



ANNO QUARTO

GULIELMI IV. REGIS.

Cap. 16.

An Act for inclosing Lands in the Parish of *Chipstable* in the County of *Somerset*.

[16th June 1834.]

WHEREAS there are within the Parish of *Chipstable* in the County of *Somerset* certain uninclosed Commons or Waste Lands, containing together Two hundred and sixty Acres or thereabout, called *Hedon*, *Lydon*, and *Byballs Hills*: And whereas *John Stone* Esquire is Lord of the Manor of *Chipstable* aforesaid, and is Owner of the Soil of the said several Commons or Waste Lands: And whereas an Act was passed in the Forty-first Year of the Reign of His 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 another Act was passed in the First and Second Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend the Laws respecting the inclosing of Open Fields, Pastures, Moors, Commons, and Waste Lands in England*: And whereas the said Commons or Waste Lands in their present State are incapable of any considerable Improvement, but if the same were divided and allotted among the several Persons and Parties interested therein in proportion to their several Rights, Properties, and Interests, and such Allotments inclosed, the same might be cultivated and improved, to the manifest Advantage of the said several

41G.3.c.109.

1 & 2 G. 4.
c. 23.

[Private.]

Persons and Parties interested therein; but the same 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 *Charles Baker* of *Painswick* in the County of *Gloucester*, Land Surveyor, shall be and he is hereby appointed the sole Commissioner for dividing, allotting, and inclosing the said Commons or Waste Lands, and for putting this Act in execution, subject to the Rules, Orders, Directions, and Regulations contained in the said recited Acts, which shall be applied, deemed, and taken as Part of this Act, except in such Cases only where the same are varied or altered.

Appoint-
ment of
Commis-
sioner.

Power of
appointing
a new Com-
missioner.

II. And be it further enacted, That if the said *Charles Baker* shall die, or refuse or neglect for the Space of Two Calendar Months to act or become incapable of acting as a Commissioner in the Execution of this Act, then and in such Case *John White* of *Gloucester*, Surveyor, shall be and he is hereby appointed to act as Commissioner in the Stead and Place of the said *Charles Baker*; and in case both of them the said *Charles Baker* and *John White* shall die, or refuse or neglect or become incapable of acting as such Commissioner in the Execution of this Act, then it shall be lawful for the Majority in Value (to be ascertained by the Land Tax Assessment) of the Owners of or Persons interested in the said Commons or Waste Lands hereby directed to be divided, allotted, and inclosed, within Twenty Days next after such Death, Refusal, Neglect, or Incapacity shall happen or be known, or as soon after as conveniently may be, at a public Meeting to be called by any Two or more of the said Proprietors for that Purpose (of which Meeting Ten Days previous Notice shall be given in the Parish Church of *Chipstable* aforesaid, and inserted in One of the Newspapers circulating in the County of *Somerset*;) by Writing under their Hands, to appoint a proper Person (not interested in the said Division, Allotment, and Inclosure,) to be a Commissioner in the Room of the said *John White*, and in the Room of any Commissioner so to be appointed who shall die, or refuse or neglect to act, or be incapable of acting as aforesaid; and every Commissioner so to be appointed shall have the like Powers and Authorities for putting in execution this Act and the said recited Acts as if he had been named a Commissioner in and by this Act.

Appoint-
ment of
Surveyor.

III. And be it further enacted, That it shall be lawful for the said Commissioner, and he is hereby authorized and required, by Writing under his Hand to nominate and appoint any Person (not interested in the said Division, Allotment, and Inclosure,) to be Surveyor for the Purposes of the said recited Acts and this Act; and if any Surveyor to be appointed by the said Commissioner shall die, neglect or refuse to act, or become incapable of acting in the Execution of the said recited Acts and of this Act before the Duties hereby or by the said recited Acts reposed in him are performed, then and in every such Case the said Commissioner shall have Power, and he is hereby authorized and required, to appoint some other fit and proper Person (not interested in the said Division, Allotment, and Inclosure,) to succeed to such Office, and so from Time to Time as often as any future Vacancy in that Office shall happen; and in case any such
Surveyor

Surveyor shall neglect to perform any of the Duties reposed in him, and a written Notice under the Hand of the said Commissioner shall have been served upon him, requiring him to perform any such Duty so neglected within Thirty Days from the Service of such Notice, such Neglect shall be and be deemed and taken to be a Refusal to act within the Intent and Meaning of this Act.

IV. Provided always, and be it further enacted, That the Person so to be appointed Surveyor as aforesaid, before he shall proceed to act as such Surveyor, shall take and subscribe an Oath (or, being a Quaker, shall affirm,) in the following Form of Words; (that is to say,) Surveyor to take an Oath.

‘ I *A. B.* do swear, [*or, being one of the People called Quakers, do solemnly affirm,*] That I will faithfully, impartially, and honestly do, execute, and perform the several Duties incumbent on me as Surveyor by virtue of an Act passed in the Fourth Year of the Reign of King *William* the Fourth, intituled [*here insert the Title of this Act*], according to the best of my Skill and Judgment, and without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever. So help me GOD.’ Oath.
 [Or, being one of the People called Quakers, omit the Words ‘ So help me God.’]

Which Oath or Affirmation the said Commissioner, or any Justice of the Peace for the said County of *Somerset*, is hereby empowered to administer; and such Oath or Affirmation, and also the Writing appointing such Surveyor, shall be annexed to and inrolled with the Award of the said Commissioner, and an Office Copy of such Inrolment shall be admitted as legal Evidence on all Occasions.

V. Provided always, and be it further enacted, That nothing in the said recited Acts or this Act contained shall extend to require the said Commissioner, or any Surveyor to be appointed by the said Commissioner, to make or cause to be made any Survey, Admeasurement, or Plan of any inclosed Lands or Grounds within the Parish of *Chipstable*, unless the said Commissioner shall deem such Survey, Admeasurement, or Plan necessary or expedient for the Purposes of the said recited Acts or of this Act; and it shall be lawful for the said Commissioner, if he shall think it expedient and necessary, to use any Survey, Admeasurement, or Plan which shall have been made previously to the passing of this Act for the Purposes of the said recited Acts and this Act. Survey, &c. not to be made unless Commissioner shall deem it necessary.

VI. And be it further enacted, That the Commissioner for putting this Act in execution shall and may appoint some fit and proper Person or Persons to be his Clerk or Clerks to assist him in carrying this Act into execution, and from Time to Time remove such Clerk or Clerks, and nominate some other fit and proper Person or Persons to succeed him or them in such Office, as to the said Commissioner shall seem meet. Power to Commissioner to appoint a Clerk or Clerks.

VII. And be it further enacted, That out of the Monies which shall be raised for defraying the Expences of obtaining and passing this Act, and executing the same and the said recited Acts, the said Commissioner, and the Clerk or Clerks to be appointed by him as herein-before directed, shall respectively be paid for each and every Day they shall travel or be employed in any Business relating to the Execution of this Act or the said Allowance to Commissioner and Clerk.

said recited Acts, during the first Two Years next after the passing of this Act, the Sum of Three Pounds and Three Shillings, and no more, and after the Expiration of the said Two Years, until the Powers granted by this Act shall be fully executed and performed, the Sum of Two Pounds and Two Shillings, and no more, for each and every Day they shall be respectively employed as aforesaid, in full Satisfaction for their Time and Trouble, and for the several Expences which they shall be put unto during their several Journies and Attendances in the Execution of this Act or the said recited Acts, other than and except the Expences for the Use of the Room in which the Meetings shall be holden for carrying this Act and the said recited Acts into execution, and the Costs and Expences of drawing, preparing, copying, engrossing, and inrolling the Award of the said Commissioner, and of Advertisements: Provided always, that the said Commissioner shall only be allowed and paid One Day's Allowance for each of his Journies and travelling Expences to every Meeting, and One Day's Allowance for each of his Journies and travelling Expences from every such Meeting to be held for the Purposes of this Act.

Allowance to Surveyor.

VIII. And be it further enacted, That out of the Monies which shall be raised for defraying the Expences of obtaining and passing this Act, and executing the same and the said recited Acts, the Person for the Time being employed as Surveyor for the Purposes of this Act shall be paid and allowed for his Time and Trouble in surveying, measuring, mapping, or planning the Lands and Grounds necessary to be surveyed for the Purposes of this Act, One Shilling and Sixpence *per* Acre for the uninclosed Lands, and Nine-pence *per* Acre for the old inclosed Lands, or any Sum not exceeding One Pound Eleven Shillings and Sixpence for each and every Day he shall be actually and wholly employed, either in surveying, measuring, mapping, or planning, or otherwise as Surveyor for the Purposes of this Act; and which said Sums of One Shilling and Sixpence *per* Acre and Nine-pence *per* Acre, or One Pound Eleven Shillings and Sixpence *per* Day, shall be in full Satisfaction for his Time and Trouble, and for all travelling and other Expences of every Description to be incurred by him as such Surveyor in and about the Execution of this Act.

Proprietors to pay their own Expences.

IX. And be it further enacted, That the said Proprietors; their Attornies and Agents, shall pay their own Expences when they or any of them shall attend the said Commissioner at any of his Sittings or Meetings to be holden for putting this Act and the said recited Acts into execution.

For regulating the Duration of Meetings.

X. And for regulating the Duration of all Meetings to be held for the Purposes of this Act, be it enacted, That a Day shall be deemed to consist of Eight Hours in all Meetings to be held between the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September*, and of Six Hours between the Twenty-ninth Day of *September* and the Twenty-fifth Day of *March*, and that any Meeting to be holden for the Purposes of this Act of a less Duration than Eight Hours or Six Hours, as the Case may be, shall be charged as only Half a Day, and the said Commissioner or the said Clerk or Clerks shall be paid accordingly; and a Book shall be kept by the said Commissioner, or his Clerk or Clerks, in which shall be entered the several Days on which the said Commissioner shall hold his Meetings, and in such Book shall also be entered at what Hour the said

Commissioner and his Clerk or Clerks were respectively present at such Meeting, and at what Hour they respectively left the same; and such Book shall be signed by such Commissioner and his Clerk or Clerks at the Termination of each Meeting, and shall be open to the Inspection of every Person or Persons interested in the said Division, Allotment, and Inclosure, or his, her, or their Agents or Attornies, during any of the Meetings to be held in pursuance of this Act; and all such Persons shall and may take Copies of or Extracts from such Book without paying any thing for the same: Provided also, that it shall not be lawful for the said Commissioner to retain or to pay himself, or such Clerk or Clerks, out of any Monies to be received by him or over which he may have any Controul in the Execution of this Act, any Sum or Sums of Money on account of the Allowance herein-before directed to be made to such Commissioner and Clerk or Clerks respectively, beyond One Third of such Allowance as they shall be entitled to as aforesaid, until after the Expiration of Six Calendar Months from the Date of the said Award, or in case the Accounts of the said Commissioner shall be appealed against, then not until such Appeal shall have been heard and decided: Provided nevertheless, that in case of the Decease of the said Commissioner, or of the said Clerk or Clerks, previous to the Execution of the said Award, the Commissioner for the Time being shall, after the Expiration of the Period allowed for Appeal against the Accounts herein-after directed to be made and stated, pay to the Executors or Administrators of such deceased Commissioner, or of such deceased Clerk or Clerks, such Sum of Money as shall appear by the said Accounts to be due to them.

XI. And be it further enacted, That the said Commissioner shall cause Notice to be given in the Parish Church of *Chipstable* aforesaid, on some *Sunday* immediately after Divine Service, or in Writing to be affixed upon the outer Door of the said Church, of the Time and Place of his first and every other Attendance or Meeting for the Execution of this Act, or of the Powers contained in the said recited Acts, at least Ten Days before any such Attendance or Meeting (Meetings by Adjournment only excepted), and the said Commissioner shall and may adjourn his Attendance or Meeting from Time to Time as he shall see Occasion for the further Execution of this Act: Provided always, that all Attendances or Meetings of the said Commissioner for executing this Act shall be given or held at some convenient Place within the Parish of *Chipstable* aforesaid, or within the Distance of Eight Miles from the Boundaries thereof.

Meetings,
and Notices
thereof.

XII. Provided always, and be it further enacted, That all other Notices requisite or necessary to be given by the said Commissioner, in pursuance of the said recited Acts or of this Act shall be given by Advertisement to be inserted in the *Taunton Courier*, or in some other Newspaper printed or circulated in the County of *Somerset*.

Other No-
tices, how to
be given.

XIII. And be it further enacted, That all Orders and Proceedings of the said Commissioner shall be entered in a Book or Books to be provided for that Purpose, and shall be signed by the said Commissioner, and such Orders shall and may be read in Evidence in all Suits or Proceedings concerning any thing done in relation to the Execution of this Act.

Proceedings
to be en-
tered.

[*Private.*]

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XIV. And

Commis-
sioner may
settle Dis-
putes;

but not
determine
Titles, nor
molest Pos-
session.

XIV. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said Commons or Waste Lands touching or concerning the respective Rights or Interests which they or any of them shall have or claim to have in the same, or touching or concerning any Allotment to be made in lieu thereof, or touching or concerning any other Matter or Thing relating to the Division, Allotment, or Inclosure hereby directed to be made, it shall be lawful for the said Commissioner, and he is hereby authorized and required, to examine into, hear, and determine the same: Provided always, that nothing in this Act contained shall authorize or empower the said Commissioner to determine any Difference or Dispute touching the Title of any Person or Persons to any Messuages, Lands, Tenements, or Hereditaments whatsoever, nor to determine any Rights between any Parties contrary to the Possession of any of such Parties (except in Cases of Encroachment made within the Period of Twenty Years as herein-after mentioned); but in case the said Commissioner shall be of opinion against the Right of any Person or Persons so in Possession, he shall forbear to make any Determination thereupon until the Possession shall have been given up by such Person or Persons, or shall have been recovered from such Person or Persons by Ejectment or other due Course of Law.

Commis-
sioner may
award Costs.

XV. And be it further enacted, That in case the said Commissioner shall, upon the Hearing or Determination of any Claim or Claims, or Objection or Objections, to be delivered to him in pursuance of this Act or the said recited Acts, see Cause to award any Costs, it shall be lawful for the said Commissioner and he is hereby empowered, upon Application made to him for that Purpose, to settle, assess, and award such Costs and Charges as he shall think reasonable to be paid to the Party or Parties in whose Favour any Determination of the said Commissioner shall be made by the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, whose Claim or Claims, or Objection or Objections, shall be thereby disallowed or over-ruled; and in case the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, 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 Commissioner, and he is hereby authorized and required, by Warrant under his Hand and Seal 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, Party or Parties, so neglecting or refusing to pay the same, together with the Costs and Charges of such Distress and Sale, rendering the Overplus (if any), upon Demand, to the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, whose Goods and Chattels shall have been distrained and sold.

Parties may
try their
Rights at
Law.

XVI. Provided always, and be it further enacted, That in case any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, interested or claiming to be interested in the said intended Division, Allotment, and Inclosure, shall be dissatisfied with any Determination of the said Commissioner touching or concerning the respective Rights and Interests which they or any of them shall have or claim to have in the said Commons or Waste Lands, then and in every such Case it shall be lawful for the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, so dissatisfied with the Determination of the said Commis-
sioner,

sioner, to cause an Action to be brought upon a feigned Issue against the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, in whose Favour such Determination of the said Commissioner shall have been made, within the Space of Three Calendar Months next after such Determination of the said Commissioner shall have been notified in Writing to the Party or Parties against whom such Determination of the said Commissioner shall have been so made, or to his, her, or their known Agent or Attorney, and for that Purpose the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who shall be dissatisfied with the Determination of the said Commissioner, shall proceed to a Trial at Law of the Matter so determined by the said Commissioner at the then next Assizes for the said County, or at the following Assizes; 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 the 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 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 Politic, Corporate, or Collegiate, unless the Court in which 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 after such Verdict or Verdicts shall be given, and final Judgment obtained thereon, the said Commissioner is 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: Provided always, that the Determination of the said Commissioner touching any such Claim or Claims as aforesaid, or touching or concerning any other Matter or Thing relating to the said Division, Allotment, or Inclosure, which shall not be objected to, or being objected to the Party or Parties objecting not causing such Action or Actions at Law to be brought and proceeded in as aforesaid, shall be final and conclusive on all Parties.

Determina-
tion of Com-
missioner to
be final.

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

Actions not
to abate by
Death of
Parties.

XVIII. Provided always, and be it further enacted, That if any Person or Persons in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time hereinbefore limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, who might have brought such Action or Actions against the Person or Persons so dying, to bring the same within the Time so limited as aforesaid against such Person or Persons as if actually living, and to serve the Clerk or Clerks to the said Commissioner with Process for commencing such

If Parties die
before Ac-
tion brought,
same may be
brought as if
they had not
died.

such Action or Actions in the same Manner as the Party or Parties so dying might have been served therewith if living; and it shall thereupon be incumbent on the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be had 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.

Suits not to impede the Act.

XIX. Provided always, and be it further enacted, That if any Suit or Suits shall be commenced or prosecuted touching or concerning the Right, Title, or Interest of any Person or Persons in or to any Messuages, Lands, Tenements, or Hereditaments whatsoever, for or in respect of which any Right of Common, or other Rights or Interests in, over, or upon the said Commons or Waste Lands hereby directed or intended to be divided, allotted, or inclosed, or any Part thereof, shall be claimed, such Suit or Suits shall not impede, delay, or hinder the said Commissioner from proceeding in the Execution of the Powers vested in him by this Act or the said recited Acts, but the Division, Allotment, and Inclosure of the said Commons and Waste Lands shall be proceeded in notwithstanding such Suit or Suits, and the Commissioner may award the Allotment or Allotments in respect of the Hereditaments to which such Suit or Suits shall relate to the Person or Persons, Party or Parties, who shall be in the actual Possession or Enjoyment of such Hereditaments, and the same Allotment or Allotments shall follow the Event of any such Suit or Suits, and may be had and taken by the Person or Persons, Party or Parties, who, upon the Determination of such Suit or Suits, shall become entitled to the same.

Deaths not to impede the Act.

XX. And be it further enacted, That if any Person or Persons interested in the said intended Division, Allotment, and Inclosure, shall die before the Execution of the Award of the said Commissioner, or before the said Division, Allotment, and Inclosure shall be completed, the Powers and Authorities hereby given to the said Commissioner shall not be thereby determined or suspended, but the said Commissioner shall proceed in the Execution of the Powers given to him by this Act and the said recited Acts in such Manner as he might have done in case such Person or Persons were still living; and the Share or Shares of the Person or Persons so dying shall be allotted to the Person or Persons who by Law shall become entitled to the same, and shall be accepted, fenced, and taken by him, her, or them according to the Directions of this Act or the said recited Acts, and he, she, or they shall be liable to the Charges and Expences and the several Provisions of this Act and the said recited Acts.

Furze, Turf, &c. not to be cut without Leave of Commissioner.

XXI. And be it further enacted, That it shall not be lawful for any Person or Persons whomsoever (until after the Execution of the Award of the said Commissioner) to cut, dig, pare, grave, flay, or carry away any Turf, Sod, Furze, or Fuel in, upon, or from the said Commons or Waste Lands, or any Part thereof; and if any Person or Persons shall cut, dig, pare, grave, flay, or carry away any such Turf, Sod, Furze, or Fuel, contrary to the Provisions of this Act, it shall be lawful for any

Justice or Justices of the Peace for the said County of *Somerset*, upon due Proof made before him or them upon Oath (which Oath he and they is and are hereby authorized to administer), by Warrant under his and their Hand and Seal or Hands and Seals, directed to any Person or Persons whomsoever, to cause any Sum of Money not exceeding Five Pounds to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so offending in the Premises; and the Sum to be so levied, after deducting the Costs and Charges attending such Distress and Sale, shall be paid to the said Commissioner, and by him applied towards the Payment of the Costs and Charges of obtaining and executing this Act; and in case no sufficient Distress can be found or taken whereon to levy the same, such Person or Persons so offending as aforesaid shall be imprisoned in the Common Gaol or House of Correction of the said County for any Term not exceeding Two Calendar Months.

XXII. And be it further enacted, That it shall be lawful for the said Commissioner, and he is hereby authorized and empowered, to stop up and discontinue, or divert and turn, any old or accustomed Road or Roads, Track or Tracks, Way or Ways, Path or Paths, passing or leading through or over the said Common or Waste Land intended to be divided, allotted, and inclosed by virtue of this Act, or passing or leading through any Part of the old Inclosures within the said Parish of *Chipstable*, and the Soil of the Roads and Ways so to be stopped up or discontinued shall be deemed and taken to be Part of the Land so to be divided, allotted, and inclosed, and to make such Order or Orders as to him shall seem proper for that Purpose, giving such Notices as are required by and subject to the Provisions and Directions of the said first-recited Act with respect to the stopping up or setting out any public Road or Roads: Provided always, that no such public Road, Track, Way, or Path leading into, through, or over any old Inclosures shall be stopped up or discontinued without the Concurrence or Order of Two Justices of the Peace acting for the said County of *Somerset*, and not interested in the Repairs thereof; which Order shall be subject to an Appeal at the Quarter Sessions for the said County in manner mentioned and contained in an Act passed in the Fifty-fifth Year of the Reign of His Majesty King *George* the Third, intituled *An Act to amend an Act of the Thirteenth Year of His present Majesty, for the Amendment and Preservation of the public Highways, in so far as the same relates to Notice of Appeal against turning or diverting a public Highway, and to extend the Provisions of the said Act to the stopping up of unnecessary Roads.*

Commis-
sioner may
stop up old
Roads.

55 G. 3. c. 68.

XXIII. And be it further enacted, That it shall be lawful for the said Commissioner and he is hereby required to inquire and determine what Encroachments have been made upon and from the said Commons or Waste Lands by any Person or Persons whomsoever; and all Encroachments taken in or made upon, from, or out of any Part of the said Commons or Waste Lands within Twenty Years next before the passing of this Act shall be deemed Part and Parcel of the said Commons or Waste Lands; and in case any Dispute shall happen or arise touching what Part or Parts of the same Commons or Waste Lands shall and may be deemed Encroachments, such Dispute shall be inquired into, heard, and determined by the said Commissioner, whose Determination shall be

Encroach-
ments.

[*Private.*]

made a Part of and inserted in the Books containing the Proceedings under this Act, or in the Award to be made in pursuance thereof.

Encroachments to be allotted to Persons in Possession.

XXIV. Provided always, and be it further enacted, That the Lands comprised in any Encroachment hereby directed to be divided, allotted, and inclosed as aforesaid shall (without regard paid to any Improvement since made thereon) be allotted to the Person or Persons in Possession thereof, so far as he, she, or they shall be entitled by virtue hereof to any Allotment of equal or sufficient Value; and in that Case the Value of such Encroachment shall, according to the Circumstances, be deemed a partial or entire Compensation for the Allotment or Allotments to which such Person or Persons shall be entitled by virtue hereof; but if such Person or Persons shall not be entitled to any Allotment, or to any Allotment equivalent in Value to such Encroachments, then the Whole or the Surplus of such Encroachments, as the Case may require, shall be deemed Part of the Land to be divided, allotted, inclosed, or disposed of by virtue hereof.

Allotment to be sold for defraying Expences of Act.

XXV. And be it further enacted, That the said Commissioner shall mark, set out, and allot so much and such Part of the said Hill called *Hedon Hill*, Part of the said Commons or Waste Lands, as he shall judge sufficient in Value when sold to defray the Costs, Charges, and Expences attending the applying for and obtaining and passing this Act, and carrying the same and the said recited Acts into effect, and of surveying, measuring, planning, valuing, dividing, and allotting the said Common or Waste Land, and of preparing and depositing his Award, and all other the Costs, Charges, and Expences arising and accruing in the Course of carrying the Powers in this Act and the said recited Acts contained into full and complete Execution and Effect, and shall sell such Part of the said Commons or Waste Lands by public Auction to any Person or Persons for the best Price or Prices that can reasonably be had or gotten for the same, and in Lots not exceeding Thirty Acres each, as the said Commissioner shall in that Behalf determine; and the said Commissioner shall, on Payment of the Purchase Money for such Part of the said Common or Waste Land so to be sold as aforesaid, and he is hereby authorized and empowered, by Indenture or Indentures under his Hand and Seal duly executed and attested, (such Conveyance or Conveyances to be prepared at the Expence of the Purchaser or Purchasers,) to convey, assure, and confirm, by way of Lease and Release, or by Deed of Feoffment, the same unto or to the Use of the Purchaser or Purchasers thereof, his, her, or their Heirs and Assigns for ever, or unto such Person or Persons, and to and for such Uses, Ends, Intents, and Purposes, and upon and for such Trusts, as such Purchaser or Purchasers shall by such Deeds of Lease and Release, or Deed of Feoffment, direct or appoint; and every such Conveyance shall be valid and effectual in the Law, according to the Form and Effect of such Conveyance or Conveyances, any thing in the said first-recited Act to the contrary notwithstanding, and the Money arising from such Sale or Sales shall be applied by the said Commissioner for the Purposes above mentioned; and in case any Surplus shall remain after Payment of all such Costs, Charges, and Expences as aforesaid, then and in such Case such surplus Money shall be divided and apportioned between the several Persons interested in the
said

said Common or Waste Land hereby directed to be divided, allotted, and inclosed, in such Shares as shall be in proportion to their respective Rights and Interests; and the Shares of such of them as shall be Tenants in Fee Simple shall be paid to them respectively, and the Shares of all others of such Persons shall be paid, applied, and disposed of in manner directed by this Act in Cases where any Money to be paid for the Purchase or Exchange of Land is directed to be paid into the Bank of *England*, and to be laid out in the Purchase or Exchange of other Lands, Tenements, or Hereditaments, to be settled to the same Uses.

XXVI. And be it further enacted, That the said Commissioner shall and he is hereby authorized and required, in the next place, to set out and allot to the Owner of the Soil of the said Commons or Waste Lands, out of the Residue of the said Hill called *Hedon Hill* which shall not be set out, allotted, and sold for the Purposes aforesaid, in lieu of and as a Compensation for his Right of Soil on the whole of the said Commons or Waste Lands: Provided always, that in case the said Residue of the said Hill called *Hedon Hill* shall, in the Judgment of the said Commissioner, be of less Value than the Allotment to which the Owner of the said Soil would be entitled for Right of Soil (reckoning such Right of Soil at One Sixteenth Part of the Remainder of the said Commons), exclusive of the Timber and other Trees growing thereon, then the said Commissioner shall allot to the Owner of the said Soil such further Part of the said Lands and Grounds as shall be sufficient to make up such Deficiency, and without Prejudice to any other Right which he may have or claim in, upon, or over the same respectively.

Part of
Hedon Hill
to be taken
by the Lord
in lieu of
Right of Soil.

XXVII. And be it further enacted, That the said Commissioner shall and he is hereby required to set out, allot, and award so much of the said Hill called *Byball's Hill*, and of such other Part of the said Commons or Waste Lands as he shall think proper, as and for public Stone and Gravel Pits for the Repairs of the Roads within the said Parish, and for the Repairs of the Roads when set out and allotted by the said Commissioner under or by virtue of the said recited Act of the Forty-first Year of the Reign of His said Majesty King *George* the Third; which Allotment or Allotments so to be set out and allotted for the Purposes aforesaid shall, from and after the Execution of the Award of the said Commissioner, be vested in the Surveyor or Surveyors of the Highways within the said Parish for the Time being in Trust for the Purposes aforesaid.

Allotment
for Gravel
Pits.

XXVIII. And be it further enacted, That the said Commissioner shall set out, allot, and award the Residue of the said Commons or Waste Lands hereby directed to be divided, allotted, and inclosed unto and amongst the several Persons who at the Time of such Division, Allotment, and Inclosure shall be interested therein, according to their several or respective Rights and Interests therein respectively; and in setting out the several Allotments to be made under and by virtue of this Act the said Commissioner shall and he is hereby required to have due Regard to Situation and Convenience as well as to the Quantity and Quality of the Lands to be allotted, so as that the Allotment or Allotments of each Person be laid as near together and as contiguous to their several Farms and Estates as conveniently may be, consistently with the general Convenience of the Parties interested in the said Division, Allotment, and Inclosure.

Allotment of
Residue to
Persons in-
terested in
lieu of Rights.

XXIX. Pro-

Determining
Objections to
Allotments.

XXIX. Provided always, and be it further enacted, That when and as soon as the said Commissioner shall have ascertained the respective Rights and the Shares and Interests of the Proprietors of the Lands and Grounds to be divided, allotted, and inclosed by virtue of this Act, and also the respective Shares and Proportions by him proposed to be allotted to such Proprietors respectively in lieu thereof, he the said Commissioner shall give Notice, in manner herein-before directed for giving other Notices, of some convenient Time and Place when and where all Persons interested therein may inspect the Plan wherein the same shall be sketched out and delineated; and as some Persons may on such Inspection be dissatisfied with their intended Allotments, the said Commissioner shall give Notice of One Meeting at least to be held by him for receiving Complaints and Objections; and the Determination of the said Commissioner with respect to such Allotments, being reduced into Writing and signed by the said Commissioner, shall be binding, final, and conclusive upon all Parties.

Alteration
may be made
in Allotments
before the
Award.

XXX. Provided also, and be it further enacted, That it shall be lawful for the said Commissioner, at any Time before the executing his final Award, to make any such Alterations in the Allotments or in the Fences which he may have set out and ordered, or in any of the Orders and Directions relating thereto, which he may have made in pursuance of this Act or the said recited Acts, as he may think right and expedient; and in case any Person or Persons shall be injured by any such Alteration on account of any Expences he, she, or they may have been at, or otherwise, the said Commissioner shall ascertain and determine what Recompence shall be made to him, her, or them for such Injury, and shall order and direct by whom and in what Manner such Recompence shall be made, to be levied and recovered, in case of Nonpayment, in the same Manner as the Costs and Charges of obtaining and executing this Act might be levied and recovered by virtue of the said recited Act of the Forty-first Year of the Reign of His said Majesty King *George* the Third, in case the same had been directed to be raised by a Rate upon the Proprietors.

Persons may
sell their
Common
Rights, and
Persons en-
titled to have
Allotments
may mort-
gage, &c. be-
fore Execu-
tion of Award.

XXXI. And be it further enacted, That if any Person hath sold, or shall at any Time before the Execution of the Award of the said Commissioner sell, his or her Right, Interest, and Property in the said Commons or Waste Lands hereby directed to be divided and allotted; or any Part thereof, to any other Person, then and in every such Case it shall be lawful for the said Commissioner, and he is hereby authorized and required, upon such Sale being made, to make an Allotment of Land unto the Vendee or Purchaser in every such Sale, or to his or her Heirs or Assigns, for and in respect of such Right, Interest, and Property so sold as aforesaid; and every such Vendee or Purchaser, or his or her Heirs or Assigns, shall and may, from and after the Execution of the said Award, hold and enjoy the Land so to be allotted to him or her as aforesaid in the same Manner to all Intents and Purposes as the Vendor in every such Sale might, could, or ought to have held and enjoyed the same in case such Sale had not been made, or such Right, Interest, or Property had been vested in such Vendor at the Time of making such Allotments as aforesaid; and it shall be lawful for any Person or Persons who shall be entitled to any Allotment or Allotments under or by virtue of this Act to give, grant, bargain, sell, surrender, demise, mortgage, limit, appoint, convey, and assure the same Allotment or Allotments, or

all or any Part of his, her, or their Estate or Interest therein, or Right thereto, at any Time before the Execution of the said Award; and every such Gift, Grant, Bargain, Sale, Surrender, Demise, Mortgage, Limitation, Appointment, Conveyance, and Assurance shall be of the same Force and Validity as if the same had been made after the Execution of the said Award; and it shall be lawful for any Person or Persons entitled to any Allotment as aforesaid to sell, dispose of, and convey the Estate in right of which he, she, or they may be entitled to any such Allotment, separate and apart from, and retaining to himself, herself, and themselves, such Allotment, Common Right, and Interest, and the said Commissioner is hereby required to award such Allotment or Allotments accordingly.

XXXII. And be it further enacted, That the said Commons or Waste Lands to be divided, allotted, and inclosed by virtue of this Act shall be inclosed, hedged, ditched, and fenced by such Persons, Body or Bodies Politic, Corporate, or Collegiate, within such Time and in such Manner as the said Commissioner shall in and by his Award direct and appoint; and the Hedges, Ditches, and Fences which shall be made pursuant to the said Award shall at all Times thereafter be maintained and kept in repair and cleansed by such Person and Body and Bodies Politic, Corporate, or Collegiate, as the said Commissioner shall by his Award order and direct: Provided always, that convenient Gaps and Openings shall be left in the Fences and Inclosures to be made in pursuance of this Act, for the Space of Six Calendar Months next after the Execution of the said Award, for the Passage of Cattle, Carts, and Carriages in and through the same, unless the several Parties interested shall agree that the same shall be sooner fenced in, made up, and inclosed.

Fencing Allotments.

XXIII. And be it further enacted, That such of the several Allotments of Lands and Grounds to be made by virtue of this Act as the said Commissioner shall deem fit and proper to be inclosed shall be inclosed and fenced in such Manner on the outward Boundaries thereof, and by such Person and Persons, and in such Shares and Proportions, and at or before such Time or Times, as the said Commissioner shall in and by his said Award, or by any Writing under his Hand, order and direct; and such Monies as shall be laid out and expended in and about making such Boundary Fences shall be raised and defrayed in such Manner and Way, and by the same Means, as the Expences of obtaining and passing this Act are herein-before provided for; and the Amount of the same shall be allowed and settled by the said Commissioner according to and as in his Discretion he shall think fit and proper; and all such Fences as shall be so made as aforesaid shall for ever afterwards be repaired, preserved, and maintained by such Person or Persons in such Shares and Proportions and in such Manner as the said Commissioner shall in and by his said Award order and direct.

Fencing on outward Boundaries.

XXXIV. And be it further enacted, That it shall be lawful for the said Proprietors of Lands and Tenements, or any of them, at any Time or Times after the said Allotments shall be staked and set out by the said Commissioner, and before the Execution of the said Award, to inclose and fence in the same by and with the Consent of the said Commissioner, and in such Manner as the said Commissioner shall direct.

Proprietors may, by Consent of Commissioner, fence Allotments before Execution of Award.

[Private.]

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XXXV. And

Exchanges.

XXXV. And be it further enacted, That it shall be lawful for the said Commissioner to set out, allot, and award any Lands, Tenements, or Hereditaments whatsoever within the Parish of *Chipstable* aforesaid in lieu of and in exchange for any other Lands, Tenements, or Hereditaments whatsoever in the same Parish, or within any adjoining Parish, Township, or Place, so that every such Exchange be ascertained, specified, and declared in the Award of the said Commissioner, and be made with the Consent of the respective Owners or Proprietors of the Lands, Tenements, or Hereditaments which shall be so exchanged, whether such Owners or Proprietors shall be Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or Tenant or Tenants in Fee Simple or for Life, or in Fee Tail, General or Special, or by the Curtesy of *England*, or for Years determinable on any Life or Lives, by and with the Consent of the Lessor or Lessors of any such Lands, Tenements, or Hereditaments holden for Years determinable as aforesaid, but not otherwise, or with the Consent of the Guardians, Trustees, Feoffees for charitable or for 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 respectively testified by Writing under the Common Seal of such Bodies Politic, Corporate, or Collegiate, and under the Hands of the other consenting Parties respectively); and every such Exchange so to be made shall be good, valid, and effectual in the Law: Provided always, that no such Exchange shall be made of any Lands, Tenements, or Hereditaments held in right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent, testified as aforesaid, of the Patron thereof, and of the Bishop of the Diocese in which such Lands, Tenements, or Hereditaments so to be exchanged shall lie and be situate.

Costs of Exchanges.

XXXVI. And be it further enacted, That the Costs, Charges, and Expences attending the making of any Exchange or Partition which shall be made by virtue of this and the said first-recited Act shall be borne and defrayed by the respective Parties making such Exchange or Partition, distinct and apart from the other Expences attending the Execution of this and the said recited Acts, in such Manner as the said Commissioner shall order and direct; and the same shall and may be recovered in manner directed by the said first-recited Act with respect to Persons refusing or neglecting to pay his or their Proportion of the Costs and Expences of obtaining this Act, and of carrying the same into execution.

Wills and Settlements not to be affected.

XXXVII. And be it further enacted, That nothing in this Act contained shall extend, or be construed, deemed, adjudged, or taken, to revoke, make void, impeach, annul, alter, or prejudice any Settlement, Will, Mortgage, or Deed, or other Instrument whatever, or to prejudice any Person or Persons having or claiming any Dower, Jointure, Rent, Service, Debt, Charge, Mortgage, or Incumbrance whatsoever in, out of, or upon or affecting any of the Lands and Grounds to be divided, allotted, and inclosed as aforesaid, or any Messuages, Lands, Tenements, or Hereditaments which shall be exchanged or divided in pursuance of this Act or the said recited Acts, or any Parcel or Part thereof respectively; but the

the several Messuages, Lands, Hereditaments, and other Estates so to be allotted, exchanged, or divided as aforesaid shall, from and after the making of such Allotments and Exchanges, Partitions or Divisions respectively, be, remain, and enure, and be held and enjoyed by, and the several Persons to whom the same shall be allotted or given in exchange shall from thenceforth stand and be seised and possessed thereof respectively to such and the same Uses, and for such and the same Estates, and with such and the same Powers and Authorities, and subject to the same Wills, Limitations, Conditions, Settlements, Provisions, Remainders, Reversions, Mortgages, Uses, Trusts, Powers, Provisoos, Rents, Debts, Charges, and Incumbrances, as the several Messuages, Lands, Tenements, and other Hereditaments in respect or in lieu whereof such Allotments and Exchanges shall be respectively made were or would have stood severally limited, or affected by, or charged with, or subject and liable to, in case this Act had not been passed.

XXXVIII. And be it further enacted, That whenever any Sum of Money is, under the Provisions of the said recited Act of the Forty-first Year of the Reign of His said Majesty King *George* the Third, or this Act, to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the same Uses, it shall be lawful to and for the said Commissioner, out of such Sum, to defray such Proportion of the Expence of passing this Act, and of carrying the same and the said recited Acts into execution, as shall, if any, be charged upon any of the Lands, Tenements, or Hereditaments of the Person or Persons, Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, Feoffee, Executor, Administrator, Husband, Guardian, Committee, or Trustee in Possession of the Lands, Tenements, or Hereditaments so purchased or exchanged, or on which such Timber or Wood actually grew, and also the Expence of any permanent Improvement, such as building, subdividing, draining, or planting, and the like, which shall, in the Judgment of the said Commissioner, be proper to be made and shall be made, under his Direction, upon any Lands to be by virtue of this Act allotted to such Person or Persons, Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, Feoffee, Executor, Administrator, Husband, Guardian, Committee or Trustee respectively; and in case the Surplus of such Money shall amount to or exceed the Sum of Two hundred Pounds, the same shall with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* the Commissioner for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth,

Application
of Compensation Money
when
amounting to
200*l*.

1 G. 4. c. 35. Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward, and shall, when so paid in, there remain until the same shall, by Order of the said Court made upon a Petition to be preferred to the said Court in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, be applied, either in the Purchase or Redemption of the Land Tax, or in or towards the Payment or Discharge of any Debt or Debts or other Incumbrances affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, or to the same or to the like Uses, Trusts, Intents, or Purposes, as the said Court of Exchequer shall authorize to be purchased or redeemed, or paid or discharged, or such Part or Parts thereof as shall be necessary, or until the same shall, upon the like Application, be laid out in a summary Way, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the afore-mentioned Lands, Tenements, or Hereditaments stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime and until such Order can be made the said Money may, by Order of the said Court upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or Government or Real Securities; and in the meantime, and until the said Bank Annuities or Government or Real Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce of the said Consolidated or Reduced Bank Annuities or Government or Real Securities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled.

When under
200*l.* and
amounting to
20*l.* or up-
wards.

XXXIX. Provided always, and be it further enacted, That in case the Surplus of such Money shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased or exchanged, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, Lunacy, or other Incapacity, with the Approbation of the said Commissioner to be signified in Writing under his Hand, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the Person or Persons who for the Time being would be entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, such

such Nomination to be approved of by the said Commissioner, and such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by them applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank in the Name of the Accountant General of the Court of Exchequer, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

XL. Provided also, and be it further enacted, That in case the Surplus of such Money shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased or exchanged, for his, her, or their own Use and Benefit, or in case of Infancy, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

When under 20l.

XLI. And be it further enacted, That it shall be lawful for the said Commissioner to borrow and take up at Interest, of or from any Person or Persons willing to advance or 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 executing the same and the said recited Acts, and otherwise relating thereto, until the same shall be raised by such Sale or Sales as herein-before mentioned.

Power to borrow Money to execute the Act.

XLII. And be it further enacted, That if any Person or Persons shall advance any Sum or Sums of Money for defraying the Expences of obtaining and passing this Act, or for carrying the same into execution, every such Person or Persons shall be repaid the same, with Interest after the Rate of Five Pounds *per Centum per Annum*, out of the first Monies which shall be raised or received by the said Commissioner by virtue of this Act.

Money advanced to be repaid with Interest.

XLIII. And be it further enacted, That the said Commissioner shall not at any Time permit or suffer any just Claims or Demands upon him as such Commissioner to remain unpaid for a longer Period than Three Calendar Months, except such Sums as may from Time to Time be due and owing to the said Clerk or Clerks for Attendances at Meetings to be held in pursuance of this Act, and once at least in every Three Calendar Months during the Execution of this Act (to be computed from the passing of this Act) the said Commissioner shall and he is hereby required to make a true and just Statement and Account of all Monies by him received and expended, or due to him or to the Clerk or Clerks for their respective Trouble and Expences in the Execution of this Act or the said recited Acts; and in every such Statement or Account shall be particularly stated and specified the several Items and Articles for which each particular Sum shall have been paid or disbursed; and such Statement or Account, when so made, together with the Vouchers relating

Commissioner to lay Accounts before Justices.

[Private.]

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thereto,

thereto, shall once at least in every Three Calendar Months be by him laid before any Two or more of His Majesty's Justices of the Peace for the said County of *Somerset* who shall be uninterested in the said Commons or Waste Lands, or the Division, Allotment, or Inclosure thereof, to be by him or them examined and balanced; and such Balance shall be by such Justices stated in the Books of Accounts to be kept in the Office of the Clerk or Clerks to the said Commissioner; and an Abstract of such Account so examined and balanced shall, within Fourteen Days after the same shall have been examined and balanced, be published in the *Taunton Courier*, or some other Newspaper circulated in the said County of *Somerset*; and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, until the same shall have been duly allowed by such Justices, and until such Account or the Abstract thereof shall have been published in such Newspaper as aforesaid (subject nevertheless to the Power of Appeal herein-after contained).

Award to be deposited in the Hands of the Clerk of the Peace, and a Copy thereof kept in the Parish Church.

XLIV. And be it further enacted, That the Award to be made by the Commissioner under the Authority of this Act and the said first-recited Act shall be executed and published within Three Years from the passing of this Act, and, together with a proper Map or Plan of the said Commons or Waste Lands thereto annexed, shall within Twelve Calendar Months after the Execution thereof be delivered to the Clerk of the Peace for the said County of *Somerset*, who is hereby required to deposit and keep the same among the Records of the said County, so that Recourse may be had thereto by any Person or Persons interested in the Premises, for the Reception whereof the Fee of Two Pounds and Two Shillings shall be paid, and no more, and for the Inspection and Perusal whereof the Sum of One Shilling and no more shall be paid; and the said Award shall, from and after the Delivery thereof to the said Clerk of the Peace, be deemed and taken to be inrolled according to the Directions and within the Meaning of the said recited Acts; and a Copy of the said Award fairly transcribed in a Book, with a proper Map or Plan of the Allotments to be set out to the Proprietors of Estates in the said Parish, attested and signed by the said Commissioner, shall within the Time aforesaid be deposited in the Parish Church of *Chipstable* aforesaid, and there kept in a Tin Box to be provided for that Purpose; and the said Award, and the Copy thereof so attested, and any other Copy of the said Award, or of any Part or Parts thereof, attested by the said Clerk of the Peace for the Time being of the said County or his Deputy (for every Sheet of which containing One hundred Words Sixpence and no more shall be paid), shall from Time to Time and at all Times thereafter be admitted and allowed as legal Evidence of the Matters and Things therein contained in all Courts whatsoever.

Appeal to the Quarter Sessions.

XLV. And be it further enacted, That if any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, shall think himself, herself, or themselves aggrieved by any thing done or omitted to be done in pursuance of this Act or the said recited Acts, (other than and except as to such Claims, Matters, and Things as shall be ascertained, settled, tried, or determined by the Verdict of a Jury under the Power and Authority herein-before contained, or where by any of the Provisions of the said

recited Acts or this Act the Determination, Orders, Acts, or Proceedings of the said Commissioner are declared or directed to be final and conclusive,) then and in every such Case he, she, or they may appeal to the Justices at any General or Quarter Sessions of the Peace which shall be held for the said County of *Somerset* within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioner and to the Party or Parties concerned Ten Days Notice in Writing of such Appeal and of the Matter thereof, except with respect to the Accounts of the Commissioner, which, notwithstanding the same shall have been examined and balanced and published as aforesaid, may be appealed against at any Time within Six Calendar Months after the Date of the said Award, on giving to the Commissioner such Notice as last aforesaid; and the Justices (not interested in the Premises) at the said General or Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and to make such Order and Award such Costs and Damages as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs and Damages 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), on Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale; and the Determination of such Justices shall be final and conclusive on 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* 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 the said Justices in their Discretion shall seem reasonable, and to be levied in manner aforesaid.

XLVI. Provided always, and be it further enacted, That nothing in this Act contained shall prejudice, lessen, or defeat the Right, Title, or Interest of the Lord of the said Manor of, in, or to the Seigniories and Royalties incident or belonging to the said Manor, but that such Lord for the Time being shall and may from Time to Time and all Times hereafter hold and enjoy all Rents, Services, Courts, Perquisites, and Profits of Courts, and all other Royalties, Jurisdictions, Pre-eminences, and Privileges whatsoever to the said Manor incident, appendant, belonging, or appertaining (other than and except the Right of the Soil of the said Commons or Waste Lands), in as full, ample, and beneficial a Manner to all Intents and Purposes as the same might or could have been held and enjoyed in case this Act had not been passed.

Saving Rights
to the Lord
of the Manor.

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

General
Saving of
Rights.

XLVIII. And

Act to be
printed by
the King's
Printers.

XLVIII. 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 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 SPOTTISWOODE,
Printers to the King's most Excellent Majesty. 1834.