



ANNO QUINQUAGESIMO PRIMO

# GEORGI III. REGIS.



## Cap. 88.

An Act for inclosing and exonerating from Tythes,  
Lands in the Parish of *Somerby*, in the County of  
*Lincoln*. [14th May 1811.]

**W**HEREAS there are within the Parish of *Somerby*, in the County of *Lincoln*, a certain Open Pasture and Waste Lands, containing One hundred and Twenty Acres, or thereabouts, and certain inclosed Grounds estimated to contain about Two thousand Acres: And whereas Sir *William Manners* Baronet, is Lord of the Manor of *Somerby* aforesaid: And whereas the Right Honourable *Peter* Lord *Gwydir* is Patron of the Rectory and Parish Church of *Somerby* aforesaid, and *John Myers* the Younger, Clerk, is Rector of the said Rectory and Parish Church, and as such is entitled to certain Glebe Lands and Common Right within the said Parish, and to all the Tythes arising upon the Tytheable Lands within the said Parish: And whereas the said Sir *William Manners* and *William Dowdeswell* Esquire are Proprietors of and interested in the said Open Pasture and Waste Lands, and the Right Honourable *Dudley* Earl of *Harrowby*, Viscount *Sandon*, the said Sir *William Manners*, *William Dowdeswell*, and others, are the Proprietors of and interested in the inclosed Grounds within the said Parish liable to the Payment of Tythes: And whereas an Act was passed in the Forty-first Year of the Reign of His 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 usually required on the passing of such Acts*: And whereas it would be an Advantage to the Persons interested, if the said Common Pasture and Waste Lands were divided into

[Loc. & Per.]

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specific Parts or Allotments, and such Allotments were inclosed and held in Severalty, and if Compensation were made to the Rector of the said Parish, in lieu of all the Tythes arising upon the Tytheable Lands, as well open as inclosed, within the said Parish of *Somerby*; but the several beneficial Purposes aforesaid cannot 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 *John Burcham* of *Coningsby*, in the said County of *Lincoln*, and *William Cox*, of *Culland*, in the County of *Derby*, Gentlemen, shall be and they are hereby appointed Commissioners for setting out, dividing, allotting, inclosing and otherwise improving the said Open Pasture and all other Commonable and Waste Lands within the said Parish of *Somerby*, and for putting this Act in Execution, pursuant to the Powers, Directions, Regulations, Restrictions and Provisions hereinafter contained, and with, under and subject to such of the Powers, Regulations, Restrictions and Provisions contained in the said recited Act, as are not repugnant to, or altered or otherwise provided for by any of the Clauses, Provisions or Regulations contained in this Act.

Umpire to be  
appointed.

II. And for the Purpose of settling and determining any Difference or Dispute that may arise between the said Commissioners, touching or concerning any of the Matters and Things to be by them done and performed in pursuance of the said recited Act or of this Act; be it further enacted, That the said Commissioners shall and they are hereby required, immediately after their taking and subscribing the Oath by the said recited Act directed to be by them taken and subscribed, by Writing under their Hands, to choose, nominate and appoint some proper and skilful Person (not interested in the said Division or Inclosure) who shall be willing and consent to act as an Umpire; and such Umpire is hereby authorized and required to hear and determine any such Difference or Dispute as may arise between the said Commissioners, touching any Matter or Thing arising in the Execution of this Act or of the said recited Act, and the Judgment and Determination of the said Umpire therein shall be deemed and considered to be the Judgment and Determination of the said Commissioners, and shall be final and conclusive upon the said Commissioners, and upon all other Persons concerned, so far as the Acts of the said Commissioners are by the said recited Act and this Act made final and conclusive; and in case any such Umpire shall neglect to settle and determine any such Difference or Dispute within Forty Days after the same shall have been referred to him by the said Commissioners, such Neglect shall be and be deemed and taken to be a Refusal to act within the Intent and Meaning of this Act; but no such Umpire shall be empowered to act for any other Purpose than the determining of such Difference as aforesaid.

Oath to be  
taken by  
Umpire or  
Surveyor.

III. Provided always, and be it enacted, That no Person shall be capable of acting in the Execution of this Act as Umpire, or as a Surveyor, 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,



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 and Authorities vested and reposed in me as an Umpire [or, as a 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 [*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.

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

IV. And be it further enacted, That if any of the Commissioners or any Umpire appointed by or in pursuance of this Act, or who shall have been elected in Manner hereinafter mentioned, shall before the Execution of all the Powers and Authorities hereby, and by the said recited Act, in them respectively vested, die, decline or refuse to act or become incapable of acting, a new Commissioner or Commissioners or Umpire, in the Room of every such Commissioner or Umpire so dying, declining or refusing to act, or becoming incapable of acting, shall be appointed in Manner following; that is to say, if the said *John Burcham* shall die, decline, refuse to act, or become incapable of acting, it shall be lawful for the Majority in Value (such Value to be ascertained by the Land Tax Assessment or other sufficient Means) of the Proprietors of or Persons interested in the Lands and Grounds to be divided, inclosed and exonerated from Tythes, in pursuance of this Act (except the Rector of *Somerby* aforesaid for the Time being), or their respective Agents or Attornies, who shall be present, at a Meeting to be held for that Purpose in some convenient Place in the said Parish, in pursuance of a Notice in Writing, specifying the Time, Place, and Purpose of such Meeting, to be affixed upon the principal outer Door of the said Parish Church, at least Fourteen Days before such Meeting, by Writing under their respective Hands, to appoint some fit and proper Person, not interested in the Premises, to be a Commissioner in the Room and Stead of the said *John Burcham*, and so from Time to Time as often as any Commissioner so to be appointed by the said Proprietors as last aforesaid, shall die, decline, or refuse to act, or become incapable of acting; and that in case the said *William Cox* shall die, decline, refuse to act or become incapable of acting, it shall be lawful for the said *John Myers*, or the Rector of the said Rectory for the Time being, by Writing under his Hand, to appoint some fit and proper Person, not interested in the Premises, to be a Commissioner in the Room of the said *William Cox*, and so from Time to Time as often as any Commissioner so to be appointed as last aforesaid shall die, decline or refuse to act, or become incapable of acting; and in case the said respective Parties, or either of them, shall make Default in appointing any such new Commissioner within Two Calendar Months next after the Vacancy shall happen, then the surviving or remaining Commissioner is hereby authorized and required from Time to Time, by Writing under his Hand, within One Calendar Month after the Expiration of the said Two Calendar Months, or as soon afterwards as conveniently may be, to appoint some fit and proper Person, not interested in the said Division

Appointment  
of new Com-  
missioners and  
Umpire.

and



and Inclosure, to be a Commissioner in the Room of every Commissioner dying, declining, or refusing to act, or becoming incapable of acting as aforesaid; and in case such Umpire to be appointed as aforesaid shall die, decline, refuse to act, or become incapable of acting, it shall be lawful for the said Commissioners, by Writing under their Hands, to nominate and appoint one other fit and disinterested Person as such Umpire as aforesaid, in the Room of every Umpire so dying, declining, or refusing to act, or becoming incapable of acting as aforesaid, and so from Time to Time as often as any Umpire so to be appointed, shall die, decline or refuse to act, or become incapable of acting; and every Commissioner or Umpire to be appointed as herein directed, shall have the like Power and Authority to act in the Execution of the said recited Act and this Act, as the Commissioner or Umpire in whose Room he shall be appointed, was vested with by virtue of this Act.

Commissioners to give Notice of their Meetings.

V. And be it further enacted, That the said Commissioners shall and they are hereby required to cause Notice to be given either in the Newspaper called *The Lincoln, Rutland, and Stamford Mercury*, or in some other Newspaper printed or circulated in the County of *Lincoln*, or on the principal outer Door of the Parish Church of *Somerby* aforesaid, of the Time and Place of their First and every other Meeting for the Execution of this Act, at least Seven Days before any such Meeting shall be held (Meetings by Adjournment only excepted); and that the said Commissioners shall and may adjourn any such Meeting from Time to Time, and from Place to Place, as they shall see Occasion, for the further Execution of this Act; and in case both the said Commissioners shall not meet at the Time and Place appointed for any Meeting, or to which any such Meeting shall be adjourned, it shall be lawful for the other Commissioner present at such Time and Place to adjourn the said Meeting to any future Day, not exceeding Twenty-one Days from the Day of Adjournment, and the said Commissioner making such Adjournment is hereby required to give Notice thereof to the absent Commissioner.

Other Notices how to be given.

VI. And be it further enacted, That all other Notices required by the said recited Act, to be made and given by the said Commissioners, shall be so made and given by Writing to be affixed on the principal outer Door of the Parish Church of *Somerby* aforesaid, or by Advertisement in the said Newspaper, or if that Newspaper shall not then be published, in some other Newspaper printed or circulated in the County of *Lincoln*.

Place where Meetings are to be held.

VII. Provided always, and be it further enacted, That all Meetings of the said Commissioners for putting this Act in Execution shall be held at *Somerby* aforesaid, or within the Distance of Eight Miles from the Boundary of the said Parish.

Commissioners to settle Disputes.

VIII. And be it further enacted, That if any Dispute or Difference shall arise or happen between any of the Parties interested or claiming to be interested in the Division or Allotments intended to be made by virtue of this Act, touching or concerning any of the Estates, Claims, Rights or Interests, in or to the said Open Pasture, Waste and other Commonable Lands within the said Parish of *Somerby*, or any Part or Parts thereof, or touching or concerning the respective Rights and Interests which they or any of them, shall have or claim to have in, upon or over the



the same, or touching or concerning any other Matter or Thing relating to such Division and Allotments, it shall be lawful for the said Commissioner or Umpire, and they are hereby respectively authorized and required to examine into, hear and determine the same: Provided that nothing in this Act contained shall authorize the said Commissioners or Umpire to determine the Title to any 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 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.

Commissioners not to determine Titles, nor Rights contrary to the Possession.

IX. And be it further enacted, That in case the said Commissioners or Umpire shall upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of this Act or the said recited Act, see cause to award any Costs, it shall be lawful for the said Commissioners or Umpire, and they are hereby empowered, 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 for 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, then and in every such Case it shall be lawful for the said Commissioners or Umpire respectively, and they are hereby authorized and empowered, 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), on Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Power to assess Costs.

X. Provided always, and it is hereby enacted, That in case any Party or Parties making any Claim or Claims in pursuance of this or the said recited Act, or any Person or Persons objecting thereto, shall be dissatisfied with the Determination of the said Commissioners or Umpire, and shall by Writing under his, her or their Hand or Hands, or the Hand or Hands of his, her or their known Agent or Attorney respectively, signify the same to the said Commissioners or Umpire or either of them, within One Calendar Month next after any such Determination shall be made, in such Case, but not otherwise, it shall be lawful for the Person or Persons so dissatisfied with such Determination, to have the Subject of such Claim or Objection, in respect of which such Determination shall be made, tried at Law, by an Action to be brought by him, her or them against any Person or Persons in whose Favour any Determination shall have been so made upon a feigned Issue, to be settled by the proper Officer of the Court wherein such Action shall be brought, in case the Parties shall differ about the same, such Action to be brought within Two Calendar Months next after any such Determination shall have been made, and

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



the Defendant or Defendants in such Action shall, and he, she or they is and are hereby required to file common Bail, or appear to such Action, accept a Declaration, and plead to Issue, and the Plaintiff or Plaintiffs shall thereupon proceed in such Action, so as to have the same tried and determined at the first Assizes to be holden for the said County of *Lincoln*, after the Expiration of One Calendar Month from the Commencement of such Action; and the Verdict of the Jury on such Trial, if the same shall be satisfactory to the Court, shall be binding, final and conclusive upon all the Parties interested therein; but it shall be lawful for the Court wherein such Action shall be brought, to set aside such Verdict, and order a new Trial to be had thereupon, and also upon sufficient Cause shewn, to put off the Trial of such Issue, as is usual in other Cases; and after such Verdict shall be obtained, and not set aside by the Court, the said Commissioners or Umpire shall and they are hereby required to act in Conformity to the Verdict or Verdicts thereupon given, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials; provided that all Determinations of the said Commissioners or Umpire which shall not be objected to in due Time, or being objected to, if the dissatisfied Party or Parties shall not cause such Action at Law to be brought and prosecuted as aforesaid, shall be absolutely binding, final and conclusive unto and upon all Parties and Persons whomsoever.

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

Allowing Actions to be brought after the Deaths of Parties.

XI. And be it further enacted, That if any of the Parties in any Action to be brought in pursuance of this Act or the said recited 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; 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 such 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 the Clerk of the said Commissioners with Notice 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 thereon in the same Manner as if such Person or Persons had been actually living, and the Rights of all Parties shall be equally concluded by the Event of such Action or Actions.

Commissioners to give Notice of Allotments being made, and of Common Rights being

XII. And be it further enacted, That the said Commissioners, when and so soon as they shall have finally settled and determined upon the several Allotments to be made to the respective Proprietors and Persons interested, shall cause the same to be staked out, and forthwith give Notice upon the principal outer Door of the said Parish Church of *Somerby*, of their having completed all the said Allotments, and appoint some convenient Time and Place where every Proprietor may receive a Schedule  
of

of his or her own Allotment respectively; and shall by some Writing extinguished, under their Hands, and published as required by this Act, order and before the appoint at what Time or Times the said Proprietors may and are required Execution of to enter upon their respective Allotments, and how, and when, and by the Award. whom the same are to be fenced, and from what Time or Times the Right of Common or Pasturage thereon shall cease and be extinguished.

XIII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered to stop Power to dis- continue Roads be- tween Old In- closures. up any old Carriage Road, Bridle-way or Footpath, leading through and over the Lands and Grounds intended to be divided and inclosed by virtue of this Act, or passing or leading through any of the old Inclosures in the said Parish of *Somerby*; and the Soil of the Roads or Ways so to be stopped up, shall be deemed and taken as Part of the Lands and Grounds to be divided and allotted by virtue of this Act, or shall be allotted and disposed of in such other Manner and to such Person or Persons as the said Commissioners shall direct or award, provided that no such Carriage Road, Bridle-way or Footpath, passing or leading through old Inclosures, shall be stopped up, without the Concurrence and Order of Two Justices of the Peace acting in and for the County, Division, Parts or District in which such Roads or Ways are situated, and not chargeable towards the Repair thereof, which Order shall be subject to Appeal at the Quarter Sessions for the same County, Division, Parts or District, in like Manner and under such Forms and Restrictions as if the same had been originally made by such Justices.

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

XV. And be it further enacted, That where any Parcel of Land 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 on the same Freeboard and Ditch from the Land adjoining thereto. Freeboards.

XVI. And



Allotments  
for getting  
Materials for  
repairing the  
Roads.

XVI. And be it further enacted, That the said Commissioners shall and they are hereby required to set out, assign and allot such convenient Parcels of Ground, Part of the Lands by this Act directed to be divided and inclosed, as they shall think proper, not exceeding Two Acres, for the Purpose of getting Materials for repairing the public Roads and Highways within the said Parish, and for such other Purposes as the said Commissioners shall by their Award direct; and such Parcels of Land shall be vested in the Surveyor or Surveyors for the Time being of the Highways within the said Parish, for the Purposes aforesaid; and the same shall be inclosed and fenced, and such Fences shall be maintained by such Person and in such Manner as the said Commissioners shall direct; and the Grass and Herbage thereof shall belong to and be taken and enjoyed by such of the Proprietors of the Lands, by this Act directed to be divided, as the said Commissioners shall by their Award direct and appoint.

Allotment for  
Glebe.

XVII. And be it further enacted, That the said Commissioners shall in the next place set out and allot unto the said *John Myers* and his Successors, Rectors of the said Rectory, such Part and Proportion of the Lands and Grounds directed by this Act to be divided, as shall in their Judgment be a full Equivalent and Compensation for his Glebe Lands and Right of Common over and upon the said Lands and Grounds so directed to be divided as aforesaid.

Allotment for  
Tythes of the  
Open Lands.

XVIII. And be it further enacted, That the said Commissioners shall and they are hereby required in the next place to set out and allot unto and for the said *John Myers* and his Successors, Rectors of the said Rectory, One or more Plot or Parcel, Plots or Parcels of Land, which in the Judgment of the said Commissioners shall be equal in Value to One-eighth Part of all the then Residue of the said Open Pasture and Waste Lands, subject to Tythes in Kind, in lieu of all Tythes arising in, over or upon the said Open Pasture and Waste Lands by this Act directed to be divided.

Allotment to  
the Lord of  
the Manor.

XIX. And be it further enacted, That the said Commissioners shall and they are hereby required in the next place to set out and allot unto and for the Lord of the Manor of *Somerby* aforesaid, out of the said Open Pasture and Waste Lands hereby directed to be divided and inclosed, such Parcel of Land as in the Judgment of the said Commissioners shall be equal in Value to One-twentieth Part of the then Residue of the Waste Lands within the said Manor, for and in lieu of and as a full Recompence and Satisfaction for the Right of the Lord of the said Manor to the Soil of all the Waste Lands.

Particular  
Lands to be  
allotted to  
the Rector of  
*Somerby*.

XX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required to assign, award and allot unto and for the said *John Myers* and his Successors, Rectors of the said Rectory of *Somerby*, a Close or Parcel of inclosed Ground in *Somerby* aforesaid, containing One Acre and a Half or thereabouts, adjoining the Rectory Garden, and being the Property of the said *William Dowdeswell*.

Lands to be  
allotted to  
General  
*Dowdeswell*.

XXI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required



quired to set out and allot unto and for the said *William Dowdeswell*, his Heirs and Assigns, so much and such Part of the Open Pasture or other Lands belonging to the said Rectory, as shall be equal in Value to the said Acre and a half of Ground adjoining the said Rectory Garden, herein directed to be allotted to the said *John Myers* and his Successors, Rectors as aforesaid.

XXII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required to assign, award and allot unto and for the said *John Myers* and his Successors, Rectors of the said Rectory, a Close called the *Pound Close*, containing Eight Acres (more or less) in the Tenure or Occupation of *Jonathan Wilkins Cragg*, his Undertenants or Assigns (adjoining to the said Close, containing One Acre and a half or thereabouts) with the Cottages standing in or adjoining to the said Close called the *Pound Close*, being the Property of the said *Sir William Manners*.

Other Lands  
to be allotted  
to the Rector

XXIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required to assign, award and allot unto and for the said *Sir William Manners*, his Heirs and Assigns, so much and such Part of the Open Pasture, or Part of the Glebe Lands belonging to the said Rectory, adjoining the Lands of the said *Sir William Manners* in *Somerby* aforesaid, near the Wood, or near his Lands in *Somerby* aforesaid, in the Occupation of *John Andrew*, as shall be equal in Value to the said *Pound Close*, containing Eight Acres (more or less) herein directed to be allotted to the said *John Myers* and his Successors, Rectors as aforesaid.

Lands to be  
allotted to  
*Sir William  
Manners*.

XXIV. And be it further enacted, That the Residue of the said Open Pasture and Waste Lands hereby directed to be divided, shall by the said Commissioners be set out and allotted unto, for, between or amongst the several and respective Persons, who at the Time of making such Allotments shall be entitled to any Estate, Property, Right of Common, or other Right or Interest whatsoever therein, according to their respective Interests, for and in lieu of and as a Recompence and Compensation for all such their respective Rights and Interests, to be ascertained and adjusted by such Ways and Means as to the said Commissioner shall seem most proper.

Allotment of  
the Residue.

XXV. And be it further enacted, That the Allotment or Allotments, to be made and set out to the said Rector in lieu of or for Glebe, Common Rights and Tythes, shall be severally ring-fenced, and fenced against all public Carriage Roads, on all such Parts and Sides thereof respectively as shall not be ordered by the said Commissioners to be fenced by any other Proprietor with Quicksets, guarded on both Sides by good Oak Posts and Oak or Ash Rails, and Three Rails high, and a good Oak Gate, properly hung, and a Pair of Oak Posts, to each Allotment, at such Times and by such Person or Persons as the said Commissioners shall appoint to make the same, at the Expence of the other Proprietors of the said Open Pasture and Waste Lands, and without any Deduction from the Allotment or Allotments of the said Rector, on account of such Expence, but that such Parts of the said ring-fencing (after having been made as aforesaid) as the said Commissioners shall think reasonable, shall from thenceforth and for ever afterwards be supported, maintained and

For fencing  
Glebe, Tythe  
and other  
Allotments.



repaired by the said Rector and his Successors, in such Manner as the said Commissioners shall in and by their Award direct or appoint; and that the several other Allotments to be made by virtue of this Act, shall be inclosed, hedged, ditched or otherwise fenced, and such Fences for ever thereafter repaired by and at the Expence of the respective Persons to whom the same shall be allotted, within such Time and in such Proportions and Manner as the said Commissioners shall direct.

General Power to make Exchanges.

XXVI. And be it further enacted, That it shall be lawful for the said Commissioners to assign and set out any Allotment or Allotments to be made by virtue of this Act, or any Part or Parts of such Allotment or Allotments, or any Manors, Messuages, Cottages, old Inclosures, Lands, Tenements, Rents, Tythes or other Hereditaments situate or arising within the said Parish of *Somerby*, in lieu of and exchange for any other Manors, Messuages, Cottages, old Inclosures, Lands, Tenements, Rents, Tythes or other Hereditaments, situate or arising in the said Parish, or within any Parish or Place adjoining thereto, so as every such Exchange be made by the Award of the said Commissioners, or by some Instrument to be executed by them previous to the Execution of their Award; and be declared and set forth in such Award, and be made with the Consent and Approbation of the respective Proprietors or Person or Persons, Bodies Politic or Corporate, seised of or beneficially entitled 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, Trustees or Guardians, Committees or Attornies of or for any such Proprietors who at the Time of making any such Exchange, shall be under Coverture, Minors, Lunaticks, 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 Lands, Tenements or Hereditaments holden in Right of any Church, Chapel or other ecclesiastical Benefice, be made with the Consent of the Lord Bishop of the Diocese in which such Lands, Tenements or Hereditaments shall lie or be situate, and of the Patron or Patrons thereof 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, as in respect of the Hereditaments within any Parish or Place adjoining thereto respectively, be for ever good, valid and effectual in the Law to all Intents and Purposes whatsoever.

Power to vacate Leases.

XXVII. 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 *Somerby*, which are hereby directed to be divided or which shall be exchanged by virtue of this Act, and of all Messuages, Homesteads and old Inclosures situate in the said Parish of *Somerby*, which are let therewith respectively, shall immediately from and after dividing, allotting and exchanging the same Lands and other Hereditaments respectively, or at such other 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



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.

XXVIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to determine, prejudice or affect any Lease or Agreement of or concerning any antient inclosed Lands or Hereditaments situate in the said Parish of *Somerby*, in which Lease or Agreement no Part of the Lands or Grounds directed to be inclosed, or any Interest therein is comprized; but that it shall be lawful for the said Commissioners, upon the Application of either Party interested in any such Lease for any longer Term than One Year from the passing of this Act, to ascertain and determine what increased Rent shall be paid or allowed to the respective Lessor or Lessors in respect of the Benefit to be derived by the Exoneration of the said Lands from the Payment of Tythes in Kind, and such Advance or Increase of Rent shall be paid to and recovered by the Lessor or Lessors in the same Manner and on the same Days as the Rents reserved in such Leases shall be payable respectively.

But not  
Leases of old  
inclosed  
Lands only.

XXIX. 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 (Leases or Agreements for Leases at Rack-Rents only excepted), 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, Grounds or Hereditaments which shall be set out, allotted, awarded, exchanged or parted by Authority of this Act, but that such last-mentioned Lands, Grounds and Hereditaments shall respectively be, remain and enure, and be held and enjoyed, and the several Proprietors to whom the same shall be set out, allotted, awarded or given in Exchange, or on Partition as aforesaid, shall stand and be seised and possessed thereof respectively under and liable to the same Uses, Trusts, Estates and Interests, and subject to such and the same Wills, Settlements, Leases, Powers, Provisoos, Limitations, Remainders, Charges, Incumbrances and Demands as the Lands, Interest or Property in respect whereof the same were made, would have been subject or liable to or been affected by in case such Allotments, Exchanges and Partitions had not been made, or this Act had not passed; but subject nevertheless to the Provisions contained in this Act.

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

XXX. And



For ascertaining annual Rents to be paid in lieu of Tythes of inclosed Lands.

XXX. And whereas it is also proposed and agreed, that all Tythes whatsoever out of, for or in respect of any antiently inclosed and other Lands, Tenements or Hereditaments within the Parish of *Somerby* aforesaid, and payable to the Rector of the said Parish, for which Compensation in Land is not hereinbefore directed to be made, shall cease and be for ever extinguished, and that in lieu of such Tythes, yearly Rents or Sums of Money shall be ascertained and paid to the Rector of the said Parish for the Time being, in Manner hereinafter mentioned; be it therefore further enacted, That it shall be lawful for the said Commissioners, and they are hereby required to make a just and true Valuation of all the Tythes both great and small, issuing or payable out of, for or in respect of all such last-mentioned Lands and Tenements in the said Parish, subject to the Payment of Tythes in Kind to the said Rector, according to the present annual Value of such Tythes (in making of which Valuation the Tythes of Arable Lands shall be deemed equivalent to One-fifth Part of the annual Value of such Lands, and the Tythes of all other Lands shall be deemed equivalent to One-eighth Part of the annual Value of such last-mentioned Lands); and shall also ascertain and determine what yearly Sums of lawful Money of *Great Britain*, according to the Valuation aforesaid, are equivalent to the Tythes of each Proprietor's Lands and Tenements within the said Parish, subject or liable to Tythes; which said yearly Sums shall be severally charged upon the Lands and Tenements of the respective Proprietors, as yearly Rents payable thereout respectively to the said Rector and his Successors in lieu of the Tythes thereof, and the same Rents shall accordingly be and are hereby charged on the said several Lands and Tenements of the said several Proprietors; and the said Commissioners shall also from the *London Gazette*, or in case no Returns are published therein, then by such other Ways and Means as they shall think most proper, ascertain and determine 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 the said Commissioners shall set forth the several Particulars hereinbefore directed to be ascertained in their Award; and the several yearly Rents or Sums which shall be ascertained and set forth as aforesaid, shall be issuing and payable from and out of the several Lands and Tenements to be charged therewith as aforesaid, and the same yearly Rents shall be payable and paid to the said Rector and his Successors at the Rectory House of *Somerby* aforesaid, (clear of all parochial Taxes, Rates, Dues, and Assessments whatsoever) by equal Half-yearly Payments on the Fifth Day of *April* and the Tenth Day of *October* in every Year, the First Payment thereof to begin and be made on such of the said Days as the said Commissioners shall direct by their said Award, or by any Notice in Writing to be given and published previous to the Execution of the said Award, in like Manner as is hereinbefore mentioned with respect to the Meetings of the said Commissioners; and in case the said yearly Rents or Sums or any of them, or any Part or Parts thereof, shall at any Time or Times be behind or in arrear, after the same shall become due and payable, it shall be lawful for the said Rector and his Successors to have and exercise the same Powers and Remedies, by Distress and otherwise, for recovering the same,



as by the Law of *England*, whether at common Law or under any Statutes or Statute, are applicable for the Recovery of the Arrear of Rent reserved on any Lease or Demise of Lands; and upon the Death, Cession, Resignation or Removal of any Rector of the said Parish, before the Time at which any Half-yearly Payment of the said Rents shall become due, such Rector, his Executors or Administrators, shall be entitled to a Proportion of every such Half-yearly Payment, according to the Number of Days elapsed from the Half-yearly Day of Payment then last past to the Day of his Death, Cession, Resignation or Removal; and the Remainder of every such Half-yearly Payment shall belong to the Person who shall be Rector when the particular Half-year shall become complete, and such apportioned Sum shall be recoverable by the Persons respectively entitled to the same, in the same Manner as entire Half-yearly Payments of the said Rents are hereby made recoverable as aforesaid: Provided always, that the annual Sum to be paid to the said Rector and his Successors, for the First Term of Fifteen Years, shall not be less than the Sum of Five hundred and twenty-five Pounds: Provided also, that if by reason of the temporary Cultivation in Tillage of the Lands and Tenements of any Proprietor or Proprietors, it shall appear to the Satisfaction of the said Commissioners that such Proprietor or Proprietors would, in pursuance of the Directions hereinbefore contained, be charged with a greater yearly Rent or Sum than under all Circumstances would be just and equitable, it shall be lawful for the said Commissioners in any such case, if they shall deem it expedient, but not otherwise, to relieve such Proprietor or Proprietors by charging a Part or Proportion of such yearly Rent or Sum on the Proprietor or Proprietors of some other Lands intended to be discharged of Tythes by such yearly Rent or Sum as aforesaid, but so as that the total Amount of the Compensation for the said Rector be not thereby increased or decreased.

XXXI. And be it further enacted, That at any Time after the Expiration of Fifteen Years from the Date of the said Award, it shall be lawful as well for the said Rector and his Successors; as for the Owner or Owners of any Lands or Tenements charged with the said yearly Rents or Sums, or any of them, or any Part or Parts thereof respectively, to apply to any Court of Quarter Sessions of the Peace to be holden for the Parts of *Kesteven*, in the said County of *Lincoln* (Notice of such intended Application, in Writing under his, her or their respective Hand or Hands being affixed on the principal Door of the Parish Church of *Somerby* aforesaid, on some *Sunday* during divine Service, Fourteen Days at least before the Day on which such Sessions shall be appointed to be held), to nominate and appoint Three Persons to be Arbitrators for ascertaining the average Price of a *Winchester* Bushel of good marketable Wheat, within the County of *Lincoln*, for the Term of Fifteen Years then last past; and the Justices then and there assembled shall, by Order of the same Court, upon Proof of such Notice having been given as aforesaid, nominate and appoint Three fit and disinterested Persons to be Arbitrators for the Purposes aforesaid, and if the Occasion shall appear to the said Justices to require, nominate and appoint any other such Person or Persons to the same Office, instead of any Person or Persons first nominated, until the Purposes of such Arbitration shall be wholly completed, and the said Arbitrators, or any Two of them, are hereby authorized and required, from the *London Gazette* or by such other

For ascertaining Corn Rents by the future average Price of Wheat.



Ways and Means as they shall think proper, to ascertain the average Price of a *Winchester* Bushel of good marketable Wheat, within the County of *Lincoln*, during the said Term of Fifteen Years then last past, (not estimating or including in such Ascertainment, the Price of Wheat for the Two Years in which such average Price shall have been the highest in that Period of Time, but upon the Average of the remaining Thirteen Years of the said Term): and the said Arbitrators or any Two of them, shall by their Report in Writing under their Hands, to be delivered to the Court of Quarter Sessions to be held for the said Parts of *Kesteven* aforesaid, next after their Appointment, set forth such average Price; and in case such average Price shall be found more or less by the Value of Two-pence per Bushel or upwards than the average Price of Wheat set forth in the said Award, the said yearly Rents or Sums then charged upon each Proprietor's Estate in lieu of Tythes shall be varied and increased or diminished in proportion to the Amount which the average Price so found by them, the Arbitrators, shall bear to the average Price so ascertained and set forth by the said Commissioners as aforesaid; and the said Arbitrators, or any Two of them, shall by their said Report set forth the exact Amount to which each of such yearly Rents or Sums shall be increased or diminished as aforesaid, which said Report shall by order of the same Court be confirmed, varied or altered, as to the said Justices then and there assembled shall seem just, and the said several yearly Rents or Sums so varied and ascertained as last aforesaid, shall, from the Half-yearly Day of Payment then last preceding, be, remain and continue issuing and payable to the said Rector and his Successors, from and out of the several Lands and Tenements charged therewith, for the Term of Fifteen Years then next ensuing, and until the same yearly Rents or Sums shall afterwards, upon a like Application, be again varied and ascertained according to the average Price of Wheat during the Term of Fifteen Years then last past; and such future Applications the said Rector and Proprietors are hereby respectively authorized to make from Time to Time after the Expiration of every Term of Fifteen Years, for ever, in such or the like Manner and Form as hereinbefore are mentioned and directed with respect to the first Application; but the Costs, Charges and Expences of every such Application to the Court of Quarter Sessions, and of varying and re-ascertaining such several yearly Rents or Sums as aforesaid, shall be paid and defrayed by the Person or Persons who shall give Notice of such Application respectively.

How such Rents may be apportioned.

XXXII. And be it further enacted, That it shall be lawful for the respective Owners for the Time being of any Lands or Tenements charged with the said yearly Rents or Sums, or any of them, or any Part or Parts thereof respectively, and the Patron and Rector of the said Rectory, and the Bishop or Ordinary of the Diocese in which the same lies, for the Time being respectively, by any Instrument or Writing to be by such Owners, Patron, Rector, and Bishop, or Ordinary, respectively signed from Time to Time, to divide and apportion all or any of the said yearly Rents or Sums, and to declare what Parts and Proportions thereof respectively shall in future be severally charged upon any Part or Parts of the Lands or Grounds originally charged with such entire yearly Rents or Sums as aforesaid, and after every such Apportionment the yearly Rents or Sums so apportioned shall be payable in such Parts and Proportions, and chargeable only upon such Lands and Grounds as shall be specified

in



in such Instrument of Apportionment in that Behalf; and every such Instrument of Apportionment, or a Duplicate thereof, shall, within Three Calendar Months after the Date thereof, be entered with the Registrar of the Diocese of *Lincoln*.

XXXIII. And for facilitating the Apportionment of the said yearly Rents or Sums, be it further enacted, That the said Commissioners shall, in a Schedule to their said Award, describe or specify the several Lands and Tenements which by their said Award shall be charged with the said yearly Rents or Sums, the Names of the respective Owners of the said Lands or Tenements, the Quantity thereof in Statute Measure, the yearly Rents or Sums charged thereupon, and the Rate by the Acre by which the same Lands and Tenements shall be charged with the said yearly Rents or Sums, and such other Particulars as the said Commissioners shall judge necessary or proper for facilitating the Apportionment of the said yearly Rents or Sums, and the Recovery thereof, and a Duplicate of the said last-mentioned Schedule, signed by the said Commissioners, shall also be deposited with the Registrar of the said Diocese of *Lincoln*.

For facilitating such Apportionment.

XXXIV. And be it further enacted, That the Allotments and yearly Rents or Sums which shall be set out and made payable to the said Rector and his Successors, in respect of Glebe, Right of Common and Tythes, shall be in lieu of and full Satisfaction and Compensation for all Glebe Lands and Rights of Common in and upon the Lands and Grounds hereby directed to be divided and inclosed, and also of and for all the great and small Tythes, Moduses, Compositions and other Payments whatsoever in lieu of Tythes arising, growing, renewing, increasing, appertaining, or due, or payable from, out or in respect of all and every the Messuages, Cottages, Tofts, Homesteads, Gardens, Orchards, inclosed Lands, Open Pasture, and other Commonable and Waste Lands, and all other Lands, Tenements and Hereditaments whatsoever within the said Parish of *Somerby*: and the same Tythes, Moduses, Compositions and other Payments in lieu of Tythes, shall immediately from and after the making and setting out of the Allotments and Commencement of the said yearly Rents or Sums as aforesaid, or at such other Time or Times as the said Commissioners shall, in and by their Award or any Writing to be signed by them previous to the Execution of their Award, direct or appoint, cease determine and be for ever extinguished, but *Easter Offerings*, Mortuaries and Surplice Fees shall not be prejudiced.

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

XXXV. And be it further enacted, That out of the Money that shall be raised for the defraying the Expences of obtaining and executing this Act, there shall be paid to each of the said Commissioners and Umpire acting in the Execution thereof, as a Recompence for his Pains and Trouble, the Sum of Three Pounds and Three Shillings for each and every Day he shall be employed in travelling to, attending on, and returning from the Execution of this Act, and no more; and that at all such Meetings to be held in pursuance of this Act, the said Commissioners and Umpire shall out of such Allowance defray their own Expences.

Commissioners Allowance.

XXXVI. And be it further enacted, That the Owners of the said Open Lands and Grounds hereby directed to be divided and inclosed, and also the

Expences of this Act, how to be paid.



the Owners of the inclosed Lands and Hereditaments intended to be discharged of Tythes by virtue of this Act, shall pay his, her or their Share of all the Charges and Expences of passing this Act, and of surveying, admeasuring and valuing the said inclosed Lands, and settling the Compensation for the Tythes thereof, and surveying, valuing, dividing and allotting the said Lands and Grounds hereby directed to be divided, and of setting out, forming and making the public and private Roads and Ways, Banks, Bridges, Drains and Water-courses, and of inclosing the Allotments to the said Rector and his Successors in lieu of Glebe, Right of Common and Tythes, and of preparing and inrolling the Award of the said Commissioners, and all other reasonable Expences and Charges of the said Commissioners, Umpire, Surveyor and other proper and necessary Expences in the Execution of this Act and of the said recited Act, from Time to Time, as the same shall respectively accrue to such Person or Persons, in such Proportion and Manner and at such Time or Times either before or after the Execution of the Award of the said Commissioners, as they the said Commissioners shall direct or appoint, according to the Extent of their several Interests therein, as to the said Commissioners shall seem just and equitable (the said Rector and his Successors, in respect of the said Allotments for Glebe Land, Right of Common and Tythes only excepted).

Expences of Exchanges and Partitions, by whom to be paid.

XXXVII. Provided always, 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.

Power to borrow Money.

XXXVIII. And be it further enacted, That it shall be lawful for any Proprietor or Proprietors, or Person or Persons beneficially entitled to any Allotment or Allotments to be made, or any inclosed Lands or Grounds to be discharged from Tythes respectively by virtue of this Act, being Tenant or Tenants for Life or Lives, or for Years determinable on a Life or Lives, or for any Estate of Freehold or Inheritance less than an Estate in Fee-simple, and to and for any Husbands, Guardians, Trustees, Committees or Attornies of any such Proprietor or Proprietors being under Coverture, Minors, Ideots, Lunatics, or beyond the Seas, or otherwise incapable of acting for themselves, by and with the Consent and Approbation of the said Commissioners, to be testified by Writing under their Hands and Seals, from Time to Time, either before or after the Execution of the said Award, to charge the said Lands and Grounds of such Proprietors or Persons respectively with any Sum or Sums of Money, for and towards their respective Proportions of the Expences of obtaining and executing this Act, and of inclosing, ditching, fencing and sub-dividing their respective Allotments, not exceeding Five Pounds for each Acre of such Lands and Grounds; and for securing the Re-payment of such Sum or Sums of Money with Interest, to grant, mortgage, lease or demise the said Lands and Grounds to such Person or Persons as shall advance any such Sum or Sums respectively, in such Manner and Form as in the said recited Act is directed and prescribed, in respect to the Mortgages or Securities thereby authorized to be made.

XXXIX. And



XXXIX. 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 lawful Interest to such Person or Persons, out of the first Monies to be raised by the Means aforesaid, for defraying the Expences of obtaining and executing the same Act.

Monies advanced to be paid with Interest.

XL. And be it further enacted, That *D'Ewes Coke* Esquire, Barrister at Law, shall be and he is hereby appointed Auditor of the said Commissioner's 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 *John Burcham*, and so from Time to Time as often as Occasion shall require; and the Accounts of the said Commissioners for the Time being, 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 Account shall be finally allowed, together with the Vouchers relating to the same, be examined by the said Auditor for the Time being, and the Balance by him stated in their Books of Account to be kept in the Office of the Clerk to the said Commissioners; 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.

Auditor appointed.

XLI. And be it further enacted, That the Award to be made by the said Commissioners shall be inrolled in Manner directed by the said recited Act, in one of His Majesty's Courts of Record, at *Westminster*, or with the Clerk of the Peace for the Parts of *Kesteven* in the said County of *Lincoln*, and when so inrolled shall be deposited in the Parish Church of *Somerby* aforesaid.

Award where to be inrolled and deposited.

XLII. 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 the said recited Act, or this Act, then and in every such Case (except in those Cases where the Orders and Determinations of the said Commissioners are by the said Act or this Act directed to be final, or which may be tried 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* in the said County of *Lincoln*, 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 Order 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 Parties concerned, and shall not be removed by *Certiorari*, or any Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

Persons aggrieved may appeal to the Quarter Sessions.



Saving Lords  
Rights.

XLIII. 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 Lord or Lords, Lady or Ladies of the said Manor of *Somerby* for the Time being, of in and to the Seignories and Royalties incident or belonging to such Manor, but that the Lord or Lords, Lady or Ladies, for the Time being, of the said Manor, shall and may from Time to Time, and at all Times hereafter, hold, receive, take and enjoy all Rents, Fines and 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.

XLIV. Saving always to the King's most Excellent Majesty, his Heirs and Successors, and to all and every other Person and Persons, Bodies Politic and Corporate, his, her and their Heirs, Successors, Executors, Administrators and Assigns (other than and except 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 Interests, 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 Rights, Title and Interests as they, every or any of them had or enjoyed, of, into or in respect of the Lands and Grounds hereby directed to be let out, allotted and awarded, in case this Act had not been made.

Act to be  
printed by  
the King's  
Printer.

XLV. 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.

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Printers to the King's most Excellent Majesty. 1811.