



ANNO QUADRAGESIMO SEXTO

GEORGI II. REGIS.

Cap. 23.

An Act for inclosing Lands in the Parish of *Martock*,
in the County of *Somerset*. [21st April 1806.]

WHEREAS there are in the Parish of *Martock*, in the County of *Somerset*, certain Open and Common Arable Fields and Lands, respectively called or known by the Names following; (that is to say), *Northfield*, *Eastfield*, and *Highcroft*, otherwise *Ryecroft*, in the Tything or Hamlet of *Milton Faulconbridge*, within the said Parish; *Durnfield*, *Middlefield*, and *Littlefield*, in the Tything or Hamlet of *Ash*, within the said Parish; *Northfield*, *Westfield*, *Eastfield*, and *Southfield*, in the Tything or Hamlet of *Witcombe*, within the said Parish; and *Riverfield* and *Turnpike Field*, in the Tything or Hamlet of *Coat*, within the said Parish; containing in the Whole, by Estimation, One thousand and Twenty-five Acres, or thereabouts, over and above all old Inclosures, Orchards, and Homesteads within the said Parish: And whereas His Royal Highness *George Augustus Frederick* Prince of *Wales* and Duke of *Cornwall*, is Lord of the Manor of *Milton Faulconbridge*, lying within the Parish of *Martock* aforesaid: And whereas His said Royal Highness, as Duke of *Cornwall*, is not only Lord of the Manor aforesaid, but is also a Proprietor in Remainder (subject to the Life Estates usually and customarily granted out by Copy of Court Roll and on Leases) of a great Part of the said Open and Common Arable Fields and Lands, as well as of old Inclosures, Orchards, and Homesteads lying within the Tythings or Hamlets of *Milton Faulconbridge* aforesaid, and of *Ash*, within the said Parish,

[Loc. & Per.]

5 C

28

as Part of His said Royal Highness's Possessions of His Duchy of *Cornwall*, who, with the several Copyholders and Leaseholders under the said Manor of *Milton Faulconbridge*, is so seised and possessed of or otherwise interested in such Part of the said Open and Common Arable Fields and Lands, old Inclosures, Orchards, and Homesteads within the same Tythings, Hamlets, and Parish: And whereas *Gerard Martin Berkeley Napier*, a Minor, is Lord of the Manor of *Ash*; within the Parish of *Martock* aforesaid, and Proprietor of a great Part of the said Open and Common Arable Fields and Lands, as well as of old Inclosures, Orchards, and Homesteads lying within the said Tythings or Hamlets of *Milton Faulconbridge* and *Ash*, within the said Parish of *Martock*; and *Edward Berkeley Portman*, of *Bryanston*, in the County of *Dorset*, Esquire, *Thomas Berkeley Troyte*, of *Hunsham*, in the County of *Devon*, Esquire, the Reverend *Edward Berkeley Troyte*, of the same Place, Doctor of Laws, and *Charles Knatchbull*, of *Babington*, in the said County of *Somerset*, Esquire, are Guardians and Trustees for the said *Gerard Martin Berkeley Napier*, a Minor as aforesaid: And whereas divers other Persons are Proprietors of the Remainder of the said Open and Common Arable Fields and Lands, and of the old Inclosures, Orchards, and Homesteads lying within the said Tythings or Hamlets of *Milton Faulconbridge* and *Ash*, within the Parish of *Martock* aforesaid, and also of the said Open and Common Arable Fields and Lands, as well as of old Inclosures, Orchards, and Homesteads lying within the said Tythings or Hamlets of *Witcombe* and *Coat*, within the same Parish of *Martock*: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty King *George* the Third, 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 the Lands of the respective Proprietors aforesaid of the said Open and Common Arable Fields lie intermixed and dispersed in small Parcels, and in their present State are subject to great Inconvenience and Loss in the Occupation and Use thereof; and it would be for the Benefit of such Proprietors if the said Open and Common Fields and Lands were divided and inclosed, and specifick Parts or Shares thereof allotted to and amongst the said Proprietors in Severalty, according to their several and respective Rights and Interests therein; but such Division, Allotment, and Inclosure 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 *Emanuel Pester*, of *Preston Plucknett*, in the said County of *Somerset*, Gentleman, and *Thomas Davis*, of *Horningsham*, in the County of *Wilts*, Gentleman, (and their Successors, to be elected in Manner herein-after mentioned) shall be, and they are hereby appointed Commissioners for dividing, allotting, and inclosing the said Open and Common Fields and Lands, and for executing all and every the Powers vested in them by this Act; and also such of the Powers, Authorities, Directions, Clauses, and Provisions contained in the said recited Act as are not altered, varied, or otherwise provided for in and by this Act.

Commission-
ers.

For appoint-
ing new Com-
missioners.

II. And be it further enacted, That when and as often as either of the said Commissioners, or any Commissioner or Commissioners to be here-
after

after nominated and appointed in pursuance of this Act, shall die, or refuse or neglect to act, or become incapable of acting as a Commissioner or Commissioners for the Purposes of this Act, then and in every such Case the major Part in Value (such Value to be ascertained by the Rate for the Relief of the Poor of the said Parish for that Year) of the several Proprietors of Lands in the said Open and Common Fields and Lands, present at some publick Meeting to be holden at some Inn within the said Parish of *Martock*, of which Meeting, and the Intent thereof, Notice shall be given by the Clerk to the said Commissioners at least Twenty-one Days previous to such Meeting, by affixing such Notice on One of the principal outer Doors of the Parish Church of *Martock* aforesaid, and by inserting the same in some Newspaper circulating in the said County of *Somerset*, and by sending the like Notice by Post to the Duchy Office, *Somerset Place, London*, addressed to His said Royal Highness's Surveyor General there, shall, and they are hereby empowered, by Writing from Time to Time under their Hands, to elect and appoint some other Person or Persons (not interested in the said intended Division, Allotment, and Inclosure) to be a Commissioner or Commissioners in the Room and Stead of such Commissioner or Commissioners so dying, or refusing or neglecting to act, or becoming incapable of acting as aforesaid; and every Commissioner so to be appointed from Time to Time, shall have the same Power and Authority to act in the Execution of the Powers given in and by this and the said recited Act, as if such Commissioner had been named a Commissioner in and by this Act.

III. Provided always, and be it further enacted, That in case the Commissioners named or appointed in or by virtue of this Act, shall at any Time or Times disagree in Opinion upon any Matter concerning which it shall be necessary for them to judge and determine in the Execution of this Act or the said recited Act, then, and as often as it shall so happen, the said Commissioners shall and may, and they are hereby authorized and required, to refer such Difference to the Judgement and Determination of an Umpire to be chosen by the said Commissioners; and in case the said Commissioners shall, for the Space of Seven Days after such Difference shall arise, neglect to appoint an Umpire as aforesaid, or if such Umpire shall die, or being appointed shall refuse to act, or become incapable of acting, then and in every such Case an Umpire shall be nominated and appointed by the major Part in Value of the said Proprietors of Lands, after the like Notice, and in such Manner as is herein-before directed concerning the Nomination and Appointment of a Commissioner in the Room or Stead of any Commissioner dying, or refusing or neglecting to act, or becoming incapable of acting, and so *toties quoties* in case any Umpire as last-mentioned shall die, or refuse to act, or become incapable of acting; and the Judgement and Determination of such Umpire, so to be chosen, or nominated and appointed, shall be conclusive between the said Commissioners, who shall in every such Case act conformably thereto.

IV. Provided always, and be it further enacted, That no Person shall be capable of acting as Umpire in the Execution of the Powers given by this or the said recited Act, until he shall have taken and subscribed the Oath following; (that is to say),

I DO

For appointing an Umpire.

Umpire to take an Oath.

Oath.

‘ I DO swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgement, execute and perform the several Powers and Authorities vested and reposed in me as an Umpire, by virtue of an Act, passed in the Forty-sixth Year of the Reign of King George the Third, intituled, [here insert 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 it shall be lawful for the said Commissioners, or either of them, to administer; and the said Oath so taken and subscribed by such Umpire, shall be annexed to and inrolled with the Award of the said Commissioners, and a Copy of the Inrolment thereof shall be admitted as legal Evidence.

Allowances to the Commissioners and Umpire.

V. And be it further enacted, That each of the said Commissioners and Umpire shall be allowed the Sum of Three Pounds and Three Shillings for his Trouble, Charges, and Expences, including all Travelling Charges and Expences, for each and every Day he shall necessarily attend in the Execution of the Powers of this Act or the said recited Act; and the said Commissioners shall have Power, and they are hereby authorized, to appoint a Clerk to assist them in the Execution of this and the said recited Act, and such Clerk from Time to Time to remove and another to appoint, as to them shall seem meet; and the said Clerk shall, in like Manner, be allowed the Sum of Three Pounds and Three Shillings for his Trouble, Charges, and Expences, including all travelling Charges and Expences, for each and every Day he shall necessarily attend the said Commissioners in the Execution of this and the said recited Act.

Commissioners to give Notice of their Meetings.

VI. And be it further enacted, That the said Commissioners shall, and they are hereby required, within Thirty Days after the passing of this Act, to give publick Notice in the Parish Church aforesaid, upon some *Sunday* immediately after Divine Service, and by Notice in Writing to be affixed on One of the Doors of the said Parish Church, immediately before Divine Service, and the like Notice in One or more of the *Sherborne* and *Salisbury* Newspapers, and by sending the like Notice by Post to the said Duchy Office addressed as aforesaid, of the Time and Place of their First Meeting for carrying this Act into Execution; and shall also give publick Notice in Manner aforesaid of the Time and Place of their Second and Third Meetings for executing the Powers hereby vested in them, Fourteen Days at least before such last-mentioned Meetings; and of each and every subsequent Meeting (Meetings by Adjournment only excepted) the said Commissioners shall give Eight Days Notice at least in the said Parish Church, upon some *Sunday* immediately after Divine Service; and in case both the said Commissioners shall not meet at the Time and Place appointed for any such Meeting, or to which any such Meeting shall be adjourned as aforesaid, it shall and may be lawful to and for the Commissioner who shall attend, and to and for the Clerk to the said Commissioners, in case neither of the said Commissioners shall attend, to adjourn such Meeting to any future Day, not exceeding Fourteen Days from the Day of such Adjournment, such Meeting to be holden at the same Place, or at such other Place within the said Parish of *Martock*, or within Eight Miles thereof, as to the Commissioner or Clerk making such Adjournment shall

shall seem most convenient; and the said Commissioner, or the Clerk making such Adjournment, is hereby required to give timely Notice thereof to the absent Commissioner or Commissioners: Provided always, that all Meetings to be holden by the said Commissioners for carrying this Act into Execution, shall be holden within the said Parish of *Martock*, or within Eight Miles thereof.

VII. Provided always, and be it further enacted, That all other Notices requisite and necessary to be made and given by the said Commissioners (the Manner of making and giving which shall not be otherwise provided for by this Act) shall be made and given by Advertisements in One or more of the said *Sherborne* and *Salisbury* Newspapers, or in case the same shall not be then published, then in some other Newspaper printed or circulated in the said County of *Somerset*, and also by sending Notice as aforesaid to the said Duchy Office.

Other Notices
how to be
given.

VIII. And be it further enacted, That all Encroachments and Inclosures made in, upon, and from any of the said Open and Common Fields or Lands, within the Space of Twenty Years next before the passing of this Act (except such as have been made by the Lord or Lords, Lady or Ladies of the said Manors, or any or either of them, or their Tenant or Tenants respectively by their Authority, adjoining the Freehold Lands of such Lord or Lords, Lady or Ladies respectively) shall severally be deemed Part of the same Open and Common Fields or Lands respectively, in or from whence such Encroachments and Inclosures have been made, and shall be set out, divided, and allotted as such under this Act.

Encroachments.

IX. And be it further enacted, That the said Commissioners, as soon as conveniently may be after they shall have caused a Survey and Admeasurement, and a Map or Maps, Plan or Plans, to be made for the Purposes of this Act, shall summon and call before them all and every the said several Proprietors of the said Open and Common Fields and Lands, at such Time and Place as they the said Commissioners shall appoint, by giving or causing to be given Fourteen Days previous Notice at the least for that Purpose in the said Parish Church, on some *Sunday* immediately after Divine Service, and by affixing or causing to be affixed Notice thereof in Writing under their Hands on One of the principal outer Doors of the said Parish Church, Fourteen Days at the least previous to the same Meeting, and also in like Manner to the Surveyor General at *Somerset Place* aforesaid, and at such Meeting shall submit such Map or Maps, Plan or Plans, to the Inspection and Examination of the said several Proprietors and Persons interested in the said Inclosure, the better to discover and to correct any Error or Errors that may be therein, and to ascertain the specific and distinct Parcels and Quantity of Land belonging to the several Proprietors in such Open and Common Fields or Lands respectively held by them under every separate and distinct Title, Grant, Copy of Court Roll, or Lease, the better to make the separate and specific Allotments thereto; and the said Commissioners shall, as soon as conveniently may be, proceed to view all and singular the said Open and Common Fields or Lands, and the several Plots and Parcels contained therein, and such old Inclosures, Orchards, and Homesteads as may be necessary for any Exchange or Exchanges, and to make a separate Valuation thereof, distinguishing the same into so many distinct Parcels as shall by them be

Valuations

[Loc. & Per.]

5 D

deemed

deemed necessary to ascertain the Value thereof respectively, in Manner and for the Purposes aforesaid, and as herein-after mentioned, according to the best of their Skill and Judgement, and the Rights and Interests of all and every the Persons interested in the said Open and Common Fields or Lands, and which shall be estimated according to the real and just Value thereof so separately held and enjoyed as aforesaid.

Commissioners to determine Disputes.

X. And be it further enacted, That if any Question or Dispute shall arise between any Person or Persons interested in the said Open and Common Fields or Lands, before setting out and allotting the same in Manner herein-after mentioned, touching the Extent, Identity, or Possession of any Plot, Parcel, or Portion 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 same Open and Common Fields or Lands, or touching or concerning any other Matter or Thing relating to the said Division, Allotment, and Inclosure, then it shall be lawful for the said Commissioners to examine into and determine the same: Provided always, that nothing herein contained shall authorize the said Commissioners to determine the Title to any Messuages, Cottages, Lands, or Hereditaments whatsoever.

Commissioners to assess Costs.

XI. And be it further enacted, That in case the said Commissioners shall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of this or the said recited Act, see Cause to award any Costs, it shall be lawful for the said Commissioners, 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 of the said Commissioners shall be made, by the Person or Persons whose Claim or Claims, Objection or Objections shall be thereby disallowed or over-ruled; 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 such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required, by Warrant under their Hands and Seals, 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 so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Allowing Parties to try their Rights at Law.

XII. Provided always, and be it further enacted, That in case any Person or Persons interested in the said intended Division, Allotment, and Inclosure, shall be dissatisfied with the Determination of the said Commissioners or Umpire, touching or concerning any Rights or Interests in, over, or upon the said Open and Common Fields or Lands hereby directed to be divided, allotted, and inclosed, or otherwise exchanged, or any Part thereof, it shall be lawful for the Person or Persons so dissatisfied to proceed to a Trial at Law of the Matter so determined by the said Commissioners or Umpire, at the then next Assizes to be holden for the said County of *Somerset*, if the same shall not take place within Three Calendar Months after such Determination; but if the said next Assizes shall
 happen

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

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

Deaths of Parties not to stop Proceedings.

XIV. And be it further enacted, That if any of the Proprietors, or any Person or Persons interested in the Lands or Grounds hereby intended to be divided, allotted, and inclosed, or any other Person or Persons, shall advance and pay any Money in Discharge of the Fees or other Expences of obtaining, passing, and executing this Act, the Money so advanced and paid shall be repaid and satisfied by the Direction of the said Commissioners, together with lawful Interest for the same.

Persons advancing Money to be repaid with Interest.

XV. And whereas some of the Proprietors of the said Allotments held or to be holden under His said Royal Highness, may have Occasion to borrow Money or to advance Money to defray their Proportion of the Charges and Expences of obtaining and executing this Act in Manner aforesaid, and of inclosing their Allotments, and cannot, by reason of some Impediments, Customs, or Incumbrances, make an effectual Security

Power for the Tenants of the Prince of Wales to borrow Money.

rity thereon to the Satisfaction of a Mortgagee; be it further enacted That it shall and may be lawful to and for any Proprietor of any Estate to whom any Allorment or Allotments shall be made, or who shall become interested in the said Inclosure by virtue of this Act, as a Tenant of His said Royal Highness, or holding of or under the said Manor of *Milton Faulconbridge*, and for any Guardian, Husband, Committee, Trustee, or Attorney for any Infant, Idiot, Lunatick, Feme Covert, Person beyond the Seas, or otherwise incapable to act for herself, himself, or themselves; or for any Tenant in Tail, or Tenant for Life or Lives, or Lessee for Years, whose Leases are not avoided by this or the said recited Act, Trustee or Trustees of any Settlement, or Trustee or Trustees for charitable Uses, or any Mortgagee or other Creditor in Possession of any of the said Lands and Grounds, or any of them, to charge the said Lands and Grounds or old Inclosures, which shall be so allotted and awarded to them as Tenants of His said Royal Highness, or holding of or under the said Manor of *Milton Faulconbridge*, with any Sum or Sums of Money not exceeding Five Pounds *per Acre*, as the said Commissioners by Writing under their Hands shall direct or appoint, such Sum or Sums of Money to be paid to such Person or Persons as the said Commissioners shall by any such Writing authorize to receive the same, in order to be wholly applied to the Purposes before mentioned; and for the securing the Re-payment of such Sum and Sums of Money with Interest, to make a Surrender or assign the Lease by or under which the said Lands or Grounds so to be charged are so held under His said Royal Highness, unto such Person or Persons who shall advance such Sum or Sums respectively, for the Whole of their Interest therein, so as such Surrender or Assignment of Lease be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered and vacated when such Sum or Sums of Money, with the Interest thereof, shall be paid; and every such Surrender or Assignment shall be good, valid, and effectual in Law, notwithstanding the Want of legal Title in the Person or Persons so making and executing the same under the Directions aforesaid: Provided also, that all Sum or Sums of Money so to be advanced as aforesaid, shall remain a Charge upon the Lands and Grounds which shall be so surrendered or assigned as aforesaid, until the same shall revert to His said Royal Highness, unless the said Sum or Sums of Money shall be previously discharged.

XVI. And be it further enacted, That His said Royal Highness and his Successors shall be answerable, and subject and made liable to allow, in the setting of any Future Fine or Fines on any future Renewal or Renewals, Exchange or Exchanges of such Estate or Estates as shall be so held as a Part of His said Royal Highness's Possessions of His Duchy of *Cornwall*, so much, but no greater or other Proportion of such Sum or Sums of Money so to be raised respectively, and charged upon the Owner or Owners of such Estates respectively, under the Authority and for the Purposes aforesaid, than what the said Commissioners shall in their Award (herein-after directed to be made) assess and allot as a fair and adequate Equivalent for His said Royal Highness's reversionary Interest and Benefit of and in the said Estate or Estates so held at the Time of their making such their said Award; and which said Proportion or Equivalent they the said Commissioners are hereby authorized, empowered, and directed to make and assess accordingly between His said Royal Highness and His Successors, and such Owner or Owners, Proprietor or Proprietors,

Tenants

Tenants of His said Royal Highness under the said Manor, according to the best of their Skill and Judgement, due Regard being had by them as to the respective Rights and Interests of each Party therein respectively at the Time of making the same, and whether then held for One, Two, or Three Lives, or for any Term or Number of Years renewable.

XVII. Provided also, and be it further enacted, That if the Owner or Owners, Proprietor or Proprietors, Mortgagee or Mortgagees, in Possession of any such Estates so held under His said Royal Highness, as Lord of the Manor of *Milton Faulconbridge* aforesaid, shall neglect or refuse to renew, on the dropping of any Life or Lives, or before the Expiration of any Term or Number of Years, so as that the same Estate or Estates so held shall or may revert to His said Royal Highness and his Successors, then and in every such Case His said Royal Highness and His Successors shall be wholly exonerated of and from the Payment of any Part of such Sum or Sums of Money so to be raised, and so to be apportioned in Manner and for the Purpose and Intent aforesaid, and all Interest in respect thereof; any Settlement, Will, Trust, Use, Reversion, Limitation, Surrender, Clause, or Condition, or other Matter or Thing whatsoever to the contrary notwithstanding.

XVIII. And be it further enacted, That all and every Person and Persons to whom any Grant, Mortgage, Lease, Surrender, Assignment, or Demise shall be made by the Authority of this or the said recited Act, or who shall be entitled to the Money thereby secured, may from Time to Time, by any Deed or Deeds, Writing or Writings, by him, her, or them duly executed, assign, surrender, or transfer the Security or Securities, or the Principal Money and Interest thereby secured, and all his, her, or their Right, Title, and Interest in and to the same, unto any other Person and Persons whomsoever, who may again in like Manner assign or be admitted to the same, and so *toties quoties*; and such Mortgagee or Mortgagees, Surrenderee or Surrenderees, Assignee or Assignees, his, her, and their Executors and Administrators, and all Persons claiming under them, or any of them, shall and may use, take, and pursue all such lawful Methods, Courses, and Expedients in Law and in Equity, or by the Custom of the said Manor of *Milton Faulconbridge*, for the recovering and obtaining the Possession of the Premises so to be mortgaged, demised, assigned, or surrendered as aforesaid, in case of Non-payment of the Principal Money or Interest to be thereby secured, or any Part thereof, as is or are used, taken, and pursued in all Cases of the like Nature (except as against any of the said Estates so held under His said Royal Highness, which shall or may revert for want of Renewal in Manner aforesaid); and that in all Cases where the said Estates so to be mortgaged, leased, surrendered, assigned, or demised for securing of Money as aforesaid, and for the Purposes aforesaid, and held under His said Royal Highness as Lord of the Manor aforesaid, it shall and may be lawful to and for all and every Person and Persons, to whom any such Mortgage, Lease, Surrender, or Assignment shall be made by the Authority of this Act, and by the Custom of the said Manor, or who shall be entitled to the Money thereby secured, from Time to Time, upon the dropping of any One or more Life or Lives, to renew, paying the Fine or Fines for such Renewal, under His said Royal Highness or His Successors, the Estate or Estates wherein One or more Life or Lives may so drop, as a Security to him, her, or them,

Power to assign Mortgages.

Power to renew.

[Loc. & Per.]

5 E

for

for the Money so lent and secured thereon, and so from Time to Time as often as the same may happen, pending the Existence of such Security; and to charge the Sum or Sums of Money from Time to Time so paid for such Renewals, by way of Fine and Charges of taking up the same, together with the Interest thereon, at and after the Rate of Five Pounds *per Centum per Annum*; and that no Estate or Estates so in Mortgage as aforesaid, shall be redeemed and redeemable until as well the said original Mortgage Money, and Interest so secured and covenanted to be paid as aforesaid, as the said Sum or Sums of Money so to be paid for such Renewals by way of Fine and Charges, with Interest thereon as aforesaid, shall be fully paid and satisfied; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Interest to be kept down.

XIX. And be it further enacted, That the Proprietors of the several Allotments so demised, surrendered, or mortgaged as aforesaid, shall duly pay and keep down the Interest of any Sum or Sums of Money, so borrowed and charged thereon by the Authority of this Act, during their respective Lives, Right, Title, and Interest therein; and that the Person becoming possessed of such Allotments afterwards shall not be liable to pay any Arrear of Interest, further than for One Year preceding the Time when the Title to such Possession shall have commenced, but that all Arrears beyond One Year before such Death shall be paid, by the Executors or Administrators of such Person so dying, in a Course of Administration.

Allotments to the Proprietors.

XX. And be it further enacted, That the said Commissioners, when and as soon as they shall have completed their said Valuation, to be made as before directed, and such Questions or Disputes (if any) are finally settled and determined as aforesaid, and after they shall have set out and appointed the Roads and Highways through and over the said Open and Common Fields or Lands, shall, and they are hereby authorized and required to set or stake out, allot, and award the Residue of all and singular the said Open and Common Fields or Lands unto and amongst the several Proprietors of and Persons interested in the same, according and in proportion to the Value to be ascertained as aforesaid of their respective Lands, Rights, and Interests therein, before the passing of this Act, either in separate and distinct Parcels and Allotments in and from the said several Open and Common Fields or Lands in which such Persons shall or may be respectively interested, or in One or more entire Allotment or Allotments in or from any Part or Parts of any One or more of the said Open and Common Fields or Lands, as the said Commissioners shall in their Judgment and Discretion think fit, save and except as next herein-after mentioned.

Allotments to Copyholders and Leaseholders to be distinct and separate to each.

XXI. And be it further enacted, That in the Allotment or Allotments so to be made of the said Residue of all and singular the said Open and Common Fields or Lands unto and amongst the several Tenants and Proprietors of Lands holding by Copy of Court Roll, or by Lease either for Lives or Years, under His said Royal Highness, as Lord of the Manor of *Milton Faulconbridge* aforesaid, due Regard shall be had by the said Commissioners, and they are hereby authorized, required, directed, and empowered, to make separate and distinct Allotments to every separate and distinct Copyholder or Leaseholder of the Manor aforesaid, for each and every

every separate and distinct Copyhold or Leasehold Estate so held by them immediately before the passing of this Act; and that all Quit Rents, redeemed Land Tax, Heriots, or Chief Rents, now issuing out of any of the Messuages, Lands, or Grounds so held of the said Manor, or chargeable upon all, every, or any of the said Copyhold or Leasehold Estates so held as aforesaid, and now payable to His said Royal Highness as Part of His said Royal Highness's Possessions of His Duchy of *Cornwall*, shall be and become chargeable in like Manner upon all and every such separate and distinct Allotments so to be made and allotted as aforesaid, and shall be payable in like Manner as the same were respectively payable out of the said Copyhold or Leasehold Estates immediately before the passing of this Act; and that His said Royal Highness and His Successors shall and may have the like Remedies for Recovery thereof, and of all Arrears thereof, as he or they had or might have had, in, upon, and in respect of such former Messuages, Lands, Grounds, Hereditaments, and Premises, in case this Act had not been made; and from thenceforth such Lands and Grounds, Messuages, Hereditaments, and Premises so before held of the said Manor, or otherwise awarded or exchanged to or with any other Person or Persons whomsoever, shall be exonerated and discharged from the Payment thereof.

XXII. And be it further enacted, That each of the said Proprietors of ^{Fences,} Lands so to be divided, allotted, and inclosed as aforesaid, in each of the said Hamlets of *Milton Faulconbridge, Ash, Witcombe, and Coat*, within the said Parish, shall be chargeable only with such Proportion of Fencing, as in the Judgement of the said Commissioners shall be fair and equitable.

XXIII. And be it further enacted, That all and every Lease and Leases, ^{Leases at Rack Rent to be void.} or Agreements for Lease or Leases, upon a Rack Rent now subsisting, of all and every or any Part or Parts of the Lands and Grounds hereby intended to be allotted or divided, and of all other Agreements for any Term or Terms at Rack Rent, or from Year to Year, or at Will, affecting the same, shall cease and be void at such Time or Times after the passing of this Act, and prior to the Execution of the Award of the said Commissioners, as the said Commissioners shall by Writing under their Hands order and appoint; and the said Commissioners are hereby empowered to adjudge and determine such Satisfaction to be made to the Lessee or Lessees, Tenant or Tenants respectively, for the avoiding such Lease or Leases, Agreement or Agreements, as the said Commissioners shall deem adequate to the Benefit and Interest which the said Lessee or Lessees, Tenant or Tenants, had or derived under the said Lease or Leases, Agreement or Agreements, before the passing of this Act, and also by whom and at what Time the same shall be made; and in case such Satisfaction shall not be made accordingly, then it shall be lawful to and for such Lessee or Lessees, Tenant or Tenants, to sue for and recover the same in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case: Provided always, that if there shall be any Lease or Agreement for a Lease of Lands, Part of which shall lie in the said Parish of *Martock*, and Part in any adjoining Parish, all and every such Lease and Leases, Agreement or Agreements for a Lease or Leases, may be vacated as aforesaid; but where any Land shall have been taken in Exchange, which Land shall be under Lease or Agreement for a Lease, and wholly

wholly situate in an adjoining Parish, the Lease or Agreement for a Lease of such last-mentioned Land shall not be vacated.

Commissioners to deliver Possession to Owners of Allotments.

XXIV. And be it further enacted, That the said Commissioners shall and may, from Time to Time, as they shall find convenient, deliver to the several Persons interested in the several Divisions and Allotments to be set out under this Act, Possession of their respective Allotments hereby directed to be made and set out, and such Possession so delivered, shall be kept and retained by the several Persons entitled thereto against all Persons whomsoever, although the Award of the said Commissioners shall not then have been made and executed.

Allotments to vest and be held for such Estates and Interests, and in the same Manner, as the Lands and Property in respect of which the said Allotments are made.

XXV. Provided always, and be it further enacted, That all and every the Allotments to be made to the Owners and Proprietors of Estates within the said Parish of *Martock*, in right or in respect of any Freehold Messuages, Lands, Rights, or Interests, by virtue of this Act, shall, from and after the Execution of the Award of the said Commissioners, be deemed as Freehold Lands, and held under the same Rents, and by the same Services, and in the same Manner, as the Freehold Messuages, Lands, or Hereditaments, in respect of which they shall be so allotted, were before that Time held; and that the several Lands and Grounds which shall be therein distinguished to have been allotted in respect of Leasehold Lands, Rights, or Interests, held for a Life or Lives, Term or Terms of Years, absolute or determinable on the Decease of One or more Life or Lives, shall in like Manner be deemed Leasehold, and be held under the same Rents, and for the same Terms of Years respectively, as the Lands or other Hereditaments in respect of which they shall be so allotted were held, and the Reversion thereof shall be vested in the same Lessors respectively, as the Reversion of such other Lands or Property was vested before the passing of this Act; and that all and every the Allotments to be made in right of or in respect of any Copyhold Messuages, Lands, or Hereditaments, by virtue of this Act, shall, from and after the Execution of the said Award, be deemed and taken as and for Copyhold, and shall be held as such by Copy of Court Roll, at the Will of the Lords of the said Manors, and according to the Custom of the Manor, and under and subject to the same Tenures, Rents, Payments, Fines, Customs, and Services, as the Copyhold Messuages, Lands, or Hereditaments respectively, for or in respect whereof such Allotments shall be made are now held, and as Part and Parcel thereof, and the Quantities in Acres, Roods, and Perches of such Copyhold Allotments, with their respective Boundaries and Abuttals, shall be described and distinguished from each other, and also from the Freehold and Leasehold Allotments, in the said Award of the said Commissioners, and in the Survey and Map to be made of the said Lands and Grounds; and that all and every Person and Persons to whom any such Copyhold Allotment or Allotments shall be made, shall, within Twelve Calendar Months next after the Execution of the Award of the said Commissioners, be respectively admitted Copyhold Tenants to the Lands so allotted to them, without paying any Fine to the Lord, paying only the accustomed Charges and Fees to the Steward, Jury, and Bailiff of the Court of the said Manor.

Wills and Settlements not to be affected.

XXVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, so as to make void

void or annul any Will or Settlement, or to prejudice any Person having or claiming any Jointure, Dower, Debt, Portion, or Incumbrance, out of, upon, or affecting any of the Lands and Grounds to be divided, allotted, and inclosed in pursuance of this Act, or any Part thereof respectively, or which shall be exchanged by virtue of the said recited Act or of this Act, but that the several Lands and Grounds so to be allotted or given in Exchange as aforesaid, shall from thenceforth be, remain, and enure, and the several Persons to whom the same shall be allotted or given in Exchange as aforesaid, shall stand and be seised thereof to such and the same Uses, Trusts, and Estates, and subject to the same Wills, Settlements, Limitations, Remainders, Charges, and Incumbrances, as the several Lands, Tenements, and Hereditaments, for or in respect of which or in lieu whereof such Allotments or Exchanges shall be made as aforesaid, would have been subject and liable to be charged with or affected by in case this Act had not been made.

XXVII. And be it further enacted, That the Award to be made by the said Commissioners, when inrolled in Manner directed by the said recited Act, shall be deposited in the Parish Chest of the Parish Church of *Martock* aforesaid, wherein the Papers and Books relating to the said Parish are usually kept; and that a true Copy thereof, together with a Plan of the same, attested by the said Commissioners, shall also be deposited in the Office of the Duchy of *Cornwall*, for the Convenience of the Officers of His said Royal Highness.

Directing
where the
Award shall
be deposited.

XXVIII. And be it further enacted, That the said Commissioners shall, as soon after the passing of this Act as conveniently may be, by some Writing or Writings under their Hands, to be published in the said Parish Church of *Martock*, upon some *Sunday* immediately after Divine Service, and also to be affixed on One of the principal outer Doors of the said Church, order and direct the Course of Husbandry that shall be used in, over, and upon the said Open and Common Fields or Lands intended by this Act to be divided, allotted, and inclosed, until the Time when they shall have made and completed the said intended Division, Allotment, and Inclosure, as well with respect to the laying down, ploughing, fallowing, and tilling thereof, as to the stocking, eating, and unstocking the Fallows and Stubbles, and by the same or any other Writing or Writings under their Hands, to be published and made known as aforesaid, shall and may make such Orders and Regulations touching the Conduct of the Farmers and Tenants of the said Open and Common Fields or Lands, and the seeding of the same, as may prevent them from committing Waste, Destruction, or Damage upon any of the said Open and Common Fields or Lands in the mean Time and until the Allotment and Division thereof shall be effected, all which Orders and Regulations of the said Commissioners shall be binding and conclusive upon all Persons interested, their Farmers and Tenants; and the said Commissioners shall set and impose such pecuniary Penalties and Forfeitures, not exceeding for any One Offence the Sum of Ten Pounds *per Acre*, on every Person not conforming to such Orders and Regulations as they shall think necessary, which Penalties and Forfeitures shall be paid to the said Commissioners, and shall be applied by them in aid of the Expences of passing and executing this Act, and not otherwise; and the same shall be respectively recovered and recoverable in a summary Way before One or more Justices of the Peace

Directing the
Course of
Husbandry.

[*Loc. & Per.*]

5 F

for

for the said County of *Somerset*, who is hereby authorized and required, upon Complaint made before him, to summon the Party complained of, and to examine any Witness or Witnesses upon Oath, and proceed to Judgement and Conviction thereon; and if any such Penalties or Forfeitures shall have been adjudged to have been incurred, then it shall be lawful for such Justice, by Warrant under his Hand and Seal, to cause such Penalties to be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, together with reasonable Costs, returning the Overplus (if any) to the Owner or Owners of such Goods and Chattels.

Old Roads
may be
diverted.

XXIX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered, in case they shall think proper, to stop up, divert, or turn any publick Road or Roads, Way or Ways, through or over any Lands or Grounds within the said Parish of *Martock*, subject nevertheless to such Provisions, and under such Directions as are contained in the said recited Act respecting the stopping up of any old or accustomed Road or Roads.

For paying
the Expences
of this Act.

XXX. And be it further enacted, That all and every the Costs, Charges, and Expences incident to the obtaining and passing of this Act, and of surveying, admeasuring, and valuing, dividing, allotting, and inclosing the said Open and Common Fields or Lands hereby directed to be divided, allotted, and inclosed, and of forming and making the publick Roads, publick or common Drains, Sewers, Watercourses, Watering Places for Cattle, Wells, Bridges, and other Conveniencies which shall be set out by virtue of this Act, and of preparing and depositing the said Award, and Plans and Copies thereof as aforesaid, and all other the Costs, Charges, and Expences of the said Commissioners, and of the several Persons employed and consulted in the preparing the same, or otherwise employed by the said Commissioners carrying the several Powers of this Act and the said recited Act into Execution, shall be paid, borne, and defrayed by all the Owners or other Persons interested in the same Open and Common Fields or Lands, in proportion, as near as may be, to their respective Estates, Interests, and Lands therein (save and except His said Royal Highness and His Successors for or in respect of His reverend or other Estate or Estates or Interest therein, whose Share of such Costs, Charges, and Expences are herein directed to be defrayed by his Tenants respectively under the Limitations herein-before contained, and also save and except the Treasurer of the Cathedral Church of *Wells*, or his Lessee, for or in respect of certain Lands within the said Tything of *Ash*, whose Share of all such Costs, Charges, and Expences in respect thereof shall be paid and borne by the Person or Persons in the Possession or Enjoyment of such Lands at the Time of passing this Act), due Regard being had to the Expences occasioned by each Person's Estates, and also the Value thereof; and the Shares and Proportions of the said Costs, Charges, and Expences to be borne by the said respective Owners and Persons so interested in Manner aforesaid, shall be settled by the said Commissioners, and shall be paid to such Person or Persons, and at such Time or Times, either before or after the Execution of the said Award, as the said Commissioners shall direct or appoint (save as aforesaid); and in case any Person or Persons shall refuse or neglect to pay his, her, or their Proportion of such Costs, Charges, and Expences, according to such Direction

OF

or Appointment as aforesaid, then and in such Case the same shall and may be recovered in the Manner directed in and by the said recited Act.

XXXI. And be it further enacted, That it shall and may be lawful for the several Persons to whom any Allotment or Allotments of the said Open and Common Fields or Lands shall be made by virtue of this Act, being Tenants in Tail, or for Life or Lives only, or for Years determinable upon One or more Life or Lives, and to and for the Husbands of all Females Coverts, and all other Persons being or acting as Guardians, Committees, Trustees, or Attornies of or to any Minors, Idiots, or Lunatics, or Persons beyond the Seas, or under any Incapacity or Disability whatsoever, to whom any Allotment or Allotments shall be made of the said Open and Common Fields or Lands, and to and for all Trustees for charitable Uses (by and with the Consent of the said Commissioners, to be testified in Writing under their Hands and Seals, either in and by their Award, or in and by any Deed or Instrument to be executed by them either before or after the Execution of their Award, and which Consent the said Commissioners are hereby authorized and required to give) from Time to Time to charge the Lands which shall be allotted to such Persons respectively as aforesaid (save and except the Lessee or Lessees, Tenant or Tenants of the Lands and Hereditaments holden or to be holden under His said Royal Highness within the Manors of *Milton Faulconbridge* aforesaid, for or in respect of such Lands, the Manner of charging such Lands being herein specially provided for, and also save and except the Person or Persons in the Possession or Enjoyment of the said Lands holden under the Treasurer of the Cathedral Church of *Wells*, or his Lessee) with such Sum or Sums of Money as shall be necessary for the Purpose of defraying such respective Shares or Proportions of the Costs, Charges, and Expences, as shall be directed by the said Commissioners to be paid by such Persons in Manner herein-before mentioned; and for securing the Repayment of such respective Sums of Money with Interest, to demise and grant for any Term or Number of Years the Lands so to be allotted as aforesaid, unto the Person or Persons who shall advance and lend the same respectively, his, her, or their Executors, Administrators, or Assigns, so as such Grants or Demises respectively be made with a proviso or Condition to cease and be void, or with an express Trust to be surrendered when the Sum or Sums of Money thereby secured, and the Interest thereof, shall be fully paid and satisfied, and so as in every such Demise and Grant which shall be made by such Tenant in Tail, or for Life or Lives, or Years determinable on One or more Life or Lives, or by any Husband, Guardian, Committee, Trustee, or Attorney as aforesaid, there be inserted a Covenant to pay and keep down Half-yearly the Interest of the Money thereby secured, during the Life or Lives for which the said Lands to be charged, demised, and granted shall be respectively held: Provided always, that no Person entitled to the Remainder or Reversion of the Lands so to be charged, demised, or granted, shall be liable to pay any greater Arrear of Interest of the said Money so borrowed, than for One Year preceding the Time that the Title of such Person to the Possession of the said mortgaged Premises shall have commenced; and that every such Grant and Demise, by way of Charge or Mortgage of the said Lands to be allotted in pursuance of this Act, shall be good, valid, and effectual in the Law.

Tenants for Life to charge their Allotments with Expences, &c.

For making
Exchanges.

XXXII. And be it further enacted, That it shall be lawful for the said Commissioners to set out, allot, and award any Lands, Tenements, or Hereditaments whatsoever within the said Parish of *Martock*, in lieu of and in Exchange for any other Lands, Tenements, and Hereditaments whatsoever, within the said Parish or within any adjoining Parish, Hamlet, Manor, Township, or Place, provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioners, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, or Hereditaments, which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors shall be a Body or Bodies Politick, Corporate, or Collegiate, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail General or Special, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Proprietors or Owners as aforesaid, who, at the Time of making such Exchange or Exchanges shall be respectively Infants, Females Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself, such Consent to be testified in Writing under the Common Seal of the Body Politick, Corporate, or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every Exchange and Exchanges so to be made shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Lands, Tenements, or Hereditaments held under His said Royal Highness, or in Right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent, testified as aforesaid, of His said Royal Highness or of His Successors, or of the Patron of such Church, Chapel, or Benefice, and also of the Lord Bishop of the Diocese in which such Lands, Tenements, or Hereditaments so to be exchanged shall lie and be situate.

Expences of
Exchanges or
Partitions by
whom to be
paid.

XXXIII. And be it further enacted, That all Costs, Charges, and Expences attending the making of any Exchanges or Partitions by virtue of this or the said recited Act, shall be paid, borne, and defrayed by the several Persons making such Exchanges and Partitions, in such Manner and in such Proportions as the said Commissioners shall by their Award order or direct (due Regard being had to the Provisions and Exceptions hereinbefore mentioned as to His said Royal Highness and His Successors).

Proprietors to
pay their own
Expences at
Meetings.

XXXIV. Provided always, That the said Proprietors, their Attornies and Agents, and each and every of them, shall pay their own Expences, when they or any of them shall attend the said Commissioners at any of their Meetings to be holden in pursuance of this Act.

Commission-
ers to account.

XXXV. And be it further enacted, That Once at least in each and every Year during the Execution of this Act (such Year to be computed from the Day of the passing thereof) the said Commissioners shall, and they are hereby required, to make a true and just Statement or Account of all Sums of Money by them received or expended, or due to them for their own Trouble and Expences in the Execution of this Act; and such Statement or Account, when so made, together with the Vouchers relating thereto,

thereto, shall be by them laid before any One or more of His Majesty's Justices of the Peace for the Time being of the said County of *Somerset* (not interested in the said intended Division and Inclosure), to be by such Justice or Justices examined and balanced, and such Balance shall be by him or them stated in the Book of Accounts to be kept in the Office of the Clerk to the said Commissioners; and no Charge or Item in such Accounts shall be binding on the Parties concerned or valid in Law, unless the same shall have been duly allowed by such Justice or Justices.

XXXVI. And be it further enacted; That if any Person or Persons shall think him, her, or themselves aggrieved by any Thing done in pursuance of this or the said recited Act, then and in such Case (except in such Cases where the Orders or Determinations of the said Commissioners are by this or the said recited Act directed to be final or conclusive, and except in such Cases where an Issue at Law shall be tried as herein before mentioned) he, she, or they may appeal to the next General Quarter Sessions of the Peace which shall be holden for the County of *Somerset* next after the Cause of Complaint shall have arisen, giving Ten Days Notice in Writing of such Appeal to the said Commissioners; and the Justices at the said General Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and make such Orders therein, and award such Costs, as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs which shall be so awarded, by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale; which Determination of the Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; provided, that no such Appeal be made from any Act of the said Commissioners, after they have signed and deposited the Award as herein before mentioned.

Allowing an Appeal.

XXXVII. And be it further enacted, That nothing in this Act, or in the said recited Act contained shall prejudice, lessen, or defeat the Right, Title, or Interest of His said Royal Highness or His Successors, as Lord or Lords of the said Manor of *Milton Faulconbridge*, of, in, or to the Seignories or Royalties incident or belonging to such Manor; but that His said Royal Highness, and His Successors for the Time being entitled thereto, shall and may from Time to Time, and at all Times hereafter, hold Courts and receive Fines and Quit Rents, Waits and Estrays, and enjoy all Royalties and Privileges to the same Manor belonging or incident thereto, in as full, ample, and beneficial a Manner, to all Intents and Purposes, as His said Royal Highness and His Successors might have held and enjoyed the same before the passing of this Act, or in case the same had never been made, save only as specially provided otherwise by this Act.

Saving the Rights of the Lord of the Manor of *Milton Faulconbridge*.

XXXVIII. And be it further enacted, That nothing in this Act or in the said recited Act contained shall prejudice, lessen, or defeat the Right, Title, or Interest of the Lord or Lords of the said Manor of *Ash*, of, in, or to the Seignories or Royalties incident to or belonging to such Manor; but that the said Lord or Lords, or their Successors for the Time being

Saving the Rights of the Lord of the Manor of *Ash*.

[*Loc. & Per.*]

5 G

entitled

entitled thereto, shall and may from Time to Time, and at all Times hereafter, hold Courts, and receive Fines and Quit Rents, Waifs and Estrays, and enjoy all Royalties and Privileges to the same Manor belonging or incident thereto, in as full, ample, and beneficial a Manner, to all Intents and Purposes, as the said Lord or Lords, or their Successors, might have held and enjoyed the same before the passing of this Act, or in case the same had never been made, save only as specially provided otherwise by this Act.

General Saving of all other Rights.

XXXIX. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person and Persons, Bodies Politick and Corporate, his, her, or their Heirs, Successors, Executors, and Administrators, all such Estate, Right, Title, and Interest (other than such as are meant and intended to be barred and destroyed by this Act) of, in, to, or in respect of the Lands and Hereditaments to be divided and allotted by virtue of this Act, as he, they, or any of them might or could have had or enjoyed in case this Act had not been made.

Act to be printed by the King's Printer.

XL. 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.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1806.