



ANNO QUINQUAGESIMO PRIMO

# GEORGIUM III. REGIS.

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## Cap. 86.

An Act for enclosing and exonerating from Tythes, Lands in the Parish of *Little Ponton* otherwise *Little Paunton*, in the County of *Lincoln*.

[14th May 1811.]

**W**HEREAS there are, within the Manor and Parish of *Little Ponton* otherwise *Little Paunton*, in the County of *Lincoln*, One thousand nine hundred and eighty Acres of Land or thereabouts, Part of which consists of ancient inclosed Lands, and the Residue of which consists of Glebe Lands, Common Fields, Wastes, or other Commonable Lands: And whereas *William Dowdeswell* Esquire is Lord of the Manor of *Little Ponton* otherwise *Little Paunton* aforesaid, and as such is entitled to the Soil of the Waste Lands within the said Manor, and he is the sole Proprietor of all the Messuages, Lands, and Tenements in the said Parish, except such as belong to the Rector of the said Parish: And whereas the said *William Dowdeswell* is also Patron of the Rectory of *Little Ponton* otherwise *Little Paunton* aforesaid, and *Ralph Worsley* Clerk, is the Rector thereof, and as such is entitled to the Rectorial House and Glebe Lands in the said Parish, and to all the Tythes arising upon the Tythable Lands therein: And whereas it has been agreed between the said *William Dowdeswell* and *Ralph Worsley*, that all the Lands and Tenements in the said Parish shall be deemed and taken allottable Lands for the Purposes of this Act, and shall be set out and allotted by virtue thereof, unto and between them, in the Manner hereinafter mentioned, and also that in lieu of an adequate Compensation to be made to the Rector of the said Rectory, all the Tythes belonging to the said Rectory shall be extinguished and determined in Manner hereinafter mentioned; but the several beneficial Purposes aforesaid cannot

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be effected 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 *William Ostler*, of *Grantbam*, in the said County of *Lincoln*, Gentleman, and *John Burcham*, of *Conningsby*, in the said County of *Lincoln*, Gentleman, shall be and they are hereby appointed Commissioners for dividing, setting out, allotting, and inclosing all the Lands, Tenements and Hereditaments within the Parish of *Little Ponton* otherwise *Little Paunton* aforesaid, and for putting in Execution all the Powers, Authorities and Trusts reposed in them by this Act; subject to such Directions, Regulations and Restrictions, as are hereinafter contained, and with such of the Powers, and subject to such of the Directions, Regulations and Restrictions contained in an Act passed in the Forty-first Year of the Reign of His said present Majesty, intituled, *An Act for consolidating in one Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts required on the passing of such Acts*, as are not repugnant to or altered, or otherwise provided for by any of the Clauses or Provisions contained in this Act.

New Com-  
missioners to  
be appointed  
on Vacancy.

II. And be it further enacted, That in case the said *William Ostler*, or any other Commissioner to be hereafter named and appointed in his Place or Stead, shall die, neglect, refuse, or become incapable to act in the Execution of this Act, then and so often as the Case shall happen, it shall be lawful for the said *William Dowdeswell*, or the Owner or Owners for the Time being of the said Manor, and other Hereditaments of or to which the said *William Dowdeswell* is now seized or entitled in the said Parish, within Twenty-one Days after every such Vacancy shall happen, by Writing under his, her or their Hand or Hands, to nominate and appoint some other fit and proper Person, not interested in the Premises, to be a Commissioner in the Place of the said *William Ostler*, or of such other Commissioner as shall from Time to Time be nominated and appointed in his Stead; and in case the said *John Burcham*, or any other Commissioner to be hereafter nominated and appointed in his Stead, shall die, neglect, refuse or become incapable to act in the Execution of this Act, then and so often as the Case shall happen, it shall be lawful for the said *Ralph Worsley* and his Successors, within Twenty-one Days after every such Vacancy shall happen, by Writing under his Hand, to nominate and appoint some other fit and proper Person, not interested in the Premises, to be a Commissioner in the Place of the said *John Burcham*, or of such other Commissioner as shall from Time to Time be nominated and appointed in his Stead; and in case either of the Parties hereby authorized to nominate and appoint a Commissioner as aforesaid shall, for the Space of Twenty-one Days after any such Vacancy shall happen, neglect or refuse to make such Nomination or Appointment, then and so often as the Case shall happen, it shall be lawful for the surviving or remaining Commissioner for the Time being, by Writing under his Hand, to nominate and appoint a fit and proper Person, not interested in the Premises, to be such Commissioner; and every such new Commissioner to be nominated and appointed in Man-  
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ner aforesaid, shall have such and the like Powers and Authorities for putting this Act in Execution, as if he had been originally named and appointed a Commissioner in this Act.

III. And be it further enacted, That if any Dispute or Difference shall happen to arise between the said Commissioners, touching or concerning any Matter or Thing in or about the Execution of this Act, the same shall be settled and determined, as between the said Commissioners, by some proper disinterested Person, whom it shall be lawful for the said Commissioners, by Writing under their Hands, to nominate and appoint to be an Umpire for that Purpose, and so from Time to Time as often as there shall be Occasion; and the Determination of such Umpire, to be expressed in Writing under his Hand, shall be deposited in the same Place where the Award of the said Commissioners is by this Act directed to be deposited, and shall be binding and conclusive to and upon the said Commissioners, and all Parties interested therein; and for the Purposes aforesaid, such Umpire shall have, and is hereby vested with the same Powers and Authorities as by the said recited Act and this Act are given to the Commissioners hereby appointed; but no such Umpire shall be empowered to act for any other Purpose than the determining of such Difference as aforesaid.

Umpire to be appointed to settle Differences between the Commissioners.

IV. And be it further enacted, That no Person shall act as an Umpire or Surveyor in the Execution of this Act, until he shall have taken and subscribed the following Oath; which Oath the said Commissioners, or either of them, are and is hereby authorized and required to administer; (that is to say)

Umpire and Surveyor to take an Oath.

‘ I, do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the several Powers, Authorities, and Trusts, vested and reposed in me as an Umpire [or, Surveyor, as the Case may be] by virtue of an Act passed in the Fifty-first Year of the Reign of King George the Third, intituled [here set forth the Title of this Act] according to Equity and good Conscience, and without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever.  
‘ So help me GOD.’

Oath.

Which Oath, when so taken and subscribed by such Umpire, and also the Appointment of the said Umpire, shall be annexed to and inrolled with the Award of the said Commissioners.

V. And be it further enacted, That the said Commissioners shall, and they are hereby required, to give or cause to be given public Notice of the Time and Place of their First and every subsequent Meeting for executing the Powers hereby vested in them, at least Seven Days before such Meeting shall be held, by Writing to be affixed on the principal outer-Door of the said Church, or by Advertisement to be inserted in some Newspaper printed or circulated in the said County of *Lincoln*: and it shall be lawful for the said Commissioners to adjourn any of their Meetings from Time to Time, as they shall see Occasion; for the due Execution of this Act; and in case the said Commissioners

Commissioners to give Notice of Meetings.

Commissioners may adjourn Meetings.

If no Commissioners present, their Clerk may adjourn Meetings.

Commissioners shall not meet on the Day, and at the Place appointed for any such Meeting or to which any such Meeting shall be adjourned, it shall be lawful for either of the Commissioners or their Clerk to adjourn any such Meeting, and appoint the same to be holden at the same or any other Place on any future Day, not exceeding Twenty-one Days from the Day of Adjournment, and the said Commissioner or Clerk making such Adjournment is hereby required to give timely Notice thereof to the absent Commissioner or Commissioners; provided that all Meetings of the said Commissioners shall be held within the said Parish, or within the Distance of Eight Miles from the Boundaries thereof.

Commissioners to settle Disputes;

VI. And be it further enacted, That in case any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in any of the Lands, Tenements or Hereditaments intended to be divided or affected by this Act, touching or concerning the respective Shares or Proportions, Rights or Interests which they or any of them have or claim, or ought to have therein, or touching or concerning any Objection or Objections to any such Claim or Claims, it shall be lawful for the said Commissioners or Umpire, and they are hereby respectively authorized and empowered to hear and determine the same: Provided always, that nothing herein contained shall authorize the said Commissioners or Umpire to determine the Title to any Messuages, Lands or Hereditaments, or any Right between any of the Parties interested in the said Lands and Grounds, contrary to the Possession of any such Parties; but in case the said Commissioners or Umpire shall be of Opinion against the Right of the Person or Persons so in Possession, they or he shall forbear to make any Determination thereupon until the Possession shall have been given up by or recovered from such Person or Persons by Ejectment or other due Course of Law.

but not Titles;

nor Rights contrary to the Possession.

Commissioners to assess Costs.

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

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

VIII. Provided always, and be it further enacted, That if any Person or Persons making any Claim or Claims to any Lands or Hereditaments intended to be divided or affected by this Act, or any Rights or

or Interests therein, or objecting to any such Claim or Claims shall be dissatisfied with the Determination of such Commissioners or Umpire, and shall be desirous of having such Claim or Claims, Rights and Interests respectively tried at Law, and the Person or Persons desiring the same, or their respective Agents or Attornies, shall within One Calendar Month after such Determination shall be declared, give Notice thereof to the said Commissioners or either of them, and to the adverse Party or Parties, or their respective Agents or Attornies, by Writing under their respective Hands, to be delivered to or left at the usual Place of Abode of such Commissioner and Party or Parties, Agents or Attornies respectively, then but not otherwise it shall be lawful for the Person or Persons giving such Notice as aforesaid, to proceed to a Trial at Law for the same at the next Assizes to be held for the said County of *Lincoln*, after the Expiration of One Calendar Month from the Time such Notice shall be given as aforesaid, in a feigned Action or Actions for that Purpose to be commenced in One of His Majesty's Courts of Record at *Westminster*, by the Person or Persons giving such Notice as aforesaid, against the adverse Party or Parties making any such Claims or Objections as aforesaid; and the Defendant or Defendants in such Action or Actions shall forthwith name an Attorney, who shall file Common Bail, or appear and accept One or more Issue or Issues, whereby all such Claim or Claims, and Rights or Interests may be properly tried and determined, such Issue or Issues to be settled by the proper Officer of the Court wherein such Action or Actions shall be commenced, if the Parties shall differ about the same; and the Verdict or Verdicts which shall be given in such Action or Actions shall be final and conclusive to all and every Person and Persons whomsoever; and after any Verdict or Verdicts shall have been obtained and not set aside by the Court, the said Commissioners or Umpire shall and they are hereby required to conform thereto: Provided always, that it shall be lawful for the Court in which any Action or Actions to be commenced in pursuance of this Act shall be depending, upon sufficient Cause shewn, to put off the Trial of any Action or to award or order a new Trial therein, although the Time hereinbefore limited for the Trial of such Action may be thereby exceeded: Provided also, that all Determinations of the said Commissioners or Umpire which shall not be objected to in due Time, or being so objected to such Action shall not afterwards be brought and proceeded in as aforesaid, shall be absolutely binding, final and conclusive.

IX. And be it further enacted, That no such Action shall abate by reason of the Death of any of the Parties therein, but shall be proceeded in as if no such Event had happened; and if any Person or Persons in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought if living, shall die before any Action or Actions shall have been brought, and before the Expiration of the Time hereinbefore limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Bodies Politic or Corporate respectively, who might have brought such Action against the Person or Persons so dying, to bring the same within the Time so limited as aforesaid, against such Person or Persons as if actually living, and to serve One of the said Commissioners, or their Clerk, with No-

If Parties die Proceedings not to abate. How Actions may be brought after Deaths of Parties.

rice of such Action or Actions, in the same Manner as the Party or Parties might have been served therewith if living; and it shall be incumbent on the Heir or Heirs or other Person or Persons, who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions, in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein in the same Manner as if such Person or Persons had been actually living, and the Rights of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

Roads divid-  
ing Parishes  
or Places to  
be made up  
in the whole  
Thirty Feet  
broad.

X. And be it further enacted, That in case any public Carriage Roads or Highways to be set out under the Powers and Provisions of this or the said Act, shall be set out or continued in any Situation or Direction where the said Parish is divided from an adjoining Parish, Township or Place, and where there now is or usually hath been a public Road or Mereway, and such adjoining Parish, Township or Place hath hitherto been charged or ought to be charged with One-half Part of the Repairs and Support of the said Road or Way, then and in every such Case the said Commissioners shall and they are hereby authorized to set out only so many Feet, or so much of the Lands hereby directed to be allotted, as will enlarge the Breadth of such Road or Way Thirty Feet at least.

Freeboards.

XI. And be it further enacted, That where any Parcel of Lands so to be allotted as aforesaid, shall abut upon or adjoin to any Freeboard or Ditch belonging to any Common Fields or inclosed Grounds next adjoining to the Lands and Grounds hereby directed to be divided, allotted and inclosed, the Person or Persons to whom such Parcel of Land shall be allotted, shall and may and is and are hereby empowered to set up and erect Gates or any other Kind of Fence or Fences in, over, or upon such Freeboard or Ditch, for dividing the said Parcels of Land, and raising and preserving the Quicksets, Bank, Wood and other the Fences to be raised thereupon, until such Times as the Owner or Owners of such Freeboard or Ditch shall sufficiently at his, her or their own Expence have ditched, fenced and mounded the same Freeboard and Ditch from the Land adjoining thereto.

Allotments  
for making  
and repairing  
Roads.

XII. And be it further enacted, That the said Commissioners shall set out and appoint such Piece or Pieces, Parcel or Parcels of Land not exceeding Two Acres in the said Parish, in such convenient Place or Places as they shall think proper, for getting Stone, Gravel or other Materials for repairing the Roads and Highways within the said Parish, which Land shall be vested in the Surveyor or Surveyors of the Highways of the said Parish for the Time being, in Trust for the Purposes in this Act mentioned; but the Grass and Herbage thereof shall belong to the said *William Dowdeswell*, or the Lord or Lords for the Time being of the said Manor, exclusively of all other Persons whomsoever.

Glebe Lands.

XIII. And be it further enacted, That the said Commissioners shall and they are hereby required to set out, allot and award unto the said *Ralph Worsley* and his Successors, Rectors of the said Parish, a certain Close called *Adam's Well Close*, containing Eleven Acres, Two Roods and Twelve Perches or thereabouts, in the Possession of the said Rector,  
and

and also Fourteen Acres, One Rood and Twenty-eight Perches, Part of the Lands hereby directed to be divided, allotted and inclosed, situate on the West Side of the *Great North Road*, and opposite to the said Close called *Adam's Well Close*, which said Lands containing together Twenty-six Acres, shall be accepted by the said *Ralph Worsley* and his Successors, Rectors of the said Parish, and the same are hereby declared to be a full Compensation and Satisfaction for all the Glebe Lands and all Rights of Common belonging to the said Rectory.

XIV. And be it further enacted, That the said Commissioners, after setting out the several Allotments hereinbefore directed to be made, are hereby authorized and required to set out and appoint such further Allotment or Allotments as shall be a just Compensation and Satisfaction for the Claims, Rights or Interests of all other Persons, if any, except the said Rector and the said *William Dowdeswell*, which shall be established under the Provisions of this Act; and lastly, to set out, allot and award all the Rest, Residue and Remainder of the Messuages, Cottages and Lands, as well open as inclosed, Tenements and Hereditaments whatsoever, within the said Parish, unto the said *William Dowdeswell*, or the Owner or Owners for the Time being, of his Manor, Lands and Hereditaments aforesaid.

Allotment of  
the Residue.

XV. And be it further enacted, That the said Fourteen Acres One Rood and Twenty-eight Perches of Land hereinbefore directed to be allotted to the said Rector and his Successors, shall, as soon as conveniently may be, after setting out the same, be inclosed and fenced with double Ring or outermost Fences of Oak Posts, and Three Rails of Ash or other durable Wood, with a sufficient Ditch on each Side thereof, and planted with good thriving Quicksets (except on such Side or Sides thereof as hath or have now good and sufficient Fences) by and at the Expence of the said *William Dowdeswell*, or the Owner or Owners for the Time being of his said Manor and Estate; and that such Portion of the said Fences, as the said Commissioners shall direct, shall at all Times after the first making thereof be maintained and repaired by and at the Expence of the Rector of the said Parish and his Successors.

Allotment to  
the Rector to  
be fenced.

XVI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to set out, allot and award any Allotment or Allotments to be made by virtue of this Act, or any Part or Parts of such Allotment or Allotments, or any Messuages, Cottages, old Inclosures, Lands, Tenements, Rents, Tythes or other Hereditaments, situate or arising within the said Parish of *Little Ponton* otherwise *Little Paunton*, in lieu of and exchange for any other Messuages, Cottages, old Inclosures, Allotment or Allotments, or Part or Parts of such Allotment or Allotments, Lands, Tenements, Rents, Tythes, or other Hereditaments situate or arising within the same Parish, or within any Parish, Township or Place adjoining thereto, so as every such Exchange be ascertained, declared, and set forth in the Award of the said Commissioners, and so as every such Exchange be made with the Consent and Approbation of the respective Proprietors, or Person or Persons, Bodies Politic or Corporate, seized of or beneficially entitled

Exchanges  
may be made.

to the Hereditaments which shall be so exchanged, for any Estate of Freehold or Inheritance less than an Estate in Fee Simple, or by and with the Consent of the Husbands, Guardians, Trustees, Committees or Attornies of or for any such Proprietors, who at the Time of making any such Exchange shall be under Coverture, Minors, Lunatics, beyond the Seas, or under any other Disability or Incapacity of acting for themselves, or of the major Part of any Trustees for charitable or public Uses respectively; and so as every such Exchange of Hereditaments belonging to any Ecclesiastical Benefice be made with the Consent of the Lord Bishop of the Diocese, and the Patron or Patrons of such Benefice for the Time being, such Consents to be respectively testified by Writing under the Hands of the consenting Parties, or under the Common Seal of any of them, being a Corporation Aggregate; and every such Exchange so to be made and declared shall, as well in respect of the Hereditaments within the said Parish of *Little Ponton* otherwise *Little Paunton* aforesaid, as in respect of the Hereditaments within any Parish or Place adjoining thereto, be for ever good, valid and effectual in the Law, to all Intents and Purposes whatsoever.

Power to vacate Leases.

XVII. And be it further enacted, That all and every Lease and Leases or Agreements for Leases at Rack Rents, or from Year to Year now subsisting, of all, every or any Part or Parts of the Lands and Grounds in the said Parish of *Little Ponton* otherwise *Little Paunton*, shall, at such Time or Times as the said Commissioners shall by any Writing or Writings under their Hands direct, cease, determine and be void, and the respective Owners of such Lands and Hereditaments shall make such Satisfaction or Compensation to such Lessee or Lessees, Tenant or Tenants, for the Loss or Damage he, she or they respectively shall thereby sustain, and in such Manner as such Owners and their Lessee or Lessees, Tenant or Tenants respectively shall agree upon, or in case they disagree, then as the said Commissioners shall appoint to be paid to such Lessee or Lessees, Tenant or Tenants respectively on account thereof; and in case the Money directed by the said Commissioners to be paid on the Account aforesaid, shall not be paid at the Times by them appointed, the same shall be recoverable at the Suit of the Person or Persons respectively to whom the same shall be directed to be paid, by Action of Debt in any of His Majesty's Courts of Record at *Westminster*, or by the same Ways and Means as are herein provided for the Recovery of the Money directed to be paid towards defraying the Expences of passing and executing this Act.

Wills, Settlements, &c. not to be affected.

XVIII. Provided always and be it further enacted, That nothing in this Act contained shall extend or be construed, deemed, adjudged or taken to revoke, make void, alter, annul, or any Way affect any Grant, Assurance, Limitation of Use, Declaration of Trust, or any Deed, Will, Settlement or Lease whatsoever, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Debt, Rent, Incumbrance, or other Claim or Demand out of, upon or affecting any of the Lands or Hereditaments which shall be allotted or awarded, exchanged or parted by Authority of this Act; but that the Lands and Hereditaments which shall be allotted and awarded, and

received



received and taken on any such Exchanges or Partitions, shall be, remain and enure, and be held and enjoyed, and the several Proprietors to whom the same shall be allotted, awarded or given in Exchange or on Partition as aforesaid, shall from thenceforth stand, and be seized and possessed thereof respectively, to, for and upon such and the same Uses, Trusts, Estates and Interests, and subject to such and the same Wills, Settlements, Leases, Powers, Provisoos, Limitations, Remainders, Charges and Incumbrances as the several Lands and Hereditaments in respect whereof such Allotments, Exchanges and Partitions respectively shall have been made, should or would have stood severally limited, settled, vested, or subject or liable to, or be held by, in case this Act had not been made; but subject nevertheless to such Charges and Incumbrances as shall be made by virtue of this Act.

XIX. And whereas it has been agreed that all the Tythes, both great and small, Moduses, Compositions and other Payments in lieu of Tythes whatsoever, arising and renewing within the said Parish, shall be extinguished, and that a full and adequate Compensation and Satisfaction shall be made to the said Rector and his Successors in respect thereof by an Annual Rent or Rents, to be ascertained in Manner as hereinafter mentioned; be it therefore enacted, That the said Commissioners shall and they are hereby required to ascertain the true Value of all the Lands within the said Parish (except the said Lands which shall be set out and allotted to the said Rector, and for Roads and other public Purposes, and except such Lands, if any, as are freed and exempt from the Payment of Tythes in Kind to the said Rector), and also to ascertain what annual Rent or yearly Sum of Money will in their Judgment be equal to the yearly Value of One-fifth Part of all the Arable Lands within the said Parish (except as last aforesaid), One-tenth Part of all the Wood Lands, and One-ninth Part of all the other Lands and Grounds within the said Parish (except as aforesaid), and also equal to the yearly Value of all Moduses and other prescriptive Payments in lieu of Tythes, if any, payable to the said Rector for or in respect of any Lands within the said Manor; and the said Commissioners shall also, from the *London Gazette*, or by such other Ways and Means as they shall think most proper, ascertain what hath been the average Price of a *Winchester* Bushel of good marketable Wheat in the said County of *Lincoln* during the Term of Twenty Years next preceding the First Day of *January* One thousand eight hundred and Eleven (not estimating or including in such Ascertainment the Price of Grain for the Three Years in which such average Price has been the highest in that Period of Time, but upon the Average of the remaining Seventeen Years of the said Term); and shall in and by their Award, to be made in pursuance of this Act, set forth what Quantity of such Wheat (according to such average Price as aforesaid) is equivalent to such annual Rent or yearly Sum of Money as is hereinbefore directed to be ascertained as aforesaid; and that there shall be issuing and payable to the Rector of *Little Ponton* otherwise *Little Paunton* aforesaid, and his Successors for ever, from and out of such Part or Parts of the Lands to be allotted to the said *William Dowdeswell* in pursuance of this Act, as the said Commissioners shall appoint (not being less than double the yearly Value of the yearly Rent which

Compensation to the Rector in lieu of Tythes.

be charged upon such Lands) such yearly Rent or Rents as shall be equal in Value to the Quantity of Wheat so to be ascertained as aforesaid, according to the average Price of Wheat to be ascertained from Time to Time according to the Directions of this Act; which said yearly Rent or Rents, subject to such Variation as hereinafter is mentioned, shall be payable and paid by the Person or Persons for the Time being in Possession of the Lands charged therewith to the said Rector and his Successors for ever, at the Rectorial House in the said Parish, in such Proportions, and upon such Days or Times in the Year as the said Commissioners shall by their Award appoint, clear of all Parochial Taxes, Rates, Dues or Assessments whatsoever: Provided nevertheless, that in case the said Lands containing Twenty-six Acres, hereinbefore directed to be allotted to the said Rector and his Successors, shall not be deemed by the said Commissioners an adequate Compensation for the Glebe Lands and Commonable Rights belonging to the said Rectory, the said Commissioners shall make such Addition to the said yearly Rent first hereinbefore directed to be ascertained, as, together with the said Twenty-six Acres of Land, will in their Judgment be an adequate Compensation for the Glebe Lands and Common Rights belonging to the said Rectory; but in case the said Twenty-six Acres of Land shall, in the Judgment of the said Commissioners, be more than an adequate Compensation for all such Glebe Lands and Common Rights, then the said Commissioners shall make such Deduction from the said yearly Rent first hereinbefore directed to be ascertained, as in their Judgment will be a fair Deduction for the Difference in Value between the said Twenty-six Acres of Land, and such Glebe Lands and Common Rights as aforesaid; and a proportionate Addition or Deduction shall accordingly be made to or from the Quantity of Wheat so to be ascertained as aforesaid.

For re-ascertaining the Corn Rent.

XX. And be it further enacted, That at any Time after the Expiration of Fifteen Years from the Date of the Commissioners' general Award, it shall be lawful as well for the said Rector and his Successors, as for the said *William Dowdeswell*, or any future Owner or Owners of any Part of the Lands charged with the said yearly Rent, by Writing under his or their Hand or Hands, to make Application at any General Quarter Sessions of the Peace to be held in and for the Parts of *Kesteven*, in the said County of *Lincoln* (Notice in Writing of the Intention to make such Application having been given by the Party applying to the other Party or Parties interested, at least One Calendar Month previous to such Sessions), to have Two Persons named or appointed by the Justices then and there to be assembled, to be, together with a Third Person to be named and chosen by such Two Persons, as 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 Term of Fifteen Years then last past; which said Three Referees, or the major Part of them, shall by their Report, to be made and delivered to the then next Court of Quarter Sessions to be held for the said Parts after their Appointment, set forth such average Price; and in case it shall, by such Report,

port, 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, to the Value of Two-pence or upwards, the said annual Rent or Rents, or yearly Sum or Sums of Money, shall be increased or diminished in proportion, and the exact Amount to which the same shall be so increased or diminished shall be declared by the Order of the said Court, and shall, from the Half-yearly Day of Payment next preceding such Order, remain and continue issuing and payable as aforesaid, out of the respective Lands charged therewith, until the same shall, at the End of Fifteen Years then next ensuing, be again varied by such Application, and in such Manner as hereinbefore mentioned, and so from Time to Time at the End of every Fifteen Years for ever.

XXI. And be it further enacted, That the said Rector and his Successors for ever, shall and may have and exercise such and the like Powers and Remedies for recovering the said yearly Rent or Rents, when the same shall respectively be in arrear, behind or unpaid, together with the Costs and Charges thereby to be incurred, upon the Owner or Owners, Occupier or Occupiers of the Lands charged therewith, as by the Laws and Statutes of this Realm are provided or given for Recovery of reserved Rents or any other Rents in arrear; and that upon the Death, Cession, Resignation or Removal of the present or any future Rector of the said Parish, such Rector, his Executors or Administrators, shall be entitled to receive so much and such Part of the said yearly Rent or Rents, as shall be in proportion to the Number of Days elapsed from the then last preceding Day of Payment to the Day of such Death, Cession, Resignation or Removal respectively.

XXII. And be it further enacted, That it shall be lawful for the said *William Dowdeswell*, his Heirs and Assigns, and for the future Owner or Owners of the Lands charged with the said yearly Rent or Rents, or any Part thereof, upon a Division of such Lands, either by Sale or otherwise (except by Lease or Demise at Rack Rent), to apportion and charge each and every Part of the Lands so divided, with a due and fair Proportion of the yearly Rent or Rents so charged thereon: Provided that on every such Division, due Regard shall be had to the Value of the respective Lands, and the Quantity of Acres, and the Rate by the Acre, ascertained by the said Commissioners upon the whole or any Part of such Lands, that each and every Division be made to bear a fair and just Proportion of the said yearly Rent as near as may be: Provided also, that the Power of recovering the Arrears of such Rent shall continue and extend to the whole of each and every Estate, until such Division of the Estate and Apportionment of the said yearly Rent shall be made known to the Rector of the said Rectory for the Time being, by a written Notice from such Owner or Owners, setting forth the Division or Divisions of such Estate, and the yearly Rent or Rents charged upon such Division or Divisions, which Notice or a Duplicate thereof shall be registered in the Episcopal Registry at *Lincoln*, for the Inrolment whereof the usual Fee shall be paid, and a Copy of such Inrolment, signed by the Registrar or other proper Officer for the Time being, shall at all Times be deemed and taken to be legal Evidence thereof; and after such Notice, the Power given to the said Rector and his Successors, of Distress and Recovery

For Recovery  
of Corn Rent.

Corn Rent to  
be apportioned  
in case of a  
Division of  
Property.

very of the Rents so apportioned and being in arrear, shall extend only to the Lands which upon such Division shall become liable to the Payment thereof, as specified in such Notice, in like Manner as is hereby directed upon the whole of such Lands previous to such Division as aforesaid.

For regul-  
ating Corn  
Rent, Com-  
missioners to  
make Sche-  
dules.

XXIII. And in order to prevent any Difficulty to the said Rector and his Successors, by the Division of any Estate by Sale or otherwise, and to facilitate the future regulating of the said yearly Rent or Rents, and to distinguish which Estate are to be and remain chargeable therewith; 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 Land or Ground, with the Name of the Owner thereof, the exact Measure in Acres, Roods and Perches, the yearly Rent or Rents issuing out of each respectively, and the Quantity of Wheat which is to govern each of the said future yearly Rents, and such other Requisites as shall be judged proper or necessary by the said Commissioners, to render every Matter respecting the said yearly Rents clear and plain in future; which said Schedule and Descriptions shall be signed by the said Commissioners, and One deposited in the Episcopal Registry at *Lincoln*, and the other annexed to the Commissioners' Award.

Allotments  
and Corn  
Rents to be  
in lieu of all  
Tythes.

XXIV. And be it further enacted, That the said Lands and yearly Rents hereinbefore directed to be allotted and paid to the said Rector and his Successors, shall be and the same are hereby declared to be, and shall be accepted and held by the said Rector and his Successors, in full Bar, Satisfaction and Compensation of and for all Glebe Lands, Rights of Common, Tythes as well great as small, Moduses, Compositions and other Payments whatsoever in lieu of Tythes, and other Hereditaments of or belonging to the said Rector and his Successors, in the Parish of *Little Ponton* otherwise *Little Paunton* aforesaid; but Mortuaries, *Easter Offerings* and Surplice Fees, shall not be prejudiced or affected by this Act.

Amount of  
Corn Rent  
fixed during  
Mr. Worsey's  
Incumbency.

XXV. Provided always, and be it enacted, That the said Corn Rents to be paid by the said *William Dowdeswell*, or the Lord of the said Manor for the Time being, to the said *Ralph Worsey*, during the Time he shall continue Rector of the said Rectory, shall be neither more or less than the yearly Sum of Three hundred Pounds, let such Corn Rents, so to be ascertained as aforesaid, turn out what they may; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Allowance to  
Commission-  
ers and Um-  
pire.

XXVI. And be it further enacted, That each of the said Commis- sioners and Umpire, who shall act in the Execution of the Powers and Trusts vested in them by this Act, shall be paid the Sum of Three Pounds and Three Shillings for every Day they shall so act, or travel for the Purpose of acting, or be returning Home from acting in the Execution of this Act, in full Satisfaction for the Trouble and Expence which they shall respectively be put unto in the Execution of this Act; and that at all Meetings to be holden in pursuance of this Act the said Commissioners and Umpire shall defray their own Expences; and

Expences of  
Act.

and that the said Allowances so to be made to the said Commissioners and Umpire; together with all the Costs, Charges and Expences of preparing and passing this Act, and the Costs and Charges of surveying, measuring, planning, dividing and allotting the Lands in the said Parish, and of forming and making the Roads to be set out by the said Commissioners, and of fencing the said Parcel of Land to be set out to the said Rector, and of preparing, executing and inrolling the Award, and other necessary Charges and Expences of the said Commissioners and Umpire, and all other necessary Expences whatsoever in; about or concerning the Execution of this Act, shall from Time to Time be borne; paid and defrayed by the said *William Dowdeswell*, or the Owner or Owners for the Time being of his said Manor and Estate, at such Time or Times and to such Person or Persons as the said Commissioners shall order and direct; Notice thereof in Writing under their Hands being given at least Ten Days before the Time such Payment shall be required; and that it shall be lawful for the said *William Dowdeswell*, or the Owner or Owners for the Time being of his said Manor and Estate, by and with the Consent and Approbation of the said Commissioners; to subject and charge all or any Part of his Estate in the said Parish as he or they may think proper, with such Sum or Sums of Money as the said Commissioners shall direct; not exceeding the Rate of Five Pounds for every Acre of Land which shall be allotted to him by virtue of this Act; in such and the like Manner, and by the same Ways and Means as Tenants for Life or in Tail are authorized and empowered by the said recited Act, to subject and charge any of their Allotments, Lands, Tenements or Hereditaments.

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

Expences of Exchanges and Partitions by whom to be paid.

XXVIII. And be it further enacted, That the Money which shall be advanced by any Person or Persons for the Purpose of defraying the Expences of applying for and obtaining this Act, and carrying the same into Execution, shall be repaid, with Interest, to such Person or Persons, out of the first Money to be raised for defraying the Expences of obtaining and executing this Act.

Money advanced to be repaid with Interest.

XXIX. And be it further enacted, That *D'Ewes Coke* Esquire, Barrister at Law, shall be and he is hereby appointed Auditor of the said Commissioners Accounts; and in case of his Death or Refusal to act, then some other fit and proper Person, not interested in the Premises, shall be appointed Auditor for that Purpose, in like Manner as is hereinbefore provided for the Appointment of a new Commissioner in the Place of the said *William Ostler*, and so from Time to Time as often as Occasion shall require; and the Accounts of the said Commissioners, containing a true Statement of all Sums received by them and expended, or due to them for their own Trouble and Expences respectively, shall, at least once in every Year from the passing of this Act, until such Accounts shall be finally allowed, together with the Vouchers relating to the same, be examined by the said Auditor for the

Auditor appointed.

Time being, and the Balance by him stated in their Books of Account, to be kept in the Office of the said Commissioners or their Clerk; and no Charge or Item in the said Accounts shall be binding on the Parties concerned, or be valid in Law, unless the same shall be allowed by the said Auditor.

Award to be  
inrolled and  
deposited.

XXX. And be it further enacted, That the Award to be made by the said Commissioners shall be inrolled in one of His Majesty's Courts of Record at *Westminster*, or with the Clerk of the Peace for the said Parts of *Kesteven*, and when so inrolled shall be deposited in the Parish Church of *Little Ponton* otherwise *Little Paunton* aforesaid.

Persons ag-  
grieved may  
appeal to the  
Quarter Ses-  
sions.

XXXI. 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 or the said recited Act (except in such Cases where the Orders and Determinations of the said Commissioners are by the said Act or this Act directed to be final, and except in such Cases as are hereby directed or authorized to be tried, settled and determined by an Issue at Law, as hereinbefore mentioned,) he, she or they may appeal to the General Quarter Sessions of the Peace which shall be held for the Parts of *Kesteven* aforesaid, within Four Calendar Months next after such Cause of Complaint shall have arisen, and the Justices of the said Quarter Sessions, are hereby required to hear and determine the Matters of every such Complaint, and to make such Orders therein, and award such Costs as to them shall seem reasonable, and by their Warrant to levy the Costs which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties ordered to pay the same, rendering the Overplus, if any, to the Owner or Owners, after deducting the reasonable Charges of such Distress and Sale; which Determination of the said Justices shall be final and conclusive to all Persons concerned, and shall not be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

Saving Lords  
Rights.

XXXII. Provided also, and be it further enacted, That nothing in this Act contained shall lessen, prejudice or defeat the Right, Title or Interest of the said *William Dowdeswell*, as Lord of the said Manor of *Little Ponton* otherwise *Little Paunton*, or the Lord or Lady thereof for the Time being, of, in, and to the Seigniories and Royalties incident or belonging to such Manor; but that the said *William Dowdeswell*, or the Lord or Lady of the said Manor for the Time being, shall and may from Time to Time and at all Times hereafter, hold, receive, take and enjoy all Rents, Fines, Services and Profits of Courts, and all other Rights, Royalties and Privileges to such Manor incident, appendant, belonging, or appertaining, in as full, ample and beneficial Manner, to all Intents and Purposes, as he, she or they might or ought to have held and enjoyed the same in case this Act had not been made.

General  
Saving.

XXXIII. Saving always to the King's most Excellent Majesty, his Heirs and Successors, and to all and every other Person and Persons, Body and Bodies Politic and Corporate, his, her and their Heirs, Successors, Executors, Administrators and Assigns (other than and except  
the

the respective Persons, Bodies Politic, Corporate or Collegiate, to or for whom any Allotment or Allotments, or other Compensation or Compensations shall be made or provided by virtue or under the Authority of this Act, for or in respect of the Interest, Right or Property for or in lieu of which such Allotment or Allotments, or other Compensation or Compensations shall be made, and except such other Rights and Interests as the Intents and Purposes hereby authorized shall absolutely require to be barred, destroyed or extinguished by this Act, and all Persons respectively claiming under them or in Remainder after them), all such Right, Title and Interest as they, every or any of them could or ought to have had or enjoyed of, in, to or in respect of the Lands and Grounds hereby directed to be set out, awarded and allotted, in case this Act had not been made.

XXXIV. And be it further enacted, That this Act shall be printed by the Printer to the King's most Excellent Majesty; and a Copy thereof so printed, shall be admitted as Evidence thereof by all Judges, Justices and others.

Act to be  
printed by  
the King's  
Printer.

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LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,  
Printers to the King's most Excellent Majesty. 1811.

