committing Waste or Destruction upon, or improperly managing or stocking any of the said Lands and Grounds therein, until the Division and Allotment intended by this Act shall be completed, as to the said Commissioners shall seem proper and expedient; all which Orders and Regulations of the said Commissioners shall be binding and conclusive upon all Parties interested, their Farmers and Tenants; and that the said Commissioners shall and may set and impose such pecuniary Penalties and Forfeitures on every Person not conforming to such Orders and Regulations as they shall think necessary, not exceeding the Sum of Five Pounds on any one Person for any one Offence; and shall and may also settle, adjudge, and determine what Proportion of the Manure arising from any of the Lands or Grounds to be divided and allotted by virtue of this Act, shall belong to the Landlords and Tenants respectively, in all Cases where the Tenant is entitled by Agreement to the Manure, arising from the Lands in his Occupation; and such Penalties and Forfeitures, and other Sum and Sums of Money so to be settled, ordered, adjudged, and determined to be paid for, or on account of the several Matters and Things aforesaid, shall be recovered and recoverable in the Manner directed in and by the said recited Act of the Forty-first Year of His Majesty's Reign.

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

XLIX. And be it further enacted, That the Tenants or Occupiers of the Fields, Lands, or Grounds within the said Lordship to be divided and allotted by virtue of this Act, shall be allowed to sow, reap, and carry away the same Kinds of Corn or Grain upon or from the same Number of Acres, and in, upon, and from the same Fields, Lands, and Grounds, as and for their following or waygoing Crops, without paying any Rent, or making any Satisfaction or Compensation for the Standage

Standage thereof, in such and the same Manner and to the same Extent as they would have been respectively entitled to, if they had quitted their Farms at the End of their respective Terms therein and this Act had not been passed (except in Cases where there are special Agreements to the contrary); provided they shall have pursued the same Course of Husbandry with their fallow and other Lands, as has been the usual Custom in the said Fields, or shall have been specially agreed upon; but in case they shall have sown such Lands with Corn, as ought in due Course to have lain fallow, or shall otherwise have varied therefrom, the said Commissioners are hereby empowered to make such Charges upon their following Crops, to be paid before the same are taken off the Ground, as to them shall seem reasonable and proper; but nothing herein contained shall extend or be construed to extend to give any Tenant a Right to a following Crop, where he or she was not entitled to the same before the passing of this Act: Provided nevertheless, and the said Commissioners are hereby authorized and empowered, by some Writing or Writings under their Hands, to ascertain, order, and appoint what Recompence and Satisfaction in Money shall be paid by the Owner or Owners of such Lands or Grounds from which such following or waygoing Crops shall be reaped and carried away as aforesaid, for the Standage of such Crops, to the Person or Persons to whom such Lands and Grounds shall be allotted by virtue of this Act; and if in either of the said Cases such Charge, Recompence, and Satisfaction shall not be satisfied and paid at the Time and in the Manner to be appointed by the said Commissioners, then the said Commissioners shall and may, by Warrant or Warrants under their Hands and Seals, directed to any Person or Persons whomsoever (which Warrant or Warrants they are hereby directed and empowered to grant accordingly) cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person and Persons required to make such Recompence and Satisfaction as aforesaid, together with the Costs and Charges of such Distress and Sale, rendering the Surplus (if any) upon Demand, to the Owner or Owners of such Goods and Chattels.

Old Swarth of Ten Years standing not to be ploughed.

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

Expences of this Act.

LI. And be it further enacted, That the Costs and Charges incident to and attending the obtaining and passing of this Act, the several Sums of Money and Allowances by this Act directed to be paid and allowed unto the said Commissioners, Surveyor, and Umpire, for the Expences, Time, and Trouble by them personally incurred or expended, and all other Costs, Charges, and Expences necessarily incurred in executing the several Powers, Directions, and Authorities given to and vested in the said Commissioners by this or the said recited Act, passed in the Forty-first Year of the Reign of His present Majesty, shall be borne and defrayed by all the Proprietors of or Persons interested in the

Lands and Grounds intended to be divided and allotted by virtue of this Act, and all the Persons entitled to or interested in the ancient and other inclosed Lands, which shall be exonerated from the Payment of Tythes as aforesaid (save and except the said Impropriator and his Successors, and his and their Lessees, and the said Rector and Vicar, and their Successors respectively, for and in respect of any Allotment or Allotments which shall be made to them as Impropriator, Lessee, Rector, and Vicar as aforesaid; and except the said *John Neltherpe*, his Heirs, or Assigns, or any other Person or Persons, in respect of the Allotment or Allotments to be made in lieu of and as a Compensation for the Soil of the said Commonable Waste and unknown Lands as aforesaid); which said Costs, Charges, Expences, and Sums of Money shall be paid in such Shares and Proportions as shall be settled, adjusted, and determined by the said Commissioners, according to the several Rights and Interests of such Proprietors and other Persons, and at such Times and Places, and in such Manner as the same Commissioners shall appoint.

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

LII. And be it further enacted, That all Monies which have been or may be advanced and paid by any of the said Proprietors, 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.

Land may be deducted from Allotments for Expences;

LIII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby required, upon the Request in Writing of the Person or Persons, Corporation Aggregate or Sole, being the Owners or Proprietors of, or interested in, or entitled to any Allotment or Allotments in or out of the Lands and Grounds hereby directed to be divided and allotted (and who shall be charged or chargeable with any of the Expences of obtaining and passing this Act, and carrying the same into Execution) whether entitled in Fee Simple, or as Tenant in Tail, or for Life or Lives, or for any Number of Years determinable on a Life or Lives, or for any conditional, limited, or determinable Estate or Interest whatever less than a Fee Simple, or at the Request in Writing of the respective Husbands, Guardians, Trustees, Committees, Receivers, Agents, or Attornies of any such Owners or Proprietors, or Persons interested or entitled, being under Coverture, Minors, Lunatics, or beyond the Seas, or under any other Disability or Incapacity, or of the Trustees for any charitable or public Uses, or the major Part of them respectively, to deduct from such Allotment or respective Allotments so much in Value as shall in the Judgment of the said Commissioners be equal to his, her, or their Share and Proportion or respective Shares and Proportions of the Charges and Expences of passing this Act, and of carrying the same and the said last recited Act into Execution, and to allot and award the Land 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 the Charges and Expences in respect of which a Deduction shall so have been made, and who shall in fact pay such Charges and Expences; and such Person or Persons shall be and become seised of the Allotment or Allotments so awarded to him or them, for an absolute Estate of Inheritance

and may be allotted to Persons paying such Expences.

heritance in Fee Simple, freed and discharged from all former Titles, Charges, and Incumbrances whatsoever: Provided always, that every such Request as aforesaid 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 allotted; and that the Value of the Lands to be deducted from any Allotment or Allotments, shall not in any Case exceed the Rate of Five Pounds for every Acre of ancient or other inclosed Land to be exonerated from Tythes as aforesaid, which shall belong to, and of the Land which shall by virtue of this Act be allotted to or received in Exchange by the Person or Persons by whom or in whose Behalf such Request shall be made, including the Land so deducted: Provided also, that nothing in this Act contained shall authorize any Person or Persons, Corporation Aggregate or Sole, to raise or charge by Sale, Mortgage, or any other Ways or Means in the said last recited Act or this Act mentioned, any Sum or Sums of Money in the whole, for the Costs and Charges of obtaining and passing this Act, and carrying the same into Execution, exceeding the Rate of Five Pounds for every such Acre as last mentioned.

The borrowing Money.

LIV. And be it further enacted, That it shall and may be lawful to and for all and every the Person and Persons, who after the said intended Division and Allotment shall be Owners and Proprietors for the Time being, of any of the Allotments to be made as aforesaid, or of any exchanged Lands or inclosed Grounds intended to be exonerated from the Payment of Tythes by virtue of this Act, being seised, possessed, or entitled as Tenants in Tail, or for a Life or Lives, for Years determinable on a Life or Lives, or on any other Contingency, or for Years absolute (not being at Rack Rent), and to and for the Husbands, Guardians, Trustees, Committees, or Attornies of or for any of the said Owners or Proprietors who shall be so seised, possessed, or entitled as aforesaid, or in Fee Simple, and under Coverture, Minors, Lunatics, or beyond the Seas, or otherwise incapable of acting for themselves, and to and for every of them respectively for the Time being (except the said Impropriator and his Successors, and his and their Lessees, and the said Rector and Vicar, and their Successors respectively, and the several Persons from whose Allotments a Deduction to the full Extent of Five Pounds for every Acre of the Lands above-mentioned in that Behalf 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 mortgage, grant, or demise the several Lands which shall be comprized in the Allotments, and any Lands received in Exchange, awarded, or intended to be awarded to them respectively, and also their ancient and other inclosed Lands exonerated from Tythes as aforesaid, or any Part of such respective Lands, for any Term or Number of Years, unto any Person or Persons, for securing the Repayment, with lawful Interest from the Date of such Mortgage, Grant, or Demise of any Sum or Sums of Money lent and advanced by him, her, or them, to be affixed and allowed by the said Commissioners, not exceeding (together with any other Sum, in respect of which a Deduction from any Allotment or Allotments may have been made as aforesaid) the Rate of Five Pounds for each Acre of Land so to be allotted and received

ceived in Exchange, and of ſuch old Incloſure exonerated from Tythes by virtue of this Act; and the Sum or Sums of Money ſo lent and advanced ſhall be paid to the ſaid Commiſſioners, or to ſuch other Perſon or Perſons as they ſhall nominate and appoint, in order to be applied and diſpoſed of, for and towards paying and defraying the Coſts and Expences incident to, and attending on, obtaining and paſſing this Act and executing the ſame, chargeable on ſuch Owners and Proprietors reſpectively, and of making the Subdiviſion Fences of their ſaid Allotments, or otherwiſe improving the ſame: Provided always, that in every ſuch Grant or Demiſe there be a Proviſo or Condition, that the Term and Intereſt thereby created ſhall ceaſe and be void, when the Sum and Sums of Money thereby ſecured, with the Intereſt thereof, as aforeſaid, ſhall be fully paid and ſatisfied; and that in every ſuch Mortgage, Grant or Demiſe which ſhall be made by or on the Behalf of any Perſon or Perſons entitled only as Tenants in Tail, or for a Life or Lives, or Years determinable on a Life or Lives, or upon any other Contingency, or for Years abſolute, 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 or poſſeſſed of ſuch Allotment or Allotments reſpectively, in order that no Perſon afterwards becoming poſſeſſed of or entitled to the 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 for Years determinable on a Life or Lives, or on any other Contingency, or for Years abſolute (not being at Rack Rent) or of the Huſbands, Guardians, Truſtees, Committees, or Attornies of or for any ſuch Owners or Proprietors being under Coverture, Minors, Lunatics, or beyond the Seas, or otherwiſe incapable of acting for themſelves, as ſhall reſpectively pay and bear any ſuch laſt-mentioned Coſts and Charges, to make the like Mortgage, Grant, or Demiſe unto or in Truſt for the ſame Owner or Proprietor, Owners or Proprietors, for ſecuring to him, her, or them the Repayment of any ſuch Sum or Sums of Money as the ſaid Commiſſioners ſhall think juſt and reaſonable, not exceeding Five Pounds for every ſuch Acre as aforeſaid, with Intereſt for the ſame, to commence at the Termination of his, her, or their Right in the Premiſes; which Sum or Sums of Money, and Intereſt ſo to be ſecured as aforeſaid, ſhall be paid within One Year next after ſuch Termination; provided that in every Grant or Demiſe ſo made, there be contained a Proviſo or Condition of the Tenure aforeſaid; and every ſuch Mortgage, Grant or Demiſe ſhall be good, valid and effectual in the Law for the Purpoſes thereby intended.

Commiſſioners to lay their Accounts before an Auditor.

LV. 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

hereby required to make a true and juſt Statement and Account of all the Sums of Money by them received and expended, or applied 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 *Charles Tennyſon* of *Caenby Hall*, in the ſaid County of *Lincoln*, Eſquire, as the Auditor thereof; and in caſe of the Death, Diſability, or Refuſal to act of the ſaid *Charles Tennyſon*, or of any other Auditor appointed in his Stead as hereinafter mentioned, then before ſuch other Perſon, being one of the King'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, as ſhall be mutually agreed upon between the Majority in Value, (ſuch Value to be aſcertained by the Land Tax Aſſeſſment) of the ſaid Owners and Proprietors of Meſſuages, Cottages, Toſts, and Toftſteads, Lands and Grounds, intereſted therein, who by themſelves or their Agents may be preſent at a Meeting to be called and advertiſed by the ſaid Commiſſioners (as hereinbefore directed for that Purpoſe) to be by the ſaid *Charles Tennyſon*, or ſuch other Auditor, examined and balanced, and ſuch Balance ſhall be ſtated in the Book of Accounts to be kept in the Office of any Perſon acting as 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, once at leaſt in each and every Year, by the ſaid *Charles Tennyſon*, or ſuch other Auditor as aforeſaid.

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 Inrolment thereof, as directed by the laſt recited Act, be depoſited in the Pariſh Church of *North Kelſey* aforeſaid.

Appeal to the Quarter Seſſions.

LVII. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done or omitted to be done in purſuance of or contrary to the ſaid recited Act of the Forty-firſt Year of His ſaid Majeſty's Reign, or this Act, either touching the Coſts, Charges, or Expences of executing the ſame, or any of them, the Quantity, Quality, or Situation of any Allotment or Allotments, any Determination of the ſaid Commiſſioners or their Umpire, or other Act, Deed, Neglect, Omiſſion or Matter whatſoever in anywiſe relating to, concerning, or ariſing in conſequence of the ſaid intended Allotment, Diviſion, and Incloſure (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 laſt recited Act, or of this Act, the Determination of the Commiſſioners is expreſsly declared, or directed to be final and concluſive), he, ſhe, or they may appeal to any General Quarter Seſſions of the Peace or Adjournment thereof, 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;

able; 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 Surplus (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 removeable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts at *Westminster* or elsewhere.

This Act not to affect the Ancholme Drainage Acts.

LVIII. Provided always, and be it further enacted, That such of the said Open Lands and Grounds within the said Lordship of *North Kelsey* as are subject or liable to the yearly Drainage Tax of Two Shillings and Sixpence *per* Acre, or to any further Assessment, Charges, or Payments whatsoever, by virtue of Two several Acts of Parliament respectively passed in the Seventh and Forty-second Years of His present Majesty's Reign, for the more effectual draining the Lands lying within the Level of *Ancholme*, and other Purposes, shall remain subject and liable to the same yearly Taxes, and other Assessments, Charges, and Payments, and to the several Powers and Provisions in such Acts, or either of them contained; and that the said Commissioners shall, in executing this and the said Act of the Forty-first Year of His said Majesty's Reign, as to such Lands and Grounds, have due regard to the same Charges, Payments, Powers, and Provisions, and make all proper Allowances accordingly; and in case of any Subdivision or Allotment of any of the Open Cars or Low Grounds within the said Lordship of *North Kelsey*, subject or liable as aforesaid, the said Commissioners shall and they are hereby directed to set forth in their Award or a Schedule thereto, the particular Quantity of Land in each such Subdivision, which is to remain chargeable as aforesaid, and so that the whole Quantity which shall be directed to be and remain so subject and liable, be equal in Amount to the Quantity chargeable by virtue of the said Acts.

General Saving.

LIX. Saving always to the King's most Excellent Majesty, his Heirs, and Successors, and to all and every Person and Persons, Bodies Politic, Corporate and Collegiate, and 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, into, 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 passed; but no such Person or Persons, Bodies Politic, Corporate or Collegiate, 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, Tythes, and other Interests, as he or they would have had or been entitled to in case this Act had not been made.

LX. And

Public Act.

LX. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1813.