



County of *Lincoln*, have and exercise certain Rights and Common of Pasture, in, over, and upon the said Fens: And whereas it would be highly beneficial to the Persons interested in the said Fens, and of great public Utility, if the same were divided into Parochial and other General Allotments, and proper Rules and Regulations established for the Use and Enjoyment thereof; but as the same cannot be effectually carried into Execution without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said *East* and *West Fens* shall be divided and allotted by such Commissioners, and in such Manner, and under such Powers and Authorities, and subject to such Rules, Orders, and Directions, as are herein-after mentioned, appointed, and declared.

Fens to be divided.

Commissioners.

Two Commissioners may act.

Commissioners may adjourn Meetings.

If none present, Clerk may adjourn.

New Commissioners to be appointed upon Vacancies.

II. And be it further enacted, That *John Renshaw* of *Owthorpe* in the County of *Nottingham*, *William Whitelock* of *Brotherton* in the County of *York*, and *Joseph Outram* of *Alfreton* in the County of *Derby*, Gentlemen, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Commissioners for dividing and allotting the said Fens, and for carrying this Act into Execution, in Manner, and subject to the Rules, Orders, and Directions, herein-after contained; and that all Powers, Authorities, Directions, Acts, Matters, and Things, hereby given to or directed to be done by the said Commissioners, may be done and executed by or before any Two of them, and shall be as valid and effectual as if executed by or before all of them; and the said Commissioners may adjourn from Time to Time; and if Two of the said Commissioners shall not appear at any Meeting in pursuance of this Act, then and in such Case any One of the said Commissioners then present, may adjourn such Meeting to a future Day, not exceeding Fourteen Days from the Time of Adjournment, and shall give Notice thereof to the absent Commissioners; and in case any One of the said Commissioners shall not appear at such Meeting, then One of the Clerks to the said Commissioners shall and may adjourn the said Meeting to, and appoint the said Commissioners to meet at the Place where the last Meeting was appointed to be held, on that Day Three Weeks next after the Day on which such last Meeting was appointed to be held, and shall, and he is hereby required forthwith to give Notice of such Adjournment to the said Commissioners; any Thing herein contained to the contrary notwithstanding.

III. And be it further enacted, That if any of the Commissioners herein named, or any Commissioner to be appointed in their or any of their Place, as herein-after mentioned, shall die, refuse, or become disabled to act, then, and in every such Case, it shall be lawful for the major Part in Value of the Proprietors of Houses, Toftsteads, Lands, and Grounds, within the said Parishes, Townships, or Places, having Right of Common on the said Fens, who shall attend by themselves or their known Agents at any Meeting convened for that Purpose, within Two Calendar Months next after such Death, Refusal, or Disability shall be publickly known, to elect and appoint a new Commissioner, not interested in the said Division, in the Place of such Commissioner so dying, refusing,

OR

or becoming disabled to act, of which Meeting Ten Days Notice at least shall be given by the surviving or remaining Commissioners or Commissioner, in the *Lincoln, Rutland, and Stamford Mercury*, or in One or more of the publick Newspapers usually circulated in the Neighbourhood of the said Fens, and the like Notice shall be also affixed upon the most publick Door of the severall Parish Churches of *Bolingbroke, Spilsby, Boston, and Benington* aforesaid; and every such Election and Appointment of a new Commissioner shall be reduced into Writing, and signed by the Persons making such Election and Appointment, and shall be delivered to the surviving or remaining Commissioners or Commissioner; and in case the said Proprietors shall make Default in appointing any such new Commissioner, within Two Calendar Months next after any such Death, Refusal, or Disability shall happen, then the surviving or remaining Commissioners or Commissioner shall and may, and they and he are and is hereby required from Time to Time, by Writing under their or his Hands or Hand, within Fourteen Days after the Expiration of the said Two Calendar Months, allowed to the said Proprietors for naming such new Commissioner or Commissioners as aforesaid, to appoint One other Commissioner, not interested in the said Division, in the Place of such Commissioner so dying, refusing, or becoming disabled to act; and every such new Commissioner so to be appointed, having first taken and subscribed the Oaths herein-after prescribed to be administered to him by such surviving or remaining Commissioners or Commissioner, shall have the like Powers and Authorities for carrying this Act into Execution, in all Respects whatsoever, as the Commissioner in whose Place he shall have been so appointed and chosen was invested with by virtue of this Act.

IV. And be it further enacted, That every Commissioner who shall refuse or decline to act as aforesaid, shall and he is hereby required forthwith to give Notice of his Intention to refuse or decline acting as a Commissioner, in like Manner as Notices of Meetings of the said Commissioners are hereby required to be given.

Commissioners declining to act to give Notice.

V. And be it further enacted, That *Anthony Bower* of the City of *Lincoln*, Land Surveyor, shall be and he is hereby appointed Surveyor for executing the severall Powers and Authorities vested or intended to be vested in him by this Act; and in case of his Death, Neglect, Refusal, or Disability to act, then such other Person or Persons, not being interested in the said Division, as the said Commissioners shall direct and appoint to act in his Place and Stead, shall be the Surveyor or Surveyors for the Purposes of this Act, such Appointment to be reduced into Writing, and signed by the said Commissioners.

Appointment of Surveyor.

VI. Provided always, That it shall and may be lawful to and for the said Commissioners, if they think it necessary, at any Time to appoint One or more Person or Persons, not being interested as aforesaid, jointly with the said *Anthony Bower*, to be Surveyor or Surveyors for the Purposes aforesaid; and also that it shall be lawful for the said *Anthony Bower*, and such other Surveyor or Surveyors as aforesaid, from Time to Time to appoint such Assistants as may be necessary in the Execution of this Act, such Assistants being first approved of by the said Commissioners, and taking and subscribing the Oath herein-after directed to be taken by the

Commissioners to appoint another Surveyor, or more, if necessary.

Surveyor or Surveyors, before they shall proceed in the Execution of this Act.

No Commissioner to act as Surveyor.

VII. Provided also, That no Commissioner acting in the Execution of the Powers hereby given, shall be employed or act as Surveyor by virtue of this Act during the Time he shall so act as a Commissioner.

Oaths to be taken by Commissioners and Surveyors.

VIII. And be it further enacted, That no Person shall act as a Commissioner or Surveyor, or as an Assistant to the Surveyor or Surveyors, in the Execution of any of the Powers hereby given (except the Power of signing and giving Notice of the First Meeting of the said Commissioners) until he shall have taken and subscribed the following Oaths or Affirmations; (that is to say),

Oath of Commissioners and Surveyors.

‘ I *A. B.* do swear [*or, being one of the People called Quakers, do affirm*] That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgement, execute and perform the several Trusts, Powers, and Authorities, vested and reposed in me as a Commissioner [*or, Surveyor, or, as an Assistant to the Surveyor or Surveyors, as the Case may be*] acting under and by virtue of an Act of Parliament made and passed in the Forty-first Year of the Reign of King *George the Third*, intituled *An Act for dividing and allotting certain Fens, called The East and West Fens, in the County of Lincoln*, according to the Provisions and Directions of the said Act, without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever.

‘ So help me GOD.’

Oath of their not being Proprietors, or otherwise disqualified to act.

‘ I *A. B.* do swear [*or, being One of the People called Quakers, do affirm*] That I am neither Proprietor or Occupier of, nor to the best of my Knowledge am I concerned as Guardian, Steward, or Agent, for any Proprietor of any Houses, Toststeads, Lands, or Grounds, having or claiming Right of Common, or any Manerial Right, or any other Right or Interest whatsoever, in, over, or upon certain Fens, called *The East and West Fens*, in the County of *Lincoln*, or in any of the Parishes, Townships, or Places, having Right of Common thereon, or other Rights or Interests therein.

‘ So help me GOD.’

One Commissioner to administer the same.

Which Oaths or Affirmations it shall be lawful for any One of the said Commissioners to administer, and he is hereby required to administer the same to any other of the said Commissioners, and also to the Surveyor or Surveyors, and to his or their Assistant or Assistants; and the said Oaths or Affirmations so taken and subscribed by each Commissioner, and by the Surveyor or Surveyors, and his or their Assistant or Assistants, and also the Instrument of Appointment of every new Commissioner or Surveyor, if any such there shall be, with the like Oaths or Affirmations to be taken by him or them and to be administered as aforesaid, shall be inrolled with the Commissioners Award herein-after mentioned and directed to be made, and shall be deemed legal Evidence.

Commissioners to give Notice of Meetings.

IX. And be it further enacted, That the said Commissioners shall cause publick Notice to be given in the several Parish Churches of *Bolingbroke, Spilsby, Boston, and Benington* aforesaid, upon some *Sunday* immediately after

after Divine Service, or by Writing under their Hands, to be affixed on the most publick Door of the several Parish Churches aforesaid, and also by Advertisement to be inserted in the *Lincoln, Rutland, and Stamford Mercury*, or in some other Newspaper as aforesaid, of the Time and Place of their First and every subsequent Meeting for the Execution of this Act, Ten Days at least before any such Meeting of the said Commissioners shall be held (Meetings by Adjournment only excepted).

X. And; for the more just, impartial, and regular Division of the said Fens by this Act intended to be divided and allotted, be it further enacted, That *Robert Millington*, of *Gedney* in the County of *Lincoln*, *Grazier*, *William Thacker*, of *Langrett Ferry*, in the Parish of *Coningsby* in the said County of *Lincoln*, *Grazier*, and *Thomas Rockcliffe*, of *Fulletby* in the said County of *Lincoln*, *Grazier*, and their Successors, (to be appointed in case of their Death, Refusal, or Disability to act, in such and the same Manner and Form as is herein-before prescribed with respect to the said Commissioners in case of Vacancies) shall be and they are hereby appointed Quality Men, Valuers, and Appraisers, for qualitying, valuing, and appraising the said Fens, and also all and every other the Lands and Grounds in and by this Act directed to be surveyed and admeasured, and they are hereby required to make a true and perfect Valuation and Appraisement thereof respectively, on or before the First Day of *January* One thousand eight hundred and three, or so soon after as conveniently may be; and such Quality, Valuation, and Appraisement, so to be made as aforesaid, shall be reduced into Writing, and Two Parts thereof, signed by the said Quality Men, Valuers, or Appraisers, shall be lodged with the Clerks to the said Commissioners, with Plans annexed thereto, for the Inspection of the Proprietors; and any Person or Persons interested shall be entitled to a Copy of such Quality, Valuation, and Appraisement, or any Part thereof, on Demand, paying a reasonable Sum for the same; and the said Commissioners shall give or cause to be given Ten Days Notice, to be affixed on the most publick Door of the Churches of the several Parishes having Right of Common on the said Fens as aforesaid, and also by Advertisement in the *Lincoln, Rutland, and Stamford Mercury*, or in some other Newspaper as aforesaid, for Two successive Weeks, of the Time and Place to be appointed for receiving and hearing any Objection that may be made to such Quality, Valuation, or Appraisement, and shall receive and hear such Objections, and (if required) view such Premises where the Quality, Valuation, or Appraisement is objected to, and afterwards determine all such Objections; and the Determination of the said Commissioners therein shall be final, binding, and conclusive, unto and upon all Persons whomsoever.

Quality Men appointed to value, &c.

XI. And be it further enacted, That no Person shall be capable of acting as a Quality Man, Valuer, or Appraiser of the said Fens, Lands, and Grounds, until he shall have taken and subscribed the following Oaths or Affirmations; (*videlicet*),

Oaths to be taken by Quality Men.

‘ I *A. B.* do swear [*or, being one of the People called Quakers, do affirm*] That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgement, quality, value, and appraise, the Fens, Lands, and Grounds, directed to be divided and allotted, surveyed and admeasured, by virtue of an Act of Parliament, made  
[*Loc. & Per.*]

Oath of Quality Men.

and passed in the Forty-first Year of the Reign of King George the Third, intituled *An Act for dividing and allotting certain Fens, called The East and West Fens, in the County of Lincoln*, without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever.

‘ So help me GOD.’

Oath of their not being Proprietors, or otherwise disqualified to act.

I *A. B.* do swear [or, being one of the People called *Quakers*, do affirm] That I am neither Proprietor or Occupier of, nor to the best of my Knowledge am I concerned as Guardian, Steward, or Agent, for any Proprietor of any Houses, Toststeads, Lands, or Grounds, having or claiming Right of Common, or any Manerial Right, or any other Right or Interest whatsoever, in, over, or upon certain Fens, called *The East and West Fens*, in the County of *Lincoln*, or in any of the Parishes, Townships, or Places, having Right of Common thereon, or other Rights or Interests therein.

‘ So help me GOD.’

One Commissioner to administer the same.

Which Oaths or Affirmations it shall be lawful for any One of the said Commissioners to administer, and he is hereby required to administer the same to each of the said Quality Men, and the said Oaths or Affirmations so taken and subscribed by each Quality Man, and also the Instrument of Appointment of every new Quality Man (if any such there shall be), with the like Oaths or Affirmations to be taken by him or them, and to be administered as aforesaid, shall be inrolled with the Commissioners Award herein-after directed to be made, and shall be deemed legal Evidence.

Two Quality Men may act.

XII. And be it further enacted, That all Acts, Matters, and Things hereby directed and authorized to be done by the said Quality Men, may be done and executed by any Two of them; and the same shall be as valid and effectual as if done and executed by all the said Quality Men.

Valuations not objected to within Two Months to be final.

XIII. And be it further enacted, That all such Qualities, Valuations, and Appraisements of the said Quality Men, to which no Objection shall be made within Two Calendar Months after the same shall be so left by them with the Clerks to the said Commissioners, and Notice thereof given as aforesaid, shall be absolutely binding and conclusive upon all Persons whomsoever; any Thing in this Act contained to the contrary notwithstanding.

Expences occasioned by Objections being made, how to be paid.

XIV. Provided always, and be it further enacted, That in every Case where the Commissioners shall, on any such Objections being made as aforesaid, confirm the Valuation of the said Quality Men, or shall value the Lands and Grounds at a lower Rate than the same were valued at by the said Quality Men, then all the Charges and Expences occasioned by or attending the hearing and determining of such Objections shall be paid by the Person or Persons making the same, and shall be recovered in like Manner as the several Penalties under this Act are recoverable; and in every Case where the said Commissioners shall increase the Valuation objected to, the Costs and Charges occasioned by or attending such Hearing and Determination as aforesaid, shall be paid out of the Monies to be raised for the Purposes of this Act.

XV. And

XV. And be it further enacted, That out of the Money that shall be raised for defraying the Expences of obtaining and carrying this Act into Execution, there shall be paid to each of the said Commissioners, as a Recompence for his Pains and Trouble, the Sum of Three Pounds and Three Shillings, and to each of the said Quality Men the Sum of Two Pounds and Two Shillings, and no more, for each Day he shall be employed in travelling to, returning from, and attending in the Execution of this Act; and that the said Commissioners and Quality Men shall defray their travelling Expences, and also their own Expences at all Meetings to be held in pursuance of this Act; and that but One Meeting shall be charged for by the said Commissioners for any One Day.

Allowance to Commissioners and Quality Men.

XVI. And be it further enacted, That *Samuel Tunnard*, of *Boston* in the County of *Lincoln*, Gentleman, and *Joseph Brackenbury*, of *Spilsby* in the same County, Gentleman, shall be and they are hereby appointed Clerks to the said Commissioners for carrying this Act into Execution; and in case of their or either of their Death, Neglect, Refusal, or Disability to act, the said Commissioners may from Time to Time, as often as there shall be Occasion, by Writing under their Hands, nominate and appoint some other Person or Persons to be their Clerk or Clerks for the Purposes of this Act, in the Place or Stead of the Clerk or Clerks who shall so die, neglect, refuse, or become disabled to act as aforesaid.

Appointment of Clerks to the Commissioners.

XVII. And whereas Disputes may arise touching the Boundaries of the said Fens, where the same adjoin to any Parish, Township, or Place, be it therefore enacted, That the said Commissioners shall, as soon as conveniently may be after the passing of this Act, fix and appoint some Day or Days for perambulating the Boundaries of the said Fens respectively, where the same adjoin to any Parish, Township, or Place, and shall, at least Ten Days before the Time appointed for such Perambulation, give Notice of the Time and Place of beginning the same, in the several Parish Churches of *Bolingbroke*, *Spilsby*, *Boston*, and *Benington* aforesaid, immediately after Divine Service, or by Writing under their Hands, affixed on the most publick Door of the several Churches aforesaid, and on One of the Church Doors of the Parish or Parishes immediately adjoining such Parts of the said Fens, the Boundaries whereof are intended to be then perambulated, specifying in such Notice the particular Time and Place of beginning such Perambulation, and also by Advertisement to be inserted in the said *Lincoln*, *Rutland*, and *Stamford Mercury*, or in some other Newspaper as aforesaid, so that all Persons interested or concerned therein may have an Opportunity of attending the said Commissioners upon such Perambulation of the said Boundaries, the better to enable them to fix and ascertain the same, and after such Notice the said Commissioners shall, and they are hereby authorized and required to make such Perambulation as aforesaid, and thereby, and also by Examination of Witnesses upon Oath, if they shall think it necessary, (which Oath any One of the said Commissioners shall and he is hereby empowered to administer,) and by such other legal Ways and Means as they shall think proper, to ascertain, fix, and settle the Boundaries of the said Fens respectively, against the Boundaries of any adjoining Parish, Township, or Place, and to cause the same to be set out, staked, and marked accordingly; and the Boundaries so to be fixed, ascertained, and determined by the said Commissioners as aforesaid, shall be set forth and described in the Award of

Boundaries of the Fens to be perambulated.

Notice of Perambulation.

of the said Commissioners herein directed to be made, and shall be final, binding, and conclusive upon all Persons whomsoever, unless the same shall be appealed against in the Manner herein-after mentioned.

Appeal for  
dissatisfied  
Proprietors.

XVIII. Provided nevertheless, That if any One or more of the Proprietors of Estates within any such adjoining Parish, Township, or Place, shall be dissatisfied with the Determination of the said Commissioners, in relation to the setting out and fixing the said Boundaries, such Person or Persons may appeal against the same to the Justices of the Peace (not interested in the Matter in Question) at the General Quarter Sessions to be holden for the said Parts or Division within which the Matter in Dispute shall arise, next after the Expiration of Twenty-one Days from the Meeting of the Commissioners at which such Determination shall have been made, the Person or Persons intending to make such Appeal giving to the said Commissioners, or One of them, Ten Days Notice at the least of such his, her, or their Intention; and the said Justices shall and they are hereby required to hear and determine the Matter of such Appeal, and to settle and ascertain such Part of the said Boundaries in respect whereof such Appeal shall be made, and by whom the Costs shall be paid; and the Determination of the said Justices therein shall be final and conclusive.

Fens and  
Lands in  
Common  
Right Pa-  
rishes to be  
surveyed.

XIX. And be it further enacted, That a true and exact Survey and Admeasurement shall be made as well of the said Fens hereby intended to be divided and allotted, as also of the Fields, Ings, Lands, Meadows, Pastures, and Grounds, whether inclosed or open, lying and being within the several Parishes, Townships, and Places aforesaid, which have Right of Common on the said Fens respectively, and fair Plans delineated thereof, on or before the First Day of *June* One thousand eight hundred and two, or as soon after as conveniently may be, by the said *Anthony Bower*, or the Surveyor or Surveyors to be appointed by the said Commissioners as aforesaid, or his or their Assistant or Assistants; and that such Survey and Admeasurement shall be reduced into Writing, and the Number of Acres, Roods, and Perches, in Statute Measure, contained in the said Fens, Fields, Ings, Lands, Meadows, Pastures, and Grounds, whether inclosed or open, within the several Parishes, Townships, and Places aforesaid, and of each and every Proprietor's distinct Property in the same respectively, at the Time of making such Survey and Admeasurement, and the separate Parishes, Townships, and Places, wherein each and every Proprietor's distinct Property lies, shall be therein set forth and specified, and that the said Survey, Admeasurement, and Plans, shall be delivered to the said Commissioners on or before the First Day of *January* One thousand eight hundred and three, or as soon after as conveniently may be; and such Surveyor or Surveyors, and his or their Assistant or Assistants, shall be paid such Sum and Sums of Money for the said Survey, Admeasurement, and Plans, and for his and their Attendance on the said Commissioners, as the said Commissioners shall think reasonable, and no more; and such Survey, Admeasurement, and Plans, shall be kept by the said Commissioners for the Purposes of this Act, and shall be verified at the Time the same shall be delivered by the Oath or Oaths of the Person or Persons who shall make the same, if thereunto required by the said Commissioners, or any One of them, (which Oath or Oaths any One of the said Commissioners is hereby empowered to administer, and to cause a



Memorandum or Certificate thereof to be entered or indorsed upon each of the said Plans respectively).

XX. Provided nevertheless, That in case the said Commissioners shall be satisfied with the Accuracy of any Survey or Surveys, Plan or Plans, already had and taken of the Fields, Ings, Lands, Meadows, Pastures, and Grounds, whether inclosed or open, lying and being within any of the Parishes, Townships, or Places aforesaid, produced and laid before them, and verified upon Oath, if required, then and in such Case the said Commissioners shall cause Copies thereof to be made and taken by their Surveyor or Surveyors acting under this Act; and no further or other Survey or Surveys, Plan or Plans, shall be made of the same Fields, Ings, Lands, Meadows, Pastures, or Grounds, of such Parish, Township, or Place; any Thing herein-before contained to the contrary thereof in anywise notwithstanding.

Provision as to Lands already surveyed to the Satisfaction of the Commissioners.

XXI. And be it further enacted, That the said Commissioners, Quality Men, and Surveyors, appointed or to be appointed under or by virtue of this Act, together with their Assistants and Servants, or any other Persons employed by them at any Time for the Purposes and in the Execution of this Act, shall have and they are hereby vested with full Power and Authority, at any Time or Times whatsoever, to enter into, view, examine, survey, admeasure, quality, value, and appraise, as well the said Fens hereby intended to be divided and allotted, as also all other the Lands and Grounds, whether inclosed or open, lying within the said several Parishes, Townships, and Places, having Right of Common on the said Fens.

Power for Commissioners, Quality Men, and Surveyors, to enter Lands.

XXII. And be it further enacted, That if any Person or Persons shall at any Time or Times from and after the passing of this Act, wilfully remove or take away any Mete, Bound, or Stake, fixed, put, set, or placed for the Purpose of dividing and allotting the said Fens respectively, or any Part thereof, or for forming or laying out any of the publick or private Roads, Ways, or Drains directed by this Act, such Person or Persons shall, for every such Offence so by him, her, or them from Time to Time committed, forfeit and pay a Sum not exceeding Forty Shillings, which shall be recovered in like Manner as other Penalties are herein-after directed to be recovered.

Penalty on removing Boundaries.

XXIII. And be it further enacted, That all Incroachments and Inclosures which at any Time within Thirty Years now last past have been taken or made from any Part of the said Fens, or either of them, shall be deemed and taken to be Part and Parcel of the Fens to be divided and allotted by virtue of this Act; and in case any Disputes shall arise touching any such Encroachment or Inclosure, or the Extent or Duration thereof, the same shall be finally determined by the said Commissioners, who are hereby empowered to examine Witnesses on Oath (which Oath any One of the said Commissioners is hereby empowered to administer) and to examine and receive such other Evidence as they shall think proper, touching the Matters in Question.

Encroachments within Thirty Years to be deemed Part of Lands to be divided, &c.

XXIV. And be it further enacted, That all Persons having or claiming to have any Right of Common, or any other Estate, Property, Right, or

Commissioners to determine upon Claims.

[Loc. & Per.]

or Interest, in, over, or upon the said Fens hereby directed to be divided and allotted, shall and they are hereby required, by themselves or their Guardians, Trustees, or Agents, to deliver their respective Claims in Writing under their Hands respectively, unto the said Commissioners, at such Meeting and Meetings as shall be held by them for that Purpose, pursuant to such Notice or Notices as is and are hereby directed to be given for carrying this Act into Execution, distinguishing in such Claims the Parish, Township, or Place, within which the Houses, Toststeads, Lands, and Grounds in respect whereof such Claims are respectively made, are situate and lying, and the Name, Description, and Tenure thereof, and of the Person or Persons in the actual Occupation of the same; and that no such Claim or Claims shall be received by the said Commissioners after the last Meeting to be held for that Purpose in pursuance of such Notice as aforesaid, and which shall be so expressed therein, except for some special Cause to be allowed by the said Commissioners; and printed Copies of all such Claims shall be lodged with the Clerks of the said Commissioners, for the Inspection of the Proprietors; and printed Copies or Abstracts thereof (so far as the same concern or relate to the said respective Parishes, Townships, and Places) shall be affixed on the most publick Door of the several Parish Churches aforesaid, or lodged in such other Places as the said Commissioners shall appoint for that Purpose (giving such previous Notice or Notices as aforesaid) in the several Parishes, Townships, and Places within which the several Houses, Toststeads, Lands, and Grounds, in respect whereof such Claims are respectively made, are situate and lying, and the said Commissioners shall appoint certain Days and Places when and where all Parties concerned may appear before them, and shew Cause for or against the Allowance or Disallowance of the said Claims, and at such Meeting and Meetings for the Purpose of allowing or disallowing such Claims, the said Commissioners shall proceed to examine into, and settle and determine the same; and in case any Doubts or Difficulties shall arise respecting such Claims, or any of them, or if any other Disputes or Differences shall happen between any of the said Proprietors, touching their respective Rights or Claims, the said Commissioners shall, and they are hereby authorized and required, by Examination of Witnesses upon Oath (which Oath any One of the said Commissioners is hereby empowered to administer) and by such other Evidence as they shall think proper, to hear and determine the same; and in case the Party or Parties making any such Claims, or the Person or Persons objecting thereto, shall be dissatisfied with such Determination, and shall, by Writing under his, her, or their Hand or Hands, signify the same to the said Commissioners, within Twenty Days next after such Determination shall be made, it shall be lawful for the Person or Persons so dissatisfied with such Determination, to have the Subject of such Claim or Objection, in respect of which such Determination shall be made, tried at Law, by an Action to be brought by him or them against any One of the said Commissioners, or such One or more of the Parties in whose Favour such Determination shall have been made, as the said Commissioners shall appoint, upon a feigned Issue, to be settled by the proper Officer of the Court where such Action shall be brought, in case the Parties differ about the same, such Action to be brought within One Calendar Month next after such Determination shall have been made; and the Defendant or Defendants in such Action shall, and is and are hereby required to appear to such Action, accept a Declaration, and plead to Issue, and the Plaintiff

or

An Issue allowed to Persons dissatisfied.

or Plaintiffs shall thereupon proceed in such Action, so as to have the same finally tried and determined at the First or Second Assizes, to be holden for the County of *Lincoln* next after the commencing of such Action, unless the Court shall direct further Time to be given; and the Verdict of the Jury on such Trial, and the Judgement thereon, shall be final and conclusive between the Parties, unless the Court shall see Cause to direct a new Trial; and after a Verdict which shall be satisfactory to the said Court, the said Commissioners shall act in conformity thereto; and after any such Trial or Trials shall be had as aforesaid, the Costs and Charges of defending such Action, so far as the Defendant or Defendants therein shall be charged with Costs, shall be borne and defrayed out of the Monies raised for discharging the Expences of this Act.

XXV. Provided always, That all such Orders and Determinations of the said Commissioners, as shall not be objected to by such Notice to be given to the said Commissioners as aforesaid, or being so objected to, and the dissatisfied Parties respectively not causing such Action at Law to be brought and proceeded in as aforesaid, shall be absolutely binding, final, and conclusive upon all Persons whomsoever; any Thing in this Act contained to the contrary notwithstanding.

Determina-  
tion of Com-  
missioners not  
objected to,  
to be final.

XXVI. Provided always nevertheless, That nothing herein contained shall authorize the said Commissioners to hear and determine any Difference or Dispute which may arise touching the Right or Title to any Houses, Toststeads, Lands, Tenements, Common Rights, or other Rights within the several Parishes, Townships, and Places aforesaid, but for settling such Disputes and Differences the Parties may commence and prosecute such Suits or Remedies at Law or in Equity as they shall be advised and think proper.

Commission-  
ers not to  
determine  
Rights.

XXVII. Provided also, That no Difference or Suit touching the Title to any Houses, Toststeads, Lands, Tenements, or Hereditaments, or other Rights, shall impede or delay the Commissioners in the Execution of the Powers vested in them by virtue of this Act, but the Division hereby directed to be made shall be proceeded in notwithstanding such Differences or Suits.

Suits not to  
impede the  
Division.

XXVIII. And be it further enacted, That all Costs and Charges to arise or be occasioned in or relating to the investigating, settling, or determining any Claim or Claims which in pursuance of this Act shall be made before or delivered to the said Commissioners, and which shall or may be objected to or disputed, shall, if such Claim or Claims be finally disallowed, be either borne or paid by the Claimant or Claimants, whose Claims shall have been so finally disallowed, or at the Expence of all the said Proprietors of or Persons interested in the said Fens, or at the Expence of such One or more of them only as shall be a Party or Parties to or interested in such Claim or Claims respectively, in such Manner and in such Proportions as the said Commissioners shall order, direct, and appoint, and shall be recovered in like Manner as other Penalties are herein-after directed to be recovered.

Expences of  
Claims ob-  
jected to and  
disallowed  
to be paid by  
the Person  
concerned  
therein.

XXIX. And be it further enacted, That the said Commissioners (at the Request in Writing of any Person or Persons interested, or claiming

For com-  
pelling At-  
tendance of  
to Witnesses.

to be interested, in the Execution of this Act, or otherwise as they shall see Occasion) shall and may, by Writing under their Hands, summon such Witness or Witnesses as shall be thought necessary, to appear and give Evidence before them on Oath (which Oath any One of the said Commissioners is hereby empowered to administer) at any Time and Place to be in such Writing appointed, upon reasonable Notice, and within a reasonable Distance from his, her, or their Dwelling; and if such Witness or Witnesses, being duly served with such Summons, and having been paid or had tendered to him, her, or them, a Sum of Money sufficient to bear his, her, or their reasonable Charges of Attendance (to be ascertained by the said Commissioners) shall neglect or refuse to appear before the said Commissioners pursuant to such Summons, except for some sufficient Excuse, or appearing shall refuse to be sworn, and to give his, her, or their Evidence, then the said Commissioners, on due Proof made thereof before them, are hereby empowered and required, by Warrant under their Hands and Seals respectively, directed to any Person or Persons whomsoever, to cause to be levied, by Distress and Sale of the Goods and Chattels of every Person so refusing or neglecting to appear and give Evidence as aforesaid, any Sum of Money not exceeding Ten Pounds nor less than Five Pounds, rendering the Overplus (if any) upon Demand, after deducting the reasonable Charges of such Summons, Distress, and Sale, to the Person or Persons respectively whose Goods and Chattels shall be so distrained and sold as aforesaid; which Penalty when recovered shall be applied to the general Purposes of this Act; and if any Person, on his or her Examination upon Oath before the said Commissioners, shall wilfully or corruptly give false Evidence, such Person so offending, and being thereof duly convicted, shall be and is hereby declared to be subject and liable to such Pains and Penalties as by any Law now in being Persons convicted of wilful and corrupt Perjury are subject and liable to.

Penalty.

Commissioners to set out publick and private Roads, Drains, &c.

and to appoint Surveyors for first forming the Roads, &c.

XXX. And be it further enacted, That the said Commissioners shall, as soon as conveniently may be, and before they proceed to set out the Allotments herein-after mentioned, make, set out, and appoint such publick and private Roads and Ways as they shall judge necessary, and also such Drains, Watercourses, Mounds, Fences, Banks, Cloughs, Engines, Bridges, Tunnels, Shuttles, Gates, Stiles, and other Works, in, over, through, or upon the said Fens hereby directed to be divided and allotted, as they shall judge necessary and proper, so as all such publick Carriage Roads shall be and remain Forty Feet in Breadth at the least between the Ditches or Fences, and that the said private Roads or Ways shall be of such Breadth as the said Commissioners shall order or direct; and that it shall not be lawful for any Person to erect any Gate across any of the said publick Roads, or to plant any Trees in or near the Hedges, or on the Sides of any of the said Roads, at a less Distance from each other than Fifty Yards; and after the said publick Roads shall have been set out as aforesaid, the said Commissioners shall, and they are hereby empowered and required, by Writing under their Hands, to appoint some proper Person or Persons to be Surveyor or Surveyors of the said Roads, and such Surveyor or Surveyors shall cause the same to be properly formed and compleated, and put into good and sufficient Repair, and shall be allowed such Salary or Reward for his or their Trouble therein, as the said Commissioners shall by Writing under their Hands direct and appoint; which

which Salary or Reward, and also the Expences of forming the said Roads, and of putting the same in good and sufficient Repair, shall be raised and paid in like Manner as the Charges and Expences of obtaining and passing this Act, and carrying the same into Execution, are hereinafter authorized and directed to be raised and paid; and that the Inhabitants of the said respective Parishes, Townships, or Places having Right of Common on the said Fens, shall not be charged or chargeable towards the forming or repairing of the said publick Roads, until the same shall be made fit for the Passage of Travellers and Carriages, and shall have been certified so to be by the said Surveyor or Surveyors, by Writing under his or their Hand or Hands, to be delivered to the Clerks of the Peace at some Quarter Sessions of the Peace to be holden for the Parts of *Lindsey* or Division of *Holland* aforesaid, within which such Roads respectively shall lie, and until such Certificate shall have been allowed and confirmed by the Justices at such Sessions; which said Certificate shall be so delivered to the Clerk of the Peace at the Quarter Sessions for the said Parts or Division next after the said Roads shall be formed, completed, and put into good and sufficient Repair as aforesaid, and within the Space of Two Years next after the Execution of the Award or Instrument herein-after directed to be made, unless sufficient Reason be given to the Satisfaction of the said Justices, that a further Time is necessary for that Purpose, in which Case the said Justices may, and they are hereby empowered to allow such further Time for delivering in the said Certificate as they shall think proper, not exceeding Twelve Calendar Months; and in case the said Surveyor or Surveyors shall neglect or refuse to deliver in such Certificate within the Time before limited, he or they shall forfeit and pay any Sum not exceeding Ten Pounds nor less than Five Pounds, to be recovered in like Manner as other Penalties are herein-after directed to be recovered, and the same shall be applied for the general Purposes of this Act, in such Manner as the said Commissioners shall direct; and after such Certificate shall have been delivered to the said Clerk of the Peace by the said Surveyor or Surveyors as aforesaid, and shall have been allowed and confirmed at such Sessions, the said Roads shall be from Time to Time amended and kept in Repair by the Inhabitants of the respective Parishes, Townships, and Places having Right of Common on the said Fens, in the same Manner as the other publick Roads within the said respective Parishes, Townships, and Places are by Law to be amended and kept in Repair; and that the said private Roads or Ways, so to be made, set out, and appointed, shall at all Times thereafter be kept in Repair at the Expence of such Person or Persons, and in such Shares and Proportions as the said Commissioners shall order, direct, and appoint; and that after such publick and private Roads and Ways shall be set out and made, it shall not be lawful for any Person or Persons to use any Roads or Ways, either publick or private, in, over, through, or upon the said Fens hereby directed to be divided and allotted, either on Foot, or with Cattle, Horses, or Carriages, other than such as shall be set out and appointed by the said Commissioners by virtue of this Act; and that all former Roads and Ways which shall not be set out and appointed as the Roads and Ways through the said intended Division, shall be deemed Part of the Lands and Grounds to be divided and allotted by virtue of this Act, and shall be divided and allotted accordingly as Part thereof; and all such Ditches, Mounds, Fences, Banks, Drains, Watercourses, Cloughs, Engines, Bridges, Tunnels, Shuttles, Gates, Stiles, and other

The same to  
be confirmed  
at the Sessions.

Works so to be made, set out and appointed by the said Commissioners as aforesaid, shall at all Times thereafter be repaired, cleansed, maintained, and kept in Repair, either by Parochial Assessments, or by such Person or Persons, and in such Manner, as the said Commissioners shall direct or appoint in and by their Award or Instrument in Writing hereinafter directed to be made.

Commissioners to give Notice of having set out Roads.

XXXI. Provided nevertheless, and be it further enacted, That so soon as conveniently may be, after the said Commissioners shall have set out and appointed such publick and private Roads and Ways as aforesaid, they shall cause publick Notice thereof to be given in the *Lincoln, Rutland, and Stamford Mercury*, or in some other Newspaper as aforesaid, and that it shall and may be lawful for any Person or Persons who shall think himself, herself, or themselves aggrieved by the Setting out, Appointment, or Disposition of such publick or private Roads or Ways as aforesaid, (on giving One Calendar Month's Notice in Writing to any One of the said Commissioners of his, her, or their Intention) to appeal against all or any of such publick or private Roads or Ways, to some General Quarter Sessions of the Peace to be holden in and for the said Parts or Division where the Roads shall lie, within One Calendar Month next after such Setting out, Appointment, and Disposition of the said Roads, and Notice given thereof by the said Commissioners as aforesaid, and he, she, or they shall be heard by himself, herself, or themselves, or by his, her, or their Counsel, Attornies, Agents, and Witnesses; and that the said Commissioners, or any One of them, or their Surveyor or Surveyors, shall attend at such Sessions with a General Map or Maps of the said Fens, and the Justices not interested in the said Division, before whom such Appeal shall be made, shall, on hearing the Evidence, and inspecting the said Map or Maps, finally determine where the said Roads or Ways so appealed against shall be, and whether any new or other Roads or Ways shall be set out, and shall make and give such Orders and Directions touching the Matters before them, as to them shall seem necessary and expedient in that Behalf; and such Determination of the said Justices shall be final, conclusive, and binding upon all Parties concerned, and shall not be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; but in case no such Appeal shall be made within the Time aforesaid, then such Setting out, Appointment, and Disposition of the said Roads and Ways by the said Commissioners as aforesaid, shall be final and conclusive upon all and every Person and Persons whomsoever.

For selling Lands towards defraying Expences.

XXXII. And be it further enacted, That for providing a Fund for defraying the Costs, Charges, and Expences of obtaining this Act, and carrying the same into Execution, it shall and may be lawful to and for the said Commissioners, and they are hereby authorized, empowered, and required, as soon as conveniently may be after the passing of this Act, from Time to Time, and before the making of any of the Allotments herein-after directed to be made, to sell and dispose of such Parts or Parcels of the said Fens, as they shall judge most proper and expedient, free and exempt from all and all Manner of Tithes whatsoever, in Lots not exceeding One hundred Acres in each Lot, by publick Auction, to the highest Bidder or Bidders, at some of their Meetings to be held in  
pursuance

purfuance of this Act, of which publick Notice fhall be given by the faid Commiffioners in the *Lincoln Rutland*, and *Stamford Mercury*, or in fome other Newspaper as aforefaid, at leaft Three Weeks before fuch Sale or Sales fhall be made; and the Purchafer or Purchafers at every fuch Sale fhall immediately pay to the faid Commiffioners One-Fifteenth Part of his, her, or their Purchase Money, as and for a Deposit, and fhall enter into an Agreement to pay the Refidue of fuch Purchase Money at the Time to be limited by the Conditions of Sale of the faid Premifes, into the Hands of the faid Commiffioners, who are hereby authorized to give Receipts for the fame; and alfo for the Money to be paid as and for a Deposit as aforefaid: Provided always, that if any Purchafer having made fuch Deposit as aforefaid, fhall not pay the Whole of the Purchase Money within the Time appointed for Payment thereof by the faid Conditions of Sale, the Money fo deposited fhall become forfeited to the faid Commiffioners, and fhall be by them applied for the Purpofes of this Act; and it fhall be lawful for the faid Commiffioners, on giving fuch Notice as aforefaid, to put up again to Sale fuch Lot or Lots for which the Whole of fuch Purchase Money fhall not have been paid, and fo *toties quoties* until the fame fhall be fold; or the faid Commiffioners may, if they think proper, fell and difpofe of fuch Lot or Lots by private Contract, for the beft Price or Prices that can be gotten for the fame; and all Lands to be fold under or by virtue of this Act, upon Payment of the full Purchase Money for the fame, fhall be conveyed as Freehold of Inheritance in Fee Simple, free from Tythes as aforefaid, unto the Purchafer or Purchafers thereof refpectively, and a Conveyance or Conveyances of the fame by Lease and Release, made and executed by the faid Commiffioners, fhall be valid and effectual in the Law, to veft the fame in fuch Purchafer or Purchafers, and his, her, and their refpective Heirs and Affigns, abfolutely for ever, fubject and liable to fuch yearly Rates and Taxes, for general and private or interior Works of Drainage; and fuch Remedies for Recovery thereof refpectively, as the fame now are or fhall become fubject or liable to for the Drainage thereof; and the faid Commiffioners fhall apply the Monies arifing by and from all and every fuch Sale or Sales in defraying the Cofts, Charges, and Expences of obtaining and paffing this Act, and of carrying the fame into Execution, and all the Cofts, Charges, and Expences of the furveying, admeafuring, planning, and valuing the faid Fens, and other the Lands and Grounds herein-before directed to be furveyed, admeafured, planned, and valued; and alfo of the dividing, allotting, and fencing the faid Fens, and of preparing and inrolling the Award or Instrument herein-after directed to be made, and depositing Copies thereof as herein-after directed, and all other neceffary Cofts, Charges, and Expences to be incurred in the due Execution of this Act; and in cafe there fhall be any Surplus of the Monies arifing from fuch Sale or Sales, after paying fuch Cofts, Charges, and Expences as aforefaid, fuch Surplus fhall be paid or applied as herein-after directed with refpect to the final Balance of Accounts.

XXXIII. And be it further enacted, That the faid Commiffioners fhall, and they are hereby authorized and required to fet out fo much and fuch Parts of the faid feveral Parochial or General Allotments hereby directed to be made as aforefaid, as, when taken together, fhall in their Judgement be equal in Value to One-Tenth Part of all the Lands to be fold for the Purpofes of this Act, regard being had in the Lands fo fet out to the

Commiffioners to allot Lands in lieu of Tythes of the Lands to be fold for the Purpofes of this Act.

Proportion

Proportion which each such Parochial or General Allotment shall bear to the Aggregate Value of the Lands to be sold for the Purposes of this Act; and the said Commissioners shall allot the Lands so set out, unto and amongst the several Tythe Owners interested therein respectively, according to such their Interests, in lieu, Satisfaction, and Compensation of and for all and all Manner of Tythes, which would have arisen or accrued due in respect of the Lands so to be sold as aforesaid, in case such Lands had not been sold free from Tythes; subject nevertheless, and the said Commissioners are also required, in setting out such Parts of the said Parochial or General Allotments as herein-before directed, to make such Deduction therefrom as in their Judgement shall be equivalent in Value to the Tythes of the Lands so to be sold for the Purposes of this Act as aforesaid, for the Space of Seven Years after the same shall be put into a State of Cultivation and Improvement; and the said Commissioners, in making such Deduction as aforesaid, shall have regard to the Share or Proportion which each Parochial or General Allotment would have been entitled to, of or in the said Lands so to be sold, in case the same had formed Part of the Residue of the said Fens, and been divisible into Parochial or General Allotments as aforesaid.

Commissioners to have due Regard to the Situation of Parishes, &c. in setting out Lands for Sale.

XXXIV. Provided always, and be it further enacted, That in setting out and appropriating such Parts or Parcels of the said Fens for Sale as aforesaid, the said Commissioners shall have due Regard to the Situation of the several Parishes, Townships, and Places having Right of Common thereon, and to the Interest and Conveniency of the Owners and Proprietors of Houses, Toststeads, Lands, and Grounds in such Parishes, Townships, and Places respectively.

Allotments to be made for getting Materials for Repairs of Roads.

XXXV. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required, as soon as conveniently may be, and before they proceed to set out the Allotments herein-after directed, to set out and allot such Parcels of Land in and upon the said Fens hereby directed to be divided and allotted, as the said Commissioners shall think most proper and convenient to be used, not exceeding Eighty Acres in the Whole, for the Purpose of getting Gravel, Sand, or any other Materials for the Repairs of the several public and private Roads and Ways directed to be made in, over, or upon the said Fens by virtue of this Act.

Allotment of One Twentieth in Value to the King's Majesty, as Lord of the Soil, and in Right of Brovage.

XXXVI. And be it further enacted, That after allotting such Part or Parts of the said Fens as shall be appropriated for defraying the Expences of obtaining this Act, and carrying the same into Execution, pursuant to the Directions herein-before contained, and after the said publick and private Roads, Ways, Drains, and Watercourses shall have been set out and appointed as aforesaid, the said Commissioners shall and they are hereby authorized and required, to set out and allot unto His Majesty, His Heirs and Successors, such Plot or Parcel, Plots or Parcels of Land in the said Fens, or One of them, as shall in the Judgement of the said Commissioners (Quantity, Quality, and Situation considered) be equal in Value to One full Twentieth Part of the said Fens that shall remain after disposing of such Parts thereof as shall be appropriated for the Purposes aforesaid, in lieu of and as a full Satisfaction, Compensation, and Extinguishment of and for all and all Manner of Manerial Rights and

Claims



Claims, including Brovage or Agistment, for all Manner of Cattle, in, over, and upon the said Fens respectively, which His Majesty, His Heirs or Successors, shall or may have or claim, or be entitled to in Right of His said Duchy of *Lancaster*, or as Lord of the said Manor and Soke of *Bolingbroke*, or which any other Lord or Lords, Lady or Ladies of any other Manor or Manors, Seignory or Seignories, shall or may have or claim in, over, and upon the said Fens hereby directed to be divided and allotted, or any Part or Parts thereof, and all Mines and Quarries of what Nature or Kind soever, that may hereafter be found and opened under the Soil of the said Fens, or any Part thereof respectively, and also in full Satisfaction and Compensation of and for all future Improvements, Benefits, and Advantages whatsoever, that may hereafter arise or be made by any further Alterations or other Dispositions of the said Fens than what are intended to be made by this Act.

XXXVII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required, after the Sale of such Parts or Parcels of the said Fens as shall be found necessary or expedient for providing a Fund for defraying the Costs, Charges, and Expenses of obtaining this Act, and carrying the same into Execution, and after the several Allotments herein-before directed shall have been made, to set out, allot, and divide the Residue of the said Fens unto and for the Use and Benefit of His Majesty, His Heirs and Successors, and the Owners and Proprietors of Houses, Toststeads, Lands, and Grounds in every and each of the said several Parishes, Townships, and Places of *Bolingbroke, Hareby, Asgarby, Lusby, Raithby, Hundleby, Mavis Enderby, Spilsby, Halton, Holgate, Little Steeping, Thorpe, Toynton All Saints, Toynton Saint Peter's, East Keal, West Keal, Miningsby, Revesby, East Kirkby, Hagnaby, Stickford, Stickney, Sibsey, and Frith Bank*, within the Soke of *Bolingbroke*, and also in the several Parishes, Townships, and Places of *Boston East, Skirbeck, Fishtoft, Freiston, Butterwick, Benington, Leverton, and Leake*, called *The East Holland Towns*, having Right of Common on the said Fens, and also in such other Parishes, Townships, and Places, as shall appear to have Right of Common thereon, in Parochial or General Allotments, in Proportion and according to the Number of Houses and Toststeads within each of the said Parishes, Townships, and Places respectively, and in Proportion and according to the Quantity and Value of such Lands and Grounds lying in each of the said Parishes, Townships, and Places as had Right of Common on the said Fens on the Twenty-seventh Day of *July* One thousand eight hundred, in respect of any such Common Right Houses within the said Parishes, Townships, or Places aforesaid, or any of them (Regard being had to Quantity, Quality, and Situation, in each of the said Parochial or General Allotments); and in making such Allotments the said Commissioners shall distinguish the Quantity of Land allotted to or for the Use of the Owners and Proprietors of Houses, Toststeads, Lands, and Grounds, within each Parish, Township, and Place, for or in lieu of the Rights of Common appurtenant to Houses and Toststeads therein, and in respect of the Lands and Grounds having Right of Common as aforesaid; and the said Commissioners shall set out such respective Parochial or General Allotments, as near and conveniently as may be to such of the said Parishes, Townships, or Places respectively, as adjoin the said Fens or either of them; and the Owners, Proprietors, or Occupiers of Houses, Toststeads, Lands,

Allotment of the Residue of the Fens to Houses, Toststeads, and Lands, having Right of Common thereon.

and Grounds within each such respective Parish, Township, or Place, shall have and enjoy the same Right of Common, and other Rights whatsoever in, over, or upon the respective Part or Share so set out and allotted to or for him, her or them, as aforesaid, as they are now entitled to have and enjoy, or could or might have held and enjoyed, over the Whole of the said Fens, before the passing of this Act, subject nevertheless to such Provisions as are herein-after contained for regulating the said Parochial or General Allotments, and stocking and managing the same respectively.

Regard being had to such Houses only as had Right of Common on 27 July 1800.

XXXVIII. Provided always, and it is hereby declared, That in making the said several Parochial or General Allotments, in respect of Houses, Regard shall be had to such Houses only as were entitled to Right of Common on the said Fens upon the said Twenty-seventh Day of *July* One thousand eight hundred, and each Toststead shall be considered as entitled to One Moiety only of the Quantity of Land which shall be allotted as the Proportion of each House.

Saving the Rights of the Vicar of Sibsey.

XXXIX. Provided always, and it is hereby enacted, That nothing in this Act contained shall lessen or defeat the Right or Title of the Vicar of *Sibsey* aforesaid for the Time being, to or for an Allotment in respect of the Vicarage House belonging to the said Vicarage, notwithstanding such Vicarage House was partly destroyed by Fire in the Spring of the Year One thousand seven hundred and ninety-eight, and has not since that Time been rebuilt or inhabited.

One Moiety of such Residue allotted to Houses and Toststeads, and the other Moiety to Lands having Right of Common on the said 27 July 1800.

XL. Provided also, and it is hereby declared and enacted, That One Moiety (Quantity, Quality, and Situation considered) of the Residue of the said Fens, hereby directed to be set out and allotted to or for the Houses, Toststeads, Lands and Grounds, in each and every of the said several Parishes, Townships, and Places aforesaid, shall be considered as being so set out or allotted in lieu of the Right of Common appurtenant to such Houses and Toststeads, and the other Moiety thereof in lieu of the Right of Common appurtenant to such Lands and Grounds lying in each of the said Parishes, Townships, and Places, as had Right of Common on the said Fens respectively on the said Twenty-seventh Day of *July* One thousand eight hundred in respect of Common Right Houses as aforesaid; subject nevertheless and without Prejudice to the Claims of any of the Owners or Proprietors of Houses or Toststeads to an exclusive Right of Common on the said Fens in respect of Houses or Toststeads only, if any such Right exists.

Allotments to be in lieu of former Property.

XLI. And be it further enacted, That the several Shares and Allotments of the said Fens hereby directed to be divided and allotted to and for the Use of the Owners and Proprietors of Houses, Toststeads, Lands, and Grounds, within the said several Parishes, Townships, and Places, shall be and the same are hereby vested in them respectively, in full Satisfaction and Compensation of and for Right of Common, and all other Rights whatsoever, in, over, or upon the said Fens, and in Bar of all Claim or Right of Common upon any other Part of the said Fens which shall be assigned or allotted to any other Owners or Proprietors of Houses, Toststeads, Lands, and Grounds in any other Parish, Township, or Place; and that from and immediately after the Execution of the said Award or Instrument

Instrument herein directed to be made, or so soon as the said Commissioners, by any Writing under their Hands, shall appoint, all Right of Common, and other Right whatsoever belonging to or claimed by all and every the Owners and Proprietors of such Common Right Houses, Toststeads, Lands, and Grounds, within each and every of the said Parishes, Townships, and Places, and of all other Persons whomsoever, in, over, and upon the said Fens hereby directed to be divided and allotted, and every Part thereof, except only in, over, or upon the respective Part or Share, or Parts or Shares thereof, which shall be assigned and allotted to and for the Use of the Owners and Proprietors of Houses, Toststeads, Lands, and Grounds within each Parish, Township, or Place respectively, shall cease, determine, and be for ever extinguished.

XLII. And be it further enacted, That all Division Fences, Bridges, Gates, Stiles, Ditches and Watercourses, for dividing and separating the respective Allotments to be made by virtue of this Act, shall be made, built, and finished within Twelve Calendar Months, or so soon after as conveniently may be, from the Time of setting out and allotting the same, or at such other Time or Times as the said Commissioners shall by any Writing under their Hands direct and appoint, and that the Expence of making all such Division Fences, Bridges, Gates, Stiles, Ditches, and Watercourses, as shall be necessary for dividing and separating the respective Allotments to be made to His Majesty, His Heirs and Successors, and to and for the Use of the Owners and Proprietors of Houses, Toststeads, Lands, and Grounds within each respective Parish, Township, or Place, shall be borne by and defrayed out of the Monies to arise by the Sale of such Part or Parts of the said Fens as shall be sold for the Purposes of this Act, and that all such Division Fences, Bridges, Gates, Stiles, Ditches, and Watercourses, shall at all Times thereafter be repaired, scoured, and maintained, by and at the Expence of His Majesty, His Heirs and Successors, and of the Owners and Proprietors of Houses, Toststeads, Lands, and Grounds, within each Parish, Township, or Place respectively, to whom or to which the Lands hereby intended to be divided shall be allotted, and in such Manner as the said Commissioners shall, by their Award herein-after directed to be made, order, direct, and appoint.

Division  
Fences to be  
made.

XLIII. And be it further enacted, That within the Space of Twelve Calendar Months next after the Division and Allotment of the said Fens shall have been made and completed, or as soon after as conveniently may be, the said Commissioners shall form and draw up, or cause to be formed and drawn up, an Award or Instrument in Writing, which shall express the Quantity in Statute Measure, of the Acres, Roods, and Perches contained in the said Fens respectively, so directed to be sold, divided, and allotted as aforesaid, and the Quantity of each and every Part and Parcel thereof, which shall be set out or allotted to His Majesty, His Heirs and Successors, and to and for the Use of the Owners and Proprietors of Houses, Toststeads, Lands, and Grounds within the respective Parishes, Townships, and Places entitled to or interested in the same, and shall also contain a Description of the Situation, Abuttals, and Boundaries of the same Parcels and Allotments respectively, and also proper Orders and Directions for and concerning the laying out, making, maintaining, supporting, cleansing, and keeping in Repair the several Roads, Ways, Ditches,

Award to be  
made.

Notice of  
executing the  
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To be inrol-  
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sion of Hol-  
land.

Ditches, Fences, Banks, Drains, Watercourses, Cloughs, Engines, Bridges, Tunnels, Shuttles, Gates, Stiles, and other Works hereby directed or authorized to be made; and also all such Orders, Regulations, and Determinations as are in and by this Act mentioned, directed, required, and authorized to be made or established, and such other Orders, Regulations, Matters, and Things as the said Commissioners shall think necessary and proper to be inserted in such Award, conformable to the true Tenor and Meaning of this Act; which said Award or Instrument shall be fairly written or ingrossed upon Parchment, and read over in the Presence of the Proprietors who may attend at a Special General Meeting to be held for that Purpose, (of which Ten Days Notice shall be given in the *Lincoln, Rutland, and Stamford Mercury*, or in some other Newspaper as aforesaid), and Two Parts of the said Award shall at the said Meeting be executed by the said Commissioners, which Execution shall be proclaimed on *Sunday* then next following in the respective Churches of the several Parishes, Townships, and Places having Right of Common on the said Fens respectively, from which Time only the said Award shall be considered as complete; and the same shall, within the Space of Six Calendar Months after the signing and sealing thereof, be inrolled with the Clerks of the Peace for the Parts of *Lindsey* and Division of *Holland* aforesaid respectively, and a true Copy of the Plan of the said Fens, and the Parochial or General Divisions and Allotments thereof, drawn upon Vellum or Parchment, and signed by the said Commissioners, shall be annexed to each Part of the said Award, and to the Inrolments thereof, one Part of which said Award so inrolled as aforesaid, shall be deposited in the Office of the Clerk of the Council of His Majesty's Duchy of *Lancaster*, and the other Part thereof shall be deposited in the Treasury of the Mayor and Burgeses of the Borough of *Boston*, in the said County of *Lincoln*, with the Records and Muniments belonging to the said Borough, for safe Custody, and in order to be from Time to Time inspected and perused by any Person or Persons interested, on Payment of One Shilling for each such Inspection or Perusal to the Clerk of the Council of the said Duchy, or to the Town Clerk for the Time being of the said Borough; and a true Copy of the Inrolment of the said Award, or of any Part thereof, certified and signed by the Officer with whom the same shall be inrolled, or his Deputy, shall from Time to Time be admitted in all Courts whatsoever as legal Evidence, and such Officer is hereby required to make Copies thereof, or of any Part thereof, and to certify and sign the same from Time to Time when required, being paid for every such Copy and Certificate after the Rate of Four-pence *per* Sheet, reckoning Seventy-two Words to each Sheet; and any Person or Persons interested therein shall have Liberty to inspect and peruse such Inrolment, paying to such Officer for every such Inspection or Perusal One Shilling and no more; and the said Award, and the several Divisions and Allotments, Orders, Directions, Regulations, and all other Matters and Things therein contained, shall be and are hereby declared to be binding and conclusive unto and upon all Parties interested in the said Division.

Commission-  
ers may make  
Orders for re-  
gulating  
Commons.

XLIV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby required at any Time or Times before the Execution of their Award herein directed, when thereto requested by Writing under the Hands of the greater Part in Value of the Owners or Proprietors of Houses, Toftsteads, Lands, and Grounds  
in

in any One or more of the said Parishes, Townships, or Places for which such Parochial or General Allotments shall be made as aforesaid, having Right of Common thereon respectively, by Writing under their Hands, or by their said Award, to make such Rules and Orders for regulating the Manner of using and occupying the said Commons, and of stocking the same with Cattle and other Stock, and for limiting and stinting the Number and Kinds of the said Stock which each Person entitled to such Common Right shall be allowed to depasture thereon, and for limiting the Times and Seasons of stocking, and such other Rules, Orders, and Regulations for the better Management and more convenient Enjoyment thereof, as they the said Commissioners shall from Time to Time think proper, and for the mutual Benefit of all Persons interested therein, according to their respective Rights and Interests; and also from Time to Time, on such Request in Writing, to annul, repeal, or alter any such Rules, Orders, and Regulations, and to make such others as they shall deem expedient, and for the mutual Benefit of all Persons interested therein, according to their respective Rights and Interests; and all such Rules, Orders, and Regulations, so long as the same shall continue in force, shall be binding upon and observed by all Persons interested in the said Commons in respect of which such Orders, Rules, and Regulations shall be made; and every Person who shall not conform to, or shall stock such Common or Commons contrary to such Rules, Orders, and Regulations, shall forfeit and pay for every Offence therein, any Sum not exceeding Ten Pounds, nor less than Five Pounds, to be recovered in like Manner as other Penalties under this Act are authorized to be recovered; and every such Rule, Order, or Regulation made in Manner aforesaid by the said Commissioners, for any One of the said Parochial or General Allotments, shall be confined to that Allotment, and shall not extend to or affect any other of the said Allotments, so that each of the said Parochial or General Allotments may be distinct from and not connected with any other.

XLV. And be it further enacted, That if any of the Proprietors or Persons interested in the said Division by this Act directed to be made, or the Person or Persons by them employed to solicit and obtain the same, shall *bonâ fide* advance any Money for or towards defraying the Charges and Expences thereof, or preparatory and incident thereto, and of carrying the same into Execution, or shall have already advanced any Money for those Purposes, such Person or Persons shall, out of the first Monies which shall be raised by virtue of this Act, be repaid the same, with Interest after the Rate of Five Pounds *per Centum per Annum*, from the respective Times of advancing thereof.

Persons advancing Money towards the Expences of this Act, to be repaid with Interest.

XLVI. And be it further enacted, That fair and regular Entries shall be made in a Book or Books to be provided for that Purpose, of all the Acts, Orders, Rules, Regulations, Directions, and Proceedings of the said Commissioners, relative to the Execution of this Act, and of the Names of the Commissioners who shall be present at the respective Meetings, and the same shall be signed by the said Commissioners, or by their Clerk or Clerks by their Order; and all such Entries being so signed, shall be deemed Originals, and shall be allowed to be read in Evidence in all Courts whatsoever, in all Cases, Suits, and Actions touching any Thing done in pursuance of this Act.

Proceedings of Commissioners to be entered in a Book, and when signed good Evidence.

[*Loc. & Per.*]

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XLVII. And

Commissioners to enter Accounts in Two Books for the Inspection of Proprietors.

Penalty on neglecting to keep Accounts, or refusing Inspection.

XLVII. And be it further enacted, That the said Commissioners shall and they are hereby required to enter in Two Books to be provided for that Purpose, an Account of all Sums of Money raised or received by them from the Sale of Lands or otherwise, during the Progress of the said Division, by virtue of any Powers granted by this Act, and also of all the Charges, Expences, and Disbursements which shall accrue or be made by virtue of this Act, and in carrying the same into Execution; and a true and exact Balance of such Account shall be made out and fairly stated in the said Books, every Six Months during the Progress of the said Division, which Books of Account shall be kept at the Offices of the Clerks to the said Commissioners in *Boston* and *Spilsby* aforesaid, open at all reasonable Times, during the Progress of the said Division, and till all the Accounts are finally settled, for the Inspection of any of the Proprietors, or their Agents, paying to the Clerks a Fee for such Inspection, not exceeding One Shilling; and in case the said Commissioners or their Clerks shall neglect to provide and keep such Books of Account as aforesaid, or refuse the Inspection thereof to any of the Proprietors at reasonable Times, in Manner before mentioned, and shall be convicted thereof upon the Oath of One or more credible Witness or Witnesses not interested in the said Division, before any Justice of the Peace of the said Parts of *Lindsey* or Division of *Holland*, or of such other County or Place where such Commissioner or Clerk so offending shall be or reside, every such Commissioner or Clerk so causing such Neglect or Refusal, and convicted as aforesaid, shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds nor less than Five Pounds, and if he or they shall make Default in paying such Sum for the Space of Ten Days next after Conviction, the same shall be levied by Distress and Sale of the Goods and Chattels of the Party or Parties so offending, by Warrant under the Hand and Seal of such Justice, (which Warrant such Justice is hereby empowered and required to grant), and the Overplus, after such Penalty, and the Charges of such Distress and Sale are deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels, and the Money arising by such Forfeiture or Penalty shall be paid and applied for the Purposes of this Act.

Monies raised to be deposited in the Hands of a Banker.

XLVIII. And be it further enacted, That all the Monies to be raised and received under and by virtue of the Powers of this Act, during the Progress of the said intended Division, shall from Time to Time, as often as the same shall amount to the Sum of Fifty Pounds, be paid to and deposited in the Hands of some Banker or Bankers, or such other Person or Persons as shall be approved of by a Majority in Value of the Proprietors who shall attend by themselves or their known Agents at the First Meeting of the said Commissioners, and in the Notice of which Meeting shall be expressed the Intention of then appointing such Banker or Bankers, or such other Person or Persons; and no such Monies deposited or paid into the Hands of such Banker or Bankers, or other Person or Persons to be appointed as aforesaid, shall be issued or paid by him or them without an Order in Writing under the Hands of the said Commissioners, specifying the Person or Persons to whom the same are respectively payable, and the Service or Consideration for which the same are due; and that the Balance, if any, upon the final Settlement of all Accounts in anywise concerning the Business of the said Division, shall be immediately paid and applied in such Manner, and for such Purposes as shall be directed by a Majority

Majority in Value of the Proprietors who shall attend by themselves or their known Agents, at a Meeting to be held by them for that Purpose, pursuant to such Notice or Notices as is and are herein-before directed to be given, for the Sale of Land for providing a Fund for defraying the Costs, Charges, and Expences of obtaining this Act, and carrying the same into Execution.

XLIX. And be it further enacted, That if any Person or Persons shall at any Time or Times, from and after the passing of this Act, wilfully or maliciously demolish, pull down, break, or otherwise destroy or damage any Sluice, Gowt, Clough, Bridge, Stile, Mound, Bank, Engine, Fence or Fences, or any other Works that shall or may be erected, set up, provided, or made for the Purpose of dividing or allotting the said Fens, or any Part thereof respectively, such Person or Persons, being lawfully convicted of any or either of the said several Offences, or of causing or procuring the same to be done, shall be adjudged guilty of Felony, and shall be subject to the like Pains and Penalties as in Cases of Felony, and the Court by or before whom such Person or Persons shall be tried, shall have Power and Authority to transport such Felon or Felons for the Term of Seven Years, in like Manner as other Felons are directed to be transported by the Laws and Statutes of this Realm, or in Mitigation of such Punishment may and are hereby empowered to award, and to impose such Fine and Imprisonment as shall be judged expedient. Destroying  
Fences.

L. And be it further enacted, That in case any Person or Persons shall, at any Time or Times after the passing of this Act, cut, dig, take up, carry, or lead away in Carts, Waggon, or otherwise, any Turf, Sods, Gravel, Sand, or Soil, from any Part of the said Fens hereby directed to be divided and allotted, every such Person or Persons so offending shall, on Conviction thereof before One Justice of the Peace for the Parts or Division wherein the Offence shall have been committed, by the Confession of the Party offending, or by the Oath or Oaths of One or more credible Witness or Witnesses (which Oath such Justice is hereby empowered and required to administer) for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings, which shall be recovered in like Manner as other Penalties are herein-after directed to be recovered; and the Evidence of any Witness or Witnesses shall be admissible, notwithstanding his, her, or their being interested in the said Fens. Penalty for  
cutting Turfs,  
etc.

LI. And be it further enacted, That it shall not be lawful for any Person or Persons, after the passing of this Act, to turn or put, or cause to be turned or put, any Horses, Beasts, Sheep, Lambs, Swine, Asses, or other Cattle, into or upon any publick or private Roads, Ways, Lanes, or Passages, in the said Fens, or to dig Pits or Holes therein, or to carry or take away any Sand, Gravel, or Soil, from any publick or private Roads, Ways, Lanes, or Passages; and that all and every Person or Persons so offending, shall for each and every such Offence so by him, her, or them, from Time to Time committed, forfeit and pay a Sum not exceeding Ten Shillings, which shall be recovered in like Manner as other Penalties are herein-after directed to be recovered. Penalty on  
stocking the  
Highways.

LII. Provided nevertheless, and be it further enacted, That as soon as may be after the passing of this Act, Copies or Extracts of the Two last-mentioned Noticethereof  
to be affixed  
on the Church  
Doors, and

inserted in the  
Stamford  
Mercury.

mentioned Clauses shall be affixed upon One of the most publick Church Doors of the severall Parishes, Townships, and Places, having Right of Common on the said Fens, and that like Copies or Extracts of such Clauses shall be inserted Twice at least in the *Lincoln, Rutland, and Stamford Mercury*, or in some other Newspaper as aforesaid.

For Recovery  
of Penalties.

LIII. And be it further enacted, That all Penalties and Forfeitures imposed by or under the Authority of this Act, or the Award directed to be made in pursuance thereof, (the Recovery whereof is not herein-before otherwise directed), shall be levied and recovered in a summary Way before any One Justice of the Peace for the said Parts of *Lindsey* or Division of *Holland*, not interested in the Matter in Question, for which Purpose it shall be lawful for any such Justice of the Peace, upon Complaint made to him, to summon the Party accused, and the Witnesses on both Sides, and upon the Appearance or Contempt of the Party accused, to examine such Witnesses upon Oath, (which Oath such Justice is hereby empowered and required to administer), and upon such Evidence to give Judgement accordingly, and to condemn the Party accused, (Proof of the Accusation being made to the Satisfaction of the said Justice by One or more Witnesses or Witnesses as aforesaid), in such Penalties and Forfeitures as he or she shall have incurred, and to levy such Penalties and Forfeitures by Distress and Sale of his or her Goods and Chattels, together with reasonable Costs, all which Penalties and Forfeitures, the Application whereof is not particularly directed by this Act, shall, when and so often as the same shall be levied, be paid and applied to and for the Purposes of this Act, as the said Commissioners shall order, direct, or appoint.

Appeal to the  
Quarter Sessions.

LIV. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done by virtue or in pursuance of this Act, then and in every such Case (except in such Cases where Provision is made for a Trial at Law, and where the Orders and Determinations of the said Commissioners are hereby directed to be final, or where otherwise provided for or directed by this Act), he, she, or they may appeal to the General Quarter Sessions of the Peace which shall be held for the said Parts of *Lindsey* or Division of *Holland*, wherein the Cause of Complaint shall arise, within Six Calendar Months next after such Cause of Complaint shall have arisen, on giving Ten Days Notice to the said Commissioners of such his, her, or their Intention of appealing; and the Justices in their said General Quarter Sessions, (except such of them as shall or may be interested in the Matters in Question), are hereby authorized and required to hear and determine the Matter of every such Appeal, and to make such Order therein, and award such Costs and Damages as to them in their Discretion shall seem reasonable; and by their Order or Warrant to levy the Costs which shall be so awarded, by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of every such Distress and Sale; which Determination shall be final and conclusive upon all Parties concerned, and shall not be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

LV. And



LV. And whereas by an Act, made and passed in the Second Year of the Reign of His present Majesty, intituled, *An Act for draining and preserving certain Low Lands, called The Fens, lying on both Sides of the River Witham, in the County of Lincoln, and for restoring the Navigation of the said River from the High Bridge, in the City of Lincoln, through the Borough of Boston, to the Sea*, it was enacted, That it should and might be lawful to and for the Commissioners of the Fourth District, mentioned and described in the said recited Act, or any Five or more of them, to raise or cause to be raised such Taxes as should be charged or assessed upon the Commons in the *West Fen*, for defraying the Charges and Expences as well of the general Drainage, as of the particular Works to be done within the said Fourth District, by enclosing any Part of the said Commons, not exceeding Eight hundred Acres in the *West Fen*; and that the said Commissioners, or any Five or more of them, should and might, from Time to Time, so long as it should be necessary for the Purposes aforesaid, grant a Lease or Leases of the Land and Ground so to be enclosed, unto any Person or Persons, at and for the best Rent they could get for the same, for any Term not exceeding Twenty-one Years; and that the Money arising from such inclosed Lands by virtue and in pursuance of the said recited Act, should be applied only towards paying the Taxes and Rates charged on the said *West Fen*; be it therefore further enacted, That from and after the Fifth Day of *April* One thousand eight hundred and two, all and every the several Rates and Taxes by the said recited Act charged upon the said *West Fen*, by this Act directed to be divided and allotted, shall be paid from and out of the Monies arising by the Sale or Sales of Lands directed to be sold by this Act, until the Execution of the said Award herein directed to be made, and from and after the Execution of the said Award, be charged upon and paid by the said several Parishes, Townships, and Places respectively, out of the Rates belonging to each Parish, Township, or Place, according to such Proportion of Acres as shall be settled by the Commissioners under this Act; and in Default of Payment of any of the said Rates and Taxes by any of the said respective Parishes, Townships, or Places, the Commissioners acting under the said recited Act shall and may recover such Rates and Taxes so behind and unpaid, from any of the respective Parishes, Townships, or Places so making Default, by such Ways and Means, and by such and the same Powers and Authorities, as are vested in them by the said recited Act, in Default of Payment of any of the Rates and Taxes charged on the said *West Fen* by the said Act, or shall and may enclose such Part of the Common Fen allotted to and for the Use of the Owners and Proprietors of Houses, Toststeads, Lands, and Grounds within each Parish, Township, or Place, as shall be sufficient for defraying the Rates and Taxes to be paid and borne by the Fen belonging to such Owners and Proprietors as aforesaid: Provided nevertheless, that no Land so inclosed by the said Commissioners, shall be broke up, ploughed, or converted into Tillage; and provided also, that no Lease shall be granted of the same for more than one Year at one Time.

Commissioners of the Fourth District under the Witham Act, to raise Drainage Taxes within the West Fen, by inclosing a Part thereof.

LVI. And whereas the Commissioners acting under the said recited Act have in pursuance of the Powers therein given, inclosed and let upon Leases several Pieces or Parcels of the said *West Fen*, by this Act directed to be divided and allotted, for Payment of the Taxes charged by the said recited Act on the said Fen; be it therefore further enacted, That all and every of.

[*Loc. & Per.*]

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every of.

every such Lease and Leases subsisting of any Pieces or Parcels of the said *West Fen*, directed to be divided and allotted, or any Part thereof; and all other Agreements for any Time or Term therein, shall on the Fifth Day of *April* One thousand eight hundred and two, cease, determine, and be void, the said Commissioners acting under this Act making, from and out of the Monies to be raised by virtue of this Act, such Satisfaction to such respective Lessee or Lessees, Tenant or Tenants, for his, her, or their Losses and Disadvantages which may be occasioned by vacating such Leases or Agreements respectively, as the same Commissioners shall ascertain and think reasonable.

Not to invalidate certain Powers in the said Leases contained.

LVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to invalidate, lessen, prejudice, obstruct, prevent, defeat, alter, or take away any of the Rights, Remedies, Powers, and Authorities contained in the said Leases, or any of them, so far as the same relate to the enforcing and compelling the Payment of the Rents, and the Recovery of Penalties for the Breach of any Covenant or Covenants therein reserved and contained, and which shall become due, and be incurred and forfeited on or before the said Fifth Day of *April* One thousand eight hundred and two, but that the same Rights, Remedies, Powers, and Authorities, shall be and continue in as full Force and Virtue for the Intents and Purposes aforesaid, as if this Act had never been made; any Thing herein contained to the contrary thereof in anywise notwithstanding.

This Act not to prejudice or obstruct the Powers of the Commissioners in the *Witham Act*.

LVIII. Provided always, and be it enacted, That nothing in this Act contained shall extend, or be construed to extend, to prejudice, obstruct, prevent, or defeat any of the Works made or to be made in pursuance of the said recited Act, or to empower the Commissioners acting by virtue of this Act, or any of the Proprietors interested in the said intended Division, to invalidate, lessen, alter, or take away any of the Rights, Powers, and Authorities, which by the said *Witham Act* were vested in all or any of the Commissioners acting under the same (except such Rights, Powers, and Authorities as are altered or taken away by this Act,) but that the same shall be and continue as fully to all Intents and Purposes, (except as aforesaid), as if this Act had never been made; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Nor of the Commissioners acting under the *Wildmore West and East Fens, Drainage Act*.

LIX. Provided always, and be it further enacted, That nothing contained in this Act shall extend, or be construed to extend, to prejudice, obstruct, prevent or defeat any of the Works to be made in pursuance of any Act to be passed in this Session of Parliament, for the better and more effectually draining certain Tracts of Land called *Wildmore Fen*, and the *West and East Fens*, in the County of *Lincoln*; and also the Low Lands and Grounds in the several Parishes, Townships, and Places having Right of Common on the said Fens, and other Low Lands and Grounds lying contiguous or adjoining thereto, or to empower the Commissioners acting by virtue of this Act, to invalidate, alter, lessen, or take away any of the Rights, Powers, and Authorities which may be vested in the Commissioners appointed or to be appointed in or by such Act; any Thing herein contained to the contrary thereof in anywise notwithstanding.

LX. And be it further enacted, That nothing herein contained shall prejudice, lessen, or defeat the Right, Title, or Interest of His Majesty, His Heirs or Successors, in Right of His Duchy of *Lancaster*, Lord of the Manor or Soke of *Bolingbroke* aforesaid, and of the said *East* and *West Fens*, or of any Person or Persons who shall respectively, for the Time being, be Lord or Lords, Lady or Ladies of any Manor or Manors, Lordship or Lordships, or reputed Manors or Lordships within the Jurisdictions or Limits whereof the said Fens hereby directed to be divided, or any Part thereof respectively, are comprised of, in, or to the Seigniorship or Royalties incident and belonging to such Manor, Lordship, or Soke respectively, or either or any of them; but that His Majesty, His Heirs or Successors, Lessee or Lessees, and all such Lords or Ladies as aforesaid, shall and may from Time to Time, and at all Times hereafter, hold and enjoy the same respectively; and all Rents, Quit Rents, and other Rents, Reliefs, Duties, Customs, and Services, and all Courts, Perquisites, and Profits of Courts, Rights of Fishery, and Liberty of hawking, hunting, fishing, and fowling within the said Manor or Soke, or such other Manor or Manors respectively, and all Tolls, Fairs, Marts, Markets, Stallage, Goods, and Chattels of Felons and Fugitives, Felons of themselves, and put in Exigent, Deodands, Treasure Trove, Waifs, Estrays, Forfeitures, Royalties, Jurisdictions, Franchises, Privileges, Matters, and Things whatsoever, to the said Manor or Soke, or to any such other Manor or Manors as aforesaid, or to His Majesty, His Heirs, or Successors, or such other Lords or Ladies thereof for the Time being, incident or belonging, (other than and except those which are expressly declared to be barred, destroyed, and extinguished by this Act), in as full, ample, extensive, and beneficial a Manner as they respectively could or might have held and enjoyed the same in case this Act had not been made.

Saving Rights  
to Lords of  
Manors.

LXI. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and all and every other Person and Persons, Bodies Politick or Corporate, his, her, and their Heirs, Successors, Executors, and Administrators, all such Estates, Rights, and Interests, (other than and except the Rights of Common, Soil, Brovage, and Herbage, and other Rights meant and intended to be barred by this Act), as they, every, or any of them had or enjoyed, in, over, or upon the said Fens hereby directed to be divided and allotted as aforesaid, before the passing of this Act, or would or ought to have had, held, or enjoyed, in case this Act had not been made.

General  
Saving.

LXII. And be it further enacted, That this Act shall be deemed and taken to be a Publick Act, and all Judges, Justices, and other Persons are hereby required to take Notice thereof as such, without the same being specially pleaded.

Publick Act.

