ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 140.

An Act for incloſing Lands in the Pariſh of *Combe Saint Nicholas*, in the County of *Somerſet*.

[17th *June* 1814.]

WHEREAS there are within the Pariſh of *Combe Saint Nicholas*, in the County of *Somerſet*, certain Moors, Commons, and Waſte Lands, called *Combe Beacon*, *Combe Wood*, *Cleyhanger*, *The Foreſt*, *Long Lie*, *Paddle Moor*, *Agar Hill*, *Freſh Moor*, *Little Common*, *Scrapton*, *Players Hill*, *Withy Field*, *Charmoor* and *Shilleys*, and divers other ſmall Pieces of Waſte Lands by Names unknown, containing in the Whole One thouſand and fifty Acres, or thereabouts: And whereas the Honourable and very Reverend *Henry Ryder*, Doctor in Divinity, Dean of the Cathedral Church of *Wells*, in the ſaid County of *Somerſet*, in Right of his Deanry, is Lord of the Manor of *Combe Saint Nicholas*, and as ſuch is entitled to the Soil of the ſaid Moors, Commons, and Waſte Lands, called *Combe Beacon*, *Combe Wood*, *Cleyhanger*, *The Foreſt*, *Long Lie*, *Paddle Moor*, *Agar Hill*, *Freſh Moor*, *Little Common*, *Scrapton*, *Players Hill*, *Withy Field*, *Charmoor*, and *Shilleys*, and divers other ſmall Pieces of Waſte Lands near thereunto, and alſo claims to be entitled to all Timber and other Trees growing thereon: And whereas the Right Honourable *John* Lord *Rolle*, *Richard Thomas Combe* Eſquire, *John Beviſs*, and others, claim to be entitled to the Bruſh or Underwood, and

also to the Pollard and Timber Trees growing in, over and upon certain Doles or Woodlands, called *Combe Common* or *The Foreſt*, Part of the ſaid Moors, Commons, and Waſte Lands, in right of their ſeveral and reſpective Eſtates or otherwiſe, and alſo claim to be entitled to Rights of Common of Paſture in, over and upon all the ſaid Moors, Commons, and Waſte Lands, herein-before mentioned: And whereas *William Apſin*, *Thomas Trout*, *Peter Hurford*, and others, Tenants by Copy of Court Roll or Leaſe for Lives abſolute of the ſaid Manor, claim to be entitled to the Bruſh and Underwood, and alſo to the Pollard and Timber Trees growing in, over, and upon certain Doles or Woodlands, Part of the ſaid Moors, Commons, and Waſte Lands, called *Cleyhanger*, *Combe Common* or *The Foreſt*, *Long Lie* and *Charmoor*; and alſo claim to be entitled to Rights of Common of Paſture in, over and upon the ſaid Doles or Woodlands, and all other the ſaid Moors, Commons, and Waſte Lands: And whereas divers other Perſons claim to be entitled to Rights of Common of Paſture in, over and upon all the ſaid Moors, Commons, and Waſte Lands: And whereas an Act was paſſed in the Forty-firſt Year of the Reign of His preſent Majeſty, intituled *An Act for conſolidating in one Act certain Proviſions uſually inſerted in Acts of Incloſure, and for facilitating the Mode of proving the ſeveral Facts uſually required on the paſſing of ſuch Acts*: And whereas it would be of great Benefit and Advantage to the ſeveral Proprietors of and Perſons intereſted in the ſaid Moors, Commons and Waſte Lands, if the ſame were divided and incloſed, and ſpecific Parts and Shares thereof allotted to and amongſt the ſeveral Perſons and Proprietors intereſted therein; but as the ſame 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 the preſent Parliament aſſembled, and by the Authority of the ſame, That *Thomas Abraham* of *Whitelackington*, in the County of *Somerſet*, Eſquire, ſhall be and he is hereby appointed the Commiſſioner for dividing, allotting, and incloſing the ſaid Moors, Commons, and Waſte Lands, and for carrying this Act and the ſaid recited Act into Execution (ſave and except ſuch Parts of the ſaid recited Act as are hereby altered or varied) and under and ſubject to ſuch of the Regulations and Reſtrictions contained in the ſaid recited Act as are not repugnant to the Proviſions of this Act.

Commiſſioners.

Appointment of future Commiſſioner.

II. And be it further enacted, That when and as often as the ſaid Commiſſioner or any other Commiſſioner to be hereafter appointed by virtue of this Act, ſhall die or refuſe or neglect to act, or become incapable of acting as ſuch Commiſſioner in the Execution of this Act, then and in ſuch caſe the Lord of the Manor and the major Part in Value for the Time being, to be eſtimated according to the Poor Rate of the ſaid Pariſh of *Combe Saint Nicholas*, of the ſeveral Owners and Proprietors of the ſaid Moors, Commons, and Waſte Lands, preſent at ſome public Meeting to be holden within the Pariſh of *Combe Saint Nicholas* aforeſaid (of which Meeting and the Purpoſe thereof Notice ſhall be given by the Perſon acting as Clerk to the ſaid Commiſſioner under this Act at leaſt Fourteen Days previous to ſuch Meeting, by affixing ſuch Notice on the principal Outer Door of the Pariſh Church of *Combe Saint Nicholas* aforeſaid, and by inſerting the ſame in the *Sherborne* and *Yeovil Mercury* and *Taunton Courier*, or one of them, (Newſpapers uſually circulated in the ſaid County of *Somerſet*) ſhall and they

they are hereby required and empowered from Time to Time by Writing under their Hands to appoint ſome other Perſon (not intereſted in the ſaid intended Diviſion and Incloſure) to be a Commiſſioner in the room and ſtead of every ſuch Commiſſioner ſo dying, or refuſing or neglecting to act, or becoming incapable of acting as aforeſaid; and any Commiſſioner ſo to be appointed by the ſaid Lord and any ſuch Owners and Proprietors as aforeſaid ſhall, after taking the Oath preſcribed by the ſaid recited Act in that Behalf, have the like Power and Authority for carrying the ſaid recited Act and this Act into Execution, and ſhall be ſubject and liable to the like Rules, Regulations, and Reſtrictions as if he had been originally nominated a Commiſſioner in and by this Act.

Clerk to be appointed.

III. And be it further enacted, That the ſaid Commiſſioner ſhall and he is hereby authorized and required to appoint a Clerk to aſſiſt him in the Execution of the Powers of this Act, and may if neceſſary from Time to Time remove ſuch Clerk and appoint another in his Place and Stead when it ſhall ſeem meet to the ſaid Commiſſioners ſo to do, and ſuch Clerk to be allowed a fair Compenſation for his Trouble.

Meetings and Notices.

IV. And be it further enacted, That the ſaid Commiſſioner ſhall and he is hereby required to give Public Notice in the Pariſh Church of *Combe Saint Nicholas* aforeſaid, upon ſome *Sunday* during or immediately after Divine Service, and the like Notice in the aforeſaid *Sherborne* and *Yeovil Mercury* and *Taunton Courier*, or one of them, of the Time and Place of the Firſt, Second, Third and Fourth Sittings for executing the Powers hereby veſted in him, at leaſt Fourteen Days previous to ſuch reſpective Sittings, and ſhall alſo give at leaſt Eleven Days previous Notice in the ſaid Church upon ſome *Sunday* during or immediately after Divine Service of every ſubſequent Sitting of the ſaid Commiſſioner (Sittings by Adjournment only excepted) which ſaid Sittings ſhall be held within the Pariſh of *Combe Saint Nicholas* aforeſaid, and that all other Notices neceſſary or requiſite to be given by the ſaid Commiſſioner in purſuance of this or the ſaid recited Act ſhall be given in ſuch Newſpaper or Newſpapers as aforeſaid.

For ſettling Differences.

V. And be it further enacted, That if any Diſpute or Difference ſhall ariſe between the Claimants of Rights, Proprietors or any other Perſon or Perſons, Body or Bodies Politic, Corporate or Collegiate, intereſted or claiming to be intereſted in the ſaid intended Diviſion and Incloſure or any of them, touching or concerning his, her, or their reſpective Intereſts, Shares, or Proportions of and in the ſaid Lands and Grounds hereby intended to be divided, allotted, and incloſed, or other Rights and Intereſts, relating thereto, it ſhall be lawful for the ſaid Commiſſioner and he is hereby authorized and empowered to hear and determine the ſame; but no ſuch Determination ſhall prevent or hinder any of the Parties from trying their Right at Law.

Commiſſioner not to determine Titles nor moleſt Poſſeſſion.

VI. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend to enable the ſaid Commiſſioner to determine the Title to any Meſſuages, Lands, Tenements, or Hereditaments whatſoever, nor to determine any Right between any Parties contrary to the Poſſeſſion of any ſuch Parties (except in Caſes of Encroachment) but in caſe

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 recovered from ſuch Perſon or Perſons by Ejectment or other due Courſe of Law.

Aſſeſſing Coſts.

VII. And be it further enacted, That in caſe the ſaid Commiſſioner ſhall upon the hearing and determining of any Claim or Claims, Objection or Objections, Matters or Things to be delivered to or before him, in purſuance of this or the ſaid recited 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 the ſaid Commiſſioner ſhall think reaſonable to be paid to the Party or Parties in whoſe Favour any Determination of the ſaid Commiſſioner ſhall be made by the Perſon or Perſons whoſe Claim or Claims, Objection or Objections, ſhall be thereby diſallowed or over-ruled; and in caſe the Perſon or Perſons who ſhall be liable to pay ſuch Coſts and Charges ſhall neglect or refuſe to pay the ſame on demand, then and in ſuch Caſe it ſhall be lawful for the ſaid Commiſſioner, and he is hereby authorized and required by Warrant under his Hand, directed to any Perſon or Perſons whomſoever, to cauſe ſuch Coſts and Charges to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo neglecting or refuſing to pay the ſame, rendering the Overplus (if any) upon Demand to the Perſon or Perſons whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold, after deducting the Coſts and Charges attending ſuch Diſtreſs and Sale.

Allowing Parties to try Rights by an Iſſue at Law.

VIII. Provided always, and be it further enacted, That in caſe any Perſon or Perſons, Body or Bodies Politic, Corporate or Collegiate, intereſted in the ſaid intended Diviſion and Incloſure, ſhall be diſſatisfied with the Determination of the ſaid Commiſſioner, touching or concerning any Rights or Intereſts over or upon the ſaid Lands and Grounds hereby directed to be divided, allotted, and incloſed, or any Part thereof, or of any Common Rights or Intereſts which they may have or claim to have in, upon, or over the ſame, or touching or concerning any other Matter or Thing relating to the ſaid Diviſion and Incloſure, and ſhall by Writing under his, her, or their Hand or Hands, or under the Hand or Hands of his, her, or their known Agent or Agents, ſignifying the ſame to the ſaid Commiſſioner within Twenty Days next after ſuch Determination ſhall have been made, it ſhall and may be lawful for the Perſon or Perſons, Body or Bodies Politic, Corporate or Collegiate, ſo diſſatisfied with ſuch Determination, to have the Subject of ſuch Claims, Rights, and Intereſts in reſpect of which ſuch Determination ſhall be made, tried by an Action at Law, to be brought by him, her, or them, againſt the Party or Parties in whoſe Favour ſuch Determination ſhall have been made upon a feigned Iſſue to be ſettled by the proper Officer of the Court in which ſuch Action ſhall be brought in caſe the Parties ſhall differ about the ſame, ſuch Action to be brought within Thirty Days next after ſuch Determination ſhall have been made and Notice thereof given, and the Defendant or Defendants in ſuch Action ſhall and is and are hereby required to appear to ſuch Action, accept a Declaration and plead to iſſue, and

the Plaintiff or Plaintiffs ſhall thereupon proceed in ſuch Action ſo as to have the ſame tried and determined at the Firſt Aſſizes to be holden in and for the County of *Somerſet*, next after the commencing of ſuch Action, provided ſuch Aſſizes ſhall not happen to be held within Sixty Days next after the Commencement of ſuch Action; and if ſuch Aſſizes ſhall be held within ſuch Sixty Days, then at the Second Aſſizes to be holden in and for the County of *Somerſet*, unleſs the Court ſhall direct further Time to be given, and the Verdict of the Jury at ſuch Trial and the Judgment thereon, or Judgment in ſuch Action or Actions for Want of a Plea or Pleas, ſhall be final and concluſive between the Parties, unleſs the Court ſhall ſee cauſe to direct a new Trial, which it ſhall be lawful for the Court to do as is uſual in other Caſes, and after a Verdict which ſhall be ſatisfactory to the ſaid Court or Judgment given for the Want of a Plea, the ſaid Commiſſioner ſhall act in Conformity thereto.

If any of the Parties die Proceedings not to abate.

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

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

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

Allotments to be ſet out.

XI. And for the better aſcertaining what Lands may be divided and allotted purſuant to this Act, be it further enacted, That all the Moors, Commons, and Waſte Lands within the ſaid Pariſh of *Combe Saint Nicholas*, and all Encroachments thereon which have not been incloſed and enjoyed without Interruption for the Space of Twenty Years laſt paſt, ſhall for the Purpoſes of this Act be conſidered as Commonable Lands, and ſhall be divided and allotted accordingly.

Power for diverting, turning, or ſtopping up Roads, &c.

XII. And be it further enacted, That in caſe it ſhall appear to the ſaid Commiſſioner that there are or is any public Highways or Highway, Bridle Roads or Bridle Road, Footways or Footway, or other Road or Roads, Way or Ways, Path or Paths in, through, over, or on any of the

Lands intended to be incloſed, or other Lands within the ſaid Pariſh which may in his Judgment be diverted or turned without Inconvenience to the Public, into any other public Highways or Highway, Bridle Roads or Bridle Road, Footways or Footway, or other Road or Roads, Way or Ways, Path or Paths, or be diverted or turned ſo as to make the ſame more convenient to the Public, or be ſtopped up and deſtroyed as ſuperfluous and unneceſſary, it ſhall be lawful for him with the Concurrence and Order of Two Juſtices of the Peace acting in and for the ſaid County of *Somerſet* (not being intereſted in the ſaid Incloſure), and in Manner, and ſubject to appeal as in this or the ſaid recited Act is mentioned in and by his Award, to order and direct ſuch public Highways or Highway, Bridle Roads or Bridle Road, Footways or Footway, or other Road or Roads, Way or Ways, Path or Paths to be altered, turned, ſtopped up or diſcontinued in ſuch Manner as the ſaid Commiſſioner ſhall think proper.

For Sale to pay Expences.

XIII And be it further enacted, That the ſaid Commiſſioner ſhall ſet out and allot ſuch Parts and Parcels of the ſaid Commons and Waſte Lands from Time to Time as he ſhall judge ſufficient in value when ſold to defray the neceſſary Charges and Expences attending the applying for and obtaining and paſſing this Act, and carrying the ſame and the ſaid recited Act into Effect, and of ſurveying, meaſuring, planning, valuing, dividing, and allotting the ſaid Moors, Commons, and Waſte Lands, and of making, ſcouring, widening, and repairing all ſuch Bridges, Ditches, and Watercourſes as ſhall be deemed neceſſary, and alſo the Coſts, Charges, and Expences of firſt forming and making ſuch private Roads as ſhall be directed to be made by the ſaid Commiſſioner, and of diverting, altering, turning, or ſtopping up any public Highways or Highway, Bridle Roads or Bridle Road, Footways or Footway, or any other Road or Roads, Way or Ways, Path or Paths as directed by this Act, and of preparing and depoſiting his Award, and all other the neceſſary Charges and Expences ariſing and accruing in the Courſe of carrying the Powers herein, and in the ſaid recited Act contained, into full and complete Execution and Effect, and ſhall expoſe the ſaid Allotment or Allotments to public Sale by Auction, in the Manner and ſubject to the Directions and Regulations mentioned and contained in the ſaid recited Act; and the ſaid Commiſſioner ſhall, on Payment of the Purchaſe Money for ſuch Allotment or Allotments ſo to be ſold for the Purpoſes aforeſaid, by Indenture under his Hand and Seal duly executed and atteſted (ſuch Conveyance or Conveyances to be prepared at the Expence of the Purchaſer or Purchaſers), convey, aſſure, and confirm by way of Leaſe and Releaſe or Feoffment, the ſame Allotment or Allotments unto and to the Uſe of the Purchaſer or Purchaſers thereof, his, her, or their Heirs and Aſſigns for ever, or unto ſuch Perſon or Perſons, and for ſuch Uſe and Uſes as ſuch Purchaſer or Purchaſers ſhall direct or appoint, ſuch Direction or Appointment to be in Writing under his, her, or their Hand and Seal, or Hands and Seals.

For Soil.

XIV. And be it further enacted, That after the ſaid ſeveral Roads are ſet out purſuant to the Directions of the ſaid recited Act, and the ſaid Lands are ſet out for Sale as aforeſaid, the ſaid Commiſſioner ſhall, and he is hereby authorized to allot, ſet out, and award to the ſaid Honourable

able and very Reverend *Henry Ryder*, Dean of the Cathedral Church of *Wells* aforeſaid, (and his Succeſſors, Deans of the ſaid Cathedral Church), as Lord of the ſaid Manor of *Combe Saint Nicholas*, ſuch Part and Parcel of the Reſidue of the ſame reſpectively for and in lieu of his Right or Intereſt in the Soil of the ſaid Moors, Commons, and Waſte Lands reſpectively, as he the ſaid Commiſſioner ſhall conſider to be equal to One-wentieth Part in Value of the ſaid Moors, Commons, and Waſte Lands.

For Doles.

XV. And be it further enacted, That after the ſaid Commiſſioner ſhall have ſold and diſpoſed of ſo much of the ſaid Moors, Commons, and Waſte Lands as is herein-before directed, and after having ſet out and allotted to and for the ſaid Dean as Lord of the ſaid Manor the One-twentieth Part of the ſaid Moors, Commons, and Waſte Lands as is herein alſo before directed, it ſhall and may be lawful for the ſaid Commiſſioner, and he is hereby authorized and required to ſet out, allot, and award to all and every Perſon and Perſons who ſhall appear to be entitled to the Bruſh or Underwood, Pollard and Timber Trees growing on the aforeſaid Doles or Woodlands, ſuch Parts and Proportions of the ſaid Moors, Commons, and Waſte Lands, as the ſaid Commiſſioner ſhall in his Judgment and Diſcretion think equivalent to the Right and Intereſt ſuch Perſon and Perſons have therein.

Proviſion for the Poor.

XVI. And be it further enacted, That after the ſaid Commiſſioner ſhall have ſold and diſpoſed of ſo much of the ſaid Moors, Commons, and Waſte Lands as is herein-before directed, and after having ſet out and allotted to the ſaid Dean as Lord of the ſaid Manor the One-twentieth Part of the ſaid Moors, Commons and Waſte Lands, and alſo after having ſet out and allotted to all and every Perſon or Perſons proving their Right to the Bruſh or Underwood, Pollard and Timber Trees growing on the ſaid Doles or Woodlands, ſuch Parts and Proportions of the ſaid Moors, Commons and Waſte Lands equivalent to their, his or her Right and Intereſts in the ſame, it ſhall and may be lawful for the ſaid Commiſſioner, and he is hereby authorized and required to allot ſuch Parts and Proportions of the ſaid Moors, Commons and Waſte Lands to the Churchwardens and Overſeers of the Pariſh of *Combe Saint Nicholas*, for the Time being, in ſuch Manner as they ſhall direct, to and for the Uſe of the poor People belonging to and reſiding within the ſaid Pariſh of *Combe Saint Nicholas*, as he in his Judgment or Diſcretion ſhall think ſufficient to maintain their reſpective Houſes with Fuel, provided ſuch Allotment ſhall not conſiſt of more than Fifty Acres.

The Reſidue.

XVII. And be it further enacted, That after the aforeſaid ſeveral Allotments ſhall have been made and ſet out according to the Directions herein-before contained, the ſaid Commiſſioner ſhall then divide, ſet out, and allot all the Reſidue and Remainder of the Lands and Grounds by this Act directed to be divided and allotted, unto and amongſt all and every the Perſon and Perſons, Body and Bodies Politic, Corporate or Collegiate, having any Rights or Intereſts into and over or upon the ſaid Lands and Grounds, in ſuch Shares and Proportions as the ſaid Commiſſioner ſhall adjudge and determine to be proportionate to the Value of and a full Compenſation and Satisfaction to him, her or them reſpectively for his, her or their reſpective Rights and Intereſts in, to, over or upon the ſame

Lands and Grounds; and that it ſhall and may be lawful for the ſaid Commiſſioner to ſet out to any ſuch Perſon or Perſons as aforeſaid, the whole of his, her, or their Allotments in one Piece in any of the ſaid Moors, Commons and Waſte Lands in which ſuch Perſon or Perſons ſhall be intereſted, if the ſame can be conveniently done; and (in caſe he ſhall think it neceſſary for the more convenient Diſpoſition of the ſeveral Allotments to be made and ſet out in purſuance of this and the ſaid recited Act) to remove the Gate, Entrance, or Way, to any ancient Incloſure to ſome other convenient Place in the ſaid Incloſure, provided no Damage, Injury or Inconvenience be occaſioned to the Occupiers or Owners of the Lands by any ſuch Removal of any Gate, Entrance or Way.

Lands to be incloſed within a Time to be limited.

XVIII. And be it further enacted, That the Moors, Commons, and Waſte Lands to be allotted by virtue of this Act, ſhall be incloſed and fenced by ſuch Perſon and Perſons, Body and Bodies Politic, Corporate, or Collegiate, within ſuch Time and in ſuch Manner as the ſaid Commiſſioner ſhall order, direct and appoint; and in caſe ſuch Perſon or Perſons, Body and Bodies Politic, Corporate or Collegiate, ſhall not ſo incloſe and fence in their reſpective Allotments, that then it ſhall be lawful for the ſaid Commiſſioner to incloſe and fence in the ſame in ſuch Manner as he ſhall think proper, and by Sale or Mortgage thereof, or of a ſufficient Part thereof, to pay the Expence or Expences of ſuch incloſing and fencing; and ſuch Fences ſo made ſhall at all Times thereafter be maintained and kept by ſuch Perſon or Perſons, Body and Bodies Politic, Corporate or Collegiate, as the ſaid Commiſſioner ſhall, by his Award, order and direct.

Poſſeſſion to be delivered.

XIX. And be it further enacted, That the ſaid Commiſſioner ſhall and may from Time to Time as he ſhall find convenient, deliver to the ſeveral Perſons intereſted in the ſeveral Diviſions and Allotments to be ſet out or ſold under this Act, Poſſeſſion of their reſpective Allotments hereby directed to be made and ſet out or ſold; and ſuch Poſſeſſion ſo delivered ſhall be kept and retained by the ſeveral Perſons entitled thereto, againſt all Perſons whomſoever, although the Award herein-after mentioned to be made ſhall not at the Time of giving or delivering ſuch Poſſeſſion have been made and executed; and the ſaid Commiſſioner ſhall give Ten Days Public Notice in the Pariſh Church of *Combe Saint Nicholas*, and in the aforeſaid Newſpapers, or One of them, of the Day or Days on which ſuch Poſſeſſion will be ready to be delivered as aforeſaid.

Penalty on Perſons ſtocking Lands after Extinguiſhment of Right of Common.

XX. And be it further enacted, That if any Perſon or Perſons after any Right of Common or Feeding ſhall be ſuſpended or extinguiſhed under or by virtue of the ſaid recited Act or of this Act, and before the Execution of the Award to be made by the ſaid Commiſſioner, ſhall, during ſuch Suſpenſion or Extinguiſhment thereof, ſtock or depaſture with Sheep or any other Stock, any Part of the ſaid Grounds in which any ſuch Right of Common, or Feeding ſhall be ſo directed to be ſuſpended or extinguiſhed as aforeſaid, it ſhall be lawful for any Proprietor or Proprietors of any of the ſaid Lands and Grounds, or any Perſon or Perſons by the ſaid Commiſſioner to be appointed from Time to Time to diſtrain all ſuch Sheep and other Stock then being or depaſturing upon any Part of the ſaid Lands and Grounds after the ſaid Right of Common or Feeding

ſhall

ſhall be ſuſpended or extinguiſhed, and the ſame to impound until the Perſon or Perſons offending ſhall have paid to the Perſon or Perſons diſtraining, any Sum not exceeding the Sum of Ten Shillings *per* Head for all Cattle and other Stock ſo diſtrained, (except Sheep or Pigs), and One Shilling *per* Head for every Sheep or Pig ſo diſtrained, and in caſe the ſaid Penalty be not paid within Five Days next after ſuch Diſtreſs, then the ſaid Commiſſioner or any Juſtice of the Peace for the County of *Somerſet*, is hereby authorized and required, on Proof upon Oath by One credible Witneſs (which Oath the ſaid Commiſſioner, or ſuch Juſtice is hereby empowered to adminiſter) of ſuch Offence, and the Non-payment of the Penalty hereby impoſed, and ſo often as the ſame ſhall happen, by Warrant under the Hand and Seal of any ſuch Juſtice and directed to the Conſtable or Conſtables of the Pariſh of *Combe Saint Nicholas*, or One of them, who is and are hereby required to execute every ſuch Warrant, and to cauſe ſuch and ſo many of ſuch Cattle, Sheep and Pigs, and other Stock to be ſold, as ſhall be ſufficient for raiſing and paying the Penalty aforeſaid, together with the Coſts and Charges attending ſuch Diſtreſs and Sale, rendering the Overplus (if any) to the Owner or Owners of ſuch Cattle or Sheep on Demand, which Warrant and the Proceedings to be had thereon ſhall be binding and concluſive on the Parties.

Exchanges.

XXI. 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, in Lieu and in Exchange for any other Lands, Tenements or Hereditaments within the ſaid Pariſh, or within any adjoining Pariſh, Hamlet, Townſhip 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, or a Tenant or Tenants in Fee Simple, or for Life, or in Fee Tail General or Special, or by the Courteſy of *England*, or for Years determinable on a Life or Lives, or by Copy or Copies of Court Roll, determinable on a Life or Lives, by and with the Conſent of the Leſſor or Leſſors, and not otherwiſe, or with the Conſent of the Guardians, Truſtees, Feoffees for charitable or other Uſes, Huſbands, Committees, or Attornies of or acting for any ſuch Owners or Proprietors as aforeſaid, who at the ſame Time of making ſuch Exchange or Exchanges ſhall be reſpectively Infants, Femes Covert, Lunatics, or under any legal Diſability, or who ſhall be beyond the Seas or otherwiſe diſabled to act for themſelves, himſelf or herſelf, ſuch Conſent to be teſtified in Writing under the Common Seal of the Body Politic, Corporate or Collegiate, and under the Hands of the other conſenting 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 in which ſuch Lands, Tenements or Hereditaments ſo to be exchanged ſhall lie and be ſituate.

Expences thereof how to be paid.

XXII. And be it further enacted, That all Coſts, Charges and Expences attending the making of any Sales, Exchanges or Partitions to be made by this Act or the ſaid recited Act ſhall be paid, borne, and defrayed by the ſeveral Perſons propoſing or conſenting to the making any ſuch Sales, Exchanges or Partitions, in ſuch Manner and in ſuch Proportion as the ſaid Commiſſioner ſhall by his ſaid Award or any other Writing under his Hand order and direct, and ſuch Coſts, Charges and Expences may be recovered in the ſame Manner as any Penalty may be recovered by virtue of the ſaid recited Act or of this Act.

For apportioning Coſt of Exchanges.

XXIII. Provided always, and be it further enacted, That in aſcertaining ſuch Coſts and Expences as the ſame ſhall be charged on the ſeveral Proprietors in Proportion to the Benefit which will ariſe to their reſpective Lands by the Execution of this Act, and the whole of the Charges on the ſeveral Proprietors, and the Grounds on which the Apportionment thereof ſhall be made, ſhall be entered in the Proceedings of the ſaid Commiſſioner, and ſhall be open to the Inſpection of every Perſon who ſhall be ſo charged, and it ſhall be lawful for any of the Perſons charged with ſuch Coſts and Expences to appeal to the Juſtices of the Peace aſſembled at any General Quarter Seſſions for the County of *Somerſet* againſt any Rate which ſhall be made by the ſaid Commiſſioner within ſuch Time, and on giving ſuch Notice to the ſaid Commiſſioner as is herein-after limited and directed with reſpect to Appeals againſt Proceedings, Orders or Determinations of the ſaid Commiſſioner: Provided alſo, that in all Caſes where any Appeal ſhall be made againſt any ſuch Rate, none of the Powers and Authorities given by this or the ſaid recited Act ſhall be put in force and exerciſed for the Recovery of ſuch Part of ſuch Charge againſt which ſuch Appeal ſhall be made, until ſuch Appeal ſhall have been determined by the ſaid Juſtices; and in caſe the Determination of ſuch Juſtices ſhall be againſt the ſaid Charge, the ſaid Commiſſioner ſhall make a new Charge and Apportionment, againſt which there ſhall be the like Power of Appeal, and ſo from Time to Time, until a Charge and Apportionment ſhall be made againſt which there ſhall be no Appeal, or which ſhall be confirmed upon Appeal.

Leaſes.

XXIV. And be it further enacted, That every Tenant and Occupier under any Leaſe or Agreement for any Term of Years at Rack Rent now ſubſiſting of any Lands or Hereditaments which ſhall be allotted or exchanged by virtue of this Act within the ſaid Pariſh, ſhall immediately after ſigning the Award of the Commiſſioner or within ſuch further Time as the ſaid Commiſſioner ſhall appoint, and whereof Notice in Writing ſhall be given for that Purpoſe, deliver up the full and peaceable Poſſeſſion of ſuch allotted or exchanged Lands and Hereditaments to the Perſon or Perſons to or with whom the ſame ſhall be allotted or exchanged, and the reſpective Owners and Proprietors thereof ſhall allow and abate to ſuch Tenants and Occupiers reſpectively ſuch Portion of his or their Rent or Rents as the ſaid Commiſſioner ſhall award and adjudge to be a reaſonable Compenſation or Satisfaction to him or them for the Loſs or Loſſes they may reſpectively ſuſtain thereby.

Wills and Settlements.

XXV. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend or be deemed or taken to extend to revoke,

revoke, make void, alter, or annul any Will, Deed, or Settlement, or to prejudice any Perſon having or claiming any Eſtate, Right, Title, or Intereſt, Jointure, Dower, Widowhood, Portion, Debt, or Incumbrance out of, upon, or affecting any of the Lands and Grounds ſo intended to be divided and allotted or incloſed, or which ſhall be exchanged in purſuance of this or the ſaid recited Act, or any Part thereof reſpectively, but that the ſeveral Lands and Grounds ſo to be aſſigned and allotted upon the ſaid Diviſion to the ſeveral Parties concerned or their Truſtees reſpectively, or which ſhall be taken in Exchange in purſuance of this or the ſaid recited Act, ſhall immediately after the making of ſuch Allotments or Exchanges be, remain and enure, and the ſeveral Perſons to whom the ſame ſhall be aſſigned and allotted, or given in Exchange as aforeſaid, ſhall from thenceforth ſtand and be ſeized thereof in ſuch Manner as the ſame Eſtates, and to and for ſuch and the ſame Uſes and Truſts, and ſubject to ſuch Deeds, Wills and Settlements, Limitations, Remainders, Charges, Rents and Incumbrances, as the ſeveral Lands and Grounds, Tenements and Hereditaments, in reſpect or in lieu whereof ſuch Allotments or Exchanges ſhall be aſſigned and made as aforeſaid, now are or ſhould or would have been ſubject or liable to be charged with or affected by in caſe the ſame had remained undivided or unexchanged, or this Act had not been made.

Expences, &c. how to be paid.

XXVI. And be it further enacted, That the Expences of and attending the obtaining this Act, and alſo of carrying the ſame fully into Execution, and of ſurveying and admeaſuring, planning, valuing, draining, dividing and allotting the ſaid Moors, Commons and Waſte Lands hereby intended to be divided, allotted and incloſed, and of forming and making any public Roads and Ways into, over, and upon the ſame, under this or the ſaid recited Act, and of diverting, altering, turning, or ſtopping up any public Highways or Highway, Bridle Roads or Bridle Road, Footways or Footway, or any other Road or Roads, Way or Ways, Path or Paths as directed by this Act, and of preparing and depoſiting the Award or Inſtrument to be made in purſuance of this or the ſaid recited Act, and all other the neceſſary Charges and Expences of the ſaid Commiſſioner in and about and concerning the carrying of this Act into Execution, ſhall be borne, paid, and defrayed by and out of the Money which ſhall be raiſed by Sale of Lands as herein-before mentioned.

Application of Surplus Money.

XXVII. And be it further enacted, That in caſe any Part or Parts of the ſaid Moors, Commons, and Waſte Lands ſhall be ſold for more Money than will be required to defray ſuch Charges and Expences as aforeſaid, then and in ſuch Caſe ſuch Surplus Money ſhall be divided and apportioned between and among the ſeveral Proprietors of the Lands hereby directed to be divided, allotted and incloſed, according to their ſeveral and reſpective Intereſts therein, and paid to them in caſe they ſhall be ſeized in Fee Simple of their ſeveral Allotments, or otherwiſe ſuch Surplus Money ſhall be paid into the Bank of *England*, in Manner directed by the ſaid recited Act, in thoſe Caſes wherein any Money is to be paid for the Purchaſe or Exchange of any Lands, Tenements or Hereditaments, or any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchaſe of other Lands, Tenements or Hereditaments to be ſettled to the ſame Uſes.

XXVIII. And

Money advanced to be repaid with Intereſt.

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

Allowance to Commiſſioner.

XXIX. And be it further enacted, That the ſaid Commiſſioner or any other Commiſſioner to be appointed by virtue of this Act ſhall be entitled to receive the Sum of Three Pounds and Three Shillings *per Diem*, and no more, for each and every Day he ſhall be actually employed in the Execution of the Powers and Authorities veſted in him by this Act.

Commiſſioner to lay his Accounts before Juſtices once every Year.

XXX. And be it further enacted, That Once at leaſt in every Year during the Execution of this Act, ſuch Year to be computed from the Day of the paſſing thereof, the ſaid Commiſſioner ſhall and he is hereby required to make a true and juſt Statement and Account of all Sums of Money by him received and expended, or due to him for his Time, Trouble and Expences in the Execution of this Act, and ſuch Statement and Account when ſo made, together with the Vouchers relating thereto, ſhall be by him laid before any Two Juſtices of the Peace for the ſaid County of *Somerſet*, to be by them examined and balanced, and ſuch Balance ſhall be by ſuch Juſtices ſtated in the Books of Accounts, and be kept in the Office of the Clerk to the ſaid Commiſſioner, and no Charge or Item in ſuch Accounts ſhall be binding on the Parties concerned, or valid in the Law, unleſs the ſame ſhall have been duly allowed by ſuch Juſtices.

Award.

XXXI. And be it further enacted, That as ſoon as conveniently may be after the Diviſion and Allotment of the ſaid Moors, Commons, and Waſte Lands ſhall have been 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 one or more proper Plan or Plans thereto annexed, in the Manner preſcribed by the ſaid recited Act, which ſaid Award ſhall be fairly engroſſed or written on Parchment, and be ſigned by the ſaid Commiſſioner, and ſhall within Six Calendar Months next after the ſame ſhall have been ſigned as aforeſaid, be depoſited with the Clerk of the Peace of the ſaid County of *Somerſet*, 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 Three Pounds Three Shillings, and no more, ſhall be demanded or paid, to the end that free Recourſe may be had thereto by all Perſons intereſted in the ſaid Diviſion and Incloſure, for the Inſpection of which ſaid Award One Shilling ſhall be paid, and no more, and a true Copy thereof or of any Part thereof, when and as often as the ſame ſhall be required, ſhall be delivered to any Perſon or Perſons, ſigned by the Clerk of the Peace or his Deputy for the Time being, purporting the ſame to be a true Copy, for which no more than Threepence *per* Sheet, reckoning Seventy-two Words to each Sheet, ſhall be paid; which ſaid Copy, as alſo the original Award or Inſtrument, and the Copy herein-after directed to be written on Parchment and ſigned by

the ſaid Commiſſioner, ſhall at all Times hereafter be admitted as legal Evidence in all Courts whatſoever, and the ſaid Commiſſioner is hereby directed and required to deliver a Copy of the Award or Inſtrument, fairly written on Parchment, with a proper Plan or Plans thereto annexed, ſigned by the ſaid Commiſſioner as aforeſaid, unto the Churchwardens of the Pariſh of *Combe Saint Nicholas* aforeſaid for the Time being, who ſhall depoſit the ſame in the Pariſh Cheſt of the Pariſh Church of *Combe Saint Nicholas* aforeſaid, to the end that Recourſe may be had thereto by the ſeveral and reſpective Proprietors or Parties intereſted therein at all ſeaſonable Times, without Fee or Reward, and the Copy of the ſaid Award ſo to be depoſited in the Pariſh Cheſt ſhall not be removed or taken out of the ſaid Church on any Pretence whatſoever, except for the Purpoſe of being given in Evidence.

Perſons aggrieved may appeal to the Quarter Seſſions.

XXXII. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved, by any Thing done or omitted to be done in purſuance of this or the ſaid recited Act, then and in every ſuch Caſe (except in ſuch Caſes where the Orders and Determinations of the ſaid Commiſſioner are by this or the ſaid recited Act directed to be final, binding, and concluſive upon all Parties, and except in ſuch Caſes where an Iſſue at Law ſhall be tried as herein-before mentioned) he, ſhe, or they may appeal to the General Quarter Seſſions of the Peace which ſhall be held for the ſaid County of *Somerſet*, within Six Calendar Months next after the Cauſe of Complaint ſhall have ariſen, on giving Ten Days Notice in Writing of ſuch Appeal, and of the Matter thereof, to the ſaid Commiſſioner, or other Perſon or Perſons appealed againſt, and the Juſtices in the General Quarter Seſſions are hereby required to hear and determine the Matter of every ſuch Appeal, and to make ſuch Order therein and to award ſuch Coſts, as to them in their Diſcretion ſhall ſeem reaſonable, and by their Order or Warrant to levy the Coſts which ſhall be ſo awarded, by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties liable to pay the ſame, rendering the Overplus (if any) on Demand to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of ſuch Diſtreſs and Sale, which Determination of the ſaid Juſtices ſhall be final and concluſive on all Parties concerned, and ſhall not be removed or removable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*, or elſewhere.

General Saving.

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

Act made Evidence.

XXXIV. 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 STRAHAN, Printers to the King's most Excellent Majesty. 1814.