



ANNO QUADRAGESIMO SECUNDO

# GEORGI II. REGIS.

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## *Cap. 119.*

An Act for dividing, allotting, and inclosing the Open Arable Fields, Meadows, Commons, and other Commonable and Waste Lands, within the Parish of *Coningsby* otherwise *Conesby*, in the County of *Lincoln*. [26th June 1802.]

**W**HEREAS there are within the Parish of *Coningsby* otherwise *Conesby*, in the County of *Lincoln*, certain Open Arable Fields, Meadows, Commons, and other Commonable and Waste Lands, containing together One thousand seven hundred and fifty Acres, or thereabouts; and also divers ancient inclosed Lands, Grounds, Marshes, and Homesteads, containing together One thousand six hundred Acres, or thereabouts: And whereas the Right Reverend *Edward Venables* Lord Bishop of *Carlisle*, in Right of his See, and the Right Honourable Sir *Joseph Banks* Baronet, Knight of the most Noble Order of the Bath, as his Lessee, is Lord of the Manor or Soke of *Horncastle*, and the Lands and Grounds hereby intended to be divided and inclosed, are Part of the said Manor or Soke: And whereas Sir *Gilbert Heathcote* Baronet, is Lord of the Manor of *Coningsby* otherwise *Conesby*; and the said Lord

[*Loc. & Per.*]

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Bishop

Bishop of *Carlisle*, and the said Sir *Joseph Banks* as his Lessee, and also the said Sir *Gilbert Heathcote*, are interested in the Soil of the Commons and Waste Grounds within the said Parish of *Coningsby* otherwise *Conesby*: And whereas the said Sir *Gilbert Heathcote* is Patron of the Rectory and Parish Church of *Coningsby* otherwise *Conesby* aforesaid; and the Reverend *William Tait* Doctor in Divinity, is Rector of the said Parish and Parish Church, and as such is seised of and entitled unto certain Glebe Lands and Right of Common, in, over, and upon the said Fields, Meadows, Commons, and other Commonable and Waste Lands, and also to all the Great and Small Tythes growing, arising, or renewing within the said Parish (save and except some small Parts of the said Parish, the Owners whereof claim an Exemption from Tythes when occupied by the respective Owners): And whereas the Right Honourable *George Harry* Earl of *Stamford* and *Warrington*, the Right Honourable *Hugh* Earl *Fortescue*, the said Sir *Joseph Banks*, the said Sir *Gilbert Heathcote*, *John Harrison*, *Edmund Turnor*, *Robert Kelham*, *John Burcham*, Esquires, *Wright Mason* *John Gibson*, *John Small*, and divers other Persons, are Owners and Proprietors of the ancient inclosed Lands, Messuages, Cottages, and Homesteads, and of the said Open Arable Fields, Meadows, Commons, and other Commonable and Waste Lands within the said Parish, and are respectively entitled to Rights of Common and other Interests therein, in different Proportions: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure; and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas the Lands and Grounds belonging to the said several Proprietors in the said Open Fields and Meadows lie intermixed and dispersed in small Parcels, and are, together with the said Commons and Waste Lands, in their present State incapable of much Improvement, and it would be of great Advantage to the several Proprietors if the said Open Fields, Meadows, Commons, and other Commonable and Waste Lands, were divided, and specifick Parts thereof allotted to the several Persons interested therein, in Proportion to their respective Property, Rights of Common, and other Rights and Interests, and such Allotments inclosed, and Compensation made for the Tythes thereof, and of the said ancient inclosed Lands and Homesteads within the said Parish, in Manner herein-after mentioned; but the same cannot be rendered effectual 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 *Edward Hare*, of *Castor* in the County of *Northampton*, *John Renshaw*, of *Owthorpe* in the County of *Nottingham*, and *Joseph Outram*, of *Alfreton*, in the County of *Derby*, Gentlemen, and their Successors, to be elected in Manner herein-after directed, shall be and they are hereby appointed Commissioners for dividing, setting out, allotting, and inclosing all the Open Arable Fields, Meadows, Commons, and other Commonable and Waste Lands within the said Parish of *Coningsby* otherwise *Conesby*, and for putting this Act into Execution, in the Manner, and subject to the Rules, Orders, and Directions herein-after contained,

Commissioners appointed.

tained, and also subject to the Powers and Provisions of the said recited Act, except where the same are hereby varied or altered.

II. And be it further enacted, That the said Commissioners, and each of them, shall, out of the Monies to be raised by virtue of this Act for defraying the Expences of obtaining and executing the same, be paid, as a Recompence for his Time and Trouble, 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 shall defray their travelling Expences, and also their own Expences, and the Expences of the Servants, at all Meetings, to be held in pursuance of this Act; and that no Meeting shall be charged by them under this Act, when the Business of any other Inclosure is transacted by any of them on the same Day.

Allowance to Commissioners.

III. And be it further enacted, That wherever in this Act Power is given to the said Commissioners to do any Act or Thing, or make any Orders, Rules, or Regulations whatsoever, such Power shall be considered as vested in them or any Two of them; and the said Commissioners may adjourn from Time to Time; and if Two Commissioners shall not appear at any Meeting to be held in pursuance of this Act, then and in such Case any One of the said Commissioners then present, or (in case of no Commissioner) then the Clerk or Solicitor, may adjourn such Meeting to a future Day, not exceeding Twenty-one Days from the Day of Adjournment, and shall give Notice thereof to the absent Commissioners; any Thing herein contained to the contrary notwithstanding.

All Powers vested in Two Commissioners, and One of the Clerks may adjourn.

IV. And be it further enacted, That if the said *Edward Hare*, or any Commissioner to be appointed in his Stead as herein-after mentioned, shall die, refuse, or be disabled to act, then and in every such Case it shall be lawful for the said *Sir Gilbert Heathcote*, his Heirs or Assigns within Three Calendar Months after such Death, Refusal, or Disability shall be signified in Writing to him or them by the surviving or remaining Commissioners, or either of them, and which he or they are hereby required to do as soon as may be after such Death, Refusal, or Disability is known to him or them, to elect and appoint a new Commissioner, not interested in the said Inclosure, in the Stead of such Commissioner so dying, refusing, or becoming disabled to act; and if the said *John Renshaw*, or any Commissioner to be appointed in his Stead as herein-after mentioned, shall die, refuse, or be disabled to act, then and in every such Case it shall be lawful for the said *William Tait* and his Successors, Rectors as aforesaid, within Three Calendar Months after such Death, Refusal, or Disability shall be signified in Writing to him or them by the surviving or remaining Commissioners, or either of them, and which he or they are hereby required to do so soon as may be after such Death, Refusal, or Disability is known to him or them, to elect and appoint a new Commissioner not interested in the said Inclosure, in the Stead of such Commissioner so dying, refusing, or becoming disabled to act; and if the said *Joseph Outram*, or any Commissioner to be appointed in his Stead as herein-after mentioned, shall die, refuse, or be disabled to act, then and in every such Case it shall be lawful for the major Part in Value (to be ascertained by the Land Tax Assessment) of the Proprietors of or Persons

New Commissioners to be appointed upon Vacancies.

sons interested in the said Open Arable Fields, Meadows, Commons, and other Commonable and Waste Lands so directed to be divided and inclosed as aforesaid, (except the said Sir *Gilbert Heathcote*, his Heirs and Assigns, and the said *William Tait* and his Successors, Rectors as aforesaid) who shall be present at a Meeting to be appointed and held at *Coningsby* otherwise *Conesby* aforesaid, within Three Calendar Months after such Death, Refusal, or Disability shall be signified to them, or any of them, in Writing, by the surviving or remaining Commissioners, or either of them, and which he or they are hereby required to do as soon as may be after such Death, Refusal, or Disability is known to him or them, to elect and appoint a new Commissioner, not interested in the said Inclosure, in the Stead of such Commissioner so dying, refusing, or becoming disabled to act; of which Meeting Notice shall be fixed upon the most publick outer Door of the Parish Church of *Coningsby* otherwise *Conesby* aforesaid, upon some *Sunday* at least Ten Days before such Meeting; and every such Election and Appointment of a new Commissioner shall be reduced into Writing, and signed by the Person or Persons making such Election and Appointment, and shall be delivered to the surviving or remaining Commissioners or Commissioner; and in case the said respective Parties, or any of them, shall make Default in appointing any such new Commissioner within Three Calendar Months after such Death, Refusal, or Disability shall happen, and be known and signified to them respectively as aforesaid, that then the surviving or remaining Commissioners or Commissioner shall, and they and he are and is hereby required from Time to Time, by Writing under their Hands or his Hand, within Six Days after the Expiration of the said Three Calendar Months allowed to the respective Parties for naming such new Commissioner or Commissioners, to appoint One other Commissioner, not interested in the said Inclosure, in the Place of such Commissioner so dying, refusing to act, or becoming incapacitated; and every such new Commissioner so to be appointed in any of the Cases aforesaid, shall have the like Powers and Authorities for putting this Act in Execution, in all Respects whatsoever, as the Commissioner in whose Place he shall have been so appointed and chosen was vested with by virtue of this Act.

Commissioners to give Notice of Meetings.

V. And be it further enacted, That the said Commissioners shall cause Notice to be given in the Parish Church of *Coningsby* otherwise *Conesby* aforesaid, upon some *Sunday* immediately after Divine Service, or by Writing under their Hands to be affixed on the most publick outer Door of the said Church, and also by Advertisement to be inserted in some Newspaper circulating in the said County of *Lincoln*, of the Time and Place of their First and every subsequent Meeting for the Execution of this Act, Seven Days at least before any such Meeting shall be holden (Meetings by Adjournment only excepted); and that all such Meetings shall be held at *Coningsby* otherwise *Conesby* aforesaid, or within the Distance of Ten Miles thereof.

Other Notices how to be given.

VI. Provided always, and be it further enacted, That all other Notices necessary or requisite to be made and given by the said Commissioners, shall be so made and given by Advertisements in some Newspaper circulating in the said County of *Lincoln*.

VII. And

VII. And whereas several of the Estates of the Proprietors within the said Parish of *Coningsby* otherwise *Conesby* are claimed to be exempt from Tythes when occupied by the Owner, being Part of the dissolved Monastery of *Kirkstead*, in the said County; be it therefore enacted, That the legal Right to such Exemption shall be decided by a Trial at Law, at One of the Two next Assizes to be holden for the said County of *Lincoln* after the passing of this Act; and for that Purpose the Person or Persons, Bodies Politick or Corporate, who shall claim such Exemption, shall cause an Action or Actions to be brought upon a feigned Issue or Issues against the said Rector or his Successor, Rector of *Coningsby* otherwise *Conesby* aforesaid for the Time being; and the said Rector or his Successor shall, and he is hereby required to name an Attorney or Attornies, who shall appear thereto or file Common Bail, and accept One or more Issue or Issues, to be settled by the proper Officer of the Court in which the said Action or Actions shall be commenced, in case the Parties shall differ about the same; and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding, and conclusive upon all and every Person and Persons whomsoever, Body or Bodies Politick, Corporate, or Collegiate, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall be lawful for the Court to do, as is usual in other Cases; and after such Verdict or Verdicts shall be obtained, and not set aside by the Court, the said Commissioners shall, and they are hereby required to act in Conformity thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials.

For determining what Lands are exempt from Tythes when occupied by the Owner.

VIII. Provided always, and be it further enacted, That the Estate or Estates, Lands and Grounds of every Person or Persons, Body or Bodies Politick, Corporate, or Collegiate, who shall neglect or refuse to bring or unite in bringing such Action or Actions, or in carrying the same to Trial as aforesaid, shall be deemed subject and liable to the Payment of full Tythes, and the said Commissioners shall have Power to commute for the same accordingly; and that the Costs, Charges, and Expences of such Trial or Trials shall be paid in such Manner, and by such Proprietors, as are hereby directed to pay and discharge the Expences of obtaining and passing this Act.

Persons refusing or neglecting to bring such Actions, to be subject to the Payment of full Tythes.

IX. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said Division and Inclosure, touching or concerning the respective Rights and Interests which they or any of them shall have or claim to have in the same, or touching or concerning any other Matter or Thing relating to the said Division and Inclosure, it shall be lawful for the said Commissioners, and they are hereby authorized to examine into, hear, and determine the same; and their Determination therein shall be binding and conclusive, except as herein-after mentioned: Provided always, that nothing in this Act contained shall authorize the said Commissioners to determine the Title to any Messuages, Cottages, Lands, or Hereditaments whatsoever.

Commissioners to settle Disputes.

Power to  
assess Costs.

X. And be it further enacted, That in case the said Commissioners shall upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of this or the said recited Act, see Cause to award any Costs, it shall be lawful to and for the said Commissioners, and they are hereby empowered, upon Application made to them for that Purpose, to settle, assess, and award such Costs and Charges as they shall think reasonable, to be paid to the Party or Parties in whose Favour any Determination of the said Commissioners shall be made, by the Person or Persons whose Claim or Claims, Objection or Objections, shall be thereby disallowed or overruled; and in case the Person or Persons who shall be liable to pay such Costs and Charges shall neglect or refuse to pay the same on Demand, then and in such Case it shall be lawful for the said Commissioners; and they are hereby authorized and required, by Warrant under their Hands and Seals directed to any Person or Persons whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus, (if any) upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold; after deducting the Costs and Charges attending such Distress and Sale.

Allowing  
Parties to try  
their Rights  
by an Issue at  
Law.

XI. Provided always, and be it further enacted, That in case any Person or Persons interested or claiming to be interested in the said intended Division and Inclosure, shall be dissatisfied with any Determination of the said Commissioners, touching or concerning any Claim or Claims of any Right of Common, or other Rights or Interests, in, over, or upon the Lands and Grounds within the said Parish of *Coningsby* otherwise *Gonesby*, or any Part thereof; it shall be lawful for the Person or Persons so dissatisfied to proceed to a Trial at Law of the Matter so determined by the said Commissioners, at the then next or the following Assizes to be holden for the said County of *Lincoln*; and for that Purpose the Person or Persons; Bodies Politick or Corporate, who shall be dissatisfied with the Determination of the said Commissioners, shall cause an Action to be brought upon a feigned Issue against the Person or Persons, Bodies Politick or Corporate, in whose Favour such Determination shall have been made, within Three Calendar Months next after such Determination of the said Commissioners; and the Defendant or Defendants in such Action or Actions shall, and he, she, or they is and are hereby required to name an Attorney or Attornies, who shall appear thereto, or file Common Bail, and accept One or more Issue or Issues, to be settled by the proper Officer of the Court in which the said Action or Actions shall be commenced, in case the Parties shall differ about the same; and the Verdict or Verdicts which shall be given in such Action, shall be final, binding, and conclusive upon all and every Person and Persons whomsoever, Body or Bodies Corporate or Collegiate, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall be lawful for the Court to do, as is usual in other Cases; and after such Verdict or Verdicts shall be obtained, and not set aside by the Court, the said Commissioners shall and they are hereby required to act in Conformity thereto,

thereto, and to allow or disallow the Claim or Claims thereby determined according to the Event of such Trial or Trials: Provided always, that the Determination of the said Commissioners touching such Claim or Claims of Right to the Soil of the said Commons and Waste Grounds, or other Rights or Interests, in, over, or upon the Lands and Grounds within the said Parish of *Coningsby* otherwise *Conesby*, or any Part thereof, which shall not be objected to, or being objected to, the Party or Parties objecting not causing such Action or Actions at Law to be brought and proceeded in as aforesaid, shall be final and conclusive upon all Parties.

XII. And be it further enacted, That if any of the Parties in any Action to be brought in pursuance of this Act shall die pending the same, such Action shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened.

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

XIII. And be it further enacted, That the said Commissioners, shall, as soon after the passing of this Act as conveniently may be, by some Writing or Writings under their Hands to be published as hereinbefore directed with respect to Notice of Meetings, upon the Door of the Parish Church of *Coningsby* otherwise *Conesby* aforesaid, order and direct the Course of Husbandry that shall be used in, over, and upon the Lands and Grounds intended by this Act to be divided and inclosed, until the Time when they shall have made and completed the said intended Division and Inclosure, as well with respect to the laying down, ploughing, sowing, fallowing, and tilling thereof, as to the stocking and eating the Fallows or Stubbles, and also to the cutting of Furze, Thorns, or Bushes, or doing any Injury unto or upon the Lands intended by this Act to be inclosed, until the same shall be divided and allotted; and by the same, or any other Writing or Writings under their Hands to be published as aforesaid, shall and may make such Orders and Regulations touching the Conduct of the Farmers, Tenants, and other Persons, within the Parish of *Coningsby* otherwise *Conesby* aforesaid, for preventing them from committing Waste or Destruction upon any of the said Lands and Grounds in the same Parish, in the mean Time, and until the Allotments and Division thereof shall be effected, as to them shall seem expedient; all which Orders and Regulations of the said Commissioners shall be binding and conclusive upon all Parties interested, their Farmers, Tenants, and others.

Commissioners to direct the Course of Husbandry.

XIV. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and required, before any other Allotment is made in pursuance of this Act, to set out and appoint such Parcel or Parcels of Land (not exceeding Six Acres in the Whole) in and upon the Lands and Grounds hereby intended to be divided and inclosed, and in such convenient Places as they shall think proper, to be used for the Purpose of getting Stone, Gravel, or other Materials for the Repairs of the Roads and Ways within the said Parish of *Coningsby* otherwise *Conesby*; and such Parcel or Parcels of Land shall be and are hereby vested in the Surveyor or Surveyors of the Highways of the said Parish of *Coningsby* otherwise *Conesby* for the Time being, and their Successors, upon Trust for the Purposes in this Act mentioned.

Allotments for Repairs of Roads.

XV. And

Allotment to  
the Rector  
for Glebe.

XV. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required, in the next Place to set out and allot unto and for the said *William Tait* and his Successors, Rectors of *Coningsby* otherwise *Conesby* aforesaid, such Parcel of the Lands and Grounds hereby intended to be divided and inclosed as shall in the Judgement of the said Commissioners, be a full Equivalent and Compensation for the Glebe Lands and Right of Common belonging to the said Rectory.

Allotments  
for Tythes.

XVI. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required in the next Place to set out, allot, and award unto the said *William Tait* and his Successors, Rectors of *Coningsby* otherwise *Conesby* aforesaid (over and above and exclusive of the Lands and Grounds directed to be allotted to him and them as aforesaid in lieu of his Glebe Lands and Right of Common), such Plots, Pieces, or Parcels of the said Open Fields, Meadows, Commons, and other Commonable and Waste Lands hereby intended to be divided and inclosed, as shall in the Judgement of the said Commissioners be equal in Value to One-Fifth Part of all the Residue of the said Open Arable Fields, and such of the old Inclosures as at the Time of passing this Act are or have been, within Three Years prior to that Time, used in a regular Course of Husbandry as Arable Lands, One-Eighth Part of the Residue of all the Meadow and Pasture Lands, and One-Ninth Part of the Commons and Waste Lands within the said Parish, subject to the Payment of full Tythes, and One Moiety in Value of such Proportions, in lieu of the Tythes of such Houses, Toststeads, and Lands as are exempt from Tythes, when occupied by the Owners (except such old Inclosures the Owners whereof have not Land or other Property in the Lands and Grounds hereby intended to be inclosed sufficient to make Compensation for the Tythes thereof); which said Allotments shall be in lieu of and in Recompence and Compensation for the Glebe Lands and Right of Common, and for all Tythes, both Great and Small, and all other Moduses and other Dues and Payments whatsoever in lieu of Tythes, belonging to the said *William Tait*, and his Successors, Rectors of *Coningsby* otherwise *Conesby* aforesaid, arising, growing, renewing, or payable within, upon, or for any of the Lands, Grounds, and Homesteads within the said Parish of *Coningsby* otherwise *Conesby* (except the said old inclosed Lands and Homesteads, the Owners whereof have not Land or other Property in the said Lands and Grounds hereby intended to be divided and inclosed sufficient to make Compensation for the Tythes of such old Inclosures or Homesteads as aforesaid, and also except the usual and accustomed Surplice Fees, *Easter Offerings*, and Mortuaries, and the Tythes of the Mills in *Coningsby* otherwise *Conesby* aforesaid); all which said Tythes, and all other Ecclesiastical Dues and Payments whatsoever within the said Parish of *Coningsby* otherwise *Conesby* (except as aforesaid) after such Allotments in lieu thereof shall be made, staked out, and Notice given as herein-after directed, shall cease, determine, and be for ever extinguished.

Allotment  
for Soil.

XVII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required, in the next Place, out of the Residue and Remainder of the Lands and Grounds hereby intended



to be divided and inclosed, to set out, allot, and appoint unto and for the said Lord Bishop of *Carlisle*, and the said Sir *Joseph Banks* as his Lessee, and the said Sir *Gilbert Heathcote*, or such other Lord or Lords of any other Manor or Manors within which any of the Lands hereby directed to be divided and inclosed lie, such Parcels and Quantity of Land, not exceeding in Value One Twentieth Part of the said Commons or Waste Lands, as shall, in the Judgement of the said Commissioners, be a full Equivalent and Compensation to and for the Right to the Soil of the said Commons or Waste Lands hereby intended to be divided and inclosed, to be equally divided between the said Lord Bishop of *Carlisle*, and the said Sir *Joseph Banks* as his Lessee, the said Sir *Gilbert Heathcote*, and such other Lord or Lords as aforesaid.

XVIII. And whereas several of the Messuages, Farms, Lands, and Premises of the Proprietors within the said Parish of *Coningsby* otherwise *Conesby*, are subject and liable to the Payment of divers Quit Rents, Fee Farm Rents, or other annual Payments, to others of the said Proprietors, and it would be advantageous to all the Parties to have Lands allotted in lieu thereof; be it therefore further enacted, That it shall be lawful for the said Commissioners, at the Request in Writing of the respective Parties paying any such Quit Rents, Fee Farm Rents, or other Payments, and they are hereby authorized and required to set out, allot, and appoint, unto and for each of the said several Proprietors, who at the Time of making such Division and Inclosure shall be entitled to any such Quit Rent or Quit Rents, or other annual Payments, such Quantity or Quantities of Land out of the Property of each respective Proprietor liable to pay such Quit Rent or Quit Rents, or other annual Payments, who shall so request to be exonerated therefrom, lying within the said Lands and Grounds hereby intended to be divided and inclosed, as the said Commissioners shall in their Judgement and Discretion think a reasonable Recompence and Satisfaction for each respective Quit Rent or other annual Payment, and that after such Allotments shall be made, the said several Quit Rents or other annual Payments shall cease, determine, and be for ever extinguished.

Allotments  
to be made  
for Quit  
Rents.

XIX. And be it further enacted, That immediately after the said Commissioners shall have deducted Lands for the Roads, Ways, and Drains, and made the several Allotments herein-before mentioned, they shall in the next Place set out and allot all the Residue and Remainder of the said Open Fields, Meadows, Commons, and other Commonable and Waste Lands, by this Act directed to be divided and inclosed, unto and amongst the several Persons, Bodies Politick or Corporate, who at the Time of making such Allotments shall be entitled to any Estate, Property, Right, or Interest in the same Open Fields, Meadows, Commons, and other Commonable and Waste Lands, according to their respective Interests therein, in such Quantities, Shares, and Proportions, and in such Parts and Places, as by the said Commissioners shall be adjudged and determined to be a Compensation and Satisfaction for the several and respective Lands and Grounds, Rights of Common, and other Rights and Interests of each of the said Proprietors, after such Deductions as aforesaid, and shall allot the Share or Shares of each Party as near to the Homesteads, or some other of the present inclosed

Residue al-  
lotted.

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25 A

Lands

Lands or Tenements belonging to such Party respectively, as conveniently may be.

Commissioners to allot Two Thirds of Common to Houses, and One Third to Land.

XX. Provided always nevertheless, and be it further enacted, That the said Commissioners shall and they are hereby required, in dividing and allotting the said Commons and Waste Lands hereby intended to be inclosed, to divide, set out, and allot Two Third Parts thereof in Value unto and amongst the several Owners and Proprietors of Houses and Toststeads within the said Parish, having Right of Common as aforesaid, by separate Allotments to each Proprietor, in Proportion and according to the Number of Houses or Toststeads each such Proprietor was possessed of on the First Day of *November* last, before the passing this Act, and each Toststead being considered as equal to One Moiety only of the Quantity of Land in Value which shall be allotted as the Proportion of each House, and the remaining One-Third of the said Commons and Waste Lands unto and amongst the several Owners and Proprietors of Lands and Grounds within the said Parish, being entitled to Right of Common upon the said Commons, and other Waste Lands hereby intended to be divided and inclosed, on or before the First Day of *November* last, before the passing this Act, in respect of a Common Right House or Houses within the same Parish, in Proportion to the Value of each such Proprietor's Lands and Grounds lying within the same Parish; and in making such Allotments the said Commissioners shall distinguish the Quantity of Land allotted to each Proprietor for or in respect of his or her Common Right Houses and Toststeads, and the Quantity allotted for or in lieu of the Right of Common appertaining to his or her Lands and Grounds within the said Parish.

Lands allotted or exchanged in respect of Copyhold, to be so deemed, &c.

XXI. And be it further enacted, That all such Lands as shall be allotted to any Person or Persons, for or in respect of any Copyhold or Customary Messuages or Toststeads holden of the said Manor of *Coningsby* otherwise *Conesby*, and also all such Messuages or Toststeads, Lands or Tenements, as shall be allotted and awarded, or exchanged by virtue of this Act, to or with any Person or Persons for or in lieu or in respect of any Messuages or Toststeads, Lands or Tenements, holden by Copy of Court Roll of the Manor aforesaid, or for or in respect of any Right of Common, or any other Right or Interest appurtenant or appendant to any such Copyhold Premises, shall, from and after the Execution of the Award or Instrument of the said Commissioners, for ever be deemed and taken to be Copyhold or Customaryhold of the same Manor, and shall be holden as such by and under the same Tenures, Rents, Customs, and Services, as the Copyhold Premises, for or in lieu or in respect whereof such new Allotments or Exchanges shall be made, are now holden; and the Person or Persons to whom such Lands shall be allotted as aforesaid, shall, within Twelve Calendar Months next after the Execution of the said Award, be admitted Copyhold Tenant or Tenants to the same, without paying any Fine or Charge to the Lord or Lords thereof, or his or their Steward or Stewards for the same (save and except for Stamps, Parchment, and Inrolment); but in case the Person or Persons to whom such Allotment or Allotments shall be made, or by whom Lands shall be so taken in Exchange, shall die before Admission, within the said Twelve Calendar Months,

Months, then the Customary Fines and other Payments shall be due and payable for the Admission of his or her Heir or Devisee, or other Person claiming under him, her, or them; and after every such First Admission as aforesaid, the Copyhold Premises to be allotted, or the Lands to be taken in Exchange as aforesaid, shall at all Times be holden under and subject to the same Tenures, Fines, and other Payments, as the present Copyhold Messuages, Toftsteads, or Lands, in lieu or in respect whereof such Allotments or Exchanges shall be made, are now holden under and are subject to; and the said Commissioners are hereby empowered and required to determine, ascertain, and describe, in and by their Award, such of the Allotments of the said Open Common Fields, Meadows, Commons, and other Commonable and Waste Lands, as are to be and remain Copyhold as aforesaid; and all Allotments thereof which shall be made under this Act, other than such as shall be so ascertained, by the said Commissioners to be Copyhold as aforesaid, shall, from and after the Execution of the said Award, be deemed, taken, and enjoyed as Freehold Lands, subject nevertheless to such Free Rents and Services as are now payable out of the respective Premises for or in respect whereof the same shall or may be allotted, unless the same Rents shall be compensated for in Land as before provided: Provided always, that the Lord and Lords of the said Manor for the Time being, shall have such and the same Remedies, and Powers for recovering the Rents and Arrears of Rent to become due and payable upon the Lands and Grounds so to be allotted, in respect of such ancient Copyhold or Customary Messuages, Houses, Toftsteads, and Lands respectively, as the Lord or Lords of the said Manor had or might have had, enjoyed, or been entitled to, for recovering the Rents and Arrears of Rent issuing out of the said ancient Copyhold or Customary Messuages, Toftsteads, and Lands, before the passing of this Act.

XXII. And be it further enacted, That in all Cases where any of the Lands authorized to be divided and inclosed by this Act, shall adjoin to any Freeboard, Screed, or Parcel of Land left on the Outside of the Fences of any adjoining Parish, Township, or Place, or any Lands in any adjoining Parish, Township, or Place, shall run into any of the Lands intended to be inclosed by virtue of this Act, it shall be lawful for the said Commissioners, and they are hereby required to cause such Freeboard and Lands above described to be surveyed and measured, and value the same, and also to allot and award the same to any of the Proprietors of Estates within the said Parish of *Coningsby* otherwise *Conesby*, as they the said Commissioners shall think proper, and the same shall from thenceforth be deemed Part of the said Parish of *Coningsby* otherwise *Conesby*; and also to set out, allot, and award to the Overseers of the Poor for the Time being of such Parish, Township, or Place to which each such Freeboard or other Land shall belong, One or more Piece or Pieces of Ground, equal in Value thereto, and situate as near to some Part of each Parish as conveniently may be, to be appropriated to the Use of the poor Inhabitants of such respective Parish, Township, or Place, and from thenceforth be deemed and taken as Part of such Parish, Township, or Place.

Commissioners to make Satisfaction for Freeboards.

XXIII. And

Encroachments on the Moor within Thirty Years, etc. to be deemed Part thereof to be divided, etc.

XXIII. And be it further enacted, That all Encroachments and Inclosures which have been made upon or from the Common called *The Moor*, lying within the said Parish of *Coningsby* otherwise *Conesby*, and intended by this Act to be divided and inclosed, within the Space of Thirty Years next preceding the passing of this Act or such Inclosure or Encroachment made therefrom, for which any Quit Rent or Acknowledgement hath been usually paid to the Lord of the Manor of *Coningsby* otherwise *Conesby*, or any other Person or Persons whomsoever, shall be deemed Part of the said Moor to be divided and allotted in pursuance of this Act; and in case any Difficulties or Disputes shall happen to arise, touching what are Encroachments or Inclosures, or whether the same have been made within the Time aforesaid, or such Quit Rents or Acknowledgements paid for the same, such Difficulties and Disputes shall be finally settled and determined by the said Commissioners, and the said Commissioners are hereby empowered and required to examine Witnesses on Oath or Affirmation (which Oath or Affirmation they the said Commissioners, or any One of them, are or is hereby required to administer), and examine and receive such other Evidence as they shall think proper.

For preventing cutting Turf, &c.

XXIV. And be it further enacted, That in case any Person or Persons shall, at any Time or Times after passing this Act, cut, dig, take up, carry, or lead away any Turf, Sods, Gravel, Sand, or Soil, from any Part of the said Moor hereby directed to be divided and inclosed, every such Person or Persons so offending shall, on Conviction thereof before One Justice of the Peace for the Parts of *Lindsey*, by Confession of the Party offending, or by the Oath or Oaths of One or more credible Witnesses or Witnesses, for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings.

For fencing Glebe and Tythe Allotments,

XXV. And be it further enacted, That the several Allotments to be made to the said *William Tait* and his Successors, Rectors of *Coningsby* otherwise *Conesby* aforesaid, in lieu of his and their Glebe Lands, Right of Common, and Tythes, shall be fenced on all such Parts and Sides thereof as shall not be ordered by the said Commissioners to be made by any other Proprietor, or are not made and maintained by some other Parish or Person at the Time of making such Allotment or Allotments, and against all publick Roads, with good and substantial Fences, which Fences shall be planted with good thriving Quicksets of White Thorns, guarded on both Sides with good Posts and Three Rails high, the Posts to be of Oak, and the Rails to be of Oak, Ash, or some other durable Wood, and sufficient Ditches, with good and substantial Carriage Gates in the said Fences where necessary; and the said Fences shall be so made, and the Gates made and hung in such Time, and by such Person or Persons as the said Commissioners shall appoint to make and hang the same, at the Expence of the Rest of the Proprietors of the Lands and Grounds to be allotted by virtue of this Act, in such Proportions, and to be paid at such Time or Times, as the said Commissioners by any Writing under their Hands, or in their said Award shall order, direct, or appoint; and that all such Fences and Gates so to be made as aforesaid, shall

shall for ever thereafter be maintained and kept in Repair by the said *William Tait*, and his Successors, Rectors of *Coningsby* otherwise *Conesby* aforesaid.

XXVI. And be it further enacted, That until the Division and Allotments shall be made and finished in pursuance of this Act, the said *William Tait* and his Successors, Rectors of *Coningsby* otherwise *Conesby* aforesaid, shall be entitled to, and shall receive and enjoy such and the same Tythes as he or they could, might, or ought to have done in case this Act had not been made.

Tythes to be payable till Allotments are made.

XXVII. And be it further enacted, That such of the old inclosed Lands within the Parish of *Coningsby* otherwise *Conesby* aforesaid, as are liable to the Payment of Tythes, or Compositions in lieu thereof, to the said Rector, and the Owners whereof have no Land or other Property in the said Open Fields, Meadows, Commons, and other Commonable and Waste Lands so intended to be divided and inclosed, or not sufficient to make Compensation for the Tythes of such old Inclosures, shall still continue charged with and liable to the Payment of such Tythes or Compositions, in the same Manner as before the passing of this Act, or as they would have been liable to pay in case this Act had not been made, any Thing herein contained to the contrary notwithstanding; and that where any such old Inclosure or Inclosures are liable to the Payment of a Composition or Compositions in lieu of Tythes, such Composition or Compositions, and also the Lands chargeable therewith, shall be specified and described in the Award of the said Commissioners.

Tythes of particular old Inclosures to continue payable.

XXVIII. And be it further enacted, That the several Parcels of Land and Allotments which shall be set out and allotted by virtue of this Act (except such Allotments as shall be made to the said *William Tait* and his Successors, Rectors of *Coningsby* otherwise *Conesby* aforesaid, for his and their Glebe Lands, Rights of Common, and Tythes as aforesaid) shall be inclosed and fenced, and such Fences at all Times for ever after the making thereof be supported, maintained, and kept in Repair by such Person or Persons, and in such Manner as the said Commissioners, by any such Writing or Writings under their Hands as aforesaid, or by their said Award, shall order, direct, or appoint.

For inclosing and fencing the rest of the Proprietors Allotments.

XXIX. Provided nevertheless, and be it enacted, That such convenient Gaps and Openings shall be left in the said Fences and Inclosures, and for such Time as the said Commissioners shall in and by their said Award direct, for the Passage of Cattle, Carts, and Carriages through the same.

Openings to be left.

XXX. And be it further enacted, That from and immediately after the making of the Allotments herein-before directed to be made in lieu of Tythes as aforesaid, all Tythes, both Great and Small, and all Compositions, and all other Ecclesiastical Dues and Payments whatsoever, arising and renewing out of and from all and every the Lands, Grounds, Tenements, and Hereditaments whatsoever, lying within the said Parish of *Coningsby* otherwise *Conesby*, as well already inclosed as to be inclosed by virtue of this Act (except such old inclosed Lands and Homesteads

Tythes to cease on Allotments being made, etc.

as shall continue charged with and liable to the Payment of Tythes, or Compositions in lieu of Tythes, as herein-before mentioned, and except *Easter Offerings*, *Mortuaries*, and *Surplice Fees*, belonging to the Rector of *Coningsby* otherwise *Conesby* afore said, and the Tythe of the Mills within the Parish) shall cease, determine, and be for ever extinguished.

Power to enfranchise Copyhold Estates.

XXXI. And be it further enacted, That if the said Sir *Gilbert Heathcote*, as Lord of the said Manor of *Coningsby* otherwise *Conesby*, shall agree with any of the Copyhold Tenants of the said Manor for the Enfranchisement of their Copyhold Estates held of the said Manor, or any of them, and shall signify their Consent thereto by Writing under their respective Hands, to be delivered to the said Commissioners before any Allotments shall be made in pursuance of this Act, then the said Commissioners may and they are hereby authorized and required to set out and allot One-Sixth Part in Value, or such other Part or Parts as shall be agreed upon between the said Sir *Gilbert Heathcote* or his Agent, and the Copyhold Tenants of the said Manor, of the Messuages, Cottages, Lands, and Grounds of such Copyholders, as a Compensation for any Right which he the said Sir *Gilbert Heathcote* may have or claim in the Allotments so to be made to such Copyholders, or to his, her, or their Messuages, Cottages, Hereditaments, or ancient Inclosures, and Homesteads, as Lord of the said Manor of *Coningsby* otherwise *Conesby* as afore said; and after such Division and Allotment, the Messuages, Cottages, old Inclosures, and Homesteads of such Copyholders, and also the Allotments to be made to them by the said Commissioners in Right thereof, held of the said Manor, or the Lord thereof, by Copy of Court Roll or otherwise, shall be and are hereby declared to be enfranchised and discharged from any Copyhold Tenure, Fines, and Fees to the Lord of the said Manor, and shall be deemed and taken to be Freehold Lands to all Intents and Purposes whatsoever.

For Application of and to impose Penalties, and to make Satisfaction to the Parties aggrieved.

XXXII. And be it further enacted, That the said Commissioners shall and may, either by their Award, or by any other Writing or Writings under their Hands to take Effect in the mean Time, and until the said Award shall be executed, order, direct, and appoint when and to whose Use, and in what Proportions and Manner all or any of the Penalties or Forfeitures which may be incurred by any Person or Persons not conforming to the Orders and Directions of the said Commissioners, herein-before authorized and required to be made and published, for settling the Course of Husbandry to be used in and over the said Lands and Grounds, until the completing the said Division and Allotments, shall be paid and applied, and thereby to impose Penalties on all such Persons as shall plough any old green Swarth Ground before the making of the said Division and Allotments, and on such as shall not conform to the Orders of the said Commissioners for ceasing the Right of Common over the said Fields, Lands, or Grounds, and to direct to whom, when, and in what Manner also the same shall be paid and applied, so as no such Penalty shall exceed the Sum of Five Pounds on any One Person for any One Offence; and also direct and appoint what Recompence or Satisfaction in Money shall be paid unto, or by any of the said Proprietors to whom any Allotment or Allotments shall be made by virtue of this Act, by or unto the last Owner or Possessor of any Lands so to be

be allotted, for or in respect of the State or Condition in which such Lands may happen to be at the Time when the new Owner is to enter into the Possession thereof, and to appoint a Time or Times for Payment of such Satisfaction respectively; and also to order and award, issue and pay such Recompence and Satisfaction as they shall think just and reasonable to be made to any Owner, Tenant, or Occupier, who shall or may receive Damages in his Lands, Crops, or Fences, by and in consequence of making the said Division and Allotments, or any publick or private Drains or Watercourses over the same as aforesaid, or otherwise to order and appoint by whom and when such Recompence and Satisfaction shall be paid.

XXXIII. And be it further enacted, That it shall be lawful for all and every Person and Persons who, after such Division and Inclosure to be made as aforesaid, shall be Owners and Proprietors for the Time being of any of the Allotments to be made in pursuance of this Act, or of any Part thereof, and for the Husbands, Guardians, Trustees, Committees, or Attornies of or for any of the said Owners or Proprietors, being under Coverture, Minors, or beyond the Seas, or otherwise incapable to act for themselves, and for every of them, and for any of the said Owners or Proprietors being Tenants for Life or in Tail, or for Years determinable on Lives or any other Contingencies, and for every of them respectively for the Time being (except the said *William Tait* and his Successors, Rectors of *Coningsby* otherwise *Conesby* aforesaid) by and with the Consent of the said Commissioners, in Writing under their Hands and Seals, from Time to Time, either before or after the Execution of the said Award, to charge the several Lands and Grounds which shall be comprized in such respective Allotments, or any Part thereof, with any Sum or Sums of Money, at the Discretion of the said Commissioners, not exceeding Four Pounds for every Acre of Land and Ground so to be allotted as aforesaid, and also for every Acre of old Inclosure exonerated from Tythes; to such Person or Persons as the said Commissioners shall nominate and appoint, in order to be applied and disposed of for and towards paying and defraying the respective Shares and Proportions of the Charges and Expences incident to and attending such Division and Inclosure as aforesaid, and of obtaining this Act, and executing the same; and for securing the Re-payment of the said Sum or Sums of Money, with Interest, to grant, mortgage, or demise the Lands and Grounds so to be charged therewith, unto any Person or Persons who shall advance and lend the same respectively, for any Term or Number of Years; so that every such Grant or Demise be made with a Proviso or Condition to cease and be void when such Sum and Sums of Money thereby secured, with the Interest thereof, shall be fully paid and satisfied; and so that in every such Grant or Demise to be made by any Person or Persons entitled only as Tenant or Tenants in Tail, or for Life or Lives, or Years determinable on Lives, or upon any other Contingency, there be contained a Covenant to pay and keep down the Interest of the Money thereby to be secured, during his, her, or their respective Life or Lives, or for so long as he, she, or they shall continue seised of such Lands, Allotment or Allotments respectively, so that no Person afterwards becoming possessed of or entitled to such Lands or Grounds so to be charged with any Sum or Sums of Money as aforesaid, shall be liable to pay any further or larger Arrear of Interest than for One Year preceding the Time that the Title

For borrow-  
ing Money,  
etc.

to such Possession shall have commenced; or otherwise it shall be lawful for the said Commissioners, by any Deed or Deeds, Writing or Writings, under their Hands and Seals, to be attested by Two or more credible Witnesses, at the Request of such of the said Owners and Proprietors, being Tenants in Tail, or for Life or Lives, or Years determinable on Lives, or upon any other Contingency, who shall respectively pay and discharge his, her, and their proportionable Part of the Charges and Expences aforesaid, to authorize and empower such Owners and Proprietors thereof respectively; to charge and subject the Lands and Grounds so to be allotted to such Owners and Proprietors thereof respectively, with any Sum or Sums of Money as the said Commissioners shall think just and reasonable, not exceeding Four Pounds *per* Acre, with Interest for the same as aforesaid; which Sum or Sums of Money so to be charged as aforesaid, shall be payable within One Year next after the Decease of every such Tenant in Tail, or for Life or Lives, or Years determinable on Lives, or other Contingency respectively, with the Interest thereof, to be computed from his, her, or their respective Decease, unto such Person or Persons as such respective Tenants in Tail, or for Life or Lives, or Years determinable on Lives, or other Contingency, shall respectively, by Deed or Will duly executed and attested, direct and appoint, and in Default thereof, to his, her, or their Executors or Administrators; and every Grant, Mortgage, Appointment, and Demise or Charge by Deed or Will as aforesaid, shall be good, valid, and effectual in the Law for the Purposes thereby intended.

For keeping  
down the In-  
Interest.

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

Interest to be  
paid for Mo-  
ney advanced.

XXXV. And be it further enacted; That the Money which shall be advanced by any Person or Persons for the Purpose of defraying the Expences of applying for and obtaining this Act, shall be repaid, with lawful Interest to such Person or Persons, out of the First Monies to be raised for defraying the Expences of obtaining and executing this Act.

For defraying  
the Expences  
of this Act.

XXXVI. And be it further enacted, That the Charges and Expences of the Commissioners in and concerning the Powers and Authorities hereby vested in them, and of the obtaining and passing this Act, and of the surveying, measuring, dividing, and allotting the Lands and Grounds so to be divided and inclosed, and of surveying the other Hereditaments as aforesaid, and of making and completing the said publick Carriage Roads, and of Ring-fencing the Tythe and Glebe Allotments, and of making, preparing, executing, and inrolling the said Award, and all other reasonable Charges and Expences occasioned by the Execution of this Act, shall be borne and paid by all the Proprietors (except the said *William Tait* and his Successors, Rectors of *Coningsby* otherwise *Conesby* aforesaid) according to their respective Shares, Interests, and  
Property



Property in such Lands, Grounds, and other Hereditaments as aforesaid, to be adjusted, settled, and determined by the said Commissioners.

XXXVII. Provided always, and be it further enacted, That all Costs, Charges, and Expences attending the making and completing any Exchanges and Partitions, shall be paid and borne by the several Persons making such Exchanges or Partitions, in such Manner and in such Proportions as the said Commissioners shall order and direct.

For paying the Expences of making Exchanges.

XXXVIII. And be it further enacted, That Once at least in each and every Year during the Execution of this Act (such Year to be computed from the Day of the passing thereof) the said Commissioners shall and they are hereby required to make a true and just Statement or Account of all Sums of Money by them received and expended, or due to them for their own Trouble or Expence in the Execution of this Act; and such Statement and Account when so made, together with the Vouchers relating thereto, shall be by them laid before Two or more Justices of the Peace for the Parts of *Lindsey*, in the said County of *Lincoln*, to be by them examined and balanced, and such Balance shall be by such Justices stated in the Book of Accounts to be kept in the Office of the Clerk to the said Commissioners; and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed by such Justices.

Commissioners to lay their Accounts before Two Justices Once in every Year.

XXXIX. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act, then and in every such Case (except where the Orders, Determinations, and Proceedings of the said Commissioners are declared to be binding, final, or conclusive, and except in such Cases where an Issue or Issues at Law shall be tried as herein-before mentioned) he, she, or they, may appeal to any General Quarter Sessions of the Peace, which shall be held in and for the said Parts of *Lindsey*, within Four Calendar Months next after the Cause of Complaint shall have arisen; and the Justices of such General Quarter Sessions are hereby authorized and required to hear and determine the Matter of such Appeal, and to make such Order therein, and award such Costs as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs which shall be so awarded, by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus, if any, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale; which Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

Allowing an Appeal.

XL. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person and Persons, Bodies Politick and Corporate, his, her, and their Heirs, Successors, Executors, and Administrators, all such Estate, Right, Title, and Interest (other than such as are meant and intended to be barred and

General Saving.

[*Loc. & Per.*]

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destroyed

destroyed by this Act) as they and every of them had and enjoyed of, in, to, or in respect of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, in case this Act had not been made.

Publick Act. · XLI. And be it further enacted, That this Act shall be adjudged, deemed, and taken to be a publick Act, and as such be judicially taken Notice of by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

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