ANNO SEXTO

GULIELMI IV. REGIS.

****

Cap. 11.

An Act for inclosing Lands within the Parish of *South Petherton* in the County of *Somerset*.

[7th *June* 1836.]

WHEREAS there are in the Parish of *South Petherton* in the
County of *Somerset* certain Open and Common Arable Fields
and Lands respectively called or known by the Names follow-
ing; (that is to say,) *Chapel Field*, *Compton Way Field*, *Crewkerne Walls*,
Gore Field, *Hamsfield*, *Loghill*, *Long Metlands*, *Short Metlands*, *Nether-
field*, *Pinsham*, *Ryland*, *Stoodham*, *Whitefield*, *Frogmerry Field*, *Higher
Horsecastle*, *Lower Horsecastle*, *Little Log Brimsgore*, *Broadlane*, *Compton
South Field*, *Compton Middle Field*, *Compton North Field*, *Higher Bowey*,
Lower Bowey, *Drayton Field*, *Stratton Field*, *Haysendfield*, *Churchpath
Field*, *Eastlane Field*, *Great Little Field*, *Little Little Field*, *North Field*,
and *South Field*, containing in the whole Six hundred Acres or there-
abouts: And whereas *John Baker Edmonds* Esquire is Proprietor of a great
Part of the said Open and Common Arable Fields and Lands, and divers
other Persons are Proprietors of the Remainder of the said Open and
Common Arable Fields and Lands: And whereas an Act was passed
in the Forty-first Year of the Reign of His Majesty King *George* the Third,
intituled *An Act for consolidating in One Act certain Provisions usually* 41 G.3.c.109
*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
an Act was passed in the First and Second Years of the Reign of His late
Majesty King *George* the Fourth, intituled *An Act to amend the Laws respect-* 1 & 2 G. 4.
ing the inclosing of Open Fields, Pastures, Moors, Commons, and Waste Lands c. 23.
in England: And whereas the Lands of the respective Proprietors of the
said Open and Common Arable Fields lie intermixed and dispersed in
small Parcels, and in their present State are subject to great Inconvenience

and Loss in the Occupation and Use thereof, and it would be for the Benefit of such Proprietors if the said Open and Common Fields and Lands were divided and inclosed, and specific Parts or Shares thereof allotted to and amongst the said Proprietors in Severalty according to their several and respective Rights and Interests therein; but such Division, Allotment, and Inclosure 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 *John Easton* of *Bradford* in the County of *Somerset*, Gentleman, and his Successors to be elected in manner herein-after mentioned, shall be and he and they is and are hereby appointed Commissioner and Commissioners for dividing, allotting, and inclosing the said Open and Common Arable Fields and Lands, and for executing all and every the Powers vested in him or them by this Act, and also such of the Powers, Authorities, Directions, Clauses, and Provisions contained in the said recited Acts as are not altered, varied, or otherwise provided for in and by this Act.

Commissioner appointed.

For electing future Commissioners.

II. And be it further enacted, That when and as often as the Commissioner appointed by this Act, or any Commissioner to be hereafter nominated and appointed in pursuance of this Act, shall die, or refuse or neglect to act, or become incapable of acting as a Commissioner for the Purposes of this Act, then and in every such Case the major Part in Value (such Value to be ascertained by the Rates for the Relief of the Poor of the said Parish for that Year) of the several Proprietors of the said Open and Common Arable Fields and Lands present at some public Meeting to be holden at some Inn within the said Parish of *South Petherton*, of which Meeting and the Intent thereof Notice shall be given by any Two or more of such Proprietors or their respective Attornies or Agents at least Twenty-one Days previous to such Meeting, (by affixing such Notice on One of the principal outer Doors of the Parish Church of *South Petherton* aforesaid, and by inserting the same in some Newspaper circulating in the said County of *Somerset*,) shall and they are hereby empowered by Writing under their Hands to elect and appoint some other Person, not interested in the said intended Division, Allotment, and Inclosure, to be a Commissioner in the Room and Stead of the Commissioner so dying, or refusing or neglecting to act, or becoming incapable of acting as aforesaid; and every Commissioner so to be appointed shall have the same Power and Authority to act in the Execution of the Powers given in and by this and the said recited Acts as if such Commissioner had been named a Commissioner in and by this Act.

Commissioner to make a Declaration.

Form of Declaration.

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

'I *A. B.* do solemnly and sincerely declare, That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the several Trusts, Powers, and Authorities vested and reposed in me as a Commissioner by virtue of an Act passed in the Year of the Reign of King *William* the Fourth, intituled [*here set forth the Title of this Act*], according to Equity and good

‘ Conscience, and without Favour or Affection, Prejudice or Partiality,
‘ to any Person or Persons whomsoever.’

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

Commissioner to appoint a Clerk.

IV. And be it further enacted, That it shall be lawful for the said Commissioner, and he is hereby authorized and required, to appoint some fit and proper Person to be his Clerk to assist him in the Execution of this Act and the said recited Acts, and from Time to Time, as often as there shall be Occasion, to remove such Clerk, and to appoint another in his Stead, as to him shall seem meet.

Surveyor to be appointed.

V. And be it further enacted, That the said Commissioner shall and may, if he shall find it necessary, appoint some fit and proper Person (not interested in the said Division, Allotment, and Inclosure,) to be Surveyor for the Purposes of this Act and the said recited Acts; and in case of the Death, Incapacity, Neglect, or Refusal to act of the Person so to be appointed, then the said Commissioner shall and he is hereby authorized and empowered to appoint some other Person (not interested as aforesaid) as he shall think proper to be Surveyor for the Purposes aforesaid, and so from Time to Time as often as Occasion shall require: Provided always, that no Person shall act as Surveyor for the Purposes aforesaid until he shall have taken and subscribed a Declaration in the Form or to the Effect following; (that is to say,)

Surveyor's Declaration.

‘ I *A. B.* do declare, That I will act in the Execution of the Powers,
‘ Authorities, and Trusts reposed in me as Surveyor by virtue of an
‘ Act passed in the Year of the Reign of King *William* the
‘ Fourth, intituled [*here set forth the Title of this Act*], faithfully, im-
‘ partially, and honestly, according to the best of my Skill, Judgment,
‘ and Ability, without Favour or Affection, Prejudice or Malice, to any
‘ Person or Persons whomsoever.’

Which Declaration the said Commissioner is hereby authorized to administer when and as often as Occasion shall require; and the Declaration so taken and subscribed by such Surveyor shall be annexed to and enrolled with the Award of the said Commissioner.

Allowance to Surveyor.

VI. And be it further enacted, That out of the Monies which shall be raised for defraying the Expences of obtaining and passing this Act, and executing the same and the said recited Acts, the Person for the Time being employed as Surveyor for the Purposes of this Act shall be paid and allowed, for his Time and Trouble in surveying, measuring, mapping, and planning the Open and Common Arable Fields and Lands necessary to be surveyed for the Purposes of this Act, One Shilling and Sixpence *per* Acre for the uninclosed Lands, and Nine-pence *per* Acre for the old inclosed Lands, or One Pound Eleven Shillings and Sixpence for each and every Day he shall be actually and wholly employed either in surveying,

ing, measuring, mapping, or planning, or otherwise as a Surveyor for the Purposes of this Act; which said Sums of One Shilling and Sixpence *per* Acre and Nine-pence *per* Acre, or One Pound Eleven Shillings and Sixpence *per* Day, shall be in full Satisfaction for his Time and Trouble, and for all travelling and other Expences (except Labourers Wages) of every Description to be incurred by him as such Surveyor in or about the Execution of this Act.

Allowance to Commissioner and Clerk.

VII. And be it further enacted, That the Commissioner and Clerk acting from Time to Time in the Execution of this Act shall be paid the Sum of Three Pounds and Three Shillings each, and no more, for each and every Day he shall actually attend and be employed as a Commissioner or Clerk in the Execution of this Act, or shall necessarily travel from Home to attend any Meeting held for the Purposes of this Act, or when returning Home after having attended such Meeting, during the first Three Years next after the passing of this Act, and after the Expiration of the said Three Years, until the Powers and Provisions of this Act shall be fully executed and performed, the Sum of Two Pounds and Two Shillings each, and no more, for each Day he shall actually attend and be employed as a Commissioner or a Clerk as aforesaid, in full Satisfaction for his Trouble and Expences in carrying this Act into execution; and as well the said Commissioner as the said Surveyor and the Clerk to the said Commissioner, and the said Proprietors and others who shall attend any of the Meetings of the said Commissioner to be held in pursuance of this Act, and each and every of them, shall in all Cases defray their own Expences, other than and except the Expences for the Use of the Room in which the Meetings shall be held.

Regulating the Duration of Meetings.

VIII. And for regulating the Duration of all Meetings to be holden for the Purposes of this Act, be it further enacted, That a Day shall be deemed to consist of Eight Hours in all Meetings to be held between the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September*, and of Six Hours between the Twenty-ninth Day of *September* and the Twenty-fifth Day of *March;* and any Meetings to be holden for the Purposes of this Act of less Duration than Eight Hours or Six Hours, as the Case may be, shall be charged as only Half a Day, and the said Commissioner and the said Clerk shall be paid accordingly; and a Book shall be kept by the said Commissioner or his Clerk, in which shall be entered the several Days on which the said Commissioner shall hold his Meetings, and in such Book shall also be entered at what Hour the said Commissioner and his Clerk were respectively present at each Meeting, and at what Hour they respectively left the same, and such Book shall be signed by such Commissioner and his Clerk at the Termination of each Meeting, and shall be open to the Inspection of any Person or Persons interested in the said Inclosure, or his, her, or their Agents or Attornies, during any of the Meetings to be held in pursuance of this Act; and all such Persons shall and may take Copies of or Extracts from such Book without paying any thing for the same: Provided always, that it shall not be lawful for the said Commissioner to retain or to pay himself or such Clerk, out of any Monies to be received by him or over which he may have any Control in the Execution of this Act, any Sum or Sums of Money on account of the Allowance herein directed to be made to such Commissioner and Clerk respectively, beyond One Third of such Allowance as they shall be entitled to as aforesaid, until after the Expiration of Six Calendar Months

Months from the Date of the Award directed to be made by this and the said first-recited Act, or in case the Accounts of the said Commissioner shall be appealed against, then not until such Appeal shall have been heard and decided: Provided nevertheless, that in case of the Decease of the said Commissioner or his Clerk previous to the Execution of the Award herein-after directed to be made, the Commissioner for the Time being shall, after the Expiration of the Period allowed for Appeal against the Accounts herein-after directed to be made and stated, pay to the Executors or Administrators of such deceased Commissioner or of such deceased Clerk such Sum of Money as shall appear by the said Accounts to be due to them.

All Orders, &c. to be entered in a Book.

IX. And be it further enacted, That all Orders, Proceedings, and Determinations of the said Commissioner at any of his Meetings to be holden in pursuance of this Act shall be entered in a Book or Books to be provided for that Purpose and kept by the Clerk to the said Commissioner, and shall be signed by the said Commissioner at such Meetings, and being so signed shall be deemed and taken as Originals, and all such Books may be read in Evidence in all Cases of Appeal, Suits, Actions, and other Proceedings touching any Matter or Thing to be done in relation to or in pursuance of this Act.

Commissioner to give Notice of his Meetings.

X. And be it further enacted, That the said Commissioner shall and he is hereby required, within Thirty Days after the passing of this Act, to give Notice in the Parish Church of *South Petherton* aforesaid upon some *Sunday* immediately after Divine Service, and by Notice in Writing to be affixed on One of the Doors of the said Parish Church immediately before Divine Service, and the like Notice in One or more of the *Sherborne* and *Taunton* Newspapers, of the Time and Place of his First Meeting for carrying this Act into execution, and shall also give public Notice in manner aforesaid of the Time and Place of his Second and Third Meetings for executing the Powers hereby vested in him Fourteen Days at least before such last-mentioned Meetings, and of each and every subsequent Meeting (Meetings by Adjournment only excepted) the said Commissioner shall give Eight Days Notice at least in the said Parish Church upon some *Sunday* immediately after Divine Service, and by Notice in Writing to be affixed on One of the principal outer Doors of the said Parish Church immediately before Divine Service; and in case the said Commissioner shall not attend at the Time and Place appointed for any such Meeting, or to which any such Meeting shall be adjourned as aforesaid, it shall and may be lawful for the Clerk to the said Commissioner to adjourn such Meeting to any future Day not exceeding Fourteen Days from the Date of such Adjournment (such Meeting to be holden at the same Place), and the said Clerk making such Adjournment is hereby required to give timely Notice thereof to the said Commissioner: Provided always, that all Meetings to be holden by the said Commissioner for carrying this Act into execution shall be holden within the said Parish of *South Petherton* or within Eight Miles thereof.

Other Notices how to be given.

XI. Provided always, and be it further enacted, That all other Notices requisite and necessary to be made and given by the said Commissioner (the Manner of making and giving which shall not be otherwise provided for by this Act) shall be made and given by Advertisement in One or more of the *Sherborne* and *Taunton* Newspapers, and in case the same

shall not be then published, then in some other Newspaper printed or circulated in the said County of *Somerset*.

Valuation.

XII. And be it further enacted, That the said Commissioner shall and he is hereby authorized to cause a Survey, Admeasurement, and a Map or Maps, Plan or Plans, to be made of all the Open and Common Arable Fields and Lands by this Act directed to be divided, allotted, and inclosed, and also of such of the Messuages, Cottages, Orchards, Gardens, Homesteads, ancient inclosed Lands and Grounds within the said Parish, or of such Part or Parts thereof only as the said Commissioner shall adjudge necessary to be surveyed, measured, and mapped for the Purposes of this Act; and as soon as conveniently may be after he shall have caused such Survey, Admeasurement, and Map or Maps to be made, the said Commissioner shall summon and call before him all and every of the said Proprietors of and Persons interested in the said Open and Common Arable Fields and Lands by giving or causing to be given Fourteen Days previous Notice at the least for that Purpose in the said Parish Church on some *Sunday* immediately after Divine Service, and by affixing or causing to be affixed Notice thereof in Writing under his Hand on One of the principal outer Doors of the said Parish Church Fourteen Days at least previous to the same Meeting; and at such Meeting the said Commissioner shall submit such Map or Maps, Plan or Plans, to the Inspection and Examination of the said several Proprietors and Persons interested in the said intended Division, Allotment, and Inclosure, the better to discover and correct any Error or Errors that may be therein, and to ascertain the specific and distinct Parcels and Quantity of Land belonging to the said several Proprietors in the said Open and Common Arable Fields and Lands held by them under every separate and distinct Title, Grant, Copy of Court Roll, or Lease, the better to make the separate and specific Allotments thereof; and the said Commissioner shall, as soon as conveniently may be, proceed to view the said Open and Common Arable Fields and Lands, and the several Plots and Parcels of Land contained therein, and such old Inclosures, Orchards, and Homesteads as may be necessary for any Exchange or Exchanges, and to make separate Valuations thereof, distinguishing the same into so many distinct Parcels as shall by him be deemed necessary to ascertain the Value thereof respectively in manner and for the Purposes aforesaid, according to the best of his Skill and Judgment; and the Rights and Interests of all and every the Persons interested in the said Open and Common Arable Fields and Lands shall be estimated according to the real and just Value thereof, to be ascertained by the said Commissioner as aforesaid.

Commissioner to determine Disputes.

XIII. And be it further enacted, That if any Question or Dispute shall arise between any Person or Persons interested in the said Open and Common Arable Fields and Lands before setting out and allotting the same in manner herein-after mentioned touching the Extent, Identity, or Possession of any Plot, Parcel, or Portion thereof, or touching or concerning the respective Rights and Interests which they or any of them shall have or claim to have in, upon, and over the said Open and Common Arable Fields and Lands, or touching or concerning any other Matter or Thing relating to the said Division, Allotment, and Inclosure, then it shall be lawful for the said Commissioner to examine into and determine the same: Provided always, that nothing herein contained shall

authorize the said Commissioner to determine the Title to any Messuages, Cottages, Lands, Tenements, or Hereditaments whatsoever.

Commissioner to assess Costs.

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

Allowing Parties to try their Rights by an Issue at Law.

XV. Provided always, and be it further enacted, That in case any Person or Persons, Body or Bodies Politic or Corporate, interested or claiming to be interested in the said intended Division or Inclosure, shall be dissatisfied with any Determination of the said Commissioner touching or concerning any Claim or Claims of Common or other Rights or Interests in, over, or upon or out of the Lands or Grounds hereby intended to be divided, allotted, or inclosed, or any Part or Parts thereof, or any Objection or Objections to such Claim or Claims, it shall be lawful for the Person or Persons, Body or Bodies Politic or Corporate, so dissatisfied, to cause an Action to be brought upon a feigned Issue against the Person or Persons, Body or Bodies Politic or Corporate, in whose Favour any such Determination shall have been made, within Three Calendar Months next after the Determination of the said Commissioner shall have been notified in Writing to the Party or Parties against whom such Determination shall have been so made, or to his, her, or their known Agent or Attorney, and thereupon the Person or Persons, Body or Bodies Politic or Corporate so dissatisfied, shall proceed to a Trial at Law at the then next or the following Assizes to be holden for the said County of *Somerset* after such Action or Actions shall have been commenced; and the Defendant or Defendants in such Action or Actions shall, and he, she, or they is and are hereby required to name an Attorney or Attornies, who shall appear thereto or file Common Bail, and accept of One or more Issue or Issues whereby such Claim or Claims and the Right or Rights thereby insisted on may be tried and determined, such Issue or Issues to be settled by the proper Officer of the Court in which such Action or Actions shall be commenced (in case the Parties shall differ about the same), and the Verdict or Verdicts which shall be given in

in such Action or Actions shall be final, binding, and conclusive upon all and every Person and Persons, Body and Bodies Politic or Corporate whomsoever, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall be lawful for the Court to do, as is usual in other Cases; and after such Verdict or Verdicts shall be obtained, and not set aside by the Court, the said Commissioner shall and he is hereby required to act in conformity thereto, and to allow or disallow the Claim or Claims thereby determined according to the Event of such Trial or Trials: Provided always, that if no such Action at Law shall be commenced as aforesaid, or if any such Action shall be commenced, and the Plaintiff or Plaintiffs therein shall not proceed to Trial within the Time herein-before limited for that Purpose, then the Determination of the said Commissioner shall be binding, final, and conclusive to all Intents and Purposes whatsoever: Provided also, that if any of the Parties in any such Action to be brought as aforesaid shall die pending the same, such Action shall not abate by reason thereof, but may be proceeded in as if no such Death had happened.

If no Action brought, the Commissioner's Determination to be final.

Death of Parties not to stop Proceedings at Law.

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

XVI. Provided also, 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 herein-before 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 to the said Commissioner with Process for commencing such Action or Actions in the same Manner as the Party or Parties so dying might have been served therewith if living, and it shall thereupon be incumbent upon 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 were actually living, and the Rights of all such Parties shall be equally bound and concluded by the Event of such Action or Actions.

Persons in Possession not to be molested without due Course of Law.

XVII. Provided also, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioner to determine any Right between any Parties contrary to the Possession of any such Parties (except in Cases of Encroachment 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.

Trials not to impede Execution of the Act.

XVIII. And be it further enacted, That if any Suit or Suits shall be commenced or prosecuted touching or concerning the Right, Title, or Interest of any Person or Persons in, to, or out of any Messuages, Cottages, Lands, Tenements, or Hereditaments whatsoever for or in respect of which any Rights or Interests in, over, or upon the Open and Common

Common Arable Fields and Lands hereby directed to be divided, allotted, and inclosed, or any Part thereof, shall be claimed, such Suit or Suits shall not impede, delay, or hinder the said Commissioner from proceeding in the Execution of the Powers vested in him by this Act or the said recited Acts, but the said Division, Allotment, and Inclosure shall be proceeded in notwithstanding such Suit or Suits, and the said Commissioner shall award the Allotment and Inclosure in respect of the Hereditaments to which such Suit or Suits shall relate to the Person or Persons, Party or Parties, who shall be in the actual Enjoyment or Possession of such Hereditaments, and the same Allotment or Allotments shall follow the Event of any such Suit or Suits, and may be had and taken by the Person or Persons, Party or Parties, who, upon the Determination of such Suit or Suits, shall become entitled to the same.

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

XIX. And be it further enacted, That if any Person or Persons by or for whom any Claim or Claims shall be made shall happen to die before the said intended Division, Allotment, and Inclosure shall be made and perfected, and the said Commissioner shall not have made his Award touching the same, then and in such Case the Powers and Authorities hereby and by the said recited Act given to and vested in the said Commissioner shall not be in anywise determined, suspended, or affected by such Death or Deaths, but that the said Commissioner shall and may proceed in and execute the Powers and Authorities hereby and by the said recited Act given, and every of them, in such and the like Manner as he could or might have done if such Person or Persons had not died; and that the Part or Parts, Share or Shares of the Lands and Grounds hereby directed to be divided and allotted, which any Person or Persons so dying would have been entitled unto, shall be allotted and set out to the Person or Persons who shall be entitled to the same according to the best of the Information or Knowledge of the said Commissioner, and such Person and Persons shall accordingly accept and fence, and have, hold, and enjoy the same according to the several Limitations, Trusts, Provisoes, and Interests in anywise limited, declared, appointed, or provided of and concerning the Premises in respect whereof he, she, or they shall be entitled to any such Part or Parts, Share or Shares of the Lands and Grounds so hereby intended to be divided, allotted, and inclosed.

Power to stop up Roads.

XX. And be it further enacted, That in setting out and appointing the several public Carriage Roads, Highways, Bridle Roads, and Footways in pursuance of this Act or the said first-recited Act, the said Commissioner shall and he is hereby authorized and empowered, if he shall think it necessary or proper, to continue or discontinue, stop up, divert, turn, or alter, any of the Carriage Roads, Highways, Bridle Roads, or Footways passing or leading through or over any of the Lands or Grounds intended to be divided and allotted by virtue of this Act, or passing or leading through or over any of the inclosed Lands within the said Parish of *South Petherton*; and the Soil of the Roads and Ways so to be discontinued and stopped up shall be deemed and taken to be Part of the Lands and Grounds to be divided and allotted by virtue of this Act: Provided always, that nothing herein contained shall authorize the diverting or altering of any Turnpike Road leading through the said Parish of *South Petherton* unless the Consent of the Majority of Three Trustees of such Turnpike Road, assembled at a public Meeting called for that Purpose on Ten Days Notice, be first had and obtained.

XXI. Pro-

Proceedings previously to stopping up Highways.

XXI. Provided always, and be it further enacted, That before any public Carriage Road, Highway, Bridle Road, or Footway shall be discontinued, stopped up, diverted, or altered by the said Commissioner, the said Commissioner shall cause to be affixed at each End of the said Highway so proposed to be discontinued, stopped up, diverted, or altered, a Notice to the Effect that such public Carriage Road, Highway, Bridle Road, or Footway is intended to be discontinued, stopped up, diverted, or altered, as the Case may be, by the Commissioner acting under or by virtue of this Act; and the said Commissioner shall also cause the same Notice to be inserted in One Newspaper published or generally circulated in the said County of *Somerset* for Four successive Weeks, and shall also cause a like Notice to be affixed on the Door of the Church of the said Parish of *South Petherton* on the Four *Sundays* of the said Four successive Weeks; and after the said several Notices shall have been so affixed and published as aforesaid the said public Carriage Road, Highway, Bridle Road, or Footway shall be and be deemed to be discontinued, stopped up, diverted, or altered, as the Case may be, subject however to such Appeal to the Court of General Quarter Sessions for the County of *Somerset* as is herein-after mentioned.

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

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

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

XXIII. And be it further enacted, That in case of such Appeal the Justices at the said Quarter Sessions shall, for the Purpose of determining whether the public Highway so intended to be discontinued, stopped up, diverted, or altered, or whether the said Party appealing would be injured or aggrieved, impannel a Jury of Twelve disinterested Men out of the Persons returned to serve as Jurymen at such Quarter Sessions; and if after hearing the Evidence produced before them the said Jury shall return a Verdict that the public Highway so discontinued, stopped up, diverted, or altered is wholly unnecessary, or may beneficially to the Public be discontinued, altered, or diverted, and that the Party appealing would not be injured or aggrieved, then the said Court of Quarter Sessions shall dismiss such Appeal, and in that Case the said Court of Quarter Sessions shall award the Costs and Expences of resisting the said Appeal to be paid by the Party appealing to the said Commissioner, and the same shall be recoverable from the said Party in such and the same Manner as any Penalties and Forfeitures are recoverable under the said recited Act passed in the Forty-first Year of the Reign of His late Majesty King *George* the Third; but if the said Jury shall return a Verdict that the Highway so discontinued or stopped up is not unnecessary, or that the Highway so diverted or altered could not beneficially to the Public be so diverted or altered, or that the Party appealing would be injured or

aggrieved by the said Highway being discontinued, stopped up, altered, or diverted, as the Case may be, the said Court of Quarter Sessions shall allow such Appeal, and shall make an Order for restoring the said Highway so discontinued, stopped up, diverted, or altered by the Order of the said Commissioner to its original State, and in that Case the said Court of Quarter Sessions is hereby authorized and required to award to the Party or Parties giving Notice of Appeal such Costs and Expences as shall be incurred in prosecuting such Appeal, and such Costs and Expences shall be paid by the said Commissioner, and shall be raised by the said Commissioner in such and the same Manner as he is hereby directed or empowered to raise the Money necessary for discharging the Costs, Charges, and Expences of this Act.

Power to widen Roads, making Compensation to Land Owners.

XXIV. And be it further enacted, That the said Commissioner shall and may and he is hereby authorized and empowered to widen any of the public Roads or Highways where he shall see it necessary within the said Parish of *South Petherton*, and for that Purpose to take a sufficient Quantity of the ancient inclosed Lands and Grounds adjoining such Roads, (the same not being a Yard, Garden, Orchard, Park, Paddock, Plantation, or Avenue to a House,) and to make a full Compensation for the Value of the Land or Ground so to be taken for the widening of such public Roads or Highways, and also to make good and substantial Fences on each Side of all such widened public Roads and Highways for and in lieu of the Fences which shall be injured or destroyed by means of such widening.

Justices may certify Roads in part.

XXV. And be it further enacted, That when and so soon as any of the public Roads to be set out by virtue of the said first-recited Act and this Act shall be made and completed, it shall be lawful for any Two or more of His Majesty's Justices of the Peace for the said County of *Somerset*, if they shall think fit, from Time to Time to certify and declare under their Hands and Seals any of such public Carriage Roads so to be set out to be fully and sufficiently formed, repaired, and completed, and such Road or Roads, or so much thereof as shall in any such Certificate be described or certified, shall thenceforth be supported and kept in repair by such Persons and in like Manner as the public Roads within the Parish of *South Petherton* are or ought to be by Law amended and kept in repair; and every such Certificate shall, at the General Quarter Sessions of the Peace to be holden for the County of *Somerset* next after the Date thereof, be filed of Record by the Clerk of the Peace for the said County.

Allotments to Proprietors.

XXVI. And be it further enacted, That the said Commissioner, when and as soon as he shall have completed his said Valuation to be made as before directed, and such Questions and Disputes (if any) are finally settled and determined as aforesaid, and after he shall have set out and appointed the Roads and Highways through and over the said Open and Common Fields or Lands, shall and he is hereby required to set or stake out, allot, and award the Residue of all and singular the said Open and Common Fields or Lands unto and amongst the several Proprietors of 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 before the passing of this Act, either in separate and distinct Parcels and Allotments in and from the said Open and Common Fields

Fields or Lands in which such Persons shall or may be respectively interested, or in One or more entire Allotment or Allotments in or from any Part or Parts of any One or more of the said Open and Common Fields or Lands, as the said Commissioner shall in his Judgment and Discretion think fit.

Fences of Allotments.

XXVII. And be it further enacted, That the several and respective Persons to whom the several Allotments shall be made as aforesaid of any Part of the said Open and Common Arable Fields and Lands shall at their own Expence respectively provide, furnish, set up, and make all such Gates, Posts, Hedges, Ditches, and Fences as shall be wanting to their said several Allotments, in such Manner and within such Time as the said Commissioner shall in and by the said Award, or by any Writing under his Hand, direct and appoint.

Leases at Rack Rent to be void.

XXVIII. And be it further enacted, That all and every Lease and Leases, Agreement or Agreements for Lease or Leases, upon a Rack Rent now subsisting of all and every or any Part or Parts of the Lands and Grounds hereby intended to be allotted or divided, and all other Agreements for any Term or Terms at Rack Rent, or from Year to Year, or at Will, affecting the same, shall cease and be void at such Time or Times after the passing of this Act, and prior to the Execution of the Award of the said Commissioner, as the said Commissioner shall by Writing under his Hand order and appoint; and the said Commissioner is hereby empowered to adjudge and determine such Satisfaction to be made to the Lessee or Lessees, Tenant or Tenants respectively, for the avoiding such Lease or Leases, Agreement or Agreements, as the said Commissioner shall deem adequate to the Benefit and Interest which the said Lessee or Lessees, Tenant or Tenants, had or derived under the said Lease or Leases, Agreement or Agreements, before the passing of this Act, and also by whom and at what Time the same shall be made; and in case such Satisfaction shall not be made accordingly, then it shall be lawful to and for such Lessee or Lessees, Tenant or Tenants, to sue for and recover the same in any of His Majesty's Courts of Record at *Westminster* by Action of Debt or on the Case: Provided always, that if there shall be any Lease or Agreement for a Lease of Lands Part of which shall be in the said Parish of *South Petherton* and Part in any adjoining Parish, all and every such Lease and Leases, Agreement or Agreements for a Lease or Leases, may be vacated as aforesaid; but where any Land shall have been taken in Exchange, which Land shall be under Lease or Agreement for a Lease, and wholly situate in an adjoining Parish, the Lease or Agreement for a Lease of such last-mentioned Land shall not be vacated.

Commissioner to deliver Possession to Owners of *Allotments.*

XXIX. 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, although the Award of the said Commissioner shall not then have been made and executed.

Allotments to vest and be held *for*

XXX. Provided always, and be it further enacted, That all and every the Allotments to be made to the Owners and Proprietors of Estates within the

the said Parish of *South Petherton* in right or in respect of any Freehold Messuages, Lands, Rights, or Interests by virtue of this Act shall, from and after the Execution of the Award of the said Commissioner, be deemed as Freehold Lands, and held under the same Rents and by the same Services and in the same Manner as the Freehold Messuages, Lands, or other Hereditaments in respect of which they shall be so allotted were before that Time held; and that the several Lands and Grounds which shall be therein distinguished to have been allotted in respect of Leasehold Lands, Rights, or Interests held for a Life or Lives, Term or Terms of Years absolute or determinable on the Decease of One or more Life or Lives, shall in like Manner be deemed Leasehold, and be held under the same Rents and for the same Terms of Years respectively as the Lands or other Hereditaments in respect of which they shall be so allotted were held, and the Reversion thereof shall be vested in the same Lessors respectively as the Reversion of such other Lands or Property was vested before the passing of this Act; and all and every the Allotments to be made in right of or in respect of any Copyhold Messuages, Lands, or Hereditaments by virtue of this Act shall, from and after the Execution of the said Award, be deemed and taken as and for Copyhold, and shall be held as such by Copy of Court Roll at the Will of the Lord or Lords, Lady or Ladies of the Manor or Manors whereof the same shall be holden, and according to the Custom of the same Manor or Manors respectively, and under and subject to the same Tenures, Rents, Payments, Fines, Customs, and Services as the Copyhold Messuages, Lands, or Hereditaments respectively for or in respect whereof such Allotments shall be made are now held, and as Part and Parcel thereof; and the Quantities in Acres, Roods, and Perches of such Copyhold Allotments, with their respective Boundaries and Abuttals, shall be described and distinguished from each other, and also from the Freehold and Leasehold Allotments in the said Award of the said Commissioner, and in the Survey and Map to be made of the said Lands and Grounds; and all and every Person and Persons to whom any such Copyhold Allotment or Allotments shall be made shall, within Twelve Calendar Months next after the Execution of the Award of the said Commissioner, be respectively admitted Copyhold Tenants of the Lands so allotted to them, without paying any Fine to the Lord, but paying only the accustomed Charges and Fees to the Steward, Jury, and Bailiff of the Court of the said Manor.

such Estates and Interests, and in the same Manner as the Lands and Property in respect of which the said Allotments are made.

XXXI. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend so as to make void or annul any Will or Settlement, or to prejudice any Person having or claiming any Jointure, Dower, Debt, Portion, or Incumbrance out of, upon, or affecting any of the Lands and Grounds to be divided and allotted in pursuance of this Act, or any Part thereof respectively, or which shall be exchanged by virtue of the said first-recited Act or of this Act, but the several Lands and Grounds so to be divided and allotted or given in Exchange as aforesaid shall from thenceforth be, remain, and enure, and the several Persons to whom the same shall be allotted or given in Exchange as aforesaid shall stand and be seised thereof to such and the same Uses, Trusts, and Estates, and subject to the same Wills, Settlements, Limitations, Remainders, Charges, and Incumbrances, as the several Lands, Tenements, and Hereditaments for or in respect of which or in lieu whereof such Allotments or Exchanges shall be made as aforesaid would have been subject and liable to be charged with or affected by in case this Act had not been made.

Wills and Settlements not to be affected.

Directing the Course of Husbandry.

XXXII. And be it further enacted, That the said Commissioner shall, as soon after the passing of this Act as conveniently may be, by some Writing or Writings under his Hand to be published in the said Parish Church of *South Petherton* upon some *Sunday* immediately after Divine Service, and also to be affixed on One of the principal outer Doors of the said Parish Church, order and direct the Course of Husbandry that shall be used in, over, and upon the said Open and Common Fields or Lands intended by this Act to be divided and allotted until the Time when he shall have made and completed the said intended Division and Allotment, as well with respect to the laying down, ploughing, fallowing, and tilling thereof, as to the stocking, eating, and unstocking the Fallows and Stubbles, and by the same or any other Writing or Writings under his Hand to be published and made known as aforesaid shall and may make such Orders and Regulations touching the Conduct of the Farmers and Tenants of the said Open and Common Fields or Lands, and the feeding of the same, as may prevent them from committing Waste, Destruction, or Damage upon any of the said Open and Common Fields or Lands in the meantime and until the Allotment and Division thereof shall be effected, all which Orders and Regulations of the said Commissioner shall be binding and conclusive upon all Persons interested, their Farmers and Tenants; and the said Commissioner shall set and impose such pecuniary Penalties and Forfeitures, not exceeding for every One Offence the Sum of Ten Pounds *per* Acre, on every Person not conforming to such Orders and Regulations as he shall think necessary, which Penalties and Forfeitures shall be paid to the said Commissioner, and shall be applied by him in aid of Expences in passing and executing this Act, and not otherwise; and the same shall be respectively recovered and recoverable in a summary Way before One or more Justice or Justices of the Peace for the said County of *Somerset*, who is hereby authorized and required, upon Complaint made before him, to summon the Party complained of, and to examine any Witness or Witnesses upon Oath, and proceed to Judgment and Conviction thereon; and if any such Penalties and Forfeitures shall have been adjudged to have been incurred, then it shall be lawful for such Justice or Justices, by Warrant under his or their Hand and Seal or Hands and Seals, to cause such Penalties to be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, together with reasonable Costs, returning the Overplus, if any, to the Owner or Owners of such Goods and Chattels.

For paying the Expences of this Act.

XXXIII. And be it further enacted, That all and every the Costs, Charges, and Expences incident to the obtaining and passing this Act, and of surveying, admeasuring, and valuing, dividing and allotting, the said Open and Common Fields or Lands hereby directed to be divided and allotted, and of stopping up, discontinuing, diverting, or widening the public Roads and Highways which shall be stopped up, discontinued, diverted, or widened by virtue of this Act, and of preparing and depositing the said Award, and Plans and Copies thereof, as herein-after directed, and all the other Costs, Charges, and Expences of the said Commissioner and of the several Persons employed and consulted in the preparing the same, or otherwise employed by the said Commissioner for carrying the several Powers of this Act and the said recited Acts into execution, shall be paid, borne, and defrayed by all the Owners or other Persons interested in the same Open and Common Fields and Lands in proportion, as near as may be, to their respective Estates, Interests, and Lands therein, due Regard being had to the Expences occasioned by each Person's Estates,

Estates, and also the Value thereof; and the Shares and Proportions of the said Costs, Charges, and Expences to be borne by the said respective Owners and Persons so interested in manner aforesaid shall be settled by the said Commissioner, and shall be paid to such Person or Persons and at such Time or Times, either before or after the Execution of the said Award, as the said Commissioner shall direct or appoint; and in case any Person or Persons shall refuse or neglect to pay his, her, or their Proportion of such Costs, Charges, and Expences, according to such Direction or Appointment as aforesaid, then and in such Case the same shall and may be recovered in the Manner directed in and by the said first-recited Act.

Persons advancing Money to be repaid with Interest.

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

Tenants for Life may charge their Allotments with Expences, &c.

XXXV. And be it further enacted, That it shall be lawful for the several Persons to whom any Allotment or Allotments of the said Open and Common Fields or Lands shall be made by virtue of this Act, being Tenants in Tail, or for Life or Lives only, or for Years determinable upon One or more Life or Lives, and to and for the Husbands of all Femes Covert, and all Persons being or acting as Guardians, Committees, Trustees, or Attornies of or to any Minors, Idiots, or Lunatics, or Persons beyond the Seas, or under any Incapacity or Disability whatsoever, and to and for all Trustees for charitable Uses, (by and with the Consent of the said Commissioner to be testified in Writing under his Hand and Seal, either in and by his Award, or in and by any Deed or Instrument to be executed by him either before or after the Execution of his Award, and which Consent the said Commissioner is hereby authorized and required to give,) from Time to Time to charge the Lands which shall be allotted to such Persons respectively as aforesaid with such Sum or Sums of Money, not exceeding Five Pounds for every Acre of such Lands respectively, as shall be necessary for the Purpose of defraying such respective Shares or Proportions of the Costs, Charges, and Expences as shall be directed by the said Commissioner to be paid by such Person or Persons in manner herein-before mentioned, and for securing the Repayment of such respective Sums of Money, with Interest, to demise and grant for any Term or Number of Years the Lands so to be allotted as aforesaid unto the Person or Persons who shall advance and lend the same respectively, his, her, or their Executors, Administrators, or Assigns, so as such Grants or Demises respectively be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered, when the Sum or Sums of Money thereby secured and the Interest thereof shall be fully paid and satisfied, and so as in such Demise and Grant which shall be made by such Tenant in Tail, or for Life or Lives, or for Years determinable on One or more Life or Lives, or by any Husband, Guardian, Committee, Trustee, or Attorney as aforesaid, there be inserted a Covenant to pay and keep down half-yearly the Interest of the Money thereby secured during the Life or Lives for which the said Lands to be charged, demised, and granted shall be respectively held: Provided always, that no Person entitled to the Remainder

or

or Reversion of the Lands so to be charged, demised, or granted shall be liable to pay any greater Arrear of Interest of the said Money so borrowed than for One Year preceding the Time that the Title of such Person to the Possession of the said mortgaged Premises shall have commenced; and that every such Grant and Demise by way of Charge or Mortgage of the said Lands to be allotted in pursuance of this Act shall be good, valid, and effectual in the Law.

For making Exchanges.

XXXVI. And be it further enacted, That it shall be lawful for the said Commissioner to set out, allot, and award any Lands, Tenements, or Hereditaments whatsoever situate within the said Parish of *South Petherton* in lieu of and in Exchange for any other Lands, Tenements, and Hereditaments whatsoever within the same Parish, or within any adjoining Parish, Township, or Place; provided that all such Exchanges to be ascertained, specified, and declared in the Award of the said Commissioner, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, or Hereditaments which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politic, Corporate, or Collegiate, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail, General or Special, or by the Courtesy of *England*, or for Years determinable on any 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 Proprietors or Owners 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 Corporate or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every Exchange and Exchanges so to be made shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of the Lands, Tenements, or Hereditaments held in right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent, testified as aforesaid, of the Patron and of the Lord Bishop of the Diocese in which such Lands, Tenements, or Hereditaments so to be exchanged shall lie or be situate.

Expences of Exchanges and Partitions by whom to be paid.

XXXVII. And be it further enacted, That all Costs, Charges, and Expences attending the making of any Exchanges or Partitions by virtue of this or the said first-recited Act shall be paid, borne, and defrayed by the several Persons making such Exchanges and Partitions in such Manner and in such Proportions as the said Commissioner shall by his Award order and direct.

Commissioner's Accounts to be audited at least every Three Months.

XXXVIII. And be it further enacted, That once at least in every Three Calendar Months during the Execution of this Act, to be computed from the passing of this Act, the said Commissioner shall and he is hereby required to make a true and just Statement or Account of all Sums of Money by him received and expended, or due to him for his own Trouble and Expences in the Execution of this and the said recited Acts, and in such Statement or Account shall be particularly stated and specified the several Items and Articles for which each particular Sum has been paid or disbursed; and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by such Commissioner laid before

some Justice of the Peace for the said County of *Somerset*, not interested in the Premises, to be by him examined and balanced, and such Balance shall be by such Justice stated in the Book of Accounts to be kept in the Office of the Clerk of the said Commissioner; and an Abstract of such Account so examined and balanced shall, within Fourteen Days after the same shall have been so examined and balanced, be published in some Newspaper printed and circulated within the said County of *Somerset*; and no Charge or Item in such Account shall be binding on the Parties concerned or valid in Law unless the same shall have been duly allowed by such Justice, and until such Account or the Abstract thereof shall have been published in such Newspaper as aforesaid, subject nevertheless to the Power of Appeal herein-after contained.

Application of Compensation Money if amounting to 200*l.*

XXXIX. And be it further enacted, That whenever any such Sum of Money is, under the Provisions of the said recited Act of the Forty-first Year of the Reign of His late Majesty or this Act, to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the same Uses, it shall be lawful for the said Commissioner out of such Sum to defray such Proportion of the Expence of passing this Act, and of carrying the same and the said recited Acts into execution, as shall (if any) be charged upon any of the Lands, Tenements, or Hereditaments of the Person or Persons, Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, Feoffee, Executor, Administrator, Husband, Guardian, Committee, or Trustee in Possession of the Lands, Tenements, or Hereditaments so purchased or exchanged, or on which such Timber or Wood actually grew, and also the Expence of any permanent Improvement, such as building, subdividing, draining, planting, and the like, which shall be in the Judgment of the said Commissioner proper to be made and shall be made, under his Direction, upon any Lands to be by virtue of this Act allotted to such Person or Persons, Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, Feoffee, Executor, Administrator, Husband, Guardian, Committee, or Trustee respectively; and in case the Surplus of such Money shall amount to or exceed the Sum of Two hundred Pounds the same shall with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* the Commissioner for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; and shall when so paid in there remain until the same shall, by Order of the

1 G. 4. c. 35.

the said Court made upon a Petition to be preferred to the said Court in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Payment or Discharge of any Debt or Debts or other Incumbrances, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith or to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court of Exchequer shall authorize to be purchased, redeemed, paid, or discharged, or such Part or Parts thereof as shall be necessary; or until the same shall upon the like Application, be laid out in a summary Way by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the afore-mentioned Lands, Tenements, or Hereditaments stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime and until such Order can be made the said Money may, by Order of the said Court upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or Government or Real Securities; and in the meantime, and until the said Bank Annuities or Government or Real Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce of the said Consolidated or Reduced Bank Annuities or Government or Real Securities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled.

Where less than 200*l.* and amounting to 20*l.*

XL. Provided always, and be it further enacted, That in case the Surplus of such Money shall be less than the Sum of Two hundred Pounds and shall exceed or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased or exchanged, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, Lunacy, or other Incapacity, with the Approbation of the said Commissioner to be signified in Writing under his Hand, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees to be nominated by the Person or Persons who for the Time being would be entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, such Nomination to be approved of by the said Commissioner, and such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by them applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank in the Name of the Accountant General of the Court of Exchequer, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

Where under 20*l.*

XLI. Provided also, and be it further enacted, That in case the Surplus of such Money shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased or exchanged, for his, her, or their own Use and Benefit; or in case of Infancy, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

Award to be made.

XLII. And be it further enacted, That as soon as conveniently may be after the Division and Allotment of the said Open and Common Arable Fields and Lands shall have been made and completed, pursuant to the Directions of this Act and the said first-recited Act, the said Commissioner shall form and draw up or cause to be formed and drawn up an Award or an Instrument in Writing, with One or more proper Plan or Plans thereto annexed, in the Manner prescribed by the said first-recited Act, which said Award shall be fairly ingrossed or written on Parchment, and 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 for the County of *Somerset*, who is hereby required to receive, keep, and deposit the same amongst the Records of the said County, (for the depositing of which the Sum of Five Pounds and Five Shillings, and no more, shall be paid to the said Clerk of the Peace,) to the end that Recourse may be had thereto by all Persons interested in the said Division and Inclosure, for the Inspection of which said Award One Shilling, and no more, shall be paid; 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 Three-pence *per* Sheet, reckoning Seventy-two Words to each Sheet, shall be paid; which said Copy, as well as the original Award or Instrument, shall at all Times thereafter be admitted as legal Evidence in all Courts whatsoever; and the said Commissioner is hereby directed and required to deliver a Copy of the Award or Instrument fairly written on Parchment, with a proper Plan or Plans thereto annexed, signed by the said Commissioner as aforesaid, unto the Churchwardens of the Parish of *South Petherton* aforesaid for the Time being, to be by them deposited in the Parish Chest of *South Petherton* aforesaid, to the end that Recourse may be had thereto by the several and respective Proprietors or Parties interested therein; and the said Award shall, from and after the depositing thereof with the Clerk of the Peace as herein-before directed, be deemed and taken to be enrolled according to the Directions and within the Meaning of the said first-recited Act.

Allowing an Appeal.

XLIII. And be it further enacted, That if any Person or Persons shall think him, her, or themselves aggrieved by any thing done or omitted to be done in pursuance of this or the said recited Acts, then and in such Case (except in such Cases where the Orders or Determinations of the said Commissioner are by this or the said recited Acts directed to be final and conclusive, and except in such Cases where an Issue at Law shall be tried as herein-before mentioned,) he, she, or they may appeal to any General or Quarter Sessions of the Peace which shall be holden for the County of *Somerset* within Four Calendar Months next after the Cause of Complaint

Complaint shall have arisen, giving Ten Days Notice in Writing of such Appeal to the said Commissioner (except with respect to the Accounts of the said Commissioner, which, notwithstanding the same shall have been examined and balanced and published as aforesaid, may be appealed against at any Time within Six Calendar Months after the Date of the said Award on giving to the said Commissioner such Notice as aforesaid); and the Justices at such General or Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and make such Orders therein, and award such Costs as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus, if any, to the Owner or Owners of such Goods and Chattels after deducting the reasonable Charges of such Distress and Sale; which Determination of the Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removeable by Certiorari, or any Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster;* provided that no such Appeal be made from any Act of the said Commissioner after he has signed and deposited the Award as herein-before mentioned,

Saving the Rights of the Lord of the Manor of South Petherton.

XLIV. And be it further enacted, That nothing in this Act or the said recited Acts contained shall prejudice, lessen, or defeat the Right, Title, or Interest of the Lord or Lords, Lady or Ladies of the Manor of *South Petherton* of, in, or to the Seigniories or Royalties incident or belonging to such Manor, but that the said Lord or Lords, Lady or Ladies, shall and may from Time to Time and at all Times hereafter hold Courts and receive Fines and Quit Rents, Waifs and Estrays, and enjoy all Royalties and Privileges to the same Manor belonging or incident thereto, in as full, ample, and beneficial a Manner to all Intents and Purposes as the said Lord or Lords, Lady or Ladies, or their Successors, might have held and enjoyed the same before the passing of this Act, or in case the same had not been passed.

General Saving of all other Rights.

XLV. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person and Persons, Bodies Politic and Corporate, his, her, or 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 Lands and Hereditaments to be exchanged, divided, and allotted by virtue of this Act, as he, they, or any of them might or could have had or enjoyed in case this Act had not been passed.

Act to be printed by the King's Printers.

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

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the King's most Excellent Majesty. 1836.