ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 70.

An Act for incloſing Lands in the Hamlet or Chapelry of *Edington*, in the Pariſh of *Moorlinch*, in the County of *Somerſet*. [18th *May* 1814.]

WHEREAS there are within the Hamlet or Chapelry of *Edington*, in the Pariſh of *Moorlinch*, in the County of *Somerſet*, a certain Open and Commonable Paſture, late Part of a large Tract of Waſte Land, called *King's Sedgmoor*; and alſo certain other Open and Commonable Paſtures, commonly called or known by the Name of *The Fair Place*; and Part of another Open and Commonable Paſture, called *Socombe* otherwiſe *Solcombe*; and there are alſo divers Open, Commonable, Arable, and Meadow Lands within the ſaid Hamlet or Chapelry, containing in the whole Three hundred and Fifty Acres or thereabouts: And whereas the Right Honourable *John James* Earl *Waldegrave* is Lord of the Manor of *Edington* aforeſaid: And whereas the ſaid *John James* Earl *Waldegrave*, and divers other Perſons, are Owners and Proprietors of or intereſted in the ſaid Open and Commonable Paſtures and Arable Lands within the ſaid Hamlet or Chapelry of *Edington*: 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 ſaid *John James* Earl *Waldegrave*, and other the Owners or Proprietors and Perſons intereſted as aforeſaid, if the ſaid Open and Commonable Paſtures were divided

and allotted into ſeveral and diſtinct Allotments to the ſaid ſeveral Perſons, and ſuch Allotments incloſed; and it would alſo be of great Benefit and Advantage to the ſeveral Proprietors of and Perſons intereſted in the ſaid Commonable Arable Lands, if the ſeveral Parcels thereof were incloſed, exchanged, allotted and laid together, as all the ſaid Lands and Grounds would thereby be much improved, and rendered more convenient, productive, and profitable to the ſeveral Proprietors thereof; but ſuch Diviſion, Exchange, Allotment, and Improvement cannot be effected without the Aid and Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That *Francis Adams Stradling* of *Chedzoy*, in the ſaid County of *Somerſet*, Gentleman, ſhall be, and he is hereby appointed the Commiſſioner for dividing, allotting, and incloſing all the ſaid Open and Commonable Paſtures, and for exchanging, allotting, and laying together the ſaid Commonable Arable Lands in the ſaid Hamlet or Chapelry of *Edington*, and for carrying the ſeveral other Purpoſes of this Act into Execution, purſuant to the Powers, Regulations, Directions, and Proviſions contained in this Act, and to ſuch of the Powers, Regulations, Directions, and Proviſions contained in the ſaid recited Act made and paſſed in the Forty-firſt Year of His preſent Majeſty, as are not controuled by, or repugnant to, or otherwiſe provided for by any of the Clauſes, Proviſions, or Regulations of this Act.

Appointment of Commiſſioner.

Appointment of future Commiſſioner.

II. And be it further enacted, That when and as often as the ſaid *Francis Adams Stradling*, 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 major Part in Value for the Time being of the ſeveral Leſſees, Owners, and Proprietors of the ſaid ſeveral Open and Commonable Paſtures and Commonable Arable Lands, ſhall and they are hereby required and empowered, at ſome public Meeting (of which Notice ſhall be given by the Perſon acting as Clerk to the Commiſſioner under this Act, at leaſt Fourteen Days previous to ſuch Meeting, in the Church or Chapel of *Edington* and *Moorlinch* aforeſaid, or one of them, upon ſome *Sunday* during or immediately after Divine Service, or by Writing under his Hand, to be affixed on one of the outer Doors of the ſaid Church or Chapel, and alſo to be inſerted in *The Bridgewater and Taunton Journal*, or in ſome one or more Newſpaper or Newſpapers, printed or uſually circulated in the ſaid County of *Somerſet*) 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 any ſuch Commiſſioner ſo dying or refuſing or neglecting to act, or becoming incapable of acting as aforeſaid; and any Commiſſioner ſo to be appointed 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; and that at ſuch Meeting or Meetings any of the ſaid Owners or Proprietors may vote by his,

his, her, or their Proxy or Proxies, or his, her, or their known Agent or Agents.

Commiſſioner to appoint a Clerk.

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 Commiſſioner ſo to do.

Commiſſioner's Allowance, and other Expences of this Act.

IV. And be it further enacted, That the ſaid Commiſſioner and his Clerk ſhall be paid the Sum of Three Pounds and Three Shillings each, and no more, for every Day they ſhall be employed in the Execution of this Act, in full Satisfaction for the Trouble which they ſhall be put unto in the Execution of the ſaid Truſts and Powers, hereby given, but excluſive of their Travelling Expences.

Commiſſioner to give Notice of Meetings.

V. And be it further enacted, That the ſaid Commiſſioner ſhall, and he is hereby required to give or cauſe to be given public Notice in the Church or Chapel of *Edington* and *Moorlinch* aforeſaid, or one of them, upon ſome *Sunday* during or immediately after Divine Service, or by Writing under his Hand, or under the Hand of the Clerk to be by him appointed, and to be affixed on one of the outer Doors of the ſaid Church or Chapel, and alſo to be inſerted in *The Bridgewater and Taunton Journal*, or in ſome one or more Newſpaper or Newſpapers, printed or uſually circulated in the ſaid County of *Somerſet*, of the Time and Place of every Meeting which ſhall be holden for executing the Powers of this Act; every ſuch Meeting to be held in the ſaid Pariſh of *Moorlinch*, or within Eight Miles therefrom; and every ſuch Notice to be ſo given and publiſhed Eight Days at leaſt before every ſuch Meeting (Meetings by Adjournment only excepted); and in caſe the ſaid Commiſſioner ſhall not ſit at the Time and Place appointed for any Meeting, or to which any Meeting ſhall be adjourned as herein-after mentioned, it ſhall be lawful for the ſaid Clerk to adjourn the ſaid Meeting to be held on any future Day not exceeding Eight Days from the Day of Adjournment; and the ſaid Clerk making ſuch Adjournment, is hereby required to give timely Notice thereof to the ſaid Commiſſioner.

Commiſſioner to determine Differences;

VI. And be it further enacted, That if any Diſpute or Difference ſhall ariſe between any of the Proprietors of or Perſons intereſted in any of the Lands or other Hereditaments intended to be divided or affected by this Act, touching or concerning any of their Claims, Eſtates, Rights, or Intereſts therein, or any Allotment or Compenſation to be made in lieu thereof, it ſhall be lawful for the ſaid Commiſſioner and he is hereby required to hear and determine the ſame.

but not to determine on any Title.

VII. Provided always, and be it further enacted, That nothing herein contained ſhall authorize the ſaid Commiſſioner to determine any Matter concerning the Title of any Perſon or Perſons to any Lands, Tenements or Hereditaments whatſoever; nor any Right between any Parties, contrary to the Poſſeſſion of any ſuch Parties (except in Caſes of Encroachments made within the Period of Twenty Years); but in caſe the ſaid Commiſſioner ſhall be of Opinion againſt the Right of the Perſon or

Perſons ſo in Poſſeſſion, he ſhall forbear to make any Determination thereupon, until the Poſſeſſion ſhall have been given up, or recovered from ſuch Perſon or Perſons by Ejectment or other due Courſe of Law.

Commiſſioner may award Coſts, and Proviſion for levying ſuch Coſts.

VIII. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Commiſſioner, at his Diſcretion, upon Requeſt made to him by all or any of the Parties in whoſe Favour he ſhall make any Award, Adjudication or Determination, as to any Matter or Matters in Diſpute, to order and adjudge ſuch Coſts and Charges as he ſhall think reaſonable, for the Uſe and Benefit of ſuch Party or Parties, upon or againſt the Perſon or Perſons, Body or Bodies Politic or Corporate, whoſe Claim or Claims, Objection or Objections, Complaint or Complaints ſhall be thereby diſallowed, as the Caſe ſhall happen; and by Warrant under the Hand and Seal of the ſaid Commiſſioner to levy ſuch Coſts and Charges by Diſtreſs and Sale of the Goods and Chattels of ſuch laſt-mentioned Perſon or Perſons, together with the Coſts and Charges of ſuch Diſtreſs and Sale, returning the Overplus (if any) on Demand to the Owner or Owners of ſuch Goods and Chattels; and in caſe there ſhall be no Goods and Chattels whereby to levy the ſame, or in caſe a Body Corporate is to pay ſuch Coſts, then and in either of ſuch Caſes it ſhall be lawful for the Perſon or Perſons in whoſe Favour ſuch Coſts ſhall be awarded, to recover the ſame by Action or Actions of Debt or on the Caſe, in which it ſhall be ſufficient for the Plaintiff to declare that the Defendant is indebted to him in the Sum ſpecified in the Order of Adjudication made by the ſaid Commiſſioner, and in conſequence of ſuch Order of Adjudication, without ſetting forth any other of the Proceedings therein had.

Power to try diſputed Claims by Actions at Law.

IX. Provided always, and be it further enacted, That in caſe any Perſon or Perſons, Body or Bodies Politic or Corporate, making any Claim or Claims to any Lands or Hereditaments intended to be divided or affected by this Act, or any Rights or Intereſts therein, or objecting to any ſuch Claim or Claims, ſhall be diſſatisfied with the Determination or Order of the ſaid Commiſſioner, and ſhall be deſirous of having ſuch Claim or Claims, Rights and Intereſts reſpectively tried at Law; and the Perſon or Perſons, Body or Bodies Politic or Corporate, ſo deſirous to have the ſame tried at Law, ſhall and do, by themſelves or their reſpective Solicitors, Attornies, or Agents, give or cauſe to be given, Notice thereof in Writing, to the ſaid Commiſſioner, within Fourteen Days next after ſuch Determination ſhall have been ſo made by the ſaid Commiſſioner, of which Notice the ſaid Commiſſioner is hereby required immediately on receipt thereof, or as ſoon afterwards as conveniently may be done, to give Information to the adverſe Party or Parties, or his, her, or their reſpective Stewards, Receivers, Solicitors, Attornies or Agents as aforeſaid; then, but not afterwards, it ſhall be lawful for the Perſon or Perſons, Body or Bodies Politic or Corporate, giving ſuch Notice as aforeſaid, their reſpective Heirs, Succeſſors or Aſſigns, and he, ſhe, or they is and are hereby required, to proceed to a Trial at Law of the ſame, at the Aſſizes to be holden for the ſaid County of *Somerſet*, in a feigned Action or Actions for that Purpoſe, to be commenced in one of His Majeſty's Courts of Record at *Weſtminſter*, by the Perſon or Perſons, Body or Bodies Politic or Corporate, intereſted in the ſaid Diviſion, who ſhall make ſuch Objection or Objections, within Two Calendar Months next after

ſuch

ſuch Notice ſhall be given to the ſaid Commiſſioner as aforeſaid; and the Defendant or Defendants in ſuch Action or Actions ſhall forthwith name an Attorney or Attornies, who ſhall file Common Bail, or appear and accept One or more Iſſue or Iſſues, whereby all ſuch Claim or Claims and Rights or Intereſts may be properly tried and determined; ſuch Iſſue or Iſſues to be ſettled by the proper Officer of the Court wherein ſuch Action ſhall be brought, if the Parties ſhall differ about the ſame; and the Verdict or Verdicts which ſhall be given in the ſaid Action or Actions ſhall be final and concluſive to all Bodies Politic or Corporate, and all Perſons whomſoever; and after any Verdict or Verdicts ſhall have been obtained, and not ſet aſide by the Court, the ſaid Commiſſioner ſhall and he is hereby authorized and required to conform thereto: Provided always, that it ſhall be lawful for the Court in which any Action commenced in purſuance of this Act ſhall be depending, upon ſufficient Cauſe ſhewn, to put off the Trial of ſuch Action, or award a new Trial therein, although the Time herein-before limited for the Trial of ſuch Action may be thereby exceeded; but if no ſuch Action or Actions at Law ſhall be brought or commenced by the Perſon or Perſons, Body or Bodies Politic or Corporate, giving ſuch Notice within the Time aforeſaid, or if ſuch Action or Actions ſhall not be proceeded in to a Trial or Trials, at the Aſſizes which ſhall be holden for the ſaid County of *Somerſet* within Seven Calendar Months after the Expiration of Fourteen Days from the Day of giving ſuch Notice, by or on account of the Neglect or Default of the Plaintiff or Plaintiffs therein, then and in ſuch Caſe the Determination of the ſaid Commiſſioner, although objected to or complained of as aforeſaid, ſhall be final, binding, and concluſive unto and upon all Parties concerned.

Power for Court in which Actions commenced, to poſtpone Trial.

X. Provided always, 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; and if any Perſon or Perſons in whoſe Favour any ſuch Determination as aforeſaid ſhall have been made, and againſt whom any ſuch Action or Actions might have been brought if living, ſhall die before any ſuch Action or Actions ſhall have been brought, and before the Expiration of the Time herein 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 Notice of 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 had therein in the ſame Manner as if ſuch Perſon or Perſons had been actually living; and the Right of all Parties ſhall be equally bound and concluded by the Event of ſuch Action or Actions.

Actions may be proceeded in notwithſtanding the Death of Parties.

XI. And be it further enaacted, That the ſaid Commiſſioner ſhall and may ſcour and widen all ſuch ancient Brooks, Ditches, Drains, Watercourſes, Tunnels, and Bridges, in or near the ſaid Commonable Paſture, late Part of

Commiſſioner to make Drains, &c.

of *King's Sedgmoor* aforesaid; and also shall and may set out and cause to be made, such new Ditches, Drains or Watercourses, Tunnels, Watergates, Banks, and Bridges, and of such Breadth and Depth, and in such Directions, as he shall think proper, through and over the said last-mentioned Commonable Pasture; and the said Commissioner shall and may and he is hereby directed, in and by his Award to be made as hereinafter is mentioned, to order and direct by whom and at whose Expence, and at what Time and in what Manner, such Brooks, Ditches, Drains, Watercourses, Tunnels, Watergates, Banks, and Bridges, shall be made, and thereafter repaired, cleansed, scoured, and maintained; provided that such Streams, Springs, and Watercourses be not diverted or turned without the Consent in Writing of the respective Person or Persons from or out of whose Lands the same shall be diverted, and of the Person or Persons through or into whose Lands the same shall be turned.

Expences to be apportioned, and Lands sold for defraying the same.

XII. And be it further enacted, That the said Commissioner shall and he is hereby authorized and directed to divide and apportion all and every the Costs, 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 several Commonable Pastures, and of allotting the said Commonable Arable and Meadow 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 Public and Private Roads as are directed to be made by the said recited 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, between the said Commonable Pasture, late Part of *King's Sedgmoor* aforesaid, and between the said Open Commonable Pastures called *Socombe* otherwise *Solcombe*, and *The Fair Place*, and the said Commonable Arable and Meadow Lands; and shall keep separate and distinct Accounts of such Costs, Charges, and Expences accordingly; and the said Commissioner shall and may set out and allot such Part and Parts of the said Commonable Pasture, late Part of *King's Sedgmoor* aforesaid, as he shall adjudge sufficient in Value, when sold, to pay and discharge so much of the said Costs, Charges, and Expences as shall be adjudged and ascertained by the said Commissioner to be the fair Proportion thereof, belonging to the said last-mentioned Commonable Pasture; and the said Commissioner shall also sell and dispose of the said Commonable Pastures called *Socombe* otherwise *Solcombe*, and *The Fair Place*, or such Part thereof respectively as he shall think necessary, and also so much and such Part of the said Commonable Arable and Meadow Lands, as shall be sufficient to pay and discharge the Remainder of such Costs and Charges; and that all such Sales shall be made 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 the Lands so to be respectively sold for the Purposes aforesaid, by Indentures under his Hand and Seal duly executed and attested (such Conveyance or Conveyances to be prepared at the Expence of the Purchaser or Purchasers) convey, assure, and confirm the same, by way of Lease and Release, unto or to the Use of the Purchaser or Purchasers

chaſers thereof, his or their Heirs and Aſſigns for ever, or unto ſuch Perſon or Perſons 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.

Application of the Surplus Money.

XIII. And be it further enacted, That in caſe any Part or Parts of the ſaid 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 the Surplus Money ſhall be divided and apportioned between 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 ſeiſed 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 with reſpect to Money thereby directed to be paid into the Bank, for the Purchaſe or Exchange of 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.

Allotment to the Lord of Manor for Right of Soil.

XIV. And be it further enacted, That after the ſeveral Roads and Droves are ſet out, purſuant to the Directions of the ſaid recited Act, and the Lands are ſet out for Sale as aforeſaid, the ſaid Commiſſioner ſhall and he is hereby required to ſet out, allot, and award, to and for the Lord of the ſaid Manor of *Edington*, ſuch Part and Parcel of the Reſidue of the ſaid Commonable Paſture, late Part of *King's Sedgmoor* aforeſaid, as ſhall in the Judgment of the ſaid Commiſſioner be equal in Value to One Twentieth Part thereof; and ſhall alſo ſet out, allot, and award, unto the ſaid Lord of the ſaid Manor, ſuch Part and Parcel of the ſaid Commonable Paſtures, called *Socombe*, otherwiſe *Solcombe*, and *The Fair Place*, after ſetting out the Roads through and over the ſame, as ſhall in the Judgement of the ſaid Commiſſioner be equal in Value to One Twentieth Part thereof.

Allotment of the Reſidue.

XV. And be it further enacted, That the ſaid Commiſſioner ſhall (after he ſhall have ſet out and allotted the ſeveral Parcels of Land or Ground for the Purpoſes directed by the ſaid recited Act of the Forty-firſt Year of His preſent Majeſty, and by this Act) ſet out, allot and award the Reſidue of the ſaid Open and Commonable Paſture, late Part of *King's Sedgmoor* aforeſaid, hereby directed to be divided and incloſed, unto and among the ſeveral Perſons who are entitled to Rights of Common in and over the ſame, under and by virtue of the Award made and executed by the Commiſſioners appointed in or by virtue of an Act of Parliament, made and paſſed in the Thirty-firſt Year of the Reign of His preſent Majeſty, intituled *An Act for draining and dividing a certain Moor or Tract of Waſte Land, called* King's Sedgmoor, *in the County of* Somerſet, in reſpect of the ſeveral Tenements ſituate in the Hamlet or Chapelry of *Edington* aforeſaid, without making any Claim in reſpect of the ſame; and that ſuch Rights of Common ſhall be ſeverally deemed by the ſaid Commiſſioner to be equal in Value to each other, without any Regard to the Value or Extent of the Tenements in reſpect of which the ſaid Rights of Common were aſcertained and allowed under and by virtue of the Powers and Proviſions of the ſaid laſt-mentioned Act; provided that in making and ſetting

ting out the ſeveral Allotments hereby directed, due Regard be had to the Quality, Quantity, Situation, and Convenience of the ſame; and that the ſaid Commiſſioner ſhall alſo ſet out, allot, and award all the Reſidue of the ſaid other Commonable Paſtures, called *Socombe* otherwiſe *Solcombe*, and *The Fair Place* (if any Part or Parts thereof ſhall remain unſold), and alſo the ſaid Open Commonable Arable Lands, or ſuch Parts thereof reſpectively as ſhall remain unſold, unto and amongſt all and every the Perſon and Perſons entitled thereto or intereſted therein, in Proportion and according to their ſeveral Eſtates and Intereſts therein reſpectively, in one or more Piece or Pieces, Parcel or Parcels, and in ſuch Part or Parts of the ſaid Open Commonable Arable and Meadow Lands, or any or either of them, as the ſaid Commiſſioner ſhall in his Diſcretion think fit, having due Regard to Situation and Convenience; and that the ſaid Commiſſioner ſhall incloſe and fence all and every the ſaid ſeveral Allotments, with good and ſufficient Rhynes, Ditches, Hedges, Gates, and Poſts, and ſuch other Fences as he ſhall in his Diſcretion think fit.

No Leſſee for Life to plough any Allotment, late Part of King's Sedgmoor, without the Conſent of Leſſor.

XVI. Provided always, and be it further enacted, That no Perſon or Perſons who ſhall be entitled to any Allotment or Allotments of the ſaid Commonable Paſture, late Part of *King's Sedgmoor* aforeſaid, to be made by virtue of this Act, as Leſſee or Leſſees for Life or Lives, or for the Remainder of any Term or Terms of Years determinable on One or more Life or Lives, ſhall plough, dig up, or convert into Tillage, ſuch Allotment or Allotments, or any Part thereof reſpectively, without the Conſent of the Leſſor or Leſſors thereof reſpectively firſt had and obtained in Writing for that Purpoſe.

Proprietors may ſell Allotments before Award.

XVII. And be it further enacted, That it ſhall be lawful for any Perſon or Perſons, who ſhall be entitled to any Allotment or Allotments by virtue of this Act, to give, grant, bargain, ſell, mortgage, demiſe, limit, convey, and aſſure the ſame, for all or any Part of his, her, or their Eſtate and Intereſt therein or Right thereto, at any Time before the Execution of the Award of the ſaid Commiſſioner; and every ſuch Gift, Grant, Bargain, Sale, Mortgage, Demiſe, Limitation, and Diſpoſition thereof, ſhall be of the ſame Force and Validity as if made after the Execution of the ſaid Award; and it ſhall be lawful for the ſaid Commiſſioner to award all and every ſuch Allotment or Allotments which ſhall be ſo ſold and conveyed, or to be made and ſet out in lieu of any Right of Common ſo ſold and conveyed, to the Purchaſer or Purchaſers thereof, or other Perſon or Perſons who ſhall be entitled to the ſame by virtue of any ſuch Sale or Diſpoſition; and ſuch Allotment or Allotments ſhall or may be made, together with any other Allotment or Allotments to which ſuch Purchaſer or Purchaſers as aforeſaid ſhall or may be entitled, in one or more entire Allotment or Allotments, or in any ſeparate and diſtinct Allotment or Allotments, as the ſaid Commiſſioner ſhall think fit.

Exchanges may be made of newly incloſed Lands or of old Incloſures:

XVIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioner to ſet out, allot, and award any Lands, Tenements, and Hereditaments whereof any Perſon or Perſons, or any Body or Bodies Politic or Corporate, is or are ſeiſed for any Eſtate or Eſtates of Freehold or Inheritance, or for any long Term or Terms of Years, within the ſaid Hamlet or Chapelry of *Edington*, in lieu of and Exchange for any other Lands, Tenements, or Hereditaments within the ſaid Hamlet or Chapelry; provided

provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioner; and that all Exchanges in pursuance of this Act be made with the Consent of the Party or Parties in Possession of the Lands, Tenements, and Hereditaments which shall be so exchanged, whether such Party or Parties shall be a Body or Bodies Politic, Corporate or Collegiate, or a Tenant or Tenants for Life or Lives, or for Years determinable on a Life or Lives, or for any Estate of Inheritance less than an Estate in Fee Simple, or for any long Term or Terms of Years, or with the Consent of the Guardians, Feoffees for Charitable or other Uses, Husbands, Committees or Attornies, of or acting for any such Party or Parties in Possession as aforesaid, who at the Time of making 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 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 that such Exchange or Exchanges may take place immediately, or at such Time or Times thereafter as shall be agreed upon between the said exchanging Parties, and signified in such Consent in Writing as aforesaid; and all and every such Exchange or Exchanges so to be made, shall be good, valid, and effectual in the Law, to all Intents and Purposes whatsoever; and the respective Lands and Hereditaments so to be exchanged, shall go and remain to, upon, and for the same Uses and Trusts, and subject to the same Powers, Conditions, Covenants, and Agreements, as the Lands and Hereditaments in respect whereof the same shall be exchanged, are or shall be subject, or would have been subject or liable to, in case the Exchange thereof had not been made.

And Exchanges of Church Lands to be with Consent of Patron, &c.

XIX. Provided nevertheless, That no Exchange shall be made of any Lands, Tenements, or Hereditaments, holden in right of any Church, Chapel, or 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 be situate: Provided always, that all Costs, Charges, and Expences attending the making any Exchanges or Partitions, shall be paid and borne by the several Persons making such Exchanges or Partitions, in such Manner and Proportions as the said Commissioner shall by his Award or other Writing under his Hand order and direct.

Costs of Exchanges to be borne by Parties interested.

For apportioning Costs of Exchanges.

XX. Provided always, and be it further enacted, That in ascertaining such Costs and Expences, the same shall be charged on the several Proprietors in proportion to the Benefit which shall arise to their respective Lands by the Execution of this Act; and the Whole of the Charge 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 any 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 said County of *Somerset*, against any Rate that shall be made by the said Commissioner as is herein-after limited and directed with respect to Appeals against the 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 Act, or the ſaid firſt 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.

A Meeting to be held for receiving Objections to Allotments.

XXI. And be it further enacted, That when and ſo ſoon as the ſaid Commiſſioner ſhall have aſcertained the reſpective Shares, Rights, and Intereſts of the Proprietors in the ſaid Open Commonable Arable Lands to be exchanged divided and allotted by virtue of this Act, and alſo the reſpective Shares and Proportions by them reſpectively propoſed to be allotted to ſuch Proprietors reſpectively in lieu thereof, the ſaid Commiſſioner ſhall give Notice in Manner aforeſaid, of ſome convenient Time and Place when and where all Perſons intereſted may inſpect the Plan whereupon the ſame ſhall be ſketched out and delineated; and the ſaid Commiſſioner ſhall at ſuch Meeting receive any Complaints and Objections that may be then made to ſuch intended Allotments, and ſhall finally determine all Queſtions relating thereto.

Power to vacate Leaſes at Rack Rent.

XXII. And be it further enacted, That all Leaſes and Agreements for Leaſes and other Tenancies at Rack Rent, now ſubſiſting, of all and every or any Part or Parts of the Open or Commonable Paſtures and Arable and Meadow Lands hereby directed to be divided and allotted, or which ſhall be exchanged by virtue of this Act, and of all Meſſuages, Homeſteads and old Incloſures, ſituate in *Edington* aforeſaid, or any adjoining Pariſh, Hamlet or Chapelry, which are letten therewith reſpectively, ſhall immediately from and after dividing, allotting, and exchanging the ſame Lands and other Hereditaments reſpectively, or at ſuch other Time or Times as the ſaid Commiſſioner ſhall, by any Writing or Writings under his Hand direct, ceaſe, determine, and be void; and the reſpective Owners of ſuch Lands ſhall make Satisfaction or Compenſation to the Leſſees, Tenants or other Perſons entitled to the Benefit of ſuch Leaſes, Agreements, or Tenancies, for the Loſs or Damage he, ſhe, or they reſpectively ſhall thereby ſuſtain, in ſuch Manner as ſuch Owners, Leſſees, Tenants, or other Perſons reſpectively ſhall agree upon; or in caſe they ſhall diſagree, then as the ſaid Commiſſioner ſhall order, direct or appoint; and in caſe the Money directed to be paid by the ſaid Commiſſioner on the Account aforeſaid, ſhall not be paid at the Time by him appointed, the ſame ſhall be recoverable at the Suit of the Perſon or Perſons reſpectively to whom the ſame ſhall be directed to be paid, by Action of Debt in any of His Majeſty's Courts of Record at *Weſtminſter*, in which no Protection, Eſſoign, Wager of Law, or more than One Imparlance ſhall be allowed: Provided always, that if there ſhall be any ſuch Leaſe of Lands, Part of which ſhall be in the ſaid Hamlet or Chapelry of *Edington*, and Part in any adjoining Pariſh, Hamlet or Townſhip, all and every ſuch Leaſe or Leaſes may be vacated; but where any Lands ſhall have been taken in Exchange, which Lands ſhall be under Leaſe, and wholly ſituate

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in any adjoining Pariſh, Hamlet or Townſhip, ſuch laſt-mentioned Leaſe ſhall not be vacated.

Satisfaction for Standing Crops, &c.

XXIII. And be it further enacted, That if at the Time of delivering Poſſeſſion of all or any of the ſeveral Allotments of the Commonable Arable Lands directed to be incloſed and divided by this Act, any Corn ſhall be ſtanding or growing thereon, then it ſhall be lawful for the ſeveral Perſons who would have been entitled to ſuch Corn in caſe no ſuch Change of Poſſeſſion had happened, to reap, take, and carry away the ſaid Corn, at the next proper Seaſon for that Purpoſe to their own Uſe reſpectively; making ſuch Satisfaction for the ſtanding thereof, to the ſeveral Perſons to whom the Lands on which ſuch Corn ſhall be growing, ſhall be allotted, as the ſaid Commiſſioner ſhall order and direct from Time to Time concerning the ſame; and if by reaſon of the different States of Cultivation in which the reſpective Commonable Arable Lands hereby intended to be allotted, may be at the Time of delivering Poſſeſſion thereof, or by reaſon of any Preparation that may be made by any Perſon or Perſons, by fallowing or manuring the ſame, or by any other Means whatſoever, previous to the quitting thereof, any particular Injury or Diſadvantage ſhall ariſe to any of the Perſons intereſted in the Allotment of the ſaid Commonable Arable Lands, then it ſhall be lawful for the ſaid Commiſſioner, and he is hereby authorized and directed from Time to Time, to order ſuch Sum or Sums of Money to be paid by way of Satisfaction to the Party or Parties ſo injured, and to whom ſuch Diſadvantage ſhall accrue, by ſuch Perſon or Perſons intereſted in the Allotment of the ſaid Commonable Arable Lands, at ſuch Time or Times, and in ſuch Manner, as the ſaid Commiſſioner ſhall, by his Order in Writing, direct or appoint; and in caſe the Party or Parties upon whom ſuch Order ſhall be made, ſhall refuſe or neglect to pay the Sum or Sums of Money mentioned therein by way of Satisfaction to the Perſon or Perſons thereby directed to receive the ſame, by the Space of Fourteen Days next after Demand thereof made, then it ſhall be lawful for the ſaid Commiſſioner, and he is hereby authorized, by Warrant under his Hand, to cauſe the Monies mentioned in ſuch Orders reſpectively to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo neglecting or refuſing to pay as aforeſaid, rendering the Overplus (if any) upon Demand (after deducting the reaſonable Coſts of every Warrant, Diſtreſs and Sale) to the Perſon or Perſons reſpectively whoſe Goods and Chattels ſhall be ſo diſtrained and ſold as aforeſaid; and if no ſufficient Diſtreſs can be found for Seven Days next after Demand made as aforeſaid, then ſuch Monies ſhall be recoverable by Action of Debt, in the ſame Manner as the Monies to be awarded by way of Compenſation for the Vacation of Leaſes or Tenancies, are herein-before directed to be recoverable.

Commiſſioner to ſuſpend or extinguiſh Right of Common.

XXIV. Provided alſo, and be it further enacted, That it ſhall be lawful for the ſaid Commiſſioner and he is hereby required, when he in his Judgment ſhall think it convenient and neceſſary ſo to do, by Notice for that Purpoſe to be given in Manner herein-before mentioned, to ſuſpend or totally to extinguiſh all or any Part of the Right of Common then exiſting in and over the Lands and Grounds hereby directed to be divided and incloſed; and from and after ſuch Notice or Notices ſhall be given, ſuch Right of Common ſhall ceaſe and be utterly extinguiſhed (if the Notice ſhall ſo direct), or otherwiſe be ſuſpended for ſuch Time as the ſaid Commiſſioner

ſioner ſhall in and by ſuch Notice or Notices direct; and if after ſuch Suſpenſion or Extinguiſhment of ſuch Right of Common, any of the ſaid Proprietors or Occupiers ſhall permit his, her, or their Cattle to go, depaſture or feed upon any of the Lands or Grounds ſo exonerated from Common Right, then it ſhall be lawful for any of the ſaid Proprietors or Occupiers to ſeize ſuch Cattle, being upon ſuch Lands or Grounds contrary to the ſaid Order, and to impound and keep the ſame, until the Perſon or Perſons ſo offending ſhall pay unto the Perſon or Perſons ſo ſeizing or impounding ſuch Cattle, the Sum of Ten Shillings for each of the Cattle ſo ſeized and impounded; and in caſe the ſame ſhall not be paid before the next Meeting or Sitting of the ſaid Commiſſioner after ſuch ſeizing and impounding, then the ſaid Commiſſioner is hereby authorized and empowered, upon Proof of ſuch Offence or Offences having been committed, and Non-payment of the Penalty hereby impoſed, to cauſe the Cattle ſo ſeized and impounded, or any of them as he ſhall think neceſſary, or other Goods and Chattels of the Perſon or Perſons ſo offending, to be ſold, for raiſing and paying the Penalty aforeſaid, together with the Coſts and Charges attending ſuch ſeizing and impounding and Diſtreſs and Sale, rendering the Overplus (if any) to the Owner of ſuch Cattle, Goods, and Chattels.

No Will or Settlement to be altered; but Lands allotted or received in Exchange, to go to ſame Uſes, &c.

XXV. And be it further enacted and declared, That nothing in this Act contained ſhall revoke, make void, alter or annul, any Will or Settlement concerning or affecting any of the Lands or Grounds hereby directed to be divided, or any Rights or Intereſts exiſting, to, in, over, or upon the ſame, or any Lands, Tenements or Hereditaments which may be exchanged in purſuance of this Act; or prejudice any Perſon having any Claim or Intereſt in, to, or out of the ſame; but the ſame Lands and Grounds, Tenements or Hereditaments, ſhall, upon the Allotment thereof reſpectively by way of Incloſure or Exchange, or otherwiſe, go and remain to the ſame Perſons, for the ſame Eſtates and Intereſts, and to the ſame Uſes, and upon the ſame Truſts, and to and for the ſame Intents and Purpoſes, and be under and ſubject to the ſame Powers, Proviſoes, Limitations, Conditions, Agreements, Debts, Charges, Incumbrances, and Proviſions of every Kind, and in the ſame Manner as the Lands and Hereditaments or Rights, in reſpect whereof or in Exchange for which the ſame ſhall be reſpectively allotted, would go, ſtand, or be limited to or upon, or be ſubject to or affected by, if ſuch Allotment or Exchange had not been made, or this Act had not been paſſed; and the ſaid Commiſſioner ſhall in his ſaid Award diſtinguiſh the Tenures of the ſaid Allotments reſpectively (except as to ſuch Leaſes and Agreements for Leaſes at Rack Rent or from Year to Year, as ſhall be determined by virtue of this Act, or of the ſaid recited Act of the Forty-firſt Year of the Reign of His preſent Majeſty; or where any of the Proviſions of the ſaid Act or of this Act ſhall be to the contrary; and alſo except ſuch Charges and Incumbrances as ſhall be made thereon by virtue of this Act).

Allotments to be of the ſame Tenure as Lands for which they were ſo allotted.

XXVI. And be it further enacted, That all and every Allotment and Allotments to be made by virtue of this Act, in or upon the ſaid Lands and Grounds hereby directed to be divided, allotted, and incloſed, ſhall, from and after the making and executing the Award of the ſaid Commiſſioner, be held under and ſubject to the ſame Tenures, Sevices, Rents and

and Chief Rents, as the Lands and other Property in respect of which they were so respectively allotted, were held and enjoyed.

Possession of Allotments to be delivered.

XXVII. 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 under this Act, Possession of their respective Allotments hereby directed to be made and set out; and such Possession so delivered shall be kept and retained by the several Persons entitled thereto, against all Persons whomsoever, until the making of the Award or Awards herein-after directed.

Power to borrow Money.

XXVIII. And be it further enacted, That if any Person or Persons shall advance and lend any Sum or Sums of Money, for defraying the Charges and Expences of passing and executing this Act, such Sum or Sums of Money shall be repaid by the said Commissioner, with lawful Interest to the Person or Persons advancing the same, his or their Executors, Administrators or Assigns, out of the first Monies to be raised for defraying the Expences of obtaining and executing this Act, under the Powers in that Behalf herein-after contained.

Commissioner to account.

XXIX. And be it further enacted, That once in each and every Year during the Execution of this Act, the said Commissioner shall and he is hereby required to make a just Statement or Account of all Sums of Money by him received and expended 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 some or One of His Majesty's Justices of the Peace for the County of *Somerset*, not interested in the said Inclosure, to be examined and balanced; and the said Balance shall be stated in a Book of Accounts to 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 be duly allowed by such Justice.

Award.

XXX. And be it further enacted, That as soon as conveniently may be after the Division, Inclosure, and Allotment of the said Commonable Pastures, and Open Commonable Arable 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 or Instrument 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 among 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 and Allotment; 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 Four-pence *per* Sheet, reckoning Seventy-two Words to each Sheet, ſhall be paid; which ſaid Copy, as alſo the original Award or Inſtrument, 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, unto the Chapelwardens of the Hamlet or Chapelry of *Edington* aforeſaid for the Time being, to be by them depoſited in the Pariſh Cheſt of the Pariſh Church of *Moorlinch* aforeſaid, to the end that recourſe may be had thereto by the ſeveral and reſpective Proprietors or Parties intereſted therein.

Appeal to Quarter Seſſions.

XXXI. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in the Performance of the ſaid recited Act of the Forty-firſt Year of His preſent Majeſty, or this Act (other than and except ſuch Orders and Determinations of the ſaid Commiſſioner as are by the ſaid recited Act or this Act directed to be final or concluſive), then and in every ſuch Caſe, he, ſhe, or they may appeal to the General Quarter Seſſions of the Peace to be holden for the ſaid County of *Somerſet*, within Three Calendar Months next after the Cauſe of Complaint ſhall have ariſen, on giving to the ſaid Commiſſioner and to the other Party or Parties intereſted, Ten Days Notice in Writing of ſuch Appeal and of the Matter thereof; and the Juſtices, (not intereſted in the Premiſes), in their ſaid General Quarter Seſſions are hereby required to hear and determine the Matter of any ſuch Appeal, and to make ſuch Order, and award ſuch Coſts and Damages, as to them in their Diſcretion ſhall ſeem reaſonable; and by their Order or Warrant to levy the Coſts and Damages which ſhall be ſo awarded, by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties liable to pay the ſame, rendering the Overplus (if any) to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of ſuch Diſtreſs and Sale; and the Determination of the ſaid Juſtices ſhall be final and concluſive to all Parties concerned, and ſhall not be removed by Certiorari, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter* or elſewhere; but in caſe ſuch Appeal ſhall appear to the ſaid Juſtices frivolous, vexatious, or without Foundation, the ſaid Juſtices ſhall award ſuch Coſts to be paid by the Appellant or Appellants, as to them in their Diſcretion ſhall ſeem reaſonable, and to be levied in Manner aforeſaid.

Saving Clauſe.

XXXII. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and all Bodies Politic and Corporate, his, her, and their Heirs, Succeſſors, Adminiſtrators and Aſſigns, (other than and except the ſeveral Perſons claiming Lands, Rights of Common, or other Rights or Intereſts in the Lands hereby directed to be divided and incloſed, or any Part or Parts thereof; and alſo the ſeveral Perſons to whom any Allotment or Allotments ſhall be made in reſpect of the Intereſt or Property for which ſuch Allotment ſhall be made; and except ſuch other Rights and Intereſts as the Intent and Purpoſe of the Incloſure hereby authorized ſhall require to be abſolutely barred, deſtroyed, or extinguiſhed by this Act); all ſuch Eſtates, Rights, and Intereſts, as they, every, or any of them had or enjoyed, of, in, to or in reſpect of the Lands hereby directed to

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be divided and inclosed, before the passing of this Act, or could or might have had or enjoyed if this Act had not been made.

Evidence Clause.

XXXIII. 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 that 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.