



ANNO SEXTO

GULIELMI IV. REGIS.

Cap. 7.

An Act for dividing, allotting, and inclosing Lands within the Parish and Manor of *Godmanstone* in the County of *Dorset*. [19th May 1836.]

WHEREAS there are within the Parish and Manor of *Godmanstone* in the County of *Dorset* certain Open and Common Fields, Common Meadows, Common Pastures, and other Commonable Lands and Waste Grounds: And whereas *Thomas Bridge* of *Piddletrentbide* in the said County of *Dorset*, Esquire, *Robert Bridge* of *Wyke Regis* in the said County, Esquire, and *Alfred Charles Bridge* of the *Middle Temple* in the City of *London*, Esquire, (as Trustees under the Will of *John Bridge* late of *Woodhouse, Shepherd's Bush*, in the County of *Middlesex*, Esquire, deceased,) are Lords of the Manor of *Godmanstone* aforesaid, in Trust for the Benefit of *John Gawler Bridge* of *Ludgate Hill* in the said City of *London*, Esquire, and as such are entitled to the Soil of the said Commonable Lands and Waste Grounds: And whereas the said *Thomas Bridge*, *Robert Bridge*, *Alfred Charles Bridge*, and *John Gawler Bridge*, and *Joseph Goodenough* of *Nether Cerne* in the said County of *Dorset*, Esquire, and others, are Owners and Proprietors of or interested in the aforesaid Lands and Grounds: 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: [Private.]

41 G. 3. c. 109.
1 & 2 G. 4. c. 23.

2 2

Appointment
of Commis-
sioner.

England: And whereas the Lands of the several Owners or Proprietor in the said Open and Common Fields, Common Meadows, and Common Pastures lie intermixed, and are otherwise inconveniently situated, and the Commonable Lands and Waste Grounds in the said Parish and Manor are in their present State incapable of any considerable Improvement; but if the same were divided and inclosed, and specific Shares thereof allotted to the several Persons interested therein in proportion to their respective Estates, Rights, and Interests, great Advantage would arise to the several Owners or Proprietors thereof; but as such Division, Allotment, and Inclosure cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *John Baverstock Knight of Piddlehinton* in the County of *Dorset*, Gentleman, shall be and he is hereby appointed Commissioner for dividing, allotting, and inclosing the said Open and Common Fields, Common Meadows, Common Pastures, Commonable Lands, and Waste Grounds in the Parish and Manor of *Godmanstone* aforesaid, and for carrying this Act into execution, subject to such of the Directions, Powers, Regulations, and Provisions contained in the said recited Acts as are not varied or altered by or repugnant to any of the Directions, Powers, Regulations, and Provisions of this Act.

Commis-
sioner to
make a
Declaration.

II. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act until he shall have made and subscribed the following Declaration; (that is to say,)

‘ I *A. B.* do solemnly declare, That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the several Trusts, Powers, and Authorities vested and reposed in me as a Commissioner by virtue of an Act passed in the Sixth Year of the Reign of King *William* the Fourth, intituled [*here set forth the Title of this Act*], according to Equity and good Conscience, and without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever.’

And such Declaration shall be in lieu of and as a Satisfaction for the Oath or Affirmation required by the said recited Act of the Forty-first Year of the Reign of King *George* the Third to be taken and subscribed by Persons acting as Commissioners in the Execution of an Act for dividing, allotting, or inclosing any Lands or Grounds; and such Declaration shall be to all Intents and Purposes as valid and effectual as the Oath or Affirmation in lieu whereof it shall have been so made and subscribed.

Power to
elect a new
Commis-
sioner.

III. And be it further enacted, That if the said *John Baverstock Knight*, or any Commissioner to be appointed in his Place, as herein-after mentioned, shall die, or become incapable of acting, or refuse or neglect to act, for the Space of Two Calendar Months as the Commissioner for the Purposes of this Act, before the same shall be fully carried into execution, then and in such Case the major Part in Value of the several Owners or Proprietors of Lands within the said Parish and Manor of *Godmanstone*, (such Value to be ascertained according to the Assessment on their respective

Estates in the then last Rate made for the Relief of the Poor of the said Parish,) present at some public Meeting to be holden at *Godmanstone* aforesaid, or within Six Miles thereof, within Twenty-one Days after such Death, Incapacity, Refusal, or Neglect shall happen or be known, (of which Meeting and the Intent thereof Notice shall be given by the major Part in Value of such Owners or Proprietors at least Ten Days previous to such Meeting by affixing such Notice in Writing on the principal Door of the Church of *Godmanstone* aforesaid immediately before Divine Service on some *Sunday*, and by inserting the same in some Newspaper circulated in the County of *Dorset*,) shall and they are hereby empowered from Time to Time by Writing under their Hands to elect and appoint some other fit and proper Person, not interested in the said intended Division and Inclosure, to be a Commissioner in the Room and Stead of the Commissioner so dying, or becoming incapable of acting, or refusing or neglecting to act as aforesaid; and every such Commissioner so to be appointed shall, after making and subscribing the Declaration herein-before mentioned, have the same Powers and Authorities for carrying this Act and the said recited Acts into execution as if he had been named and appointed a Commissioner in and by this Act; which Appointment shall be annexed to the Award of such Commissioner, and be enrolled and deposited therewith.

IV. And be it further enacted, That such Survey and Admeasurement of the Lands and Grounds within the said Parish and Manor of *Godmanstone*, or any Part or Parts thereof, as in the Judgment of the said Commissioner shall be requisite and necessary for the Purposes of this Act, shall be made; and it shall be lawful for the said Commissioner by Writing under his Hand to nominate and appoint any Person (not interested in the said Division and Inclosure) to be the Surveyor for assisting him in carrying this Act and the said recited Acts into execution; and in case such Surveyor shall die, 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 Commissioner shall and may appoint some other fit and proper Person in the Place and Stead of such Surveyor who shall die, refuse, neglect, or become incapable to act: Provided nevertheless, that it shall be lawful for the said Commissioner to adopt and make use of any Survey, Admeasurement, and Plan already made of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or of the old Inclosures within the said Parish and Manor of *Godmanstone*, without causing a new Survey and Admeasurement to be made thereof, as authorized or allowed by the said first-recited Act, and out of the Money to be raised by virtue of this Act to make such Satisfaction to the Person or Persons producing such approved Map, Plan, or Survey as the said Commissioner shall think fit and reasonable.

Appointment
of Surveyor.

V. Provided always, and be it further enacted, That no Person shall be capable of acting as Surveyor until he shall have made and subscribed a Declaration to the Effect following; (that is to say,)

Surveyor to
make a De-
claration.

‘ I *A. B.* do solemnly and sincerely declare, That I will faithfully, im-
 ‘ partially, and honestly do, execute, and perform the several Duties
 ‘ and Trusts reposed in me as a Surveyor under and by virtue of an Act
 ‘ passed in the Sixth Year of the Reign of King *William* the Fourth,
 ‘ intituled [*here set forth the Title of this Act*], according to the best of my
 ‘ Skill

‘ Skill and Judgment, and according to Equity and good Conscience, and without Partiality, Favour or Affection, Prejudice or Malice, to any Person or Persons whomsoever.’

Which Declaration it shall be lawful for the said Commissioner to administer, and he is hereby required to administer the same; and such Declaration so made shall be written upon Parchment and subscribed by the Person making the same, and shall be annexed to and deposited with the Award of the said Commissioner.

Penalty on making false Declaration.

VI. And be it further enacted, That any Person making and subscribing a Declaration under the Authority of this Act, and who shall wilfully and corruptly make and subscribe such Declaration knowing the Allegations thereof or any of them to be untrue, shall be subject to the like Pains and Penalties to which Persons guilty of wilful and corrupt Perjury are or may be liable.

Appointment of Clerk.

VII. And be it further enacted, That the said Commissioner shall and he is hereby authorized and empowered to appoint some fit and proper Person to be his Clerk to assist him in carrying this Act and the said recited Acts into execution; and in case such Clerk shall die, 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 Commissioner shall and may appoint some other fit and proper Person in the Place and Stead of such Clerk who shall die, refuse, neglect, or become incapable to act.

Allowance to Commissioner and Clerk.

VIII. And be it further enacted, That there shall be paid to the said Commissioner and his Clerk the Sum of Three Pounds and Three Shillings each, and no more, for each Day they shall be employed in the Execution of this Act and the said recited Acts, or shall necessarily travel from Home for the Purposes of this Act, or when returning Home, and such Sum shall be deemed and taken to be in full Compensation and Satisfaction for their Trouble and Expences (except the Money to be paid for the Use of the Rooms in which the Business shall be transacted), during the first Two Years next after the passing of this Act; and after the Expiration of the first Two Years, then the Sum of Two Pounds and Two Shillings, and no more, shall be paid to the said Commissioner and his Clerk for each Day they shall actually attend and be employed as Commissioner and Clerk as aforesaid, until the Powers and Provisions of this Act shall be duly executed and performed.

Allowance to Surveyor.

IX. And be it further enacted, That it shall be lawful for the said Commissioner to allow the Surveyor to be appointed by him as herein-before directed for his Time and Trouble any Sum not exceeding One Shilling and Sixpence *per Acre* for surveying, measuring, mapping, and planning the said Lands, or any Sum not exceeding Two Pounds and Two Shillings for each and every Day he shall be actually and wholly employed, either in surveying, measuring, mapping, or planning, or otherwise in the Business of the said dividing, allotting, and inclosing; which said Sums of One Shilling and Sixpence *per Acre*, or Two Pounds and Two Shillings *per Day*, shall be in full Satisfaction for his Time and Trouble, and for all travelling and other

other Expences of every Description to be incurred by such Surveyor in and about the Execution of this Act and the said recited Acts.

X. And for regulating the Duration of all Meetings or Sittings to be holden for the Purposes of this Act, be it enacted, That a Day shall be deemed to consist of Eight Hours in all Meetings or Sittings to be held between the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September*, and Six Hours between the Twenty-ninth Day of *September* and the Twenty-fifth Day of *March*; and that any Meetings or Sittings to be holden for the Purposes of this Act of less Duration than Eight Hours or Six Hours (as the Case may be) shall be charged only as Half a Day, and the said Commissioner and the said Clerk shall be paid accordingly; and a Book shall be kept by the said Commissioner or his Clerk, in which shall be entered the several Days on which the said Commissioner shall hold his Meetings or Sittings, and in such Book shall also be entered at what Hour the said Commissioner and his Clerk were respectively present at such Meeting or Sitting, and at what Hour they respectively left the same; and such Book shall be signed by the said Commissioner and his Clerk at the Termination of each Meeting or Sitting, and shall be open to the Inspection of any Person or Persons interested, or his, her, or their Agents or Attornies, during all the Meetings or Sittings 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 always, that it shall not be lawful for the said Commissioner to retain or pay himself or such Clerk out of any Money to be received by him, or over which he may have any Control, in the Execution of this Act, any Sum or Sums of Money on account of any Allowance herein-before directed to be made to such Commissioner and Clerk respectively, beyond One Third of such Allowance to which they shall be entitled as aforesaid, until after the Expiration of Six Calendar Months from the Day of the depositing of the Award herein-after directed to be made and deposited with the Clerk of the Peace of the County of *Dorset*, or in case the Accounts of the said Commissioner shall be appealed against, then not until the said Appeal shall have been heard and decided: Provided also, that in case of the Decease of the said Commissioner or of the said Clerk previous to the Execution of the Award herein-after directed to be made, 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 such Sum of Money as shall appear by the said Accounts to be due to the said Commissioner or Clerk.

Regulating
the Duration
of Meetings
or Sittings.

XI. And be it further enacted, That the said Commissioner shall and he is hereby required to give or cause to be given public Notice in the *Sherborne and Teovil Mercury*, or some other Newspaper circulating in the said County of *Dorset*, and also Notice in Writing by affixing the same on the principal Door of the Parish Church of *Godmanstone* aforesaid on some *Sunday* immediately before Divine Service, of the Time and Place of the First and every subsequent Meeting for the Execution of this Act, Ten Days at least before any such Meeting (Meetings by Adjournment only excepted); and if the said Commissioner shall not attend at the Place and Time appointed for any such Meeting, or to which any such Meeting shall be adjourned, it shall be lawful for the Clerk to the said Commissioner

Commis-
sioner to give
Notice of
Meetings.

[*Private.*]

to adjourn such Meeting to any future Day, not exceeding Forty Days from the Day of such Adjournment, to be holden at the same Place or at some other convenient Place within the Distance of Six Miles from the Parish of *Godmanstone* aforesaid, as to him and the Majority of the Proprietors then present shall seem fit and proper; and the said Clerk is hereby required to give Notice of such Adjournment to the said Commissioner Fourteen Days at least before the Day appointed for such Meeting.

Other Notices how to be given.

XII. Provided always, and be it further enacted, That all other Notices necessary or requisite to be given by the said Commissioner in pursuance of this Act or the said recited Acts, and the Manner of giving which is not hereby or thereby otherwise particularly directed, shall be given by Advertisement in the *Sherborne and Yeovil Mercury*, or in some other Newspaper usually published or circulated in the said County of *Dorset*.

Proceedings to be entered in a Book.

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 by the said Commissioner for that Purpose, and shall be signed by the said Commissioner; and such Orders and Entries shall and may be read in Evidence in all Suits or other Proceedings concerning any thing done in relation to or concerning the Execution of this Act.

Lands to be divided and ascertained.

XIV. And be it further enacted, That all Fields and old Inclosures within the Manor and Parish of *Godmanstone* containing the Property of Two or more Persons within One Fence, whether such Property belongs to different Lords or Landowners in Fee, or are held of One Lord or Landowner by different Copies of Court Roll, or Leases for a long Term of Years, or determinable on One or more Life or Lives, or by any other Mode whatsoever, whereby the Duration of Interest is different or uncertain, and all Encroachments and Inclosures taken out of the said Open and Common Fields, Common Pastures, and other Commonable and Waste Lands within the Space of Twenty Years last past, and also all old Inclosures whatsoever within the said Manor and Parish, the Owner or Owners whereof shall signify to the said Commissioner his, her, or their Consent in Writing to have the same or any Part thereof deemed Part of the allottable Lands and Premises under this Act as herein-after mentioned, shall respectively be deemed Part of the Lands and Premises to be divided and allotted by virtue of this Act, and the same shall be divided and allotted accordingly.

Commissioner to settle Disputes.

XV. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties who now are or shall before the Execution of the Award of the said Commissioner be interested, or who may claim to be interested, in the said intended Division, Allotment, or Inclosure, touching or concerning their respective Shares, Rights, and Interests in the Lands and Grounds to be divided, allotted, and inclosed by virtue of this Act, or any other Matter or Thing relating to the said intended Division, Allotment, or Inclosure, it shall and may be lawful for the said Commissioner for the Time being and he is hereby required, upon Examination of Witnesses on Oath, which Oath the said Commissioner is hereby authorized to administer, or any other sufficient Evidence, to inquire into, hear, and determine the same: Provided always, that nothing herein contained shall authorize or empower the said Commissioner

missioner to determine the Title to any Messuages, Cottages, Lands, Tenements, or Hereditaments whatsoever:

XVI. Provided also, and be it further enacted, That nothing in this Act contained shall authorize or empower the said Commissioner to determine any Right between any Parties contrary to the Possession of any such Parties, except in Cases of Encroachments made within the Period of Twenty Years; but in case the said Commissioner shall be of opinion against the Right of the 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 not to
determine
Matters of
Title.

XVII. And be it further enacted, That in case the said Commissioner shall, upon the hearing or determining of any Claim or Claims, Objection or Objections, to be delivered to him in pursuance of this Act, 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 Party or Parties whose Claim or Claims, Objection or Objections, Complaint or Complaints, 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 refuse or neglect to pay the same on Demand, then 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 Party or Parties so refusing or neglecting to pay the same, together with the Costs and Charges of such Distress and Sale, rendering the Overplus (if any), on Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold; and if there shall be no Goods or Chattels whereby to levy the same, or in case the Party ordered to pay such Costs be a Body Politic, Corporate, or Collegiate, then and in either of the said Cases it shall be lawful for the Party or Parties in whose Favour such Costs shall be awarded to recover the same by Action or Actions of Debt or on the Case, in which Action or Actions it shall be sufficient for the Plaintiff to declare that the Defendant is indebted to him in the Sum specified in the Order of Adjudication made by the said Commissioner, and in consequence of such Order, without setting forth any other Proceedings under this Act.

Commis-
sioner may
award Costs.

XVIII. 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 Open and Common Fields, Common Meadows, Common Pastures, or other Commonable Lands and Waste Grounds, or any Part thereof, shall be dissatisfied with any Determination of the said Commissioner for the Time being touching or concerning any Claim or Claims of Common, or other Rights or Interests, in, over, or upon or out of the same Lands or Grounds, or any Part or Parts thereof, or touching or concerning any Matter or Thing whatsoever relating to the said Division or Allotment and Inclosure, it shall be lawful for the Person or Persons, or Body

Parties dis-
satisfied may
try their
Rights at
Law.

or

or Bodies Politic, Corporate, or Collegiate, so dissatisfied, 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 shall have been made, within Three Calendar Months next after the Determination of the said Commissioner shall have been notified in Writing to the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, against whom such Determination shall have been made, or to his, her, or their known Agent or Attorney; and the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, so dissatisfied as aforesaid, shall proceed to a Trial at Law of the Matter so determined by the said Commissioner at the next or at the Second Assizes to be holden for the said County of *Dorset*, after such Action or Actions shall have been so commenced; 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 of One or more Issue or Issues, whereby such Claim or Claims, Objection or Objections, and the Right or Rights thereby insisted on, may be tried and determined (such Issue or Issues to be settled by the proper Officer of the Court in which such Action or Actions shall be commenced, in case the Parties shall differ about the same); and the Verdict or Verdicts which shall be given in such Action or Actions shall be binding, final, and conclusive upon and to all and every Person and Persons, Body and Bodies Politic, Corporate, or Collegiate whomsoever, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall be lawful for the Court to do in case the said Court shall think proper; and after such Verdict or Verdicts shall be obtained, and not set aside by the Court, the said Commissioner shall and he is hereby required to act in conformity thereto, and to allow or disallow the Claim or Claims, Right or Rights, Interest or Interests, thereby determined, according to the Event of such Trial or Trials: Provided always, that if no such Action at Law shall be commenced as aforesaid, or if any such Action shall be commenced, and the Plaintiff or Plaintiffs therein shall not proceed to Trial within the Time and in the Manner herein-before for that Purpose mentioned, then the Determination of the said Commissioner shall be binding, final, and conclusive to all Intents and Purposes whatsoever.

Death of Parties not to abate Actions.

In case of the Death of Parties before Actions brought, the same to be carried on and defended in their Names.

XIX. Provided also, and be it further enacted, That if any of the Parties, Plaintiffs or Defendants, 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; 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, Body or Bodies Politic, Corporate, or Collegiate respectively, 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 of the said Commissioner with Process for commencing such Action or Actions, in the same Manner as the Party or Parties so dying might have been served therewith

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.

XX. Provided always, and be it further enacted, That if any Suit or Suits shall be commenced or prosecuted touching or concerning the Title, Right, or Interest of any Person or Persons in or to any Messuages, Cottages, Lands, Tenement, or Hereditaments whatsoever, for or in respect of which any Right of Common or other Rights or Interests in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and 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 said Division, Allotment, and Inclosure shall be proceeded in notwithstanding such Suit or Suits, and the said Commissioner shall award the Allotment or Allotments in respect of the Hereditaments to which such Suit or Suits shall relate to the Person or Persons, or 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, or Party or Parties, who, upon the Determination of such Suit or Suits, shall become entitled to the same.

Suits respecting Titles not to delay the Execution of the Act.

XXI. And be it further enacted, That if any of the Parties interested in the said intended Division and Inclosure shall die before the same 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 or the said recited Acts in such Manner as he might have done in case such Party or Parties were still living; and the Share or Shares of the Person or Persons so dying shall be allotted to the Person or Persons who shall by Law become entitled to the same, and shall be accepted 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.

The Death of Parties not to hinder the Commissioner from proceeding in the Inclosure.

XXII. And be it further enacted, That it shall and may be lawful to and for the said Commissioner, at any Time or Times when he in his Judgment shall think it convenient and proper, by Notice for that Purpose under his Hand to be affixed on the principal Door of the Parish Church of *Godmanstone* aforesaid on some *Sunday* before Divine Service, to order the Rights of Common in, upon, and over the said Commons and Waste Lands, or any Part thereof, to be extinguished or suspended, either in the whole or in part; and from and after the Time to be mentioned in and fixed by any such Notice all such Rights of Common as shall thereby be directed to be extinguished or suspended shall cease and be extinguished or shall be suspended accordingly; any Law, Usage, or Custom to the contrary notwithstanding.

Commissioner may extinguish or suspend Rights of Common.

[*Private.*]

3 b

XXIII. And

Bridle Road, or Footway shall be and shall be deemed to be discontinued, stopped up, diverted, or altered, as the Case may be, subject however to such Appeal to the Court of General Quarter Sessions for the County of *Dorset*. as is herein-after mentioned.

Persons who may think themselves aggrieved if such Highway should be ordered to be stopped up or diverted may appeal.

XXIX. Provided also, and be it further enacted, That it shall be lawful for any Person who may think that he would be injured or aggrieved if any such Carriage Road, Highway, Bridle Road, or Footway should be discontinued, stopped up, diverted, or altered, to make his Complaint thereof by Appeal to the Justices at any General or Quarter Sessions of the Peace to be holden for the said County of *Dorset* within Four Calendar Months next after the Date of such Notice, giving to the said Commissioner or his Clerk Ten Days Notice in Writing of such Appeal, together with a Statement in Writing of the Grounds thereof; provided also, that it shall not be lawful for the Appellant to be heard in support of such Appeal unless such Notice and Statement shall have been so given as aforesaid, nor on any Hearing of Appeal to go into or give Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid.

In case of Appeal, Jury at Sessions to determine whether old Highway may be discontinued.

XXX. And be it further enacted, That in case of such Appeal the Justices at the said General or Quarter Sessions shall, for the Purpose of determining whether the public Highway so intended to be discontinued, stopped up, diverted, or altered, or whether the said Party appealing would be injured or aggrieved, impanel a Jury of Twelve disinterested Men out of the Persons returned to serve as Jurymen at such General or Quarter Sessions; and if, after hearing the Evidence produced before them, the said Jury shall return a Verdict that the public Highway so discontinued, stopped up, diverted, or altered is wholly unnecessary, or may beneficially to the Public be discontinued, altered, or diverted, and that the Party appealing would not be injured or aggrieved, then the said Court of General or Quarter Sessions shall dismiss such Appeal; and in that Case the said Court of General or Quarter Sessions shall award the Costs and Expences of resisting the said Appeal to be paid by the Party appealing to the said Commissioner, and the same shall be recoverable from the said Party in such and the same Manner as any Penalties and Forfeitures are recoverable under the said recited Act passed in the Forty-first Year of the Reign of King *George* the Third; but if the said Jury shall return a Verdict that the Highway so discontinued or stopped up is not unnecessary, or that the Highway so diverted or altered could not beneficially to the Public be so diverted or altered, or that the Party appealing would be injured or aggrieved by the said Highway being discontinued, stopped up, diverted, or altered, as the Case may be, the said Court of General or Quarter Sessions shall allow such Appeal, and shall make an Order for restoring the said Highway so discontinued, stopped up, diverted, or altered by the Order of the said Commissioner to its original State; and in that Case the said Court of General or Quarter Sessions is hereby authorized and required to award to the Party or Parties giving Notice of Appeal such Costs and Expences as shall be incurred in prosecuting such Appeal, and such Costs and Expences shall be paid by the said Commissioner, and shall be raised by the said Commissioner in such and the same Manner as he is hereby directed or empowered to raise the Money necessary for discharging the Costs, Charges, and Expences of this Act.

Costs to be awarded on Appeal against stopping up Highways.

XXXI. Pro-

XXXI. Provided always, and be it further enacted, That from and after the Dismissal of any such Appeal as aforesaid the Order or Award of the said Commissioner for discontinuing, stopping up, diverting, or altering any such public Carriage Road, Highway, Bridle Road, or Footway shall be final and conclusive, and be of full Force and Effect, any thing in this Act or in the said recited Acts contained to the contrary notwithstanding.

If Appeal dismissed, Order of Commissioner to be final.

XXXII. And be it further enacted, That from and after the passing of this Act, until the Execution of the Award of the said Commissioner, all the Open and Common Fields hereby directed to be divided, allotted, and inclosed shall be subject and liable to such Directions and Regulations as the said Commissioner shall from Time to Time by Writing under his Hand appoint, as well with regard to the stocking, as to the ploughing, folding, tilling, sowing, and laying down the same; and it shall be lawful for the said Commissioner to order and direct such Sum and Sums of Money, as well in respect thereof as for any Seeds or Crop, Tillage, Manure, or Preparation for a Crop or Crops, on any of the Lands and Grounds hereby directed to be allotted, to be paid by any Person or Persons interested therein, or his, her, or their Tenant or Tenants, and to such Person or Persons as the said Commissioner shall think reasonable and direct; and in case any Person or Persons who shall be directed to pay any Sum or Sums of Money on any of the Accounts aforesaid shall neglect or refuse to pay the same accordingly within the Space of Fourteen Days after the same shall have been ordered and directed, then it shall be lawful for the said Commissioner and he is hereby required, by Warrant under his Hand and Seal directed to any Person or Persons whomsoever, to cause the same to be levied by Distress and Sale of the Goods and Chattels of such Person or Persons so refusing or neglecting to pay such Sum or Sums of Money as aforesaid, rendering the Overplus (if any), upon Demand, to such Person or Persons respectively, after deducting the Costs and Charges of taking and making every such Distress and Sale; and in case such Distress cannot be taken as aforesaid it shall be lawful for the said Commissioner or any Person authorized by him for that Purpose to enter into and upon such Lands as aforesaid, or any Part thereof respectively, and receive the Rents, Issues, and Profits thereof respectively, until thereby and therewith or otherwise the full Amount of such Sum and Sums of Money as aforesaid, and all reasonable Costs, Charges, and Expences occasioned by or attending such Entry upon and receiving the Rents and Profits of the same Premises, shall be respectively fully paid and satisfied; which Sum or Sums of Money so to be levied, received, or raised shall, after discharging such Costs, Charges, and Expences as aforesaid, be applied in making such Recompence and Satisfaction to the Person or Persons entitled thereto as aforesaid.

Commissioner to direct the Course of Husbandry.

XXXIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioner, and he is hereby authorized and empowered, to scour out, deepen, widen, and change the Course and Direction of all and every such ancient Ditches, Drains, Watercourses, Tunnels, and Bridges in the Parish and Manor of *Godmanstone* aforesaid, or which divide or run between the said Parish and any adjoining Parish or Liberty, as he shall think proper, and also shall and may set out and appoint new Ditches, Drains, Watercourses, Tunnels, Watergates, Banks, and Bridges,

Drains and Ditches.

[Private.]

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to be made of such Depth, Width, and Extent, and in such Situation and Direction, as he the said Commissioner shall think fit, as well in, through, and over the Lands and Grounds hereby intended to be divided, allotted, and inclosed as aforesaid, as also in, over, and through any ancient Inclosures or other Lands or Grounds within the Parish of *Godmanstone* aforesaid, making such Satisfaction to the Proprietors of such ancient Inclosures or other Lands or Grounds not hereby intended to be divided, allotted, and inclosed, for the Damage done thereby, as he shall judge reasonable; and the said Commissioner shall and may and he is hereby directed in and by his Award to order and direct by whom, at whose Expence, at what Time, and in what Manner the said Ditches, Drains, Watercourses, Tunnels, Watergates, Banks, and Bridges shall be thereafter repaired, cleansed, scoured, and maintained: Provided always, that nothing in this Act contained shall authorize the said Commissioner to divert or turn any such Watercourse, or any Stream, Brook, or Rivulet, without the Consent in Writing of the respective Owners of the Lands or their Agents for the Time being from or into which the same shall be diverted and turned.

Certain Encroachments to be deemed Part of the Waste, &c.

XXXIV. And be it further enacted, That it shall be lawful for the said Commissioner, and he is hereby authorized and required, to inquire into and ascertain what Lands have been inclosed and taken from, and what Encroachments have been made in or upon, the said Open and Common Fields, Common Meadows, Common Pastures, and other Commonable Lands and Waste Grounds by this Act directed to be divided, allotted, and inclosed; and all such Inclosures and Encroachments which shall have been taken and made within Twenty Years now last past, except only such Encroachments as may have been made upon the Commons and Waste Lands with the Consent of the Lords of the Manor of *Godmanstone* aforesaid, shall be deemed Parts of the Lands and Grounds intended to be hereby divided, allotted, and inclosed, and shall be divided and allotted accordingly; and in case any Dispute or Difference shall arise touching any such Encroachments, or the Extent thereof, such Dispute or Difference shall be finally determined by the said Commissioner.

Allotments for Watering Places, Stones, Chalk, &c.

XXXV. And be it further enacted, That the said Commissioner shall and may and he is hereby authorized and required, in the first place, to set out, allot, and award unto and for the Surveyors of the Highways within the Parish of *Godmanstone* aforesaid for the Time being One or more Plot or Plots of the Lands and Grounds hereby intended to be divided, allotted, and inclosed, immediately adjoining to One or more of the public Roads or Highways, or as near as the same can be found to such public Road or Highway, upon and over the same, as he the said Commissioner shall think necessary and proper (not exceeding in the whole One Acre and a Half), as and for public Watering Places for Cattle, and for Stone, Chalk, Gravel, and Sand Pits, and for laying and depositing Manure and Rubbish; which same Allotments, when so set out shall for ever thereafter be used by the said Surveyors of the Highways, and also by the Proprietors of Lands and Estates within the said Parish of *Godmanstone*, and their Tenants, and shall be fenced in such Manner, and under such Rules and Regulations, and the Soil and Herbage thereof shall be allotted to such Person or Persons, as the said Commissioner shall in and by his Award direct or appoint.

XXXVI. And

XXXVI. And be it further enacted, That the said Commissioner shall and he is hereby authorized and required, in the next place, to set out, allot, and award to and for the said *Thomas Bridge, Robert Bridge, and Alfred Charles Bridge*, as Lords of the said Manor of *Godmanstone*, in Trust as aforesaid, such Part of the Common and Waste Lands within the said Manor and Parish of *Godmanstone* as in the Judgment of the said Commissioner shall be equal in Value to One Sixteenth Part thereof, in full Compensation and Satisfaction for their Rights and Interests in and to the Soil of the said Common and Waste Lands.

Allotment to the Lords of the Manor for Right of Soil.

XXXVII. And be it further enacted, That the said Commissioner shall and he is hereby authorized and required, in the next place, to set out, allot, and award unto and for the Rector of the Rectory and Parish Church of *Godmanstone* aforesaid for the Time being, for and in respect of his Glebe Lands and Rights of Common in and over the said Open and Common Fields, Common Meadows, Common Pastures, and other Commonable Lands and Grounds by this Act directed to be divided, allotted, and inclosed, such Parts or Parcels thereof as in the Judgment of the said Commissioner shall be a full Equivalent and Compensation to such Rector for all his said Glebe Lands and Rights of Common respectively.

Allotment to the Rector for his Glebe and Common Rights.

XXXVIII. And be it further enacted, That it shall be lawful for the said Commissioner, in and by his Award or by Writing under his Hand, to extinguish all Common Rights now or heretofore used or exercised over or upon any Farm or inclosed Lands in the said Parish and Manor, and to award or make such Compensation as he shall think just and reasonable to the Person or Persons or Party who shall be deprived of the Exercise of such Common Rights by any Allotment or Allotments of Land, Part of the Allotments to be set out by virtue of this Act, or otherwise, as he shall think proper, and thereupon all such Common Rights shall cease and be for ever extinguished, any Custom or Usage to the contrary notwithstanding.

Extinguishing Common Rights in inclosed Lands.

XXXIX. Provided always nevertheless, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to affect the Right, Title, or Interest of the Rector of the said Parish to or in the Tithes to arise, accrue, or become due in, upon, or out of the said Open and Common Fields, Common Pastures, and other Commonable Lands and Grounds hereby intended to be divided, allotted, and inclosed, or to the Exoneration or Discharge of the same from the Payment of such Tithes, or of, in, or to any Modus or Composition in lieu of Tithes payable out of or from such Lands, Tenements, or Hereditaments for or in respect of which no Satisfaction and Compensation shall be made; but all such Tithes and Moduses shall respectively remain, continue, and be in full Force, in such and the like Manner as if this Act had not been made, to the said Rector and his Successors, Rectors of the said Parish of *Godmanstone*.

Certain Tithes belonging to the Rector not to be affected by this Act.

XL. And be it further enacted, That the said Commissioner shall, and he is hereby authorized and empowered to set out and allot such Part or Parts of the aforesaid Commonable Lands and Waste Grounds as in his Judgment shall be sufficient to raise a competent Sum of Money for defraying the Charges and Expences of obtaining and passing this Act, and executing the

Allotment for defraying the Expences of this Act.

the Powers and Authorities contained in this Act and the said first-recited Act; and when and so soon as the same shall be so set out and allotted such Lands shall be valued by the said Commissioner, who shall, on such Valuation being made, offer the same to the said *John Gawler Bridge*, his Executors, Administrators, or Assigns, for such Price or Prices as shall be so deemed to be the Value of the same; but in case the said *John Gawler Bridge* shall not elect to become the Purchaser of such Lands at such Valuation as aforesaid within the Space of One Calendar Month next after such Offer shall be made to him by the said Commissioner, then it shall and may be lawful to and for the said Commissioner, and he is hereby authorized and directed, to sell the same Lands by public Auction to any Person or Persons for the best Price or Prices that can be reasonably had or gotten for the same, either in One Lot or Two or more Lots; as in his Judgment shall seem most proper and advantageous; and the Purchaser or Purchasers thereof shall at the Time of such Sale pay into the Hands of the said Commissioner, or to such Person or Persons as he shall appoint, a Deposit of Ten Pounds *per Centum* on his, her, or their Purchase Money, and the Remainder of such Purchase Money shall be paid to the said Commissioner, or as he shall direct or appoint, within Three Calendar Months next after such Sale; and in default of such Payment of the Residue of the said Purchase Money the Deposit to be paid as aforesaid shall be forfeited, and shall be applied for and towards the Expences of obtaining and passing this Act and carrying the same into execution; and the Allotment or Allotments shall again be put up to Sale in manner aforesaid: Provided also, that the Receipt and Receipts to be given by the said Commissioner to the said *John Gawler Bridge*, or such other Purchaser or Purchasers respectively as aforesaid, for all or any Part of their, his, or her Purchase Money, shall be a full and complete Discharge and full and complete Discharges to them, him, or her for the Sum or Sums of Money therein acknowledged or expressed to have been received; and such Purchaser or Purchasers shall not afterwards be obliged to see to the Application of such Purchase Money or any Part thereof, or be answerable or accountable for the Loss, Misapplication, or Nonapplication thereof or any Part thereof; and after Payment of the full Amount of the Purchase Money of any such Allotment or Allotments as aforesaid the Purchaser or Purchasers thereof respectively shall thereupon have and be entitled to the same Allotment or Allotments of Land for an Estate of Freehold and Inheritance in Fee Simple; and the said Commissioner shall and he is hereby authorized and empowered, by Indentures of Lease and Release to be made and executed by the said Commissioner at the Costs and Charges of the said Purchaser and Purchasers respectively, to convey and assure the Allotment or Allotments so to be sold unto the said *John Gawler Bridge*, or such other Purchaser or Purchasers as aforesaid, his or their Heirs and Assigns for ever; and the Conveyance and Assurance so to be made of the Allotment or respective Allotments so sold shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever; and the Money arising by such Sale or Sales shall be applied by the said Commissioner in defraying the Charges and Expences of obtaining and passing this Act, and of carrying into execution the Powers of the same Act and of the said first herein-before recited Act; and in case any Surplus thereof shall remain after Payment of such Charges and Expences, then and in such Case such surplus Money shall be divided and apportioned between the several Proprietors and Persons interested in the Lands hereby directed to be

be divided, allotted, and inclosed, in such Shares as shall be in proportion to their respective Rights and Interests, and in manner directed by this Act in Cases wherein any Money is directed to be paid into the Bank of *England* for the Purchase or Exchange of Lands, Tenements, or Hereditaments to be settled to the same Uses.

XLI. And be it further enacted, That in case any Person or Persons interested in the said Division, Allotment, and Inclosure shall be desirous of having the whole of his, her, or their respective Shares and Allotments of the said Lands and Grounds hereby directed to be divided, allotted, and inclosed, set out and allotted to him, her, or them without any Abatement for or in respect of the Sales herein-before directed for the Purposes aforesaid, and shall, by himself, herself, or themselves, or his, her, or their Agent or Agents, signify the same in Writing to the said Commissioner at the Time of delivering in their respective Claims under this Act or the said first-recited Act, or within such Time afterwards as shall be prescribed or allowed for the Purpose by the said Commissioner, then and in every such Case the said Commissioner (notwithstanding the Provisions for Sale of Land herein-before contained) shall and he is hereby authorized and required to set out and allot to such Person or Persons respectively all such Shares and Proportions of the said Lands hereby directed to be divided, allotted, and inclosed as he, she, or they respectively would have been entitled to under and by virtue of this Act in case no Provision had been made for Sale of any Part of the same Lands or Grounds, and without any Reduction or Abatement whatsoever on that Account, and to adjust and settle what Sum or Sums of Money ought to be borne and paid by such Person or Persons respectively, his, her, or their Heirs, Executors, Administrators, or Assigns, for or in respect of his, her, or their several and respective proportionable Share or Shares of the Charges and Expences of obtaining this Act and carrying the same and the said recited Acts into execution; the same to be paid and recovered in such and the same Manner and under such and the same Powers as are by the said first-recited Act provided in respect to Monies to be assessed, raised, paid, levied, or recovered for Payment of Expences; and thereupon such Person or Persons respectively shall not be charged with any Part of the Expences attending or occasioned by the Sales herein-before directed.

Persons desirous of paying in Money to be exempt from the Operation of the Power of Sale.

XLII. And be it further enacted, That after the several Allotments by this Act directed to be made shall have been made or marked and set out, the said Commissioner shall divide, set out, and allot the Residue of the said Open and Common Fields, Common Meadows, Common Pastures, and other Commonable Lands and Waste Grounds by this Act directed to be divided, allotted, and inclosed, unto and amongst the several Proprietors thereof or Persons entitled thereto, in such Quantities, Shares, and Proportions as the said Commissioner shall adjudge and determine to be a just and full Compensation and Satisfaction to him, her, or them respectively for his, her, and their several and respective Rights, Estates, and Interests therein; which said Allotments shall be in full Bar of and Compensation and Satisfaction for all Rights of the said several Persons in, over, and upon all the Lands and Grounds hereby directed to be divided, allotted, and inclosed as aforesaid.

Allotment of Residue.

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XLIII. And

Determining
Objections to
Allotments.

XLIII. And be it further enacted, That when and as soon as the said Commissioner shall have ascertained the respective Rights and Shares and Interests of the Proprietors of the Lands and Grounds to be divided 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 Notices, of some convenient Time and Place when and where all Persons interested therein may inspect the Plan whereon 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 shall be binding, final, and conclusive upon all Parties.

Old Inclo-
sures may be
taken up and
allotted by
Commis-
sioner, with
the Consent
of Owners.

XLIV. And be it further enacted, That it shall and may be lawful to and for the said Commissioner, by and with the Consent of the respective Owners of old inclosed Lands, Grounds, or Hereditaments lying within the Parish of *Godmanstone* aforesaid or any of them, but not otherwise, to order and direct the same or such Part or Parts thereof as the Owners thereof respectively shall consent and desire, to be taken up and considered and allotted as Part and Parcel of the Lands hereby directed to be divided and inclosed, which shall be done accordingly, and thereupon such Allowances shall be made to the respective Owners thereof, on account of the beneficial Circumstances and Situation of the Property, as the said Commissioner shall adjudge to be just and reasonable; and the said Commissioner shall and he is hereby required to set out, allot, and award unto and for the respective Owners of such old inclosed Lands, Grounds, and Hereditaments, in lieu thereof, so much and such Plot and Plots of Land, Part of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, as he the said Commissioner (Quantity, Quality, and Situation considered,) shall think reasonable and just, subject to the Rules, Orders, and Directions herein contained.

Allotments
to be of the
same Tenure
as the Lands
in respect of
which they
shall be
made.

XLV. Provided always, and be it further enacted, That all and every the Allotments to be made to the Owners and Proprietors of Estates within the said Parish of *Godmanstone* in right of or in respect of any Freehold Messuages, Lands, Rights, or Interests by virtue of this Act shall, from and after the Execution of the Award of the said Commissioner, be deemed as Freehold Lands, and held under the same Rents, and by the same Services, and in the same Manner as the Freehold Messuages, Lands, or Hereditaments in respect of which they shall be so allotted were before that Time held; and the several Lands and Grounds which shall be therein distinguished to have been allotted to Leasehold Lands, Rights, or Interests, held for a Life or Lives, Term or Terms of Years, absolute or determinable on the Decease of One or more Life or Lives, shall in like Manner be deemed Leasehold, and held under the same Rents and for the same Terms of Years respectively as the Lands or other Hereditaments in respect of which they shall be so allotted were held, and the Reversion thereof shall be vested in the same Lessors respectively as the Reversion of such other Lands or Property was vested before the passing of this Act; and all and every the Allotments to be made in right or in respect of any Copyhold Messuages, Lands, or Hereditaments by

virtue of this Act shall, from and after the Execution of the said Award, be deemed and taken as and for Copyhold, and shall be held as such by Copy of Court Roll at the Will of the Lords of the said Manor, and according to the Custom of the said Manor, and under and subject to the same Tenures, Rents, Payments, Fines, Customs, and Services as the Copyhold Messuages, Lands, or Hereditaments respectively for or in respect whereof such Allotments shall be made are now held, and as Part and Parcel thereof; and the Quantities in Acres, Roods, and Perches of such Copyhold Allotments, with their respective Boundaries and Abuttals, shall be described and distinguished from each other, and also from the Freehold and Leasehold Allotments, in the said Award of the said Commissioner, and in the Survey and Map to be made of the Lands and Grounds.

XLVI. And be it further enacted, That in case the Proprietor or Proprietors of any Lands or other Hereditaments by this Act authorized to be divided, allotted, or inclosed shall hold their respective Lands or Hereditaments for different Estates or by different Tenures, or subject to different Trusts, Charges, or Incumbrances, the said Commissioner shall, if requested so to do by such Proprietor or Proprietors respectively, ascertain and distinguish the Lands or other Hereditaments so held, and shall set out and distinguish the different Allotments or other Hereditaments to be accepted and taken as an Equivalent in respect of each of them so circumstanced, and the said Commissioner shall and he is hereby authorized and empowered to set forth and declare in and by his said Award in right of what Lands and Hereditaments in particular such Allotments shall have been respectively made, and therein also separately describe and ascertain the Situation and Boundaries of any such Allotments; and when from Want of Information, or from any other Cause, the said Commissioner shall have omitted in his Award to distinguish and ascertain the Allotments in respect of Lands or other Hereditaments so circumstanced, and within Twelve Calendar Months after the making of such Award Request shall be made to the Commissioner by any Person or Persons interested, by Writing under his, her, or their Hand or Hands, to have such Omission supplied by a separate Instrument, then and in every such Case the said Commissioner shall and he is hereby authorized to do every thing necessary for supplying such Omission, and so far as that Purpose shall require to examine Witnesses, and in every other respect to proceed and act as if his Award had not been made; and having obtained what he shall think sufficient Information, he is hereby also authorized by any Deed under his Hand and Seal to make distinct and separate Allotments in respect of the Lands and Hereditaments so circumstanced, in the same Manner as he might have done in his Award; and every such separate Instrument shall be enrolled in the same Place, and Evidence thereof given in the same Manner, as by the said first-recited Act or this Act or either of them are or is directed concerning the Award of the said Commissioner; and all reasonable Expences which shall be incurred in or about such separate Instrument or Instruments as aforesaid shall be payable by the Person or Persons who shall have so requested the said Commissioner to make and execute the same, or by his, her, or their Heirs, Executors, or Administrators; and every such separate Instrument shall, from and immediately after the due Execution thereof by the said Commissioner, have the same Effect to all Intents and Purposes as if the Contents or Substance thereof had been inserted and contained in the same

Distinct Allotments to be made for Lands held by distinct Titles.

same Award; and the same shall, after such Enrolment as aforesaid, be delivered to the Person or Persons upon whose Request any such Omission shall have been so supplied, or to the Person or Persons to whom the Custody of the Deeds and Writings concerning the Title to the Premises in question shall, in the Opinion of the said Commissioner, most properly belong.

For fencing
Rector's Al-
lotments.

XLVII. And be it further enacted, That the several Allotments hereinbefore directed to be set out, allotted, and awarded in lieu of Glebe Lands and Right of Common shall be respectively inclosed and ring-fenced on all such Parts or Sides thereof as shall not be directed by the said Commissioner to be made and maintained by any other Proprietor or Proprietors, and against all public Roads, with Quickset Hedges, and Ditches, or other proper Mounds or Fences, with proper Posts, Rails, and other Guard Fences to such Quickset Hedges and Carriage Gates where necessary, within such Times and in such Manner as the said Commissioner shall order and appoint, and the same shall be thereafter supported and maintained for the Term of Seven Years, or until the Quicksets shall have become sufficient Fences of themselves, by or at the Expence of all or such of the Proprietors of the Lands and Grounds within the said Parish and Manor of *Godmanstone*, and in such Manner and Proportions as the said Commissioner shall by any Writing under his Hand or by his Award order and appoint; and after the said Term of Seven Years, or after the said Quicksets shall have become proper Fences of themselves, such Proportions of the said Fences as the said Commissioner shall order and appoint shall thenceforth for ever be preserved, repaired, and maintained by and at the Expence of the Rector of the Rectory and Parish Church of *Godmanstone* aforesaid for the Time being.

Fencing
other Allot-
ments.

XLVIII. And be it further enacted, That the several and respective Persons to whom such several Allotments shall be made and set out as aforesaid shall, at their own Expence, respectively fence in and inclose the same in such Manner and within such Time as the said Commissioner shall in and by his Award or by any Writing under his Hand direct and appoint; and in all Cases where any Lands, Tenements, or Hereditaments for or in respect of which such Allotment or Allotments is or are to be made and set out as aforesaid shall be held by Copy of Court Roll, or Lease for One or more Life or Lives, or for Years determinable on the Death of One or more Life or Lives, under the Lords of the said Manor for the Time being, the said Commissioner shall and he is hereby directed, on Request made to him for that Purpose, by Writing under his Hand to direct the Lords of the said Manor for the Time being, or their Executors, Administrators, or Assigns, to pay to the Person or Persons in Possession thereof, his, her, or their Executors, Administrators, or Assigns, such Sum or Sums of Money towards the Expences of fencing in and inclosing such Allotment or Allotments as shall in the Judgment of the said Commissioner be deemed fair and reasonable for and on account of the reversionary Interest of the Lords of the said Manor for the Time being of, in, or to the same, such Sum and Sums of Money to be paid and payable at such Times as the said Commissioner shall appoint; and in case such Sum or Sums of Money shall not be paid within the Time fixed for that Purpose by such Order of the said Commissioner, the same may be recovered by an Action of Debt in any of His Majesty's Courts of Record.

XLIX. And

XLIX. And be it further enacted, That from and after the Time that any Highways, Roads, Lanes, and Passages, and Allotments of Land, or any of them, shall be set out by the said Commissioner, no Horses, Cows, Sheep, Lambs, Mules, Asses, Pigs, or other Sort of Cattle shall at any Time thereafter be permitted to graze or to go unrestrained in any of the said Highways, Roads, Lanes, or Passages, nor shall any such Cattle be depastured in any of the Allotments to be made in pursuance of this Act for the Space of Seven Years next after the Execution of the said Award, unless the Occupier of the Allotment into which such Horses, Cows, Sheep, Lambs, Mules, Asses, Pigs, or other Cattle shall be turned shall have erected against the Boundary Fence of the said Allotment (whether the said Fence shall belong to the said Allotment or not) a good and sufficient Fence to prevent any Injury being done to the Quicksets planted in the said Boundary Fence; and it shall be lawful for the Proprietor or Proprietors of any of the said Lands and Grounds, or any other Person or Persons by the said Commissioner to be appointed, from Time to Time to distrain all such Horses, Cows, Sheep, Lambs, Mules, Asses, Pigs, or other Cattle then being or depasturing unrestrained in any of the said Highways, Roads, Lanes, or Passages, or in any of the Allotments, in manner aforesaid, and to impound the same in like Manner as allowed by Law in the Case of Cattle Damage feasant.

For preserv-
ing young
Fences.

L. And be it further enacted, That it shall be lawful for the said Commissioner in and by his Award, or by any Writing under his Hand, to make and give such Regulations and Directions as he shall think necessary for enforcing the making and maintaining and supporting such last-mentioned Fences, and for preventing any Neglect of Compliance with such Regulations and Directions by the Person or Persons who shall be liable to the making or to the Maintenance and Support thereof, and for such Purpose to impose any Penalty or Forfeiture for any such Neglect as he shall think proper, not exceeding Forty Shillings for every Rod of any such Fence or Fences; and every such Penalty or Forfeiture shall be recoverable and recovered, on the Application of any Person or Persons aggrieved by any such Neglect to any Justice of the Peace for the County of *Dorset*, by Distress and Sale of the Goods and Chattels of the Person or Persons liable to pay the same, by Warrant under the Hand and Seal of any Justice of the Peace for the County of *Dorset*, and which Warrant of Distress any such Justice is hereby authorized and empowered to grant, rendering the Overplus (if any), after Payment of such Penalty or Forfeiture, and the reasonable Costs and Charges of such Warrant, Distress, and Sale, to the Owner or Owners of such Goods and Chattels; and one Moiety of such Penalty shall be paid to the Informer, and the other Moiety to the Overseers of the Poor of the said Parish, to be applied in aid of the Poor's Rates therein.

Provision for
enforcing
Maintenance
of Fences.

LI. And be it further enacted, That it shall and may be lawful to and 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 Con-
sent fence
Allotments
before Ex-
ecution of
Award.

[*Private.*]

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LII. And

How Lands adjoining Freeboards shall be fenced.

LII. And be it further enacted, That where any Parcel of the Lands so to be allotted as aforesaid shall abut or adjoin upon any Freeboard belonging to any Common Field or inclosed Lands next adjoining to the Lands and Grounds hereby intended to be inclosed, the Person or Persons to whom such Parcels of Land shall be allotted shall and may and is and are hereby empowered to set up and erect Gates or any other Kind of Fence or Fences in, over, and upon such Freeboards, for the raising and preserving the Quicksets, Banks, Woods, Plants, and other Fences to be raised upon such Parcels of Land, until such Time as the Owner or Owners of such Freeboards shall have sufficiently, at his, her, or their own Expence, ditched, fenced, and mounded out the same Freeboards from the said Parcels of Land adjoining thereto, except where such Freeboard shall be a Part of a public Road necessary to be continued, and then such Freeboard shall be and remain as Part of such Road.

Gaps to be left open for Six Months after the Award is executed.

LIII. Provided always, and be it further enacted, That convenient Gaps and Openings shall be left in all the Fences to be made by virtue of this Act, for the Space of Six Calendar Months next ensuing the Execution of the said Award, for the Passage of Cattle, Carts, and Carriages in and through the same, unless the said Commissioner shall by his Award or other Instrument in Writing under his Hand order that the same be sooner fenced in and made up.

Exchanges.

LIV. 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 within the said Parish of *Godmanstone* in lieu of or in exchange for any other Lands, Tenements, or Hereditaments within the said Parish or within any adjoining Parish or Place; provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioner, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, or Hereditaments which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, 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 any Life or Lives, (by and with the Consent of the Lessor or Lessors, but not otherwise,) or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbards, 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 Incapacity, or shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself, such Consent to be testified in Writing under the Common Seal of the Body Politic, Corporate, or Collegiate, and under the Hands of the other Parties respectively; and all and every such Exchange and Exchanges so to be made shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Lands, Tenements, or Hereditaments held in right of any Church or Chapel or other Ecclesiastical Benefice without the Consent, testified as aforesaid, of the Patron thereof, and of the Bishop of the Diocese.

Diocese in which such Lands, Tenements, and Hereditaments so to be exchanged shall lie or be situate.

LV. Provided always, and be it further enacted, That the Costs, Charges, and Expences attending the making and completing of any Exchanges or Partitions under the Powers and Authorities in this Act and the said first-recited Act or either of them contained, shall be paid and borne by the several Persons, Bodies Politic, Corporate, or Collegiate, making such Exchanges or Partitions, and in such Manner and in such Proportions as the said Commissioner shall order and direct.

Expences of Exchanges how to be paid.

LVI. Provided always, and be it further enacted, That if any Person or Persons hath or have sold, or shall at any Time before the Execution of the said Award sell, his, her, or their Right, Interest, or Property in, over, or upon the Lands and Grounds hereby intended to be divided, allotted, and inclosed, or any Part thereof, to any Person or Persons, then and in every such Case it shall be lawful for the said Commissioner, and he is hereby authorized and required, to make an Allotment of Land unto the Vendee or Purchaser, Vendees or Purchasers, or to his, her, or their Heirs, Executors, Administrators, or Assigns, for and in respect of such Right, Interest, or Property so sold.

As to Rights sold before the Execution of the Award.

LVII. And be it further enacted, That it shall be lawful for the said Commissioner, if he in his Discretion shall think fit, to determine all and every or any Lease or Leases, Agreement or Agreements, at Rack Rent now subsisting for any Term of Years not exceeding Fourteen Years, or from Year to Year, of any Part or Parts of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or which shall be exchanged, by virtue of this Act, as to the Whole or any Part of such Lands in any such Lease to be comprised, at such Time or Times as the said Commissioner shall direct; and it shall be lawful for the said Commissioner to adjudge and determine what Satisfaction shall be made by the respective Lessors or Landlords to the Lessees or Tenants respectively for the Determination of their Interests in such Lands and Hereditaments, either by the Payment of a gross Sum, or, where other Lands and Hereditaments are or shall be comprised in the same Demise, by a Reduction and Apportionment of the Rent to be paid during the Remainder of the Term for the Residue of the Premises in every such Lease or Demise comprised; and every such Lease and Demise shall, upon the Compliance of the Lessor with the Direction and Order of the said Commissioner for the Determination thereof, and not otherwise, cease and determine accordingly; and in all Cases where existing Leases, Agreements, or Tenancies shall continue as to any of the Lands in the said Parish which shall be divided, allotted, and exchanged by virtue of this Act, it shall be lawful for the said Commissioner to ascertain and declare what additional Rent shall be paid by the respective Lessees or Tenants for the Improvement in Value thereof, and the Rent so declared shall be added and recoverable in like Manner as the original Rent; provided that nothing in this Act contained shall authorize the vacating or determining of any Lease or Agreement of any such exchanged Lands or Hereditaments as aforesaid which shall be wholly situate in any Parish or Place adjoining the Parish of *Godmanstone* aforesaid.

Leases at Rack Rent may be vacated.

LVIII. Pro-

Settlements
and Wills not
to be affected.

LVIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to revoke, make void, alter, or annul any Will or Settlement, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Debt, or Incumbrance out of, upon, or affecting any of the Lands, Tenements, and Hereditaments to be divided, allotted, or exchanged by virtue of this Act, or any Part thereof, but that the same Lands, Tenements, and Hereditaments, immediately after the making of such Allotments as aforesaid, shall be, remain, and enure, and the several Persons to whom the same shall be respectively allotted or awarded upon such Division shall from thenceforth stand and be seised and possessed thereof, to such and the same Uses, Estates, Trusts, and Purposes, and subject to such and the same Wills, Settlements, Limitations, Powers, Remainders, Leases (except Leases at Rack Rent), Charges, and Incumbrances as the several and respective Messuages, Lands, Tenements, and Hereditaments in lieu whereof such Allotments shall respectively be made as aforesaid are now held under and subject to, or charged with and affected by, or would, might, or could have been held under and subject to, or charged with and affected by, in case this Act had not been made and passed.

Satisfaction
to be made
for Tillage.

LIX. And be it further enacted, That the Proprietors whose Allotments on the said Division shall have been tilled, ploughed, sown, folded, or manured by any former Proprietor or Occupier thereof, shall pay to the Person or Persons respectively who shall have tilled, ploughed, sown, folded, or manured the same or any Part thereof, his, her, or their Executors or Administrators, such Sum and Sums at such Time and Times as the said Commissioner shall think reasonable, and shall by Writing under his Hand ascertain and direct; and if by the Mismanagement of any former Occupier, or by reason of the preceding Course of Husbandry or Treatment of the Land, or by any other Means, it shall happen that the said Allotment or Allotments to any Proprietor shall not contain a due and reasonable Proportion of Land in a proper State for Wheat or other Tilth Crop, or if any such Allotment shall, in the Judgment of the said Commissioner, be from any Cause in a worse Condition to be occupied than the Average of the Land to be allotted by virtue of this Act, then the Person or Persons to whom any such Allotment or Allotments shall be made shall receive such Compensation and Satisfaction from any of the Proprietors, or from any of the former Occupiers, as the said Commissioner shall determine and adjudge to be just and equitable; and in case any of the Sums which shall by the said Commissioner be directed to be paid as aforesaid shall not be paid to the Person or Persons to whom the said Commissioner shall direct the same to be paid, and at the Time or Times to be by him appointed for Payment thereof, it shall be lawful for him and he is hereby required to levy and recover the same in like Manner as any Costs to be awarded by the said Commissioner on hearing and determining any Claims under and by virtue of the Provisions of this Act are hereby authorized to be levied and recovered.

Application
of Compensation
if
amounting
to 200*l*

LX. And be it further enacted, That whenever any Sum of Money is, under the Provisions of the said first-recited Act of the Forty-first Year of the Reign of His 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 and may 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, or 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, 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 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,

[*Private.*]

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Trusts,

Trusts, Intents, and Purposes, and in the same Manner, as the aforementioned 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 less than 200*l.* and amounting to 20*l.*

LXI. 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 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.

Where under 20*l.*

LXII. 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, Idiocy, 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

for the Use and Benefit of such Person or Persons respectively entitled thereto.

LXIII. And be it further enacted, That in case the Sum or Sums that shall be raised by the said Commissioner by such Sale of Land as aforesaid shall be insufficient wholly to defray the Expences of and consequent on this Act, then and in such Case it shall be lawful for the said Commissioner; and he is hereby authorized and empowered and required, from Time to Time as and when the same shall be necessary, as well after as before the Execution of his said Award, to assess, levy, and raise the same by an equal Rate on all the Proprietors and Persons interested in the Lands hereby directed to be divided, allotted, and inclosed, in fair and equal Proportions, according to their respective Rights and Interests; and all and every Sum and Sums of Money so assessed shall and may be levied and recovered in manner directed or authorized by the said first-recited Act for assessing, raising, levying, or recovering Expences.

Expences of Act to be raised by a Rate, if Sum raised by Sale of Lands be insufficient.

LXIV. And be it further enacted, That the several Persons interested in the said intended Division and Inclosure, their Attornies, Solicitors, or Agents respectively, 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 in pursuance of this Act or the said first-recited Act.

Proprietors and Agents to pay their own Expences.

LXV. And be it further enacted, That if any Person shall pay or advance any Sum or Sums of Money for the Purpose of defraying the Costs, Charges, and Expences of obtaining and passing this Act, or of carrying the same into execution, the Money so paid and advanced shall be repaid and satisfied by the said Commissioner, together with Interest for the same after the Rate of Four Pounds and Ten Shillings *per Centum per Annum* from the Time of advancing and paying the same respectively, out of the first Monies which shall be raised and collected for defraying such Costs, Charges, and Expences by virtue of this Act.

Money advanced for Expences to be repaid with Interest.

LXVI. And be it further enacted, That once at least in every Three Calendar Months during the Execution of this Act (to be computed from the Day of the passing thereof) the said Commissioner shall make and he is hereby required to make a true and just Statement or Account of all Sums of Money by him received and expended or due to him for his own Trouble and Expences in the Execution of this Act, and of all Sums of Money paid and allowed to the Clerk, Surveyor, or other Persons acting under him; and in such Statement or Account shall be particularly stated and specified the several Items and Articles for which each particular Sum has been paid and disbursed; and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by him laid before One of His Majesty's Justices of the Peace for the said County of *Dorset* (not interested in the said Division and Inclosure), to be by him examined and balanced, and such Balance shall be by such Justice stated in the Book of Accounts to be kept by the Clerk of the said Commissioner; and an Abstract of such Accounts so examined and balanced shall, within Fourteen Days after the same shall have been so examined and balanced, be published in the *Sherborne and Yeovil Mercury*, or some other Newspaper

Commissioner to lay Accounts before a Justice.

paper circulated in the said County of *Dorset*; and no Charge or Item in the said Accounts shall be binding on the Parties concerned or valid in the Law unless the same shall have been allowed by such Justice, nor until such Accounts or the Abstract thereof shall have been published in such Newspaper as aforesaid, subject nevertheless to the Power of Appeal here-in-after contained.

Award to be made.

LXVII. And be it further enacted, That as soon as conveniently may be after the Division and Allotment of the said Open and Common Fields, Common Pastures, and other Commonable and Waste Lands shall be made and completed pursuant to the Directions of this Act, the said Commissioner shall form and draw up, or cause to be formed and drawn up, an Award or Instrument in Writing, with a proper Plan thereto annexed, in the Manner prescribed in the said-first recited Act, which said Award or Instrument shall be fairly ingrossed or written on Parchment, and shall be executed by the said Commissioner, and shall, within Fourteen Days or as soon as reasonably may be after the same shall have been so executed, be deposited with the Clerk of the Peace of the said County of *Dorset*, who is hereby required to receive, keep, and deposit the same amongst the Records of the said County, for the depositing of which the Sum of Two Pounds and Two Shillings, and no more, shall be paid or demanded, to the end that Recourse may be had thereto by all Persons interested in the said Division, Allotment, and Inclosure; for the Inspection of which said Award One Shilling shall be paid, and no more; and that the depositing the said Award in manner aforesaid shall be sufficient, without the same being enrolled according to the Directions of the said first-recited Act; and the said Commissioner is hereby further required to deliver a Copy of the said Award fairly written on Parchment, with a Plan or Plans thereto annexed, signed by the said Commissioner, unto the Churchwardens for the Time being of the said Parish of *Godmanstone*, to be by them deposited and kept in the Parish Chest of the Parish Church aforesaid, to the end that Recourse may be had thereto by the several and respective Proprietors or Parties interested therein at all seasonable Times on Payment of One Shilling for each Inspection.

Power of Appeal to Quarter Sessions.

LXVIII. And be it further enacted, That if any Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, shall think himself, herself, or themselves aggrieved by any thing done or omitted to be done by the said Commissioner in pursuance of the said first-recited Act or of this Act, (other than and except such Determinations of the said Commissioner as are by the said recited Acts or this Act declared to be binding, final, and conclusive, and except in Cases where an Issue at Law may be tried as herein-before mentioned,) then and in every such Case he, she, or they may appeal to the General or Quarter Sessions of the Peace which shall be holden in and for the said County of *Dorset* 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 said 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

Months after the Delivery of the said Award, on giving to the said Commissioner and his Clerk such Notice as last aforesaid; and the Justices (not interested in the Premises) in their said General or Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein, and award such Costs and Damages, as to them in their Discretion shall seem reasonable, and by their Order or Warrant to cause to be levied 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) 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 the said Justices shall be final and conclusive upon all Parties concerned, and shall not be removed by Certiorari, or any Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without any 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, and such Costs shall be levied in manner aforesaid.

LXIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice, abridge, lessen, determine, or defeat any of the Rights, Titles, or Interests of the said *Thomas Bridge, Robert Bridge, and Alfred Charles Bridge*, as Lords of the Manor of *Godmanstone* aforesaid, in or to the Seigniories, Royalties, or other Rights and Services incident or belonging to the said Manor, but that the said *Thomas Bridge, Robert Bridge, and Alfred Charles Bridge*, and all Persons claiming by, from, under, or in Trust for them, shall and may from Time to Time and at all Times for ever hereafter have, hold, and enjoy all Rents, Heriots, Forfeitures, Services, Fines, Courts, Perquisites and Profits of Courts, Mines, Minerals, Quarries, Deodands, Waifs, Estrays, and other Royalties, Jurisdictions, and Privileges to the said Manor incident, appendant, appurtenant, or belonging, (save and except such Right to the Soil of the said Commons and Waste Lands, and such Commonable Rights and Interests for which Satisfaction is intended to be made by virtue of this Act,) in as full, ample, and beneficial a Manner as they heretofore have been held, exercised, and enjoyed, or might or could have been held, exercised, and enjoyed if this Act had not been made and passed.

Reservation
of Manorial
Rights.

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

General
Saving.

[*Private.*]

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LXXI. And

Act to be
printed by
the King's
Printers.

LXXI. 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. 1836.