



ANNO QUADRAGESIMO SECUNDO

GEORGI III. REGIS

Cap. 108.

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 Severalty, and inclosing the Parochial or General Allotments set out or to be set out in pursuance of the said Act; for compensating for the Tythes of such Allotments; and for declaring and determining to what Parish or Parishes the several Allotments of the said Fen shall belong.* [22d June 1802.]

WHEREAS an Act was passed in the last Session of Parliament, intituled, *An Act for the better and more effectually draining certain Tracts of Land called Wildmore Fen, and the West and East Fens in the County of Lincoln, and also the Low Lands and Grounds in the several Parishes, Townships, and Places, having Right of Common on the said Fens, and the Low Lands or Grounds contiguous or adjoining thereto: And whereas another Act was passed in the same Session of Parliament, intituled, An Act for dividing and allotting a certain Fen called Wildmore Fen, in the County of Lincoln; by which said Acts the said Fen called*
[Loc. & Per.] 21 M Wildmore

Recital of
Two Acts
41 Geo. 3.

Wildmore Fen, was directed to be drained, and to be divided and allotted into Parochial and other General Allotments, by certain Persons therein named and appointed, who were by the said recited Acts authorized and directed to sell and dispose of certain Parts of the said Fen Lands called *Wildmore Fen*, for raising Money to pay and defray certain Parts of the Costs, Charges, and Expences of obtaining and executing the said Acts: And whereas it is highly expedient and necessary to settle and determine in what Parish or Parishes the several Plots or Parcels of the said Fen called *Wildmore Fen*, already set out and allotted, or hereafter to be set out and allotted in pursuance of the last recited Act, shall be deemed to be and be situated, and to what Parish or Parishes all such Allotments respectively shall be chargeable to Parochial Dues, and Duties; and it would be very beneficial to the several Persons interested in the Parochial and other General Allotments, directed and required to be set out by the Commissioners in the last mentioned Act named, if the same Allotments were specifically divided and allotted in Severalty to and amongst the several Persons interested therein, according to their several Rights and Interests, such Allotments inclosed, and the several Tythe Owners compensated for the Tythes thereof; but the several Purposes aforesaid cannot be effected and carried into Execution, without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That, from and after the passing of this Act, the Commissioners named in and appointed by the said recited Act for dividing and allotting the said Fen called *Wildmore Fen*, shall be, and they and their Successors, to be elected in Manner as in the said last mentioned Act, and hereinafter is directed, shall be and they are hereby appointed Commissioners for dividing and allotting unto and among the several Persons interested therein, the several Parochial and other General Allotments by the said last recited Act directed to be set out, and for carrying this Act into Execution, subject to the Rules, Orders, and Directions herein-after expressed or referred to in that Behalf; and that all Powers, Authorities, Directions, Acts, Matters, and Things, hereby given to or directed to be done by the said Commissioners, may be done and executed by or before any Two of them, and shall be as valid and effectual as if executed by or before all of them; and the said Commissioners may adjourn from Time to Time, and if Two of the said Commissioners shall not appear at any Meeting to be holden for the Purpose of carrying this Act into Execution, then and in such Case any One of the said Commissioners present may adjourn such Meeting to a future Day, not exceeding Fourteen Days from the Day of Adjournment, and shall give Notice thereof to the absent Commissioners; and in Case no One of the said Commissioners shall appear at such Meeting, then the Clerk or Clerks to the said Commissioners shall and may adjourn the said Meeting to, and appoint the said Commissioners to meet at the Place where the last Meeting was appointed to be holden, on that Day Three Weeks next after the Day on which such last Meeting was appointed to be holden, and shall and he or they is and are hereby required forthwith to give Notice of such Adjournment to the said Commissioners.

Two Commissioners may act.

Commissioners may adjourn Meetings.

If no Commissioner present, Clerk may adjourn.

General Act of 41 Geo. 3. to be put

II. And be it further enacted, That all and every the Powers, Authorities, Regulations, Restrictions, Penalties, Forfeitures, Provisions, Savings,

ings, Clauses, Matters, and Things, which in and by an Act passed in the last Session of Parliament, intituled, *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure; and for facilitating the Mode of proving the several Facts usually required on the passing such Acts*, are contained and enacted, and are not controverted by or repugnant to any of the Clauses, Provisions, or Regulations, contained in the said recited Acts or this Act, shall be duly enforced, practised, applied, and put in Execution for the dividing, allotting in Severalty, and inclosing the Parochial and other Allotments to be made and set out by virtue or in pursuance of the said recited Acts for dividing and allotting the said Fen called *Wildmore Fen*, so far as the same are applicable thereto respectively, as fully and effectually, to all Intents and Purposes whatsoever, as if all such Powers, Authorities, Regulations, Restrictions, Penalties, Forfeitures, Provisions, Savings, Clauses, Matters, and Things, had been expressly inserted and re-enacted in this Act with relation thereto.

in Execution, where not repugnant to this Act.

III. And be it further enacted, That if any of the Commissioners appointed by, or acting under or by virtue of the said recited Act for dividing and allotting the said Fen called *Wildmore Fen*, shall die, refuse, or be disabled to act, then and in every such Case a proper Person, not interested in the Premises, shall be elected and appointed a Commissioner in the Place of the Commissioner so dying, refusing, or becoming disabled to act, in such and the same Manner and Form, and with the like Notices, as are directed and prescribed with respect to the electing and appointing a new Commissioner for putting in Execution the said recited Act for dividing and allotting the said Fen called *Wildmore Fen*.

New Commissioners to be appointed in the Stead of those dying, refusing, or becoming incapable to act.

IV. And be it further enacted, That all and every Notice or Notices necessary or requisite to be given for putting this present Act into Execution, shall be given in the same Manner and Form as Notices are directed and prescribed to be given in and by the said last recited Act for dividing and allotting the said Fen called *Wildmore Fen*.

How Notices are to be given.

V. And be it further enacted, That out of the Money that shall be received by virtue of this Act, for defraying the Expences of obtaining and carrying the same into Execution, there shall be paid to each of the said Commissioners, as a Recompence for his Time and Trouble, the Sum of Two Pounds and Two Shillings, and no more, for each Day he shall be employed in travelling to, returning from, and attending at any Meeting for the Purpose of putting this Act in Execution; and that the said Commissioners shall defray their travelling Expences, and also their own Expences, and the Expences of all Servants, at the Meetings to be holden in pursuance of this Act; and that no Meeting shall be by them charged to the Account of this Act, when the Business of any other Act of Parliament shall be transacted by any of them on the same Day at the same Place.

Allowance to Commissioners.

VI. And be it further enacted, That the said Commissioners shall and they are hereby required, as soon as conveniently may be after the Allotment or Allotments shall have been made from and out of the said Fen called *Wildmore Fen*, in lieu of and in full Satisfaction and Compensation for all Manerial Rights and Claims whatsoever, in, over, or upon the said Fen called *Wildmore Fen*, in pursuance of the said recited Act for dividing

Commissioners to deduct One Ninth from Manerial Allotment or Allotments in lieu of Tythes.

and

and allotting the same Fen, to deduct from the Manerial Allotment and Allotments thereby directed to be set out such Part or Parcel, Parts or Parcels thereof, as shall in the Judgement of the said Commissioners (Quantity, Quality, and Situation considered), be equal in Value to One-Ninth Part of such Allotment and Allotments; and such Deductions when made, shall be in lieu of and in full Compensation and Satisfaction for all and all Manner of Tythes, both Great and Small, of what Nature or Kind soever, arising and renewing, and which shall and may hereafter arise or renew within, upon, or from the Allotment and Allotments so made in Satisfaction and Compensation of such Manerial Rights and Claims.

Lands to be deducted from Manerial Allotments to be appropriated for building Chapels, etc. in the Fens.

VII. And be it further enacted, That when such Deductions shall have been made in lieu of the Tythes of the said Manerial Allotment or Allotments, it shall and may be lawful to and for the said Commissioners and their Successors, and they are hereby authorized and required to allot and award such Plot or Parcel, Plots or Parcels of Land, as shall be so taken from the said Manerial Allotment or Allotments, in lieu of the Tythes thereof, unto and for the Chancellor of the Duchy of *Lancaster* for the Time being, the Lord Bishop of *Lincoln*, the Lord of the Manor of *Armtree with Wildmore*, the Lord Bishop of *Carlisle*, and the Archdeacon of *Lincoln*, and their Successors for the Time being, to be held and enjoyed by them and their Successors as Freehold in Fee, for the Use and Benefit of such Person and Persons as may be duly appointed to serve as Minister or Ministers of any Chapel or Chapels which may hereafter by Authority of Parliament be built, consecrated, and set apart for the publick Worship of Almighty God, according to the Laws Ecclesiastical of this Realm, within the said East, West, and *Wildmore Fens*, or any or either of them, for the Use of such Person and Persons as may from Time to Time inhabit Houses upon the said Fens respectively; and until a Chapel or Chapels shall be so built and consecrated, and a Minister or Ministers thereof duly appointed, the Rents, Issues, and Profits of such Plots or Parcels of Land as aforesaid, as well as the Rents and Profits of such other Plots or Parcels of Land hereinafter directed to be set out for the said Chancellor of the Duchy of *Lancaster*, the said Lord Bishop of *Lincoln*, the said Lord of the Manor of *Armtree with Wildmore*, the said Lord Bishop of *Carlisle*, and the said Archdeacon of *Lincoln*, and their Successors, shall be by them placed out at Interest on Government Securities, and the Principal and Interest Monies arising or to arise from such Rents and Profits shall accumulate and be applied towards discharging the Expences of building any Chapel or Chapels, and House or Houses, which may hereafter be authorized by Parliament to be erected and built within the said East, West, and *Wildmore Fens*, for the Residence of the officiating Ministers of such Chapel or Chapels, and for the increasing of the Stipend or Stipends of any Minister or Ministers who may be appointed to officiate in such Chapel or Chapels, or purchasing Lands for their Use as Glebe.

Allotment to be made to Trustees from the Property of the Tythe Owners, for erecting and endowing Chapels.

VIII. And be it further enacted, That as soon as conveniently may be after the Value of the said several Parochial and General Allotments are completed, it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required to separate and set apart such Pieces or Parcels of Land, in such Place or Places in the said Fen called *Wildmore Fen* as they shall think proper, and which in their Judgement
(Quantity,

(Quantity, Quality, and Situation considered), shall be equal in Value to Fifty Acres, at the Average Value of the said Fen; and to allot and award such Pieces or Parcels to the said Chancellor of the Duchy of *Lancaster*, the said Lord Bishop of *Lincoln*, the said Lord of the Manor of *Armtree with Wildmore*, the said Lord Bishop of *Carlisle*, and the said Archdeacon of *Lincoln*, and their Successors for the Time being, upon the like Trust, and for the same Intents and Purposes, as are herein-before set forth with respect to the Lands to be set out for the Tythes of the Manerial Allotment or Allotments; and the said Commissioners shall and they are hereby required to deduct the Value of the said Fifty Acres, partly from all the Lands and Grounds herein-after directed to be allotted to the several Tythe Owners out of the said Parochial and General Allotments, in a fair and equitable Proportion, according to the Extent and Value of each Parochial and General Allotment, and partly from One-Ninth of the Average Value of such Allotments as shall be set out on the said Fen called *Wildmore Fen*, in Right of any Houses, Toftsteads, Lands, and Grounds not subject to Tythe, so that the same Deduction be made from One-Ninth Part of such last mentioned Allotments, as would have been made in Case such Ninth Part had been set out in lieu of Tythes under or by virtue of this Act.

IX. Provided always, and be it further enacted, That if the said Fifty Acres, together with the said Plot or Parcel, Plots or Parcels, of Land taken from the Manerial Allotment or Allotments within the said Fen called *Wildmore Fen*, and allotted and awarded as aforesaid to the said Chancellor of the Duchy of *Lancaster*, the said Lord Bishop of *Lincoln*, the said Lord of the Manor of *Armtree with Wildmore*, the said Lord Bishop of *Carlisle*, and the said Archdeacon of *Lincoln*, and their Successors for the Time being, shall exceed One-Tenth Part of all the Lands allotted to the said Tythe Owners in lieu of the Tythes of the said Fen called *Wildmore Fen*, then the said Commissioners shall separate and set apart as aforesaid, so much less than Fifty Acres as shall reduce such Excess to One-Tenth Part of the Whole of such Tythe Allotments.

For limiting the Provisions for Chapels to One-Tenth of the Tythe Allotments.

X. And be it further enacted, That such Parts of the said Fen called *Wildmore Fen*, as have already been, or before or after the passing of this Act shall be allotted unto and for the Use and Benefit of the Owner or Owners, Proprietor or Proprietors of any House, Toftstead, Lands and Grounds, in either or any of the several Parishes, Townships, or Places of *Horncastle*, *Coningsby*, *West-Ashby*, *Thimbleby*, *Higb-Tointon*, *Low-Tointon*, *Mareham-on-the-Hill*, *Moorby*, *Wilksby*, *Mareham-lefen*, *Wood-Enderby*, *Roughton*, *Haltham-upon-Bain*, *Dalderby*, *Kirkstead*, *Scrielsby*, *Tumby*, *Bolingbroke*, *Revesby*, *Tointon-All-Saints*, *Tointon Saint Peters*, *Fritb Bank*, and *Fishtoft*, in the said County of *Lincoln*, or to or for the Owner or Owners, Proprietor or Proprietors of any House, Toftstead, Lands, and Grounds in any other Parish, Township, or Place, shall, from the Time of setting out and fencing of such Allotments respectively, be for ever deemed and taken, to all Intents and Purposes whatsoever, to be within and Part of the same Parish, Township, or Place in which the House, Toftstead, Lands, and Grounds, in Right whereof such Allotment or Allotments have been or shall be made, is or are situated; and such Allotment or Allotments shall be accordingly rated to all Parliamentary and Parochial Taxes and Assessments within such respective Parish, Township, or Place.

For parishing the several Parochial and General Allotments.

[Loc. & Per.]

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XI. And

Compensation
for Tythes of
the Residue of
Commons.

XI. And be it further enacted, That the said Commissioners, after they have set out Lands for Sale, to defray the Charges and Expences of draining and dividing the said Fen called *Wildmore Fen*, into Parochial or General Allotments, as they are directed by the said recited Act, for dividing and allotting the said Fen called *Wildmore Fen*, shall and they are hereby required to set out, allot, and award, unto and for the several and respective Tythe Owners within the said several Parishes, Townships, or Places, to which such Parochial or General Allotments shall be made, such Piece or Parcel, Pieces or Parcels, of every such Parochial or General Allotment and Allotments, (except the Allotments made or to be made to the Parishes of *Coringby*, *Horncastle*, *Kirkstead*, *Fishoft*, and *Mareham*, on the Hill and the Hamlet or Place of *Fritb-Bank*), as in the Judgement of the said Commissioners shall be equal in Value (Quantity, Quality, and Situation considered) to One-Ninth Part of the Residue of such Allotment or Allotments, according to the Value fixed thereon by the Quality Men named in or to be appointed by Authority of the said Act for dividing and allotting the said Fen called *Wildmore Fen*, in lieu of and as a Recompence and Compensation for all Tythes, both Great and Small, and all Moduses, Dues, and Payments whatsoever in lieu of Tythes, belonging to the Tythe Owner or Tythe Owners of each such Parochial or General Allotment respectively; and from and immediately after such Allotment or Allotments shall be made, all Tythes, and all other Ecclesiastical Dues and Payments whatsoever, arising, growing, or renewing, or payable upon, within, or for such Parochial or other General Allotments, shall cease and determine (except the usual and accustomed Surplice Fees, *Easter Offerings*, and Mortuaries).

XII. And whereas the Homesteads, old inclosed Lands, and Grounds within some of the said Parishes, Townships, or Places, belonging to certain Persons having Right of Common upon the said Fen called *Wildmore Fen*, are subject to Tythes, and it would be greatly beneficial to the Owners and Proprietors of the Lands and Grounds within such Parishes, Townships, or Places, and also to the Tythe Owners thereof, if such Tythes were compensated for and the said Lands and Grounds discharged from all Tythes; be it therefore further enacted, That the said Commissioners shall, and they are hereby authorized and required, where any Proprietor or Proprietors Share or Proportion of any Parochial or General Allotment or Allotments shall be sufficient to compensate for the Tythes of all his and their old inclosed Lands and Grounds within such respective Parishes, Townships, or Places, to set out, allot, and award, unto and for the Person and Persons entitled to such Tythes respectively, his, her, and their Heirs and Successors, such Part or Parts of the Shares and Proportions of any Person who may be entitled to the Whole or a Part of such Parochial or General Allotments respectively, as in the Judgement of the said Commissioners shall, according to the Value fixed thereon by the said Quality Men, be equal in Value to One-Seventh Part of the said Quality Men's Average Value of the old inclosed Lands and Grounds intended to be discharged from Tythes, in lieu of and as a full Recompence and Satisfaction for all Tythes, both Great and Small, and all Moduses, Dues, and Payments whatsoever payable or accruing to the Tythe Owner or Tythe Owners, for such Homesteads and old inclosed Lands as last mentioned, (except *Easter Offerings*, Surplice Fees, and Mortuaries); and where there shall be more than One Tythe Owner within any One such Parish, Township,

ship, or Place, it shall and may be lawful for the said Commissioners, and they are hereby authorized and required to separate, divide, and award such Lands and Grounds as they shall so set out in lieu of the Tythes arising or payable within such Parishes, Townships, or Places, equally between such Tythe Owners, according to their respective Rights and Interests therein, to be ascertained by the said Commissioners; and where Two Parishes are united and held as One Benefice, the Lands to be allotted in lieu of the Tythes thereof shall be laid together, or as near to each other as the general Convenience of the Proprietors at large will admit of.

XIII. And be it further enacted, That as soon as conveniently may be, after the respective Allotments for Tythes shall be set out as herein is directed, the same shall be respectively inclosed on all such Sides or Parts thereof, as the said Commissioners shall not order or direct to be fenced by any other Person or Persons (where the said Commissioners shall order the same to be planted with Quick), with good thriving Quicksets of White Thorn, guarded on both Sides with good Posts and Three Rails, the Posts to be of Oak, and the Rails of Oak, Ash, or some other durable Wood, with sufficient Ditches, and where the Commissioners shall think large Ditches proper Fences, with a good and sufficient Ditch, Eight Feet wide and Four Feet deep; and the Expence of such fencing and ditching thereof shall be paid out of the Fund herein provided for defraying the Charges and Expences attending the Subdivision of the Parochial or General Allotments within which such Tythe Allotments shall be respectively situated, and by the several Owners of Houses, Toststeads, and Lands lying in such Parishes, Townships, or Places, as the said Commissioners under this Act shall discharge from Tythe, in such Proportions as the said Commissioners shall at any Time or Times, by Writing under their Hands or by their Award, for such respective Parish, Township, or Place, ascertain, direct, or appoint; and the same shall for ever thereafter be maintained and kept in Repair by the several Persons and Parties interested in each such Tythe Allotment for the Time being.

Allotments in lieu of Tythes to be fenced.

XIV. And be it further enacted; That where the Property or Shares of any Person or Persons interested in any of the said Parochial or General Allotments, shall not be equal in Value to One-Seventh Part of his, her, or their old inclosed Lands and Grounds, within any Parish, Township, or Place, to or for the Use of the Proprietors whereof any Parochial or General Allotment shall be made; or where any Person or Persons is or are the Owner or Owners of any old inclosed Lands or Grounds, in any such Parish, Township, or Place, subject to Tythes, and shall not be entitled to or the Owner of any Allotment on the said Fen called *Wildmore Fen*, the said Commissioners shall, and they are hereby authorized and required to ascertain what Sum of Money will be equal in Value to One-Seventh Part of such old inclosed Lands, at the Average Value thereof, and after deducting from the Value of such Seventh Part, the Value of any Shares or Proportions of the said Parochial or General Allotments, which may have been set apart and appropriated by the said Commissioners towards discharging the old inclosed Lands of such Proprietor from Tythes, as herein-before is directed, to ascertain what yearly Rent or annual Sum of Money *per Acre*, will be equal in Value to the Remainder of such One-Seventh Part, after such Deduction as aforesaid, or if no such Share or Proportion as last aforesaid, shall have been appropriated for the Purposes last mentioned, then the said Commissioners shall ascertain and determine

Where the Commons are insufficient, Deficiency to be made up by a Money Payment.

what

What yearly Rent or annual Sum of Money *per Acre*, will be equal in Value to One-Seventh Part of such old inclosed Lands and Grounds; and the Owner or Owners, Proprietor or Proprietors, of such last mentioned old inclosed Lands and Grounds, and their respective Heirs and Successors for ever, shall pay or cause to be paid, such yearly Rent or annual Sum of Money (subject to such Variation as herein-after mentioned) unto the Person or Persons for the Time being who would be entitled to the Tythes of such old inclosed Lands, if the same had not been discharged from Tythes, and such old inclosed Lands shall for ever remain charged with and subject to the Payment of such yearly Rent or annual Sum of Money, subject to such Variation as hereafter mentioned, and the same shall be paid and payable Half-yearly, clear of all Parliamentary and Parochial Rates, Taxes, and Duties whatsoever, the First Payment of such annual Rent to begin and to be made at such Time as the said Commissioners shall by any Writing under their Hands order and direct; and the said Commissioners are hereby required to state and set forth, in their Award or Awards, on what Day of the Year, and where and to whom such yearly Rents or annual Sums of Money respectively shall be paid and payable, and out of what Lands and Grounds, and in what Proportion the same are to be issuing and payable, and also to mark out and particularly distinguish, in or upon a Map or Plan to be annexed to their Award or Awards, the Lands and Grounds charged with and liable to the Payment of such yearly Rents or annual Sums of Money respectively; and from and immediately after such yearly Rents or annual Sums of Money shall have commenced, and such Allotments as last mentioned have been set out in lieu of the Tythes of any old inclosed Lands, and Ring-fenced at the Expence of the Owner or Owners of the Lands in lieu of the Tythes whereof such Allotment or Allotments may have been set out, in the same Manner as the Tythe Allotments are herein-before directed to be fenced, all Tythes, Moduses, and Payments in lieu of Tythes, and all other Ecclesiastical Dues whatsoever theretofore due or payable for or on account of such old inclosed Lands, shall cease and determine (*Easter Offerings, Surplice Fees and Mortuaries excepted*).

For ascertaining and varying the Rent according to the Price of Corn.

XV. And be it further enacted, That the said Commissioners shall and they are hereby required to enquire into and ascertain from the *London Gazette*, and by such other Ways and Means as they shall think proper, what has been the Average Price of a *Winchester* Bushel of Wheat in the County of *Lincoln*, during the Term of Twenty-one Years next preceding the passing of this Act, and shall in and by their said Award or Awards, distinctly set forth such Average Price, and what Quantity of Wheat, at that Price, the yearly Rent or annual Sums of Money to be paid out of each Proprietor's Estate respectively would purchase; and it shall and may be lawful, as well for the Person or Persons for the Time being to whom such yearly Rents or annual Sums of Money may be due and payable, as for the major Part in Value of the Persons liable to pay the same, in each and every Parish, Township or Place as aforesaid, at their respective proper Expence, by Writing under their respective Hands, to apply at the First General Quarter Session of the Peace to be holden for the Parts of *Lindsey*, in the said County of *Lincoln*, in the Week after the Feast of *Easter*, next after the Expiration of Ten Years from the Time such yearly Rents or annual Sums of Money respectively shall have commenced (having given Notice of such intended Application in the *London Gazette*, and also in some Newspaper usually circulated in the said Parts of *Lindsey*, so long

long as any shall be published, in the Month of *January* then next preceding) to have Two Persons named and appointed by the Justices then and there assembled, to be, together with a Third Person to be named and chosen by such Two Persons, Arbitrators or Referees, for enquiring into and ascertaining by or from, or by Means of the *London Gazette* (so long as the Returns of the Average Prices of Corn and Grain shall be published therein, and in case of no such Publication, then by such Ways or Means as they shall think equitable or proper), the Average Price of a *Winchester* Bushel of good marketable Wheat within the said County of *Lincoln*, for the Ten Years then last past; which said Three Arbitrators or Referees, or the major Part of them, shall by their Report, to be made and delivered to the Court of Quarter Sessions to be holden in and for the Parts of *Lindsey*, in the said County of *Lincoln*, on the First Week after the Feast of *Saint Thomas the Martyr* then next ensuing, set forth such Average Price; and in case it shall by such Report appear that such Average Price of a Bushel of such Wheat is more or less than the Average Price thereof set forth in the said Award or Awards, by the Value of Three-pence or upwards, then the said respective yearly Rents or annual Sums of Money payable within any Parish, Township, or Place, on Account of which such Application shall be made as last aforesaid, shall be increased or diminished as shall be declared by Order of the said Court, and the same shall, from the Half-yearly Day of Payment preceding such Order, remain and continue issuing and payable as aforesaid, out of the several Lands and Grounds charged by the said Award or Awards with such respective yearly Rents or annual Sums of Money, until the same shall, at or after the End of Ten Years thence next ensuing, be again varied by such Application and in such Manner as hereinbefore mentioned, and so from Time to Time at or after the End of Ten Years for ever; and that if any of the said yearly Rents or annual Sums of Money, as first settled by the said Commissioners, or to be varied according to the Directions of this Act, or any of them, or any Part thereof respectively, shall be in Arrear and unpaid for the Space of Twenty-one Days next after the Day which shall be appointed by the said Commissioners for Payment thereof, then from Time to Time, when and as often as any such Case shall happen, it shall be lawful for the Person or Persons to whom the same shall be due and belong, to enter into and distrain upon the Lands or Grounds and Estates charged with such yearly Rents or annual Sums so in Arrear and unpaid, or into any House or other Lands within the same Parish, Township, or Place, belonging to the Person by whom the same ought to be paid, and the Distress and Distresses then and there found, to take and dispose of according to the Law now in Force, or which shall from Time to Time be in force concerning Distresses for Rent reserved upon Leases for Years; and that upon the Death, Cession, Resignation, or Removal of any Ecclesiastical Person entitled to any such yearly Payments or annual Sums of Money, he, his Executors or Administrators, shall be entitled to and receive so much and such Part of the said yearly Payment or annual Sum of Money, as shall be in Proportion to the Number of Days elapsed, to the Day of such Death, Cession, Resignation, or Removal from the then last preceding Day of Payment.

XVI. And be it further enacted, That it shall and may be lawful for the Owner of each and every Estate which shall be so made subject to

[*Loc. & Per.*]

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For apportioning Corn Rents on

any

Lands here-
after sold.

any yearly Rent or Sum of Money as aforesaid, upon a Division thereof either by Sale or otherwise, to appoint and charge each and every Part of the Estate so divided, with a due and fair Proportion of the said yearly Rent or Sum of Money so to be made issuing and payable thereout as aforesaid; provided, that upon every such Division due Regard be had to the Quantity of Acres in, and the Rate by the Acre ascertained by the said Commissioners, upon the Whole or any Part of such Estate, and that each and every Division may be made to bear a fair and just Proportion of the said yearly Rents or annual Sums of Money so ascertained by the said Commissioners, as near as may be; and as the Power of recovering the Arrears of the said yearly Rents or annual Sums of Money, is herein-before extended to the Whole of each and every Estate, the said Power shall continue and remain the same, until a Division of the Estate and Apportionment of the said yearly Rents or annual Sums of Money, shall be made known to the Person or Persons for the Time being who may be entitled to receive the same, by a written Notice thereof from the Party or Parties, and after such Notice, his or their Power of Distress and Recovery of Rents so apportioned and being in Arrear, shall be upon each and every Division so made, in like Manner as it is in and by this Act directed upon the Whole of such Estates so divided as aforesaid.

Schedules of
Corn Rents to
be made!

XVII. And, in order to prevent any Difficulty to any Ecclesiastical Person, by the Division of any Estate, by Sale or otherwise, and to facilitate the future regulating of the aforesaid yearly Rents or annual Sums of Money, be it further enacted, That the said Commissioners shall and they are hereby required to make, or cause to be made, Two complete Schedules or Descriptions of each and every Parcel of ancient inclosed Land, out of which yearly Rents or annual Sums of Money are to be made issuing and payable as aforesaid, with the Name or Names of the Owner or Owners thereof respectively, the exact Measure, in Acres, Roods, and Perches, and the yearly Rents or Sums of Money issuing thereout respectively, and the Rate by the Acre by which the said yearly Rents or Sums of Money shall be charged as aforesaid, and such other Requisites as shall be judged proper or necessary by the said Commissioners, to render every Matter respecting the said yearly Rents or Sums of Money clear and plain in future; which said Schedules or Descriptions shall be signed by the said Commissioners, and One deposited in the Vestry of the Parish Church where the Lands so to be charged shall be situated, and the other annexed to the Award of the said Commissioners, and be inrolled therewith.

Allotments
for Tythes
not to be se-
parated.

XVIII. And be it further enacted, That the Allotment or Allotments to be set out for each Tythe Owner, in lieu of the Tythes of the said Fen called *Wildmore Fen*, and in lieu of the Tythes of any old inclosed Lands, shall be laid together, and shall not be separated by any other Allotments, as far as may be compatible with the Convenience of the Proprietors at large.

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

XIX. Provided always, and be it enacted, That in case any Person or Persons interested or claiming to be interested in the said intended Division and Allotments, or in or to the Lands to be discharged from Tythes or the Tythes thereof, shall be dissatisfied with any Determination of the
laid

faid Commissioners, touching or concerning any Claim or Claims to any Rights of Common, Tythes, or other Interests, in, over, and upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or discharged from Tythes, or any Part thereof, it shall be lawful for the Person or Persons so dissatisfied, to proceed to a Trial at Law of the Matter so determined by the said Commissioners at the then next or at the following Assizes to be holden for the said County of *Lincoln*, and for that Purpose the Person or Persons who shall be dissatisfied with the Determination of the said Commissioners, shall cause an Action to be brought, upon a feigned Issue, against the Person or Persons in whose Favour such Determination shall have been made, within Three Calendar Months next after such Determination of the said Commissioners; and the Defendant or Defendants in such Action or Actions shall, and he, she, and they is and are hereby required to name an Attorney or Attornies, who shall appear thereto or find Common Bail, and accept One or more Issue or Issues, whereby such Claim or Claims, and the Right or Rights thereby insisted on, may be tried and determined (such Issue or Issues to be settled by the proper Officer of the Court in which the said Action or Actions shall be commenced, in case the Parties shall differ about the same); and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding, and conclusive, upon all and every Person and Persons whomsoever, unless the Court wherein such Action or Actions shall be brought, shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall be lawful for the Court to do, as is usual in other Cases; and after such Verdict or Verdicts shall be obtained, and not set aside by the Court, the said Commissioners shall and they are hereby required to act in Conformity thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials: Provided always, that the Determination of the said Commissioners, touching such Claim or Claims to any Rights of Common, Tythes, or other Interests, in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or discharged from Tythes, or any Part thereof, which shall not be objected to, or being objected to the Party or Parties objecting, not causing such Action at Law to be brought and proceeded in as aforesaid, shall be final and conclusive upon all Parties.

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

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

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

XXI. And be it further enacted, That until the Allotment or Allotments shall have been set out in lieu of Tythes, in pursuance of this Act, the Person and Persons who may be entitled to the Tythes of the said Fen Lands, and other Lands to be discharged from Tythes under this Act, shall and may receive and enjoy such and the same Tythes as he or they could or respectively might have done in case this Act had not been made.

Tythes to be
payable, un-
til the Allot-
ments, etc.
are made.

XXII. And be it further enacted, That for providing a Fund for defraying the Costs, Charges, and Expences of obtaining this present Act, and carrying the same into Execution, and fencing the several Allotments

For selling
Lands to-
wards de-
fraying Ex-
pences.
made

made in lieu of the Tythes of the said Fen called *Wildmore Fen*, it shall and may be lawful to and for the said Commissioners, and they are hereby authorized, empowered, and required, as soon as conveniently may be after the passing of this Act, from Time to Time, and before the making of any of the Allotments herein-after directed to be made, to sell and dispose of such Parts or Parcels of the said Parochial or General Allotments (except the Allotment or Allotments to be made for the Tythe Owners herein-before directed, and the Allotment or Allotments in lieu of Manerial Rights), as they shall judge most proper and expedient, in Lots not exceeding Twenty Acres in each Lot, in Manner provided for by the said recited Act for dividing and allotting the said Fen called *Wildmore Fen*.

Commissioners to charge Proprietors with such Expences as the Funds to be raised by Sale of Lands shall fall short of discharging.

XXIII. And be it further enacted, That in case the Funds to be raised by the said Commissioners by Sale of Lands for the Purposes directed by the said Drainage Act, the said *Wildmore Fen* Division Act, or by this Act, shall be insufficient to discharge the several Charges and Expences in anywise incurred thereby, the same shall be borne and paid by all the Proprietors of the Allotments to be made from or out of the said Fen called *Wildmore Fen* (except the several Tythe Owners with respect to their Allotments in lieu of Tythes), according to their several and respective Shares, Interests, and Allotments in such Fen, to be adjusted, settled, and determined by the said Commissioners, and by them recovered in the Manner prescribed by the said consolidating Act; any Thing herein contained to the contrary notwithstanding.

Allotments to be taken from Lay Proprietors, for building Chapels.

XXIV. And be it further enacted, That the said Commissioners shall and may and they are hereby required, out of the Residue of the said Parochial or General Allotments, to set out, allot, and award, unto the said Chancellor of the Duchy of *Lancaster*, the said Lord Bishop of *Lincoln*, the said Lord of the Manor of *Armtree with Wildmore*, the said Lord Bishop of *Carlisle*, and the said Archdeacon of *Lincoln*, and their Successors for the Time being, such other Piece or Parcels of Land, in such Place or Places in the said Fen called *Wildmore Fen* as they shall think proper, and which in their Judgement (Quantity, Quality, and Situation considered) shall be equal in Value to Fifty Acres, at the Average Value of the said Fen, upon the like Trust, and for the same Intents and Purposes, as are herein-before declared with respect to the Lands to be set out in lieu of the Tythes of the Manerial Allotment or Allotments.

Residue allotted.

XXV. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required, after the said Allotments herein-before directed shall have been made, and the said Lands sold for the Purposes of this Act, to set out, allot, and divide the Residue of every such Parochial or General Allotment, save and except the Parochial Allotments to be set out to or for the said Parishes of *Coningby*, *Horncastle*, *Kirkstead*, *Fishtoft*, and *Mareham on the Hill*, and the Hamlet or Place of *Frieth Bank*, in Manner following; that is to say, One Moiety or Half Part thereof in Value (Quantity, Quality, and Situation considered) to and amongst the Owners and Proprietors of Houses and Toststeads having Right of Common on such Parochial or General Allotment respectively (each Toststead being considered as entitled to One Moiety only of the Quantity and Value of Land which shall be allotted as the Proportion of

each House), and no Regard shall be had, to, nor any Distinction made on Account of the Magnitude or Value of the said Houses or Toststeads, or any of them; and the remaining Moiety or Half Part of the Residue of each Parochial or General Allotment, unto and amongst the Owners and Proprietors of Lands and Grounds in the same Parish, Township, or Place respectively, who have been allowed, or hereafter shall be allowed, by the said Commissioners to be entitled to a Share or proportional Part of the said Fen called *Wildmore Fen*, in respect of any Common Right House within any Parish, Township, or Place, heretofore having Right of Common on the said Fen called *Wildmore Fen*, in Proportion and according to the Value of such their Lands and Grounds lying in such Parish, Township, or Place respectively, and according to the Valuation thereof by the said Quality Men.

XXVI. And be it further enacted, That if any Act shall be passed in this present Session of Parliament for dividing, allotting, and inclosing the Open Arable Fields, Meadows, Commons, and Waste Lands, within the said Parish of *Coningsby*, the Commissioners to be named and appointed by such Act shall have, and they are hereby vested with full Power and Authority to divide, allot, and inclose the Parochial Allotment hereby directed to be set out from the said Fen called *Wildmore Fen*, for the said Parish of *Coningsby*, in such and the like Manner as the Commissioners under this Act are directed to subdivide the other Parochial Allotments to be allotted and inclosed by them.

To empower Commissioners hereafter to be appointed to subdivide and inclose *Coningsby* Parochial Allotment.

XXVII. Provided nevertheless, and be it further enacted, That no Owner or Proprietor of any House, Toststead, Lands, or Grounds, in the said several Parishes, Townships, or Places respectively, shall be deemed or considered as entitled to any Right of Common or other Right whatsoever on such Allotments respectively, who were not allowed and determined to have Right of Common or other Right in the said Fen called *Wildmore Fen* on the Division thereof, and which are not or shall not be set forth in the Award of the Commissioners made or to be made in pursuance of the said recited Act for dividing and allotting the said Fen called *Wildmore Fen*.

No Person to be allowed any Right which shall not be allowed by the Special Commissioners, etc.

XXVIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered at any Time or Times before the Execution of their Award or Awards to be made in pursuance of this Act, by Notice in Writing under their Hands, to be affixed upon the principal Door of each of the Parish Churches of the several Parishes having Right of Common on the said Fen called *Wildmore Fen*, except the said Parishes of *Coningsby*, *Horncastle*, *Kirkstead*, *Fishtoft*, and *Mareham on the Hill*, and the Hamlet or Place of *Frieth Bank*, to order and direct all or any Part of the Rights of Common in, over, or upon the said Fen called *Wildmore Fen*, to be extinguished, or the Exercise thereof to be suspended, for and during such Time as shall be expressed in such Writing, (except the Parishes and Places last mentioned); and that all such Rights of Common as the said Commissioners shall by such Writing order and direct to be extinguished, or the Exercise thereof be suspended as aforesaid, shall, from the Time set forth in such Writing, cease, determine, and be extinguished, or the Exercise thereof be suspended accordingly; any Law, Usage, or Custom to the contrary thereof notwithstanding.

Commissioners may suspend or extinguish Common Rights before signing their Award.

XXIX. Provided always, That all Charges and Expences incident or in anyways relating to the Commutation of or Compensation for the Tythes

Expences to be paid by Persons interested.

Tythes of any of the said Parishes, Townships, or Places, now subject to the Payment of Tythes or Compositions in lieu thereof, or to any Exchange or Partition to be made, shall be paid and borne by the Persons liable to pay such Tythes, and by the Persons requiring or interested in such Partitions and Exchanges, in such Shares and Proportions as the said Commissioners shall think proper and reasonable, and by Writing under their Hands, from Time to Time, direct and appoint, and shall be recoverable in the same Manner as any Penalty under the said *Wildmore Fen* Division Act is directed to be recovered.

Bodies Politick, etc. to grant Leases of Allotments for 21 Years.

XXX. And be it further enacted, That it shall and may be lawful for all Bodies Politick and Corporate, and all Trustees of any Charity and all and every Person and Persons to whom any Allotment or Allotments shall be made of any Part or Parts of the Fen Lands or Grounds by virtue of this Act, in respect of any Messuages, Houses, Toststeads, Lands, or Hereditaments, whereof such Person or Persons is or are seised in Right of any Church or Chapel, or as Trustee or Trustees of any Charity, or as Tenants in Tail or for Life, or any Husband in Right of his Wife, or the Guardian of any Infant, to make any Lease or Leases of any Part or Parts of the said Fen Lands or Grounds which shall be so allotted to him, her, or them (so that the Consent of the Lord of the Manor of any Copyhold Lands be first had and obtained, by Licence or otherwise, according to the Custom of such Manor), for any Term or Number of Years not exceeding Twenty-one Years, or for such Term or Number of Years as they may have therein respectively; and so that the same do commence in Possession and not in Reversion; and so that such Lease or Leases be not made dispunishable of Waste; and so that there be reserved in all and every such Lease and Leases, the best and most improved annual Rent that can be reasonably gotten for the same, to be paid by Half-yearly Payments, without taking any Sum of Money or other Consideration by Way of Fine, Income, or Foregift; and so that in all and every such Lease and Leases there be contained a Power of Re-entry for Non-payment of such Rent; and so that such Rent or Rents to be thereby reserved be made payable to the Person or Persons granting such Lease or Leases, and the several other Persons who may in Succession be entitled to the same Hereditaments, Lands, and Premises; and so that the Lessee or Lessees do at the same Time execute a Counterpart of such Lease or Leases; provided that no Lease shall be made or granted of any Houses, Lands, Hereditaments, and Premises, belonging to any Ecclesiastical Benefice, without the Consent of the Bishop of the Diocese and the Patron of such Benefice; and all such last mentioned Leases shall not be made for any longer Term than Twenty-one Years, to commence and be computed from Twelve Calendar Months after the passing of this Act; any Thing herein contained to the contrary thereof notwithstanding.

Allotments to be of the same Tenure as Lands or Tythes, in right or lieu of which they are allotted.

XXXI. And be it further enacted, That all the Messuages, Cottages, Lands, and Grounds, which shall be allotted or exchanged by virtue of this Act, to or with any Person or Persons for in lieu or in respect of any other Messuages, Cottages, Lands, or Grounds holden of any Manor or Manors by Copy of Court Roll, or for or in respect of any Leasehold Messuages, Lands, Tythes, or Hereditaments, or for or in respect of any Right of Common, or any other Right or Interest appurtenant or appendant to any such Copyhold or Leasehold Premises, shall, from and after the Execution of the Award or Awards of the said Commissioners, be deemed and taken to be Copyhold or Leasehold, and shall be held as such by and under the same Tenure, Rents, Payments, Fines, Customs, and

and Services, as the Copyhold and Leasehold Messuages, Cottages, Lands, Tythes, or Hereditaments respectively, for or in lieu or in respect whereof such Allotments or Exchanges shall be made are now held; and that such Parts of the said Lands and Grounds as shall be allotted unto any Person or Persons by virtue of this Act, in respect of any Commonable Houses, Toststeads, Lands, or Grounds which are Copyhold shall be deemed and be taken to be Copyhold; and that all and every Person or Persons to or with whom such Copyhold Lands and Premises shall be allotted or exchanged as aforesaid, shall, within Six Calendar Months next after the Execution of the said Award or Awards, be admitted Tenant or Tenants to the same, without paying any Fine or other Charge to the Lord or Lords, Lady or Ladies, or to the Steward or Stewards of the said Manor or Manors (save and except the Stamp Duties and Parchment requisite to be used for the Copies of such Admissions respectively, and such reasonable Fees to the respective Steward or Stewards of the said Manor or Manors, as the said Commissioners shall by their Award or Awards order and direct); but in case the Person or Persons to or with whom such Lands and Premises shall be allotted or exchanged, shall die without any Admission within the said Six Calendar Months, then the customary Fines and other Payments shall be due and payable on the Admission of the Person entitled to such Lands and Premises; and after every such First Admission as aforesaid, the Copyhold Premises so to be allotted or exchanged as aforesaid, shall at all Times be held under and subject to the same Tenure, Fines, and other Payments, as the present Copyhold Messuages, Cottages, Lands, or Tenements, in lieu or in respect whereof such Lands and Premises were allotted or exchanged, are now held under and are subject to; and the said Commissioners shall by their said Award or Awards determine, describe, and abut the Messuages, Cottages, Lands, and Grounds respectively, which are to be or remain Copyhold or Leasehold; and all other Messuages, Cottages, Lands, and Grounds to be allotted or exchanged by virtue of this Act (save and except such as shall be so ascertained by the said Commissioners to be Copyhold or Leasehold), shall be from thenceforth deemed, taken, and enjoyed as Freehold Messuages, Cottages, Lands, and Grounds, subject nevertheless to such Free Rents and Services as are now payable out of the respective Messuages, Cottages, Toststeads, Lands, Tenements, or Hereditaments, for or in respect whereof they shall or may be allotted or exchanged: Provided always, that all the Lands and Grounds which shall by virtue of this Act be allotted to or set out for any Tythe Owner, in lieu of Tythes, shall be held and enjoyed by such Tythe Owner, and his Successors, for the Time being, as Freehold of Inheritance; any Thing in this Act contained to the contrary notwithstanding.

XXXII. And be it further enacted, That it shall be lawful for any Person or Persons interested in the Lands and Grounds to be inclosed by virtue of this Act, in Right of any Messuages, Cottages, Toststeads, Lands, or Estates, of which he, she, or they shall for the Time being be seised of an Estate in Fee Simple, at any Time before the Execution of the Award or Awards to be made by the said Commissioners, or at any Time afterwards, to sell and convey by Lease and Release all such Right, Interest, and Property, as he, she, or they now hath or have, in and to any Allotment or Allotments to be made by virtue of this Act, separate and apart from such Estate in Right whereof he, she, or they is, are, or shall be so entitled; and that in case of any such Sale previous to the Execution of such Award or Awards, it shall be lawful for the said Commissioners,

Persons may
sell their
Right in the
Land to be
inclosed.

missioners, on the Party or Parties producing a Conveyance thereof by Lease and Release, or an Agreement in Writing for the Purchase thereof, and they are hereby authorized and required to allot the same to the Purchaser or Purchasers thereof respectively, who shall and may immediately after the Execution of such Award or Awards as aforesaid, have, hold, use, and enjoy such Allotment or Allotments so to be allotted and set out, in lieu of the Right of Common or other Interest so by him, her, or them purchased as aforesaid, and shall and may have, hold, use, and exercise every Act of Ownership, in, upon, over, and to the same, in as full, large, ample, and beneficial a Manner, to all Intents and Purposes whatsoever, as the former Proprietor or Vendor thereof could or might have done in case such Sale or Sales had not been made, but subject nevertheless to the several Rules, Orders, Conditions, and Restrictions, mentioned and contained in this Act: Provided always, that all Costs, Charges, and Expences attending any such Sale and Disposition as aforesaid, shall be paid and borne by the several Persons making such Purchase or Purchases.

Leases of certain Messuages and Lands at Rack Rent to be void.

XXXIII. And be it further enacted, That all and every Lease and Leases at Rack Rent, and without Fine or Fee paid or payable for the Renewal thereof, now subsisting, of any Part or Parts of the said Fen Lands and Grounds hereby directed to be allotted and inclosed, with any Messuages, Cottages, ancient inclosed Lands or other Hereditaments, having Right of Common on the said several Parochial or General Allotments, or any of them, and all other Agreements for any Term or Terms or Number of Years therein respectively, shall, as to all such Messuages, Lands, and Hereditaments so exchanged, and to such Rights of Common or other Rights only, and the Allotments to be made in respect thereof by virtue of this Act, but no further or otherwise, cease and determine immediately upon the Execution of the said Award or Awards of the said Commissioners, or at such other Time as they shall appoint, the Owners or Proprietors thereof respectively paying to their respective Lessees or Tenants, such Sums of Money as the said Commissioners shall ascertain to be a reasonable Compensation to such Lessees or Tenants, for their Terms and Interests in such exchanged Lands and Rights of Common; and if the Money so to be ascertained as last aforesaid, shall not be paid to the Person or Persons entitled to receive the same, within Fourteen Days after Demand made thereof, it shall and may be lawful for the said Commissioners, and they are hereby required, by any Warrant or Warrants under their Hands and Seals, directed to any Person or Persons whomsoever, to cause such Sum or Sums of Money respectively to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so making Default in Payment as aforesaid, his, her, or their Husbands, Guardians, or Trustees, Committees, or Attornies, wherever the same shall be found, rendering the Overplus (if any), on Demand, to the Owner or Owners of such Goods and Chattels, the reasonable Charges of such Warrant, Distress, and Sale, being first deducted.

Wills, Settlements, etc. not to be prejudiced.

XXXIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to revoke, make void, annul, or alter any Will, Settlement, or Surrender, or to prejudice any Person or Persons having any Estate, Right, or Claim of Dower or Jointure, Portion, Debts, Rents, or Incumbrances, out of, upon, or affecting any of the Messuages, Buildings, Lands, or Grounds, to be inclosed, divided, allotted, or exchanged as aforesaid, or any of them respectively, other than such Leases and Agreements as herein-before mentioned;

mentioned; but that the several Lands and Grounds to be set out and allotted, and the several Messuages, Lands, Tenements, and Hereditaments, to be divided or exchanged in pursuance of this Act, shall, immediately after making such Allotments, Partitions, or Exchanges, be, remain, and enure; and the several Persons to whom the same shall be allotted or assigned, or given by Partition or in Exchange as aforesaid, shall from thenceforth stand and be seised thereof to such Estates, Uses, Trusts, and subject to such Wills, Deeds, Surrenders, Limitations, Remainders, Powers, and Provisoos, Charges, Tenures, Rents, Services, and Incumbrances (save in respect of such Leases or Agreements at Rack Rent as aforesaid), as the several Messuages, Lands, Tenements, and Hereditaments, in respect or in lieu whereof such Allotments, Partitions, and Exchanges respectively, shall be made as aforesaid, would have been subject and liable to be charged with or affected by in case this Act had not been made; but subject nevertheless to such Leases and Charges as shall be made thereof or thereon respectively, in pursuance of any of the Powers given by this Act.

XXXV. And whereas, in consequence of the Magnitude in Quantity of the Land intended to be divided and allotted by this Act, the same being upwards of Ten thousand five hundred Acres, and also of the great Distance which the same must be from any of the present Farm Houses and Homesteads, in certain Cases the respective Persons who are by the Consolidating Act herein-before referred to, authorized to charge the several Lands which shall be comprized in such Allotments as aforesaid with any Sum or Sums not exceeding Five Pounds *per* Acre, for the Purposes in the said Consolidating Act expressed, or some of them, will be obliged to erect Farm Houses, Barns, or other Buildings upon the same Allotments, or some of them, for the due and proper Cultivation thereof, be it further enacted, That it shall and may be lawful for all such of the respective Persons by the said Consolidating Act authorized and empowered to charge the several Lands and Grounds which shall be comprized in the Allotments to be made in pursuance of the said recited Act for dividing and allotting the said Fen called *Wildmore Fen*, or this Act, or any of them, with any Sum or Sums of Money at the Discretion of the said Commissioners, not exceeding Five Pounds *per* Acre, for defraying such Expences of Division, Inclosure, and Fencing, as in the said Consolidated Act are mentioned, who shall have erected any Farm House or Houses, Barns, or other Buildings, upon the same Allotments, or any of them, or any Part thereof respectively, for the Purpose of the due and proper Cultivation of the same, to charge the several Lands and Grounds to be comprized in such respective Allotments, or any Part thereof, with any Sum or Sums of Money not exceeding Two Pounds for every Acre of Land or Ground to be allotted as aforesaid, as the said Commissioners shall, by Writing under their Hands, testify to have been laid out and expended by such respective Persons, or any of them, in making and erecting any such Farm House or Houses, Barns, or other Buildings as aforesaid, over and above so much, if any, of the said Sum of Five Pounds *per* Acre, to be raised by them for the several Purposes herein-before expressed, towards the Expences of erecting such Houses, Barns, or other Buildings; which further Sum or Sums lastly hereby authorized to be charged as aforesaid, shall be paid to the Person or Persons charging the same, his, her, or their Executors, Administrators, or Assigns, or as he, she, or they shall order and direct, in Satisfaction of the Money which he, she, or they shall have expended in making and erecting any such Farm House or Houses, Barns, or other Buildings as aforesaid; and for

Empowering Tenants for Life to charge their Estates with an additional 40s. for erecting Buildings.

securing the Re-payment of such last mentioned Sum or Sums of Money with Interest, it shall and may be lawful for them to make such or the like Grant, Mortgage, Lease, or Demise, with such or the like Proviso, Condition, or Trust, for Cesser or Surrender thereof, and such or the like Covenant for keeping down the Interest of the Money thereby to be secured, and protecting the Person afterwards becoming entitled in Possession from Payment of more than a Year's Arrear of Interest, as are in the said Consolidating Act authorized and directed to be made, inserted, and contained respectively, with respect to the Money in the said Consolidating Act authorized to be charged for defraying such Expences of Division, Inclosure, and Fencing, as herein-before are referred to.

Tenants for Life, etc. restrained from charging their Estates, etc.

XXXVI. Provided always, and be it further enacted, That it shall not be lawful for any Tenant in Tail or for Life, Husbands, Guardians, Trustees, Committees, or Attornies, who shall be entitled to any Allotment or Allotments of the Lands and Grounds to be divided, allotted, and inclosed, or interested in or entitled to any Allotment or Allotments which shall be exchanged or discharged from Tythes by virtue of this Act, to charge any such Allotment or Allotments; Lands or Grounds, with any further or larger Sum of Money than the said Commissioners shall find sufficient to pay and defray the respective Shares and Proportions of the Money so to be charged on him, her, or them (if any such shall be charged), and also the Charges and Expences of new fencing his, her, or their Allotment or Allotments; and such Sum and Sums of Money shall be paid to such Person or Persons as they the said Commissioners shall appoint, to be applied and disposed of only for the Purposes of this Act; any Thing herein contained to the contrary notwithstanding.

Actions to be in the Name of the Clerk.

XXXVII. And be it further enacted, That the said Commissioners shall and may sue and be sued in the Name of their Clerks, or either or any of them, and that no Action which shall be brought or commenced by or against the said Commissioners, or any of them, by virtue or on Account of this Act, in the Name or Names of their Clerk or Clerks, shall abate or be discontinued by the Death or Removal of such Clerk or Clerks, or by the Act of such Clerk or Clerks, without the Consent of the said Commissioners; but the said Clerk or Clerks for the Time being to the said Commissioners, shall always be deemed Plaintiff or Defendant in such Action, as the Case may be, except in such Action or Actions as shall be prosecuted between the said Commissioners and their Clerk or Clerks for the Time being, in which Case any One of the said Commissioners shall and may be made Plaintiff or Defendant, as the Case may be: Provided always, that every such Clerk or Commissioner in whose Name any Action or Suit shall be commenced, prosecuted, or defended, in pursuance of this Act, shall always be reimbursed and paid out of the Monies to arise by virtue of this Act, all such Costs and Charges as by the Event of any such Proceedings he shall be put to or become chargeable with by Reason of his being so made Plaintiff or Defendant therein.

Destroying of Fences.

XXXVIII. And be it further enacted, That if any Person or Persons shall, at any Time or Times from and after the passing of this Act, wilfully or maliciously demolish, pull down, break, or otherwise destroy or damage any Bridge, Stile, Mound, Bank, Clough, Engine, or Fence or Fences, or any other Work that shall or may be erected, set up, provided, or made, for the Purpose of dividing or allotting the said Parochial

chial or General Allotments, or any of them, or any Part or Parts thereof, every such Person or Persons being lawfully convicted of any or either of the said several Offences, or of causing or procuring the same to be done, shall be adjudged guilty of Felony, and shall be subject to the like Pains and Penalties as in Cases of Felony; and the Court by or before whom such Person or Persons shall be tried, shall have Power and Authority to transport such Felon or Felons for the Term of Seven Years, in like Manner as other Felons are directed to be transported by the Laws and Statutes of this Realm; or in Mitigation of such Punishment, such Court may and are hereby empowered to award and impose such Fine or Imprisonment as such Court shall judge expedient.

XXXIX. And be it further enacted, That if the Lord or Lords of any Copyhold Manor or Manors within any of the Parishes, Townships, or Places, having Right of Common on the said Parochial or General Allotments, or any of them, shall agree with any of his or their Copyhold Tenant or Tenants of such Copyhold Manor or Manors, for the Enfranchisement of his or their Copyhold Estate or Estates, held of such Copyhold Manor or Manors or any of them, or of any Part of such Estates, and shall signify his or their Consent thereto by Writing under his or their Hands, to be delivered to the said Commissioners before any Allotment shall be made in pursuance of this Act, then the said Commissioners may, and they are hereby authorized and required to set out and allot One-Sixth Part in Value (or such other Part or Parts as shall be agreed upon between the Lord or Lords of such Copyhold Manor or Manors, and any Copyholder or Copyholders of such Manor or Manors), of the Messuages, Hereditaments, Lands, and Grounds of such Copyholder or Copyholders, as a Compensation for any Right which such Lord or Lords may have or claim in the Allotments so to be made to such Copyholder or Copyholders, and to his, her, or their Messuages, Hereditaments, or ancient Inclosures and Homesteads, as Lord or Lords of such Copyhold Manor or Manors as aforesaid; and after such Division and Allotment, the Messuages, Cottages, old Inclosures, and Homesteads of such Copyholder or Copyholders, and also the Allotment or Allotments to be made to him, her, or them, by the said Commissioners in Right thereof, held of such Manor or Manors, or the Lord or Lords thereof, by Copy of Court Roll or otherwise, shall be and are hereby declared to be enfranchised and discharged from any Copyhold Tenure, Fines, and Fees, to the Lord or Lords of such Manor or Manors, and shall be deemed and taken to be Freehold to all Intents and Purposes whatsoever.

Power to enfranchise Copyhold Estates.

XL. And be it further enacted, That all the Awards to be made by the said Commissioners under or by virtue or in pursuance of this Act (except for the Parish of *Fishtoft*), shall be inrolled with the Clerk of the Peace for the Parts of *Lindsey* in the said County of *Lincoln*, and the Award for the said Parish of *Fishtoft*, with the Clerk of the Peace for the Parts of *Holland* in the said County of *Lincoln*.

Awards where to be inrolled.

XLI. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act, then and in every such Case (except where the Orders, Determinations, and Proceedings of the said Commissioners are declared to be binding, final, or conclusive, and except in such Cases where an Issue at Law shall or is to be tried as herein-before mentioned), he, she, or they may appeal to any General Quarter Sessions of the Peace which shall be held in and for the said Parts of *Lindsey*, within Four Calendar

Allowing an Appeal to the Quarter Sessions.

lendar Months next after the Cause of Complaint shall have arisen; and the Justices at such General Quarter Sessions are hereby authorized and required to hear and determine the Matter of such Appeal, and to make such Order therein, and award such Costs, as to them in their Discretion shall seem reasonable; and by their Order or Warrant to levy the Costs which shall be so awarded, by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any), to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale; which Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere.

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

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

General Saving of His Majesty's Rights.

XLIII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person and Persons whomsoever, all such Estate, Right, Title, Interest, Claim, and Demand whatsoever, (other than such as are meant and intended to be barred and destroyed by this Act), of, in, to, out of, or in respect of the said Fen called *Wildmore Fen*, and the said Parochial or General Allotments and Premises, and the Tythes thereof, and every or any Part thereof, as His Majesty, or any other Person or Persons whomsoever, had, or might lawfully claim or demand, before the passing of this Act, or as His Majesty, His Heirs or Successors, or any other Person or Persons whomsoever, could or might have had, held, or enjoyed in case this Act had not been made.

Clauses of former Act to extend to this Act

XLIV. Provided always, and be it further enacted, That all the Clauses, Appointments, Restrictions, Powers, and Authorities, contained in the said recited Act for dividing and allotting the said Fen called *Wildmore Fen*, shall continue in full Force and Effect, save only such Part or Parts thereof as are hereby altered, varied, or repealed.

Publick Act.

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

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