ANNO QUINQUAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 67.

An Act for incloſing Lands in *Long Aſhton*, in the County of *Somerſet*. [1ſt *May* 1813.]

WHEREAS there are within the Pariſh of *Long Aſhton*, in the County of *Somerſet*, ſeveral Commons and Waſte Lands, containing together by Eſtimation Six hundred and ninety Acres or thereabouts: And whereas there are within the ſame Pariſh divers Common Fields, Common Meadows, and intermixed Lands: And whereas Sir *Hugh Smyth* Baronet, and *William Gore Langton* Eſquire, are Lords of the Manor of *Long Aſhton*, in the ſaid Pariſh of *Long Aſhton*: And whereas the ſaid Sir *Hugh Smyth* and *William Gore Langton*, and ſeveral other Perſons, are Owners or Proprietors of Eſtates within the ſaid Pariſh, and are and claim to be entitled to and exerciſe Rights of Common in, to, over, and upon the ſaid Commons and Waſte Lands, ſome or one of them, or ſome Part or Parts thereof reſpectively: 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 and Waſte Lands afford little Profit or Advantage in their preſent State, but it would be very advantageous to the ſeveral Perſons intereſted therein, if the ſame were divided and incloſed, and ſpecific Parts and Shares thereof aſſigned and allotted to the ſeveral and reſpective Proprietors thereof, and Perſons entitled thereto; and if the

said Common Fields, Common Meadows, and intermixed Lands were allotted and inclosed in Manner herein-after directed concerning the same respectively; but as the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Young Sturge* of the City of *Bristol*, Gentleman, and *John Brown* of *Brislington*, in the County of *Somerset*, Gentleman, shall be and they are hereby appointed Commissioners for setting out and dividing, allotting and inclosing the several Commons, Common Fields, Common Meadows, Commonable Places, and Waste Lands, within the said Parish of *Long Ashton*, and for carrying this Act and the said recited Act into Execution, and all and every the Powers and Authorities herein and therein contained, and vested in them, (except such Parts of the said recited Act as are hereby altered or varied), and under and subject to such of the Rules, Orders, Regulations, Restrictions, and Directions contained in the said recited Act, as are not repugnant to the Powers and Provisions of this Act.

Commissioners appointed.

Commissioners or Justice may administer Oath.

II. And be it further enacted, That it shall be lawful for the said Commissioners, or either of them, or for any Justice of the Peace for the said County of *Somerset*, to administer to the said Commissioners or either of them, the Oath or Affirmation directed by the said recited Act to be taken by Commissioners.

Appointment of New Commissioners in case of Death, &c.

III. And be it further enacted, That in case the said *Young Sturge* and *John Brown*, or either of them, or any other Commissioner to be appointed in Manner herein-after mentioned, shall die, or shall refuse, neglect, or become incapable to act, then and in such Case and as often as it shall so happen, the major Part in Value of the Persons interested in or entitled to the said Commons and Waste Lands, (such Value to be ascertained according to the Amount of their respective Assessments in the then last Rate made for the Relief of the Poor of the said Parish of *Long Ashton*), who shall be assembled at any Meeting of the said Proprietors convened for that Purpose, by Notice signed by the Clerk or Clerks of the said Commissioners, and inserted in One of the *Bristol* Newspapers, at least Ten Days previous to such Meeting, shall and may appoint one other Person (not interested in the said intended Division and Inclosure) to be a Commissioner in the Room and Place of such One of the said *Young Sturge* and *John Brown*, or any other Commissioner to be so appointed in their Stead respectively, who may die, refuse, or neglect to act, or become incapable of acting as aforesaid; and every Person appointed in Manner aforesaid, shall be a Commissioner for the Execution of this Act and the said recited Act, and shall, after taking the Oath or Affirmation prescribed by the said recited Act, have and is hereby invested with the like Power and Authority for carrying this Act and the said recited Act into Execution, or so much as shall then remain to be carried into Execution, as if he had been originally nominated and appointed a Commissioner in and by this Act; and every Instrument of such Appointment shall be enrolled, annexed to, and deposited with the Award of the said Commissioners to be made by virtue and in pursuance of the said recited Act or this Act.

IV. And

Umpire to be appointed.

IV. And be it further enacted, That the ſaid Commiſſioners ſhall (after having taken and ſubſcribed the Oath or Affirmation preſcribed by the ſaid recited Act, and before they proceed to any other Buſineſs touching the Execution of this Act), and they are hereby authorized and required to appoint ſome other Perſon (not intereſted in the ſaid Diviſion and Incloſure) to be an Umpire for the Purpoſes of this Act; and in caſe ſuch Perſon, or any other Perſon to be appointed as Umpire for the Purpoſes of this Act, ſhall die, or refuſe to act, or ſhall become incapable of acting as ſuch Umpire, the ſaid Commiſſioners ſhall, and they are hereby required forthwith from Time to Time, as Occaſion ſhall require, to appoint another Perſon (not intereſted in the ſaid Diviſion and Incloſure) to be an Umpire for the Purpoſes of this Act; and that whenever the ſaid Commiſſioners ſhall differ or diſagree in Opinion, touching any Matter or Thing to be by them done or performed in purſuance of this or the ſaid recited Act, then and in every ſuch Caſe the Matter in Queſtion ſhall be determined by the Umpire ſo to be appointed for the Purpoſes of this Act, whoſe Determination therein ſhall be deemed to be the Determination of the ſaid Commiſſioners, and ſhall be acted upon accordingly.

Umpire to be ſworn.

V. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as Umpire for the Purpoſes 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, impartially, and 'honeſtly, according to the beſt of my Skill and Judgment, execute and 'perform the Powers and Authorities veſted in me as Umpire, by virtue 'of an Act paſſed in the Fifty-third Year of the Reign of King *George* 'the Third, intituled *An Act for incloſing Lands in* Long Aſhton, *in the* '*County of* Somerſet; according to Equity and good Conſcience, and 'without Partiality, Favour, or Affection, Prejudice or Malice to any 'Perſon or Perſons. So help me GOD: [*or, being a Quaker, leave out* '*the Words,* So help me GOD.']

Which Oath or Affirmation it ſhall be lawful for the ſaid Commiſſioners or either of them to adminiſter; and the Oath ſo taken and ſubſcribed by ſuch Umpire, ſhall be annexed to and enrolled with the Award of the ſaid Commiſſioners; and a Copy of the Enrolment thereof ſhall be admitted as legal Evidence.

Clerk to be appointed.

VI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized to appoint a Clerk or Clerks to aſſiſt them in the Execution of the Powers of this and the ſaid recited Act, and ſuch Clerk or Clerks from Time to Time to remove, and other or others to appoint, as to them ſhall ſeem meet.

Notice to be given of the Commiſſioners Meetings.

VII. And be it further enacted, That the ſaid Commiſſioners ſhall cauſe Notice in Writing to be affixed on the Door of the Pariſh Church of *Long Aſhton* aforeſaid, on ſome *Sunday*, of the Time and Place of their Firſt and every ſubſequent Meeting, for executing the Powers by this and the ſaid recited Act veſted in them, at leaſt Fourteen Days before any ſuch Meeting (Meetings by Adjournment from Time to Time only excepted);

excepted); and it ſhall be lawful for the ſaid Commiſſioners to adjourn their Meetings from Time to Time, and appoint the ſame to be held at ſuch Time and Place, within Eight Miles of the ſaid Pariſh, as they ſhall from Time to Time ſee Occaſion and think neceſſary.

Commiſſioners to ſettle Diſputes.

VIII. And be it further enacted, That in caſe any Diſpute ſhall ariſe between any of the Parties intereſted, touching their Rights or Claims, Eſtates, or Intereſts in any of the Lands or Grounds hereby directed to be divided, allotted, or incloſed, the ſaid Commiſſioners are hereby authorized to determine the ſame, on giving or cauſing previous Notice to be given in Writing to the Parties in Difference, or to their known Agents.

Commiſſioners not to determine Titles, nor moleſt Poſſeſſion.

IX. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend to authorize or empower the ſaid Commiſſioners or Umpire to determine the Title to any Meſſuages, Cottages, Lands, Tenements, or Hereditaments whatſoever, nor to determine any Right between any Parties contrary to the Poſſeſſion of any of ſuch Parties (except in Caſes of Encroachments as herein-after mentioned); but in caſe the ſaid Commiſſioners or Umpire ſhall be of opinion againſt the Right of any Perſon or Perſons ſo in Poſſeſſion, they ſhall forbear to make any Determination thereon, until the Poſſeſſion ſhall have been given up by ſuch Perſon or Perſons, or recovered from ſuch Perſon or Perſons by Ejectment or other due Courſe of Law.

Power to aſſeſs Coſts.

X. And be it further enacted, That in caſe the ſaid Commiſſioners ſhall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them in purſuance of this or the ſaid recited Act, ſee Cauſe to award any Coſts, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby empowered, upon Application made to them for that Purpoſe, to ſettle, aſſeſs, and award ſuch Coſts and Charges as they ſhall think reaſonable to be paid to the Party or Parties in whoſe Favour any Determination of the ſaid Commiſſioners ſhall be made, by the Perſon or Perſons whoſe Claim or Claims, Objection or Objections, ſhall be thereby diſallowed or over-ruled; and in caſe the Perſon or Perſons who ſhall be liable to pay ſuch Coſts and Charges, ſhall neglect or refuſe to pay the ſame on Demand, then and in ſuch Caſe it ſhall and may be lawful for the ſaid Commiſſioners, and they are hereby authorized and required, by Warrant under their Hands directed to any Perſon or Perſons whomſoever, to cauſe ſuch Coſts and Charges to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo neglecting or refuſing to pay the ſame, rendering the Overplus (if any), upon Demand, to the Perſon or Perſons whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold, after deducting the Coſts and Charges attending ſuch Diſtreſs and Sale.

Allowing the Parties to try their Rights at Law.

XI. Provided always, and be it further enacted, That in caſe any Perſon or Perſons intereſted or claiming to be intereſted in the ſaid Diviſion and Incloſure, ſhall be diſſatisfied with any Determination of the ſaid Commiſſioners or Umpire, touching or concerning any Claim or Claims to the Right of Soil of the ſaid Lands or Grounds, or of any Rights of Common or other Intereſts or Rights in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and incloſed,

or

or any Part thereof, it shall and may be lawful for the Person or Persons so dissatisfied, to proceed to a Trial at Law of the Matter so determined by the said Commissioners or Umpire, at the then next or at the following Assizes to be holden for the said County of *Somerset*; and for that Purpose the Person or Persons who shall be so dissatisfied with the Determination of the said Commissioners or Umpire, shall cause an Action to be brought in some or one of His Majesty's Courts of Law at *Westminster*, on a feigned Issue, against the Person or Persons in whose Favour such Determination shall have been made, within Twenty-one Days after such Determination shall have been made of the said Commissioners or Umpire; 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 and file Common Bail, and accept one or more Issue or Issues, whereby such Claim or Claims, and the Right or Rights 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 differ about the same, and the Verdict or Verdicts which shall be given in such Action or Actions, shall be entered of Record in the same Court, and shall be final, binding, and conclusive upon all and every Person or Persons whomsoever, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial or Trials to be had therein, which it shall be lawful for the Court to do as is usual in other Cases; and after such Verdict or Verdicts shall be obtained and not set aside by the Court, the said Commissioners shall and they are hereby required to act in conformity thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials: Provided always, that the Determination of the said Commissioners or Umpire, touching such Claim or Claims to the Right of Soil of the said Lands or Grounds, or of any Right of Common or other Rights and Interests, in, over, and upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, which shall not be objected to, or being objected to, the Party or Parties objecting not causing such Action at Law to be brought and proceeded in as aforesaid, shall be final and conclusive upon all Parties.

If any of the Parties die, Proceedings not to abate.

XII. 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.

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

XIII. Provided always, and be it further enacted, That if any Person or Persons in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time hereinbefore limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, 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 or Clerks to the said Commissioners 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 be thereupon incumbent on the Heir or Heirs, or other Perſon or Perſons who ſhall claim the Benefit of ſuch Determination as aforeſaid, on having Notice of ſuch Proceſs, to appear and defend ſuch Action or Actions in the Name or Names of the Perſon or Perſons ſo dead; and Proceedings ſhall be had therein in the ſame Manner as if ſuch Perſon or Perſons had been actually living; and the Rights of all Parties ſhall be equally bound and concluded by the Event of ſuch Action or Actions.

Commiſſioners to direct what incloſed Lands may be ſurveyed.

XIV. And be it further enacted, That nothing in the ſaid recited Act or this Act contained, ſhall extend to require the ſaid Commiſſioners, or their Surveyor, to make or cauſe to be made any Admeaſurement, Plan, or Valuation of any Meſſuages, Cottages, Orchards, Gardens, Homeſteads, ancient incloſed Lands and Grounds in the ſaid Pariſh, unleſs the ſaid Commiſſioners ſhall deem ſuch Admeaſurement, Plan, or Valuation expedient for the Purpoſes of this Act; or the Commiſſioners may, if they think proper, uſe for the Purpoſes of this Act any Plan or Survey already made.

After Allotments are made, the Rights to be extinguiſhed;

or Commiſſioners may previouſly thereto ſuſpend the Rights of Common.

XV. And be it further enacted, That from and immediately after the Allotments and Compenſation ſhall be made for the Rights of Common and other Rights in or upon the ſaid Commons, Common Fields, Common Meadows, and Waſte Lands, by this Act directed to be divided and incloſed, all and ſingular ſuch Rights of Common and other Rights ſhall ceaſe and be for ever utterly extinguiſhed and aboliſhed; and that it ſhall and may be lawful for the ſaid Commiſſioners from Time to Time, and at any Time or Times before the Execution of the ſaid Award, by Notice in Writing under their Hands, to be affixed upon one of the outer Doors of the Pariſh Church of *Long Aſhton* aforeſaid, to order and direct all or any Part of the Rights of Common or other Rights in, over, or upon the ſaid Commons, Common Fields, Common Meadows, and Waſte Lands, to ceaſe and become extinguiſhed, or to be ſuſpended from and for and during ſuch Time as ſhall be expreſſed in ſuch Writing; and all ſuch Rights of Common or other Rights, ſo ordered and directed to ceaſe or be ſuſpended as aforeſaid, ſhall, from the Time of affixing ſuch Notice in Writing on ſuch Church Door, ceaſe and be extinguiſhed, or be ſuſpended accordingly; any Law, Uſage, or Cuſtom, to the contrary notwithſtanding.

For ſhortening Boundary Fences againſt adjoining Pariſhes.

XVI. And be it further enacted, That if the ſaid Commiſſioners ſhall deem it expedient or proper to ſhorten the Boundary Fences between the Lands and Grounds by this Act directed to be divided, allotted, and incloſed, in the ſaid Pariſh of *Long Aſhton*, or between the ſame and any adjoining Pariſh or Pariſhes, ſo as to make the ſame more ſtraight and regular, it ſhall be lawful for the ſaid Commiſſioners, with the Conſent in Writing under the Hand or Hands of the Lord or Lords of the Manor or Manors in which the Land is ſituate, and of the Owner or Owners of the Land upon which any Fence or Fences ſhall or may be intended to be made or ſhortened, to ſet out the Boundary between the Lands and Grounds by this Act directed to be divided, allotted, and incloſed, in the ſaid Pariſh of *Long Aſhton*, and any adjoining Pariſh or Pariſhes, in ſuch Manner as they ſhall judge proper for the Purpoſes aforeſaid;

and after such Boundaries shall be so set out as aforesaid, the same shall be fenced by such Person or Persons, in such Manner and at such Times as the said Commissioners shall direct, and shall for ever thereafter be deemed and taken to be the Boundaries between the Lands and Grounds hereby directed to be divided, allotted, and inclosed, in the said Parish of *Long Ashton*, and such adjoining Parish or Parishes; any Law, Usage, or Custom, to the contrary notwithstanding.

Encroachments made within Twenty Years deemed Property of Occupiers.

XVII. And be it further enacted, That all Inclosures and Encroachments which shall, at any Time or Times before the passing of this Act, have been made by the said Sir *Hugh Smyth*, upon or from the said Lands and Grounds intended to be inclosed, or which shall have been made by him the said Sir *Hugh Smyth*, and the said *William Gore Langton* Esquire, as Lords of the said Manor, or by or with their Consent, Licence, or Authority, or the Consent, Licence, or Authority of any former Lord or Lords of the said Manor, or which are now held under them, and all other Inclosures or Encroachments which shall have been made upon or from the said Lands or Grounds in the said Parish, for Twenty Years and upwards, from the First Day of *January* One thousand eight hundred and twelve, shall, with the Cottages and Buildings thereon, be deemed to belong to and to be the Property of the Person or Persons, in his, her, or their own Right occupying or receiving Rent for the same, but he, she, or they shall in no Case be entitled to any Allotment or Allotments in respect thereof under this Act.

Deductions to be made from Lord's Proportion in respect to certain Encroachments to be allotted to him.

XVIII. Provided always, and be it further enacted, That all such Inclosures and Encroachments as have been made upon or from the said Lands or Grounds by this Act directed to be inclosed, by or with the Consent and Approbation or under the Licence and Authority of the said Sir *Hugh Smyth*, or by or with the Consent and Approbation or under the Licence and Authority of the Lord or Lords of the said Manor of *Long Ashton*, and also all Parts of the said Lands and Grounds which have been demised or leased by the said Sir *Hugh Smyth*, or by the Lord or Lords of the said Manor, within Twenty Years next before the First Day of *January* One thousand eight hundred and twelve, shall be valued and estimated by the said Commissioners according to their original State when uninclosed; and the said Commissioners shall and they are hereby empowered, directed, and required to set out and allot, from the Lands and Grounds within the said Manor of *Long Ashton*, by this Act directed to be inclosed, unto *Arthur Hogue*, *William Cambridge*, *Thomas Knight*, *Thomas Keedwell* and *John Keedwell* respectively, such Parts thereof as shall in the Judgment of the said Commissioners be equal in Value to the Share or Proportion which the said *Arthur Hogue*, *William Cambridge*, *Thomas Knight*, *Thomas Keedwell*, and *John Keedwell*, would have been respectively entitled to in the said Inclosures and Encroachments, so made by or with the Consent and Approbation or under the Licence and Authority of the said Sir *Hugh Smyth*, or by or with the Consent and Approbation or under the Licence and Authority of the said Lord or Lords of the said Manor, or so by him or them demised or leased as aforesaid, in case the same were still open and uninclosed, and according to the Value thereof to be estimated as aforesaid, in addition to the Shares or Proportions of and in the said Lands and Grounds in the said Manor of *Long Ashton* by this Act directed to be inclosed, allotted, and divided, to which the said *Arthur Hogue*, *William*

liam Cambridge, *Thomas Knight*, *Thomas Keedwell* and *John Keedwell*, ſhall or may be entitled by virtue of the Proviſions hereinafter contained; and the ſaid Lands ſo allotted to the ſaid *Arthur Hogue*, *William Cambridge*, *Thomas Knight*, *Thomas Keedwell* and *John Keedwell*, by virtue hereof, ſhall be in Diminution of the Allotment or Allotments hereinafter directed to be made to the Lord or Lords of the ſaid Manor; and the Quantity and Amount thereof in Value ſhall be deducted by the ſaid Commiſſioners from ſuch Allotment or Allotments, when the ſame ſhall be ſo made by the ſaid Commiſſioners.

Other Encroachments.

XIX. And be it further enacted, That all Encroachments upon or from the ſaid Commons and Waſte Lands, intended to be divided and incloſed by virtue of this Act, by any Perſon or Perſons entitled to any Allotment thereof, or by his or their Anceſtor or Anceſtors, or Teſtator or Teſtators (except ſuch Encroachments as have been made by the ſaid Sir *Hugh Smyth*, or by or with the Conſent of the Lord or Lords of the ſaid Manor as aforeſaid, and except as after mentioned), and which have been made within Twenty Years next before the Firſt Day of *January* One thouſand eight hundred and twelve, ſhall be deemed Part of ſuch Commons and Waſte Lands; but all ſuch laſt-mentioned Encroachments, with the Buildings thereon (ſubject to any Right of Way leading through the ſame), ſhall be allotted to the Perſon or Perſons who at the Time of making the Allotments under this Act, ſhall in his, her, or their own Right, be entitled to a Right of Common, and be in Poſſeſſion and Receipt of the Rents and Profits of ſuch Encroachments reſpectively, for his, her, or their Share or Proportion of the ſaid Commons and Waſte Lands by virtue of this Act, or ſo far as the ſame will extend in Value, according to its original State when unincloſed, or the Value of the Waſte Lands adjoining; but in caſe any ſuch laſt-mentioned Encroachments ſhall in the Judgment of the ſaid Commiſſioners be of greater Value than the Share or Proportion of the ſaid Commons or Waſte Lands, which the Perſon or Perſons ſo entitled ought to have by virtue of this Act, then and in ſuch Caſe the ſaid Commiſſioners are hereby authorized to allot to ſuch Perſon or Perſons, in Manner aforeſaid, ſo much and ſuch Part or Parts of the ſaid ſeveral Encroachments reſpectively, as in the Judgment of the ſaid Commiſſioners ſhall be of equal Value with his, her, or their Share or Proportion of the Commons or Waſte Lands, as and for ſuch his, her, or their Share or Proportion, and to ſell and allot the Overplus of ſuch ſeveral Encroachments reſpectively, to the ſame Perſon or Perſons, at ſuch Sum or Sums of Money as the ſaid Commiſſioners ſhall adjudge to have been the Value thereof, to be eſtimated as aforeſaid; but if ſuch Perſon or Perſons ſhall decline to purchaſe the ſame at ſuch Price as the ſaid Commiſſioners ſhall fix, then the Overplus ſhall be ſold by the ſaid Commiſſioners, at the actual improved Value thereof, to any Perſon or Perſons willing to purchaſe the ſame; and the ſaid Commiſſioners ſhall receive and apply ſuch Purchaſe Monies for the Purpoſes of this Act, in Aid of the other Monies hereinafter directed to be raiſed for ſuch Purpoſes.

Reſpecting Encroachments by Strangers.

XX. And be it further enacted, That all Encroachments which at any Time within Twenty Years next before the Firſt Day of *January* One thouſand eight hundred and twelve, have been made by any Perſon or Perſons not being intereſted in or entitled to any Allotment of the Lands or

or Waſte Grounds hereby directed to be divided and incloſed, ſhall be deemed Part thereof and ſhall be divided and allotted accordingly; and in caſe any Diſpute ſhall ariſe touching any ſuch Encroachments or the Extent thereof, ſuch Diſpute ſhall be inveſtigated and determined by the ſaid Commiſſioners.

For ſtopping up and altering Roads.

XXI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, with the Concurrence and Order of Two Juſtices of the Peace for the County of *Somerſet* (in Manner and ſubject to Appeal as in the ſaid recited Act is mentioned) to ſtop up and diſcontinue any of the public Roads, Ways, or Footpaths which ſhall be deemed unneceſſary, and to widen, turn, or alter, any of ſuch Roads, Ways, or Footpaths as ſhall be deemed proper to be widened, turned, or altered; and all ſuch public Roads as ſhall be ſtopped up or diſcontinued ſhall be deemed Part of the Lands hereby intended to be divided, allotted, and incloſed, and ſhall be allotted to ſuch of the Proprietors of the adjoining Lands as the ſaid Commiſſioners ſhall think fit.

Drains and Watercourſes.

XXII. And be it further enacted, That the ſaid Commiſſioners ſhall and may ſcour out, deepen, widen, amend, and repair all ſuch ancient Brooks, Rhines, Ditches, Drains, Banks, Sluices, Staunches, Tunnels, Watercourſes, and Bridges, and make or cauſe to be made ſuch other Rhines, Ditches, Drains, Banks, Sluices, Staunches, Tunnels, Watercourſes, and Bridges and other Works, as well in, through, over, and acroſs the ſaid Commons, Common Fields, Common Meadows, and Waſte Lands, hereby directed to be divided and incloſed, as alſo in, over, and through any ancient Incloſures or other Lands or Grounds within the ſaid Pariſh, as ſhall in the Judgment of the ſaid Commiſſioners be neceſſary and proper, and of ſuch Dimenſions and in ſuch Directions reſpectively as the ſaid Commiſſioners ſhall think fit, making reaſonable Satisfaction to all and every Perſon and Perſons who may ſuſtain any Damage thereby; and the ſaid Commiſſioners ſhall and may and they are hereby directed and required, in and by their Award to be made in purſuance of this Act, to order and direct by whom and at whoſe Expence, and at what Times and in what Manner all and every the ſaid Brooks, Rhines, Ditches, Drains, Banks, Sluices, Staunches, Tunnels, Watercourſes, Bridges, and other Works, hereinbefore authorized to be made and performed, ſhall be thereafter repaired, ſcoured, ſupported, kept, and maintained: Provided always, that no ſuch Brook, Rhine, Drain, or Watercourſe ſhall be diverted or turned, without the Conſent in Writing of the reſpective Owners of the Lands from which and into which the ſame ſhall be diverted or turned; any Thing hereinbefore contained to the contrary notwithſtanding.

Lands to be ſold to pay Expences.

XXIII. And be it further enacted, That the ſaid Commiſſioners ſhall ſet out and allot ſuch Parts and Parcels of the ſaid Commons and Waſte Lands by this Act directed to be incloſed, as they ſhall judge ſufficient in Value, when ſold, to defray the Expences of and attending the obtaining this Act, and carrying the ſame and the ſaid recited Act into Effect; and of ſurveying, admeaſuring, planning, valuing, draining, dividing, and allotting the ſaid Commons, Common Fields, Common Meadows, and Waſte Lands; and of forming and making ſuch public Roads and Ways into, over and upon the ſame; and of incloſing and fencing ſuch Part or Parts of the ſaid Commons, Common Fields, Common Meadows and

Waſte Lands, ſo intended to be ſold in purſuance of this Act as aforeſaid (if the ſaid Commiſſioners ſhall deem it neceſſary ſo to do); and of making, ſcouring, widening, deepening, and repairing all ſuch Bridges, Brooks, Rhines, Ditches, Watercourſes and other Works, as are hereby or by the ſaid recited Act directed to be made, cut, built or performed; and of preparing and depoſiting their Award; and all other the neceſſary Charges and Expences ariſing and accruing in the courſe of carrying the Powers herein and in the ſaid recited Act contained into full and complete Execution and Effect (except ſuch Part of the ſaid Charges and Expences as ſhall be adjudged by the ſaid Commiſſioners to be borne and defrayed by the Proprietors of or Perſons intereſted in the ſaid Common Fields and Common Meadows, as hereinafter provided); and ſhall expoſe the ſaid Allotment or Allotments to public Sale by Auction, in the Manner and ſubject to the Directions and Regulations mentioned and contained in the ſaid recited Act; and the ſaid Commiſſioners ſhall, on Payment of the Purchaſe Money for ſuch Allotment or Allotments ſo to be ſold for the Purpoſes aforeſaid, by Indentures under their Hands and Seals to be by them executed in the Preſence of and atteſted by Two or more credible Witneſſes, convey, releaſe, 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 or 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, and in ſuch Manner and Form as ſuch Purchaſer or Purchaſers ſhall direct or appoint; ſuch Direction or Appointment to be expreſſed in the ſaid Indentures under his, her, or their Hand and Seal or Hands and Seals reſpectively; and ſuch Purchaſer or Purchaſers reſpectively ſhall be ſubject and liable to the due Obſervance and Performance of ſuch Orders, Rules, and Regulations as the ſaid Commiſſioners ſhall in and by their Award order and direct.

Power to allot Part of the Commonable Lands for Stone and Gravel Pits.

XXIV. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required to ſet out, allot, and award ſo much and ſuch Part of the Commons and Waſte Lands ſo intended to be divided and incloſed, not exceeding Five Acres in the whole, as they ſhall think ſufficient, as and for public Stone and Gravel Pits; with convenient Road or Roads to and from the ſame, to be uſed in common by the Proprietors of Lands and Eſtates, within the ſaid Pariſh, and their Tenants, for the Repairs of the Roads within the ſaid Pariſh.

Allotment for Right of Soil.

XXV. And be it further enacted, That after the ſaid Commiſſioners ſhall have ſet out and allotted the ſeveral and reſpective Parts and Parcels of the ſaid Commons and Waſte Lands for Public Roads and Highways, and for the ſeveral Purpoſes aforeſaid, they are hereby required, in the next Place, to ſet out, allot, and award, unto the Lords of the ſaid Manor, One Twentieth Part of the ſaid Commons and Waſte Lands hereby directed to be divided and incloſed, according to their reſpective Eſtates and Intereſts in the ſaid Manor.

Allotment of the Reſidue of the Waſte Lands.

XXVI. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized and required to ſet out, allot, and award the Reſidue and Remainder of all and ſingular the ſaid Commons, Commonable Places, and Waſte Lands, by this Act directed to be incloſed, allotted, and divided, unto, for and amongſt the ſeveral Proprietors and

Perſons intereſted in the ſame, according and in Proportion to the Value to be aſcertained as aforeſaid, of their reſpective Lands, Rights, and Intereſts therein.

The Lands liable to be allotted, aſcertained as to Common Fields.

XXVII. And be it further enacted, That all Fields or Incloſures within the ſaid Pariſh, which contain the Property of Two or more Perſons within One Fence, ſhall or may be conſidered as Part of the intermixed Lands intended by this Act to be allotted, whether ſuch Property belongs to different Lords or Land Owners in Fee, or is held of One Lord or Land Owner by different Copies of Court Roll, or Leaſes for long Terms of Years, or determinable on the Death of One or more Life or Lives, or by any other Mode whatſoever, whereby the Duration of Intereſt is different or uncertain; and it ſhall be lawful for the ſaid Commiſſioners to divide, ſet out, and allot the ſaid Open and Common Fields, and Common Meadows, unto and for the ſeveral Owners, Proprietors, Leſſees and cuſtomary Tenants thereof, and Perſons intereſted therein, in Proportion to their reſpective Lands, Rights, and Intereſts therein; and in ſuch Caſes where Allotments are made to Perſons holding Eſtates for different Terms under the ſame Lord or Land Owners, the ſaid Commiſſioners ſhall in their Award declare to which Eſtate the reſpective Allotments do ſeverally belong; provided that all Allotments ſo to be made of ſuch Open and Common Fields and Common Meadows, ſhall be made with the Conſent of the Owner or Owners, Proprietor or Proprietors of the ſame, whether ſuch Owner or Owners, Proprietor or Proprietors ſhall be a Body or Bodies Politic, Corporate, or Collegiate, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail General or Special, or by the Courteſy of *England*, or for Years determinable on a Life or Lives, or with the Conſent of the Guardians, Truſtees, Feoffees for charitable or other Uſes, Huſbands, Committees, or Attornies of or acting for any ſuch Owners or Proprietors as aforeſaid, who at the Time of making ſuch Diviſion and Allotment ſhall be reſpectively Infants, Femes Covert, Lunatics, or under any legal Diſability, or who ſhall be beyond the Seas, or otherwiſe diſabled to act for themſelves, himſelf or herſelf; ſuch Conſent to be teſtified in Writing under the Common Seal of the Body Politic, Corporate, or Collegiate, and under the Hands of the other conſenting Parties reſpectively.

Allotments to be fenced.

XXVIII. And be it further enacted, That the ſeveral Parcels of Land and Allotments which ſhall be ſet out and allotted by virtue of this and the ſaid recited Act, ſhall be ſufficiently incloſed and fenced, in ſuch Manner and within ſuch Time as the ſaid Commiſſioners by Notice in Writing under their Hands, or by their Award, ſhall order, direct, or appoint; and all ſuch Walls and Fences as ſhall be ſo made, ſhall at all Times for ever, after the making thereof, be ſupported, maintained, and kept in Repair by ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall by their Award direct; and in caſe any Perſon or Perſons ſhall neglect or refuſe to fence his, her, or their Allotment or Allotments within the Time directed or appointed by the ſaid Commiſſioners, it ſhall and may be lawful for the ſaid Commiſſioners, and they are hereby required to fence the ſame; and the Expence of ſuch Fences ſhall be levied and recovered in like Manner as other Monies are hereby and by the ſaid recited Act directed to be levied and recovered.

XXIX. And

Commissioners may deliver Possession of Lands allotted and exchanged before Execution of the Award.

XXIX. And be it further enacted, That the said Commissioners shall and may from Time to Time, as they shall find convenient, deliver to the several Persons interested in the several Divisions and Allotments, or any Exchange or Exchanges to be made and set out under this Act, Possession of their respective Divisions, Allotments, and exchanged Lands, hereby directed to be made and set out, and such Possession so delivered, shall be kept and retained by the several Persons entitled thereto, in such and the like Manner, as if the Award of the said Commissioners, at the Time of giving or delivering such Possession, had been made and executed.

Proprietors may sell their Allotments before the Execution of the Award.

XXX. And be it further enacted, That it shall be lawful for any Person or Persons, who shall be entitled to any Allotments to be made by virtue of this Act, to sell, mortgage, demise, and dispose of all his, her, or their Estate, Right, Title, and Interest therein, at any Time before the Execution of the Award; and on a proper Conveyance, Surrender, or Disposition being executed or passed, every such Sale and Disposition shall be good, valid, and effectual in the Law; and also that it shall and may be lawful for any Person or Persons interested in the said Division and Inclosure, to sell and dispose of all such Estate, Right, Title, Interest, and Property, or any Part ot Parcel thereof, which he or they shall have in or to the said Commons or Waste Lands, or in or to any Allotment or Allotments to be made in respect thereof by virtue of this Act, separate from the Estate, in Right of which he, she, or they shall be so entitled; and it shall be lawful for the said Commissioners, and they are hereby authorized and required to allot the same to the Purchaser or Purchasers thereof respectively.

Allotments to enure to the same Tenure.

XXXI. And be it further enacted, That all and singular the Lands and other Premises which shall be allotted under or by virtue of this and the said recited Act, shall immediately after such Allotments are made, be held under and subject to the same Uses, Trusts, Tenures, Customs, Heriots, Rents, and Services, as the Messuages, Tenements, Lands, and Premises, in respect of which they were so respectively allotted, were held and enjoyed at the Time of passing this Act, any Law, Usage, or Custom, to the contrary notwithstanding.

Exchanges.

XXXII. And be it further enacted, That it shall be lawful for the said Commissioners to set out, allot, and award any Lands, Tenements, or Hereditaments within the said Parish of *Long Ashton*, in lieu and in exchange for any other Lands, Tenements, or Hereditaments, within the said Parish of *Long Ashton*, or within any adjoining Parish, Hamlet, Township, or Place; provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioners, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, or Hereditaments which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politic, Corporate, or Collegiate, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail General or Special, or by the Courtesy of *England*, or for Years determinable on a Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for Charitable or other Uses, Husbands, Committees or Attornies of or acting for any such Owners or Proprietors as aforesaid, who at the Time of making such Exchange or Exchanges, shall be respectively Infants, Femes Covert, Lunatics, or under any legal Disability, or who shall be beyond

beyond the Seas, or otherwiſe diſabled to act for themſelves, himſelf, or herſelf; ſuch Conſent to be teſtified in Writing under the Common Seal of the Body Politic, Corporate, or Collegiate, and under the Hands of the other conſenting Parties reſpectively; and all and every ſuch Exchange and Exchanges ſo to be made, ſhall be good, valid, and effectual in Law to all Intents and Purpoſes whatſoever: Provided nevertheleſs, that no Exchange ſhall be made of any Lands, Tenements, or Hereditaments held in Right of any Church, Chapel, or other Eccleſiaſtical Benefice, without the Conſent, teſtified as aforeſaid, of the Patron thereof, and of the Lord Biſhop of the Dioceſe in which ſuch Lands, Tenements, or Hereditaments ſo to be exchanged, ſhall lie and be ſituate.

Expences thereof how to be paid.

XXXIII. And be it further enacted, That all Coſts, Charges, and Expences attending the making of any Sales, Exchanges, or Partitions, to be made by virtue of this Act or the ſaid recited Act, ſhall be paid, borne, and defrayed by the ſeveral Perſons propoſing or conſenting to the making any ſuch Sales, Exchanges, or Partitions, in ſuch Manner and in ſuch Proportions as the ſaid Commiſſioners ſhall by their Award or any other Writing under their Hands order and direct; and ſuch Coſts, Charges, and Expences may be recovered in the ſame Manner as the Coſts and Charges of obtaining and executing this Act can or may be recovered.

Compenſation to be made to Tenants deprived of Common Rights.

XXXIV. And be it further enacted, That where any Leaſe or Leaſes, or Agreement for a Leaſe or Leaſes, for the letting or holding of any of the Meſſuages, Lands, or Hereditaments in reſpect of which any Allotment or Allotments ſhall be made by virtue of this Act, at Rack Rent, for any Term or Number of Years not exceeding Twenty-one Years, ſhall either in expreſs Terms or virtually include or compriſe any Rights of Common or other Rights or Intereſts for or in lieu of which the ſame Allotment or Allotments ſhall be made, then and in every ſuch Caſe the reſpective Owners and Proprietors of the ſame Meſſuages, Lands, and Hereditaments, ſhall allow and abate to ſuch Leſſee or Leſſees, Tenant or Tenants, ſuch Proportion of his, her, or their Rent or Rents, as the ſaid Commiſſioners ſhall award to be a reaſonable Compenſation or Satisfaction to him, her, or them for the Deprivation of ſuch Rights of Common or other Rights or Intereſts as aforeſaid; and that where any ſuch Leaſe or Agreement ſhall be for any longer Term than Twenty-one Years, or ſhall have been granted in Conſideration of Buildings or other Improvements being made on the Lands thereby demiſed, or where any Fine, Premium, or other valuable Conſideration ſhall have been given for the granting of the ſame, then and in every ſuch Caſe as laſt aforeſaid, the Leſſee or Leſſees ſhall hold and enjoy during the Remainder of the Term in ſuch Leaſe or Leaſes or Agreements, any Allotment or Allotments to be made in reſpect of the Premiſes therein compriſed, paying to his, her, or their Leſſor or Leſſors reſpectively, ſuch additional Rent or Rents as the ſaid Commiſſioners ſhall, under all Circumſtances, deem reaſonable.

Leaſes at Rack Rent to be void.

XXXV. And be it further enacted, That all and every Leaſe and Leaſes, and all other Agreements for any Term or Terms at Rack Rent, or from Year to Year, or at Will affecting the ſaid Commons, Common Fields, Common Meadows, and Waſte Lands, or Lands exchanged under this

this Act, or any Part or Parts thereof (other than and except such Leaſe or Leaſes and other Agreements as is or are now ſubſiſting and undetermined of or concerning any Veins or Seams of Coal or Stone, and the Liberties, Privileges, and Advantages of raiſing, landing, vending, and carrying away the ſame), ſhall, in reſpect of the ſaid Commons, Common Fields, Common Meadows, and Waſte Lands, or Lands exchanged under this Act, at ſuch Time as the ſaid Commiſſioners ſhall direct, ceaſe and be void; the Perſon or Perſons entitled to the Lands, Tenements, and Hereditaments compriſed in ſuch Leaſe or Leaſes, Agreement or Agreements reſpectively, making ſuch Satisfaction to ſuch Leſſee or Leſſees, Tenant or Tenants, as the ſaid Commiſſioners ſhall aſcertain, direct, or appoint to be paid to ſuch Leſſee or Leſſees, Tenant or Tenants, on account thereof, as an Equivalent for the Loſs or Loſſes he or they ſhall reſpectively ſuffer on account of the Determination of the ſame.

Leaſes of exchanged Lands not to be vacated in certain Caſes.

XXXVI. Provided always, and be it further enacted, That if there ſhall be any Leaſe of Lands, Part of which ſhall lie in the ſaid Pariſh of *Long Aſhton*, and Part in any adjoining Pariſh, all and every ſuch Leaſe and Leaſes ſhall be vacated in Manner aforeſaid; but where any Lands ſhall be taken in Exchange, which Lands ſhall be under Leaſe and wholly ſituate in an adjoining Pariſh, the Leaſe of ſuch laſt-mentioned Lands ſhall not be vacated.

Wills and Settlements not to be affected.

XXXVII. And be it further enacted, That nothing in this Act contained ſhall extend or be conſtrued to extend, to revoke, make void, alter, or annul any Will or Settlement, or to prejudice any Perſon or Perſons having any Right or Claim of Dower, Jointure, Portion, Debts, Rents, or Incumbrances, out of, upon, or affecting the Lands or Grounds to be divided, allotted and incloſed, or exchanged, in purſuance of this or the ſaid recited Act, or any Part or Parts thereof reſpectively; but that the reſpective Perſons to whom any Lands or Hereditaments ſhall be allotted or given in Exchange by virtue of this or the ſaid recited Act, ſhall be ſeiſed thereof to ſuch and the ſame Uſes, and for ſuch and the ſame Eſtates, and ſubject to ſuch and the ſame Wills, Jointures, Rents, Charges, and Incumbrances, and no other, as the Lands, Grounds, and Hereditaments, whereof ſuch Perſon was ſeiſed or poſſeſſed, at or immediately before the Execution of the Award of the ſaid Commiſſioners, or for which or in reſpect whereof ſuch Allotments or Exchanges ſhall be made, would have been ſubject to, charged with, or affected by, in caſe this Act had not been paſſed.

Expences how to be paid.

XXXVIII. And be it further enacted, That the Expences of and attending the obtaining this Act, and alſo the carrying the ſame fully into Execution; and of ſurveying, admeaſuring, planning, valuing, draining, dividing, and allotting the ſaid Commons, Common Fields, Common Meadows, and Waſte Lands hereby intended to be divided and allotted; and of forming and making public Roads and Ways into, over, and upon the ſame under this or the ſaid recited Act; and of making, building, widening, deepening, and repairing all ſuch Bridges, Brooks, Rhines, Ditches, Watercourſes, and other Works, as are by this Act or the ſaid recited Act directed to be made, cut, widened, deepened, repaired, built, or performed; and of preparing and depoſiting the Award or Inſtrument to be made in purſuance of this or the ſaid recited Act; and all other

the neceſſary Charges and Expences of the ſaid Commiſſioners and Umpire, in, about, and concerning the carrying of this Act into Execution, ſhall be borne, paid, and defrayed by and out of the Money which ſhall be raiſed by Sale of Lands as herein-before mentioned; (except ſuch Parts of the ſaid Expences as are particularly provided for by this Act, or as the ſaid Commiſſioners ſhall by virtue of this Act adjudge and apportion to be borne and defrayed by the Proprietors or Perſons intereſted in the Common Fields and Common Meadows allotted and divided under this Act.)

Application of Surplus Monies.

XXXIX. And be it further enacted, That in caſe the Part or Parts of the ſaid Commons and Waſte Lands as ſhall be allotted for Sale as herein-before directed, ſhall be ſold for more Money than will be requiſite to defray ſuch Charges and Expences as 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 be paid to them, in caſe they ſhall be ſeiſed in Fee Simple of the 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 of 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.

For apportioning Part of the Expences on the Proprietors of the Common Fields.

XL. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and empowered to apportion and determine ſuch Part and Share of the Charges and Expences attending the paſſing of this Act, the doing and performing the ſeveral Matters and Things hereby authorized to be done and performed, and of carrying this Act and the ſaid recited Act into full and complete Execution, as in their Judgment ought fairly and reaſonably to attach upon the intermixed Lands, Common Fields, and Common Meadows, to be allotted and divided by virtue of this Act, and to be borne and defrayed by the Proprietors intereſted therein; and the Part and Share of ſuch Charges and Expences, ſo adjudged and appointed by the ſaid Commiſſioners, upon ſuch intermixed Lands, Common Fields, and Common Meadows as aforeſaid, ſhall be paid, borne, and defrayed by the reſpective Proprietors and Perſons intereſted in the ſaid ſeveral intermixed Lands, Common Fields, and Common Meadows ſo to be allotted as aforeſaid, in and by ſuch Proportions, at ſuch Times, and by ſuch Perſon or Perſons, as the ſaid Commiſſioners ſhall by Writing under their Hands order or direct; and that in all Caſes where any Part of ſuch Expences ſhall be payable in reſpect of any Tenement held by Leaſe or Copy of Court Roll, determinable on any Life or Lives, the ſame ſhall be borne and defrayed in ſuch Shares or Proportions between the Lord of the Fee of the ſaid Tenements and the Perſons reſpectively holding the ſame, and paid at ſuch Times and in ſuch Manner as ſhall be directed by the ſaid Commiſſioners; ſuch Expences to be levied in caſe of Default of Payment as in the ſaid recited Act is directed.

In caſe Lots ſold ſhall not be ſufficient,

XLI. Provided always, and be it further enacted, That if the Monies to be produced by ſuch Sale or Sales as aforeſaid, ſhall not be ſufficient to

Perſons intereſted to pay in Proportion to their Allotments, to make good Deficiency.

to pay all the Charges and Expences aforeſaid, then the Deficiency ſhall be borne by the Proprietors of the Lands hereby directed to be incloſed, in Proportion to the real Value of their reſpective Diviſions and Allotments; ſuch Proportion to be ſettled and aſcertained by the ſaid Commiſſioners, and ſhall be raiſed by a Rate or Rates, and be paid to ſuch Perſon or Perſons and at ſuch Time or Times as the ſaid Commiſſioners ſhall by Notice in Writing, to be affixed on the outer Door of the ſaid Pariſh Church at leaſt Fourteen Days previous to the Day of Payment, order and direct; and in caſe any Perſon or Perſons ſhall refuſe or neglect to pay his, her, or their Share or Proportion of the ſaid Deficiency as aforeſaid, then the ſame ſhall be levied and recovered in the Manner directed by the ſaid recited Act, in caſe the Expences of obtaining and executing this Act had been directed to be paid in Proportion by the Proprietors of Lands or Grounds to whom Allotments ſhall be made, inſtead of being raiſed by Sale of Land, as by this Act is directed.

Power for certain Perſons to ſell Lands for making Subdiviſion Fences, and for raiſing their Proportions of the Expences of obtaining this Act.

XLII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, on Application being made to them in Writing by any of the Huſbands, Guardians, Truſtees, Committees, or Attornies, of or for any of the ſaid Proprietors or Perſons intereſted in the Premiſes, being under Coverture, Minors, Idiots, Lunatics, or beyond the Seas, or under any other Diſability or Incapacity, or by the Perſons acting as ſuch Guardians, Truſtees, Committees, or Attornies reſpectively, or by any of the ſaid Proprietors of the Lands and Grounds hereby directed to be divided, allotted, and incloſed, or any Part thereof, who are or ſhall be Tenant or Tenants in Tail, or for any Life or Lives, or on any other Contingency, to ſell any Part of the Allotment or Allotments to be made from or out of any of the ſaid Lands and Grounds by virtue of this Act, to or for ſuch incapacitated Proprietor or Proprietors, or other Perſon or Perſons by whom or in whoſe Behalf any ſuch Application ſhall be made as aforeſaid, for the Purpoſe of raiſing a Sum of Money ſufficient to defray the Coſts, Charges, and Expences of fencing and incloſing his, her, or their Allotment or Allotments, and of making and completing ſuch Sale; and ſuch Sale ſhall be made by the ſaid Commiſſioners, in ſuch and the ſame Manner and ſubject to ſuch and the like Rules and Regulations as are mentioned and preſcribed in and by the ſaid recited Act and this Act, in reſpect to the Sale of any Lands authorized to be ſold for paying the Expences of obtaining and carrying into Execution any Act for dividing, allotting, and incloſing any Lands and Grounds; and each and every Allotment for which the full Purchaſe Money ſhall be paid, ſhall be conveyed by the ſaid Commiſſioners, at the Expence of ſuch Purchaſer or Purchaſers, unto and to the Uſe of, or in Truſt for ſuch Purchaſer or Purchaſers, and his, her, or their Heirs reſpectively, or as he, ſhe, or they ſhall appoint, and ſhall be incloſed and held by ſuch Purchaſer or Purchaſers reſpectively in Severalty; and the Receipt of the ſaid Commiſſioners ſhall be a good and ſufficient Diſcharge to ſuch Purchaſer or Purchaſers for the ſaid Purchaſe Money, which ſhall be applied by the ſaid Commiſſioners in or towards defraying ſuch laſt-mentioned Coſts, Charges, and Expences; and if any Surplus ſhall remain in the Hands of the ſaid Commiſſioners, ſuch Surplus Money ſhall be applied and diſpoſed of in Manner directed by the ſaid recited Act with reſpect to Money which is thereby directed to be paid into the Bank of *England* for the Purchaſe or Exchange of any Lands, Tenements,

ments, or Hereditaments, to be ſettled to the ſame Uſes, or of any Timber or Wood growing thereon, and which ought to be laid out in the Purchaſe of other Lands, Tenements, and Hereditaments, as therein mentioned: Provided always, that it ſhall not be lawful by virtue of this Act to raiſe by ſuch Sale any further or greater Sum of Money for the Purpoſe of defraying the Coſts, Charges, and Expences of fencing, incloſing, and ſubdividing ſuch Allotment or Allotments as aforeſaid, than the Perſon or Perſons, Part of whoſe Allotment or Allotments ſhall be ſold as aforeſaid, would have been empowered or authorized in the whole to borrow or charge upon his, her, or their Eſtate or Eſtates under or by virtue of the ſaid recited Act, for the Purpoſe of defraying the Coſts, Charges, and Expences of obtaining and executing this Act, in caſe the Expences of obtaining and executing this Act had been directed to be paid in Proportion by the Proprietors of Lands or Grounds to whom Allotments ſhall be made, inſtead of being raiſed by Sale of Land as by this Act is directed: Provided alſo, that in all Caſes where any Part of the Allotments of any of the ſaid Proprietors or Perſons, ſhall be ſo ſold for the Purpoſes laſt mentioned, it ſhall not be lawful for the Proprietor or other Perſons, Part of whoſe Allotment ſhall be ſold as aforeſaid, to charge his, her, or their Lands, Tenements, or Hereditaments by virtue of the ſaid recited Act or this Act, with any Money towards Payment of any Coſts, Charges, and Expences of obtaining and executing this Act.

Power to borrow Money, to be repaid with Intereſt.

XLIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners to borrow and take up at Intereſt, of any Perſon or Perſons willing to advance and lend the ſame, ſuch Sum or Sums of Money as ſhall from Time to Time be neceſſary for defraying the Charges and Expences of paſſing this Act, and carrying the ſame into Execution, until the ſame ſhall be raiſed as herein-mentioned; which ſaid Sum and Sums of Money ſo to be borrowed, ſhall be repaid with lawful Intereſt, to the Perſon or Perſons advancing the ſame, out of the Monies to be raiſed for defraying the Expences of obtaining and executing this Act.

Allowance to Commiſſioners.

XLIV. And be it further enacted, That each of the ſaid Commiſſioners and their Clerk, and every new Commiſſioner, and the Umpire to be appointed under or by virtue of this Act, ſhall reſpectively be allowed the Sum of Three Pounds Three Shillings each, and no more, for his Trouble, Charges, and Expences, including all Travelling Charges and Expences, for each and every Day he ſhall neceſſarily attend in the Execution of this Act and the ſaid recited Act.

Commiſſioners to lay Accounts before Juſtices.

XLV. And be it further enacted, That once at leaſt in every Year during the Execution of this Act (ſuch Year to be computed from the Day of the paſſing of this Act) the ſaid Commiſſioners acting in the Execution of this Act, ſhall and they are hereby required to make a juſt and true Statement or Account of all Sums of Money by them reſpectively received and expended, or due to them for their own Trouble or Expences in the Execution of this Act; and ſuch Statement or Account when ſo made, together with the Vouchers relating thereto, ſhall be by ſuch Commiſſioners laid before One of His Majeſty's Juſtices of the Peace in and for the ſaid County of *Somerſet*, not intereſted in the ſaid Diviſions or Incloſure, to be by him examined; and the Balance ſhall

be ſtated in the Books of Accounts to be kept in the Office of the Clerk or Clerks of the ſaid Commiſſioners; and no Charge or Item in ſuch Accounts ſhall be binding on the Parties concerned, or valid in Law, unleſs the ſame ſhall have been duly allowed by ſuch Juſtices.

Award to be made.

XLVI. And be it further enacted, That as ſoon as conveniently may be after the Diviſion and Allotment of the ſaid Lands or Grounds ſhall have been made and completed purſuant to the Directions of this Act, and within Seven Years from the paſſing of this Act, the ſaid Commiſſioners ſhall draw up and make or cauſe to be drawn up and made an Award or Inſtrument in Writing, with one or more Plan or Plans annexed thereto, in the Manner preſcribed by the ſaid recited Act; which ſaid Award or Inſtrument ſhall be fairly ingroſſed or written on Parchment, and ſigned by the Commiſſioners making the ſame, and ſhall within Six Calendar Months after the ſame ſhall be ſo ſigned, be depoſited with the Clerk of the Peace for the County of *Somerſet*, who is hereby required to keep and depoſit the ſame amongſt the Records of the ſaid County (for depoſiting of which the Sum of Three Pounds and Three Shillings and no more, ſhall be demanded or paid) to the end that Recourſe may be had thereto by all Perſons intereſted in the ſaid Diviſion and Incloſure; for the Inſpection of which Award One Shilling ſhall be paid, and no more; and a true Copy thereof or any Part thereof, when and ſo 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 Cop, for which no more than Two-pence *per* Sheet, reckoning Seventy-two Words to each Sheet, ſhall be paid; which ſaid Copy, as alſo the Original Award or Inſtrument, and the Copy herein-after directed to be written on Parchment, and ſigned by the Commiſſioners making the ſame, ſhall at all Times hereafter be admitted as legal Evidence in all Courts whatſoever; and the ſaid Commiſſioners are hereby directed and required to deliver a Copy of their Award fairly written on Parchment, with a proper Plan or Plans annexed thereto, and ſigned by them, and depoſited in a Tin Box, unto the Churchwardens of the Pariſh of *Long Aſhton* aforeſaid, to be by them depoſited in the Cheſt of the Pariſh Church aforeſaid, to the end that Recourſe may be had to ſuch Award by the ſeveral and reſpective Proprietors or Parties intereſted therein.

Appeal to the Quarter Seſſions.

XLVII. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done or omitted to be done in purſuance of this Act or of the ſaid recited Act, then and in ſuch Caſes (except in ſuch Caſes where the Orders and Determinations of the ſaid Commiſſioners are by the ſaid recited Act or this Act directed to be binding, final, and conclufive, and alſo where an Iſſue at Law ſhall be tried as herein-before mentioned), he, ſhe, or they may appeal to the General Quarter Seſſions of the Peace which ſhall be held for the County of *Somerſet*, within Six Calendar Months next after the Cauſe of Complaint ſhall have ariſen, on giving Fourteen Days Notice of ſuch Appeal to the ſaid Commiſſioners; and the Juſtices of the ſaid General Quarter Seſſions are hereby required to hear and determine the Matter of every ſuch Appeal, and to make ſuch Orders therein, and award ſuch Coſts as to them in their Diſcretion ſhall

ſeem

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 of the ſaid Juſtices ſhall be final and concluſive to all Parties concerned, and ſhall not be removed or removeable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*.

Saving Rights of the Lords of the Manor.

XLVIII. And be it further enacted and declared, That nothing in this Act contained ſhall prejudice, leſſen, or defeat the Right, Title, or Intereſt of the Lords of the ſaid Manor, and their Leſſee and Leſſees reſpecting their Rights of, in, and to all Lead and Coal Mines, and all other Mines and Minerals of what Nature or Kind ſoever, lying and being within or under the ſaid Moors, Commons, and Waſte Lands to be divided and incloſed by virtue of this Act; and that the ſaid Lords and their reſpective Heirs and Aſſigns, and all and every other Perſon and Perſons claiming by, under, or in Truſt for them, or either of them, as Lords of the ſaid Manor for the Time being, ſhall and may from Time to Time, and at all Times for ever hereafter, have, hold, and enjoy all Quit Rents, Free Rents, and other Rents, Reliefs, Dues, Cuſtoms, Suits and Services, and all Fines, Amerciaments, Courts, Courts Leet and View of Frankpledge, Courts Baron, and all Profits and Perquiſites of Courts and Leets, and all Things which to Courts Leet and Views of Frankpledge and Courts Baron do belong and appertain, and all Goods and Chattels of Felons and Fugitives, Felons of themſelves and put in Exigent, Deodands, Treaſure-trove, Waifs, Eſtrays, Forfeitures, Eſcheats, Fairs, Markets, Tolls, Cuſtoms, Stallages, Dues, Rights, Royalties, Immunities, Juriſdictions, Franchiſes, Privileges, Profits, Commodities, Advantages and Emoluments whatſoever, to the ſaid Manor or to the Lord or Lords for the Time being, incident, belonging, or appertaining (other than and except the Right to the Soil of the ſaid Commons and Waſte Lands, and ſuch Common Right thereon as could or might be claimed by them reſpectively, for which Compenſation is hereinbefore directed to be made), in as full, ample, and beneficial a Manner, to all Intents and Purpoſes, as the ſaid Lord or Lords could or might have held or enjoyed the ſame, if this Act had not been paſſed; and that the ſaid Lord or Lords for the Time being, or their reſpective Heirs and Aſſigns, ſhall and may, from Time to Time and at all Times hereafter, have, hold, win, work, and enjoy excluſively, all Lead and Coal Mines, and all other Mines and Minerals of what Nature or Kind ſoever, within and under the ſaid Commons and Waſte Lands, and every Part thereof, and the ſeveral Allotments thereof to be made in purſuance of this Act, together with all convenient and neceſſary Ways, and alſo Liberty of laying, making, and repairing Waggonways, and other Ways, in, through, over, and along the ſame or any Part thereof; and alſo for ſearching for, winning, and working the ſaid Mines and Minerals, and loading and carrying away the Coal, Ore, and other Things to be gotten thereout, and of making Pits, Shafts, and Stumps, Pit Rooms, and Heap Rooms, Levels, and Watercourſes, and of repairing, amending, and upholding the ſame, and of erecting Buildings, and uſing Houſes, Drawkilns, Erections, Buildings, Fire Engines, and other Engines, Mills, and other

Erections and Buildings, and of altering, changing, and pulling down and carrying away the same, or all or any of the Materials thereof, at his or their free Will and Pleasure; and to do, execute, and perform all such other Works, Acts, Deeds, Matters, and Things, either now in Use or hereafter to be invented, as shall be necessary or convenient for the full and complete Working, Use, and Enjoyment of such Mines and Minerals hereby reserved, in as full, ample, and beneficial a Manner, to all Intents and Purposes, as he or they might or could have done in case this Act had not been passed.

Satisfaction to be made for Damage in working Mines, &c.

XLIX. And be it further enacted, That in case the said Lord or Lords for the Time being of the said Manor, and their respective Heirs or Assigns, or any Person or Persons claiming under him or them, shall, after such Inclosures and Allotments made as aforesaid, search for, win, or work any Mine or Mines, or Minerals lying and being within or under any of the Allotments or Inclosures to be made by virtue of this Act, or load or carry away the Produce of or from any such Mines, then and in every such Case the said several and respective Lords, and their respective Heirs and Assigns, or such Person or Persons so claiming under him or them as aforesaid, shall make a reasonable Satisfaction for the Damage and Spoil of Ground occasioned thereby, or by the making any Pit or Pits, or erecting or building any Houses, Drawkilns, Erections, Buildings, Fire Engines, Mills, or other Erections, or by the filling up, altering, changing, repairing, amending, rebuilding, pulling down, or carrying away the same, or any of the Materials thereof as aforesaid, to the Person or Persons who shall be in Possession of such Ground at the Time or Times of such Damage or Spoil.

General Saving.

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

Act made Evidence.

LI. And be it further enacted, That this Act shall be printed by the several Printers to the King's most Excellent Majesty, duly authorized to print the Statutes of the United Kingdom, and a Copy thereof so printed by any of them, shall be admitted as Evidence thereof, by all Judges, Justices, and others.

LONDON: Printed by George Eyre and Andrew Strahan, Printers to the King's most Excellent Majesty. 1813.