

in the County of York and by the said  
 Statute nominate and direct to act as a Commissioner under  
 the same and by the authority of the said Act in and by the said  
 in the then and place of the said Edward Tuckwell in  
 respect and delivery in his resignation to act as a  
 witness and whereas the said Edward Tuckwell did not  
 resign his life Now therefore know ye that the said  
 said the said Statute in pursuance and performance of  
 the power and authority given him in and by the said in  
 part recited Act doth by this Instrument in writing  
 under his hand and seal nominate and appoint Edward  
 Foster of the County of Lincoln Gentleman  
 to act as a Commissioner under the power and by the authority  
 of the said in part recited Act in the stead and place  
 of the said Edward Tuckwell Given under his hand and  
 seal the twenty fourth day of December in the  
 sixth and seventh year

Witness  
 Edward Heathcote  
 William the Clerk Secretary to the Right Honourable

One thousand eight hundred and two by writing under his  
 hand did act and appoint William Whitlocke of Westchester  
 in the County of York Gentleman a Commissioner to act  
 for him in the said Statute in and in the place  
 of the said John Renshaw deceased and whereas at a  
 Meeting advertised to be holden at the Bull Inn in Newcastle  
 in the said County of Lincoln on Saturday the Twelfth day of  
 December One thousand eight hundred and two being the  
 said Writing for putting the said Act in execution the  
 said William Whitlocke refused to act under the said  
 Appointment And whereas the said William Tuckwell  
 afterwards died and appointed Thomas Syson of  
 Cuspingham in the County of Bedford Gentleman to act  
 as a Commissioner under the Power and Authority of the  
 said in part recited Act in the stead and place of the  
 said William Whitlocke who had so refused to act as  
 aforesaid And whereas the said William Tuckwell  
 had since departed this Life and the said Thomas  
 Kays Bonney became his Successor as the Rector of the  
 Parish and Parish Church of Comingsby otherwise  
 Comestly aforesaid And whereas the said Thomas Syson  
 having refused to continue to act as a Commissioner  
 under the said recited Act and such refusal having been  
 signified in Writing by one of the acting Commissioners  
 under the said Act to the said Thomas Kays Bonney  
 within the period of three calendar months from the  
 date hereof Now therefore know ye that he the said  
 Thomas Kays Bonney in pursuance and performance  
 of the Power and Authority given in and by the said in  
 part recited Act doth by this Instrument in writing  
 under his hand did act and appoint Benjamin Southwell

of Harthing in the County of Lincoln Gentleman to act  
 as a Commissioner under the Power and by the Authority  
 of the said in part recited Act in the stead and place  
 of the said Thomas Syson so refusing to act as aforesaid  
 Given under his Hand the twenty fourth day of December  
 One thousand eight hundred and two

Witness  
 James House Thomas Kays Bonney

To all to whom these presents shall come, I Gilbert Heathcote of Northamptonshire in the County of Northampton Sheriff of the County of Northampton salutem in domino sempiternam.

Whereas by a certain Act of Parliament made in the first year of the said late Majesty King Edward the sixth touching the division, selling and enclosing the great tithes, vicarages, glebes, commons and other commendable and several tenements within the parish of Comingsly otherwise Comings in the County of Lincoln Edward the sixth of Northampton in the County of Northampton Gentleman in the execution of the said Act Gilbert Heathcote was appointed to act as a Commissioner with others to put the said Act in execution and by the said Act enacted and provided that in case the said Edward the sixth or any Commissioner to be appointed in his place or places should die after or be disabled to act that in every such case the said Gilbert Heathcote his heirs and assigns within three calendar months after such death, refusal or disability to act should be signified in writing to him or them by the surviving or remaining Commissioners or either of them or which he and they are required by the said Act to do as soon as may be after such death, refusal or disability to act was known to them.

And whereas the said Edward the sixth by writing under his hand and seal directed to the said Gilbert Heathcote as a Commissioner under the said Act and the same was communicated to the said Gilbert Heathcote by Richard Chibrew Gentleman one of the secretaries of the said late Majesty King Edward the sixth in the County of Lincoln Gentleman was by the said Gilbert Heathcote nominated

Whereas by an Act of Parliament passed in the forty second year of the reign of the late Majesty King George the third intituled "an Act for dividing, selling and enclosing the great tithes, vicarages, glebes, commons and other commendable and several tenements within the parish of Comingsly otherwise Comings in the County of Lincoln" Joseph Cibaum of Appleton in the County of West Yorkshire was appointed to act as a Commissioner with others to put the said Act into execution.

And whereas it was enacted and provided that in case the said Joseph Cibaum or any Commissioner to be appointed in his stead should die after or be disabled to act then and in every such case it should be lawful for the major part in value of the proposals of persons interested in the said estate who should be present at a meeting to be appointed and held at Comingsly aforesaid within three calendar months after such death, refusal or disability should be signified to them or any of them in writing by the surviving or remaining Commissioners or either of them to elect and appoint a new Commissioner not interested in the said tenements in the stead of such Commissioner so dying, refusing or becoming disabled to act of which meeting notice was directed to be given upon the next public catechism of the parish church of Comingsly aforesaid upon some Sunday at least ten days before such meeting. And whereas the said Joseph Cibaum having refused to take upon himself the execution of the said Act and notice having been given according to the directions of the said Act that another person would be appointed in his stead, Christopher Cibaum

and that he is a Commissioner under the power and authority of the said in part recited Act in the said and place of the said Edward Stone who had resigned and who in his resignation is not therein as aforesaid **And** that the said James Cook having this lately departed this life Edward Cotton of Hertford in the County of Middlesex was by the said Sir Gilbert Heathcote nominated and directed as a Commissioner under the power and authority of the said in part recited Act in the said and place of the said James Cook deceased **And whereas** Know **Be** that to the said Sir Gilbert Heathcote in pursuance and performance of the power and authority given to him and by the said in part recited Act **Doth** by this Instrument in writing under his hand and seal directed and signed Charles Weylesworth of Dorchester in the County of Lincoln Gentleman to act as a Commissioner under the power and authority of the said in part recited Act in the said and place of the said Edward Stone deceased Given under his hand the Twentieth day of November One thousand eight hundred and forty nine

*Witness* *Gilbert Heathcote*  
 John Robert Butler to  
 Sir Gilbert Heathcote Bart  
 at Durdans Epson  
 Signed James Cook to  
 Sir Gilbert Heathcote Bart  
 at Durdans Epson

great quantity in the County of Lincoln Gentleman was at a Meeting of the said proprietors held at the Bull Inn in boroughy aforesaid on Sunday the eighteenth day of January One thousand eight hundred and three closed and appointed to be a Commissioner in the room or stead of the said Joseph Cotton And whereas the said Christopher Speworth departed this life in or about the year One thousand eight hundred and Twenty six and a notice having been given according to the said Act that another person would be appointed in his stead James Bradby of Boston in the County of Lincoln Gentleman was at a Meeting of the said proprietors held at the Bull Inn in boroughy aforesaid on Wednesday the twentieth day of September One thousand eight hundred and twenty six closed and appointed a Commissioner in the room or stead of the said Christopher Speworth **And whereas** the said James Bradby hath lately departed this life and notice having been given according to the directions of the said Act that another person would be appointed in his stead at this Meeting of the said proprietors at a Meeting held at the Bull Inn in boroughy aforesaid on Friday the thirteenth day of January One thousand eight hundred and fifty DO hereby close and appoint William Howards of Farnborough in the County of Kent to be a Commissioner in the room or stead of the said James Bradby deceased **Witness** our Hands this said

Thirteenth day of January One thousand eight hundred and fifty  
 William Howards  
 C. J. Cursons  
 Wm. Small  
 Wm. Small  
 George Judd  
 J. H. H. H.  
 J. H. H. H.  
 Thomas Clark  
 John Brown  
 James P. P.  
 David P. P.  
 The X  
 Samuel H. H.  
 John Brown  
 David P. P.  
 James Holmes  
 John Weston  
 Charles Williamson  
 Chamberlain Whong  
 William English  
 Samuel Langdon  
 The X  
 J. H. H.  
 John Brown  
 Chris. Lake  
 The X  
 Richard H. H.  
 James Hill  
 Joseph Barton  
 The X  
 H. H. H.

*Thomas Syson* do swear that I will faithfully impartially and honestly according to the best of my Skill and Ability execute and perform the several Trusts powers and Authorities vested and reposed in me as a Commissioner by virtue of An Act for dividing allotting and inclosing the open Arable fields Meadows Commons and other Commonable Lands within the parish of Covingtry otherwise Cotesby in the County of Lincoln And also an Act Intituled "An Act for altering amending and rendering more effectual an Act passed in the last Session of Parliament intituled An Act for dividing and allotting a certain Fen called Wilmore Fen in the County of Lincoln and for dividing allotting in severally and inclosing the parochial or general Allotments set out or to be set out in pursuance of the said Act for compensating for the Siftes of such Allotments and for declaring and determining to what parish or parishes the several Allotments of the said Fen shall belong" according to Equity and good Conscience and without favour or affection prejudice or partiality to any person or persons whomsoever.



Sworn at Covingtry the Eighteenth day  
of January 1803  
Before me  
W. G. C.

To help me God  
Thomas Syson

*James Cook* do swear that I will faithfully impartially and honestly according to the best of my Skill and Ability execute and perform the several Trusts powers and Authorities vested and reposed in me as a Commissioner by virtue of An Act for dividing allotting and inclosing the open arable fields Meadows Commons and other Commonable Lands within the parish of Covingtry otherwise Cotesby in the County of Lincoln And also an Act Intituled "An Act for altering amending and rendering more effectual an Act passed in the last Session of Parliament intituled An Act for dividing and allotting a certain Fen called Wilmore Fen in the County of Lincoln and for dividing allotting in severally and inclosing the parochial or general Allotments set out or to be set out in pursuance of the said Act for compensating for the Siftes of such Allotments and for declaring and determining to what parish or parishes the several Allotments of the said Fen shall belong" according to Equity and good Conscience and without favour or affection prejudice or partiality to any person or persons whomsoever.



Sworn at Covingtry the Eighteenth day  
of January 1803  
Before me  
Thos. Syson

To help me God  
James Cook

*Christopher Quworth* do swear that I will faithfully impartially and honestly according to the best of my Skill and Ability execute and perform the several Trusts powers and Authorities vested and reposed in me as a Commissioner by virtue of An Act for dividing allotting and inclosing the open arable fields Meadows Commons and other Commonable Lands within the parish of Covingtry otherwise Cotesby in the County of Lincoln And also an Act Intituled "An Act for altering amending and rendering more effectual an Act passed in the last Session of Parliament intituled An Act for dividing and allotting a certain Fen called Wilmore Fen in the County of Lincoln and for dividing allotting in severally and inclosing the parochial or general Allotments set out or to be set out in pursuance of the said Act for compensating for the Siftes of such Allotments and for declaring and determining to what parish or parishes the several Allotments of the said Fen shall belong" according to Equity and good Conscience and without favour or affection prejudice or partiality to any person or persons whomsoever.



Sworn at Covingtry the first day  
of March 1803  
Before me  
Thos. Syson

To help me God  
Chris. Quorth

*J. James Bradley* ——— So notat hinc d' eum  
 faithfully impartially and honestly according to the best of my skill and ability  
 execute and perform the several parts powers and authorities vested and reposed in me  
 as a Commissioner by virtue of an Act for dividing allotting and uniting the open  
 dialle fields Meadows Commons and other Commonable lands within the parish of  
 Compton in the County of Gloucester And also by an Act intituled An  
 Act for altering amending and rendering more effectual an Act passed in the last session of  
 Parliament intituled An Act for dividing and allotting a certain free  
 Commonable or General Allotments set out or to be set out in pursuance of the said  
 Act for compensating for the losses of such allotments and for declaring and  
 determining to what parish or parishes the several allotments of the said free  
 Commonable or General Allotments shall belong according to Equity and good  
 Conscience and without favour or affection prejudice or partiality to any person or  
 persons whatsoever.

*So help me God*  
*J. Bradley*

*J. Edward Alden* ——— So notat hinc d' eum  
 faithfully impartially and honestly according to the best of my skill and ability  
 execute and perform the several parts powers and authorities vested and reposed in me  
 as a Commissioner by virtue of an Act for dividing allotting and uniting the open  
 dialle fields Meadows Commons and other Commonable lands within the parish of  
 Compton in the County of Gloucester And also by an Act intituled An Act  
 for altering amending and rendering more effectual an Act passed in the last  
 session of Parliament intituled An Act for dividing and allotting a certain free  
 Commonable or General Allotments set out or to be set out in pursuance of the  
 said Act for compensating for the losses of such allotments and for declaring and  
 determining to what parish or parishes the several allotments of the said free  
 Commonable or General Allotments shall belong according to Equity and good  
 Conscience and without favour or affection prejudice or partiality to any person or  
 persons whatsoever.

*So help me God*  
*J. Alden*

*J. Benjamin Smith* Do swear that I will faithfully impartially and honestly  
 according to the best of my skill and ability execute and perform the several parts powers and authorities  
 vested and reposed in me as a Commissioner by virtue of an Act for dividing allotting and uniting  
 the open dialle fields Meadows Commons and other Commonable lands within the parish of Compton  
 in the County of Gloucester And also an Act intituled An Act for altering amending and  
 rendering more effectual an Act passed in the last session of Parliament intituled An Act for dividing and  
 allotting in severalty and including the parochial or general allotments set out or to be set out in pursuance  
 of the said Act for compensating for the losses of such allotments and for declaring and determining to  
 what parish or parishes the several allotments of the said free shall belong according to Equity and  
 good Conscience and without favour or affection prejudice or partiality to any person or persons  
 whatsoever.

*So help me God*  
*Benj Smith*

*Witness* at Compton in the County  
 of Gloucester the twenty seventh day of  
 January One thousand eight hundred  
 and fifty  
*Richard Wigglesworth*

*Richard Wrightworth* Do swear that I will faithfully impartially and honestly according to the best of my skill and ability execute and perform the several Trusts powers and authorities vested and reposed in me as a Commissioner by virtue of <sup>the Act or Statute</sup> An Act for dividing allotting and enclosing the open arable fields Meadows Commons and other Commonable Lands within the parish of Coningsby otherwise Conesby in the County of Lincoln And also an Act intituled An Act for altering amending and rendering more effectual an Act passed in the last Session of Parliament intituled An Act for dividing and allotting a certain fen called Welmores Fen in the County of Lincoln and for dividing allotting in severally and enclosing the several or general Allotments set out or to be set out in pursuance of the said Act for compensating for the titles of such Allotments and for declaring and determining to what parish or parishes the several Allotments of the said Fen shall belong according to Equity and good Conscience and without favour or affection or prejudice or partiality to any person or persons whatsoever

Given at Coningsby in the County of Lincoln the ninth ninth day of January the thousand eight hundred and thirty

Report me  
*Richard Wrightworth*

So help me God  
*Richard Wrightworth*

*William Wrightworth* do swear that I will faithfully impartially and honestly according to the best of my skill and ability execute and perform the several Trusts powers and authorities vested and reposed in me as a Commissioner by virtue of <sup>the Act or Statute</sup> An Act for dividing allotting and enclosing the open arable fields Meadows Commons and other Commonable Lands within the parish of Coningsby otherwise Conesby in the County of Lincoln And also an Act intituled An Act for altering amending and rendering more effectual an Act passed in the last Session of Parliament intituled An Act for dividing and allotting a certain fen called Welmores Fen in the County of Lincoln and for dividing allotting in severally and enclosing the several or general Allotments set out or to be set out in pursuance of the said Act for compensating for the titles of such Allotments and for declaring and determining to what parish or parishes the several Allotments of the said Fen shall belong according to Equity and good Conscience and without favour or affection or prejudice or partiality to any person or persons whatsoever

Given at Coningsby in the County of Lincoln the ninth ninth day of January the thousand eight hundred and thirty

Report me  
*Richard Wrightworth*

So help me God  
*W. Wrightworth*

# To all to whom these Presents shall come We

Benjamin Smith of Northampton in the County of Lincoln Gentleman and William Simerels of Northampton in the said County of Lincoln Gentleman the Commissioners appointed under and by virtue and to put in execution an Act passed in the forty-second year of the reign of His late Majesty King George the Third intituled "An Act for dividing and inclosing the open (waste) fields meadows commons and other commonable and waste lands within the parish of Coningsby otherwise Consoy in the County of Lincoln" (which Act is hereinafter generally mentioned and referred to as the first recited Act) and greeting Whereas by the said Act After reciting that there were within the said parish of Coningsby otherwise Consoy aforesaid certain open (waste) 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 meadows and tithesteads containing together one thousand and six hundred acres or thereabouts) and reciting that the Right Honourable Edward Viscount Lord Bishop of Carlisle in right of his son and The Right Honourable Sir Joseph Banks Baronet Knight of the Most Noble Order of the Bath as his son was Lord of the Manor or Manor of Northampton and that the lands and grounds thereby intended to be divided and inclosed were part of the said Manor or Manor and reciting that Sir Gilbert Heathcote Baronet was Lord of the Manor of Coningsby otherwise Consoy and that the said Lord Bishop of Carlisle and the said Sir Joseph Banks as his son and also the said Sir Gilbert Heathcote were intrusted in the said Act with the said lands and grounds within the said parish of Coningsby otherwise Consoy and reciting that the said Sir Gilbert Heathcote was Patron of the Rectory and Parish Church of Coningsby otherwise Consoy aforesaid and that The Reverend William Paul Doctor in Divinity was Rector of the said Parish and Parish Church and so such was seized and entitled unto certain (waste) lands and right of common in open and open the said (waste) meadows commons and other commonable and waste lands (and also to all the great and small (waste) grounds growing or remaining within the said Parish) save and except some small parts of the said Parish the owners whereof claimed an exemption from (waste) when occupied by the respective owners and reciting that the Right Honourable George Henry Earl of Mansfield and Viscounten The Right Honourable Hugh Earl of Pembroke the said Sir Joseph Banks the said Sir Gilbert Heathcote John Harrison Esquire Robert Seltham John Kitchin Esquire Wright Haden John Gibson John Small and divers other persons were owners and proprietors of the ancient inclosed lands meadows cottages and tithesteads and of the said open (waste) fields meadows commons and other commonable and waste lands within the said Parish and were respectively entitled to rights of common and other interests therein in different proportions and reciting that an Act was passed in the forty-first year of the reign of His Majesty King George the Third 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 in the passing of such Acts" and reciting that the lands and grounds belonging to the said several proprietors in the said open fields and meadows lay intermixed and dispersed in small parcels and were together with the said commons and waste lands in three thousand six hundred and thirty acres or thereabouts of so much improvement and that it would be of great advantage to the several proprietors of the said open fields meadows commons and other commonable and waste lands were divided and specific parts thereof allotted to the several persons intrusted therein in proportion to their respective property rights of common and other rights and interests and such allotments inclosed and compensation made for the (waste) as thereof and of the said ancient inclosed lands and tithesteads within the said Parish in manner as hereinafter mentioned It was enacted And Edward Hare of Exeter in the County of Northampton John Rowshaw of Colchester in the County of Nottingham and Joseph Graham of Wotton in the County of Essex Gentlemen and their Successors to be elected in manner hereinafter directed should be and as they were thereby appointed Commissioners for dividing settling and inclosing the said open (waste) fields meadows commons and other commonable and waste lands within the said Parish of Coningsby otherwise Consoy and for putting the said Act into execution in the manner and subject to the rules orders and directions hereinafter contained (and also subject to the powers and provisions of the said herein recited Act except where the same were by the new recited Act varied or altered) and it was further enacted that if the said Edward Hare or any Commissioner to be appointed in his stead as hereinafter mentioned should die or refuse or be disabled to act then and in every such case it should be lawful for the said Gilbert Heathcote his heirs or assigns within three calendar months after such death refusal or disability should be signified in writing to him or to them by the surviving or remaining Commissioners or either of them and which he or

Coningsby Inclosure Act.

Appointment of Commissioners.

Power to appoint new Commissioners.

or they were thereby required to do as soon as might be after such death refusal or disability should be known to him or them to elect and appoint a new Commissioner not interested in the said Inclosure in the stead of the said Commissioners so dying refusing or becoming disabled to act. And that if the said John Dawson or any Commissioners to be appointed in his stead as hereinafter mentioned should die refuse or be disabled to act then and in every such case it should be lawful for the said William Dent and his successors Rectors as aforesaid within three Calendar months after such death refusal or disability should be signified in writing to him or them by the surviving or remaining Commissioners or either of them and which he or they were thereby required to do as soon as might be after such death refusal or disability should be known to him or them to elect and appoint a new Commissioner not interested in the said Inclosure in the stead of such an Commissioner so dying refusing or becoming disabled to act. And that if the said Joseph Cushman or any Commissioners to be appointed in his stead as hereinafter mentioned should die refuse or be disabled to act then and in every such case it should be lawful for the major part in value to be in as ascertained by the said Tax Assessment of the proprietors or persons 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 Dent and his successors Rectors as aforesaid who should be present at a meeting to be appointed and held at Common by otherwise Censory aforesaid within three Calendar months after such death refusal or in or discontinuity should be signified to him or any of them in writing by the surviving or remaining Commissioners or either of them and which he or they were thereby required to do as soon as might be after such death refusal or disability should be 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 should be given upon the most public outer door of the Parish Church of Coningsby otherwise Censory aforesaid upon some Sunday at least ten days in before such Meeting - and that every such election and appointment of a new Commissioner should be reduced into writing and signed by the person or persons making such election and appointment and should be delivered to the surviving or remaining Commissioners or Commissioner And that in case the said respective parishes or any of them should make default in appointing any such new Commissioner within a three Calendar months after such death refusal or disability should happen and be known and signified to them respectively as aforesaid then the surviving or remaining Commissioners or Commissioner should and they were and was thereby required from time to time by writing under their hands or his hand within six or 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 their Commissioner not interested in the said Inclosure in the place of such Commissioner so dying or becoming incapacitated And that every such new Commissioner or Commissioners so to be appointed in any of the cases aforesaid should have the like powers and authorities for putting the new meeting Act in execution in all respects whatsoever as the Commissioners in whose place he should have been so appointed and chosen was vested with by virtue of the said Act. And it was further enacted that the said Commissioners should cause Notice to be given in the Parish Church of Coningsby otherwise Censory aforesaid upon some Sunday immediately after divine service or by writing under their hands to be affixed on the most public 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 the said Act seven days at least before any such Meeting should be holden Meetings by adjournment only excepted. And that all such Meetings should be held at Coningsby or in otherwise Censory aforesaid or within the distance of ten miles thereof. And After reciting that several of the Estates of the Proprietors within the said Parish of Coningsby otherwise Censory were claimed to be exempt from Taxes when occupied by the Owner being part of the dissolved Monastery of Northstead in the said County of Lincoln It was enacted that the legal right to such exemption should 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 the said Act and for that purpose in the person or persons bodies politic or corporate who should claim such exemption should cause an Action or Actions to be brought upon a pointed issue or Issues and against the said Rector or his successor Rector of Coningsby otherwise Censory aforesaid for the time being and that the said Rector or his successor should and he was thereby required to name an Attorney or Attorneys who should appear for the said common Pleas 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 should be commenced in case the said parishes should differ about the same And that the Verdict or Verdicts which should be given in such Action or Actions should be final binding and conclusive upon all and every person and persons whomsoever body or bodies politic or natural or collective and in the Court wherein such Action or Actions should be

Commissioners to give Notice of Meetings

Right to exemption from Tax to be decided by Trial at Law



Stake of persons  
incapable to bring  
actions to be deemed  
liable to full Tithes

Commissioners to set  
out allotments for the  
repair of Roads &c.

Allotment for tithes  
and Common rights

Allotment for Tithes

Allotment to Lords of  
Manors for Soil

brought should set aside such verdict or verdicts and order a new trial to be had therein which  
it should be lawful for the said Court to do as was usual in other cases And that after such verdict or  
verdicts should be obtained and set aside by the Court the said Commissioners should and they  
were thereby required to act in conformity thereto and to allow or disallow the claim or claims thereby  
determined according to the result of such trial or trials. **And it was further enacted** that the  
Estate or Estates lands and grounds of every person or persons body or bodies whether corporate or  
colleagues who should neglect or refuse to bring or unite in bringing such Action or Actions or in carrying  
the same to trial as aforesaid should be deemed outport and liable to the payment of full Tithes And  
that the said Commissioners should have a power to commit for the same accordingly And that the  
costs charges and expenses of such trial or trials should be paid in such manner and by such Reprieves  
as were thereby directed to pay and discharge the expenses of obtaining and taking the new  
verdict **And it was further enacted** that it should be lawful for the said Commissioners  
and they were thereby authorized and required before any other allotment was made in pursuance of the said  
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 thereby intended to be divided and inclosed and in such convenient pieces as they  
should 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 Benefice aforesaid And that such parcel or  
parcels of land should be and they were thereby vested in the surveyor or surveyors of the Highways for  
the said Parish of Coningsby otherwise Benefice for the time being and their successors Upon trust for the  
purpose in the said Act mentioned. **And it was further enacted** that the said Commissioners  
should and they were thereby 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 Benefice aforesaid such parcel of  
the lands and grounds thereby intended to be divided and inclosed as should in the judgment of the said  
Commissioners be a full equivalent and compensation for the tithes lands and right of common belonging to  
the said Rectory. **And it was further enacted** that the said Commissioners should and they were  
thereby 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 Benefice 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 tithes lands and right of  
Common such plots pieces or parcels of the said open fields meadows commons and other commonable  
and waste lands thereby intended to be divided and inclosed as should in the judgment 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 the passing of the said Act were or had been within three years  
prior to that time used in a regular course of husbandry as arable lands the 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 Tithes and one moiety in value of such proportion in lieu of the  
Tithes of such Houses of tithes and lands as were exempt from Tithes when occupied by the Owners or  
except such old inclosures the Owners whereof had not land or other property in the lands and grounds or  
thereby directed to be inclosed sufficient to make compensation for the Tithes thereof which said allotment  
should be in lieu of and in recompense and compensation for the tithes lands and right of common and for all  
Tithes both great and small and all other duties and payments whatsoever in lieu of Tithes  
relating to the said William Tait and his successors Rectors of Coningsby otherwise Benefice aforesaid arising or  
growing concerning or payable within upon or for any of the lands grounds and homesteads within the said  
Parish of Coningsby otherwise Benefice except the said old inclosed lands and homesteads the Owners whereof  
had not land or other property in the said lands and grounds thereby intended to be divided and inclosed  
except the usual and accustomed tithes for Easter offerings and mortuaries and the Tithes of the  
Wells in Coningsby otherwise Benefice aforesaid All which said Tithes and other Ecclesiastical dues and  
payments whatsoever within the said Parish of Coningsby otherwise Benefice aforesaid except as aforesaid  
after such allotments in law hereof should be made and shewed out and Notice thereof given should cease  
determine and be for ever discontinued. **And it was further enacted** that the said Commissioners  
should and they were thereby authorized and required in the next place out of the residue and remainder of  
the lands and grounds thereby intended to be divided and inclosed set out allot and appoint unto the said  
Lord Bishop of Exeter and his successors Rectors as his Vicar and the said Sir Gilbert Teasdale or such  
other Lord or Lords of any other Maner or Manors within which any of the lands thereby directed to be divided  
and inclosed should be such parcel and quantity of land not exceeding in value one twentieth part of the said  
Commons or Waste lands as should in the judgment of the said Commissioners be a full equivalent and  
compensation to and for the rest to the use of the said Commons or Waste lands thereby intended to be

*Coinciding Inclosure*

W<sup>h</sup> the undersigned Commissioners appointed by statute and in pursuance of an Act of Parliament passed in the fourth year of the reign of his late Majesty King George the third intituled "An Act for directing settling and enclosing the Open Waste fields meadows Commons and other commonable and waste Lands within the parish of Coinciding otherwise County in the County of Lincoln" for carrying into execution the said Act Do hereby give Notice and Proclaim that as a Special General Vesting duty consented to by us as the High Bailiff and in Coinciding otherwise County ordered on the seventh day of October instant and confirmed by adjournment the two following days we did in the presence of such persons as did attend thereof and ever and on the last of each days did duly execute our Award relating to the said Lands and to the subdivision of the Lands comprised in the Coinciding parishment - Allments in Vestment and set out to the Commissioners for the inclosure of Wetland &c. in virtue of the Acts of the 41<sup>st</sup> George 3<sup>rd</sup> cap 14<sup>th</sup> and the 45<sup>th</sup> George 3<sup>rd</sup> cap 10<sup>th</sup> - And that such Award will be seen as conveniently may be to be executed in the High Court of Common Pleas at Westminster pursuant to the Statute in that case made and provided.

Given under our hands this fourth day of October 1750.

*Benj Smith*  
*Barth Mighelworth*  
*W. Smoaks*

Shewing the Order 1750  
 Official a piece of which has in a Copy Book  
 kept in the care of the parish officers of Coinciding  
 before the Commissioners of the said Act  
 W. M.



*Let this Book be enrolled in Her Majesty's  
Court of Common Pleas at Westminster  
the 11<sup>th</sup> day of Decr 1850  
Edward Vaughan Clerk*

**C O N I N G S B Y**

**A W A R D .**

**1850**

*Enrolled in Her Majesty's Court of Common Pleas at Westminster  
of the Term of Saint Michael in the fourth year of the Reign of  
our Sovereign Lady Queen Victoria.*

*Roll D.*



Whereas by an Act passed in the last Session of Parliament entitled "An Act for Rectifying, Amending and Settling the Open Courts within the County of Cornwall, and otherwise concerning the County of Cornwall" John Renshaw late of Chichester in the County of Southampton Gentleman in the nomination of the undersigned William Earl Doctor in Divinity Rector of the said Parish Church of Cornwall was nominated to act as a Commissioner for him and his Successors Rectors and Archdeacons and by the said Act amongst other things enacted and provided that in case the said John Renshaw or any Commissioner to be appointed in his stead as hereinafter mentioned should die or be disabled to act that in every such case the said William Earl and his Successors Rectors or Archdeacons within three Calendar Months after such Death, refusal or Disability to act should be signified to him or them by the succeeding Commissioners or either of them to elect and appoint a new Commissioner not interested in the said Business in the stead of the said John Renshaw And Whereas the said John Renshaw departed his life on or about the twenty sixth day of August last past of which the said William Earl hath received Notice in Writing from the said succeeding Commissioners under the Hand of Richard Oldham Gentleman their Clerk. Now therefore the said William Earl in pursuance and performance of the power and authority to him given in and by the said Act doth hereby this Subscribed and sealed under his Hand Seal and official Seal appoint William Whitlock of Bresterton in the County of York Gentleman to act as a Commissioner under the power and Authority of the said recited Act in the stead and place of the said John Renshaw deceased given under his Hand the seventh day of September 1702.

Wm Earl

To all to whom these presents shall come the Rector of

William Earl Doctor in Divinity Rector of the Parish and Vicar Church of Cornwall in the County of Cornwall and the Vicar of the Parish Church of Cornwall in the County of Cornwall

Whereas by an Act passed in the last Session of Parliament entitled "An Act for Rectifying, Amending and Settling the Open Courts within the County of Cornwall, and otherwise concerning the County of Cornwall" John Renshaw late of Chichester in the County of Southampton Gentleman in the nomination of the said William Earl to act as a Commissioner for him and his Successors Rectors and Archdeacons and by the said Act amongst other things enacted and provided that in every such case the said William Earl and his Successors Rectors or Archdeacons within three Calendar Months after such Death, refusal or Disability to act should be signified to him or them by the succeeding Commissioners or either of them to elect and appoint a new Commissioner not interested in the said Business in the stead of the said John Renshaw And Whereas the said John Renshaw departed his life on or about the twenty sixth day of August last past of which the said William Earl hath received Notice in Writing from the said succeeding Commissioners under the Hand of Richard Oldham Gentleman one of the Clerks in consequence thereof and in pursuance of the power and Authority given him by the said Act in and by the said Act doth hereby this Subscribed and sealed under his Hand Seal and official Seal appoint William Whitlock of Bresterton in the County of York Gentleman a Commissioner to act for him in the said Business in the stead and place of the said John Renshaw deceased And Whereas at a Meeting assembled to be held at the Court House in the said County of Cornwall on Saturday the fourth day of December last past for the election of Commissioners to hold their first sitting for settling the said Act in execution the said William Whitlock refused to qualify himself to act under the said appointment Now therefore know ye that he the said William Earl in pursuance and performance of the power and Authority to him given in and by the said Act doth hereby this Subscribed and sealed under his Hand Seal and official Seal appoint Thomas Gypson of Compton Green in the County of Kent Gentleman to act as a Commissioner under the power and Authority of the said recited Act in the stead and place of the said William Whitlock who has as aforesaid refused to act therein Given under his Hand the twenty eighth day of December One Thousand eight hundred and two.

Witness John Davery  
Arch. Bishop

Wm Earl

To all to whom these presents shall come, Sir Gilbert  
 Heathcote of Newington Park in the County of Berkshire -  
 Baronet Lord of the Manor of Compton otherwise Compton in  
 the County of Oxford. Greeting.

Whereas by an Act passed in the last Session of Parliament intituled "An Act for  
 better settling and ordering the fees, costs, duties, Customs and other Payments  
 and Levies due within the County of Berkshire otherwise Compton in the County of Oxford  
 the said Sir Gilbert Heathcote was appointed to act as a Commissioner with others to  
 put the said in force according to the said Act in Execution. And Whereas it was in  
 and by the said in force recited Act amongst other things enacted and provided  
 that in case the said Sir Gilbert Heathcote or any Commissioner appointed in last  
 place as aforesaid should die or be unable to act that in every  
 such case the said Sir Gilbert Heathcote his heirs and assigns within three calendar  
 Months after such Death or inability to act should be signified in writing to  
 him or them by the surviving or remaining Commissioners or others of them and  
 which he and they are required by the said Act to do as soon as may be after such  
 death or inability to act was known to them. And Whereas the said  
 Sir Gilbert Heathcote by writing under his Hand bearing date the nineteenth day of the instant  
 (December) last expressed his desire to resign his appointment as a Commissioner under  
 the said Act and the same hath been communicated to the said Sir Gilbert Heathcote by  
 Richard Wilkes Esquire one of the Solicitors of the said Act. Now therefore know  
 ye that he the said Sir Gilbert Heathcote in pursuance and performance of the power  
 and authority given him in and by the said in force recited Act hath by his Statute  
 or writing under his Hand chosen, nominated and appointed James Cook  
 of Westbury in the County of Leicestershire - Gentleman to act as a  
 Commissioner under the power and by the authority of the said in force recited Act  
 in the stead and place of the said Sir Gilbert Heathcote who has expressed and delivered  
 in his Resignation - to act therein as aforesaid. Given under his Hand the  
 twenty eighth day of December One Thousand eight hundred and two.

Witness  
 Robert Heathcote  
 Sir Gilbert Heathcote

Person named to be appointed in his stead at the  
 Meeting Now in the Postponed present at  
 a Meeting held at the Ball Room Compton  
 appeared on Tuesday the twentieth day of  
 January One thousand eight hundred and  
 three. He hereby doth and approved himself  
 Gentleman of good fame in the said County of  
 Berkshire - Gentleman - one of  
 the said Commissioners in the Name - Place of  
 the said Sir Gilbert Heathcote who has so refused  
 to act as aforesaid. Writing under Hand

- Wm Mason
- Richard Wilkes
- Jarvis Richardson
- J. D. Wainwright
- Thomas Wainwright
- Ed. Wainwright
- John Wainwright
- John White
- John Small
- David Grant
- Jno. Wainwright
- Jas. Wainwright
- Richard Newton
- James Baker

Witness  
 Sir Gilbert Heathcote  
 Sir Gilbert Heathcote

White Bull Inn, Cringaby  
20<sup>th</sup> Sept. 1826.

All a meeting of the proprietors of estates in the said parish  
before judgment to make orders on the order Decree of the  
Court of Cringaby aforesaid and by advertisement in the  
County papers for the purpose of appointing a Commission  
in the room of M<sup>r</sup> Christopher Eworth deceased.

Present

John Richards Esq<sup>r</sup> Thomas Babington  
John Snow Thomas Colthart

Whereas in and by the act of parliament passed for  
the relief of the said Bank, Joseph Cuttram of Allington  
in the County of Derby Gentleman was appointed to act  
as a Commissioner with others to put the said Act into  
Execution. And whereas the said Joseph Cuttram  
refused and declined to act in the Execution of the  
said Act. And whereas at a meeting of the prop<sup>r</sup>

of Estates in the said parish of Cringaby, held at the  
White Bull Inn in Cringaby aforesaid on the 18<sup>th</sup> day of Jan<sup>r</sup>  
1826 pursuant to notice on the Church door of Cringaby  
aforesaid and advertisement in the County papers, M<sup>r</sup> Chris.  
Eworth of Great Gressley, Gentleman was duly elected  
and appointed a Commissioner in the room or stead  
of the said Joseph Cuttram. And whereas the said  
Christopher Eworth is since dead. And whereas it was  
in and by the said Act enacted and provided that in case  
the said Joseph Cuttram or any Commissioner so appointed  
in his stead should die, refuse or be disabled to act, then  
and in every such case it should be lawful for the Major  
part in value of the proprietors of or persons interested  
in the said estates who should be present at a meeting  
to be appointed and held at Cringaby aforesaid within  
three Calendar months after such death, refusal or  
disability should be signified to them or any of them in  
writing by the surviving or remaining Commissioners or either  
of them to elect and appoint a new Commissioner not  
interested in the said Estates in the said Act of Parliament,  
or dying, refusing or becoming disabled to act of which  
meeting notice was directed to be sent upon the next public

outer door of the Parish Church of Crinocky aforesaid upon  
some Sunday at least ten days before such meeting.

Now we the proprietors present at a  
meeting held at the Bull Inn in Canning, aforesaid  
on Wednesday the 20<sup>th</sup> day of September 1825 do hereby  
elect and appoint James Bradley of Briton  
in the County of Lincoln Gentleman to be a Commissioner  
in the room or stead of the said Christopher Spence  
deceased. Witness our hands

James Bradley  
Thos Robinson  
Thos Robinson  
John Linn

To all to whom these Presents shall come  
The Great Seal of Great Britain  
The County of Lincoln

Whereas by a certain Act of Parliament intituled  
for dividing altring and enclosing the open waste fields  
and commons and other commonable and waste lands within  
the Parish of Bourne in the County of Lincoln  
George Hays of Bourne in the County of Northampton  
in the nomination of the said Act being appointed  
to act as a Commissioner with others to put the said  
Act in execution And whereas it was in and  
by the said Act amongst other things enacted and  
provided that in case the said George Hays or any Commissioner  
to be appointed in his stead as aforesaid should die  
refuse or be disabled to act And in case such case to elect  
the said Commissioner his heirs and assigns within three  
Calendar Months after such death refusal or disability to  
act should be signified to him or them by the surviving  
Commissioners or either of them and which he and they are required by the said Act to do as  
soon as may be after such death refusal or disability to  
act was known to them And whereas the said George  
Hays by writing under his hand and seal of office  
did declare his appointment as a Commissioner under  
the said Act and the same was commuted to the said  
George Hays by Richard Williams Gentleman one  
of the Justices of the said Act James Coth of Howbery

To all to whom these Presents shall come  
The Reverend Thomas Hays Rector of the  
Parish and Church of Howbery in the County of Lincoln

Whereas by a certain Act of Parliament in the Tenth year  
of the reign of his Majesty King George the Third intituled An Act  
for dividing altring and enclosing the open waste fields, meadows  
commons and other commonable and waste lands within the  
Parish of Bourne in the County of Lincoln  
John Roushew then late of Howbery in the County of  
Northampton Gentleman in the nomination of the said Act being  
appointed to act as a Commissioner for him the said William  
Tait and his Successors Rectors thereof to put the said Act in  
execution And whereas it was in and by the said Act amongst  
other things enacted and provided that in case the said John  
Roushew or any Commissioner to be appointed in his stead as  
therein the mentioned should die, refuse or be disabled to act that  
in any such case it should and ought to be lawful for the said  
William Tait and his Successors Rectors as aforesaid within  
Three Calendar Months after such death refusal or disability  
to act should be signified to him or them by the surviving  
Commissioners or either of them to elect and appoint a new  
Commissioner not intended in the said Act to be the  
stead of the said John Roushew And whereas the said John  
Roushew departed this life on or about the Twentieth day of  
August One thousand eight hundred and two of which the said  
William Tait received notice in writing from the two  
surviving Commissioners under the said Act and in  
consequence thereof and in pursuance of the Power and  
Authority given to him the said William Tait by the said Act in  
and by the said Act on or about the Twentieth day of October



Attornment in case of  
quit rents.

Attornment of residue

Five thirds for houses  
and tithables and one  
third for lands.

Attornments in respect of  
Copyhold land to be deemed  
Copyhold all other attornments  
to be deemed freehold.

Attornments for Free  
hold lands.

divided and inclosed to be equally divided between the said Lord Bishop of Carlisle and the said Sir  
Joseph Banks or his Heirs and he said Sir Gilbert Heathcote and such other Lord or Lords as aforesaid  
(And after reciting that several of the said Mesuages farms lands and premises of the Proprietors in  
within the said Parish of Censington otherwise Censory were subject and liable to the payment of coven  
quit rents for farm rents or other annual payments to others of the said Proprietors And that it would be  
advantageous to all the parties have lands allotted in lieu thereof It was therefore further enacted  
that it should be lawful for the said Commissioners at the request or writing of the respective parties paying  
any such quit rents for farm rents or other payments and they were thereby 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 should 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 should be required to be separated therefrom lying within the said lands and grounds  
thereby intended to be divided and inclosed as the said Commissioners should in their judgment and discretion  
think a reasonable recompense and satisfaction for each respective quit rent or other annual payment and that  
after such allotments should be made the said several quit rents or other annual payments should cease to  
determine and be forever discontinued. And it was further enacted that immediately after the  
said Commissioners should have deducted lands for the Hedges ways and drains and made the several  
attornments hereafter mentioned they should 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 the said Act directed  
to be divided and inclosed unto and amongst the several persons bodies politic or corporate who at the time  
of making such allotments should be entitled to any such 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 should be  
adjudged and determined to be accompanation 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 should allot the share or shares of each party as near to the homesteads or some other of the then inclosed  
lands or tenements belonging to each party respectively as conveniently might be. And it was further en  
acted that the said Commissioners should and they were thereby required in dividing and allotting the said  
Commons and Waste lands thereby intended to be inclosed to divide set out and allot five third parts thereof in  
value unto and amongst the several owners and proprietors of Houses and Tithables within the said Parish in  
having right of Common as aforesaid by separate attornments to each Proprietor in proportion and according to  
the number of Houses or Tithables each such Proprietor was possessed of on the first day of November then last  
before the passing of the said Act and each Tithable being considered as equal to one merely only of the quantity  
of land in value which should 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 ac  
within the said Parish being entitled to right of common upon the said Commons and other Waste lands thereby  
intended to be divided and inclosed on or before the said first day of November in respect of a Common right of  
house or houses within the same Parish in proportion to the value of each such Proprietors lands and grounds ac  
lying within the same Parish. And it was further enacted that all such lands as should be allotted  
to any person or persons for or in respect of any Copyhold or customary Mesuages or Tithables holden of the  
said Manor of Censington otherwise Censory And also all such Mesuages or Tithables lands or tenements as  
should be allotted and awarded as aforesaid by virtue of the said Act to or with any person or persons for or in  
lieu or in respect of any Mesuages or Tithables 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 should from and after the execution of the Award or Instrument of the said ac  
Commissioners for ever be deemed and taken to be Copyhold or customary hold of the same Manor and should  
be holden as such by and under the same knowes rents customs and services as the Copyhold premises for ever  
in lieu or in respect whereof such new allotments or exchanges should be made were then holden And the said  
Commissioners were thereby 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 were to be and remain Copyhold as aforesaid and all attornments therefor which should be made under the  
said Act other than such as should be so ascertained by the said Commissioners to be Copyhold as aforesaid  
should from and after the execution of the said Award be deemed and enjoyed as freehold lands Subject  
nevertheless to such pie rents and services as were then payable out of the respective premises for or in respect whereof  
the same should or might be allotted and the same Rents should be compounded for in land as therein is  
provided. And it was further enacted that in all cases where any of the lands authorized to be  
divided and inclosed by the said Act should adjoin to any freehold parcel or parcel of land lying on the outside

of the tenures of any adjoining Parish Township or place or of any lands in any adjoining Parish Township or place should run into any of the lands intended to be inclosed by virtue of the said Act it should be lawful for the said Commissioners and by whom they were required to cause such preceed and lands above described to be surveyed and measured and also the same and also to direct and award the same to any of the proprietors of the same within the said Parish Township or place as they the said Commissioners should think proper and that the same should altogether be deemed part of the said Parish of Congregory otherwise to be provided to set out and award to the Proprietors of the Fee for the time being of such Parish Township or place. It was also enacted that each such parcel of land should extend along one or more piece or pieces of ground quite in water course and situate as near some part of such Parish as conveniently might be to be appropriated to the use of the Fee Inhabitants within such Parish Township or place and from thenceforth to be deemed and taken as part of such Parish Township or place. **And it was further enacted** that the allotments to be made to the said Rector and his successors should be fenced to such extent and in such manner as in the said Act is intimated at the expense of the rest of the Proprietors. **And that all such fences should afterwards be maintained kept in repair by the said Rector and his successors.** **And it was further enacted** that such the old inclosed lands within the said Parish of Congregory otherwise to be provided as were liable the payment of Tythes or compositions in lieu thereof to the said Rector and his Successors who had no land or other property in the said open fields meadows commons and other in any commensurable and waste lands intended to be divided and inclosed or not sufficient to make compensation for the Tythes of such old Inclosures should still continue as usual with and liable to the payment of such Tythes or compositions in the same manner as before the passing of the said Act or as they would have been liable to pay in case the said Act had not been made. **And that where any such old Inclosure or Enclosures were liable to the payment of a composition or compositions in lieu of Tythes such composition or compositions and also the lands chargeable therewith should be specified and described in the Award and allotments which should be set out and allotted by virtue of the said Act** except such allotments as should be made to the Rector and his successors should be inclosed and fenced and such fences at all times for ever after the making thereof supported maintained and kept in repair by such person or persons and in such manner as the said Commissioners by any writing or writings or by their said Award should order direct or appoint. **And whereas** by the said secondly recited Act of the forty first year of the reign of the late Majesty King George the Third It was amongst other things Enacted that no person should be capable of acting as a Commissioner in the execution of any of the powers to be given by any Act thereafter to be passed for dividing allotting or inclosing any lands or grounds except the power of signing and giving notice of the first Meeting of the Commissioner or Commissioners for executing any such Act and of administering the oath or affirmation hereafter directed unto he should have taken and subscribed the oath or affirmation therein mentioned either oath or affirmation it should be lawful for any one of the said Commissioners when more than one should be appointed by any such Act or any one Justice of the Peace for the County within which such lands or grounds should be situated when only one Commissioner should be so appointed to administer and they were thereby respectively required to administer the same and the said oath or affirmation sole to be taken and subscribed by each Commissioner and also the appointment of every new Commissioner should be annexed to and united with the Award of any Commissioner or Commissioners. **And it was thereby further enacted** that such Commissioner or Commissioners should and he and they were thereby authorized and required in the first place before he or they proceeded to make any of the divisions and allotments directed in and by any such Act to set out and appoint the Public Carriage Roads and Highways through and over the lands and grounds intended to be divided or allotted and inclosed and to divert turn and stop up any of the Roads and Tracts open and over all or any part of the said lands and grounds as he or they should judge necessary or as such Roads and Highways should be and remain thirty feet wide at the least and so as the same should be set out in such directions as should appear to him or them most commodious for the public. **And he or they were** thereby required to ascertain the same by marks and bounds and to prepare a Map in which such intended Roads should be accurately laid down and described and cause the same being signed by such Commissioner or Commissioners (if only one or the major part of such Commissioners) to be deposited with the Clerk of the said Commissioner or Commissioners for the inspection of all persons concerned. **And as soon as might be after such Carriage Roads should have been so set out and such Map so deposited to give Notice in some Newspaper to be named in such Bill (meaning the special Act so referred to) and also by affixing the same upon the Church Door of the Parish in which any of the lands so to be inclosed should be of his or their having set out such Roads and deposited such Map and also of the general time of such intended Carriage Roads and to appoint in and by the same Notice a Meeting to be held by the said Commissioner or Commissioners at some convenient place.**

Rectors Allotment to be fenced.

Tythes of particular old Inclosures to continue payable.

Allotments to be fenced as Commissioners may direct.

General Inclosure Act 1774. Cap. 109. Oath to be taken by Commissioners.

Commissioners to set out Public Carriage Roads.

in or near to the Church or Churchyard within which the said Inclosure is to be made and  
not sooner than three weeks from the date and publication of such Notice at which Meeting it  
should and might be lawful for any person who might be injured or aggrieved by the setting out  
of such Roads to attend and if any such person should object to the setting out of the same  
then such Commissioners or Commissioners together with any Justice or Justices of the  
Peace acting in and for the Division of the County in which such Inclosure should be made or  
and not being interested in the same who might attend such Meeting should hear and determine  
such objection and the objections of any such person to any alteration that the said Commissioners  
or Commissioners together with such Justice or Justices might in consequence propose to make  
and should and he and they were thereby required according to the best of their judgment  
upon the whole to order and finally direct how such Carriage Roads should be set out  
and either to confirm the said Map or make such alterations therein as the case might require  
And it was thereby further enacted that such Commissioner or Commissioners  
should and he or they were thereby empowered and required to set out and appoint such private  
Roads bridle ways footways ditches drains watercourses watering places quarries bridges gates  
sides meadows fences banks bounds and land marks in ever open and through or by the sides  
of the aforesaid or made and set out in pursuance of such Act as he or they should think  
requisite giving such Notice and subject to such Examination as to any private roads or  
paths as were theretofore required in the case of public Roads and that the same should  
be made and at all times for ever thereafter be supported and kept in repair by and at the  
expense of the Owners and Proprietors for the time being of the lands and grounds directed  
to be divided and inclosed in such shares and proportions as the Commissioner or Commissioners  
should in and by his or their Award Order and direct And it was thereby further  
enacted that such Commissioner or Commissioners should and he or they were thereby authorized  
to set out and award any messuages buildings lands tenements hereditaments new  
allotments or old inclosures within such Parish or Manors in lieu of or in exchange for any  
other messuages buildings lands tenements hereditaments new allotments or old inclosures or  
within the said Parish or Manors or within any adjoining Parish or Place so as that all such  
exchanges should be made with the consent of the respective Owners proprietors or other persons  
seized of the lands tenements and premises which should respectively be so exchanged as  
aforesaid or of the husbands guardians trustees Committee or Attorneys acting for or on behalf  
of such Owners or proprietors or other persons respectively who should be under coverture miners  
Lunatics or beyond the seas or under any other disability or incapacity of acting for themselves  
such consent to be testified by writing under their respective hands and so that all such  
exchanges should be ascertained specified and set forth in the Award of such Commissioner  
or Commissioners and so that all such exchanges of any lands tenements or hereditaments or  
belonging to or held in right of any Church Chapter or Ecclesiastical Benefice should also be made  
with the like consent in writing of the Bishop of the Diocese and of the Patron of any Church Chapter  
or Ecclesiastical Benefice for the time being And that all such exchanges so made as aforesaid  
should be for ever good valid and effectual in the law to all intents and purposes whatsoever  
And it was thereby further enacted that as soon as conveniently might be after the  
division and allotment of the said lands and grounds should be finished pursuant to the  
purpose and directions of the new setting out or of any such special Act as therein referred  
to the said Commissioner or Commissioners should form and draw up or cause to be formed or  
drawn up an Award in writing which should express the quantity of acres rods and  
perches in statute measure contained in the said lands and grounds and the quantity of each  
and every part and parcel thereof which should be so allotted assigned or exchanged and their  
situation and dispositions of the same respectively and should also contain a description of the  
Roads ways footpaths watercourses watering places quarries bridges fences and land marks  
set out and appointed by the said Commissioner or Commissioners respectively as aforesaid  
And all such other rules orders agreements regulations directions and determinations as the  
said Commissioner or Commissioners should think necessary proper or beneficial to the parties  
which said Award should be fairly engrossed or written on parchment and should be read or  
executed by the Commissioner or Commissioners in the presence of the Proprietors who might  
attend at a special general Meeting called for that purpose of which ten days Notice at the least  
should be given in some paper to be named in such special Act as aforesaid and circulating in

Commissioners to set  
out Private Roads  
bridle ways &c.

Power to Commissioners  
to alter Messuages &c  
in exchange

Commissioners to draw  
up an Award

the said County which execution of such Award should be proclaimed the next Sunday in the Church of the Parishes in which such lands should be from the time of which proclamation only and not before such Award should be considered as complete and should within twelve calendar months after the same should be so signed and sealed or so seen as conveniently might be recorded in one of Her Majesty's Courts of Record at Westminster or with the Clerk of the Peace for the County in which such lands should be situate. And that the said Award or any Instrument and the several attachments partitions regulations agreements exchanges orders or directions determinations and all other matters and things therein mentioned and contained should be to all intents and purposes binding and conclusive except where some provision to the contrary was in the Act now in recital or should be by any such special Act as therein referred to contained upon the said Provisors and all parties and persons concerned or interested in the same or in any of the lands grounds or premises aforesaid. And also that the said respective Commissioners if they should think it necessary should form or draw or cause to be formed and drawn or parchment or vellum such Maps or Plans of the said lands and grounds the better to describe the several new attachments or divisions to be made and premises that should be exchanged by virtue of the Act now in recital and which should express the quantity of each allotment in acres roods and perches together with the names of the respective Proprietors at the time of such division and allotment which said Maps and Plans should be annexed to and enrolled with the said respective Award, and should be deemed and construed in every respect as part of the said Award. **And whereas** under and by virtue of a certain Act of Parliament made and passed in the forty first year of the reign of His said Majesty King George the Third intituled 'An Act for dividing and allotting a certain Fen called Wildmore Fen in the County of Lincoln' certain Commissioners were appointed for dividing and allotting the same Fen and for carrying the said Act into execution and provision was therein made for the appointment of other Commissioners in cases of vacancies as therein mentioned and the said Commissioners were authorized and required after having made attachments for certain purposes to certain parishes therein particularly mentioned to set out allot and divide the residue of the said Fen subject and without prejudice to certain claims of Owners to exclusive right of Common in respect of certain houses and cottages therein referred to (if any such rights existed) unto and for the use and benefit of the Owners and Proprietors of houses cottages lands and grounds in each and every of the several parishes Townships and places of Horncastle, West Ashby, Thimbleby, High Foston, Low Foston, Marcham on the Hill, Moorby, Milkoby, Mareham le Fen, Wood Endorby, Houghton Hatham upon Bain, Coningsby (aforesaid) Dalderby, Kirkstead, Ferwoodby, Tumberby, as well as Belingrookby, Kewestby, Foston (all Saints), Foston Saint Peter's, Foston Bank and Foston in the said County of Lincoln, having right of Common in the said Fen and in such other Parishes Townships and places as should appear to have a right of Common therein in parochial or general attachments and provisions and in such manner as thereafter mentioned. And the said Commissioners were thereby required to form draw up and execute an Award setting forth the quantity and describing the situation situations and boundaries of the same attachments of the said Fen and containing such orders directions regulations and determinations as were in or by the said Act now in recital mentioned and required to be made or established and in such other orders regulations matters and things as the said Commissioners should think necessary and proper to be inserted in such Award conformable to the true tenor and meaning of the said Act now in recital. **And whereas** by an Act of Parliament made and passed in the forty second year of the reign of His said Majesty King George the Third intituled 'An Act for altering amending and rendering more effectual an Act passed in the last Session of Parliament intituled 'An Act for dividing and allotting a certain Fen called Wildmore Fen in the County of Lincoln' and for dividing allotting in severally and inclosing the Parochial or general attachments set out or to be set out in pursuance of the said Act for compensating in full the Tithe of such Attachments, and for declaring and determining to what Parish or Parishes the several attachments of the said Fen should belong' the Commissioners acting in execution of the said lastly heretofore recited Act were authorized and empowered to carry into execution the Act now in recital and were authorized and required after making certain attachments in the Act now in recital mentioned to set out allot and divide the residue of every such Parochial or general Attachment in manner therein mentioned save and except the parochial attachments to be set out to or for the said Parishes of Coningsby, Horncastle, Kirkstead, Foston

Wildmore Fen  
Division Act

Wildmore Fen  
inclosure Act