ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 89.

An Act for incloſing Lands in the Pariſh and Rectory Manor of *Crewkerne*, in the County of *Somerſet*.

[27th *May* 1814.]

WHEREAS there are within the Pariſh and Rectory Manor of *Crewkerne*, in the County of *Somerſet*, divers Commons, Waſte Lands, and Commonable Places, containing in the Whole One hundred and thirty Acres or thereabouts: And whereas *John Huſſey* Eſquire is the Lord of the ſaid Manor, and is alſo the Impropriate Rector of the ſaid Pariſh, and is entitled to all and all Manner of Tithes, both Great and Small, ariſing and accruing within the ſame Pariſh: And whereas the ſaid *John Huſſey*, *John Budd*, *Jeremiah Reader*, and divers other Perſons, Owners or Occupiers of Farms, Lands, Meſſuages, and Premiſes ſituate, lying and being in the ſaid Pariſh and Rectory Manor, and alſo divers other Perſons not within the ſame, have or claim to have Right of Common in and upon the ſaid Commons, Waſte Lands, and Commonable Places: 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 the ſaid Commons, Waſte Lands, and Commonable Places, are fed in common, and the ſame in their preſent State are ſubject to Encroachments and Treſpaſſes, and incapable of much Improvement; but if they were divided amongſt the ſeveral Perſons intereſted therein, and ſpecific Parts thereof allotted to them according to their ſeveral reſpective Rights and Intereſts, and ſuch Allotments incloſed and held in Severalty, it would tend greatly to the Advantage of all Perſons concerned, and be of public Utility; but ſuch Diviſion, Allotment, and Incloſure cannot be effected without the Authority of Parliament: May it therefore pleaſe Your Majeſty

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 *William Bond* of *Axminſter*, in the County of *Devon*, Gentleman, (and his Succeſſors to be elected in Manner herein-after mentioned), ſhall be and he and they are hereby appointed ſole Commiſſioner and Commiſſioners for dividing and incloſing the ſaid Commons, Waſte Lands and Commonable Places, purſuant and according to the Powers, Regulations, and Directions contained in this Act, and to ſuch of the Powers and Proviſions contained in the ſaid recited Act as are not hereby varied or altered.

Appointment of Commiſſioner.

II. And be it further enacted, That if the ſaid *William Bond*, or any future Commiſſioner to be appointed in his Stead ſhall die, or refuſe to qualify himſelf in Manner by the ſaid recited Act directed, or become incapable of acting for the Space of Forty Days when Occaſion ſhall require his or their Attendance for carrying the ſaid recited Act and this Act into Execution, then and in every ſuch Caſe it ſhall be lawful for the ſaid *John Huſſey*, or for the Lord of the ſaid Rectory Manor for the Time being, by Writing under his Hand, to appoint a Meeting of the ſeveral Owners or Proprietors of Meſſuages, Lands, and Tenements for the Time being, who ſhall be intereſted in the ſaid Commons, Waſte Lands, and Commonable Places, to be held in the Church, Chancel, or Veſtry Room of the Pariſh Church of *Crewkerne* aforeſaid, ſuch Notice to be affixed on the Door of the ſaid Pariſh Church, and to be read publicly by the officiating Miniſter immediately after Divine Service, on Three ſucceſſive *Sundays* immediately before the holding of ſuch Meeting; and it ſhall and may be lawful to and for the ſaid *John Huſſey*, or the Lord of the ſaid Manor for the Time being, or his Proxy or Agent duly authorized for that Purpoſe at ſuch Meeting, to deliver in Writing to the ſeveral Owners and Proprietors then met together in purſuance of ſuch Notice and Appointment, a Liſt containing the Names of Three Perſons (not intereſted in the ſaid Diviſion and Incloſure) whom the ſaid *John Huſſey*, or the Lord of the ſaid Manor for the Time being, ſhall deem eligible and proper Perſons to be appointed a Commiſſioner in the Stead of the ſaid *William Bond*; and then the Majority in Value of the ſeveral Owners or Proprietors, or their Proxies or Agents duly authorized (except the ſaid *John Huſſey*, or the Lord of the ſaid Manor for the Time being) then preſent at ſuch Meeting ſhall proceed to elect and appoint One of the ſaid Three Perſons to be a new Commiſſioner in the Room and Place of the ſaid *William Bond* and his Succeſſors; and ſo reſpectively from Time to Time as Occaſion may require; and it ſhall be lawful for any of the ſaid Proprietors to vote at ſuch Meeting by his or her reſpective Proxy or Agent duly authorized for that Purpoſe.

Election of new Commiſſioner.

III. And be it further enacted, That *Thomas Tilbrook* of *Horningsham*, in the County of *Wilts*, Gentleman, ſhall be and he is hereby appointed Surveyor for the Purpoſes of this Act; and in caſe of his Death, Refuſal, or Incapacity to act, whilſt the Powers of this or the ſaid recited Act are carrying into Execution, then the ſaid Commiſſioner and his Succeſſors ſhall, and he and they are hereby authorized to appoint another Surveyor, in the Room of the ſaid *Thomas Tilbrook*; and ſo in like Manner when any Vacancy ſhall happen in Manner aforeſaid; and the ſaid *Thomas Tilbrook*,

Appointment of Surveyor.

and his Succeſſors to be appointed as aforeſaid, ſhall make a Survey, Plan and Admeaſurement of the Lands and Grounds by this Act directed to be divided, allotted and incloſed, and of any other Lands within the ſaid Pariſh and Rectory Manor the ſaid Commiſſioner or his Succeſſors ſhall think proper to direct him to ſurvey for the Purpoſes of this Act, and purſuant to the Directions of the ſaid recited Act, and produce the ſame to the ſaid Commiſſioner or his Succeſſors, when he or they ſhall appoint, and verify the ſame on Oath, as alſo any ſubſequent or other Plans and Admeaſurements he the ſaid *Thomas Tilbrook*, or his Succeſſors to be appointed in Manner aforeſaid, ſhall make by Order of the ſaid Commiſſioner or his Succeſſors, for the Purpoſe of this or the ſaid recited Act.

Oath to be taken by Surveyor.

IV. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Surveyor in the Execution of this Act, until he ſhall have taken and ſubſcribed the Oath or Affirmation following; that is to ſay,

'I do ſwear [*or*, being one of the People called *Quakers*, do ſolemnly affirm] That I will faithfully, honeſtly, and impartially, according to the beſt of my Skill and Ability, execute and perform the Powers and Authorities repoſed in me as a Surveyor, by virtue of an Act paſſed in the Fifty-fourth Year of the Reign of King *George* the Third, intituled *An Act* [*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.

'So help me GOD.'

Which Oath or Affirmation it ſhall be lawful for the ſaid Commiſſioner to adminiſter, and he is hereby required to adminiſter the ſame; and ſuch Oath or Affirmation, when ſo taken and ſubſcribed by ſuch Surveyor, ſhall be annexed to and inrolled with the Award of the ſaid Commiſſioner.

Notice of Meetings.

V. And be it further enacted, That the ſaid Commiſſioner ſhall and he is hereby required to cauſe Notice of his Firſt and every other Meeting in the Execution of this Act, to be inſerted in the Weekly Journal, publiſhed at *Saliſbury*, entitled *The Saliſbury and Winchеſter Journal, and General Advertiſer of Wilts, Hants, Dorſet and Somerſet*, Fourteen Days at leaſt before every ſuch Meeting (Meetings by Adjournment only excepted); and alſo to be affixed to the Door of the Pariſh Church of *Crewkerne* aforeſaid; and if the ſaid Commiſſioner ſhall, by unforeſeen Accident, be prevented from attending, or ſhall not attend at ſuch Meeting, then the Clerk to be appointed by the ſaid Commiſſioner under this Act ſhall and may adjourn ſuch Meeting, for any Time not exceeding Forty Days, giving Notice in Writing to the ſaid Commiſſioner or his Succeſſors, or leaving the ſame at his or their Houſes or uſual Places of Abode; and whenever any Meeting ſhall be held by Adjournment for Twenty-one Days or upwards, Notice thereof in Writing ſhall be affixed to the Door of the ſaid Pariſh Church, at leaſt Fourteen Days before the Time of ſuch Adjournment; and all Meetings for the Execution of this Act, whether by Adjournment or otherwiſe, ſhall be held at *Crewkerne* aforeſaid.

VI. And

For ſettling Differences.

VI. And be it further enacted, That if any Diſpute or Difference ſhall, before the making of the Award of the ſaid Commiſſioner, ariſe between any of the Proprietors of or Perſons intereſted or claiming to be intereſted in the ſaid Diviſion and Incloſure hereby authorized and directed to be made, touching or concerning the Right to the Soil, or touching or concerning the reſpective Shares, Rights, or Proportions, which any Perſon or Perſons hath or have, or ſhall or may claim to have, of, in, or to the ſaid Lands and Grounds, then the ſaid Commiſſioner ſhall and he is hereby empowered and required to hear, inquire into, and determine all ſuch Diſputes and Differences, and all Claims and Objections which ſhall be thereupon raiſed and brought forward to the ſaid Commiſſioner: Provided always, that nothing in this Act contained ſhall authorize the ſaid Commiſſioner to determine the Title to any Meſſuages, Cottages, Lands, Tenements or Hereditaments whatſoever (except as to Encroachments as herein-after mentioned).

For ſettling Coſts.

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

Allowing Parties to try their Rights at Law.

VIII. Provided always, and be it further enacted, That in caſe any Perſon or Perſons, or any Body or Bodies Politic, Corporate, or Collegiate, who ſhall deliver to the ſaid Commiſſioner any Claim in Writing, of any Right or Intereſt in, upon, or over the Lands or Grounds hereby directed to be divided and incloſed, or in, upon, or over any Part thereof, or who ſhall deliver to the ſaid Commiſſioner any Objection in Writing to any ſuch Claim, or any other Perſon or Perſons, or Body or Bodies Politic, Corporate or Collegiate, ſhall be diſſatisfied with any Determination of the ſaid Commiſſioner, touching or concerning any ſuch Claim or Objection, or ſhall be deſirous of having the Claim or Objection

jection decided by the Verdict of a Jury, and shall within Two Calendar Months next after such Determination, cause Notice in Writing of such Dissatisfaction or Desire, to be delivered to such Commissioner, or left at his last or usual Place of Abode, it shall be lawful for such Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, having given such Notice as aforesaid, to proceed to a Trial at Law of the Matter so determined by the said Commissioner, at the next or Second Assizes to be held for the said County of *Somerset*; and for that Purpose the Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, having given such Notice as aforesaid, shall, within Three Calendar Months after such Determination, cause an Action to be commenced in One of His Majesty's Courts of Record at *Westminster*, upon a feigned Issue, against the Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, in whose Favour such Determination shall have been made; and the Defendant or Defendants in such Action or Actions shall, and he, she, or they is and are hereby required to name an Attorney or Attornies, who shall appear thereto or file Common Bail, and accept One or more Issue or Issues, whereby such Claim or Claims, Right or Rights, Interest or Interests thereby insisted upon, 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 disagree about the same); and all Proceedings in such Action or Actions shall be subject to the Rules or Orders of the Court in which such Action or Actions shall be brought; and the Verdict or Verdicts which shall be given upon the Trial of such Action or Actions, shall be final, binding, and conclusive upon all and every Person or Persons, and Body or Bodies Politic, Corporate or Collegiate, 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 said Court to do in case the said Court shall think proper; and that 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 thereby determined, according to the Event of such Trial or Trials: Provided always, that if no such Notice shall be given, or if any such Notice shall be given, and such Action at Law shall not 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 herein-before limited for that Purpose, that then and in every such Case, the Determination of the said Commissioner shall be final, binding, and conclusive to all Intents and Purposes whatsoever: Provided further, that no such Action, Verdict, or new Trial shall impede or delay the said Commissioner in the Execution of the Powers hereby vested in him, but the Division and Inclosure hereby directed to be made, shall be proceeded in, in such and the same Manner as if no such Action or Suit were pending: Provided also, that if any of the Parties in any such Action to be brought or commenced as aforesaid, shall die before the Determination thereof, such Action shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened.

Provision in case of Parties dying before Actions brought.

IX. Provided always, and be it further enacted, That if any Person or Persons in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought

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 or Corporate, 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; and Proceedings ſhall be heard 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.

Right of Poſſeſſion not to be determined by the Commiſſioner.

X. Provided alſo, and be it further enacted, That nothing in this Act contained ſhall extend to enable 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, as herein-after mentioned); 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 or recovered from ſuch Perſon or Perſons, by Ejectment, or other due Courſe of Law.

For extinguiſhing Rights of Common.

XI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioner, at any Time or Times before the Execution of his Award, by Writing under his Hand, to be affixed on the Door of the Pariſh Church of *Crewkerne* aforeſaid, to order and direct all or any Parts of the Ways, Rights of Common, and all other Rights whatſoever, in, over, and upon the Lands and Grounds hereby directed to be divided and incloſed, or any Part thereof, to be extinguiſhed, or the Exerciſe thereof to be ſuſpended, for and during ſuch Time or Times, and in ſuch Manner as ſhall be expreſſed in ſuch Writing; and all ſuch Ways, Rights of Common, and all other Rights as the ſaid Commiſſioner ſhall, by Writing, order to be extinguiſhed, or the Exerciſe thereof ſuſpended as aforeſaid, ſhall from the Time of affixing ſuch Notice for that Purpoſe, ceaſe and determine, and be extinguiſhed, or the Exerciſe thereof ſuſpended; any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

Reſpecting Encroachments.

XII. And be it further enacted, That the ſaid Commiſſioner, in aſcertaining, ſetting out, determining and fixing, in Manner directed by the ſaid recited Act, the Boundaries of the ſaid Pariſh, ſo far as the Lands and Grounds intended to be divided, allotted, and incloſed, are the Boundaries thereof, ſhall enquire and determine what Encroachments, by Buildings, Incloſures or otherwiſe, have been made on the ſaid Commons, Waſte Lands and Commonable Places, by this Act intended to be divided, allotted, and incloſed; and all Encroachments made upon or from any Part thereof (except ſuch Part or Parts thereof as has or have been enjoyed in Severalty for Twenty Years laſt paſt without Interruption

or

or Payment of Rent, or at any Time granted by Leaſe or Copy by the Lord of the ſaid Manor, which Poſſeſſion of Grant is hereby declared to be a ſufficient Title to the excepted Premiſes) ſhall be deemed Part and Parcel of the Lands hereby directed to be divided and allotted, and ſhall be divided, allotted, and incloſed accordingly: Provided nevertheleſs, that all ſuch Encroachments ſhall be allotted to the Perſon or Perſons who ſhall at the Time of making the Allotments, be in Poſſeſſion of ſuch Encroachments, or in Receipt of the Rents and Profits thereof, as the Whole, if ſufficient for that Purpoſe, or if not, then in Part of the Share or Allotment of the Lands and Grounds hereby directed to be divided, allotted, and incloſed, to which ſuch Perſon or Perſons will be entitled by virtue of this Act, and which in making ſuch Allotment ſhall be eſtimated according to the Value of the Land or Ground ſo taken or encroached upon, and without conſidering the Value of any Erections, Buildings, or Plantations thereon; and if the Perſon or Perſons who ſhall be in Poſſeſſion of ſuch Encroachments, or in Receipt of the Rents and Profits thereof, ſhall be entitled to no Allotment, or to an Allotment not equal to the Value of ſuch Encroachments, but ſhall be willing to purchaſe the ſame, then the ſaid Commiſſioner ſhall aſcertain the Price thereof, or of ſuch Part as ſhall exceed the Value of the Allotment to ſuch Poſſeſſor or Poſſeſſors thereof, in reſpect of his or their other Property; on aſcertaining of which Value the ſaid Commiſſioner ſhall not eſtimate the Buildings, Plantations or other Improvements thereon; and upon ſuch Perſon or Perſons paying ſuch Price thereof to the ſaid Commiſſioner, at ſuch Time or Times as he ſhall for that Purpoſe appoint, the ſaid Commiſſioner ſhall give and ſign his Receipt or Receipts, and every ſuch Encroachment, or ſuch Part thereof as ſhall be ſo purchaſed, ſhall thereupon be allotted to ſuch Purchaſer or Purchaſers thereof, and his and their reſpective Heirs and Aſſigns in Fee Simple; but if the Perſon or Perſons who ſhall be in Poſſeſſion of or entitled to the Rents and Profits of ſuch Encroachment or Encroachments, ſhall not be willing to purchaſe the ſame, or ſo much thereof as ſhall be offered for Sale as aforeſaid, on the Terms aforeſaid, then the ſaid Commiſſioner ſhall ſell the ſame in the Way he is herein-after directed to ſell Lands for Payment of the Expences of this Act; and the Monies ariſing by Sale thereof ſhall be applied in the ſame Way as the Monies ariſing from ſuch Sale are herein-after directed to be applied: Provided alſo, that the ſaid Commiſſioner ſhall, and he is hereby authorized, inſtead of ſelling the ſaid laſt-mentioned Land in Manner herein-before mentioned, to ſet out, allot, and award the ſame to any poor Perſon or Perſons who ſhall be entitled to any of the Lands and Grounds hereby directed to be divided and incloſed, as Compenſation for his or their Right of Turbary as herein-after directed, and to order and direct, in and by his Award, by whom and in what Manner the Fences of ſuch Allotment and Allotments ſhall be made, and from Time to Time kept in Repair: Provided alſo, that all Encroachments made upon the ſaid Lands and Grounds within the Space of One Year immediately preceding the paſſing of this Act, ſhall be thrown open without any Recompence whatſoever to be made to the Poſſeſſor or Poſſeſſors thereof; and if any Queſtion or Diſpute ſhall ariſe touching ſuch Encroachments, or which of them ſhall be ſo deemed to be Part and Parcel of the ſaid Lands and Grounds to be divided, allotted, and incloſed reſpectively, ſuch Diſputes ſhall be referred to the Determination of the ſaid Commiſſioner.

For ſtopping up Roads.

XIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioner, and he is hereby authorized and empowered to ſtop up, and to direct to be diſcontinued, altered, or varied, any Public Road or Roads, Footpath or Footpaths, over or through any Part or Parts of the Lands or Grounds, incloſed or unincloſed, or ſeveral Lands in the ſaid Pariſh, or by this Act intended to be divided and incloſed, which to the ſaid Commiſſioner ſhall appear uſeleſs or unneceſſary, ſo as to make the ſame more convenient to the Public in general than the preſent Roads now are: Provided always, that ſuch Order ſo to be made ſhall be approved of by Two Juſtices of the Peace acting in and for the Diviſion in which the ſaid Road and Roads, Footpath and Footpaths, ſhall be ſituated, under his Hand and Seal, and be ſubject to appeal to the Quarter Seſſions of the Peace, as in the ſaid recited Act is expreſſed: Provided alſo, that none of the preſent Roads or Public Highways within the ſaid Pariſh ſhall be ſhut or ſtopped up or diſcontinued, until the ſeveral Roads intended to remain or be the Public Roads or Highways within the ſaid Pariſh ſhall be ſet out according to the Directions of the ſaid recited Act, and ſhall be properly formed and made ſafe and convenient for Horſes, Cattle, and Carriages: Provided further, that it ſhall not be lawful for the Surveyor or Surveyors of Roads to be appointed by the ſaid Commiſſioner under the Power contained in the ſaid recited Act, to put into Repair by or out of the Money to be raiſed by virtue of this Act, any old or preſent Public Roads or Highways there made previouſly to the paſſing of this Act, which ſhall be ſet out or appointed by the ſaid Commiſſioner to remain or be in future Public Roads or Highways within the ſaid Pariſh, or any Part or Parts which ſhall be ſo ſet out or appointed of ſuch Public Roads or Highways, but that all ſuch old or preſent Public Roads or Highways made previouſly to the paſſing of this Act, as ſhall be ſo ſet out and appointed, and every Part which ſhall be ſo ſet out and appointed of the ſame Public Roads or Highways, ſhall be firſt put into Repair by ſuch Perſons and in like Manner as ſuch Roads or Highways are or ought by Law to be afterwards ſupported and kept in Repair: Provided always, that all Roads, both Public and Private, that ſhall be ſet out or varied by the ſaid Commiſſioner, ſhall be marked, ſtaked, and ſet out on the ſaid Lands, by and under the immediate perſonal Inſpection and Direction of the ſaid Commiſſioner, and not otherwiſe.

To prevent depaſturing Sheep or Cattle on the Roads.

XIV. And be it further enacted, That if any Perſon or Perſons ſhall from and after the ſtaking out of the Roads, as directed by the ſaid recited Act, put or cauſe to be put, or knowingly ſuffer to be turned or put, any of his, her, or their Sheep or Lambs, Horſes, Aſſes, Horned Cattle, Pigs or Geeſe, into any of the Roads to be ſet out at any Time within Fifteen Years next after the making and executing of the Award of the ſaid Commiſſioner, it ſhall and may be lawful to and for the Perſon or Perſons whoſe Hedges, Fences, Crops, Herbage, or Ground, ſhall or may be damaged thereby, or any other Perſon or Perſons, to impound the ſame; and that the Graſs and Herbage growing or renewing on any of the Roads or Ways to be ſet out within the ſaid Tythings reſpectively, ſhall be veſted in the ſaid Surveyor or Surveyors reſpectively, and ſhall by him and them be publicly let to the beſt Bidder or Bidders on *Eaſter Monday* in each Year, for the Purpoſe of mowing only, for the Term of Fifteen Years from the Execution of the ſaid Award, and for ever afterwards for mowing or Paſturage, as ſuch Surveyor or Surveyors ſhall think expedient; and

and the Rents and Profits thereof shall be applied for the Repair of the Highways within the said Tything, and shall be accounted for by the said Surveyor or Surveyors of the Highways within the said Tything respectively, in the same Manner as he or they is or are accountable for other Money that shall or may come to his or their Hand or Hands as Surveyor or Surveyors of the Highways; and shall be subject and liable to the Penalties for Neglect thereof.

For scouring out Ditches and Drains.

XV. And be it further enacted, That it shall be lawful for the Owners, Proprietors, or Occupiers of the several new Allotments to be made in pursuance of this Act, and their respective Servants and Labourers, to enter into and upon any Land and Ground within the said Parish next adjoining to their respective Allotments, from Time to Time, and at all reasonable Times, between the First Day of *November* and the First Day of *May* in each Year, after such their Allotment shall be made and fenced in by virtue hereof, for the Purpose of cleansing and scouring out the Ditches and Drains belonging to the said Allotments, which shall or may be dug or made next to or border upon such adjoining Grounds; and also, that it shall and may be lawful to and for the Owner, Proprietor, or Occupier of such new Allotments, or of any other Lands already inclosed within the said Parish, from the Time of staking out the several Allotments hereby directed to be made, to set up and place from Time to Time, and at all Times thereafter to continue and maintain Posts and Rails across the Ditch or Ditches of such his, her, or their Allotment or Allotments, or other Land already inclosed, in and upon the Bank and Banks next adjoining to such his, her, or their Allotment or Allotments, or other Lands already inclosed, without being deemed a Trespasser or Trespassers for so doing, or liable to make good any Damage for the same.

Allotment for Freeboards.

XVI. And be it further enacted, That the said Commissioner shall and he is hereby authorized and empowered, to receive, hear, and determine all Claims of Freeboard on the said intended Division and Inclosure; and if any such Claim shall be fully established by sufficient Proof, to the Satisfaction of the said Commissioner, he is hereby authorized and empowered to set out and allot One or more Plot or Plots, Allotment or Allotments of Land, in lieu of any such Freeboard or Freeboards so established; and such Plot or Plots, Allotment or Allotments, shall for ever thereafter respectively be deemed to be within and Part of such Parish, as the said Commissioner in and by his Award shall adjudge and determine.

Old Inclosures may be surrendered.

XVII. And be it further enacted, That if any Proprietors of old inclosed Lands within the said Parish shall be desirous of surrendering the same to the Power of the said Commissioner, in order that the same may be awarded and compensated by other Lands, by virtue of this Act, and shall give Notice under their, his, or her Hands or Hand in Writing to the said Commissioner, at his First or Second Meeting, to be held for the Purposes of this Act, then such old Inclosures shall be deemed and taken as Part of the Lands and Grounds to be divided and inclosed by virtue of this Act, and shall be allotted and awarded accordingly: Provided always, that nothing herein contained shall prevent the said Commissioner, if he thinks fit, from awarding the same again to the former Proprietor or Proprietors thereof.

Allotment for Watering Places and Gravel Pits.

XVIII. And be it further enacted, That the ſaid Commiſſioner ſhall and he is hereby required (after ſetting out the public Roads directed by the ſaid recited Act) to ſet out, allot, and award ſuch ſeveral Plots or Pieces of Land or Ground, Part of the ſaid Lands hereby directed to be divided and incloſed, in ſuch convenient Places as he ſhall think proper, for the Purpoſe of public Watering Places for Cattle, and for getting Stone, Sand, Gravel, Chalk, or other Materials for repairing the Highways and Roads to be ſet out and made in, over, and upon the Lands and Grounds hereby intended to be divided, allotted, and incloſed, or any other Roads within the ſaid Pariſh, for the Uſe of the Inhabitants thereof; and alſo for the Purpoſe of manuring the Lands and Grounds reſpectively, and for repairing the public Bridges in the ſaid Pariſh of *Crewkerne*, and the Dams, Banks, and Hatchways belonging thereto, and ſhall order and direct by whom and at whoſe Expence, and in what Manner the ſame ſhall be fenced, uſed, and enjoyed, and from Time to Time kept in Repair, and in what Manner the Herbage and Produce thereof ſhall be applied.

Allotment to the Lord of the Manor.

XIX. And be it further enacted, That the ſaid Commiſſioner ſhall in the next Place ſet out, allot, and award, unto and for the ſaid *John Huſſey*, and for the Lord of the ſaid Manor for the Time being, One or more ſuch Allotment or Allotments of the Lands and Grounds hereby intended to be divided and incloſed, as in the Judgment of the ſaid Commiſſioner ſhall be equal in Value to One-fifteenth Part of the Waſte Lands and Grounds by this Act intended to be divided and incloſed, in lieu of and as a Compenſation for the Right and Intereſt of the ſaid *John Huſſey*, and the Lord of the ſaid Manor for the Time being, in and to the Soil thereof.

Allotments of Land to be ſold for Payment of Expences.

XX. And be it further enacted, That the ſaid Commiſſioner ſhall from Time to Time ſet out and allot ſuch Part or Parts and Parcels of the ſaid Commons, Waſte Lands, and Commonable Places, as he ſhall judge ſufficient in Value when ſold to defray the neceſſary Charges and Expences attending the applying for and obtaining this Act, and carrying the ſame and the ſaid recited Act into Effect; and of ſurveying, meaſuring, mapping, planning, valuing, dividing, and allotting the ſame; and of ſcouring, widening, and repairing all ſuch ancient Bridges, Brooks, Ditches, and Watercourſes, as the ſaid Commiſſioner ſhall deem neceſſary; and alſo the Coſts, Charges, and Expences of firſt forming and making ſuch public and private Roads, as are directed to be made by the ſaid recited Act, except ſuch as are herein-before directed not to be put in Repair by the Surveyor to be appointed under this Act; and alſo of preparing, executing, and enrolling the Award, with a Map annexed, and all other neceſſary Charges and Expences ariſing and accruing in the Courſe of the 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 Manner and ſubject to the Directions and Regulations mentioned 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 Indentures under his Hand and Seal, to be by him executed in the Preſence of and atteſted by Two or more credible Witneſſes, convey, aſſure, and confirm, by Way of Leaſe and Releaſe, 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 for ſuch Uſe

or Uſes, upon ſuch Truſt or Truſts, and for ſuch Limitation or Limitations, as ſuch Purchaſer or Purchaſers ſhall direct or appoint; ſuch Direction or Appointment to be in Writing under his, her, or their Hands and Seals reſpectively: Provided always, that nothing herein contained ſhall enable the ſaid Commiſſioner to ſet out and allot any Part of the Lands to be ſold, in Manner aforeſaid, within the Diſtance of Forty Perches of any Meſſuage or Tenement belonging to any Proprietor or Proprietors, who by virtue of this or the ſaid recited Act ſhall be entitled to and have an Allotment or Allotments of Land made to him, her, or them, amounting to Five Acres or more.

For Diſpoſal of Surplus Money.

XXI. And be it further enacted, That in caſe any Part or Parts of the ſaid Lands or Grounds ſhall be ſold for more Money than will be required to defray ſuch Expences and Charges aforeſaid, then and in ſuch Caſe ſuch Surplus Money ſhall be divided and apportioned between the ſeveral Proprietors of the Lands hereby directed to be divided and incloſed, according to their ſeveral and reſpective Intereſts therein; and the Shares of ſuch of them as ſhall be Tenants in Fee Simple, ſhall be paid to them reſpectively; and the Shares of the other Proprietors ſhall be paid into the Bank of *England* in Manner directed by the ſaid recited Act with reſpect to Money thereby directed to be paid into the Bank for the Purchaſe or Exchange of Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Sum of Money is by the ſaid recited Act directed to be laid out in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the ſame Uſes.

Allotment of the Reſidue.

XXII. 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, all the Reſidue and Remainder of the ſaid Lands and Grounds by this Act directed to be divided and incloſed, and all ſuch old Incloſures that may be given up to be allotted as herein-before mentioned, unto the ſeveral Perſons who are or ſhall or may be Owners or Proprietors thereof, whether Freeholders or Copyholders, and the Perſons entitled to or having Rights of Common or other Rights and Intereſts therein and thereon, in ſuch Shares, Quantities, and Proportions, and in ſuch Manner as the ſaid Commiſſioner ſhall adjudge and determine to be a fair, juſt, and reaſonable Compenſation for their ſeveral and reſpective Shares, Properties, Rights of Common, and other Rights and Intereſts, of, in, to, and over the ſame Lands and Grounds.

Allotments to be fenced.

XXIII. And be it further enacted, That all the ſeveral Allotments which ſhall be made and ſet out by virtue of this Act, ſhall be incloſed and fenced, and the Fences thereof made, and for ever thereafter maintained, by ſuch Perſons, and in ſuch Manner, as the ſaid Commiſſioner, by any Writing or Writings under his Hand, or by his Award ſhall order, direct, and appoint; and that convenient Gaps and Openings ſhall be left in the ſaid Fences and Incloſures, for the Purpoſes of Cattle, Carts, and Carriages paſſing through the ſame, for ſuch Space of Time not exceeding Twelve Calendar Months, as the ſaid Commiſſioner ſhall direct.

For regulating the Proportion of Fencing in certain Caſes.

XXIV. And be it further enacted, That if from the Nature or Neceſſity of Situation, or from any other Circumſtances, it ſhall happen that One or more of the ſaid Proprietors ſhall not have an equal or proportionate Share

Share of Boundary or other Fencing allotted to him, her, or them, on the said intended Inclosure, it shall be lawful for the said Commissioner, where he shall judge it necessary and reasonable, to award, ascertain, order, and appoint a Sum or Sums of Money, to be paid or contributed by such Proprietor or Proprietors respectively, towards making the said Fences of the Allotments of such other of the Proprietor or Proprietors who shall or may have a greater Proportion of the Fencing allotted to him, her, or them by virtue of this Act, the same Sum to be settled by the said Commissioner in such Manner as he shall think proper; and the Money so ordered, directed, and appointed to be paid, shall be raised and recovered in such and the same Manner as the Expences of this Act (not payable out of Money raised by Sale of Land) are herein ordered and directed to be levied and recovered.

Persons desirous of paying Expences in Money, may have an Increase of Allotment.

XXV. Provided always, and be it further enacted, That in case any of the Owners or Proprietors of Lands, Tenements, or Hereditaments, interested in the said Division and Inclosure, shall be desirous of paying his, her, or their Quota or Share of the Expences of obtaining and passing this Act, and of carrying the same and the said recited Act into Execution and Effect, and of the other Expences herein directed to be paid, and considered as general Expences, and such Owners or Proprietors respectively, shall, at the First or Second Meeting of the said Commissioner, give Notice in Writing of such his, her, or their Intention, under their respective Hands, to be delivered to the said Commissioner at such First or Second Meeting; then and in every such Case the Share or Shares of such Person or Persons, of and concerning all such Costs, Charges, and Expences, shall be ascertained and settled by the said Commissioner, after the Manner of an equal Pound Rate, according to the Value of the respective Lands or Grounds each Person shall have allotted to him or her by virtue of this Act, to be paid in such Proportion or Proportions, at such Time or Times, in such Manner, and to such Person or Persons as the said Commissioner shall by any Writing under his Hand, to be affixed on the Door of the Parish Church of *Crewkerne* aforesaid, at least Twenty-one Days before the Day of Payment thereof, order and direct; and such Person or Persons so electing to pay in Money, shall have a proportional Increase of his, her, or their Allotment or Allotments accordingly; and in case any or either of the Persons aforesaid shall neglect or refuse to pay his, her, or their Share or Shares of such Charges or Expences, or any Part thereof, to the Person or Persons who shall be appointed to receive the same, within the Time to be limited by the said Commissioner as aforesaid, then and in such Case the said Commissioner shall cause the same to be levied and recovered in Manner directed by the said recited Act.

A Time to be appointed for hearing Objections to Allotments.

XXVI. And be it further enacted, That when and so soon as the said Commissioner shall have ascertained the respective Rights and Interests of the respective Proprietors in the Lands and Grounds to be divided, allotted, and inclosed by virtue of this Act and the said recited Act, and also the respective Shares and Proportions by them proposed to be allotted to such Proprietors respectively, for or in respect of such Rights and Interests, he the said Commissioner shall give Notice of some convenient Time and Place when and where the said Proprietors may be informed of such proposed Allotments, and may see the Plan thereof set out and delineated upon

upon a Map thereof, to be produced to such Proprietors for their Inspection; and as some of those Proprietors may upon Inspection of such Map be dissatisfied with the proposed Allotments, the said Commissioner shall at such Time and Place as last aforesaid, or at some other Time and Place to be appointed for that Purpose, receive a Statement in Writing of the Objections against such proposed Allotments, and shall forthwith, or as soon after as conveniently may be, determine the same, and his Determination shall be final and conclusive.

Allotments to be of the same Tenure.

XXVII. And be it further enacted, That all the Lands and Grounds which shall be allotted by virtue of the said recited Act or this Act respectively, to any Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, for or in lieu or in respect of any Messuages, Cottages, or Lands holden by Copy of Court Roll of any Manor or Manors, or for or in lieu or in respect of any Leasehold Messuages, Lands, or Tenements, or for or in respect of any Common or other Right or Interest appurtenant or appendant to any such Copyhold or Leasehold Premises, shall from and for ever after the Execution of the said Award be deemed and taken to be Copyhold or Leasehold respectively, and shall be held as such by and under the same Tenure, Rents, Payments, Fines, Customs, and Services, as the Copyhold or Leasehold Messuages, Cottages, and Lands respectively, for or in lieu or in respect whereof such Allotments shall be made, are now holden; and that all and every Person or Persons to whom any such Copyhold Lands or Grounds shall be allotted as aforesaid, shall within Six Calendar Months next after the Execution of the said Award be admitted Tenant or Tenants to the same, without paying any Fine or other Charge to the Lord or Lords, Lady or Ladies, or to the Steward of the said Manor, (save and except for the Stamp Duties and Parchment requisite to be used for the Copies of such Admissions respectively, and such reasonable Fees to the Steward of the said Manor as the said Commissioner shall by his Award order and direct); but in case the Person or Persons to whom such Lands or Grounds shall be allotted shall die or alienate by Sale without Admission within Six Calendar Months, then the customary Fines, Fees, and other Payments shall be due and payable on the Admission or Admissions of the Person or Persons then entitled to such Lands and Premises; and after every such first Admission, the Copyhold Lands and Premises which shall have been so allotted as aforesaid, shall at all Times be holden under and subject to the same Tenures, Fines, and other Payments as the present Copyhold Messuages, Cottages, or Lands in respect whereof such Lands or Grounds so allotted are now respectively holden under and subject to; and the said Commissioner is hereby required to determine and describe and abut, in and by his said Award, and in and by the Map or Plan to be thereto annexed, all the Lands and Grounds so allotted, which are to be and remain Copyhold or Leasehold; and all other Lands and Grounds to be allotted in pursuance of the said recited Act or this Act (except what shall be so ascertained by the said Commissioner, in his said Award, to be Copyhold or Leasehold), shall from thenceforth be deemed, taken, and enjoyed as Freehold Lands and Grounds respectively, subject to such Free Rents and Services, or other reserved Rents, as are now payable out of the respective Premises for or in respect whereof the same Lands and Grounds respectively shall or may have been so allotted.

Allowing Exchanges to be made.

XXVIII. 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 and Manor, or either of them, in lieu of and in Exchange for any other Lands, Tenements, or Hereditaments within the ſaid Pariſh and Manor reſpectively, or within any other 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 previous 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 ſeiſed or poſſeſſed in his, her, or their natural Capacity or Capacities as Tenant or Tenants in Fee Simple, in Fee Tail General or Special, or for Life, or by the Courteſy of *England*, or for Years determinable on any Life or Lives, with the Conſent of the Leſſor or Leſſors, but not otherwiſe, or be a Body or Bodies Politic, Corporate or Collegiate, or with the previous Conſent of the Guardians, Truſtees, Feoffees for Charitable or other Uſes, Huſbands, Committees or Attornies of or acting for any ſuch Owner or Owners, Proprietor or Proprietors ſo ſeiſed or poſſeſſed as aforeſaid, who at the Time of making or propoſing ſuch Exchange or Exchanges ſhall be reſpectively Infants, Femes Covert, Lunatics, or under any other legal Diſability, or who ſhall be beyond the Seas, or otherwiſe diſabled to act for himſelf, herſelf, or themſelves reſpectively; 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 ſhall be good, valid, and effectual in the Law to all Intents and Purpoſes whatſoever: Provided nevertheleſs, that no Exchange ſhall be made under this or the ſaid recited Act, of any Lands, Tenements, or Hereditaments held in Right of any Church, Chapel or other Eccleſiaſtical Benefice, without the Conſent in Writing of the Biſhop of the Dioceſe in which ſuch Lands, Tenements, or Hereditaments ſo to be exchanged ſhall lie and be ſituate, and of the Patron of ſuch Church, Chapel, or other Eccleſiaſtical Benefice for the Time being reſpectively.

Expences of Exchanges how to be paid.

XXIX. And be it further enacted, That all the Coſts, Charges, and Expences attending the making and completing any Exchange or Partition as herein-before mentioned, or any Agreement relating thereto, which ſhall be made under or by virtue of the ſaid recited Act or this Act, together with a Share and Proportion of the general Expences of obtaining and of executing this Act, ſhall be borne and defrayed by the ſeveral Parties making or intereſted in any ſuch Exchange or Partition, in ſuch Manner and in ſuch Proportions as the ſaid Commiſſioner ſhall, by his ſaid Award, or by any previous or ſubſequent Writing under his Hand, to be affixed on the Church Door of *Crewkerne* aforeſaid, order and direct: Provided nevertheleſs, that the Share and Proportion of ſuch general Expences ſhall in no Caſe exceed Forty Shillings for every Twenty Pounds of the annual Value of the Lands, Tenements, or Hereditaments ſo exchanged, and after the ſame Rate and Proportion where the Annual Value of the Lands, Tenements, or Hereditaments ſo exchanged, ſhall be leſs than Twenty Pounds.

For vacating Leaſes at Rack Rent.

XXX. And be it further enacted, That all Leaſes and other Agreements at Rack Rent, which are now ſubſiſting, or relate to the Lands and

and Grounds hereby intended to be divided and incloſed, either alone or together, with any other Meſſuages, Lands, Tenements, or Hereditaments in any adjoining Pariſh or Pariſhes, ſhall ſo far only as ſuch Leaſes or Agreements relate to or affect any of the Lands or Grounds to be divided, allotted, or exchanged, under this or the ſaid recited Act reſpectively, ceaſe, determine, and be void, at ſuch Time or Times as the ſaid Commiſſioner by any Notice under his Hand, to be affixed on the Church Door of the ſaid Pariſh of *Crewkerne*, or by his Award, ſhall direct or order; and the reſpective Tenants or Leſſees of the ſame Premiſes ſhall receive from the reſpective Owners and Proprietors thereof, ſuch Sums of Money as the ſaid Commiſſioners ſhall aſcertain as reaſonable to be paid to ſuch Tenant or Tenants as an Equivalent for the ſame; and if the Money ſo to be aſcertained as aforeſaid ſhall not be paid to the Perſon or Perſons entitled to receive the ſame within Ten Days after Demand thereof, it ſhall be lawful for the ſaid Commiſſioner, and he is hereby required to raiſe and levy the ſame, for the Uſe and Benefit of the Perſon or Perſons entitled thereto, by ſuch Ways and Means as any of the Coſts, Charges, and Expences of obtaining and executing this Act or any Part thereof, can or may be raiſed and levied by this Act, or the ſaid recited Act: Provided always, that if there ſhall be any Leaſe of Lands, Part of which ſhall lie in the ſaid Manor and Pariſh, and Part in any adjoining Pariſh, all and every ſuch Leaſe and Leaſes upon Rack Rent now ſubſiſting, may be vacated; but where any Land ſhall have been taken in Exchange, which Land ſhall be under Leaſe, and wholly ſituate in an adjoining Pariſh, the Leaſe of ſuch laſt-mentioned Land ſhall not be vacated.

Wills and Settlements not to be affected.

XXXI. And be it further enacted, That nothing in this or the ſaid recited Act contained ſhall extend, or be conſtrued or adjudged to extend, to revoke, make void, annul or alter any Settlement, Deed, Will, or Leaſe (except Leaſes or Agreements at Rack Rent) or to prejudice any Perſon having any Right or Claim of Dower, Jointure, Annuity, Rent, Debt, Charge, or Incumbrance whatſoever in, out of, upon, or affecting any of the Lands and Grounds hereby directed to be divided, allotted, and incloſed, or which ſhall be exchanged or aſſigned in Compenſation for any other Eſtate or Right in purſuance of this Act, but as well the Lands allotted as the Tenements or other Hereditaments which ſhall be aſſigned in Exchange or in Compenſation for any other Eſtate or Right, ſhall immediately after ſuch Allotment, Exchange or Aſſignment is made, remain and enure to the ſeveral Perſons to whom the ſame ſhall be allotted, aſſigned, or given in Exchange as aforeſaid, who ſhall from thenceforth ſtand and be ſeiſed and poſſeſſed thereof reſpectively, ſubject and liable to ſuch and the ſame Wills, Settlements, Limitations, and Remainders, Conditions, Charges and Incumbrances, as the ſaid ſeveral Lands, Tenements, and Hereditaments in reſpect whereof ſuch Allotment, Aſſignment, and Exchange ſhall have been made, ſhould and would have ſtood ſeverally limited, ſettled, veſted, or ſubject or liable to, or been held, in caſe the ſame had not been allotted, aſſigned, or exchanged, or this Act had not been paſſed.

For regulating the Courſe of Huſbandry.

XXXII. And be it further enacted, That as ſoon after the paſſing of this Act as conveniently may be, the ſaid Commiſſioner ſhall by One or more Writing or Writings under his Hand, to be affixed on the Door of the

the ſaid Pariſh Church, order and direct, by whom and in what Manner the ſaid Lands and Grounds hereby directed to be divided and incloſed ſhall be ſtocked, and by whom and what Courſe of Huſbandry ſhall be uſed on ſuch of the ſaid Lands and Grounds hereby directed to be divided and incloſed as are in Courſe of Huſbandry; and alſo by the laying down, ploughing, ſowing with Graſs Seeds, fallowing and tilling thereof; and alſo ſettle, adjudge, and determine what Portion of Manure ſhall belong to the Landlords and Tenants reſpectively, in ſuch Caſes where the Tenant is entitled by Agreement to the Manure ariſing from the Lands in his Occupation; and no Perſon or Perſons whomſoever ſhall cut, dig, grave, pare, ſubvert, take or carry away Turfs, Flacks, Peat, Sod, Furze, Gorſe, Thorns or Buſhes, on any Part of the ſaid Soil or Surface, in, upon, and from the ſaid Lands and Grounds, ſo long as the ſame ſhall lay open and unincloſed, nor make or burn any Mound or Mounds of Earth or Soil, nor mix any Earth or Soil with Lime or other Thing upon the ſaid Lands and Grounds, or any Part thereof, nor ſhall plough or till up any of the Lands and Grounds which have not been uſed in Tillage, until the ſaid Commiſſioners ſhall have divided and ſet out the ſame, without the Leave or Licence of the ſaid Commiſſioner, in Writing under his Hand firſt had and obtained; and in caſe any of the Proprietors, Owners or Occupiers of the ſaid Lands and Grounds, hereby directed to be divided and incloſed, ſhall act contrary to the ſaid Notice, or in any of the Matters or Things as aforeſaid, then the Commiſſioner ſhall and may ſet and impoſe ſuch pecuniary Penalties and Forfeitures, not exceeding Five Pounds, on every Perſon or Perſons ſo offending, as he ſhall think proper; and ſuch Penalties and Forfeitures ſhall be recovered and recoverable in Manner directed by the ſaid recited Act, and paid to ſuch Perſon and Perſons, and in ſuch Sums and Proportions as he the ſaid Commiſſioner ſhall think entitled thereto, or otherwiſe it ſhall be lawful for the ſaid Commiſſioner to apply the ſame towards paying and defraying the Coſts, Charges and Expences of obtaining and paſſing this Act.

To prevent Injury to Fences of new Incloſures by Sheep or Cattle.

XXXIII. And be it further enacted, That no Sheep, Lambs, Horſes, Aſſes, Horned Cattle, Pigs, or Geeſe, ſhall be depaſtured in any of the ſaid new Incloſures, during the Space of Twelve Years, to be computed from the Day of the Execution of the Award of the ſaid Commiſſioner, unleſs the Perſons reſpectively ſo depaſturing or keeping ſuch Sheep or Lambs, Horſes, Aſſes, Horned Cattle, Pigs, or Geeſe therein, do, at their own Charge reſpectively, well and effectually guard and fence the Quickſets or new Fences on the Perſons Allotment adjoining to ſuch Incloſures reſpectively, in which Sheep or Lambs, Horſes, Aſſes, Horned Cattle, Pigs or Geeſe ſhall be depaſtured or kept as aforeſaid, ſo as to prevent any Damage or Injury being done to ſuch Quickſets or new Fences by any ſuch Sheep or Lambs, Horſes, Aſſes, Horned Cattle, Pigs and Geeſe.

Commiſſioner's Allowance.

XXXIV. And be it further enacted, That the ſaid Commiſſioner and every other Perſon who ſhall act as Commiſſioner in the Execution of this Act, ſhall be paid and allowed the Sum of Three Pounds and Ten Shillings, and no more, for every Day on which he or they ſhall attend in the Execution of this Act, or be engaged in going to or returning from any Meeting under the ſame, which Sum of Three Pounds and Ten Shil-

lings *per Diem*, ſhall include and be in Satisfaction of and for all Charges and Expences incurred by him or them in going to, attending at, and returning from ſuch Meeting or Meetings reſpectively.

Proprietors to pay their own Expences at Meetings.

XXXV. And be it further enacted, That the ſaid Proprietors, their Attornies and Agents, ſhall pay their own Expences when any of them ſhall attend the ſaid Commiſſioner at any of the Meetings to be held in purſuance of the ſaid recited Act or this Act.

Money advanced to be repaid with Intereſt.

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

Commiſſioner's Accounts to be ſettled by a Juſtice.

XXXVII. 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 paſſing thereof) the ſaid Commiſſioner ſhall, and he is hereby required to make a true and juſt Statement or Account of all Monies by him received and expended, and due to him for his own Trouble and Expence in the Execution of this Act; 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 *Somerſet*, not intereſted in the ſaid 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 in the Office of the Clerk of the ſaid Commiſſioner; and no Charge or Item in ſuch Account ſhall be binding on the Parties concerned, or valid in Law, unleſs the ſame ſhall have been duly allowed by ſuch Juſtice.

Award to be depoſited in the Pariſh Church.

XXXVIII. And be it further enacted, That the Award to be made by the ſaid Commiſſioner, when inrolled in Manner directed by the ſaid recited Act, and with a Map annexed, ſhall be depoſited in the Pariſh Church of *Crewkerne* aforeſaid; and that the ſaid Commiſſioner ſhall and may at any Time or Times previous to ſuch Inrollment (but not afterwards), upon the Requeſt and at the Coſts and Charges of any Perſon or Perſons intereſted in the ſaid Incloſure, cauſe a true Copy or Copies of the Whole or of ſo much of the ſaid intended Award as relates to the Allotment or Allotments, or Intereſt of the Party or Parties requeſting the ſame, to be made out and taken from the ſaid Award, and to be fairly written upon Parchment; and ſuch Copy or Copies, being certified under the Hand of the ſaid Commiſſioner, ſhall be admitted in all Courts whatſoever as legal Evidence concerning the Matters and Things therein contained.

Allowing an Appeal to the Quarter Seſſions.

XXXIX. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of the ſaid recited Act or this Act, then and in every ſuch Caſe (except in ſuch Caſes where the Orders and Determinations of the ſaid Commiſſioner are by the ſaid recited Act or this Act directed to be binding, final and concluſive, and except in ſuch Caſes where an Iſſue at Law ſhall be

be tried as herein-before mentioned) it ſhall and may be lawful to and for ſuch Perſon or Perſons, at any Time within Four Calendar Months next after the Execution of the ſaid Award, to appear before any Juſtice of the Peace acting in and for the ſaid County of *Somerſet*, and enter into Recognizance with Two ſufficient Securities, in the Penalty of Forty Pounds, which Recognizance the ſaid Juſtice is hereby empowered and required to take, ſubſcribe, and tranſmit to the ſaid Clerk of the Peace of the ſaid County, within Five Days after the taking thereof, who is hereby required to inroll the ſaid Recognizance among the Records of the ſaid County, and officially to take Notice thereof; and that he, ſhe, or they will, before the ſaid then next General Seſſions, give or cauſe to be given Fourteen Days Notice in Writing to the Commiſſioner named in or acting under and by virtue of this Act, of his, her, or their Intention to enter and try an Appeal at the then next General Quarter Seſſions of the Peace for the ſaid County of *Somerſet*, againſt ſuch Award as ſhall be made as aforeſaid, ſpecifying in ſuch Notice that Part of the ſaid Award, Order, or Determination, with or by which he, ſhe, or they find himſelf, herſelf, or themſelves aggrieved; and alſo that the ſaid Party or Parties appealing, will pay ſuch Coſts as the ſaid Juſtices ſhall think proper and reaſonable, and order and direct to be paid to the ſaid Commiſſioner or other Perſons attending the ſaid Quarter Seſſions, at the Inſtance of the ſaid Appellant or Appellants, and will not depart the Court without Leave; then the ſaid Juſtices in the ſaid General Court of Quarter Seſſions ſhall, and they are hereby required to hear the Matter of every ſuch Appeal, and award ſuch Coſts and make ſuch Order and Determination 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) to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of ſuch Diſtreſs and Sale; which Determination or Order of the ſaid Juſtices ſhall be final, binding and concluſive to all Perſons therein concerned.

Saving Rights of Lord of Manor.

XL. Provided always, and be further enacted, That nothing in this Act contained ſhall be conſtrued or adjudged to defeat, leſſen, or prejudice the Right, Title or Intereſt of the ſaid Lord of the ſaid Manor of *Crewkerne* for the Time being, or of, in, or to the Seigniories, Royalties, Franchiſes and Liberties, incident and belonging to the ſaid Manor reſpectively; but the ſaid Lord ſhall at all Times for ever hereafter have, hold, take, and enjoy all Rents, Fines, Suits, and Services to or at the Lord's Courts, Perquiſites and Profits of Courts, Suits, and Services to the Lord's Mill, Piſcaries, Fiſhings, Hunting, Hawking, and Fowling, and all Beaſts and Birds conſidered as Game, Goods and Chattels of Felons and Fugitives, Felons of themſelves, and put in Exigent, Deodands, Waifs, Eſtrays, Forfeitures, Eſcheats, and other Royalties, Liberties, Privileges, Franchiſes, Pre-eminences, Juriſdictions, and Appurtenances whatſoever (except ſuch are expreſsly taken away by this Act), in the ſame and as full, ample, and beneficial Manner, to all Intents and Purpoſes, as they are now held, taken, and enjoyed, or have been anciently or heretofore uſed, exerciſed, and enjoyed, by the preſent or any former Lord or Lords of the ſaid Manor, or as they or any of them might or could have held and uſed, exerciſed, received, taken or enjoyed the ſame, in caſe this Act or the ſaid recited Act had not been paſſed.

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

XLII. 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. Act to be printed by the King's Printers.

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