



ANNO QUINQUAGESIMO TERTIO

GEORGI III. REGIS.



Cap. 152.

An Act for amending an Act of His present Majesty for inclosing Lands in the Parish of *Milborne Port*, in the County of *Somerset*; and for transferring Borough Rights from certain Lands in the same Parish to other Lands therein, the better to effectuate such Inclosure. [3d June 1813.]

WHEREAS an Act was passed in the Fifty-second Year of the Reign of His present Majesty, intituled *An Act for inclosing Lands in the Parish of Milborne Port, in the County of Somerset*, whereby certain Persons therein named were appointed Commissioners for dividing and allotting all the Common and Open Fields, Meadows, Downs, Wastes, and other Commonable Lands and Grounds in the Parish of *Milborne Port* aforesaid, and for carrying the several other Purposes of the said Act into Execution: And whereas the Right Honourable *Henry William Earl of Uxbridge* is Lord of the Manor of *Kingsbury Regis*; and the Warden of *Saint Mary College of Winchester*, near *Winchester*, in the County of *Southampton*, and the Scholars, Clerks of the same College, are Lords of the Manor of *Milborne Port*; and *Sir William Coles Medlycott* Baronet is Lord of the Manor of *Ven alias Venwick*; all which said Manors are situate within the said Parish of *Milborne Port*; and the said Earl of *Uxbridge*, the said Warden and Scholars, and *Sir William Coles Medlycott*, as such Lords respectively, are seised of the Soil of all the Downs and Wastes within their said respective Manors; and it is expedient that

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so much of the said recited Act as directs the Allotment for the Soil of the Wastes and Down Lands to be made to the Lords of the said Manors of *Kingsbury Regis* and *Milborne Port*, exclusively, should be altered and amended: And whereas Parts of the said Common and Open Fields, and other Commonable Lands and Grounds comprised in the said recited Act, are situate within the Limits of the Borough and Parish of *Milborne Port* aforesaid, and other Parts thereof are situate without the Limits of the said Borough, but within the Parish of *Milborne Port* aforesaid, and the Lands and Grounds so respectively situated as aforesaid lie greatly intermixed with each other: And whereas the Inhabitants of the said Borough, paying Scot and Lot for or in respect of the said Lands and Grounds situate within the said Borough, have a Right to vote in the Election of Burgeses to serve in Parliament for the said Borough: And whereas the said Commissioners being under and by virtue of the said recited Act empowered to divide and allot the Common and Open Fields, Meadows, Downs, and other Commonable Lands and Grounds thereby directed to be divided and allotted unto the several Proprietors thereof, and Persons interested therein, and also to make Exchanges with such Consent as therein mentioned, will, in making such Division and Allotment or Exchanges, be enabled to deprive many Persons of their elective Franchise in respect to the said Borough: And whereas it is expedient that Provision should be made for preserving such elective Franchise in Manner herein-after mentioned, and that certain other Provisions should be made for the better carrying the Purposes of the said recited Act into Execution: 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 so much of the said recited Act of the Fifty-second Year of the Reign of His present Majesty as authorizes and requires the Commissioners named in the said Act, to set out and award to and for the Lords of the said Manors of *Kingsbury Regis* and *Milborne Port* respectively, such Parcels of the Lands and Grounds thereby directed to be divided and inclosed as in the Judgment of the said Commissioners should be equal in Value to One Sixteenth Part of all the Waste and Down Lands within the said Manors respectively, for and in lieu of and as a full Compensation and Satisfaction for their respective Rights and Interests in and to the Soil of such Waste and Down Lands, shall be, and the same is hereby declared to be repealed and made void.

Clause in former Act repealed.

One Commissioner empowered to Act.

II. And whereas the several Parties interested, in order to lessen the Expences of carrying the said recited Act and this Act into Execution, are desirous that *Richard Richardson* of *Lincoln's Inn Fields*, in the County of *Middlesex*, Gentleman, one of the Commissioners named in the said recited Act of the Fifty-second Year of the Reign of His present Majesty, should be constituted the sole Commissioner for carrying the said recited Act and this Act into Execution, be it therefore enacted, That from and after the passing of this Act the said *Richard Richardson* shall be, and he is hereby appointed the sole Commissioner for carrying the said recited Act and this Act into Execution; and that all the Powers, Authorities, Jurisdictions, Provisions, Clauses, Matters and Things vested or reposed jointly in the Two Commissioners named in the said recited Act shall be, and the same are hereby vested and reposed solely in the said *Richard Richardson*,

Richardson, and in case of his Death, in his Successor, to be elected and appointed in the Manner herein-after mentioned, as fully and effectually, to all Intents and Purposes whatsoever, as if the same were herein repeated and expressly given to or vested in the said *Richard Richardson* and his Successor; provided that this Act shall not invalidate or affect any of the Determinations, Acts or Proceedings of the said Two Commissioners or Umpire in pursuance of the said recited Act prior to the passing of this Act.

III. And be it further enacted, That in case the said *Richard Richardson*, or any Person to be nominated or appointed a Commissioner in his Room or Stead by virtue of this Act, shall die, refuse to act, or become incapable of acting as such Commissioner, in the Execution of the said recited Act and this Act, then and in such Case it shall be lawful for the major Part in Value (such Value to be ascertained according to the Land Tax Assessment for the then current Year) of the Proprietors of Lands and Hereditaments within the said Parish of *Milborne Port*, or their respective Agents or Attornies, duly authorized by such Proprietors in Writing under their respective Hands or under the Common Seal of any of them, being a Corporation Aggregate, who shall attend a Meeting for that Purpose, to be convened as herein-after mentioned, by Writing under the respective Hands of such Proprietors, Agents or Attornies as aforesaid, or under the Common Seal of any of them, being a Corporation Aggregate, to nominate and appoint a proper Person, not interested in the said intended Division and Inclosure, to be a Commissioner in the Room or Stead of the said *Richard Richardson*, and so from Time to Time as often as any Commissioner to be appointed as last aforesaid shall die, refuse, or become incapable to act in the Execution of this Act; provided that every such Meeting, for the Purpose last aforesaid, shall be convened by a Notice, signed by one or more of such Proprietors, to be affixed on the Door of the Parish Church of *Milborne Port* aforesaid, on some Sunday immediately before Divine Service, and published in *The Dorchester and Sherborne Journal*, or if that Newspaper shall not then be published, in some other Newspaper generally circulated in the said County of *Somerset*, Fourteen Days at least before such Meeting; and that every such Meeting shall be holden in the Parish of *Milborne Port* aforesaid, or within the Distance of Eight Miles therefrom.

Appointment
of a new
Commissioner
on Vacancy.

IV. And be it further enacted, That *Robert Page* of *Wimborne Minster*, in the County of *Dorset*, Land Surveyor, shall be, and he is hereby appointed the Surveyor for the Purposes of the said recited Act and of this Act; and on his Death, or on his Refusal or Incapacity to act, another fit and proper Person shall be appointed the Surveyor for the Purposes of the said recited Act and of this Act, in like Manner as herein-before is provided or mentioned as to the Appointment of a new Commissioner in the Place of the said *Richard Richardson*; and so from Time to Time, as often as there shall be Occasion.

Appointment
of Surveyor.

V. And be it further enacted, That the said Commissioner appointed in or by virtue of this Act, or his Successor to be appointed by virtue of the same, shall and he is hereby authorized and required to set out for the said *Henry William* Earl of *Uxbridge*, the said Warden and Scholars, and the said *Sir William Coles Medlycott* respectively, as Lords of the said Manors of *Kingsbury Regis*, *Milborne Port*, and *Ven* alias *Venwick* respectively, such

Allotment to
Lords of Ma-
nors in lieu of
Soil.

Parcels

Parcels of the Lands and Grounds by the said recited Act directed to be divided and inclosed as, in the Whole, shall, according to the Judgment of such Commissioner or his Successor, be equal in Value to One Sixteenth Part of all the Waste and Down Lands situate within their said respective Manors, and to apportion, allot, and award the same unto and between the said respective Lords in Proportion to, and as a full Compensation and Satisfaction for, their several and respective Rights and Interests in and to the Soil of such Waste and Down Lands.

Commissioner to describe on a Plan the Lands within the Borough to be allotted and exchanged.

VI. And be it further enacted, That previous to the Division and Allotment or Exchange of any of the Lands or Tenements situate within the said Borough of *Milborne Port*, in pursuance of the said recited Act, or this Act, such Commissioner or his Successor shall, by proper and sufficient Enquiry and Evidence, examine into and ascertain all the Lands and Tenements within the said Borough, so intended to be divided and allotted or exchanged; and such Commissioner or his Successor shall, by a Map or Plan thereof, clearly and distinctly specify and describe the said Lands and Tenements by Metes and Bounds; which said Map or Plan shall, at all reasonable Times, until the Execution of the Commissioner's Award, be open to the Inspection and Perusal of all Persons interested therein.

Commissioner to hear Objections thereto.

VII. And be it further enacted, That when and so soon as such Commissioner or his Successor shall have ascertained the several Lands and Tenements within the said Borough intended to be divided and allotted or exchanged by virtue of the said recited Act or this Act, such Commissioner or his Successor shall, from Time to Time as there shall be Occasion, give Notice, in the same Manner as Notice of the Commissioner's Meetings is by the said recited Act directed to be given, of some convenient Time and Place when and where all the Proprietors and Persons interested may peruse the said Map or Plan; and in regard that some Persons may, upon Perusal or Inspection of such Map or Plan, be dissatisfied therewith, the said Commissioner appointed in or by virtue of this Act, or his Successor, shall give Notice of One Meeting at the least, for receiving Objections against the same and for hearing and determining all such Objections; which such Commissioner or his Successor is hereby authorized and required to hear and determine accordingly.

Persons dissatisfied with their Determination may have the same tried at Law.

VIII. Provided always, and be it further enacted, That if any Person or Persons, Body or Bodies Politic, Corporate or Collegiate, interested or claiming to be interested in any Lands or Tenements within or alleged to be within the said Borough, shall be dissatisfied with the Determination of such Commissioner or his Successor touching the same, being Part or Parcel of the said Borough, and shall be desirous of having the Matter so determined by such Commissioner or his Successor tried at Law, and shall by himself or themselves, or their respective Attornies or Agents, within Thirty Days next after such Determination shall have been so made, give or cause to be given to such Commissioner, or his Successor, Notice in Writing of his or their Desire and Intention to have the same tried at Law, a Copy of which Notice such Commissioner or his Successor is hereby required, immediately on Receipt thereof, or as soon afterwards as may be, to give to or leave at the usual Place of Abode of the adverse Party or Parties, or his, her, or their respective Attornies or Agents, then, but not afterwards, it shall be lawful for the Person or Persons, Body or Bodies Politic, Corporate or

or Collegiate, giving such Notice as aforesaid, their respective Heirs, Successors; or Assigns, and he, she, or they is and are hereby required to proceed to a Trial at Law of the Matter expressed in such Notice, at the Assizes to be holden for the County of *Somerset*, in a feigned Issue, for that Purpose, to be brought in one of His Majesty's Courts of Record at *Westminster*, by the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, giving such Notice; and such Proceedings shall thereupon be had, and within the same Time, and with, under, and subject to the same Powers, Directions, Provisoos, Regulations, and Restrictions as in the said Act are mentioned with respect to the Trials of Issues or Actions in pursuance of the same Act.

IX. And be it further enacted, That in all Cases where any Lands or Tenements within the said Borough of *Milborne Port* shall, by virtue of the said recited Act or this Act, be set out or allotted for any other Lands or Tenements without the Limits of the said Borough, but within the Parish of *Milborne Port* aforesaid, such last-mentioned Lands or Tenements shall for ever thereafter be deemed and taken to be situate within and Parcel of the said Borough, and the Person or Persons, Bodies Politic or Corporate, seised or possessed thereof for the Time being, shall and may respectively have and enjoy such and the same Rights, Privileges and Franchises, in respect thereof, as they respectively might or would have had or been entitled to in respect of their former Lands or Tenements in lieu whereof the same Allotments shall be respectively made, if the said recited Act and this Act had not passed; and such former Lands and Tenements which previous to such Allotments were Parcel of and situate within the Limits of the said Borough, shall from thenceforth be deemed and taken to lie and be situate without the Limits of the said Borough and not to be Part or Parcel thereof; any Law, Statute, or Usage to the contrary thereof notwithstanding.

Lands allotted in lieu of Borough Lands to be deemed Part of the Borough.

X. And be it further enacted, That in all Cases where any Lands or Tenements situate within the said Borough (other than such as are directed to be divided and allotted by the said recited Act) shall, by virtue of the same Act be exchanged for any other Lands or Tenements situate without the Limits of the said Borough, but within the said Parish, it shall be lawful for such Commissioner or his Successor, with such Consent and Approbation as by the said recited Act is required to such Exchanges, to declare, by his general Award, whether the Lands and Tenements so exchanged and now situate within and Parcel of the said Borough, or the Lands and Tenements given in Exchange for the same, shall be deemed to be Parcel and situate within the said Borough; and the Lands and Tenements declared by such Commissioner or his Successor, by such his Award, to be Parcel of and situate within the said Borough, shall accordingly for ever thereafter be deemed and taken to be Parcel of and situate within the said Borough, with all such Rights, Privileges and Franchises as now of Right belong to the Lands and Tenements given in Exchange for the same; and the Lands and Tenements given in Exchange for those so declared by such Commissioner or his Successor to be Parcel of and situate within the said Borough, shall from thenceforth be deemed and taken to be situate without the Limits of the said Borough.

Regulation as to exchanged Lands.

Commissioner
to distinguish
the Borough
Lands.

XI. And be it further enacted, That such Commissioner or his Successor is hereby authorized and required, by his general Award and the Map or Plan to be annexed thereto, clearly and distinctly to specify and describe all the Lands and Tenements now within the said Borough, which shall be allotted or exchanged by virtue of the said recited Act or of this Act; and also all the Lands and Tenements which shall be set out and awarded in lieu of or in Exchange for the same; and shall distinguish which of such allotted and in Exchange Lands and Tenements shall from thenceforth be deemed Part and Parcel of the same Borough, and situate within the Limits thereof, and which of them shall from thenceforth be deemed to be situate without the Limits of the said Borough.

Provisions of
the former
Act applic-
able to this
Act.

XII. And be it further enacted, That the said recited Act, and all and every the Clauses, Powers, Provisoes, Regulations, Matters and Things therein contained (save and except such Part and Parts thereof as are hereby repealed, altered, or varied), shall be and remain in full Force and Effect, and shall be as good, valid, and effectual, to all Intents and Purposes, for carrying the said recited Act and this Act into Execution, as if the same had been repeated and re-enacted in the Body of this Act.

Expences of
the Act.

XIII. And be it further enacted, That all the Costs, Charges and Expences incident to and attending the obtaining and passing of this Act, together with legal Interest upon the Money advanced for that Purpose, and also all the Costs, Charges, and Expences of carrying this Act into Execution, shall be paid and defrayed in like Manner as the Costs, Charges, and Expences of passing and executing the said recited Act, are thereby directed to be paid and defrayed.

Printed Copy
of the Act to
be Evidence.

XIV. And be it further enacted, That this Act shall be printed by the several Printers to the King's most Excellent Majesty, duly authorized to print the Statutes of the United Kingdom; and that a Copy thereof, so printed by any of them, 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. 1813.