



ANNO QUINQUAGESIMO TERTIO

GEORGI II. REGIS.

Cap. 68.

An Act for inclosing Lands within the Manor of *Rampisham*, in the Parishes of *Rampisham* and *West Chelborough*, in the County of *Dorset*.

[1st May 1813.]

WHEREAS there are within the Manor of *Rampisham*, in the several Parishes of *Rampisham* and *West Chelborough*, in the County of *Dorset*, certain Commons and Waste Lands, containing together about Eight hundred Acres: And whereas the Right Honourable *Henry Stawell Bilson Legge* Lord *Stawell*, and *John Daniell* Esquire, are Lords of the said Manor, and as such entitled to the Soil of the said Commons and Waste Lands: And whereas the said Lord *Stawell*, *John Daniell*, and others, are the Proprietors of divers Lands, Tenements, and Hereditaments within the said Manor, in respect whereof they are entitled to Common of Pasture in, over, and upon the same Commons and Waste Lands: And whereas the said Lord *Stawell*, and *William Bentham* and *George Kinderley*, of *Lincoln's Inn*, in the County of *Middlesex*, Esquires, are Patrons of the Rectory of the said Parish of *Rampisham* with *Wraxall* annexed: And whereas the Reverend *William Pace* is Rector or Parson of the Parish Church of *Rampisham* aforesaid, with *Wraxall* annexed, and as such is entitled to the Great and Small Tythes, or some Modus, Composition Real, or Prescriptive Payment, in lieu thereof, yearly arising and renewing from and out of the same Commons and Waste Lands: And whereas the said Commons and Waste Lands are in their present State and Condition incapable of any material Improvement, and the several Persons interested in the said Commons and Waste Lands as aforesaid are

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Commissioners.

desirous that the same should be divided and inclosed, and specific Parts thereof allotted to them respectively, in Proportion to their respective Rights and Interests therein, but such Objects cannot be attained 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 *George Barnes* of *Andover*, in the County of *Southampton*, Surveyor, *John Edye* of the Parish of *Lyme Regis*, in the County of *Dorset* and *Axmouth*, in the County of *Devon*, Gentleman, and *William Jennings* of *Evershot*, in the County of *Dorset*, Surveyor, shall be and they are hereby appointed Commissioners for dividing, allotting, and inclosing the said Commons and Waste Lands, and for carrying this Act into Execution, in the Manner and under and subject to the several Powers, Authorities, Directions, and Provisions herein-after expressed and contained, and also subject to such other Powers, Authorities, Directions, and Provisions as are expressed and contained in a certain Act of Parliament 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*, so far as the same last-mentioned Powers, Authorities, Directions, and Provisions, or any of them, are not altered, varied, or otherwise provided for by this Act.

Appointment of future Commissioners.

II. And be it further enacted, That if the said *William Jennings*, or any Person to be hereafter appointed by the Rector of the Parish of *Rampisham* to be a Commissioner, shall die, or shall refuse, neglect, or become incapable to act, then and in every such Case, and immediately upon or after and so often as the same shall happen, the Rector of the said Parish of *Rampisham* for the Time being shall and may, by Writing under his Hand, from Time to Time nominate and appoint some other indifferent and proper Person in the room or stead of the said Commissioner so dying, refusing, neglecting, or becoming incapable to act as aforesaid; and if the said *George Barnes* and *John Edye*, or any other Person or Persons to be appointed Commissioners under this Act, shall die, or shall refuse, neglect, or become incapable to act, then and in any and every such Case, and immediately upon or after, and so often as the same shall happen, the major Part in Value of the several Persons interested in the said Commons and Waste Lands, (such Value to be ascertained and determined by Reference to the Land Tax Rate, made next preceding the Time of Choice, for the Parish of *Rampisham* aforesaid), attending in Person, or by Agent appointed, in Writing, at a Meeting to be called for that Purpose, shall and may, by Writing under their Hands, from Time to Time nominate and appoint some other fit and proper Person (not interested in the said Inclosure), in the room or stead of such Commissioner; and every Commissioner appointed in Manner aforesaid shall have and become invested with all and every such Power and Powers, Authority and Authorities, as the said *George Barnes*, *John Edye*, and *William Jennings*, or the Commissioners in whose room or stead they or he shall have been so appointed, as fully and effectually, to all Intents and Purposes, as if the Commissioner so appointed had been named a Commissioner in this Act.

Meetings to be holden at or within

III. And be it further enacted, That every Meeting necessary to be holden for the Execution of this and the herein-before mentioned Act shall

shall be holden within the Parish of *Rampisham*, or within the Distance of Eight Miles of Rampitham.

IV. And be it further enacted, That the Commissioners for the Time being, acting under or by virtue of this Act, shall and they are hereby required to cause Notice in Writing of the Time and Place of their First, Second, and Third Meetings, to be affixed on the principal Outer Door of the Parish Church of *Rampisham* aforesaid, and also to be inserted in some Newspaper circulated in the County of *Dorset*, Eight Days at least before every such Meeting; and if the said Commissioners, or the major Part, shall not attend at the Time and Place appointed for such Meeting, then it shall and may be lawful for such Commissioners, or if no Commissioners should attend, then the Clerk to the said Commissioners to adjourn such intended Meeting to such Time and Place not exceeding Twenty-one Days, as such Commissioners or Clerk shall think most convenient.

V. And be it further enacted, That all other Notices which shall or may from Time to Time be necessary or requisite to be given by the said Commissioners for the Time being, or by any other Person aiding or assisting in the Execution of this or the herein-before mentioned Act, shall be given by Advertisement, to be inserted in the said Newspaper, or some other Newspaper generally circulated as aforesaid.

VI. And be it further enacted, That the Neglect by any Commissioner to attend at the Time and Place to be appointed for holding any Meeting for the Execution of this Act, shall be deemed and taken to be a Refusal to act, provided such Commissioner shall have previously agreed to such Meeting, by some Writing under his Hand, and shall not have been prevented from attending by Reason of Sickness or other sufficient Cause; and that in case only Two of the said Commissioners shall attend at any Meeting appointed for the Purpose of this Act, they shall proceed in the Execution of this and the herein-before mentioned Act, and that such Proceedings shall and are hereby declared to be as lawful and effectual, as if all the said Commissioners had attended.

VII. And be it further enacted, That the Commissioners for the Time being, acting under or by virtue of this Act, shall, and they are hereby authorized and empowered to appoint some fit and proper Person to be and act as their Clerk, for assisting them in carrying this and the herein-before mentioned Act into Execution; and in case such Clerk shall die, or refuse, neglect, or become incapable to act, then and in every such Case, and when and so often as the same shall happen, the said Commissioners shall and may, from Time to Time, appoint some other fit and proper Person in the room or stead of such Clerk, who shall so die, refuse, neglect, or become incapable to act.

VIII. And be it further enacted, That *James Dean* of *Heavitree*, in the County of *Devon*, Land Surveyor, be and he is hereby appointed Surveyor, for the Purposes of this and the herein-before mentioned Act; and in case the said *James Dean*, or any other Surveyor, to be appointed under or in pursuance of this present Act, shall die, or refuse, or neglect, or become incapable to act, then and in every such Case, and when and so often as the same shall happen, the Commissioners for the Time being, acting under

under or by virtue of this Act, shall appoint some other fit Person in the room or stead of the Surveyor, who shall so die, refuse, neglect, or become incapable to act.

Allowance to Commissioners, Clerk, and Surveyor.

IX. And be it further enacted, That there shall be paid to the said Commissioners the Sum of Three Pounds and Three Shillings, and no more, for each Day they shall respectively be employed in the Execution of this or the herein-before mentioned Act; and there shall be paid and allowed to the Clerk to the said Commissioners, and to the Surveyor for the Time being, acting under or by virtue of this Act, for their Skill, Labour, and incidental Expences respectively, such Sum or Recompence as the said Commissioners shall think just and reasonable.

Commissioners to settle Disputes.

X. And be it further enacted, That in case any Dispute shall arise between the Parties interested, or claiming to be interested, in the Division, Allotment, and Inclosure hereby intended, touching or concerning any Right or Interest in or to the said Commons and Waste Lands, it shall be lawful for the Commissioners for the Time being, and they are hereby authorized and required, upon due Notice of such Dispute or Difference, and Examination of Witnesses upon Oath, (which Oath the said Commissioners are hereby authorized to administer) and other sufficient Enquiry, to hear and determine the same, and settle, assess, and award the Costs and Charges attending such Dispute or Difference, and the Hearing and Examination thereof, and by whom, and the Time and Place when and where such Costs and Charges are to be paid; and in case the Parties in Dispute or Difference, or any One or more of them, shall be dissatisfied with the Determination of the said Commissioners, and shall by Writing under their, his, or her Hands or Hand, signify the same to the said Commissioners and also the Reason or Cause of their, his, or her Dissatisfaction, within Thirty Days next after such Determination shall have been made known to them, him, or her, it shall be lawful for the Person or Persons so dissatisfied to proceed to a Trial at Law at the Assizes in and for the County of *Dorset*, and for that Purpose, such Person or Persons shall cause an Action to be brought in One of His Majesty's Courts at *Westminster* upon a feigned Issue; and if the Parties differ about such Action or the Issue to be tried thereby, the same shall be settled by the proper Officer of the Court in which such Action shall be brought, and the Defendant or Defendants in such Action or Actions shall, and he, she, and they is and are hereby required to name an Attorney or Attornies, who shall accept a Declaration and plead to Issue, and the Verdict which shall be given in such Action shall be final, binding, and conclusive, upon all and every Person and Persons whomsoever, unless the Court wherein such Action shall be brought, shall order a new Trial to be had therein, which it shall be lawful for the Court so to do, and after a Verdict shall be obtained, which shall not be set aside, the Commissioners for the Time being shall and they are hereby required to act in Conformity thereto, and the same Rule of Law shall prevail with regard to the Payment of the Costs of such Action, and the Proceedings thereon, as shall be practised in the Court wherein such Action shall be brought, in Cases between Party and Party, unless it shall be otherwise ordered by the Judge before whom such Issue or Issues shall be tried, who may at his Discretion direct such Costs to be paid by Plaintiff or Defendant, or other Person or Persons interested in the Event of such Action, or by the Commissioners, out of the Money which shall be raised, for carrying this Act into Execution, either entirely

If Parties dissatisfied Rights may be tried at Law.

entirely or in such Proportion and Manner as in his Judgment the Equity of the Case may require: Provided also, and it is further enacted, that nothing herein contained, shall authorize the Commissioners to determine any Question, touching the Title to the said Commons and Waste Lands, or any Lands, Tenements or Hereditaments whatsoever.

Commissioners not to determine Titles.

XI. Provided also, and be it further enacted, That when any Person or Persons shall elect to proceed to Trial at Law, in pursuance of the Power for that Purpose herein-before given, he, she, or they shall proceed to such Trial at the First Assizes to be holden for the County of *Dorset*, next after such Determination of the Commissioners shall have been made known, if such Determination shall have been made known above the Space of One Calendar Month preceding the Commission Day of such Assizes; but if such Determination shall not have been made known above that Space of Time, then the said Party or Parties shall proceed to Trial at the Second Assizes next after such Determination shall have been made known, and no further Time shall be allowed for such Trial; and in case the Party or Parties shall neglect or fail to proceed to trial, within the Time aforesaid, the Determination of the said Commissioners shall be final and conclusive.

Within what Time Action shall be tried.

XII. And be it further enacted, That if any Person who shall be a Party in any Action to be commenced 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 such Event had not 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 herein-before limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Bodies Politic or Corporate, who might have brought such Action or Actions against the Person or Persons so dying, to bring the same within the Time limited as aforesaid; in the same Form as if such Person or Persons were actually living, and to serve the Clerk of the Commissioners with Process for commencing such Action or Actions in the same Manner as the Party or Parties might have been served therewith if living, and it shall thereupon be incumbent on the Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein in the same Manner as if such Person or Persons had been actually living, and the Rights of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

Actions not to abate by Death of Party.

Provision in case of Death of Parties before Action brought.

XIII. And be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioners to determine any Right between any Parties contrary to the Possession of any such Parties, except in Cases of Encroachment made within Forty Years, as herein-after mentioned; but in case the said Commissioners shall be of Opinion against the Right of the Person or Persons so in Possession, they shall forbear to make any Determination thereon until the Possession shall have been given up by or taken from such Person or Persons by Ejectment, or any other due Course of Law.

Persons in Possession not to be molested without due Course of Law.

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XIV. And

Rights of
Common may
be extin-
guished.

XIV. And be it further enacted, That it shall be lawful for the said Commissioners, at any Time or Times, before the Execution of their Award, by giving Thirty Days Notice, to order and direct the Exercise of all Rights of Common, to be suspended or extinguished, and from and immediately after such Notice, the same shall be suspended or extinguished accordingly.

Certain En-
croachments
continued for
Forty Years,
not to be
thrown open.

XV. Provided always, and be it further enacted, That no Inclosure which shall have been made and continued at any Time before the passing of this Act, from or upon the said Commons or Waste Lands, or any Part or Parts thereof, by or with the express Grant or Licence, written or unwritten, of any Lord or Lords of the Manor of *Rampisham* aforesaid, and the express Consent, written or unwritten, of the Homage of the said Manor, nor any Inclosure or Encroachment which shall have been made and continued from or upon the said Commons or Waste Lands, or any Part or Parts thereof, for Forty Years or upwards, antecedent to the passing of this Act, be deemed or taken to be Part or Parcel, Parts or Parcels of the said Commons and Waste Lands, nor shall the same Inclosure or Encroachment be thrown open, divided, allotted, or inclosed under the Provisions of this or the herein-before mentioned Act, nor the Title or Titles dependant upon or derived under such Inclosure or Encroachment, be disturbed by this Act, or any Thing herein contained.

Commission-
ers to deter-
mine Date of
Encroach-
ments.

XVI. And be it further enacted and declared, That if any Dispute shall arise as to such Licence or Consent, or the Time when any such Inclosure or Encroachment shall have been made, the same shall be determined by the Commissioners for the Time being, acting under or by virtue of this Act, who shall proceed therein in the Manner directed by the Act herein-before mentioned or referred to, concerning Matters or Things left to the Determination of Commissioners.

Encroach-
ments to be
allotted to
Owners of
adjoining
Lands.

XVII. Provided nevertheless, and be it further enacted, That such of the said Encroachments as shall have been made without such Consent, or within Forty Years, as adjoin to or abut upon any Lands or Tenements, having Right of Common upon the Commons and Waste Lands hereby directed to be divided and inclosed, shall be allotted to the Owner or Owners of such adjoining Lands, either as the whole or Part of the Share or Proportion to which he, she, or they will be entitled by virtue of this Act; and in case any such Inclosures and Encroachments shall in the Judgment of the Commissioners for the Time being be of greater Value than his, her, or their Share and Proportion of the said Commons and Waste Lands, then the Person or Persons to whom such Inclosures and Encroachments shall be allotted, shall pay to the said Commissioners, at or within such Time as they shall appoint, such Sum of Money as the said Commissioners shall adjudge to be the Value of such Encroachments, over and above the Value of the Allotments to which such Person or Persons shall be entitled, and the same shall be applied towards Payment of the Expences of obtaining and executing this Act; and if any Surplus of such Monies shall remain in the Hands of such Commissioners after the Payment of such Expences as aforesaid, the same shall be divided among the several Persons interested in the said Division and Inclosure, in such Proportions as the said Commissioners shall think right and proper; and such Shares shall be paid to such Person and Persons as shall be seized of their respective Allotments

Allotments in Fee Simple, or otherwise the same shall be applied and disposed of in Manner in and by the said recited Act directed when any Money is to be paid for the Purchase or Exchange of any Lands, Tenements, and Hereditaments, or of any Timber or Wood growing thereon; and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the same Uses.

XVIII. And be it further enacted, That the Commissioners for the Time Drains, &c being shall and may scour and widen all such ancient Brooks, Ditches, Drains, Watercourses, and Ponds, and make and set out such new Ditches, Drains, Tunnels, Watercourses and Ponds as they shall think proper, as well through, over, and in the Lands and Grounds hereby directed to be divided or inclosed, as also in, over, and through any Old Inclosures within the said Manor of *Rampisham*, (except Gardens, Orchards, and Homesteads), for the more effectually draining and irrigating of the said Commons and Waste Lands hereby intended to be divided and inclosed, making such Compensation to the Proprietors of such Old Inclosures, for any Damages they may sustain thereby, as the said Commissioners shall think reasonable, and they shall in and by their Award order and determine by whom, at whose Expence, at what Time, and in what Manner the said Brooks, Drains, Watercourses, Tunnels and Ponds, shall be made, and afterwards repaired cleansed, scoured and maintained, and the said Commissioners shall and may also cause the Course of any Rivulets, Springs, or Streams of Water, running in, over, or through the said Commons and Waste Lands hereby intended to be inclosed, or through any inclosed Lands, in respect of which any Allotment shall be made by virtue of this Act, to be changed and altered in such Manner as the said Commissioners shall think proper: Provided always, that no Watercourse shall be diverted or turned without the Consent in Writing of the Owner or Owners of the Lands, from, through, or into which the same shall be diverted or turned.

XIX. And be it further enacted, That the said Commissioners may, and they are hereby authorized and empowered (if they shall think it necessary) Allotment for
Stone and
Gravel Pits. to set out and allot such Part or Parts of the said Commons and Waste Lands, hereby authorized and directed to be divided and allotted, as they shall deem expedient, as and for public Stone or Gravel Pits, to be used by the Proprietors or Occupiers of Estates within the said Parish, for the Repairs of public Roads, and to allot and award the Ground, Soil, and Herbage of such Land to the Lords of the said Manor respectively.

XX. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required, in the next Place, to set out and allot unto and for the said *William Pace*, and his Successors, Rectors of the Parish of *Rampisham* aforesaid, for and in lieu of all and singular the Allotment to
the Rector
in lieu of
Tythes. Great and Small Tithes, Modus, Composition Real, or Prescriptive Payment, and other Ecclesiastical Rights, Dues, and Payments whatsoever, arising, happening, growing due, or payable from or out of the said Commons and Waste Lands, by this Act intended to be divided, allotted, and inclosed, such Plot or Plots, Parcel or Parcels of the said Lands and Grounds by this Act intended to be divided, allotted, and inclosed, as in the Judgment of the said Commissioners making such Allotment or Allotments (Quantity, Quality, and Situation considered), shall be fair and reasonable: Provided always, that nothing in this Act contained shall prejudice, lessen, or defeat the

the Right or Title of the said *William Pace* and his Successors, Rectors as aforesaid, to any Tythes, Modus, Composition Real, or Prescriptive Payments in lieu thereof, of the ancient inclosed Lands, nor to any Mortuaries, *Easter Offerings*, or other usual Surplice Fees, except with such Consent as herein-after is mentioned; but the same shall continue to be paid and payable as if this Act had not been made.

Tythes of inclosed Lands may be commuted for with the Consent of the Bishop of the Diocese, and Parties interested.

XXI. And be it further enacted, That it shall be lawful for the said Commissioners, in and by their Award to be made by virtue of this Act, with the Consent of the Lord Bishop of *Bristol* for the Time being, and the Patron and Rector of the said Rectory of *Rampisham* with *Wraxall* annexed for the Time being, and of the Owner or Owners of any old inclosed Lands, or other Lands or Grounds within the said Parish of *Rampisham*, whether such Owner or Owners be a Body Politic, Corporate, or Collegiate, or a Tenant or Tenants in Fee Simple, or for Life or Lives, or in Fee Tail, General or Special, or by the Courtesy of *England*, or for Years determinable on a 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 Owner or Owners as aforesaid, who shall be respectively Infants, Females Covert, Lunatics, or under any other legal Disability, such Consent to be testified in Writing under the Common Seal of any Body Politic, Corporate or Collegiate, and under the Hands of the other consenting Parties respectively, to allot and set out any of the Lands or Grounds to be divided and allotted by virtue of this Act, to the said Rector and his Successors, in lieu and discharge of any Tythes or Moduses, Compositions, or other Payments in lieu thereof, paid or payable from or out of any inclosed Lands or Hereditaments in the said Parish of *Rampisham*, which shall also be the Property of the Owners of the Lands so to be allotted; and in case any Owner or Owners of any old inclosed Lands within the said Parish of *Rampisham*, shall not be entitled to any Allotment of the Lands or Grounds to be divided and inclosed by virtue of this Act, or not sufficient to make Satisfaction for the Tythes, Modus, Composition, or other Payments in lieu thereof, paid or payable as aforesaid, then that it shall be lawful for the said Commissioners, in and by their said Award, and with such Consent as aforesaid, to allot and set out such Part or Parts of his, her or their inclosed Lands in the said Parish, to the said Rector and his Successors, as will in the Judgment of the said Commissioners, together with his, her, or their Share of the Lands and Grounds hereby directed to be divided and inclosed (if any) be an equivalent for such Tythes, Moduses, or other Compositions paid or payable as aforesaid; and that from the Time of the Commissioners making such their Award, all Tythes, Modus, Composition, or other Payment in lieu thereof, for or on account of such old inclosed Lands or Grounds, shall cease, determine, and be for ever extinguished.

Allotments to the Lords of the Manor.

XXII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required, in the next Place to set out and allot unto and amongst the Lords of the Manor of *Rampisham* aforesaid, as a Compensation for and according to their respective Rights and Interests in the Soil of the Commons and Waste Lands within the said Parish, such Parts of the Lands and Grounds hereby directed to be divided and allotted, as in the Judgment of the said Commissioners shall be fair and reasonable.

XXIII. And

XXIII. And be it further enacted, That the Commissioners acting under or by virtue of this Act, shall, and they are hereby authorized and required, in the next place, to set out and allot all the Residue of the said Commons and Waste Lands hereby directed to be divided, allotted, and inclosed, unto and amongst all and every Person and Persons, Body or Bodies Politic, Corporate or Collegiate, having any Right or Interest, Rights or Interests, in or to the same, or any Part thereof, in such Parts, Shares, and Proportions as the said Commissioners shall think fit, and shall adjudge and determine to be proportionate to the Value of such Right or Interest, Rights or Interests, respectively.

Allotments of Residue.

XXIV. And be it further enacted, That in case any Person or Persons entitled to Common of Pasture over or upon the aforesaid Commons and Waste Lands, shall hold the same by different Tenures, or for different Estates, or in different Rights, or under different Titles, the Commissioners for the Time being shall, and they are hereby required to ascertain and distinguish the Commons of Pasture held by each of such Tenures, by each of such Estates; and under each of such Rights or Titles respectively, and shall accordingly in their Award assign, set out, and allot distinct and several Allotments, by distinct and several Descriptions, for such respective Commons of Pasture, and shall declare in Right of what Estate or Estates such Allotments respectively shall have been made; and in case the said Commissioners, for want of necessary Information, or for any other Cause, shall not discriminate and distinguish such different Rights or Titles, different Estates, and different Tenures, in their Award, it shall be lawful for them, at any Time within Twelve Calendar Months next after the Execution of their Award, upon the Request in Writing of any Person or Persons interested, to do, or cause to be done, all proper and necessary Acts, for the Purposes of enabling them to make such Discrimination and Distinction as aforesaid, in the same Manner as they might or could have done by their said Award; and when and so soon as the said Commissioners shall have obtained sufficient Information for that Purpose, by any Deed or Instrument in Writing, under their Hands and Seals; to ascertain and distinguish the Difference of such Tenures, Estates, Rights, and Titles respectively, and shall make distinct and several Allotments in the same Manner as they are hereby authorized to do by their said Award; and every such Deed or Instrument shall have the same Force and Effect as if the same were contained in the said Award; and shall be delivered to the Person or Persons upon whose Request the same shall have been executed, or to the Person or Persons to whom the Custody of the Deeds and Writings, concerning the Title to the Commons or Allotments in lieu thereof, in question, shall in the Opinion of the said Commissioners properly belong for the Time being; and all the Costs, Charges, and Expences which shall be occasioned by the Proceedings of the said Commissioners in making such Discrimination and Allotment or Allotments, and of preparing and executing any such Deed or Instrument, or in anywise relating thereto, shall be ascertained and settled by the said Commissioners, and shall be paid by the Person or Persons who shall make such Request as aforesaid, or by his or her Heirs, Executors, or Administrators, to such Person, and at such Time and Place as the said Commissioners shall by Writing under their Hands appoint; and in case such Costs,

Commissioners to distinguish Allotments for Estates of different Tenures, &c.

And may supply Omission in their Award.

[Loc. & Per.]

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Charges,

Charges, and Expences shall not be so paid, it shall be lawful for the said Commissioners, and they are hereby required to raise and levy the same, by such Ways and Means as any Penalty or Forfeiture imposed by the herein-before mentioned Act can and may be levied or raised.

Tenure of Allotments.

XXV. And be it further enacted, That the respective Parts or Shares of the Commons and Waste Lands which shall be assigned, set out, and allotted, by virtue of this or the herein-before mentioned Act, shall be respectively held by such and the like Tenure, as the Lands, Tenements, Commons, or Hereditaments, in lieu of which the same Parts or Shares shall have been assigned, set out, and allotted.

Possession of Allotments.

XXVI. And be it further enacted, That after the said Commissioners shall have set out any Allotment or Allotments of the said Commons and Waste Lands, it shall be lawful for the Person or Persons respectively, to and for whom the same is or are intended, by and with the Consent in Writing of the said Commissioners under their Hands, to enter into and take Possession of and exclusively enjoy such Allotment or Allotments respectively, notwithstanding the Award shall not have been then made and executed.

Fences.

XXVII. And be it further enacted, That the Commissioners for the Time being shall, and they are hereby required to direct and declare, in and by their Award, or otherwise, how and in what Manner, at what Time, and by whom the Fences between the several Allotments to be set out, shall be made, and when made, by whom the same shall be kept in Repair.

Allotment for Rector to be Ring-fenced.

XXVIII. And be it further enacted, That the Lands which shall be set out and allotted by virtue of this Act, to and for the said *William Pace* and his Successors; as Rector aforesaid, shall be inclosed and fenced, on the outward Boundaries thereof, with Ditches and Quickset Hedges, to be made in a proper and husbandlike Manner (except on such Part or Parts as the said Commissioners shall order and direct to be fenced by some adjoining Proprietor or Proprietors, to be also fenced in a proper and husbandlike Manner); and the Expences of making such Fences shall be considered as Part of the general Expences of carrying this Act into Execution, and be borne and defrayed accordingly, by and out of the Money to be raised under the Authority of this Act; but when and so often as the outward Boundaries and Fences of such Lands shall be made and protected in Manner as aforesaid, the same shall be for ever afterwards kept up and made good by the said *William Pace* and his Successors, at his and their own Costs and Charges; and from and immediately after such Allotment shall have been fenced and protected as aforesaid, all Tythes, Moduses, Compositions Real, and Prescriptive Payments, in lieu of Tythes, and all other Ecclesiastical Dues, for or in respect of the said Commons and Waste Lands, shall cease, and be for ever abolished and extinguished, and be no longer paid or payable.

When Tythes are to cease.

Exchanges.

XXIX. And be it further enacted, That the Commissioners acting under or by virtue of this Act for the Time being shall and may set out, allot, and award any Messuages, Lands, Tenements, or Hereditaments, within the Manor of *Rampisham*, in the Parishes of *Rampisham* and *West Chelborough*,

Chelborough, or either of them, in lieu of and in Exchange for other Messuages, Lands, Tenements, or Hereditaments, within the said Manor and Parish respectively, or within any adjoining Parish, Hamlet, Township, or Place, provided that each and every such Exchange be ascertained, specified, and declared in the Award of the said Commissioners, or by Deed under their Hands and Seals, within Seven Years next after making and publishing such Award, and be made with the Consent in Writing of the Owner or Proprietor of the said Messuages, Lands, Tenements, and Hereditaments, whether such Proprietor or Proprietors shall be a Body or Bodies Politic, Corporate, or Collegiate, Aggregate or Sole, or a Tenant or Tenants in Fee Simple, Fee Tail, for Life, or for Years determinable on a Life or Lives, or with the Consent in Writing of the Guardian or Guardians, Trustee or Trustees for Charitable, Parochial, or other Uses, Husbands, Committees, or Attornies, of or acting for any Proprietor or Proprietors who at the Time of such Exchange shall be respectively Infants, Females Covert, Ideots, 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, in Cases of Bodies Politic, Corporate, or Collegiate, to be testified by some Writing under the Common Seal of such Body or Bodies Politic, Corporate, or Collegiate, and in other Cases to be testified also by some Writing under the Hands of the consenting Parties); and each and every such Exchange so 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 Messuages, Lands, Tenements, or Hereditaments held in Right of any Ecclesiastical Benefice or Preferment, without the Consent in Writing, testified as aforesaid, of the Bishop or the Diocese in which such Messuages, Lands, Tenements, or Hereditaments shall be situate, and of the Patron of such Ecclesiastical Benefice or Preferment.

XXX. And be it further enacted, That the Costs, Charges, and Expences attending the making of any Exchange or Partition by virtue of the Act herein before referred to, shall be paid, borne, and defrayed by such Person or Persons, and in such Proportions and Manner as the Commissioners for the Time being shall, by Writing under their Hands, direct or appoint; except that in no case shall the Rector be liable to any Expence to be occasioned by the Exchange of Glebe Lands, or of Tythe for Land, either on the Commons and Waste or old inclosed Lands, either before or after the Execution of the said Award.

Expences of Exchanges and Partitions.

XXXI. And be it further enacted, That in all Cases where any Tenant or Tenants, Lessee or Lessees, not being a Tenant or Tenants for Years, or from Year to Year, at Rack or extended Rent, shall fence in and inclose the Allotment or Allotments made to him or them, the Commissioners for the Time being shall and may, and they are hereby required, by Writing under their Hands, to direct the Person or Persons who shall be entitled as Lessor or Lessors, or otherwise in Reversion, to pay to such Tenant or Tenants, Lessee or Lessees, such Sum towards the Expences of fencing in, and inclosing such Allotment or Allotments, or at such Time or Times, as the said Commissioners shall deem fair and reasonable, after the same shall have been completed; and if such Sum shall not be paid on the Day and Time to be appointed by such Commissioners, the same may be recovered by Action of Debt, to be sued and prosecuted in any of His Majesty's Courts at *Westminster*.

Allowance to Tenants or Lessees for fencing.

XXXII. And

Parties attending Meetings to pay their own Expences.

XXXII. And be it further enacted, That no Expences which may be incurred by any Person, other than and except the Commissioners for the Time being, their Clerk and Surveyor, and their respective Agents and Assistants, in or about any Meeting, or in or about attending any Meeting to be appointed pursuant to this Act, shall be paid or allowed out of the Money which shall be raised for carrying this Act into Execution.

Tenant at Rack Rent for Years to give up Allotments on receiving Compensation.

XXXIII. And be it further enacted, That every Tenant or Occupier at Rack or extended Rent, for any Term of Years, or from Year to Year, of any Lands which shall be allotted or exchanged by virtue of this or the herein-before mentioned Act, shall, immediately after the Execution of the Commissioners Award, or at such other Time as the Commissioners for the Time being shall by Writing under their Hands direct, relinquish and give up the Possession of such allotted or exchanged Land to the Owner or Proprietor or Owners and Proprietors thereof; and such Owner or Proprietor, Owners or Proprietors, shall make such Satisfaction in Money or other Equivalent, to his, her, or their Tenant or Occupier, so giving up the same, as the said Commissioners shall ascertain, and by Writing under their Hands order and direct, as a Compensation for the Loss or Losses such Tenant or Occupier shall sustain thereby; and if such Satisfaction shall not be made to such Tenant or Occupier within Thirty Days after having been demanded, it shall be lawful for the Commissioners for the Time being, and they are hereby required to raise and levy the same for the Use and Benefit of such Tenant or Occupier, by such Ways and Means as by the herein-before mentioned Act the Costs and Charges of obtaining and executing any Act of Inclosure are authorized to be raised and levied: Provided always, that when any Lands comprized in any such Lease or Leases as aforesaid, shall be partly in the Parishes of *Rampisham* and *West Chelborough*, or either of them, and Part in any adjoining Parish, every such Lease and Leases may be vacated in Manner aforesaid; but when any Lands, Tenements, or Hereditaments, which shall have been taken in Exchange, shall lie or be wholly situate in an adjoining Parish, then and in every such Case no such Lease or Leases shall be vacated.

Certain Leases, or Agreements for Leases, at Rack Rent, to be void.

XXXIV. And be it further enacted, That all and every Lease and Leases, Agreement or Agreements for Lease or Leases, at Rack or extended Rent, of any Messuages, Lands, Tenements, or Hereditaments, within the said Manor of *Rampisham*, in respect of which the Occupier thereof shall be entitled to Common of Pasture, shall so far, and so far only, as such Lease or Leases, Agreement or Agreements, affect or relate to the said Commons and Waste Lands, in respect of the Common appendant or appurtenant or otherwise belonging thereto, be, and the same is and are hereby declared to be null and void; and the Commissioners for the Time being shall, and they are hereby required, notwithstanding such Lease or Leases, Agreement or Agreements, to assign the same Allotment or Allotments unto the Person or Persons who shall be entitled as Lessor or Lessors, or otherwise to the next and immediate Reversion thereof, and not to the Lessee or Lessees, or Person or Persons claiming under him, her, or them; and thenceforth such Allotment or Allotments shall be freed and for ever discharged from all the Right and Interest which might otherwise be claimed in or to the same, under or by virtue of such Lease or Leases, Agreement or Agreements; and the Person or Persons who shall be so entitled, as Lessor or Lessors,

or otherwise to the next and immediate Reversion, shall make such Compensation to the Lessee or Lessees or Person or Persons claiming under him, her, or them respectively, by an Abatement of Rent, as the Commissioners for the Time being shall by Writing under their Hands direct or appoint.

XXXV. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to revoke, make void, alter, or prejudice any Conveyance, Deed, or Will whatsoever, or to prejudice any Person or Persons, having any Right or Claim of Dower, Jointure, Portion, Service, Debt, Rent Charge, or Incumbrance in, out of, upon or affecting any of the Commons and Waste Lands, directed to be divided, allotted, and inclosed, nor any of the Messuages, Lands, Tenements, or Hereditaments, which shall or may be exchanged by virtue of this Act; or any Part or Parcel of the same, but that the said Commons and Waste Lands, Messuages, Lands, Tenements, or Hereditaments, so to be allotted or exchanged, shall from and after the making of the Award, remain and enure, and be held and enjoyed, and the several Persons to whom the same shall be allotted shall stand and be seised and possessed thereof respectively, to such and the same Uses, and such and the same Estates, and subject to such and the same Conveyances, Deeds, Wills, Claims of Dower, Jointures, Portions, Services, Debts, Rents, Charges, and Incumbrances, and such and the same Trusts, Powers, Provisoos, Conditions, Declarations, and Agreements, as the Messuages, Lands, Tenements, and Hereditaments, in respect or in lieu whereof such Allotments or Exchanges shall be made, were and stood severally subject and liable unto at the Time of making the same respectively, and would have been subject and liable unto in case this Act had not been made.

Act not to
revoke Set-
tlements, &c.

XXXVI. And be it further enacted, That for enabling Persons interested in the aforesaid Commons and Waste Lands, and who are not disabled by Reason of Infancy or other legal Incapacity to convey their respective Rights and Interests in and to the same Commons and Waste Lands, during or pending the Execution of this Act, such Rights and Interests may be conveyed or assured, and pass unto the Person or Persons to be named as Grantee or Grantees thereof respectively, by such Description as the same Rights and Interests respectively might or could be, or have been conveyed or assured, and would have passed by in case this Act had not been made; and that the Right of Common, in, over, or upon the said Commons and Waste Lands, may be sold, disposed of, and conveyed, separate and detached from the Messuages, Lands, Tenements, or Hereditaments, to which such Right of Common may be appendant or appurtenant; and in case any Conveyance or Assurance shall be made as aforesaid, and Notice thereof shall be given to the Commissioners for the Time being, by Writing under the Hand or respective Hands of the Person or respective Persons making the same, the Grantee or Grantees, to be named in any such Conveyance shall, (with Reference to the Provisions contained in this and the Act herein-before referred to, so far as the same Provisions at the Time of the aforesaid Notice shall then remain to be executed and performed) stand and be to all Intents and Purposes in the Place and Condition of the Person or respective Persons making the same.

Rights may
be conveyed
pending the
Execution of
this Act.

XXXVII. And it is further enacted, That every Person, who shall act as Clerk to the Commissioners, or as Surveyor, under or by virtue of this Act,

Clerk and
Surveyor to
be deemed

[Loc. & Per.]

14 F

Act,

the Agent of Commissioners, and in case of Suits, same to be prosecuted in their Names.

Act, shall be deemed and considered as Agent or Assistant to the Commissioners for the Time being, and shall account to such Commissioners accordingly, and in case it shall be necessary to proceed at Law or in Equity against any such Clerk or Surveyor, touching any Matter or Thing whatsoever, arising out of, or incident, or relating to the Office of Clerk or Surveyor, and which shall or may directly or indirectly affect the Persons interested in the aforesaid Commons and Waste Lands, or the Division, Allotment, and Inclosure thereof, such Proceedings shall be commenced and prosecuted in the Names of the Commissioners for the Time being; provided nevertheless, that nothing herein contained shall render any Person acting as Commissioner liable for the Misfeazance, or Nonfeazance, or otherwise, in respect of any such Clerk or Surveyor.

Expences to be raised by Sale of Lands.

XXXVIII. And be it further enacted, That all the Charges and Expences incident to and attending the obtaining and passing of this Act, and of surveying, planning, valuing, dividing, allotting and inclosing the said Commons, and Waste Lands hereby directed to be divided, allotted, and inclosed, and of preparing and depositing the Award directed to be made, together with all other Costs and Expences arising and accruing in consequence of carrying this and the said herein-before mentioned Act into Execution, or in anywise concerning the same, shall be paid, borne, and defrayed in such Share, Parts, and Proportions as the said Commissioners shall ascertain and direct, and the same shall be raised (except in the Cases after-mentioned), by a Sale or Sales of Part of the said Commons and Waste Lands, to be made in the Manner prescribed by the said herein-before mentioned Act; and if there shall be any Surplus arising from such Sale or Sales, after paying the Sums so directed to be raised, and the reasonable Expences of Sale, such Surplus shall be applied in the Manner directed by the said herein-before mentioned Act, in Cases where any Money is to be paid for the Purchase or Exchange of Lands, Tenements, or Hereditaments, or the Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Hereditaments to be settled to the same Uses; provided that none of the Charges and Expences aforesaid, nor any Part thereof, shall in any Case be chargeable upon, or payable by the said Rector or his Successors, in respect of his Allotment for and in lieu of Tythes.

Parties may pay their Share of Expences in Money.

XXXIX. Provided always, and be it further enacted, That in case any of the Proprietors of Lands, Tenements, or Hereditaments, interested in the said Inclosure, shall be desirous of paying his, her, or their Quota or Share of the Expences of the obtaining and passing of this Act, and of carrying the same and the said herein-before mentioned Act into Execution and Effect, and of the other Expences herein directed to be paid and considered as General Expences, and such Owners or Proprietors respectively, at the First or Second Meeting of the said Commissioners, give Notice in Writing of such his, her, or their Intention, under their respective Hands to be delivered to the said Commissioners at such First or Second Meeting, then and in every such Case the Share or Shares of such Person or Persons, of and concerning all such Costs, Charges, and Expences, shall be ascertained and settled by the said Commissioners, and be paid in such Proportion or Proportions, at such Time or Times, in such Manner, and to such Person or Persons as the said Commissioners shall (by any Writing under their Hands, to be affixed on the principal Outer Door

Door of the Parish Church of *Rampisham* aforesaid, at least Twenty-one Days before the Day of Payment thereof) order and direct; and such Person or Persons so electing to pay in Money, shall have a proportional Increase of his, her, or their Allotment or Allotments accordingly; and in case any or either of such Person or Persons shall neglect or refuse to pay his, her, or their Share or Shares of such Charges and Expences, or any Part thereof, to the Person or Persons who shall be so appointed to receive the same, within the Time to be limited by the said Commissioners as aforesaid, then and in such Case the said Commissioners shall cause the same to be levied and recovered, in Manner directed by the said herein-before mentioned Act.

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

Persons paying Money to be reimbursed with Interest.

XLI. And be it further enacted, That in the mean Time, and until such Sale or Sales, Rate or Rates as aforesaid, shall be made and completed, it shall be lawful for the said Commissioners to borrow and take up at Interest, of any Person or Persons willing to advance and lend the same, such Sum and Sums of Money as shall from Time to Time be necessary for defraying the Charges and Expences of passing this Act, and of carrying the same and the said herein-before mentioned Act into Execution.

Commissioners empowered to borrow Money.

XLII. And be it further enacted, That Once in every Year during the Execution of this Act, (such Year to be computed from the Day of the First Meeting of the Commissioners), the Commissioners acting by virtue hereof shall and they are hereby required to make a true and just Statement or Account of all Sums of Money by them received, paid, and expended or due to them, for their own Trouble or Expences in the Execution of this and the Act herein-before referred to, and of all Sums of Money paid or allowed to their Clerk, Surveyor, or other Persons acting under them, and such Statement or Account when made, together with the Vouchers relating thereto, shall be by the said Commissioners laid before any One or more of His Majesty's Justices of the Peace for the County of *Dorset*, not interested in the aforesaid Commons and Waste Lands, to be by him or them examined, and if found correct, the same shall be signed and allowed by such Justice or Justices, and thenceforth, but not before, shall be binding, conclusive and valid in Law, upon all Parties concerned.

Commissioners Accounts to be settled Once a Year by Justices.

XLIII. And be it further enacted, That the Award to be made by the Commissioners acting under or by virtue of this Act shall, after the same shall have been inrolled in Manner directed by the herein-before mentioned Act, be deposited and kept with the Parish Registers in the Parish Church of *Rampisham* aforesaid.

Award to be deposited in the Parish Church of *Rampisham*.

XLIV. And

Appeal to the
Quarter Ses-
sions.

XLIV. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done or omitted to be done, in pursuance of this or the herein-before mentioned Act, then and in such Case, unless the same shall relate to any Right or Interest in the aforesaid Commons and Waste Lands, and which is herein-before directed to be heard and determined by the said Commissioners, he, she, or they may appeal to the General Quarter Sessions of the Peace, to be holden in and for the County of *Dorset*, within Six Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioners, and to the Party or Parties (if any) adversely concerned or interested, Ten Days Notice in Writing, of such intended Appeal, and of the Matter and Cause thereof; and the Justices (not being interested in the Premises) in their said General Quarter Sessions shall and they are hereby required to hear and determine the Matter of such Appeal, and to make such Order, and award such Costs and Damages, as to them in their Discretion shall seem reasonable, and in Default of Payment of such Costs and Damages accordingly by their Warrant, to levy the same by Distress and Sale of the Goods and Chattels of the Party or Parties liable thereto, rendering, after Payment of all Costs and Charges attending such Levy, Distress, and Sale, the Overplus, if any, on Demand, to the original Owner or Owners of such Goods and Chattels; and the Determination of the said Justices shall be final and conclusive, to all Intents and Purposes, upon all Parties concerned and interested, and shall not be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without sufficient Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants, as to them in their Discretion shall seem reasonable, to be levied as last aforesaid.

Saving.

XLV. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, his, her, and their Heirs, Successors, Executors, and Administrators, (except the several Persons to whom any Allotment or Allotments shall be made in pursuance of this Act, and for or in respect only of such Rights and Interests as are hereby meant and intended to be barred, destroyed, and extinguished) and all Persons respectively claiming under or in Remainder after them, all such Right, Title, and Interest, as they, every, or any of them could or ought to have held and enjoyed, in, to, and out of the Commons and Waste Lands, in case this Act had not been made.

Evidence
Clause.

XLVI. And it is lastly 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 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. 1813.