



ANNO DUODECIMO & DECIMO TERTIO

VICTORIÆ REGINÆ.

Cap. lxxxii.

An Act to amend and extend the Provisions of certain Acts for inclosing Lands in the Parishes of *Binbrooke Saint Mary* and *Binbrooke Saint Gabriel* in the County of *Lincoln*, and to vary the Awards made thereunder, and to unite the said Parishes. [1st August 1849.]

WHEREAS by an Act passed in the Eleventh Year of the Reign of His Majesty King *George* the Second, intituled *An Act for inclosing and dividing the Common Fields and Common Grounds in the Manor and Parish of Binbrooke in the County of Lincoln*, reciting, among other things, that there were several Common Fields and Common Grounds lying within the Manor and Parishes of *Binbrooke*, containing by Estimation Ten thousand Acres or thereabouts, and that the Rector of the Parish of *Saint Mary* and the Vicar of the Parish of *Saint Gabriel* in *Binbrooke* aforesaid were entitled to all the Tithes, both great and small, arising within the said Parishes of *Binbrooke*, (except the Tithes of the Prebend Land and of Eighty Acres of Land called the Parish or Church

[Local.] 15 K

11 G.2. c.22.

Church Land, and the Lands of Sir *Richard Ellis*,) it was enacted, that the said Common Fields and Common Grounds should be divided, set out, and allotted in manner in the said Act mentioned, and that the Rector and Vicar of the said Parishes should have, receive, and take, out of all the Lands and Grounds to be allotted to the other Freeholders and Landowners by virtue of the said Act, (except the Lands to be set out and laid down for a Cow Pasture, as directed by the said Act, and the Prebend Lands, and the Eighty Acres of Land called the Parish or Church Land, and the Lands and Grounds to be allotted to the said Sir *Richard Ellis*, all which Lands so excepted were thereby declared to be freed from all Tithes both great and small,) the yearly Rent or Sum of Sixpence for every Acre of such Lands and Grounds, to be paid by the several Persons who should be Owners and Proprietors of the same Lands and Grounds for the Time being for ever, and in that Proportion for every Quantity and Parcel of the said Lands and Grounds, as the same should be specified and ascertained by the Award to be made in pursuance of the said Act, with Power of Distress in default of Payment, and which annual Payments were thereby declared to be in lieu of Tithes: And whereas an Award was made by certain Commissioners named in the said Act, bearing Date the Sixth Day of *October* One thousand seven hundred and forty, whereby they allotted, awarded, and appointed certain Lands lying in the Common Fields and Common Grounds of the said Parishes in manner in the said Award mentioned: And whereas by another Act of Parliament made in the Forty-fourth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for inclosing Lands in the Parishes of Binbrooke Saint Gabriel and Binbrooke Saint Mary in the County of Lincoln*, the said Land allotted as a Cow Pasture was directed to be set out and allotted as mentioned in the said Act: And whereas by an Award of the Commissioners named in the said last-mentioned Act, bearing Date the Nineteenth Day of *July* One thousand eight hundred and six, the said Cow Pasture was awarded as therein is mentioned: And whereas Disputes have arisen between the Rector and Vicar of the said Parishes of *Binbrooke* and the Owners or Proprietors of Land in the said Parishes, as to the Effect of the said Acts of Parliament, and the Validity and Effect of the said Awards made by virtue thereof, and as to the Extent of the Glebe Lands belonging to the Churches of the said Parishes, and as to the Right to Tithes in Kind, both great and small, of the said Rector and Vicar, arising within the said Parishes, or within such Parts thereof as are not included in the said Award; and it is expedient that the Rights of certain Parties interested therein should be ascertained and defined, and that Provision should be made for the Union of the said Parishes, for the better and more convenient Parochial Arrangements of the same; but the Objects aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Parishes of *Saint Mary* and *Saint Gabriel Binbrooke* shall from and after the passing of this Act be united and be deemed One Parish and be a Rectory under the Name of *Saint Mary* and *Saint Gabriel Binbrooke*

Award dated
6th Oct.
1740.

44 G. 3. c. 44.

Award dated
19th July
1806.

Parishes of
St. Mary and
St. Gabriel
Binbrooke
united.

brooke in the County of *Lincoln*, and that the Parish Church of the said Parish of *Saint Mary* shall become and be the Church of the said united Parish, and the present Incumbent of the said Parishes and his Successors shall be the Rectors of the said united Parish.

II. And be it enacted, That from and after the passing of this Act the Glebe Land now belonging to and in the Possession of the said Rector and Vicar of the said Parishes respectively shall be deemed to belong to the Rector of the said united Parish and his Successors absolutely, and that the several other Lands which are specified in the Schedule hereunto annexed, and whether old Inclosures or allotted by the said Two herein-before recited Awards, or either of them, or otherwise, shall, as between the Rector of the said united Parish and his Successors, and the several Owners of the same, specified in the same Schedule, be deemed and taken to be well and effectually vested in the same Owners respectively, freed and discharged from all Claims of the said Rector and his Successors, subject nevertheless as herein-after is mentioned; and that as regards the same Land so specified in the said Schedule the said Awards are hereby (except as far as the same are by this Act varied) ratified and confirmed.

Defining
Glebe Lands.

III. And be it enacted, That from and after the passing of this Act the Sixpence an Acre payable under the said recited Acts and Awards shall, as to the Lands specified in the Schedule to this Act, cease and be no longer payable; and in lieu of all Tithes to which the Lands specified in the same Schedule are liable, and in lieu of the said yearly Rent or Sum of Sixpence *per* Acre, or any other Rent or Charge (if any) to which the said Lands are liable under the said recited Acts and Awards, the Rector of the said united Parish for the Time being shall and may have, receive, and take, out of the Lands and Grounds in the said united Parish so specified in the said Schedule, the several yearly Rents or Sums specified in the said Schedule, and set opposite to the Lands and Grounds on which they are hereby respectively charged, to be paid by the several Persons who shall be Owners or Proprietors of the said Lands and Grounds for the Time being for ever, the said several and respective yearly Rents to be payable by equal half-yearly Instalments on the First Day of *October* and the First Day of *April* in every Year, the first Payment thereof to be made at the first of such Days which shall next happen after the passing of this Act; provided that it shall be lawful for every Owner of an Estate in Land, not being less than an Estate for Life, by Deed under Hand and Seal, to be enrolled with the Clerk of the Peace for the Division or Parts of *Lindsay* in the County of *Lincoln*, and of which Deed Notice shall be given to the Rector of the said united Parish for the Time being, to charge the said Rent or annual Sum to be paid in respect of his or her Lands as aforesaid upon any Part of the said Lands, not being less than One Acre, in respect of every Six Shillings of such Rent, in exoneration of the Residue of such Lands, and thereupon the Land not charged therewith shall be exonerated therefrom.

Amount of
Rent-charge
to be paid in
lieu of Tithes.

IV. And be it enacted, That in case the said yearly Rent-charges specified in the said Schedule, or any of them, or any Part thereof, shall

Remedy for
recovering
Rent-charge.

shall at any Time be in arrear and unpaid, it shall be lawful for the Person entitled to the same, his Executors or Administrators, to use and take all such Remedies for the Recovery thereof as are provided by the Acts for the Commutation of Tithes in *England* and *Wales*, in like Manner as if the said yearly Rent-charges had been Rent-charges payable under the said last-mentioned Acts or any of them; and the Provisions of the said last-mentioned Acts, or any of them, for the Apportionment of Rent-charge between the Incumbent and his Successor, and for enforcing Contributions between Landowners in respect of the same where One Allotment shall belong to Two or more Owners in Severalty, shall also apply to the said yearly Rent-charges as if the same were Rent-charges payable under the said last-mentioned Acts or any of them.

Expenses of Act.

V. And be it enacted, That all Costs, Charges, and Expenses of passing this Act, and all other Charges preliminary or incident to or attending the obtaining thereof, shall be borne and paid by the said Rector; but the Sum of Five hundred Pounds, Part thereof, shall be contributed and paid to the said Rector by the said Owners of Land specified in the said Schedule in the Proportions in which the said Lands shall be rated to the Relief of the Poor in the Assessment of the Poor's Rate to be made for the said united Parish next after the passing of this Act; and the Residue of the said Costs, Charges, and Expenses, as well as all other Costs, Charges, and Expenses of the said Rector up to and including the passing of this Act, relating to the Question of his Right to Tithes or to the Glebe Land, or of the Validity of the said Inclosure Acts and Awards, shall be borne and paid by the Rector of the said united Parish, the Amount of the said Costs, Charges, and Expenses to be ascertained and certified under the Hand of any One of the Tithe Commissioners for *England* and *Wales*.

Rector may assign annual Rent-charge for securing Expenses.

VI. And be it enacted, That the said Rector may advance or borrow the Sum necessary to defray so much of the said Costs, Charges, and Expenses as shall be payable by him as such Rector, or any Part of such Sum, and as a Security for Repayment may charge or assign the said Living or Rectory of the said united Parish for Twenty Years, or until the Principal Sum advanced or borrowed, and the Interest thereon at the Rate of Four Pounds by the Hundred for a Year, and the Expenses of such Charge or Assignment, shall be sooner paid; and every Rector of the said united Parish successively shall pay the Interest of the Sum advanced or borrowed, or of so much thereof as shall for the Time being remain unpaid, as the same shall become due, or within One Calendar Month next following, and also an Instalment every Year at the Rate of Five Pounds for every Hundred Pounds of the Principal Sum advanced or borrowed, and in default of such Payment the Ordinary of the said Rectory may sequester the Profits thereof until such Payments shall be made.

Parties having limited Interest may charge Inhe-

VII. And be it enacted, That every Owner of an Estate in Land in the said united Parish less in the whole than an immediate Estate of Fee Simple or Fee Tail, or which shall be settled upon any Uses or Trusts, may charge so much of the said Costs, Charges, and Expenses

Expenses as is to be defrayed by him, or any Part thereof, and the Interest thereon after the Rate of Four Pounds by the Hundred for a Year, upon the Lands in respect whereof such Portion of Costs, Charges, and Expenses is to be defrayed by him, but so nevertheless that the Charge upon such Lands respectively shall be lessened in every Year by One Twentieth Part at least of the whole original Charge thereon.

ritance with Expenses.

VIII. And whereas by a Decree of the High Court of Chancery made on the Twentieth Day of *March* One thousand eight hundred and forty-one, in a Cause wherein Her Majesty's Attorney General is Informant, and *John Iles* and *William Whitworth* are Defendants, it was declared that the Lands in the Pleadings in the said Cause mentioned (which consist of certain Lands known as Parish or Church Land, containing Fifty-three Acres Three Roods and Nine Perches, or thereabouts, now in the Occupation of *William Croft* and others), and the whole of the Rents and Profits thereof, were applicable for upholding the Church in the said Parish of *Saint Gabriel Binbrooke*: Now be it declared and enacted, That nothing in this Act contained shall in any way limit, alter, vary, or extend the Force and Effect of the said Decree, or prejudice or affect the Rights or Interests of the Queen's Majesty, Her Heirs and Successors, or of Her Majesty's Attorney General, or of the Charity in the Pleadings in the said Cause mentioned, or of any other Party or Parties, of or in the said Lands called Parish or Church Lands, or any Part thereof.

Nothing in this Act contained to affect the Proceedings in the Attorney General v. Iles.

IX. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and Proceedings, it shall be sufficient to use the Expression "The *Binbrooke* Inclosure Amendment Act, 1849."

Short Title.

X. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

Public Act.

The SCHEDULE to which this Act refers.

Proprietors of Land to be subject to the Rent-charge.	Occupiers.	Description of Property.	Quantity.			Proposed Rent-charge.		
			A.	R.	P.	£	s.	d.
Edmund Denison, Esquire, M. P.	Himself -	} Messuages and Lands in Bin- brooke Proper	1,645	0	16	53	12	6
	John Iles -							
	Cornelius Stoven -							
	Edward Toplis -							
	John Enderby -							
	John Fletcher -							
Christopher Tur- nor, Esquire.	Fieldsend, Charles	Lands - - -	149	0	13			
	Johnson, Robert	Messuage and Lands	631	1	30			
	Croft, William -	Ditto - - -	468	3	7			
	Marris, William	Ditto - - -	286	0	19			
	Mansell, William	Ditto - - -	0	0	33			
	Burwell, John -	Ditto - - -	0	1	30			
	Burman, Charles	Ditto - - -	7	0	5			
	Walker, John -	Ditto - - -	0	2	26			
	Borne, William -	Lands - - -	0	1	18			
	Carpenter, John	Ditto - - -	0	3	38			
	Garden Allot- ments -	Ditto - - -	0	3	10			
	Fawssett, William	House and Lands -	3	2	29			
	In hand -	Lands - - -	26	3	2			
		Total -	1,576	1	20	42	6	6
Reverend R. B. Caton.	Thomas Dymock	} Messuages and Lands in Bin- brooke Proper	723	2	31	25	7	4
	Thomas Bland -							
	William Smith -							
	James Fletcher -							
	John Chapman -							
	John Lidgard -							
	John Enderby -							
Mr. John Benn -	Self - - -	Lands in Binbrooke Proper -	178	3	0	5	4	0
John Angerstein, Esquire.	— Towler -	Ditto - - -	128	0	27	5	14	0
Reverend F. K. Sanders.	John Parker -	Messuage and Lands in Bin- brooke Proper - - -	121	0	0	4	5	6
Mr. Thomas Bland	Self - - -	Ditto - - -	101	0	0	3	15	6