

ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

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and Service at the Swainmote Courts of the King's moſt Excellent Majeſty, held for and within the ſaid Foreſt, and are called by the Names of *Free Suitors*, and by ancient and remote Cuſtom are entitled to depaſture annually on the ſaid Foreſt certain Numbers of Sheep and Cattle, and to cut and take certain Quantities of Turf, Heath, and Fern, for the Conſumption of their Houſes, and are alſo entitled to fiſh in the Rivers within the ſaid Foreſt: And whereas the Owners or Proprietors of certain old incloſed Tenements, ſituate within the ſeveral Pariſhes of *Hawkridge* and *Withy Poole*, *Exford*, *Stockpero*, *Porlock Culbone*, *Oare Brendon*, *Linton*, *Challacombe*, *Highbray*, *North Molton*, *Twitchin*, *Molland*, *Winsford*, *Dulverton*, *Luckham*, *Cutcombe*, *Wootton Courtenay*, *Counteſbury*, *Weſt Anſtey*, *Eaſt Anſtey*, *Martinhoe*, *Charles*, *Biſhops Nympton*, *Eaſt Buckland*, and *Parracombe*, or ſome of them, in the ſaid Counties of *Somerſet* and *Devon*, who have been accuſtomed or ought to pay Quit or Chief Rents to the King's moſt Excellent Majeſty, and who owe Suit and Service at the Swainmote Courts within the ſaid Foreſt, have or claim to have a Right, for their reſpective Tenants or Occupiers of ſuch old incloſed Tenements, to turn out and depaſture their Sheep and Cattle upon the ſaid Foreſt, upon Payment of certain Sums in reſpect thereof: 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 Open and Unincloſed Lands, in their preſent State, are of little Value to His Majeſty, or to the ſeveral Perſons having ſuch ſeveral Claims or Rights thereon as aforeſaid; and it would be of great Advantage to His Majeſty and the Public in general, and be advantageous to the ſeveral Perſons having ſuch Claims or Rights as aforeſaid, if the ſaid Foreſt were divided, and ſpecific Shares or Parts thereof were allotted to His Majeſty, and the ſeveral Perſons entitled to and intereſted in the ſame, under the Directions and ſubject to the Limitations and Reſtrictions in this and the ſaid recited Act contained; but ſuch beneficial Purpoſes cannot be effectually made and eſtabliſhed 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 *Richard Hawkins* of *Kingsbridge*, in the County of *Devon*, Gentleman, and *Thomas Abraham* of *White Lackington*, in the County of *Somerſet*, Gentleman, and their Succeſſors, to be nominated and appointed in Manner hereinafter mentioned, ſhall be and they are hereby appointed Commiſſioners for dividing, allotting, and incloſing the ſaid Foreſt, and for carrying into Execution the ſeveral other Purpoſes of this Act, in ſuch Manner as is herein-after provided or mentioned, and with ſuch of the Powers and ſubject to ſuch of the Rules, Orders, Regulations, and Reſtrictions contained in the ſaid recited Act, as are not varied, altered, or otherwiſe provided for by this Act.

41 G. 3. c. 109.

Commiſſioners appointed.

Commiſſioners to be ſworn.

II. And be it further enacted, That no Commiſſioner ſhall act in the Execution of any of the Powers by the ſaid recited Act or this Act granted (ſave and except in the ſigning and giving Notice of the Firſt Meeting of the ſaid Commiſſioners) until he ſhall have taken and ſubſcribed the following Oath, in addition to the Oath by the ſaid recited Act directed to

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be taken, ſuch Oath to be adminiſtered and inrolled in like Manner as the Oath by the ſaid recited Act preſcribed to be taken by Commiſſioners for executing Acts of Incloſure is directed to be adminiſtered and inrolled: Which additional Oath ſhall be in the Words or to the Effect following; (that is to ſay),

'I *A. B.* do ſwear [*or*, being one of the People called *Quakers*, do ſolemnly affirm], That I am neither Proprietor or Occupier of, nor to the beſt of my Knowledge am I concerned as Guardian, Steward, or Agent for any Proprietor of Meſſuages, Houſes, Cottages, Lands, or Grounds, or other Perſon having or claiming any Right of Common, or any Manorial Rights, Tithes, or any other Right or Intereſt whatſoever, in, over, or upon the Open Commonable Grounds and Waſte Lands to be incloſed by virtue of an Act paſſed in the Fifty-fifth Year of the Reign of King *George* the Third, intituled *An Act* [*here inſert the Title of this Act.*] So help me GOD.'

For appointing new Commiſſioners.

III. And be it further enacted, That in caſe the ſaid *Richard Hawkins*, or any Perſon to be nominated and appointed a Commiſſioner in his room or ſtead by virtue of this Act, ſhall die, refuſe, or neglect to act, or become incapable of acting as ſuch Commiſſioner in the Execution of the ſaid recited Act and this Act, then and in ſuch caſe it ſhall be lawful for the Commiſſioners for the Time being of His Majeſty's Woods, Foreſts, and Land Revenues, by any Writing under their Hands, within One Calendar Month next after ſuch Death, Refuſal, or Incapacity to act as aforeſaid ſhall be made known to them, to nominate and appoint a proper Perſon (not intereſted in the ſaid intended Diviſion and Incloſure) to be a Commiſſioner in the room or ſtead of the ſaid *Richard Hawkins*, or of ſuch other Perſon nominated and appointed in his room or ſtead, ſo dying, refuſing, neglecting, or becoming incapable to act as aforeſaid; and ſo from Time to Time as often as any Commiſſioner to be nominated and appointed by the ſaid Commiſſioners of His Majeſty's Woods, Foreſts, and Land Revenues as aforeſaid, ſhall die, refuſe, neglect, or become incapable to act as ſuch Commiſſioner in the Execution of the ſaid recited Act and this Act; and in caſe the ſaid *Thomas Abraham*, or any Perſon to be nominated and appointed in his room or ſtead by virtue of this Act, ſhall die, refuſe, neglect, or become incapable to act in the Execution of the ſaid recited Act and this Act, then and in every ſuch Caſe the ſurviving or remaining Commiſſioner ſhall, within One Calendar Month next after ſuch Death, Neglect, Refuſal, or Incapacity ſhall happen to be known to him, ſummon a Meeting (of which Meeting Twenty-one Days Notice by Advertiſement ſhall be given in the *Taunton Journal* and *Woolmer's* Newſpaper, if then publiſhed, or if not, then in ſome other Newſpaper uſually circulated in the Neighbourhood of the ſaid Foreſt) of all and every the Owners or Proprietors claiming ſuch Rights as aforeſaid, to be holden within Thirty Days from the Date of ſuch Notice; and the major Part in Value of ſuch Owners or Proprietors who ſhall be preſent in Perſon, or by their reſpective Agents or Proxies duly authorized for that Purpoſe, at ſuch Meeting or Meetings (ſuch Value, in caſe of any Difference or Diſpute touching the ſame, to be aſcertained by Reference to the Land Tax Aſſeſſments of the ſeveral Pariſhes or Places wherein the ſeveral Meſſuages, Lands, Tenements, and Hereditaments ſhall lie, in reſpect whereof ſuch Owners or Proprietors claim ſuch Rights as aforeſaid) ſhall

shall and they are hereby required, at such Meeting, to nominate and appoint, by any Writing under their Hands, a proper Person or Persons (not interested in the said Division and Inclosure) to be a Commissioner in the Room or Stead of the said *Thomas Abraham*, or of such other Person to be nominated and appointed in the Room or Stead of him so dying, refusing, neglecting, or becoming incapable to act as aforesaid, and so from Time to Time as often as any such Case shall happen; and every such Commissioner so to be nominated and appointed, shall, after taking and subscribing the Oath prescribed in that Behalf, have the like Powers and Authorities for carrying the said recited Act and this Act into Execution, and shall be subject and liable to the like Rules, Regulations, and Restrictions, as if he had been originally nominated a Commissioner in and by this Act.

If the Commissioners of His Majesty's Woods, or the Proprietors of Lands, &c. neglect to appoint new Commissioners within the Time prescribed, the acting Commissioner to make such Appointment.

IV. And be it further enacted, That if the said Commissioners for the Time being of His Majesty's Woods, Forests, and Land Revenues, or the said Persons claiming such Rights, or any of them, shall make Default in nominating and appointing any new Commissioner so directed to be nominated and appointed by them or any of them respectively as aforesaid, within the respective Times for that Purpose limited, and in Manner aforesaid, then and in every such Case it shall be lawful for the surviving or remaining Commissioner, and he is hereby required from Time to Time, by Writing under his Hand, within One Calendar Month next after the Expiration of such respective Times so allowed for nominating and appointing such new and succeeding Commissioner as aforesaid, to nominate and appoint a proper Person (not interested in the said Division and Inclosure) to be a Commissioner in the Room or Stead of every such Commissioner so dying, refusing, neglecting, or becoming incapable to act as aforesaid; and every Commissioner so nominated and appointed shall, after taking and subscribing the Oath prescribed in that Behalf, have the like Power and Authority for carrying the said recited Act and this Act into Execution, and shall be subject and liable to the like Rules, Regulations, and Restrictions, as if he had been originally nominated a Commissioner in and by this Act.

Commissioners neglecting to attend Meetings, &c. considered as a Refusal to act.

V. Provided always, and be it further enacted, That if either of the said Commissioners hereby nominated, or any Commissioners to be nominated or appointed under or by virtue of this Act, shall wilfully refuse or neglect to attend at the First Meeting appointed to be holden for carrying the said recited Act and this Act into Execution, and duly qualify himself, by taking and subscribing the Oath prescribed in that Behalf; or if either of the said Commissioners shall, at any Time after the First Meeting, wilfully absent himself from any Three successive Meetings appointed to be holden by virtue of this Act, or having been absent from Two successive Meetings, shall not attend during the Whole of the Third or next succeeding Meeting, such Meetings being known to him either by his being present at the Appointment thereof, or by Notice thereof in Writing having been given to him, or left at his last or usual Place of Abode, by the Clerk or Clerks to the said Commissioners, and such Commissioner not having been prevented by Sickness, or other reasonable Cause to be allowed by the other Commissioner, from attending or continuing at any such Meeting or Meetings; or if any Commissioner, to be nominated and appointed in manner by this Act directed, shall not attend and qualify himself to act as a Commissioner

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in the Execution of the ſaid recited Act and this Act, at the Firſt Meeting of the ſaid Commiſſioners after his Nomination or Appointment, or ſhall thereafter wilfully abſent himſelf from Three ſucceſſive Meetings to be holden by virtue of this Act, or having been abſent from Two ſucceſſive Meetings ſhall not attend the Whole of the Third next ſucceſſive Meeting, ſuch Meetings being known to him either by his being preſent at the Appointment thereof, or by Notice thereof in Writing having been given to him, or left at his laſt or uſual Place of Abode, by the Clerk or Clerks to the ſaid Commiſſioners, and ſuch Commiſſioner not being prevented by Sickneſs, or other reaſonable Cauſe to be allowed by the other Commiſſioner, from attending or continuing at ſuch Meeting or Meetings, then and in every of ſuch Caſes, ſuch Abſence or Non-attendance ſhall be deemed and taken to be a Refuſal to act within the Intent and Meaning of this Act.

Commiſſioners to appoint a Clerk or Clerks.

VI. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized and empowered to appoint a Clerk or Clerks to aſſiſt them in the Execution of the ſaid recited Act and this Act, and ſhall and may remove ſuch Clerk or Clerks, and appoint another or others in his or their Room, as to them ſhall ſeem meet; and in caſe of the Death, Incapacity, or declining or neglecting to act of any ſuch Clerk or Clerks, then and in any of ſuch Caſes, the ſaid Commiſſioners ſhall and may appoint any other Perſon or Perſons they may think proper to be their Clerk or Clerks.

Appointment of an Umpire.

VII. And be it further enacted, That if any Difference ſhall ariſe between the ſaid Commiſſioners, touching or concerning any Matter or Thing to be done by them by virtue or in the Execution of the ſaid recited Act or this Act, whereupon the ſaid Commiſſioners ſhall differ in Opinion, then and in every ſuch Caſe, ſuch Difference ſhall be forthwith reduced into Writing, and ſigned by the ſaid Commiſſioners, and the ſame ſhall be thereupon referred to *John Brickdale* of *Stoodley*, in the County of *Devon*, Eſquire, who is hereby appointed Umpire for that Purpoſe; and in caſe of the Death, Refuſal, or Diſability to act of the ſaid *John Brickdale*, or of any other Umpire appointed or to be appointed in his Stead, then to ſuch fit and proper Perſon (not intereſted in the ſaid Diviſion and Incloſure) as the ſaid Commiſſioners ſhall, by Writing under their Hands, appoint; and the Matter upon which ſuch Difference of Opinion ſhall or may ariſe, ſhall be ſettled and determined by the ſaid *John Brickdale* or ſuch other Perſon as aforeſaid, whoſe Determination ſhall be reduced into Writing, and ſhall be binding and concluſive upon all Parties whomſoever (except as to ſuch Right of Appeal as is given by the ſaid recited Act or this Act); and for the Purpoſes aforeſaid, but not for any other Purpoſe, ſuch Umpire ſhall have, and he is hereby veſted with the ſame Powers and Authorities as by the ſaid recited Act and this Act are given to or veſted in the ſaid Commiſſioners.

Umpire to take an Oath.

VIII. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as Umpire as aforeſaid, until he ſhall have taken and ſubſcribed an Oath in the Form or to the Effect following; (that is to ſay),

Oath.

'I, do ſwear, That I will faithfully, impartially, and honeſtly, according to the beſt of my Skill and Judgment, execute and perform the ſeveral Powers and Authorities veſted and repoſed in me as an Umpire, by virtue of an Act paſſed in the Fifty-fifth Year of the Reign of King *George* the Third, intituled *An Act* [*here inſert the Title of this Act*] according to Equity and good Conſcience, and without Favour or Affection, Prejudice or Partiality, to any Perſon or Perſons whomſoever. So help me GOD.'

Which Oath the ſaid Commiſſioners, or either of them, are and is hereby empowered to adminiſter; and ſuch Oath, and alſo the Writing appointing ſuch Umpire, ſhall be annexed to and inrolled with the final Award of the ſaid Commiſſioners.

Surveyors how to be appointed.

IX. And be it further enacted, That it ſhall and may be lawful to and for the Commiſſioners for the Time being, of His Majeſty's Woods, Foreſts, and Land Revenues, as ſoon as conveniently may be after the paſſing of this Act, by Writing under their Hands and Seals, to nominate and appoint ſome fit and proper Perſon or Perſons (not intereſted in the ſaid Diviſion) to be the Surveyor or Surveyors for viewing, ſurveying, and meaſuring the Open Commonable Grounds and Waſte Lands in the ſaid Foreſt; and ſuch Surveyor or Surveyors is and are hereby accordingly authorized and directed, as ſoon as conveniently may be after the paſſing of this Act, to view, ſurvey, and meaſure the ſaid Foreſt and the Open Commonable Parts thereof, and to deſcribe and lay down the ſame, by way of Map or Plan, or to uſe for that Purpoſe any Map or Plan, or Maps or Plans already made, and thereon, or in a Book of Reference to be annexed thereto, ſhall be ſet forth the Number of Statute Acres, Roods, and Perches of the ſaid Open and Commonable Grounds and Waſte Lands; and that when and ſo ſoon as the ſaid Surveyor or Surveyors ſhall have finiſhed and completed the ſaid Survey, Map or Plan, he or they ſhall, by Notice in Writing under his or their Hand or Hands, apprize the ſaid Commiſſioners thereof, and appoint a Time and Place for a Meeting with them, of which Ten Days Notice at the leaſt ſhall be given unto each of the ſaid Commiſſioners; at which Meeting the ſaid Surveyor or Surveyors ſhall deliver unto the ſaid Commiſſioners preſent at ſuch Meeting, his or their Survey and Plan and Book of Reference, and ſhall ſubſcribe the ſame with his or their Name or Names in the Preſence of the ſaid Commiſſioners, who ſhall atteſt the ſame.

Survey to be delivered to Commiſſioners, and certified on Oath.

Surveyor to take the following Oath.

X. And be it further enacted, That no Perſon ſhall act as a Surveyor in the Execution of any of the Powers hereby given, until he ſhall have taken and ſubſcribed the Oath following; (that is to ſay),

'I do ſwear, [*or*, being one of the Perſons called *Quakers*, do ſolemnly affirm], That I will faithfully, impartially, and honeſtly, according to the beſt of my Skill and Judgement, execute the ſeveral Powers and Authorities veſted and repoſed in me as a Surveyor, by virtue of an Act paſſed in the Fifty-fifth Year of the Reign of King *George* the Third, intituled [*here inſert the Title of this Act*], without Favour or Affection, Prejudice or Partiality, to any Perſon or Perſons whomſoever.

'So help me GOD.'

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Which Oath it ſhall be lawful for either of the ſaid Commiſſioners to adminiſter; and the ſaid Oath, when ſo taken, ſhall be written on Parchment, and ſubſcribed by the ſaid Surveyor, and duly atteſted by the ſaid Commiſſioners under their Hands, and ſhall be inrolled with the final Award to be made by the ſaid Commiſſioners.

For electing new Surveyors in caſe of Death, &c.

XI. Provided always, and be it further enacted, That in caſe the ſaid Surveyor or Surveyors ſo to be appointed as aforeſaid, or any ſucceeding Surveyor or Surveyors to be appointed in Manner herein-after mentioned, ſhall die, refuſe, neglect to act, or become incapable of acting in the Execution of the ſaid recited Act and this Act, then and in every ſuch Caſe it ſhall be lawful for the Commiſſioners for the Time being of His Majeſty's Woods, Foreſts, and Land Revenues, by any Writing under their Hands, within One Calendar Month next after ſuch Death, Refuſal, Neglect, or Incapacity as aforeſaid ſhall be made known to them, to nominate and appoint ſome other fit and proper Perſon (not intereſted in the ſaid Diviſion and Incloſure) to be a Surveyor in the Room or Stead of any Surveyor ſo dying, refuſing, or neglecting to act, or becoming incapable of acting in the Execution of the ſaid recited Act and this Act; and every Surveyor ſo nominated and appointed ſhall, after taking and ſubſcribing the Oath preſcribed in that Behalf, have the like Powers and Authorities, and ſhall be ſubject and liable to the like Rules, Regulations, and Reſtrictions, as if he had been originally appointed a Surveyor under and by virtue of this Act.

If Commiſſioners of His Majeſty's Woods, &c. neglect to appoint a Surveyor, Commiſſioners under Act to appoint.

XII. And be it further enacted, That if the ſaid Commiſſioners for the Time being of His Majeſty's Woods, Foreſts, and Land Revenues, ſhall make Default in nominating and appointing any Surveyor or Surveyors ſo directed to be nominated and appointed by them as aforeſaid, within the Time for that Purpoſe limited, and in Manner aforeſaid, then and in every ſuch Caſe it ſhall be lawful for the ſaid Commiſſioners acting in the Execution of the ſaid recited Act and this Act, and they are hereby required from Time to Time, by Writing under their Hands, within One Calendar Month next after the Expiration of the Time ſo allowed for nominating and appointing any new and ſucceeding Surveyor or Surveyors as aforeſaid, to nominate and appoint a proper Perſon (not intereſted in the ſaid Diviſion and Incloſure) to be a Surveyor in the Room or Stead of any ſuch Surveyor ſo dying, refuſing, or becoming incapable of acting as aforeſaid; and every Surveyor ſo nominated and appointed ſhall, after taking and ſubſcribing the Oath preſcribed in that Behalf, have the like Powers and Authorities, and ſhall be ſubject to the like Rules, Regulations and Reſtrictions, as if he had been originally appointed a Surveyor under and by virtue of this Act.

Fixing the Time for executing this Act.

XIII. And be it further enacted, That after the ſaid Surveyor ſhall have made and delivered his Survey of the ſaid Foreſt to the ſaid Commiſſioners in Manner herein-before directed, they the ſaid Commiſſioners ſhall proceed in the Execution of this Act with all poſſible Diſpatch; and that their firſt Award ſhall be made within Two Years after they ſhall receive the ſaid Survey from the ſaid Surveyor; and that their final Award ſhall be made within Four Years after the paſſing of this Act.

Commissioners Allowance.

XIV. And be it further enacted, That there shall be paid to each and every of the said Commissioners, and also to the Umpire for the Time being, the Sum of Three Pounds Three Shillings and no more, for each and every Day's actual Attendance touching the Execution of the said recited Act or this Act, and in travelling to and from such Meetings, including all Charges and Expences whatsoever, except the Money actually paid for the Room or Rooms wherein such Meetings shall be held, and for the Servants attending such Meetings; and that no Commissioner or Umpire shall require or be entitled to receive any Fee, Reward, or Gratuity whatsoever, except the said Sum of Three Pounds Three Shillings *per* Day; and that at all Meetings to be held in pursuance of this Act the said Commissioners and Umpire shall thereout pay their own Expences; and that the said Proprietors, their Attornies and Agents, shall also pay their own Expences when they or any of them shall attend any of the Meetings to be held in pursuance of the said recited Act or this Act; and that the Surveyor and Clerk to be appointed in Manner aforesaid shall be paid such Sum or Sums of Money *per* Day, or otherwise, for their respective Pains and Trouble in attending the said Commissioners or Umpire in the execution of this Act, as to the said Commissioners shall seem just and reasonable; and in all Cases in which the Objection or Approbation of the Proprietors to any Act, Matter, or Thing to be done in pursuance of the said recited Act or this Act, is directed to be made and testified at any Meeting or Meetings, it shall be lawful for the Proprietor or Proprietors to attend such Meeting or Meetings by his, her, or their respective Agents or Proxies duly appointed by Writing under his, her, or their Hand or Hands, whose Acts or Votes shall be as effectual as if such Proprietors respectively were present in person.

Commissioners, Proprietors, and others to pay their own Expences at Meetings.

First and other Meetings, and Notices to be given of the same.

XV. And be it further enacted, That the First Meeting of the said Commissioners for putting this Act into Execution, shall be held at the *Red Lion* in *Dulverton*, in the said County of *Somerset*, or at some other convenient House or Place in *Dulverton* aforesaid, within Two Calendar Months at the farthest next after the passing of this Act; and that the said Commissioners shall cause Notice in Writing to be affixed upon each of the principal outer Doors of the several Churches of the Parishes herein-before mentioned, and also Notice by Advertisement to be inserted in the *Taunton Journal* and *Woolmer*'s Newspaper, if then published, and if not, then in some other Newspaper or Newspapers, usually circulated in the said Counties of *Somerset* and *Devon*, of the Time and Place of their First and every subsequent Meeting (Meetings by Adjournment only excepted) for the Execution of the Powers of this Act vested in them, Fourteen Days at least before the Times appointed for such respective Meetings; and in case only One of the said Commissioners shall attend at the Time and Place appointed for any Meeting, or to which any Meeting shall be adjourned, it shall be lawful for such Commissioner, and to and for the Clerk of the said Commissioners, in case neither of the said Commissioners shall attend, to adjourn the said Meeting, to be holden on any future Day, not exceeding Twenty-one Days from the Day of Adjournment, at the same or some other convenient Place within Twelve Miles of the Boundary of the said Forest; and the Commissioner or Clerk so making such Adjournment is and are hereby required to give timely Notice thereof to the absent Commissioner or Commissioners; and that the said Commissioners

ſioners ſhall have Power to adjourn any Meeting to be held by virtue of the ſaid recited Act or this Act, from Time to Time, as they may think neceſſary or convenient.

Other Notices how to be given.

XVI. And be it further enacted, That all other public Notices requiſite or neceſſary to be given by the ſaid Commiſſioners, ſhall be given by Advertiſement to be inſerted in the ſaid *Taunton Journal* and *Woolmer's* Newſpaper, if then publiſhed, and if not, then in ſome other Two Newſpapers uſually circulated in the ſaid Counties of *Somerſet* and *Devon*.

Allotments for Repairs of Roads, &c.

XVII. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required, as ſoon as conveniently may be after ſetting or marking out Ground for public Roads and Highways, as authorized by this Act, to ſet out, in ſuch Places as they ſhall deem moſt convenient on the ſaid Foreſt, ſuch Part and Parts thereof as the ſaid Commiſſioners ſhall think neceſſary and ſufficient for the general Uſe and Accommodation of His Majeſty and His Leſſees and Tenants, and of all other the Proprietors of Lands to whom any Allotment ſhall be made under this Act, and their Leſſees for the Time being, for the Purpoſe of getting Stone, Marl, or Clay for Bricks, Gravel, Sand and Earth, to be uſed upon the Lands lying within the Limits of the ſaid Foreſt, or for the Repairs of the Turnpike Roads and Public Highways, and Private Roads and Paths within the ſaid Foreſt, and to and for ſuch other Uſes and Purpoſes as the ſaid Commiſſioners ſhall by their final Award direct or appoint, but the ſame ſhall not be ſold or conveyed out of the ſaid Foreſt on any Account whatſoever; and alſo to ſet out Watering Places on the ſaid Foreſt for Cattle and Beaſts, for the common Uſe and Benefit of all Perſons occupying Lands within the Limits of the ſaid Foreſt.

Watering Places for Cattle to be ſet out.

No Marl, &c. to be carried out of the Foreſt.

XVIII. And be it further enacted, That it ſhall not be lawful for any Perſon or Perſons whomſoever to ſell or convey or cauſe to be ſold or conveyed out of the Limits of the ſaid Foreſt, any Stone, Gravel, Sand, Marl, Clay, or other Materials, that may be found or raiſed upon the ſaid Allotments, herein-before directed to be ſet out for the common Uſe of the ſaid Foreſt as aforeſaid; and that if any Perſon ſhall ſell or convey or cauſe to be ſold or conveyed, out of the Limits of the ſaid Foreſt, any Stones, Gravel, Sand, Marl, Clay, or other Materials, that may be found or raiſed upon the ſaid Allotments herein-before directed to be ſet out for the common Uſe of the ſaid Foreſt as aforeſaid, any Juſtice of the Peace for the County in which the ſame ſhall be ſituate, upon due Proof thereof made before him upon Oath (which Oath any ſuch Juſtice is hereby empowered to adminiſter) ſhall and he is hereby required, by Warrant under his Hand and Seal, directed to any Perſon or Perſons whomſoever, to cauſe any Sum of Money, not exceeding Forty Shillings, to be levied by Diſtreſs and Sale of the Goods and Chattels of any Perſon offending in the Premiſes, rendering the Overplus (if any) upon Demand, to the Perſon whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold, after deducting the Coſts and Charges attending ſuch Diſtreſs and Sale; and the Monies ſo to be levied by way of Penalty as aforeſaid, ſhall be applied towards defraying the Coſts and Charges of executing this Act.

Power to ſet out new and additional Roads or Tracts and Ways for Roads, and to turn and ſtop Roads.

XIX. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners to ſet out and appoint any new and additional Public Roads, or any new and additional Tracts and Ways for ſuch new Roads, or any new Paths, in and over the ſaid Foreſt; and to ſtop, diſcontinue, or divert and turn, or abate and ſtop up any ancient Carriage Road or Way, Roads or Ways, or any ancient Footways or Paths, in, through, upon, or over the ſaid Foreſt, and to make ſuch Order or Orders as to them ſhall ſeem proper for that Purpoſe; ſubject nevertheleſs to the Reſtrictions, Proviſions, and Directions of this Act: Provided always, that no Turnpike Road ſhall be altered or diverted without the Conſent of the Truſtees having the Care and Management thereof, or any Five or more of them; or any Public Highway or Road be ſhut up or diſcontinued until the Roads ſo marked out as intended to be and remain Public Highways, ſhall be ſet out and made according to the Directions of this Act, and until the ſame ſhall be properly formed and made convenient and ſafe for Horſes, Cattle, and Carriages: Provided alſo, that all Private Roads, Ways and Footpaths which ſhall be ſet out and appointed by the ſaid Commiſſioners, ſhall be made and for ever maintained and kept in Repair by ſuch Perſons and in ſuch Manner as the ſaid Commiſſioners ſhall, by their Award, or by any other Writing under their Hands order, direct, or appoint: Provided alſo, that nothing in this Act contained ſhall extend or be conſtrued to extend to ſubject or make liable, nor ſhall His Majeſty, or the Free Suitors of the ſaid Foreſt or their Tenants, or any other Perſon or Perſons whomſoever, be liable or be deemed to be liable to any Rate or Aſſeſſment, or to any Statute Duty, for or towards the making, maintaining, or repairing any of the Public Roads now made, or which may be made or marked out, in, over, or acroſs the ſaid Foreſt; ſave and except the Bridle Roads, Occupation Ways and Footpaths herein-after mentioned; any Thing in any Act or Acts of Parliament to the contrary notwithſtanding.

No Perſon liable to any Rate for Statute Duty towards repairing the public Roads, acroſs the Foreſt, except Bridle Roads, Occupation Roads, &c.

Bridle Roads, &c. to be made.

XX. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby alſo empowered to ſet out and appoint ſuch Bridle Roads, Occupation Ways, and Footpaths, in, over, through, and acroſs the ſaid Foreſt, as they ſhall think requiſite and proper; and ſhall by their ſaid Award direct and appoint by whom, in what Manner, at what Time, and in what Proportions, the ſame reſpectively ſhall be maintained and kept in Repair, and to and for whoſe Uſe, Convenience, or Benefit the ſame ſhall ſeverally be ſet out and appointed; and no Perſon or Perſons whomſoever (other than the Perſon or Perſons to or for whoſe Uſe, Convenience, or Benefit the ſame ſhall be ſo ſet out and appointed) ſhall have or be entitled to any Right, Title, or Pretence whatſoever to call for or inſiſt upon the making, forming, or repairing ſuch Bridle Roads, Occupation Ways or Footpaths, or any Part or Parts thereof reſpectively.

Allotment to the King's moſt Excellent Majeſty.

XXI. And be it further enacted, That when the Survey of the ſaid Foreſt ſhall have been made and delivered to the ſaid Commiſſioners, and the Boundaries thereof ſhall have been duly ſettled, and when, purſuant to the Powers herein-before contained, the ſeveral Pieces of Ground for Roads, Highways, Bridle Roads, Footpaths, Watering Places for Cattle, and Places for getting Materials for the Repair of Roads and other Purpoſes, ſhall have been ſet out, the ſaid Commiſſioners ſhall as ſoon as may be proceed to value the Whole of the ſaid Foreſt; and when and ſo

ſoon

ſoon as ſuch Valuation ſhall have been made, the ſaid Commiſſioners ſhall ſet out and allot, in Severalty, unto the King's moſt Excellent Majeſty, His Heirs and Succeſſors, ſo much and ſuch Part or Parts of the ſaid Foreſt (Quantity, Quality, and Situation conſidered) as in the Judgment of the ſaid Commiſſioners ſhall be equal in Value to Twelve Twenty-ſecond Parts of the Whole of the ſaid Foreſt which ſhall remain after making ſuch Allotments as aforeſaid, which Allotment for His Majeſty ſhall be ſet out as near to the Centre of the ſaid Foreſt as conveniently may be; and ſo ſoon as the ſame ſhall be ſevered from the Lands adjoining thereto, ſuch Allotment ſhall become and remain the excluſive and abſolute Property of the King's moſt Excellent Majeſty, His Heirs and Succeſſors, freed, exonerated, and for ever diſcharged of and from all Right of Common, of Paſture, of Turbary, Common of Eſtovers, and all other Rights of what Nature and Kind ſoever, of all and ſingular the Free Suitors and other Owners and Occupiers of Manors, Meſſuages, Cottages, Lands, Tenements, and Hereditaments, who at the Time of the paſſing of this Act were entitled to any ſuch Rights thereon, or of any other Perſon or Perſons whomſoever.

Allotment in lieu of Tithes.

XXII. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized and required, in the next Place, to ſet out, allot, and award unto and for the ſaid Sir *Thomas Dyke Acland*, or the Perſon or Perſons entitled thereto, ſuch Part or Parts of the Reſidue or Remainder of the ſaid Foreſt, as in the Judgement of the ſaid Commiſſioners ſhall be equal in Value (Quantity and Quality conſidered) to One-eighth Part of the Whole of the ſaid Foreſt, for and in lieu of all Tithes yearly ariſing, iſſuing, and payable out of all and every the Lands and Grounds within the ſaid Foreſt; and ſuch Allotment ſo to be ſet out, allotted, and awarded for ſuch Tithes as aforeſaid, ſhall be in full Satisfaction and Diſcharge of and from all ſuch Tithes, Dues, and Payments whatſoever iſſuing, ariſing, and renewing from and out of the Whole of the ſaid Foreſt; which ſaid Allotment in lieu of Tithes ſhall be ſet out as nearly contiguous to any other Property of the ſaid Sir *Thomas Dyke Acland* as Circumſtances will permit.

Award of His Majeſty's Allotment to be inrolled in the Exchequer at Weſtminſter and the Office of the Auditor of Land Revenue.

XXIII. And be it further enacted, That when and ſo ſoon as the ſaid Commiſſioners ſhall have ſet out the Allotment herein-before directed to be made and ſet out to His Majeſty, His Heirs and Succeſſors, they ſhall prepare an Award, with a Map or Plan annexed thereto, whereof there ſhall be Three Originals, one to be inrolled in the Court of Exchequer at *Weſtminſter*, another in the Office of the Auditor of the Land Revenue, there to remain on Record, and ſhall afterwards be filed and preſerved amongſt the Muniments of the Office of the Surveyor General of His Majeſty's Woods and Foreſts for the Time being; ſuch Award, or the Inrolment thereof, to be produced, read, and received in Evidence on all Occaſions where any Queſtion, Doubt, or Controverſy ſhall or may ariſe, relating to or affecting the Rights and Intereſts of His Majeſty, His Heirs or Succeſſors, in reſpect of any Allotment veſted in the King's moſt Excellent Majeſty, His Heirs and Succeſſors, by virtue of this Act; and the Third of the ſaid Awards ſhall be depoſited with the Clerk of the Peace of the County in which the ſaid Allotment to His Majeſty ſhall be ſituate; and in caſe the ſaid Allotment ſhall be ſituate in both the ſaid Counties of *Somerſet* and *Devon*, then with the Clerk of the Peace of the County

in which the greateſt Proportion of ſuch Allotment to His Majeſty ſhall be ſituate.

Allotments to Free Suitors, &c.

XXIV. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby directed and required to ſet out, allot, and award unto, for, and amongſt the ſaid *Henry George* Earl of *Carnarvon*, Sir *Thomas Dyke Acland*, *John Palmer Chicheſter*, *Thomas Thornton*, *William Moggridge Stawell*, and the ſeveral other Perſons being Owners or Proprietors of the aforeſaid Eſtates, ſituate, lying, and being in the aforeſaid Pariſhes of *Hawkridge* and *Withy Poole* reſpectively, to which Eſtates Free Suits are attached, ſuch Parts and Parcels of the ſaid Foreſt (after the Allotments herein-before directed are ſet out and made, and with due regard to the Allotments next herein-after directed to be made) as in the Judgement of the ſaid Commiſſioners (Quantity, Quality and Situation conſidered) ſhall be equal in Value to the reſpective Rights and Intereſts which ſuch Owners or Proprietors, or their reſpective Tenants or Occupiers for the Time being of the ſaid Eſtates, have reſpectively had and are entitled to exerciſe in and upon the ſaid Foreſt, according to the Preſentments thereof annually made at the Court of Swainmote holden within and for the ſaid Foreſt.

Allotments of the Reſidue of the Foreſt.

XXV. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized and required (after the making ſuch Allotments as herein-before mentioned) to divide, ſet out, allot and award all the Reſidue and Remainder of the ſaid Foreſt, unto and amongſt the ſeveral Perſons who now are or ſhall be entitled thereto, in Right or in reſpect of their old incloſed Tenements, ſituate, lying, and being in the ſeveral Pariſhes and Places aforeſaid, the Owners or Occupiers whereof have been accuſtomed or ought to pay Quit or Chief Rents to the King's moſt Excellent Majeſty, or who owe Suit and Service at the Swainmote Courts within the ſaid Foreſt, and who have uſually and of Right been accuſtomed to pay any leſs Toll than Five-pence *per* Head for depaſturing their Sheep on the ſaid Foreſt, in Proportion and according to the annual Value of ſuch old incloſed Tenements reſpectively; ſuch Value to be eſtimated and aſcertained by or according to the laſt Aſſeſſment made under or by virtue of an Act paſſed in the Forty-ſixth Year of the Reign of His preſent Majeſty, intituled *An Act for granting to His Majeſty during the preſent War, and until the Sixth Day of* April *next after the Ratification of a Definitive Treaty of Peace, further additional Rates and Duties in* Great Britain, *on the Rates and Duties on Profits ariſing from Property, Profeſſions, Trades and Offices; and for repealing an Act paſſed in the Forty-fifth Year of His preſent Majeſty, for repealing certain Parts of an Act made in the Forty-third Year of His preſent Majeſty, for granting a Contribution on the Profits ariſing from Property, Profeſſions, Trades, and Offices, and to conſolidate and render more effectual the Proviſions for collecting the ſaid Duties*, prior to the paſſing of this Act, within and for the Pariſh or Place in which ſuch old incloſed Tenements ſhall reſpectively be ſituate, they the ſaid Commiſſioners having regard, in ſetting out, allotting, and awarding the ſame ſeveral Allotments, to the Quality, Situation, and Conveniency thereof reſpectively.

Owners of Free Suits entitled to Share of

XXVI. Provided always nevertheleſs, That nothing herein contained ſhall extend or be conſtrued to extend, ſo as to prevent any Owner of any Eſtate to which ſuch Free Suit as aforeſaid is attached, from having a

proportionable

proportionable Allotment in respect of such Estate, with other Persons entitled to Allotments of the Residue of the said Forest, in case such Owner shall prove to the Satisfaction of the said Commissioners, that such Owner is entitled to Stock or Depasture on the said Forest, at a less Toll than Fivepence *per* Head, any greater Number of Sheep than he is entitled to in respect of his Free Suit. Residue in certain Cases.

XXVII. And be it further enacted, That all and every Person and Persons, Bodies Politic, Corporate, or Collegiate, claiming Rights of Pasturage, Agistment or Commonage, or other Rights, in and upon the said Forest, to be divided and inclosed by virtue of this Act, or any Part thereof, at the Time of their delivering in their respective Claims to the said Commissioners as directed by the said recited Act, shall produce and deliver to the said Commissioners a minute and exact Account of all and singular the Messuages, Lands and Grounds in respect whereof such Claims are or may be made, with the Names of all and every the Owners or Occupiers thereof respectively, distinguishing such of the Premises as are of Freehold Tenure, from such as are of Copyhold, Customary, or Leasehold Tenure, and of what particular Manors or Lordships or Persons the said Copyhold, Customary, or Leasehold Tenements are or may be severally and respectively holden; and every Person or Body so claiming shall produce the last Assessment to the Property Tax under Schedule (A.) made upon the Property in respect of which the Claim is made; and the said Commissioners shall, on the producing and delivering such minute Account as aforesaid, enquire, on the Oath as well of the Person or Persons producing and delivering the same, as of such other Person or Persons as they shall think fit (which Oath respectively the Commissioners are hereby authorized to administer) into the Authenticity and Accuracy of all and every such Accounts; and in all Cases where the said Commissioners shall not be satisfied that such Account is correct, they the said Commissioners shall cause their Surveyor or Surveyors to ascertain the Authenticity and Accuracy thereof, together with the Assessment to the Tax thereon; and the Expence of making such Enquiries by the said Surveyor or Surveyors shall, in all Cases in which it shall upon any such Enquiry appear that such Account was wilfully inaccurate, and that therefore such new Investigation was necessary, be borne and defrayed by the Person or Persons claiming Rights of Pasturage, Agistment, or Commonage, or other Rights, in and upon the said Forest, in respect of the Messuages, Lands, and Grounds, in relation to which such inaccurate Account shall have been first delivered; and in case of his, her, or their Refusal to pay such Expences at the Time and Place appointed by the said Commissioners for the Payment thereof, then and in such Case the said Commissioners shall cause the same to be raised, levied, and recovered in the Manner in which Penalties and Forfeitures are directed to be recovered by the said recited Act. Proprietors to produce Accounts of the Lands and Grounds in respect whereof they claim to be entitled to Rights of Common, &c.

XXVIII. And be it further enacted, That in order the better to enable the said Commissioners to form a correct and accurate Judgment of the Amount of the Rental or Value of such several and respective Messuages, Lands, and Grounds as aforesaid, the said Commissioners, or the Person or Persons who shall act as their Clerk or Clerks in the Execution of this and the said first recited Act, may, and he and they are and is hereby authorized and empowered from Time to Time, as they may think necessary Power for the Commissioners to call for the Property Tax Assessments.

or expedient to cause any of the Assessments or Books of Assessment of the aforesaid Tax, commonly called the Property Tax or Income Tax, so far as the same relate or refer to, or in anywise concern the Statement of Property having Rights of Pasturage or other Rights on the said Forest, and the Rental or Valuation by which such Assessments are made, mentioned, and described, within any Parish, Township, or Place in which such Estates so having Rights of Pasturage and other Rights on the said Forest are situate, to be brought before them, and to take Copies of or Extracts from such Assessments or Books of Assessment, or any Part or Parts thereof, as they the said Commissioners, or their Clerk or Clerks, or any of them, shall think fit and necessary for the Purposes of this Act; and such Compensation shall be made to the Clerks or Persons having the Care or Custody of the Assessments of the said Property Tax or Income Tax, by the said Commissioners, out of the Money arising or to arise by virtue of this Act, as the said Commissioners or their Clerk or Clerks shall think reasonable: And if any Person or Persons, in whose Care or Custody any of the said Assessments or Books shall be, shall neglect or refuse (after Ten Days Notice for that Purpose) to attend the said Commissioners or their Clerk or Clerks with such Assessments or Books, or to permit them, or any of them, to take Copies thereof, or Extracts therefrom as aforesaid, then and in every such Case, every Person who shall so neglect or refuse shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds, to be recovered and applied in the same Manner as other Penalties are by this or the said recited Act directed to be recovered and applied.

For shortening Boundary Fences.

XXIX. And whereas it may shorten the Boundary Fences between the said Forest hereby directed to be divided and inclosed, and the Lands in any adjoining Manor, Parish, Township or Place, if the said Commissioners were empowered to cause such Fences to be raised in such Direction as they shall deem most proper and convenient for shortening and making the same regular; be it therefore further enacted, That 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 Manor in which the Lands are situate, or the major Part in Value of Land Owners in any Parish or Township adjoining to the said Forest (such Value to be ascertained by the Land Tax Assessment of any such Parish, Township, or Place) and under the Hand or Hands of the Owner or Owners of the Lands upon which such Fence or Fences shall or may be intended to be made, to set out, ascertain, and determine the Boundary Fences to be made between the said Forest hereby directed to be divided, allotted, and inclosed, and the Lands lying in any such adjoining Parish, Township, or Place, as they shall judge proper for the Purposes aforesaid; and after such Boundaries shall be so set out, ascertained, and determined, the same shall be inclosed and fenced by such Person or Persons, in such Manner, and at such Time or Times, as the said Commissioners shall direct, and shall for ever thereafter be deemed and taken to be the Boundaries between the said Forest and such adjoining Manor, Parish, Township, or Place respectively, any Law, Usage, or Custom to the contrary notwithstanding.

Parties dissatisfied with Boundaries as

XXX. Provided always, and be it further enacted, That if any Person or Persons, Body or Bodies Politic, Corporate or Collegiate, interested

reſted in the aſcertaining of the Boundaries of the ſaid Foreſt, and of any Manor, Pariſh, Townſhip or Place adjoining thereto, ſhall be diſſatisfied with the Determinations of the ſaid Commiſſioners or Umpire, made in purſuance of the Directions of the ſaid recited Act or of this Act, reſpecting ſuch Boundaries or any of them, and ſhall be deſirous of having the Boundaries affected by ſuch Determinations tried at Law, and ſhall, by themſelves or their reſpective Agents or Attornies, within Three Calendar Months next after the Determination of the ſaid Commiſſioners or Umpire ſhall have been made and publiſhed by them, give Notice in Writing to the ſaid Commiſſioners of ſuch his, her, or their Objection to the ſaid Boundaries ſo determined by the ſaid Commiſſioners or Umpire, and of ſuch Deſire to have the ſame Boundaries ſettled by Trial at Law, then and in every ſuch Caſe the ſaid Commiſſioners ſhall and they are hereby required, immediately on Receipt of ſuch Notice as aforeſaid, or as ſoon afterwards as conveniently may be, to give Notice to One or more of the Party or Parties intereſted therein, who ſhall inſiſt upon the Boundaries ſo determined by the ſaid Commiſſioners or Umpire, or to the reſpective Agents or Attornies of ſuch Perſon or Perſons, by Writing under the Hands of them the ſaid Commiſſioners, to be delivered to or left at the uſual Place of Abode of ſuch Party or Parties, Agents or Attornies reſpectively; and it ſhall and may be lawful to and for the Perſon or Perſons giving ſuch Notice to the ſaid Commiſſioners as aforeſaid, or his or their Heirs, Succeſſors, or Aſſigns, after the Expiration of Three Calendar Months from the Time of ſuch Notice being given to the ſaid Commiſſioners as aforeſaid, to proceed to a Trial at Law for the aſcertaining of ſuch Boundaries ſo objected to as aforeſaid, at the Firſt or Second Aſſizes to be holden for the County in which the Boundaries ſo objected to ſhall be ſituate, next after the giving of ſuch Notice to the ſaid Commiſſioners, in an Action or Actions for that Purpoſe, to be commenced in One of His Majeſty's Courts of Record at *Weſtminſter*, by the Perſon or Perſons giving ſuch Notice to the ſaid Commiſſioners as aforeſaid, their reſpective Heirs, Succeſſors, or Aſſigns, againſt any ſuch Perſon or Perſons intereſted therein, who ſhall inſiſt on the Boundaries ſo determined by the ſaid Commiſſioners or Umpire as aforeſaid; and the Defendant or Defendants in ſuch Action or Actions ſhall forthwith name an Attorney or Attornies, who ſhall file common Bail, or appear to and accept one or more Iſſue or Iſſues, whereby all ſuch Boundaries may be properly tried and determined (ſuch Iſſue or Iſſues, if the Parties differ about the ſame, to be ſettled by the proper Officer of the Court wherein ſuch Action or Actions ſhall be commenced); and the Jury or Juries who ſhall try ſuch Iſſue or Iſſues ſhall find the Boundary or Boundaries of the ſaid Foreſt, or of all or any of the Manors, Pariſhes, Townſhips, Hamlets, or Diſtricts ſo in diſpute, and the ſame ſhall, under the Direction of the Judge who ſhall try the ſaid Iſſue or Iſſues, be indorſed ſpecially on the Poſtea, in caſe the ſame ſhall be thought neceſſary for aſcertaining ſuch Boundaries; and the Verdict or Verdicts which ſhall be given in any ſuch Action or Actions ſhall be final and concluſive to every Perſon and Perſons, Body and Bodies Politic, Corporate, or Collegiate whomſoever, unleſs the Court wherein ſuch Action or Actions ſhall be brought, ſhall ſet aſide the Verdict or Verdicts ſo to be given as aforeſaid, and order a new Trial or Trials to be had therein, (which it ſhall be lawful for the ſaid Court to do, and alſo upon ſufficient Cauſe ſhewn, to put off the Trial of ſuch Iſſue, or to change the Venue, as is

ſet out, may try their Rights at Law.

is uſual in other Caſes); and after any Verdict or Verdicts ſhall have been obtained and not ſet aſide by the Court as aforeſaid, the ſaid Commiſſioners ſhall and they are hereby authorized and required to conform to ſuch Verdict or Verdicts, any Thing in the ſaid recited Act or in this Act contained to the contrary notwithſtanding; and the Defendant or Defendants in every ſuch Action ſhall be, by the ſaid Commiſſioners, reimburſed all the Coſts, Charges, and Expences, which he or they ſhall reaſonably pay, expend, or be put unto, in the Defence of ſuch Action or Actions, by and out of the Money to be raiſed for carrying this Act into Execution.

Claims of Rights to be delivered to the Commiſſioners.

XXXI. And be it further enacted, That all Perſons having or claiming any Eſtate or Intereſt in or upon the Lands and Grounds hereby directed to be divided, allotted, and incloſed, ſhall, by themſelves or their Agents, deliver their reſpective Claims in Writing to the ſaid Commiſſioners, at a Meeting or Meetings to be holden for that Purpoſe, in the Manner directed by the ſaid recited Act of the Forty-firſt Year of the Reign of His preſent Majeſty; of which Meeting or Meetings Twenty-one Days Notice at the leaſt ſhall be given by the ſaid Commiſſioners, expreſſing the Purpoſe of ſuch Meeting or Meetings, in the Manner herein-before directed.

Power for Commiſſioners to ſettle Diſputes.

XXXII. And be it further enacted, That in caſe any Diſpute or Difference ſhall ariſe between any of the Parties intereſted in the ſaid intended Diviſion and Incloſure, touching or concerning the reſpective Rights and Intereſts which they or any of them ſhall have or claim to have in the ſame, or touching or concerning any Matter or Thing relating to the ſaid Diviſion and Incloſure, it ſhall be lawful for the ſaid Commiſſioners or Umpire, and they and he are and is hereby authorized and empowered to examine into, hear, and determine the ſame reſpectively.

Commiſſioners not to determine Titles to Eſtates.

XXXIII. Provided always, and be it enacted, That nothing herein contained ſhall authorize the ſaid Commiſſioners or Umpire to determine the Title to any Meſſuages, Lands, Tenements, or other Hereditaments whatſoever, but they ſhall aſſign and ſet out the ſeveral Allotments directed to be made, unto the Perſon or Perſons having the actual Seiſin of the Meſſuages, Lands, Tenements, or Hereditaments, in right or in reſpect whereof ſuch Allotments ſhall be made.

Commiſſioners may aſſeſs Coſts.

XXXIV. And be it further enacted, That in caſe the ſaid Commiſſioners ſhall, upon the Hearing and Determination of any Claim or Objection to be delivered to them in purſuance of the ſaid firſt recited Act or of this 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, as they ſhall think reaſonable, to be paid to the Party or Parties in whoſe Favour any Determination of the ſaid Commiſſioners or Umpire ſhall be made, by the Perſon or Perſons, Body or Bodies Politic, Corporate, or Collegiate, whoſe Claim or Objection ſhall be thereby diſallowed or over-ruled, or againſt whom the ſaid Commiſſioners ſhall have determined as aforeſaid; and in caſe the Perſon or Perſons, or Body or Bodies Politic, Corporate, or Collegiate, who ſhall be liable to pay ſuch Coſts, ſhall neglect or refuſe to pay the ſame upon Demand, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required, by Warrant under their

Hands and Seals, directed to any Perſon or Perſons whomſoever, to cauſe ſuch Coſts to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons, or 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, or 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.

Power to try Rights by an Iſſue at Law.

XXXV. Provided always, and be it further enacted, That in caſe any Perſon or Perſons, or Body or Bodies Politic, Corporate or Collegiate, intereſted or claiming to be intereſted in the ſaid intended Diviſion and Allotments, ſhall be diſſatisfied with any Determination of the ſaid Commiſſioners or Umpire, touching or concerning any Claim or Objection which ſhall be delivered to the ſaid Commiſſioners in purſuance of the ſaid recited Act or this Act, or touching or concerning any Property, Right, or Intereſt, intended to be affected by ſuch Determination, and ſhall, within Three Calendar Months next after ſuch Determination ſhall have been notified in Writing to the Party or Parties intereſted, cauſe Notice in Writing of ſuch Diſſatisfaction to be delivered to or left at the uſual Place of Abode of the ſaid Commiſſioners, and of the Party or Parties in whoſe Favour ſuch Determination ſhall have been made, or his, her or their Agent or Agents, it ſhall be lawful for ſuch Perſon or Perſons, or Body or Bodies Politic, Corporate or Collegiate, giving ſuch Notice as aforeſaid, to proceed to a Trial at Law of the Matter ſo determined by the ſaid Commiſſioners or Umpire, at the then next Aſſizes to be held for the County in which the Land ſhall be ſituate; and in caſe ſuch Land ſhall be ſituate in both the ſaid Counties of *Somerſet* and *Devon*, then for the County in which the greateſt Proportion of ſuch Land ſhall be ſituate, unleſs ſuch Aſſizes ſhall happen within Two Calendar Months next after the Determination of the ſaid Commiſſioners or Umpire, and then and in that Caſe, at the Second Aſſizes to be held for the ſaid County next after ſuch Determination; and for that Purpoſe the Perſon or Perſons, or Body or Bodies Politic, Corporate or Collegiate, giving ſuch Notice as aforeſaid, ſhall, within Two Calendar Months next after ſuch Determination, cauſe an Action to be brought in One of His Majeſty's Courts of Record at *Weſtminſter*, upon a feigned Iſſue, againſt the Perſon or Perſons, Body or Bodies Politic, Corporate or Collegiate, in whoſe Favour ſuch Determination ſhall have been made; and the Defendant or Defendants in ſuch Action or Actions ſhall, and he, ſhe, or they is and are hereby required to name an Attorney or Attornies, who ſhall appear thereto or file Common Bail, and accept one or more Iſſue or Iſſues, whereby ſuch Claim, and the Property, Right, and Intereſt thereby inſiſted upon, may be tried and determined; ſuch Iſſue or Iſſues to be ſettled by the proper Officer of the Court in which the ſaid Action ſhall be commenced, in caſe the Parties ſhall differ about the ſame; and the Verdict which ſhall be given upon the Trial of ſuch Action ſhall be binding, final, and concluſive to every Perſon and Perſons, Body and Bodies Politic, Corporate or Collegiate whomſoever, unleſs the Court wherein ſuch Action ſhall be brought, ſhall ſet aſide ſuch Verdict and order a new Trial to be had therein, which it ſhall be lawful for the ſaid Court to do in caſe the ſaid Court ſhall think proper; and that after ſuch Verdict ſhall be obtained and not ſet aſide by the ſaid Court, the ſaid Commiſſioners ſhall and they are required to

act in conformity thereto, and to allow or disallow the Claim, Property, Right, or Interest thereby determined, according to the Event of such Trial or Trials; Provided always, that if no such Notice shall be given, or if any such Notice shall be given, and such Action at Law shall not be commenced as aforesaid, or if any such Action shall be commenced, and the Plaintiff or Plaintiffs therein shall not proceed to a Trial within the Time herein-before limited for that Purpose, then the Determination of the said Commissioners or Umpire shall be final and conclusive, to all Intents and Purposes whatsoever: Provided also, that if any of the Parties in any such Action to be commenced as aforesaid shall die before the Determination thereof, such Action shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened; and that no Difference, Suit or Proceeding as aforesaid, nor any Difference or Dispute touching the Title to any Lands, Tenements, or Hereditaments, shall impede or delay the said Commissioners or Umpire in the Execution of this and the said recited Act; but the Division and Allotments hereby directed to be made shall be proceeded in, notwithstanding any such Difference, Suit, or Proceeding.

If no Action brought or not proceeded in, the Determination of the Commissioners to be final.

Trial not to suspend the Execution of the Powers of this Act.

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

XXXVI. 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, Body or Bodies Politic, Corporate, or Collegiate, 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 of 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 thereupon be incumbent on the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, on receiving Notice of such Process from the Clerk or Clerks to the said Commissioners, (which Notice such Clerk or Clerks is and are hereby directed and required to give accordingly) 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.

Persons in Possession not to be molested.

XXXVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to enable the said Commissioners or Umpire to determine any Right between any Parties contrary to the Possession of any such Parties, except in Cases of Encroachments made within the Period of Twenty Years; but in case the said Commissioners or Umpire shall be of opinion against the Right of the Person or Persons so in Possession, they or he shall forbear to make any Determination thereupon, until the Possession shall have been given up by or recovered from such Person or Persons by Ejectment or other due Course of Law.

XXXVIII. Pro-

XXXVIII. Provided, and it is hereby declared, That nothing in this Act contained shall extend or be construed to authorize or empower the said Commissioners to consider the said Farm, called *Simons Bath Farm*, as forming any Part of the Lands to be divided, allotted, or inclosed under or by virtue of this Act, or as comprised within any of the Powers or Authorities hereby to them given; but that the same shall be and remain vested in His Majesty, His Heirs and Successors for ever, exclusive of and over and above any Allotment or Allotments which shall be set out or made unto or for His Majesty, His Heirs or Successors, under or by virtue of any of the Powers or Authorities hereby given, freed and discharged from all Tithes and all Rights of Common whatsoever; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Simons Bath Farm is not to be subject to the Power of the Commissioners, but is to remain vested in His Majesty, free from Tithes and all Right of Common.

XXXIX. And be it further enacted, That the said Forest, and all the Lands and Grounds to be inclosed by virtue of this Act, shall at all Times for ever, after the said Allotment in lieu of Tithes shall be set out in Manner aforesaid, be exonerated, exempt, and freed from all Tithes both Great and Small, or of what Nature or Kind soever, any Thing in this Act contained to the contrary notwithstanding.

The Forest to be for ever exempt from Tithes.

XL. Provided always, and be it further enacted, That all Inclosures to be made in the said Forest by virtue of this Act shall be made and set out in such Manner as not to interrupt or impede the necessary Communications in, over, and upon the said Forest.

Inclosure not to impede usual Communications.

XLI. And be it further enacted, That the several Outermost or Ring Fences of the Lands so to be allotted to His Majesty, His Heirs or Successors as aforesaid, shall be made in such Manner and at such Time or Times as the said Commissioners shall direct and appoint; and such Outermost or Ring Fences shall be raised and made, and for ever thereafter maintained, supported, and kept in repair, at the Expence, Costs, and Charges of His said Majesty, His Heirs and Successors; and that the several Outermost or Ring Fences of the Lands so to be allotted to the said Sir *Thomas Dyke Acland*, or other Person or Persons entitled in lieu of Tithes as aforesaid, shall be likewise made in such Manner and at such Time or Times as the said Commissioners shall direct and appoint, and such Outermost or Ring Fences last-mentioned shall be raised and made at the Expence, Costs, and Charges of His said Majesty, His Heirs and Successors; but the same shall for ever thereafter be maintained, supported and kept in repair by the said Sir *Thomas Dyke Acland*, or by the Person or Persons entitled to such Allotment in lieu of Tithes as aforesaid; and all Fences to be made in pursuance of this Act, for dividing and inclosing the Residue of the said Forest, shall be made, and at all Times for ever thereafter be repaired, maintained, and kept in Repair by and at the Expence of the Proprietors interested in such Residue, in such Parts, Shares, and Proportions, and in such Manner as the said Commissioners shall, in and by their final Award, direct and appoint; but no such Proprietor or Proprietors shall be compelled or compellable to fence his, her, or their own Allotment or Allotments, or contribute to the fencing of any Allotment or Allotments belonging to any other Person or Persons, until the Owner or Owners of such last-mentioned Allotment or Allotments shall have made and completed his, her, or their Proportion of the same.

Allotments by whom and how to be fenced, and such Fences afterwards kept in repair.

XLII. And

Moſs-pits and Turbaries incapable of being drained to be left open for the Uſe of ſuch Perſons as have heretofore uſed the ſame.

XLII. And be it further enacted, That if the ſaid Commiſſioners or any Engineer to be by them employed, under the Powers and Authorities of this Act, ſhall find it impracticable to drain any of the Moſs Pits or Turbaries on the ſaid Foreſt, ſo as to make the ſame ſufficiently dry to be uſed as Arable or Paſture Land, then and in ſuch Caſe it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and empowered to leave ſuch Moſs Pits or Turbaries open and unincloſed, to be held and enjoyed by ſuch Perſon or Perſons as, before the paſſing of this Act, have of Right held, uſed, and enjoyed the ſame.

Turf not to be taken away after the paſſing of this Act, under the Penalty of 5l.

XLIII. And be it further enacted, That if any Perſon or Perſons, after the paſſing of this Act, ſhall get, remove, or take away any Fern, Heath, Gorſe or other Article of the like Nature or Quality, from or off any of the Lands or Grounds to be divided, allotted, and incloſed by virtue of this Act, or ſhall cut, dig, get, or take away, any of the Turf or Soil of the Lands or Grounds to be incloſed by virtue of this Act, for any Uſe or Purpoſe whatſoever, or under any Right, Privilege, or Claim, or Pretence of Right, Privilege, or Claim whatſoever, (other than and except any Perſon or Perſons who may get any Turves out of any of the Moſs Pits or Turbaries which ſhall or may be left open and unincloſed by the ſaid Commiſſioners as herein-before mentioned) upon due Proof made before the ſaid Commiſſioners on Oath, (which Oath the ſaid Commiſſioners are hereby empowered to adminiſter) the ſaid Commiſſioners ſhall and they are hereby required, by Warrant under their Hands and Seals directed to any Perſon or Perſons whomſoever, to cauſe any Sum or Sums of Money not exceeding the Sum of Five Pounds, to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo offending in the Premiſes, rendering the Overplus (if any) upon Demand, to the Perſon or Perſons whoſe Goods and Chattels ſhall be ſo diſtrained and ſold, after deducting the Coſts and Charges attending ſuch Diſtreſs and Sale; and the Money ſo to be levied as aforeſaid, ſhall be applied towards the Payment of the Coſts, Charges, and Expences of executing this Act.

After Allotments made, Rights of Common and other Rights to ceaſe.

XLIV. And be it further enacted, That immediately after all the Allotments to be made and ſet out in purſuance of this Act ſhall by order of the ſaid Commiſſioners be marked and ſet out, all the ſeveral Shares or Allotments to be ſet out as aforeſaid ſhall be and be deemed and taken to be in lieu of, and in full Compenſation, Satisfaction, and Diſcharge of and from all Tithes, Rights of Common, and all other Rights whatſoever, which the ſaid Proprietors or any of them could or might have had or been entitled to, in, over, and upon the ſaid Foreſt and other the ſaid Commonable Lands and Grounds, or any Part or Parts thereof reſpectively; and from that Time, all Tithes, Rights of Common, and all other Rights whatſoever, in or upon the ſaid Foreſt and Open Commonable Lands and Grounds, ſhall ceaſe, and be for ever annulled, aboliſhed, and extinguiſhed.

Rights of Common may be ſuſpended or extinguiſhed before the Execution of the Award.

XLV. Provided nevertheleſs, and be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, at any Time before the Execution of their ſaid final Award, by Notice by Advertiſement in one or more of the Newſpapers uſually circulated in that Part of the ſaid Counties of *Somerſet* and *Devon* where the ſaid Foreſt lies, to order and direct all or any Part of the Rights of Commons, in, over, or upon the ſaid Foreſt,

and other the said Open and Commonable Lands and Grounds, or any Part or Parts thereof, to be extinguished, or the Exercise thereof suspended for and during such Time or Times as shall be expressed in such Notice; and all such Rights of Common as the said Commissioners shall by such Notice order and direct to be extinguished, or the Exercise thereof to be suspended as aforesaid, shall, from the Time mentioned in such Notice, cease, determine, and be extinguished, and the Exercise thereof shall be suspended accordingly; any Law, Usage, or Custom to the contrary thereof in anywise notwithstanding.

Owners of Common Rights may have their Allotments laid together.

XLVI. And be it further enacted, That if any of the several Owners of ancient Messuages, Lands, Tenements, or Hereditaments, shall be desirous that their respective Shares in the said Open Commonable Lands and Grounds so directed to be divided, allotted, and inclosed as aforesaid, in respect of their Common Rights or other Rights belonging to such Messuages, Lands, Tenements, or Hereditaments, should be allotted together in one or more Parcel or Parcels, and shall express their Desire in Writing to the said Commissioners, at such Time as the said Commissioners shall limit and appoint, then and in such Case the said Commissioners shall and they are hereby required to set out the several Parcels of Land to be allotted to such several Persons in one Allotment, and such Allotment shall be used and enjoyed by the several Proprietors thereof, in such Manner and under such Regulations as the said Commissioners shall in that Behalf direct and appoint in and by their said final Award.

Allotments to be delineated on a Plan, and shewn to the Proprietors.

XLVII. And be it further enacted, That when and so soon as the said Commissioners shall have ascertained the respective Rights of the Persons interested in the said intended Inclosure, and also the respective Shares and Proportions by them proposed to be allotted to such Persons respectively in lieu thereof, they the said Commissioners shall give Notice by Advertisement in one or more of the public Newspapers usually circulated in that Part of the said Counties of *Somerset* and *Devon* in which the said Forest lies, of the Day or Days and Place, where all Persons interested may peruse a Schedule of such intended Allotments, and inspect the Map or Plan whereon the same shall be delineated, and may have and receive a Copy of such Schedule, so far as the same relates to each Person respectively; and as some Persons may, upon Perusal of the said Schedule and Inspection of such Map or Plan, be dissatisfied with their intended Allotments, the said Commissioners shall give or cause to be given Notice of One Meeting at least, to be held by them for hearing Complaints and Objections against such intended Allotments, and for hearing and determining all such Objections; and their Determination in the Premises, as to the Quantity, Quality, and Situation, shall be binding, final, and conclusive upon all Parties.

If any Person sell his Common Right the Allotment to be made to the Purchaser.

XLVIII. Provided always, and be it further enacted, That if any Person hath sold, or shall at any Time before the Execution of the final Award of the said Commissioners, sell his or her Right, Interest, and Property in to, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, to any other Person, then and in every such Case, it shall be lawful for the said Commissioners, and they are hereby authorized and required, on Application made to them for that

Purpoſe, by Writing under the Hands of the contracting Parties, to make any Allotment of Land unto the Vendee or Purchaſer in every ſuch Sale, or to his or her Heirs or Aſſigns, for and in reſpect of ſuch Right, Intereſt, and Property ſo ſold as aforeſaid; and every ſuch Vendee or Purchaſer, or his or her Heirs or Aſſigns, ſhall and may, from and after the Execution of their final Award, hold and enjoy the Land ſo to be allotted to him, her, or them as aforeſaid, in the ſame Manner as the Vendor in every ſuch Sale might, could, or ought to have held and enjoyed the ſame, in caſe ſuch Sale had not been made, or ſuch Right, Intereſt, or Property, had been veſted in ſuch Vendor at the Time of making ſuch Allotments as aforeſaid.

The Commiſſioners of His Majeſty's Woods, &c. empowered to purchaſe Lands.

XLIX. And be it further enacted, That it ſhall be lawful for the Commiſſioners for the Time being of His Majeſty's Woods, Foreſts, and Land Revenues, by and with the Approbation and Conſent of the Lords Commiſſioners of His Majeſty's Treaſury for the Time being, or any Three or more of them, on Behalf of His Majeſty, and they are hereby empowered, to agree with and to purchaſe, for the Uſe of His Majeſty, His Heirs and Succeſſors, from any Perſon or Perſons who ſhall be entitled to any Allotment or Allotments of Land under or by virtue of this Act, all or any Part or Parts of their reſpective Allotments to be made to them under this Act.

Allotments to be of the ſame Tenure.

L. And be it further enacted, That all the Lands and Hereditaments which ſhall be allotted under or by virtue of this Act, ſhall be held by the ſame Tenures, and under the ſame Rents, Cuſtoms, and Services, as the Lands and Hereditaments in reſpect whereof ſuch Allotments ſhall be made, were reſpectively held before the paſſing of this Act, or would have been held in caſe this Act had not been paſſed.

Separate Allotments to be made for Eſtates held by different Tenures.

LI. Provided always, and be it further enacted, That where the Proprietor or Proprietors of any Lands or other Hereditaments, which ſhall be allotted or exchanged under or by virtue of this Act, ſhall hold their reſpective Lands or Hereditaments by different Tenures or for different Eſtates, or under different Titles, the ſaid Commiſſioners ſhall, upon the Requeſt of ſuch reſpective Proprietors in Writing under their Hands, aſcertain and diſtinguiſh the Lands or other Hereditaments held by or under ſuch reſpective Tenures, Eſtates, or Titles, and ſhall accordingly in their ſaid Award ſet out and diſtinguiſh diſtinct and ſeveral Allotments for ſuch reſpective Lands or other Hereditaments.

The Foreſt diſafforeſted.

LII. And be it further enacted, That after the final Award of the ſaid Commiſſioners ſhall be made and executed, all and every the Lands and Grounds lying and being within the Boundaries of the ſaid Foreſt, as well thoſe already incloſed as thoſe intended to be incloſed under the Authority of this Act, ſhall be and the ſame are hereby diſafforeſted, and ſhall be and continue exonerated and diſcharged for ever thereafter from all Foreſtal Rights, Juriſdictions, and Authorities whatſoever (if any ſuch remain) and from all Foreſtal Rents, Cuſtoms, and Services which His Majeſty, His Heirs and Succeſſors, or any other Perſon or Perſons, could otherwiſe claim therein.

LIII. And

LIII. 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 Foreſt, or within any Pariſh or Place adjoining thereto, in lieu of and in Exchange for any other Lands, Tenements, or Hereditaments within the ſaid Foreſt, or within any adjoining Pariſh, Townſhip or Place, provided that all ſuch Exchanges ſhall be aſcertained, ſpecified, and declared in the final Award of the ſaid Commiſſioners, and be made with the Conſent of the Proprietor or Proprietors of the Premiſes which ſhall be ſo exchanged, whether ſuch Proprietor or Proprietors ſhall be a Body or Bodies Politic, Corporate or Collegiate, Corporation Aggregate or Sole, 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, with the Conſent of the Leſſor or Leſſors, but not otherwiſe, or with the Conſent of the Guardians, Truſtees, or Feoffees for Charitable, Parochial, or other Uſes, Huſbands, Committees, or Attornies of or acting for any ſuch Proprietor or Proprietors, who at the Time of making ſuch Exchange or Exchanges ſhall be reſpectively Infants, Femes Covert, Idiots, Lunatics, or under any other legal Diſability, or who ſhall be beyond the Seas, or otherwiſe diſabled to act for themſelves, himſelf, or herſelf, ſuch Conſent to be teſtified in Writing under the Common Seal of the Body Politic Corporate or Collegiate, and under the Hands of the other conſenting Parties reſpectively; and all and every ſuch 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 any Meſſuages, Buildings, Lands, Tenements, or Hereditaments, held in right of any Church, Chapel, or other Eccleſiaſtical Benefice, without the Conſent teſtified as aforeſaid of the Lord Biſhop of the Dioceſe in which ſuch Meſſuages, Buildings, Lands, Tenements, and Hereditaments ſhall be ſituate, and of the Patron of ſuch Church, Chapel, or other Eccleſiaſtical Benefice.

Allowing Exchanges to be made.

LIV. Provided always, and be it further enacted, That all Coſts, Charges, and Expences attending the making and completing of any Exchanges and Partitions to be made under or by virtue of the ſaid firſt recited Act and this Act, or either of them, ſhall be paid, borne, and defrayed by the ſeveral Perſons, Bodies Politic, Corporate, or Collegiate, for whoſe Benefit ſuch Exchanges or Partitions ſhall be made, in ſuch Manner and in ſuch Proportions as the ſaid Commiſſioners ſhall, by their final Award, order and direct.

Expences of Exchanges and Partitions by whom to be paid.

LV. And be it further enacted, That all and every Leaſe and Leaſes, at Rack or Extended Rent now ſubſiſting, of any Meſſuages, Lands, or Tenements having Rights within the ſaid Foreſt, ſhall, as far as ſuch Leaſe or Leaſes affect or concern any Allotment or Allotments to be made of any Part of the ſaid Foreſt, or Right or Rights of Common therein, in reſpect of ſuch Meſſuages, Lands, or Tenements compriſed in ſuch Leaſe or Leaſes, be and the ſame is and are hereby declared to be null and void as to ſuch Allotment and Allotments, and ſuch Allotment and Allotments ſhall be made and aſſigned unto the Landlord or Landlords, and not to the Tenant or Tenants, Leſſee or Leſſees, and ſuch Allotment and Allotments ſhall be freed and diſcharged of and from all Right and Intereſt which may or otherwiſe might be claimed in or to the ſame by virtue of ſuch

Leaſes at Rack Rent to be void as to Allotments of Common.

Leaſe or Leaſes; and the Perſon or Perſons to whom the Meſſuages, Lands, or Tenements compriſed in ſuch Leaſe or Leaſes ſhall belong, as Landlord or Landlords, ſhall make ſuch Compenſation, by way of Retainer or annual Abatement of Rent or otherwiſe, to the Perſon or Perſons entitled to the ſame, under ſuch Leaſe or Leaſes, as the ſaid Commiſſioners ſhall, by Writing under their Hands, direct, for the Right of Common or other Rights or Intereſts, in, over, or upon the ſaid Foreſt or any Part thereof, appendant or appurtenant to ſuch Meſſuages, Lands, or Tenements, and which ſhall be extinguiſhed by this Act: And if any Perſon or Perſons ſhall refuſe or neglect to make any ſuch annual or other Compenſation to the Perſon or Perſons entitled thereto, within Twenty-one Days next after Demand made thereof, then and in ſuch Caſe it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required, to raiſe and levy the ſame for the Uſe and Benefit of the Perſon or Perſons entitled thereto, by ſuch Ways and Means as any Penalties or Forfeitures are directed by this or the ſaid recited Act to be raiſed or levied.

Wills and Settlements not to be affected.

LVI. Provided always, 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, Settlement, or Surrender, or to prejudice any Perſon or Perſons having any Right or Claim of Dower, Jointure, Portion, Debt, Rent, or Incumbrance, out of, upon, or affecting any Meſſuages, Lands, Tenements, and Hereditaments in the ſaid Foreſt, or any adjoining Manor, Pariſh, Townſhip, or Place, which ſhall be allotted or exchanged by virtue of the ſaid firſt recited Act or this Act; but that each and every Proprietor ſhall ſtand and be ſeiſed of the Premiſes to be allotted to or given in exchange to him or her as aforeſaid, to ſuch and the ſame Uſes, and for ſuch and the ſame Eſtates, and ſubject to ſuch and the ſame Wills, Deeds, Settlements, Debts, Charges, Rents, and Incumbrances (Right of Common and Common of Paſturage as aforeſaid, and ſuch other Exceptions and Proviſions as are herein made, only excepted, and no other), as the Meſſuages, Lands, Tenements, or Hereditaments, whereof ſuch Proprietor or Proprietors was or were ſeiſed or poſſeſſed at or immediately before the Execution of the final 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.

For preventing Quickſets from being damaged.

LVII. And be it further enacted, That no Sheep or Lambs ſhall be kept in any of the new Incloſures to be made by virtue of this Act, during the Space of Seven Years from the Execution of the ſaid final Award, unleſs the ſame ſhall be properly fenced, or the Perſon or Perſons keeping ſuch Sheep or Lambs ſhall and do, at his, her, or their own Expence, fence or guard his, her, or their Neighbour's Quickſets (if any ſuch there ſhall be) adjoining the Incloſures wherein ſuch Sheep or Lambs ſhall be kept, ſo as to prevent any Damage being done to ſuch Quickſets by ſuch Sheep or Lambs; and it ſhall not be lawful for any Perſon or Perſons to turn or put, or cauſe to be turned or put any Sheep, Lambs, Horſes, Aſſes, or other Beaſts or Cattle, into any of the Ways, Lanes, or Roads, on either Side of which any new-planted Fence ſhall be growing.

Satisfaction to be made for unequal Share of Boundary Fences.

LVIII. Provided always, and be it further enacted, That if, owing to the Situation or other Circumſtances of any Allotment or Allotments, it ſhall happen that the Proprietor or Proprietors thereof ſhall not have a proportionable Share of Boundary Fencing thereto, it ſhall be lawful for the ſaid Commiſſioners, where they ſhall judge reaſonable, to aſcertain and appoint any Sum or Sums of Money to be contributed and paid by ſuch Proprietor or Proprietors, towards the Expence of the Boundary Fencing of ſuch other or others of the ſaid Proprietors who may happen to have too great a Proportion thereof, in order that the Expences of the ſaid Boundary Fencing may be brought as near as may be to a juſt and equal Proportion (Regard being had to the neceſſary Subdiviſion Fences within the reſpective Allotments); and the Money ſo to be aſcertained and applied ſhall be levied and recovered in ſuch and the ſame Manner as the Charges and Expences of executing any Act of Incloſure are by the ſaid firſt recited Act directed to be levied and recovered: Provided, that no ſuch Sum or Sums of Money ſo to be contributed and paid as aforeſaid, ſhall be actually levied, until the Fences, in reſpect whereof ſuch Contribution is directed to be made, ſhall be put up and completed to the Satisfaction of the ſaid Commiſſioners.

Commiſſioners may make Alterations in the Allotments, and in the private Roads, if they think proper; but not in His Majeſty's Allotment.

LIX. Provided always, That it ſhall be lawful for the ſaid Commiſſioners, at any Time before the Execution of their final Award, to make any Alterations in the Allotments and Fences which they may have ſet out and ordered, or in any private Roads laid or to be laid over or to ſuch Allotments, that they ſhall think right and expedient: Provided, that no Alteration ſhall be made in any Thing directed by the ſaid firſt Award relating to the Allotment or Allotments to be made to the King's moſt Excellent Majeſty, without the Conſent in Writing of the Commiſſioners for the Time being of His Majeſty's Woods, Foreſts, and Land Revenues, firſt had and obtained: And in caſe any Perſon or Perſons ſhall be injured by ſuch Alterations on Account of any Expences he, ſhe, or they, may have been at, the ſaid Commiſſioners ſhall aſcertain and determine what Recompence ſhall be made to him, her, or them, and ſhall direct by whom and in what Manner ſuch Recompence ſhall be made.

Expences of the Act to be paid by His Majeſty.

LX. And be it further enacted, That the Coſts, Charges, and Expences incident to and attending the obtaining and paſſing of this Act, of Perambulation, of firſt ſurveying and valuing the ſaid Foreſt, and of ſetting out the Allotments by this Act directed to be made and ſet out to and for His Majeſty, His Heirs and Succeſſors, and to and for the ſaid Sir *Thomas Dyke Acland*, or other Owner or Owners of the Tithes as aforeſaid, and of making and inrolling the ſaid firſt Award, ſhall be paid and borne by His ſaid Majeſty, His Heirs and Succeſſors, out of any Money which is or ſhall be in the Hands of the ſaid Commiſſioners of His Majeſty's Woods, Foreſts, and Land Revenues.

Certain Expences to be paid by the Proprietors.

LXI. And be it further enacted, That all other the Coſts, Charges, and Expences of carrying this Act into Execution, and of dividing, ſubdividing, and allotting the Lands and Grounds by this Act directed to be divided, allotted and incloſed, unto and amongſt the ſeveral other Owners and Proprietors of Lands having Rights on the ſaid Foreſt, ſhall be borne and defrayed by ſuch Owners or Proprietors reſpectively, in ſuch Shares and Proportions, at ſuch Time or Times, Manner and Places, as the

ſaid Commiſſioners, either before or after the Execution of their ſaid final Award, ſhall order, direct, or appoint, by any Rate or Rates to be made by the ſaid Commiſſioners for that Purpoſe (ſave and except the King's moſt Excellent Majeſty, in reſpect of the Allotment or Allotments to be made to Him by virtue of this Act, and ſave and except the ſaid Sir *Thomas Dyke Acland*, in reſpect of the Allotment or Allotments to be made in lieu of Tythes, or the Perſon or Perſons entitled thereto, in reſpect of ſuch Allotment or Allotments), and the Determination of the ſaid Commiſſioners in the Premiſes ſhall be final and concluſive; and in caſe any Perſon or Perſons ſhall refuſe or neglect to pay his, her, or their Share or Proportion of ſuch Coſts, Charges, and Expences as aforeſaid, within the Time and in the Manner appointed by the ſaid Commiſſioners, then and in ſuch Caſe the ſaid Commiſſioners ſhall cauſe the ſame to be raiſed, levied, and recovered in the Manner preſcribed and directed by the ſaid firſt recited Act.

Power for certain Perſons to mortgage or ſell their Allotments.

LXII. 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 Proprietors of the Lands hereby directed to be divided and allotted, or any Part thereof, who are or ſhall be Tenant or Tenants in Tail, or for any Life or Lives, or any other Contingency, to mortgage or ſell, either before or after the making the ſaid Award, Part of the Allotment or Allotments to be made by virtue of this Act, to 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 reſpective Shares and Proportions of the Coſts, Charges, and Expences of executing the ſaid firſt recited Act and this Act, which ſhall be charged upon or payable by ſuch incapacitated Proprietors or other Perſon or Perſons reſpectively, and of fencing and incloſing and ſubdividing his, her, or their Allotment or Allotments, and of making and completing ſuch Mortgage or Sale; and ſuch Mortgage or Sale ſhall be made by the ſaid Commiſſioners in ſuch and the like Manner, and ſubject to ſuch and the like Rules and Regulations, as are mentioned and preſcribed in and by the ſaid firſt recited 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 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, the ſame ſhall be applied and diſpoſed of by them in the Manner directed by the ſaid firſt recited Act, with reſpect to Money which is thereby directed

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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 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 to raiſe by ſuch Mortgage or Sale any further or greater Sum of Money than the Perſon or Perſons, Part of whoſe Allotment or Allotments ſhall be mortgaged or ſold as aforeſaid, would have been empowered or authorized to borrow or charge upon his, her, or their Allotment or Allotments, reckoning Five Pounds for each and every Acre thereof, under or by virtue of the ſaid firſt recited Act: Provided always, that in all Caſes where any Lands ſhall be ſold for Payment of Expences as aforeſaid, it ſhall not be lawful for the Proprietor or Perſon whoſe Lands ſhall be ſo ſold, to charge the Reſidue of his or her Allotment, by virtue of the ſaid firſt recited Act or this Act, with any Money towards Payment of ſuch Expences.

Final Award.

LXIII. And be it further enacted, That the ſaid Commiſſioners ſhall, after having finiſhed and completed ſuch Subdiviſion and Allotment of the ſaid Foreſt as aforeſaid, draw up or cauſe to be drawn up their final Award, and the ſame, when inrolled in Manner directed by the ſaid firſt recited Act, ſhall be depoſited and left with the Clerks of the Peace for the Counties of *Somerſet* and *Devon*, where the ſame ſhall and may be inſpected and peruſed at all ſeaſonable Times in the Day-time, for ever thereafter, by any Perſon or Perſons whomſoever, paying the Sum of One Shilling and no more, to the ſaid Clerks of the Peace reſpectively, or their Deputies, for every ſuch Inſpection and Peruſal; and Two Copies of ſuch Award ſhall be inrolled, one of them in the Court of Exchequer at *Weſtminſter*, and the other of them in the Office of the Auditor of the Land Revenue, there to remain, and ſhall afterwards be filed and preſerved amongſt the Muniments of the Office of the Surveyor General of His Majeſty's Woods, Foreſts, and Land Revenues; ſuch Award, or the Inrolment thereof, to be produced and read in Evidence on all Occaſions where any Diſpute, Doubt, or Controverſy may ariſe, relating to or affecting the Rights and Intereſts of His Majeſty, His Heirs and Succeſſors, in reſpect of any Allotment veſted in His Majeſty, His Heirs and Succeſſors, by virtue of this Act.

Accounts to be examined and balanced, by Two Magiſtrates, annually.

LXIV. And be it further enacted, That once at leaſt in each and every Year during the Execution of this Act (ſuch Year to be computed from the Day of paſſing thereof) the ſaid Commiſſioners ſhall and they are hereby required to make a true and juſt Statement or Account of any Sums of Money, by them or either of them received and expended, or due to them for their own Trouble and Expences in the Execution of this Act; and ſuch Statement or Account, when ſo made, together with the Vouchers relating thereto, ſhall be laid before any Two of His Majeſty's Juſtices of the Peace for the County of *Somerſet*, not intereſted in the ſaid intended Diviſion and Incloſure, to be by them examined and balanced at a public Meeting (whereof Twenty-one Days Notice ſhall be given in the *Taunton Journal* and *Woolmer's* Newſpaper) the ſaid Juſtices being hereby authorized to take or call ſuch Aid and Aſſiſtance in ſuch Examination as they ſhall think fit, and to charge the incidental Expences; and the Balance ſhall be by the ſaid Juſtices ſtated in the Books of Account, to be kept in the Office of the Clerk or Clerks of the ſaid Commiſſioners; and

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no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in the Law, unless allowed by the said Justices of the Peace as aforesaid.

Money advanced to be repaid with Interest.

LXV. And be it further enacted, That if any Person or Persons whomsoever shall advance and pay any Money towards the Expences herein-before directed to be borne or defrayed by the Owners or Proprietors of Lands having Right on the said Forest, of carrying this Act into Execution, the Money so advanced and paid shall be repaid and satisfied to him, her, or them, by the Direction of the said Commissioners, together with lawful Interest for the same, from the Time of the Advancement thereof.

Appeal.

LXVI. And be it further enacted, That if any Person or Persons, Body or Bodies Politic, Corporate or Collegiate, shall think himself, herself, or themselves, aggrieved by any Thing done or omitted to be done in pursuance of the said recited Act or of this Act (other than and except as to the said Claims, Matters, and Things which shall be ascertained, settled, tried, or determined by the Verdict of a Jury under the Power and Authority herein-before contained, or where, by any of the Provisions or Clauses of the said first recited Act or this Act, the Determinations, Orders, Acts, or Proceedings of the said Commissioners or Umpire are declared or directed to be final and conclusive) then and in every such Case, he, she, or they may appeal to the Justices at the General Quarter Sessions of the Peace which shall be held for the said County of *Somerset* or *Devon* (as the Case may be) within Three Calendar Months next after the cause of Complaint shall have arisen, on giving to the said Commissioners or either of them, and to the Party or Parties concerned, Twenty-one Days Notice in Writing of such Appeal and of the Matters thereof; and the Justices not interested in the Premises, in their said General Quarter Sessions, are hereby required to hear and determine the Matter of every such Appeal, and to make such Order and award such Costs and Damages as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs and Damages which shall be so awarded, by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) upon Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale; and the Determination of the said Justices shall be final and conclusive on all Parties concerned, and shall not be removed or removable, by *Certiorari* or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without sufficient Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants, as to the said Justices shall seem reasonable, and to be levied in Manner aforesaid.

The Commissioners of Woods, &c. empowered to sell the King's Allotment.

LXVII. And whereas it may be expedient that such Allotment or Allotments of Land as shall be made or set out, unto or for His Majesty, His Heirs or Successors, under or by virtue of this Act, or some Part or Parts thereof, should be sold or disposed of, and that the Commissioners of His Majesty's Woods, Forests, and Land Revenues for the Time being, should be empowered to make such Sales; be it therefore enacted, That it shall and may be lawful for the said Commissioners of His Majesty's Woods,

Forests, and Land Revenues for the Time being, with the Approbation of the Lord High Treasurer, or the Commissioners of His Majesty's Treasury for the Time being, or any Three or more of them, to contract and agree for the Sale of, and absolutely to make sale and dispose of, all such Part or Parts of the said Forest as shall be set out or allotted unto His Majesty, His Heirs or Successors, under or by virtue of this Act, or of any of the Powers or Authorities herein contained, or of any Part or Parts thereof, and of all His Majesty's Rights and Interests in and to the same, and of all the Rights and Interests of His Majesty, His Heirs or Successors, of, in, and to all Mines of Coal, Lead Ores, Metals, and other Minerals whatsoever, in or under the said Forest or any Part thereof, hereby reserved to His Majesty, His Heirs or Successors, and of all Powers of searching for, working, digging, raising and carrying away such Coal, Lead Ores, Metals, and other Minerals for the best Prices or Considerations in Money which the said Commissioners of His Majesty's Woods, Forests, and Land Revenues shall be able to procure for the same; and all and every the Sum and Sums of Money which shall or may arise or be produced from such last-mentioned Sale or Sales shall from Time to Time be paid into the Bank of *England*, and placed to the Account directed by an Act passed in the Fiftieth Year of the Reign of His present Majesty, intituled *An Act for uniting the Offices of Surveyor General of the Land Revenues of the Crown, and Surveyor General of His Majesty's Woods, Forests, Parks, and Chases*, to be raised in the Books of the Governor and Company of the Bank of *England*, intituled "The Account of the Public Monies of the Commissioners of His Majesty's Woods, Forests, and Land Revenues, being the Woods and Forests Fund," and shall be applied and disposed of in such and the like Manner, and for such and the like Purposes, as the other Monies by such last-mentioned Act directed or authorized to be paid in, carried over, or placed to the same Account, are thereby authorized or directed to be paid, applied, or disposed of.

Purchasers of Premises to have Certificates and Receipts for the Purchase Money, which Certificates shall be inrolled in the Office of the Auditor of the Land Revenue, &c.

LXVIII. And be it further enacted, That whenever the Commissioners of His Majesty's Woods, Forests and Land Revenues for the Time being shall have contracted with any Person or Persons, Body or Bodies Politic or Corporate, for the Sale of any of the said Lands, Hereditaments, Rights or Interests, hereby authorized to be sold as aforesaid, the said Commissioners shall grant to the Purchaser or respective Purchasers thereof a Certificate under their Hands, describing the Premises so agreed to be sold, and the Amount of the Purchase Money to be paid for the same, and which shall accordingly be paid into the Bank of *England* within Thirty-one Days after the Date of such Certificate; and the Cashiers of the Bank or one of them shall, upon the Production of such Certificate, accept and receive the Purchase Monies therein mentioned, and carry the same to the Account therein specified, and at the Foot or on the Back of such Certificate acknowledge the Receipt of the same without Fee or Reward; and every such Certificate and Receipt shall be according to the Form contained in Schedule (A.) to this Act, or as near thereto as the Circumstances of the Case will admit, and shall be exempt from any Stamp Duty whatever; and every such Certificate and Receipt shall, within One Calendar Month after the Date of such Certificate, be taken to the Office of the Auditor of the Land Revenue for the District within which the said Lands or Hereditaments therein described are situate, and be there forthwith inrolled in the proper

proper Books for that Purpoſe; and ſuch Auditor, having inrolled the ſaid Certificate and Receipt, ſhall atteſt the ſame under his Hand, and ſhall upon receiving the uſual Fees for ſuch Inrolment, return the ſaid Certificate and Receipt to the Purchaſer or Purchaſers; and from and after ſuch Inrolment and thenceforth for ever, the reſpective Purchaſers, their Heirs or Succeſſors, ſhall, by force and virtue of this Act, be, and ſhall be adjudged, deemed and taken to be in the actual Seiſin and Poſſeſſion of the Lands, Hereditaments, Rights and Intereſts to be by them reſpectively purchaſed, and ſhall hold and enjoy the ſame peaceably and quietly, freed and diſcharged from all Claims and Demands of His Majeſty, His Heirs and Succeſſors, or of any Perſon or Perſons claiming under him or them, as fully and amply, to all Intents and Purpoſes, as His Majeſty, His Heirs and Succeſſors, might or could have held or enjoyed the ſame if ſuch Sale had not taken place; and every ſuch Certificate ſhall be reſpectively witneſſed and atteſted, as to the ſigning thereof by the ſaid Commiſſioners, by one of the principal Clerks or other Officers in their or his Office; and every ſuch Certificate and Receipt, being inrolled as aforeſaid, ſhall effectually diſcharge the reſpective Purchaſers to whom the ſame ſhall be given or granted, of and from the Purchaſe or Conſideration Money therein expreſſed, and ſuch Purchaſers ſhall never afterwards be liable to be called upon, ſued, troubled, moleſted, or queſtioned, for or in reſpect thereof, or of any Part thereof.

Penalty for Neglect in not paying the Purchaſe Money into the Bank within the Time limited.

LXIX. Provided always, and be it further enacted, That if any Perſon or Perſons to whom any ſuch Certificate as aforeſaid ſhall be granted, ſhall neglect to pay into the Bank the Conſideration Money therein to be ſpecified, for the Space of Thirty Days after the Date of ſuch Certificate, or ſhall neglect to inrol ſuch Certificate and the ſaid Caſhier's Receipt for the ſaid Money, for the like Space of Time, then every ſuch Certificate ſhall be null and void, and the Conſideration Money, if paid into the Bank, ſhall be forfeited, unleſs the ſaid Commiſſioners ſhall, for any reaſonable Cauſe to them ſhewn for the Omiſſion of ſuch Inrolment, order the ſaid Certificate and Receipt to be inrolled *nunc pro tunc*, and which, upon ſuch Cauſe being ſhewn, the ſaid Commiſſioners are hereby authorized to order accordingly.

A Church may be erected when the Population of the Foreſt ſhall render it neceſſary.

LXX. And whereas it may happen that ſome Part of the ſaid Foreſt may hereafter become inhabited, in which Caſe the Inhabitants thereof, by reaſon of its remote Diſtance from any Pariſh Church, and of its being locally ſituate out of the Limits or Boundaries of any Pariſh, will have no Place of public Worſhip to reſort to; and it is therefore expedient that as well for the Convenience of ſuch Inhabitants as for extending the Benefit and Influence of Religious Worſhip and Inſtruction, that ſuch Proviſions ſhould be made in that Reſpect as are herein-after contained; be it therefore further enacted, That ſuch a Quantity of Land as ſhall be neceſſary for the Site of a Church, and for a Churchyard or Cemetery, and for the Site of a proper Parſonage Houſe and Offices to be erected and built, and for a Garden and Yard or Homeſtead to be attached thereto, to the Extent in the Whole of Ten Acres at the leaſt, ſhall be reſerved by the Crown out of the Lands ſo to be allotted to His Majeſty as aforeſaid, and ſhall not be ſold; and that in caſe at any Time hereafter the Number of Perſons who ſhall be reſident and inhabiting upon the ſaid Foreſt ſhall, in the Judgment and Opinion of the Lords Commiſſioners of

His

His Majeſty's Treaſury, and the Biſhop of *Bath* and *Wells* for the Time being, be ſuch as ſhall render it expedient that a Church ſhall be erected upon the ſaid Allotment, for the Performance of Divine Worſhip therein, and for the affording religious Inſtruction to the Inhabitants thereof, then and in ſuch Caſe the ſaid Commiſſioners of His Majeſty's Treaſury ſhall, by and out of the Land Revenues of the Crown, cauſe a new Church and a fit and convenient Parſonage Houſe and Offices to be erected and built upon Part of the Lands ſo to be reſerved as aforeſaid, and ſhall appropriate other Part thereof near to the ſaid Church, for a Churchyard or Burial Ground, and the Reſidue thereof as a Garden, Yard, or Homeſtead to the ſaid Parſonage Houſe, and ſhall incloſe the ſame accordingly, in ſuch Manner as the ſaid laſt-mentioned Commiſſioners ſhall think proper for ſuch Purpoſes; and ſhall cauſe the ſaid Church when ſo erected, and the Churchyard ſo to be attached thereto, to be duly conſecrated according to the Uſage of the Church of *England*; and the ſame Church ſhall be for ever thereafter ſet apart and dedicated as and for a Place of Divine Worſhip, according to the Rites and Ceremonies of the Church of *England*, for the Uſe of all the Inhabitants who ſhall ſo reſide within the Bounds or Precincts of the ſaid Foreſt, and ſhall be named and called *The Pariſh Church of Exmoor*; and that the ſaid Foreſt ſhall for ever thereafter form and be a diſtinct Pariſh of itſelf, and be called by the Name of *The Pariſh of Exmoor*: Provided always, that there ſhall be ſet apart and appropriated in the Church to be erected and built by virtue of this Act, ſuch a Number of Seats for the gratuitous Accommodation of the Poor of the ſaid Pariſh, as the Lord Biſhop of the Dioceſe ſhall think neceſſary, proper, and convenient.

Ground uſed as a Churchyard ſhall continue ſo.

LXXI. And be it further enacted, That from and after the Erection and Conſecration of the ſaid Pariſh Church, the ſaid Piece of Ground which ſhall be ſo incloſed and appropriated as a Churchyard or Cemetery as aforeſaid, ſhall be and for ever continue to be a Churchyard or Place of Burial for all the Inhabitants of ſuch Pariſh.

Plan of Church, &c. to be approved by the Biſhop.

LXXII. And be it further enacted, That the Plan or Deſign of ſuch Church, Parſonage Houſe, Offices and other Buildings, ſhall be ſubmitted to and approved by the Biſhop of *Bath* and *Wells* for the Time being, before the ſame ſhall be erected; and that no ſuch Church, Parſonage Houſe, or other Building ſhall be erected in purſuance of this Act, without the Approbation of the ſaid Biſhop ſignified in Writing under his Hand.

Church to be deemed a Perpetual Cure.

LXXIII. And be it further enacted, That the ſaid Church when built, completed and conſecrated as aforeſaid, ſhall be and is hereby declared to be a Perpetual Cure and Benefice, and ſhall be called by the Name of "The Pariſh Church of *Exmoor*;" and that every Miniſter of the ſaid Church ſhall be by virtue of this Act incorporated and made a Body Politic and Corporate, by the Name of "The Officiating Miniſter of the Church of *Exmoor*," and ſhall have perpetual Succeſſion, and be enabled to ſue and be ſued by that Name in all Courts of this Realm; and that the ſaid Church and Churchyard or Burial Place, and the ſaid Parſonage Houſe, Garden, Yard, or Homeſtead, ſhall be veſted in the ſaid Miniſter and his Succeſſors for the Time being, for ever; and that the ſaid Church and the Miniſters thereof ſhall be ſubject, in all Reſpects, to Viſitation of the Lord Biſhop of *Bath* and *Wells* for the Time being, and ſhall alſo be ſubject

to

to the Ordinary Eccleſiaſtical Juriſdiction by Law eſtabliſhed; and that Divine Service ſhall be from Time to Time for ever thereafter performed in the ſaid Church, according to the Rites and Ceremonies of the Church of *England* as by Law eſtabliſhed.

Miniſter's Stipend.

LXXIV. And be it further enacted, That for the Maintenance and Support of the Miniſter of the ſaid Church for the Time being, he ſhall have and be allowed a yearly Stipend or annual Sum of One hundred and fifty Pounds, to be paid to him Half-yearly without any Deduction, by Warrant from the Lords Commiſſioners of His Majeſty's Treaſury for the Time being, out of the Land Revenues of the Crown, and ſuch Miniſter ſhall alſo have and be entitled to receive and take all ſuch *Eaſter* Offerings, Dues, Surplice Fees, Donations, and Emoluments as are or ſhall be uſually payable for Parochial Duties in other Pariſhes.

Patronage of the Living.

LXXV. And be it further enacted, That the Advowſon, Right of Patronage, free Diſpoſition, and Nomination of, in, and to the ſame Church, when the ſame ſhall have been ſo erected, built, and conſecrated as aforeſaid, ſhall appertain and belong to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, for ever.

Marriages may be ſolemnized in the Church.

LXXVI. And be it further enacted, That when the ſaid Church ſhall have been ſo built and conſecrated as aforeſaid, and at all Times thereafter, Banns of Matrimony may be publiſhed and Marriages may be celebrated therein, in ſuch Manner and under ſuch Reſtrictions and Regulations as the ſame may by Law be publiſhed and celebrated in any other Church or public Chapel wherein Banns and Marriages are allowed by Law to be publiſhed and celebrated; and that every ſuch Marriage ſhall be valid and effectual to all Intents and Purpoſes whatſoever; provided all ſuch Banns and Marriages ſhall be publiſhed and celebrated according to the Laws and Canons which ſhall be then in force within this Realm in that Behalf.

Chriſtenings and Burials to be regiſtered.

LXXVII. And be it further enacted, That after the ſaid Church ſhall be ſo built and conſecrated as aforeſaid, Chriſtenings and Burials had and ſolemnized within the ſaid Church ſhall be regiſtered in Public Regiſters to be provided and kept for that Purpoſe, in like Manner as by Law directed, or as is uſually practiſed in other Pariſh Churches.

Pariſh, &c. to be ſubject to all Laws relative thereto.

LXXVIII. And be it further enacted, That when the ſaid Church ſhall have been ſo built and conſecrated and the ſaid Pariſh ſo formed as aforeſaid, all the Laws and Statutes which ſhall be then in force within that Part of the United Kingdom called *England*, relating to Pariſhes or to Parochial Offices, ſhall be in full force and have Effect and Operation in all Reſpects, in relation to ſuch new Pariſh and Pariſh Offices of *Exmoor*, in like Manner as if the ſame had been a Pariſh previouſly to the making and paſſing the ſame Laws and Statutes.

Pariſh may be divided into Townſhips.

LXXIX. And be it further enacted, That if at any Time after the ſaid Church ſhall be ſo built and conſecrated, and the ſaid Pariſh ſhall be ſo formed as aforeſaid, any Number of the Inhabitants of ſuch new Pariſh ſhall think fit to apply by Petition to the Juſtices at any General Quarter Seſſions of the Peace which ſhall be holden for the ſaid County of *Somerſet*,

to have the ſaid Pariſh divided into Two or more Townſhips, then and in ſuch Caſe it ſhall be lawful to and for the Juſtices not intereſted in the Premiſes, in their ſaid General Quarter Seſſions, and they are hereby required to hear ſuch Petition, and to inveſtigate and enquire into the Allegations therein contained; and if upon ſuch Hearing the ſaid Juſtices ſhall think it requiſite or expedient that the ſaid Pariſh ſhall be divided into Two or more Townſhips, then and in ſuch Caſe it ſhall and may be lawful to and for ſuch Juſtices, in their ſaid General Quarter Seſſions, and they are hereby authorized and empowered to make ſuch Order and Award for the Diviſion of the ſaid Pariſh into Two or more Townſhips accordingly, and to give all ſuch Directions in relation thereto as they ſhall think requiſite and neceſſary; and in caſe ſuch Order ſhall be ſo made, then and from thenceforth the ſaid Pariſh ſhall be divided accordingly into ſuch Townſhips, and ſuch Townſhips ſhall be called by ſuch Names as the ſaid Juſtices ſhall in and by ſuch Order direct; and every ſuch Townſhip ſhall from thenceforth for ever thereafter provide for its own Poor, and have and enjoy and be veſted with ſuch and the like Powers, Privileges, and Immunities, and be ſubject to ſuch and the like Regulations as are or ſhall be then incident to and held and enjoyed by the ſeveral other Townſhips within the ſaid County of *Somerſet*, by the Laws and Statutes in that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*.

Saving His Majeſty's Rights to Mines, &c.

LXXX. Provided always, and be it further enacted, That this Act ſhall not defeat or prejudice the Right or Intereſt of the King's moſt Excellent Majeſty, His Heirs and Succeſſors, in or to any Mines of Coal, Lead Ores, Metals, or any other Minerals whatſoever, in or under the ſaid Foreſt, or any Part thereof, but that His ſaid Majeſty, His Heirs and Succeſſors, and his or their Leſſees and Grantees, Agents, Servants and Workmen, may ſearch for, work, dig, get, raiſe and carry away all ſuch Coal, Lead Ores, Metals, and all other Minerals whatſoever, as freely and effectually to all Intents and Purpoſes whatſoever, as if this Act had not been paſſed; ſave only, that they ſhall reſpectively do as little Damage as poſſible in the Lands to be incloſed as aforeſaid, and ſhall make reaſonable Satisfaction and Recompence from Time to Time to the Perſon or Perſons poſſeſſed thereof, for all Damage that ſhall or may be done thereto, or to any Part thereof, by ſearching for, working, digging, getting, raiſing, and carrying away the ſaid Coal, Lead Ores, Metals, and all other Minerals, or any of them.

Saving the Profits of Stone Quarries to Perſons entitled to Allotments under this Act.

LXXXI. Provided always, and be it further enacted, That this Act ſhall not defeat or prejudice the Right or Intereſt of any Perſon or Perſons in or to any Quarries of Slate, Limeſtone, and other Stone whatſoever, in or under any Allotment which ſhall be made to him, her, or them, by virtue of this Act; but the ſame ſhall belong to him, her, or them, and be the Property of the Perſon or Perſons in Poſſeſſion of any ſuch Allotments, in or under which any ſuch Quarry or Quarries ſhall be, and according to the Nature and Tenure of the Eſtate in reſpect of which ſuch Allotments ſhall be made.

General Saving of all other Rights.

LXXXII. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and to all Bodies Politic, Corporate, or Collegiate, and their

Succeſſors, and to all and every Perſon and Perſons whomſoever, his, her, or their Heirs, Executors, Adminiſtrators, and Aſſigns, all ſuch Eſtate, Right, Title, Intereſt, Claim, and Demand whatſoever (other than and except ſuch as is and are hereby expreſſed, meant, and intended to be barred, deſtroyed, or extinguiſhed), as they, every, or any of them had or enjoyed in, to, or out of the ſaid Foreſt and Open Commonable Lands and Grounds hereby directed to be divided, allotted, and incloſed as aforeſaid, before the paſſing of this Act, or could or might have had and enjoyed therein, in caſe this Act had not been paſſed.

SCHE-

SCHEDULE (A.) to which this Act refers.

FORM of CERTIFICATE of Contracts made by the Commissioners of His Majesty's Woods, Forests, and Land Revenues.

By the Commissioners of His Majesty's Woods, Forests, and Land Revenues.

THESE are to certify, That in pursuance of a Warrant from the Right Honourable the Lords Commissioners of His Majesty's Treasury, bearing Date the Day of *A. B.* and *C. D.* Two of the Commissioners of His Majesty's Woods, Forests, and Land Revenues, for and on Behalf of the King's most Excellent Majesty, have contracted and agreed with *A. B.* of for the Sale to the said *A. B.* of all [*here describe the Premises to be sold*] at or for the Price or Sum of of lawful Money of *Great Britain*, to be paid by the said *A. B.* into the Bank of *England*, and carried to "The Account of the Public Monies of the Commissioners of His Majesty's Woods, Forests, and Land Revenues, being the Woods and Forests Fund;" and from and immediately after the Payment of the said Sum into the Bank in Manner aforesaid, and the Inrolment of this Certificate and the Receipt for the said Purchase Money in the Office of the Auditor of the Land Revenue for the County aforesaid, and thenceforth for ever, the said *A. B.* and his [her *or* their] Heirs [*or* Successors] or Assigns, shall be adjudged, deemed and taken to be in the actual Seisin and Possession of the said Hereditaments and Premises so by him, [her *or* them] purchased, and shall hold and enjoy the same peaceably and quietly, freed and discharged from all Claims and Demands of His Majesty, His Heirs and Successors, or of any Person or Persons claiming under him or them, and in as full and ample Manner to all Intents and Purposes, as His Majesty, His Heirs or Successors might or could have held or enjoyed the same if such Sale had not been made. Given under their Hands, this Day of in the Year of our Lord

Signed by the above named,
in the Presence of

FORM OF RECEIPT.

RECEIVED the Day of of and from *A. B.* the Sum of of lawful Money of *Great Britain*, being the Consideration Money expressed in the above [*or*, within] written Certificate. Witness my Hand,

For the Governor and Company of the Bank of *England*,
(Signed) Cashier.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1815.