



AN

# ACT

FOR

Draining, Dividing, and Inclosing a Common, called *Crowland Common* otherwise *Goggushland*, and certain Open Half Year's Meadow, Commonable, and Waste Grounds, called *The Washes* and *Fodder Lots*, in, adjoining, or near the Township of *Crowland*, in the County of *Lincoln*.

**Preamble.**  
WHEREAS there are in the Township of *Crowland*, in the County of *Lincoln*, a Common called *Crowland Common* or *Goggushland*, containing One Thousand and Fifty Acres or thereabouts, and certain Half Year's Meadow and Open Lands, called *The Washes* and *Fodder Lots*, and divers Pieces of Waste Ground in the said Township, containing together upwards of One Thousand Acres:

And whereas *Thomas Orby Hunter*, Esquire, is Lord of the Manor of *Crowland*; and the said *Thomas Orby Hunter*, *Samuel Greaves*, Esquire, *John Whitfed*, and *William Whitehead*, Gentlemen, and others, are Owners and Proprietors of the said Fodder Lots and Washes, and entitled to Right of Common therein at certain Seasons of the Year, and are also entitled to Right of Common in, over, and upon the said Common and Waste Grounds:

And whereas all the said Lands, by reason of the defective Drainage and low Situation thereof, are frequently inundated or otherwise

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otherwise annoyed by Water, so as in their present State to be of inconsiderable Value, but if drained, divided, allotted, and inclosed, would materially benefit the Proprietors and Persons interested therein, and be of public Utility: Yet such beneficial Purposes cannot be effected without the Aid of Parliament;

May it therefore please Your MAJESTY,

That it may be Enacted; And be it Enacted by the KING's Most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Common, Waste Ground, and Half Year's Land, shall be drained, set out, divided, and allotted by such Commissioners, and in such Manner, and under such Powers and Authorities, and subject to such Rules, Orders, and Directions, as are hereinafter mentioned, appointed, and declared.

Lands to be drained and divided.

Commissioners appointed.

And be it further Enacted, That *George Maxwell*, of Fletton Lodge, in the County of Northampton, Gentleman, and *Edward Hare*, of Castor, in the said County of Northampton, Gentleman, and their Successors, to be elected in Manner hereinafter mentioned, shall be and they are hereby appointed Commissioners for putting this Act into Execution.

Power to appoint new Commissioners.

And be it further Enacted, That if the said *George Maxwell* shall die, refuse to act, or become incapable of acting as a Commissioner in the Execution of this Act, before all the Powers, Authorities, and Trusts hereby reposed in the said Commissioners shall be fully executed and performed, it shall be lawful for the said *Thomas Orby Hunter*, or the Lord or Lords of the said Manor of *Crowland* for the Time being, by Writing under his or their Hand or Hands, to nominate and appoint One other fit and proper Person, not interested in the Premises, to be a Commissioner in the Place of the said *George Maxwell*; and if any Commissioner or Commissioners who shall be appointed in the Place of the said *George Maxwell* shall die, refuse to act, or become incapable of acting as aforesaid, such future Vacancies shall be filled up in like Manner by the said *Thomas Orby Hunter*, or the Lord or Lords of the said Manor for the Time being; and if the said *Edward Hare* shall die, refuse to act, or become incapable of acting as a Commissioner in the Execution of this Act, before all the Powers, Authorities, and Trusts aforesaid shall be fully executed and performed, it shall be lawful



lawful for the Majority in Number and Value of the Proprietors of Lands and Grounds, Commonable Messuages, and Toftsteads, in the said Township of *Crowland*, interested in the said Division and Inclosure (except the said *Thomas Orby Hunter* and the Lord or Lords of the said Manor of *Crowland* for the Time being) or their respective Agents or Attornies, present at a Meeting to be held for that Purpose, by Writing under their respective Hands, to nominate and appoint One other fit and proper Person (not interested in the Premises) to be a Commissioner in the Place of the said *Edward Hare*, provided that Fourteen Days Notice of the Time, Place, and Purpose of such Meeting shall be given by Five or more of the said Proprietors, in like Manner as hereinafter directed with respect to the Meetings of the said Commissioners, and that such Meeting shall be held at *Crowland* aforesaid; and if any Commissioner or Commissioners, who shall be appointed in the Place of the said *Edward Hare*, shall die, refuse to act, or become incapable of acting as aforesaid, all such future Vacancies shall in like Manner be filled up by the Majority in Number and Value of the said Proprietors; and if any Commissioner shall neglect to attend Three successive Meetings of the said Commissioners, unless prevented by Sickness, such Neglect shall be deemed and taken to be a Refusal to act in the Execution of this Act; and if any such Vacancy in the Commission as aforesaid, shall not be filled up in the Manner hereinbefore directed, within the Space of Two Calendar Months next after the same shall respectively happen, it shall be lawful for the surviving or remaining Commissioner for the Time being, by Writing under his Hand, to nominate and appoint One other fit and proper Person (not interested in the Premises) to be a Commissioner for supplying such Vacancy, and so from Time to Time as often as there shall be Occasion; and every Person who shall be nominated and appointed a Commissioner in Manner aforesaid, shall have the like Powers and Authorities in the Execution of this Act, as if he had been appointed a Commissioner therein.

And be it further Enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act (except in appointing and giving Notice of the First Meeting of the said Commissioners, and in administering the Oath next hereinafter mentioned) nor as a Surveyor for the Purposes of this Act, until he shall have taken and subscribed an Oath in the Form following; (that is to say)

"I do sincerely promise and swear, That I will act in the Execution of the Powers, Authorities, and Trusts reposed in  
" me

Commissioners and Surveyor to take an Oath.

" me as a Commissioner [or, as a Surveyor, as the Case may be] by virtue or in pursuance of an Act, passed in the Forty-first Year of the Reign of King GEORGE the Third, intituled [*here set forth the Title of the Act*] truly, impartially, and honestly, according to the best of my Skill, Judgment, and Ability, without Favour or Affection, Prejudice or Malice, to any Person or Persons whomsoever. So help me GOD."

And either of the said Commissioners is hereby authorized to administer the said Oath; and the Oath, so taken and subscribed by such Commissioners and Surveyor, and also the Appointment of every such Commissioner and Surveyor in pursuance of this Act, shall be inrolled with the Award of the Commissioners hereinafter directed to be made.

Umpire to be named in case of Difference.

Provided always, and be it further Enacted, That whenever the said Commissioners shall disagree or differ in Opinion as to any Matter or Thing to be by them done under and by virtue of this Act, it shall and may be lawful for the said Commissioners, at any of their Meetings, and they are hereby required, from Time to Time, to name a Third Person (not interested in the said Division and Inclosure) as Umpire, whose Determination thereupon shall be final and conclusive upon the said Commissioners, and all Persons interested therein; and the same shall be proceeded upon and awarded in like Manner, as if such Determination had been made by the said Commissioners.

Survey to be made.

And be it further Enacted, That a true and distinct Survey shall be made of all the said Lands and Grounds intended by this Act to be divided and inclosed, embanked and drained respectively, on or before the First Day of October One thousand Eight hundred and One, or as soon after as conveniently may be, by some skilful Surveyor or Surveyors to be named and appointed for that Purpose by the said Commissioners, and such Survey shall be reduced into Writing, and the Number of Acres, Roods, and Perches, in Statute Measure, contained in the said Lands and Grounds intended to be divided and inclosed, embanked and drained respectively, and the Number of Acres, Roods, and Perches, contained in each Proprietor's known Property therein respectively, shall be therein specified and described; and such Survey shall be laid before the said Commissioners as soon after their Second Meeting, to be held in pursuance of this Act, as may be, and shall be kept by them for the Purposes of this Act.

Provided



Provided always, That if any Map or Survey already made or to be made of the said Lands and Grounds, or any Part thereof, shall be tendered to the said Commissioners, and shall, to their Satisfaction, appear to be a just and true Map or Survey, and sufficient for the Purposes of this Act, it shall be lawful for the said Commissioners to use the same in the Execution of this Act, without any new Maps or Survey being made of such Part of the said Lands and Grounds as shall be comprized in any such approved Map or Plan.

Former Map  
or Survey  
may be used.

And be it further Enacted, That it shall be lawful for the said Commissioners, and they are hereby required to cause a Notice in Writing under their Hands, specifying the Time and Place of their First Meeting for executing this Act, to be affixed on the principal Door of the Parish Church of *Crowland* aforesaid, on some Sunday before Divine Service, Seven Days at least before such Meeting; and also to cause the like Notice to be given of every subsequent Meeting (Meetings by Adjournment only excepted); and it shall be lawful for the said Commissioners to adjourn their Meetings from Time to Time, as they shall see Occasion, for the due Execution of this Act; and if only One Commissioner shall be present at any Meeting, it shall be lawful for him to adjourn such Meeting from Time to Time, until both Commissioners shall be present; and the Commissioner making such Adjournment, is hereby required forthwith to give Notice thereof to the absent Commissioner; but no Adjournment shall be made for a longer Space of Time than Fourteen Days.

Commission-  
ers Meetings.

And be it further Enacted, That out of the Monies directed to be raised by Sale of Land as hereinafter mentioned, there shall be paid to each of the said Commissioners, as a Recompence for his Pains and Trouble, the Sum of Two Guineas a Day for every Day he shall be employed in the Execution of this Act, and in travelling to and from his own Dwelling, for the Purposes of attending and returning from the several Meetings to be held under the Authority of the same; and that at all such Meetings the said Commissioners shall pay their own Expences.

Fees to  
Commis-  
sioners.

And be it further Enacted, That all and every Person and Persons, and every Body Politic and Corporate, claiming any Messuages, Houses, Toftsteads, Lands, Tenements, Hereditaments, Right of Common, or other Right or Interest whatsoever, for or in respect of which any Allotment or Compensation is directed or intended to be made by virtue of this Act, shall and

Claims to be  
delivered to  
the Commis-  
sioners.

B

they

they are hereby required to deliver to the said Commissioners at or before their Second Meeting, or at such other Times as the said Commissioners shall appoint for that Purpose, an Account in Writing under their respective Hands, or the Hands of their respective Agents or Attornies, containing a true and particular Description of the Messuages, Cottages, Lands, Tenements, Right of Common, or other Hereditaments for which any Allotment or Compensation is directed or intended to be made; and no such Account or Claim shall afterwards be received by the said Commissioners, except for some legal Disability or special Cause, to be allowed by the said Commissioners.

Commission-  
ers to deter-  
mine dis-  
puted  
Claims.

And be it further Enacted, That if any Dispute or Difference shall arise between any of the Proprietors or Persons interested in any of the Lands or other Hereditaments intended to be affected by this Act, touching or concerning any of their Claims, Estates, Rights, or Interests therein, or any Allotment or Compensation to be made in lieu thereof, it shall be lawful for the said Commissioners, and they are hereby required, by the Examination of Witnesses upon Oath (which Oath either of the said Commissioners may administer) and by such other Enquiry, Information, Evidence, and Proof, as they shall think expedient, to hear, adjudge, and determine such Differences; provided that no such Difference or Suit shall impede or delay the Commissioners in the Execution of the Power vested in them by virtue of this Act, but the said Division and Inclosure shall be proceeded in notwithstanding such Differences or Suits.

Commission-  
ers to set out  
public High-  
ways, &c.

And be it further Enacted, That the said Commissioners shall, as soon as conveniently may be, set out and appoint such public Highways and Carriage Roads, in, through, over, and along the said Lands and Grounds intended to be divided and inclosed, as they shall think proper and convenient (none of which public Highway and Carriage Roads shall be less than Forty Feet of Assize in Breadth between the Ditches); and shall also set out and appoint such common public and private Horse and other Roads, Ways, Passages, and Bridges, and such Gates, Stiles, Hedges, Sewers, Drains, and Watercourses, in, over, upon, and through the said Lands and Grounds intended to be divided and inclosed, as they shall deem proper, useful, and convenient; and the same (except the said public Carriage Roads) shall respectively be made and erected, and at all Times thereafter repaired, cleaned, maintained, and kept in Repair, at such Times, and by such Person or Persons, Proprietor or Proprietors, and in such Manner as the said Commissioners



missioners by their Award, when the same shall be executed, and in the mean Time and until the Execution thereof, by any Writing under their Hands, shall order, direct, or appoint; and the Grass and Herbage growing or arising on any of the said Roads or Ways, shall at all Times be and remain for the Use and Benefit of such Person or Persons as the said Commissioners shall, by their said Award, order or direct.

Provided nevertheless, and be it further Enacted, That as soon as conveniently may be after the said Commissioners shall have set out and appointed such public Carriage Roads as aforesaid, they shall cause Notice thereof to be given by Advertisement in some News-paper usually circulated in the County of *Lincoln*; and that it shall be lawful for any Person or Persons whomsoever, who shall think himself, herself, or themselves aggrieved by the setting out, Appointment, or Disposition of any of such public Carriage Roads as aforesaid (on giving Notice in Writing to any One of the said Commissioners of his, her, or their Intention, within Twenty-eight Days after the Publication of such Advertisement, and within Fourteen Days after such Notice entering into a Recognizance before some Justice of the Peace for the Parts of *Holland*, in the said County of *Lincoln*, with Two sufficient Sureties, in any Sum not exceeding Twenty Pounds nor less than Ten Pounds, as such Justice shall think proper, conditioned to try such Appeal, and abide the Order of, and to pay such Costs as shall be awarded against them, to appeal against all or any of such public Carriage Roads to some General Quarter Sessions of the Peace to be held in and for the said Parts of *Holland* within Four Calendar Months next after the setting out, Appointment, or Disposition of the said Roads, and Notice thereof given as aforesaid, and he, she, or they shall be heard by himself, herself, or themselves, or by his, her, or their Counsel, Agents, Attornies, and Witnesses; and that the said Commissioners, or One of them, or their Surveyor or Clerk, shall attend at such Sessions; and the Justices before whom such Appeal shall be made, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall, on hearing the Evidence and inspecting the Map, finally determine whether the said Roads so appealed against shall be made, or whether any other public Carriage Roads shall be set out, and shall make and give such Orders and Directions touching the Matters before them, and award such Costs as to them shall seem necessary and expedient in that Behalf; and such Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall

Notice to be  
given of  
Roads being  
set out.

shall not be removed or removable by *Certiorari*, or any Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; but in case no such Notice shall be given to One of the said Commissioners as aforesaid, or such Appeal shall not be proceeded in as aforesaid, then such setting out, Appointment, and Disposition of the said public Carriage Roads by the said Commissioners as aforesaid, shall be final and conclusive to all and every Person and Persons whomsoever.

Roads to be  
formed at the  
Expence of  
the Propri-  
etors.

And be it further Enacted, That all such public Carriage Roads as shall be set out and appointed in pursuance of this Act, shall be fenced on both Sides from the adjoining Lands by such of the said Proprietors, and in such Manner as the said Commissioners shall direct; and that it shall not be lawful for any Person to erect any Gate across any of the said public Carriage Roads, or to plant any Trees in or near the Fences on the Sides of such public Carriage Roads at a less Distance from each other than Fifty Yards; and the said Commissioners shall, and they are hereby authorized and required to appoint a Surveyor or Surveyors (with such Salary or Salaries as to them shall seem proper and requisite) for the first forming and putting into good and sufficient Repair the public Carriage Roads, in, upon, and over the Lands and Grounds hereby intended to be divided and inclosed, or any of them; and the Expence of such Salary or Salaries, and of forming and putting into good and sufficient Repair such Roads, which shall be incurred, over and above the Statute Duty, shall be raised and paid in like Manner as the Expences of obtaining and executing this Act are hereinafter directed to be raised and paid, in proportion and according to the Intent that the Inhabitants of the said Parish (not being Proprietors or Owners of such Lands and Grounds) may not be charged or burthened with any Part of the Costs of first forming, making, and repairing such public Carriage Roads (other than the Statute Duty) until the same Roads shall, by the said Surveyor or Surveyors, be certified before the Justices of the Peace for the said Parts of *Holland*, at their General Quarter Sessions, to be completely formed and made good; and that such public Carriage Roads shall, from the Delivery of such Certificate to the said Justices, be repaired and kept in Repair in such Manner as the public Highways in the said Township are by Law required and directed to be kept in Repair; which Certificate the said Surveyor or Surveyors shall, and he or they is and are hereby required, within Two Years from the signing the said Award, to deliver to the said Justices at their General Quarter Sessions, or give sufficient Reason,



Reason, to the Satisfaction of the said Justices, for a further Allowance of Time (not exceeding One Year) for delivering the same, under a Penalty of Twenty Pounds, to be raised and levied by Distress and Sale of the Goods and Chattels of such Surveyor or Surveyors making Default as aforesaid, by virtue of a Warrant under the Hand and Seal of any Justice of the Peace for the Parts of *Holland*, returning the Overplus (if any) to the said Surveyor or Surveyors, after deducting the reasonable Costs and Charges of such Distress and Sale; and to be applied towards the Repair of the said Roads.

And be it further Enacted, That the said Commissioners shall, and they are hereby required to set out, sell, and dispose of so much, and such Part or Parts of the said Common, as shall be sufficient for the Purposes hereinafter mentioned, by Auction, in One or more Lots, and at One and the same Time, or at different Times, to the best Bidder or Bidders, at some or one of the Meetings of the said Commissioners to be held in pursuance of this Act, of which they shall give public Notice in some News-paper usually circulated in the said County of *Lincoln* at least Fourteen Days before such Sale or Sales shall be made, and shall apply the Money arising thereby in paying and defraying the Charges and Expenses incident to and attending the obtaining and executing of this Act, and for surveying, dividing, and allotting the said Lands and Grounds, and in building any Engine or Engines, and making and executing the several Works of Drainage and Embankment herein respectively authorized, and the preparing and inrolling the said Award or Instrument, and of the Allowances to be paid to the said Commissioners, and of making Satisfaction for all Damages for which Recompences are by this Act authorized to be made, and of forming and putting into good and sufficient Repair the said public Highways hereinbefore directed to be set out by the said Commissioners, together with lawful Interest upon all Monies advanced by any Person or Persons for any of the Purposes aforesaid, until such Sale or Sales shall be had, and the Monies so advanced repaid, and all other necessary Expenses in, about, or concerning the Execution of this Act, or for or by reason of or preparatory to the said Division, Inclosure, and Drainage, except the future Support and Maintenance of the Works of Drainage which are hereinafter provided for; and upon Payment of the full Purchase Money for such Lot or Lots to the said Commissioners, or as they shall by Writing under their Hands direct, the Land so sold shall be conveyed as Freehold of Inheritance in Fee Simple unto the Purchaser or respective Purchasers

Lands to be sold sufficient to defray the Expenses of obtaining and executing this Act.

chasers thereof, and a Conveyance thereof by Lease and Release, made and executed by the said Commissioners, shall be valid and effectual in Law to vest the same in such Purchaser or respective Purchasers, his, her, and their Heirs and Assigns respectively.

Allotment of the Residue.

And be it further Enacted, That the said Commissioners shall and they are hereby required, if they shall think it necessary or expedient so to do, but not otherwise, to set out, allot, and award unto and for the Trustees to be appointed as hereinafter directed, and their Successors for the Time being, One hundred and Twenty Feet of Land in Breadth, or such other Portion of the said Washes and Fodder Lots adjoining the River *Welland* on the North, for the Space such Lands respectively adjoin the said River, upon the Trusts and for the Purposes hereinafter declared of and concerning the same; and shall in the next Place set out, allot, and award such of the Lands and Grounds intended by this Act to be divided and inclosed, as shall not be set out for the Purposes before mentioned, unto and amongst the said *Thomas Orby Hunter*, *Samuel Greaves*, *John Whitfeld*, and *William Whitehead*, and the several other Parties and Persons interested therein, in proportion and according to their several Shares, Rights, and Interests, in, over, and upon the same Lands, in such Manner as to the said Commissioners shall seem just and expedient.

Satisfaction for Damage to Allotments in Fodder Lots by Adventurers getting Soil.

And it is hereby further Enacted, That if the Proprietor or Proprietors, Occupier or Occupiers, of any Allotment or Allotments to be set out and awarded in the said Washes or Fodder Lots, shall at any Time sustain Loss or Damage by reason of the said Adventurers of *Deeping Fen* taking Earth or Soil from any such Allotment or Allotments for the Repair of the North Bank of the said River *Welland*, pursuant to the Powers vested in them for that Purpose, and for which Compensation shall not be recoverable of the said Adventurers, the Trustees for the Execution of this Act for the Time being shall and they are hereby required, by and out of the Rents and Profits of the Allotments, Banks, and Forelands, vested in them as herein directed, and also by and out of the Rates and Taxes to be raised under the Authority of this Act, make such Recompence and Satisfaction to the Proprietor or Proprietors, Occupier or Occupiers, sustaining such Loss or Damage, to be ascertained by such Ways and Means as the said Commissioners shall, in and by their Award, order and direct.

Where Allotments are to be set out.

Provided always, and be it further Enacted, That upon such Division and Inclosure, the Allotments of the several Proprietors in respect of their Lands, Rights, and Interests in the Fodder Lots and