ANNO QUINQUAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 60.

An Act for incloſing Lands in *Wraxall*, *Nailſea*, and *Bourton*, in the County of *Somerſet*.

[15th *April* 1813.]

WHEREAS there are within the ſeveral Pariſhes of *Wraxall* and *Nailſea* otherwiſe *Nailſey*, in the County of *Somerſet*, ſeveral Moors, Commons, and Waſte Lands, containing together by Eſtimation One thouſand five hundred and fifty Acres or thereabouts: And whereas there are within the Pariſh of *Bourton* otherwiſe *Flax Bourton*, in the ſaid County of *Somerſet*, ſeveral Commons and Waſte Lands, containing together Sixty-ſeven Acres or thereabouts: And whereas there are within the ſame Pariſhes, or ſome or one of them, divers Common Fields, Common Meadows, and intermixed Lands: And whereas Sir *Hugh Smyth* Baronet is Lord of the ſeveral Manors of *Wraxall* and *Nailſea* otherwiſe *Nailſey*, and *Bourton* otherwiſe *Flax Bourton*, in the ſaid Pariſhes of *Wraxall* and *Nailſea* otherwiſe *Nailſey*, and *Bourton* otherwiſe *Flax Bourton*: And whereas the ſaid Sir *Hugh Smyth*, *William Gore Langton* Eſquire, *George Penroſe Seymour* Eſquire, and ſeveral other Perſons, are Owners or Proprietors of Eſtates within the ſaid ſeveral Pariſhes, ſome or one of them, and are and claim to be entitled to and exerciſe Rights of Common in, to, over, and upon the ſaid Moors, 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 Moors, 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 hereinafter 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 Moors, Commons, Common Fields, Common Meadows, Commonable Places, and Waſte Lands within the ſaid Pariſhes of *Wraxall*, *Nailſea* otherwiſe *Nailſey*, and *Bourton* otherwiſe *Flax Bourton*, 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.

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.

A Juſtice may adminiſter the Oath.

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 Moors, Commons, and Waſte Lands, (ſuch Value to be aſcertained in the ſaid Pariſhes of *Wraxall* and *Nailſea* otherwiſe *Nailſey*, by the Number of old, auſter, or ancient Tenements belonging to them reſpectively, and in the ſaid Pariſh of *Bourton* otherwiſe *Flax Bourton*, 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 *Bourton* otherwiſe *Flax Bourton*), 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, 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

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

Commiſſioner

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 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.

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 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* Wraxall, Nailſea, *and* Bourton, *in the County of* Somerſet, according to Equity and good Conſcience, and without Favour or Affection, Prejudice or Partiality, to any Perſon or Perſons. So help me GOD.'

Which Oath or Affirmation it ſhall be lawful for the ſaid Commiſſioners, or either of them, to adminiſter; and the ſaid Oath ſo taken and ſubſcribed by ſuch Umpire, ſhall be annexed to and inrolled with the Award of the ſaid Commiſſioners, and a Copy of the Inrolment 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

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 Commiſſioners Meetings.

VII. And be it further enacted, That the ſaid Commiſſioners ſhall cauſe Notice in Writing to be affixed on the Door of each of the Pariſh Churches of *Wraxall*, *Nailſea* otherwiſe *Nailſey*, and *Bourton* otherwiſe *Flax Bourton*, 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); 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 reſpective Pariſhes, ſome or one of them, 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 Title 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 the 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 be 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 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 Actions 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 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 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. Provided always, 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 of the Messuages, Cottages, Orchards, Gardens, Homesteads, ancient inclosed Lands and Grounds, in the several Parishes and Places aforesaid, 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 Moors, 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 each of the Parish Churches of *Wraxall*, *Nailsea* otherwise *Nailsey*, and *Bourton* otherwise *Flax Bourton*, aforesaid, to order and direct all or any Part of the Rights of Common, or other Rights in, over, or upon the said Moors, Commons, Common Fields, Common Meadows, and Waste Lands, to cease and become extinguished, or be suspended from or 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 Doors, cease and be extinguished, or be suspended accordingly; any Law, Usage, or Custom to the contrary notwithstanding.

XVI. And

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 any of the said Parishes of *Wraxall, Nailsea* otherwise *Nailsey*, and *Bourton* otherwise *Flax Bourton*, or between the same and any adjoining Parish or Parishes, for the Purpose of making 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 any of the said Parishes of *Wraxall, Nailsea*, otherwise *Nailsey*, and *Bourton* otherwise *Flax Bourton*, and any adjoining Parish or Parishes; 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 by this Act directed to be divided, allotted and inclosed, within the said respective Parishes of *Wraxall, Nailsea* otherwise *Nailsey*, and *Bourton* otherwise *Flax Bourton*, and such adjoining Parish or Parishes; any Law, Usage, or Custom to the contrary notwithstanding.

Encroachments made within Twenty Years, &c. to be the Property of Persons who claim the same.

XVII. And be it further enacted, That all Inclosures and Encroachments which shall have been at any Time or Times before the passing of this Act made upon or from the said Lands and Grounds intended to be inclosed, by or with the Consent and Approbation, or under the Licence and Authority of, or which are now held by Lease under the Lord of the said respective Manors, and all other Inclosures or Encroachments which shall have been made upon or from the said Lands or Grounds in any of the said Parishes 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 Lords Allotments in certain Cases.

XVIII. Provided always, and be it further enacted, That all such Inclosures and Encroachments as have been made upon or from the said Lands and Grounds by this Act directed to be inclosed, by or with the Consent and Approbation, or under the Licence or Authority of the Lord of the said Manors of *Wraxall* and *Nailsea* otherwise *Nailsey*, and also all Parts of the said Lands and Grounds which have been demised and leased by the said Lord of the said Manors 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 unenclosed; 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 Manors of *Wraxall* and *Nailsea* otherwise *Nailsey*, by this Act directed to be inclosed, unto Dame *Elizabeth Smyth*, the Reverend *Giles Hill*, *Henry Elton* Esquire, *William*

Cambridge, and *Joseph Manfield* 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 Dame *Elizabeth Smyth*, *Giles Hill*, *Henry Elton*, *William Cambridge*, and *Joseph Manfield*, would have been respectively entitled unto in the said Inclosures and Encroachments so made by or with the Consent and Approbation or under the Licence and Authority of the Lord of the said Manors, or so by him 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 Manors of *Wraxall* and *Nailsea* otherwise *Nailsey*, by this Act directed to be inclosed, allotted and divided, to which the said Dame *Elizabeth Smyth*, *Giles Hill*, *Henry Elton*, *William Cambridge*, and *Joseph Manfield*, shall or may be entitled by virtue of the Provisions herein-after contained; and the said Lands so allotted to the said Dame *Elizabeth Smyth*, *Giles Hill*, *Henry Elton*, *William Cambridge* and *Joseph Manfield*, by virtue hereof, shall be in Diminution of the Allotment or Allotments herein-after directed to be made to the Lord of the said respective Manors, 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 made and set out for the said Lords as aforesaid.

Other Encroachments.

XIX. And be it further enacted, That all Encroachments upon or from the said Moors, 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 with the Consent of the Lord or Lords of the respective Manors 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 said 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,

ſame, at ſuch Price as the ſaid Commiſſioners ſhall fix, then ſuch 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 herein-after directed to be raiſed for ſuch Purpoſes.

Reſpecting Mr. Seymour's Encroachment.

XX. And be it further enacted, That ſo much and ſuch Part and Parcel of a certain Incloſure or Encroachment made by the ſaid *George Penroſe Seymour* on *Wraxhall Hill*, within Twenty Years, as is ſituate and being on the Weſtward Side of certain Boundary Stones there, ſeverally marked with the Letters J. H. S. and W. T. containing by Eſtimation Thirty-five Acres or thereabouts, ſhall be deemed Part of the Waſte Lands intended to be incloſed and divided under this Act; but nevertheleſs, ſuch laſt-mentioned Incloſure or Encroachment ſhall be allotted to the ſaid *George Penroſe Seymour* for his ſeveral Rights of Common in and over the ſaid Waſte Lands comprized in this Act, to be ſettled and adjuſted by the ſaid Commiſſioners in the ſame Manner in all Reſpects as before enacted, with reſpect to Encroachments made by Commoners within Twenty Years.

Another Encroachment reſpecting Mr. Seymour.

XXI. And be it further enacted, That ſo much and ſuch Part and Parcel of the ſaid Incloſure made by the ſaid *George Penroſe Seymour* on *Wraxhall Hill* as aforeſaid, as lies on the Eaſtward Side of certain other Boundary Stones there, marked with the Letters aforeſaid, containing by Eſtimation Ten Acres or thereaboats, ſhall be deemed to belong to and ſhall be the Property of the ſaid *George Penroſe Seymour*, in lieu and Exchange for about the ſame Quantity of Land of him the ſaid *George Penroſe Seymour*, lately thrown out by him into *Wraxall Hill* aforeſaid, adjoining the Northward Wall of his incloſed Lands there, and lying between the ſame Wall and certain other Stones there, marked with the Letters aforeſaid, which Land ſo thrown out by the ſaid *George Penroſe Seymour* into *Wraxhall Hill* as aforeſaid, ſhall be conſidered as Commonable Land, to be allotted and divided by virtue of this Act.

Reſpecting Encroachments by Strangers.

XXII. 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 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 or Difference 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.

XXIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, with the Concurrence and Order of Two Juſtices of 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 Foot Paths within the ſaid Pariſhes, or either of them, which ſhall be deemed unneceſſary, (except a certain Road or Way leading from the Eaſtern Corner of *Tickenham* Wall, down the Hill in a South-eaſterly Direction, towards *Wraxall* Church), and to widen, turn, or alter any of ſuch Roads, Ways or Foot Paths 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.

XXIV. 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 Moors, 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 Parishes, 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, herein-before authorized to be made and performed within the said Parishes of *Wraxall*, *Nailsea* otherwise *Nailsey*, and *Bourton* otherwise *Flax Bourton*, 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 or into which the same shall be diverted or turned, any Thing herein-before contained to the contrary notwithstanding.

Lands to be sold to pay Expences.

XXV. And be it further enacted, That the said Commissioners shall set out and allot such Parts and Parcels of the said Moors, Commons and Waste Lands, in the several Parishes of *Wraxall*, *Nailsea* otherwise *Nailsey*, and *Bourton* otherwise *Flax Bourton* aforesaid, as they shall adjudge 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 Moors, 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 Moors, 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

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 herein-after 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 and Aſſigns for ever, or unto ſuch Perſon or Perſons, for ſuch Uſe or Uſes upon ſuch Truſt or Truſts, and for ſuch Limitation or Limitations, 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.

Having regard to the Extent of Common in each Pariſh.

XXVI. Provided always, and be it enacted, That the ſaid Commiſſioners ſhall ſet out and allot from the Commons and Waſte Lands in the ſaid Pariſh of *Bourton* otherwiſe *Flax Bourton*, for the Purpoſe of defraying the ſeveral Expences aforeſaid, only ſuch Part or Parts thereof as the ſaid Commiſſioners, taking into their Conſideration the Extent and Value of the Commons and Waſte Lands within the ſaid ſeveral Pariſhes of *Wraxall*, *Nailſea* otherwiſe *Nailſey* and *Bourton*, otherwiſe *Flax Bourton* reſpectively, and the probable Amount of as well the general as the particular Expences which may be incurred in carrying this Act into Execution within each of the ſaid reſpective Pariſhes, ſhall adjudge and determine to be the fair and reaſonable Share or Proportion of the Commons or Waſte Lands within the ſaid Pariſh of *Bourton* otherwiſe *Flax Bourton*, which ought to be contributed for and towards the Payment of ſuch Expences.

Compenſation to be made by the Taunton Canal Company for the Land taken by them.

XXVII. And whereas by an Act made and paſſed in the Fifty-firſt Year of the Reign of His preſent Majeſty, intituled *An Act for making a Navigable Canal from the River* Avon, *at or near* Morgan's Pill *in the Pariſh of* Eaſton-in-Gordano, *otherwiſe* Saint George's, *in the County of* Somerſet, *to or near the River* Tone, *in the Pariſh of* Saint James *in* Taunton, *in the ſaid County, and a certain navigable Cut therein deſcribed*; certain Perſons were incorporated by the Name and Stile of 'The Company of Proprietors of the *Briſtol* and *Taunton* Canal Navigation,' and were enabled to take and make uſe of certain Lands and Grounds for the Purpoſes of the ſaid Canal, Cut, and other Works authorized by the ſaid Act, making Recompence and Satisfaction to the Perſons intereſted in ſuch Lands and Grounds for the ſame: And whereas the ſaid Company of Proprietors have taken Poſſeſſion of certain Parts of the Common or Waſte Lands by this Act directed to be incloſed, ſituate within the Pariſh of *Nailſea* otherwiſe *Nailſey* aforeſaid, which Lands have been by them ſet out and aſcertained for the Purpoſes of the ſaid Canal, Cut, and other Works, agreeably to the Powers and Directions of the ſaid Act, but no Recompence or Satisfaction

faction hath been yet made for or in reſpect of the ſame; be it therefore enacted, That the ſaid Company of Proprietors ſhall and they are hereby authorized and required, upon having a Conveyance of the ſaid Lands made to them in the Manner directed by the ſaid Act, with reſpect to Common or Waſte Lands taken or uſed for the Purpoſes of the ſaid Canal or Works, to pay unto the Commiſſioners acting in the Execution of this Act, ſuch Sum or Sums of Money as the ſaid Company of Proprietors and the ſaid Commiſſioners ſhall mutually agree to be a fair Recompence and Satisfaction for or in reſpect of ſuch Parts of the ſaid Common or Waſte Lands ſo taken by the ſaid Company of Proprietors; and in caſe the ſaid Company of Proprietors ſhall not agree with the ſaid Commiſſioners as to the Amount of ſuch Recompence and Satisfaction, within Fourteen Days after they ſhall have been required by Notice in Writing, ſigned by the ſaid Commiſſioners and given to the Clerk or Treaſurer, or known Agent or Agents of the ſaid Company of Proprietors to meet and ſettle with them ſuch Recompence and Satisfaction, then the ſaid Company of Proprietors are hereby required to pay unto the Commiſſioners acting in the Execution of this Act, ſuch Sum or Sums of Money as ſhall under the Powers and Proviſions of the ſaid laſt recited Act, be aſſeſſed and aſcertained by a Jury to be a fair Recompence and Satisfaction for or in reſpect of the ſaid Common or Waſte Lands ſo taken by the ſaid Company of Proprietors as aforeſaid, ſuch Jury to be empannelled, ſummoned, and returned in the ſame Manner, and to be ſubject to the ſame Rules, Orders, and Regulations as are directed and contained in the ſaid laſt mentioned Act; and ſuch Sum or Sums of Money when ſo received by the ſaid Commiſſioners acting in the Execution of this Act, ſhall be by them applied in Aid of the Coſts, Charges, and Expences of obtaining this Act, and putting the ſame into Execution; and in caſe any Surplus ſhall remain after Payment of ſuch Expences, ſuch Surplus ſhall be applied and diſpoſed of in Manner herein-after mentioned.

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

XXVIII. 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 or Parts of the ſaid Moors, Commons, and Waſte Lands ſo intended to be divided and incloſed, not exceeding Five Acres in the whole for each Pariſh, 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 ſeveral Pariſhes of *Wraxall*, *Nailſea* otherwiſe *Nailſey*, and *Bourton* otherwiſe *Flax Bourton*, and their Tenants, for the Repairs of the Roads within the ſaid Pariſhes.

Allotment for Right of Soil.

XXIX. 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 Moors, 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 Lord of the ſaid reſpective Manors, One Twentieth Part of the ſaid Moors, Commons, and Waſte Lands hereby directed to be divided and incloſed, in each of the ſaid Manors.

Allotment of the Reſidue of the Waſte Land in the Pariſh of Bourton.

XXX. 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 Moors, Commons, Commonable Places and Waſte Lands, by this Act directed to be incloſed, allotted,

allotted, and divided, ſituate within the Pariſh of *Bourton* otherwiſe *Flax Bourton*, 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.

Allotment of the Reſidue of Waſte Lands in the Pariſhes of Wraxall and Nailſea.

XXXI. 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 the ſaid Moors, Commons, and Waſte Lands, by this Act directed to be incloſed, allotted, and divided, ſituate within the ſaid Pariſhes of *Wraxall* and *Nailſea* otherwiſe *Nailſey*, unto, for and amongſt the ſaid Sir *Hugh Smyth* Baronet and the ſeveral other Proprietors entitled to Rights of Common, and other Rights and Intereſts therein, according and in Proportion to the Value of their reſpective Rights and Intereſts, ſuch Rights of Common to be aſcertained and determined by the Number of old, auſter, or ancient Tenements of or belonging to ſuch Perſons reſpectively, without any Regard to the yearly or other Value of ſuch old, auſter, or ancient Tenements, ſo that each old, auſter, or ancient Tenement entitled to a Right of Common, ſhall have an Allotment of equal Value in the ſaid reſpective Moors, Commons, and Waſte Lands hereby directed to be incloſed, Share and Share alike; and it ſhall be lawful for the ſaid Commiſſioners to ſet out, allot, and award to and for each and every of the ſaid Proprietors of old, auſter, or ancient Tenements, his, her, and their Share and Proportion of the ſaid Moors, Commons, and Waſte Lands in the reſpective Pariſhes aforeſaid, as to the ſaid Commiſſioners ſhall ſeem moſt proper (Quantity, Quality, Situation and Convenience conſidered).

Sir Hugh Smyth's Allotment on Wraxall Hill.

XXXII. Provided always, and be it further enacted, That the Share and Proportion of and in the ſaid Moors, Commons, and Waſte Lands, ſituate within the ſaid Pariſhes of *Wraxall* and *Nailſea* otherwiſe *Nailſey*, to which the ſaid Sir *Hugh Smyth* will be entitled under this Act, as well in reſpect of his One-twentieth Part as Lord of the ſaid Manors of *Wraxall* and *Nailſea* otherwiſe *Nailſey*, as of his other Rights and Intereſts therein, ſhall be allotted to him out of and from the Commons or Waſte Lands ſituate in the Pariſh of *Wraxall*, on the Hill called *Wraxall Hill*, as far as the ſame will thereto extend, ſubject nevertheleſs to the Allotments to be in the Firſt Place made out of and from the ſaid Hill called *Wraxall Hill*, unto the ſaid Dame *Elizabeth Smyth*, *Giles Hill*, *Henry Elton*, *William Cambridge*, and *Joſeph Manfield* reſpectively, as hereinafter mentioned.

Mrs. Smyth and others to have their Allotments on Wraxall Hill.

XXXIII. Provided alſo, and be it further enacted, That the the ſaid Commiſſioners ſhall and may in the Firſt Place allot unto the ſaid Dame *Elizabeth Smyth*, *Giles Hill*, *Henry Elton*, *William Cambridge*, and *Joſeph Manfield*, all their reſpective Shares and Proportions as aforeſaid, of and in the ſaid Lands and Grounds by this Act directed to be divided, allotted, and incloſed, out of and from the ſaid Hill called *Wraxall Hill*, or any of the ſaid Commonable Lands which are moſt convenient, contiguous and advantageous to the old incloſed Eſtates of the ſaid Dame *Elizabeth Smyth*, *Giles Hill*, *Henry Elton*, *William Cambridge*, and *Joſeph Manfield*, in the Judgment and Diſcretion of the ſaid Commiſſioners; any Thing herein contained to the contrary in anywiſe notwithſtanding.

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

XXXIV. And be it further enacted, That all Fields or Inclosures within the said Parishes, which contain the Property of Two or more Persons within One Fence, shall be considered as Part of the intermixed Lands intended by this Act to be allotted, and shall be allotted accordingly, whether such Property belongs to different Lords or Landowners in Fee, or is held of one Lord or Landowner 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 the same shall be considered as Commonable Lands; 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 Landowner, the said Commissioners shall in their Award declare to which Estate the respective Allotments do severally belong.

Allotments to be fenced.

XXXV. And be it further enacted, That the several Parcels of Land and Allotments which shall be set out and allotted by virtue of this Act or the said recited Act of the Forty-first Year of the Reign of His present Majesty, 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.

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

XXXVI. 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.

XXXVII. And be it further enacted, That it shall be lawful for any Person or Persons who shall be entitled to any Allotment 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

to ſell and diſpoſe of all ſuch Eſtate, Right, Title, Intereſt and Property, or any Part or 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.

XXXVIII. 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.

XXXIX. 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 Pariſhes of *Wraxall*, *Nailſea* otherwiſe *Nailſey*, and *Bourton* otherwiſe *Flax Bourton*, or either of them, in lieu and in Exchange for any other Lands, Tenements, or Hereditaments within the ſaid Pariſhes, or either of them, 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 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 or 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.

XL. 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 Proportion 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.

XLI. 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 comprize 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 comprized, 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.

XLII. 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 Moors, Commons, Common Fields, Common Meadows and Waſte Lands, or Lands exchanged under 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 Moors, 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, or as an Equivalent for the Loſs or Loſſes he or they ſhall reſpectively ſuffer, on account of the Determination of the ſame.

XLIII. Provided

Certain Leaſes not to be vacated.

XLIII. Provided always, and be it further enacted, That if there ſhall be any Leaſe of Lands, Part of which ſhall lie in either of the ſaid Pariſhes of *Wraxall*, *Nailſea* otherwiſe *Nailſey*, and *Bourton* otherwiſe *Flax Bourton*, and Part in any adjoining Pariſh, all and every ſuch Leaſe and Leaſes may be vacated, in Manner aforeſaid; but where any Lands ſhall be taken in Exchange, which Land 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.

XLIV. 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.

XLV. And be it further enacted, That the Expences of and attending the obtaining of this Act, and alſo of carrying the ſame fully into Execution, and of ſurveying, admeaſuring, planning, valuing, draining, dividing, and allotting, the ſaid Moors, 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 Part or 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.

XLVI. And be it further enacted, That in caſe the Part or Parts of the ſaid Moors, 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; or in caſe the Monies

Monies to be received of the Company of Proprietors aforesaid shall be more than requisite to defray such Charges and Expences, then and in either of such Cases, such Surplus Money shall be divided and apportioned between the several Proprietors of the Lands hereby directed to be divided and inclosed within the said respective Parishes of *Wraxall*, *Nailsea* otherwise *Nailsey*, and *Bourton* otherwise *Flax Bourton*, according to their several and respective Interests therein, and to 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.

XLVII. 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 Land, Common Fields and Common Meadows, to be allotted and divided by virtue of this Act, and to be borne and defrayed by the Proprietors or Persons interested therein; and the Part and Share of such Charges and Expences, so adjudged and apportioned 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, Persons interested to pay in Proportion to their Allotments, to make good Deficiency.

XLVIII. 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 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, within such one or more of the said respective Parishes of *Wraxall*, *Nailsea* otherwise *Nailsey*, and *Bourton* otherwise *Flax Bourton*, and in such Proportions as between the said Parishes respectively as the said Commissioners shall adjudge fair and reasonable; and whatever Part of such Deficiency shall be so adjudged by the said Commissioners to the said respective Parishes, or to either or each of them, shall be borne, paid, and defrayed by the respective Persons to whom the said Lands and Grounds, hereby directed to divided and inclosed, within the said Parishes respectively,

ſhall be divided and allotted, 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 Pariſh Churches of *Wraxall*, *Nailſea* otherwiſe *Nailſey*, and *Bourton* otherwiſe *Flax Bourton* aforeſaid, 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.

XLIX. 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, or Hereditaments, to be ſettled to the ſame Uſes, or

of

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 Perſon, Part of whoſe Allotment ſhall be ſold as aforeſaid, to charge his or her 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.

L. 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.

LI. 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.

LII. 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 Account 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.

LIII. 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 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 of 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 Copy, 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 *Wraxall* aforesaid, to be by them deposited and kept with the Parish Registers 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.

LIV. 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 conclusive, 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 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 Lords of the Manors.

LV. 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 ſaid Lord or Lords of the ſaid ſeveral and reſpective Manors, and his Leſſee and Leſſees, reſpecting their ſeveral and reſpective 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 Lord or Lords of the ſaid Manors reſpectively 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 ſeveral Manors, or to the Lord or Lords thereof reſpectively for the Time being, incident, belonging or appertaining, (other than and except the Right to the Soil of the ſaid Moors, Commons and Waſte Lands, and ſuch Common Right thereon as could or might be claimed by them reſpectively, for which Compenſation is herein-before directed to be made) in as full, ample, and beneficial a Manner, to all Intents and Purpoſes, as the ſaid Lord or Lords reſpectively 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 of the ſaid ſeveral and reſpective Manors, by their reſpective Heirs or Aſſigns, ſhall and may from Time to Time and 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 Moors, 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, Drifts, Levels and Watercourſes, and of repairing, amending and upholding the ſame, and of erecting Buildings, and uſing Houſes, Draw-kilns, 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 or may 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.

LVI. And be it further enacted, That in caſe the ſaid Lord or Lords for the Time being of the ſaid ſeveral and reſpective Manors, 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 the Poſſeſſion of ſuch Ground at the Time or Times of ſuch Damage or Spoil.

General Saving.

LVII. 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.

LVIII. 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.