



ANNO QUADRAGESIMO SEPTIMO

GEORGI III. REGIS.

Cap. 42.

An Act for inclosing Lands in the Parish of *Mere*,
in the County of *Wilts*. [25th April 1807.]

WHEREAS there are within the Parish of *Mere*, in the County of *Wilts*, divers Open and Common Arable Fields, Common Downs, Common Meadows, Common Pastures, and Commonable Places, containing together, by Estimation, upwards of Five thousand Acres: And whereas his Royal Highness *George Augustus Frederick* Prince of *Wales* and Duke of *Cornwall* is Lord of the Manor of *Mere*, lying within the Parish of *Mere* aforesaid, and *Thomas Schutz* Esquire, is Lessee or Lord Farmer thereof under his said Royal Highness: And whereas *Thomas Grove* and *Wyndham Godden*, Esquires, are Lords of the several Manors of *Zeals Clevedon* and *Zeals Aylesbury*, within the said Parish of *Mere*: And whereas the very Reverend *John Ekins*, Doctor in Divinity, as Dean of the Cathedral Church of *Sarum*, is Lord of the Manor of the Parsonage of *Mere*, consisting of divers Leasehold and Copyhold Lands, and also is the Rector or Impropiator of the Improprate Rectory of *Mere* aforesaid, and as such is entitled to all the Great Tithes arising therein: And whereas his said Royal Highness, or his said Lessee, the said *Thomas Grove* and *Wyndham Godden*, as Devisees, as aforesaid, the

[Loc. & Per.] & F Most

Most Noble *Edward Adolphus* Duke of *Somerset*, Sir *Richard Colt Hoare* Baronet, and the said *John Ekins* as Dean of the said Cathedral Church of *Sarum*, *Thomas Grove* Clerk, and divers other Persons, are Proprietors of Land within the said Parish of *Mere*, and entitled to a Proportion of the said Open and Common Downs, Common Meadows, Common Pastures, and Commonable Places, lying within the same Parish: And whereas the said Open and Common Arable Fields and Common Meadows lie intermixed and dispersed in small Parcels, and the said Common Downs, Common Pastures and Commonable Places, are in their present State incapable of any considerable Improvement; but if the same were divided into specific Shares, and allotted unto and amongst the several Proprietors thereof in Severalty, in lieu of and in Proportion to their respective Rights and Interests therein; and if such Allotments in the said Common Meadows, Common Pastures, and Commonable Places were inclosed, the same would be convenient for Occupation, and might be considerably improved: 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 *Thomas Davis*, of *Horningsham* in the County of *Wilts*, Gentleman, *Richard Webb*, of the *Glose* in the City of *New Sarum*, Gentleman, and *John Gatehouse*, of *Buckhorn Weston* in the County of *Dorset*, Gentleman, (and their Successors, to be elected in Manner herein-after mentioned,) shall be, and they are hereby appointed Commissioners for dividing, allotting, and inclosing the said Open and Common Fields, Common Pastures, and other Commonable Lands, hereby authorized to be divided, allotted, or inclosed, and for executing all and every the Powers, Authorities, Directions, Clauses, and Provisions herein-after particularly mentioned; and also such of the Powers, and subject to such Rules and Regulations as are contained in an Act 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 such Acts*, as are not varied, altered, or otherwise provided for by any of the Provisions contained in this Act; and that all Acts, Matters, and Things done and executed by any Two of the Commissioners named in or to be appointed by virtue of this Act, shall be to all Intents and Purposes as valid and effectual as if the same had been done and executed by all the said Commissioners.

For appoint-
ing new Com-
missioners.

II. And be it further enacted, That when and as often as either of the said Commissioners, or any Commissioner or Commissioners to be hereafter nominated and appointed in pursuance of this Act, shall die or refuse or neglect to act, or become incapable of acting as a Commissioner or Commissioners for the Purposes of this Act, then and in every such Case the major Part in Value, (such Value to be ascertained by the Rate for the Relief of the Poor of the said Parish for that Year) of the several Proprietors of Lands in the said Open and Common Fields, Common Pastures and other Commonable Lands, present at some public Meeting, to be holden at some House within the said Parish of *Mere*, of which Meeting and the Intent thereof Notice shall be given by the Clerk to the said Commissioners previous to such Meeting, by affixing such Notice on One of the principal outer Doors of the Parish Church of *Mere* aforesaid, and by inserting the same in the *Salisbury* and *Winchester Journal*, (if such Paper be then published),

lished), if not, then in some other Newspaper printed or circulated in the said County of *Wilts*, and by sending the like Notice to the Duchy Office, *Somerset Place, London*, addressed to his said Royal Highness's Surveyor General shall, and they are empowered, by Writing from Time to Time under their Hands, to elect and appoint some other Person or Persons not interested in the said intended Division, Allotment, and Inclosure, to be a Commissioner or Commissioners in the Room and Stead of such Commissioner or Commissioners so dying, or refusing, or neglecting to act, or becoming incapable of acting as aforesaid; and every Commissioner so to be appointed from Time to Time shall have the same Power and Authority to act in the Execution of the Powers given in and by this Act and the said recited Act, as if such Commissioner had been named a Commissioner in and by this Act.

III. And be it further enacted, That each of the said Commissioners shall be allowed the Sum of Three Pounds and Three Shillings for his Trouble, Charges, and Expences, including all travelling Charges and Expences for each and every Day he shall necessarily attend in the Execution of the Powers of this Act, or the said recited Act; and the said Commissioners shall have full Power, and they are hereby authorized to appoint a Clerk to assist them in the Execution of this and the said recited Act, and such Clerk from Time to Time to remove and to appoint another, as to them shall seem meet; and the said Clerk shall in like Manner be allowed the Sum of Three Pounds and Three Shillings for his Trouble, Charges, and Expences, including all travelling Charges and Expences for each and every Day he shall necessarily attend the Commissioners in the Execution of this and the said recited Act: And be it further enacted, That the said Proprietors, their Attornies and Agents, and each and every of them shall pay their own Expences, when they, or any of them shall attend the said Commissioners at any of their Meetings to be holden in pursuance of this Act.

Allowance to
the Commis-
sioners.

IV. And be it further enacted, That the said Commissioners shall, and they are hereby required with all convenient Speed after the passing of this Act, to give publick Notice in the Parish Church aforesaid, upon some *Sunday* immediately after Divine Service, or by Notice in Writing, to be affixed on one of the Doors of the said Church, immediately before Divine Service, and the like Notice in the *Salisbury* and *Winchester Journal*, or such other provincial Newspaper as aforesaid, and by sending the like Notice to the said Duchy Office addressed as aforesaid, of the Time and Place of their First Meeting for carrying this Act into Execution, and shall give publick Notice, in Manner aforesaid, of the Time and Place of their Second and Third Meetings for executing the Powers hereby vested in them, Fourteen Days at least before such last mentioned Meetings, and of each and every subsequent Meeting, (Meetings by Adjournment only excepted) the said Commissioners shall give Ten Days Notice at least in the said Parish Church, upon some *Sunday* immediately after Divine Service; and in case Two of the said Commissioners shall not meet at the Time and Place appointed for any such Meeting, or to which any such Meeting shall be adjourned as aforesaid, it shall and may be lawful to and for the said Commissioners who shall attend, and to and for the Clerk to the said Commissioners, in case no one of the said Commissioners shall at-

Commission-
ers to give
Notice of
their Meet-
ings.

tend, to adjourn such Meeting from Time to Time to any future Day, not exceeding Fourteen Days from the Day of such Adjournment, such Meeting to be holden at the same Place, or at such other Place within the said Parish of *Mere*, or within Eight Miles thereof, as to the said Commissioners or Clerk making such Adjournment shall seem most convenient; and the said Commissioner, or the Clerk making such Adjournment, is hereby required to give timely Notice thereof to the absent Commissioners: Provided always, that all Meetings to be holden by the said Commissioners for carrying this Act into Execution shall be holden within the said Parish of *Mere*, or within Eight Miles thereof.

Other Notices
how to be
given.

V. Provided always, and be it further enacted, That all other Notices requisite and necessary to be made and given by the said Commissioners (the Manner of making and giving which shall not be otherwise provided for by this Act) shall be made and given by Advertisement in the said *Salisbury* and *Winchester Journal*, or in some other Newspaper as aforesaid, and also by sending Notice as aforesaid to the said Duchy Office.

For shorten-
ing Boundary
Fences.

VI. And whereas it may shorten the Boundary Fences between the Lands lying in the said Parish of *Mere*, and the Lands lying in the Parish or Parishes adjoining thereto, if the said Commissioners were enabled to cause such Fences to be carried in such Direction as they shall think most proper and convenient for shortening and making the same regular; be it therefore enacted, That it shall and may be lawful to and for the said Commissioners, with the Consent in Writing under the Hand or Hands of the Lord or Lords of the said Manors, and with the Consent in Writing under the Hands of the major Part in Value of the Land Owners interested in any Common or Waste Lands adjoining to the said Parish of *Mere*, and also under the Hand or Hands of the Owner or Owners of the Lands and Grounds upon which such Fence or Fences is or are intended to be made, to set out, ascertain and determine the Boundary Fences between the Lands and Grounds hereby intended to be divided, allotted, and inclosed, and the Lands and Grounds in such adjoining Parish or Parishes, in such Manner as the said Commissioners shall judge proper for the Purposes aforesaid; and after such Boundary Fences shall be set out, ascertained and determined as aforesaid, the same shall be fenced by such Person and Persons, Body and Bodies Politick, Corporate, and Collegiate, in such Manner and at such Time or Times as the said Commissioners shall, in and by their Award, order and direct; and such Fences shall for ever thereafter be deemed and taken to be the Boundary and Boundaries between the said Parish of *Mere* and such adjoining Parish or Parishes; any Law, Usage or Custom to the contrary thereof in anywise notwithstanding.

Commission-
ers to settle
Disputes.

VII. And be it further enacted, That if any Dispute or Difference shall arise between any of the Persons, or Body or Bodies Politick, Corporate, or Collegiate, interested or claiming to be interested in the said Lands and Grounds to be divided, allotted, and inclosed by virtue of this Act, or in any Part or Parts thereof, or in the said Division and Allotments, or touching or concerning the respective Rights and Interests which they, or any of them shall have, or claim to have, in, over or upon the Lands and Grounds to be divided, allotted and inclosed by virtue of

of this Act, or touching or concerning any other Matter or Thing relating to the said Division and Allotment, it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered to examine into, hear, and determine the same: Provided always, that nothing in this Act contained shall authorize and empower the said Commissioners to determine the Title to any Messuages, Lands, Tenements, or Hereditaments whatsoever.

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

Commissioners to assess Costs.

IX. And be it further enacted, That all Lands, Fields, or Inclosures, being the Property of Two or more Persons, within or belonging to the said Parish of *Mere*, within one Fence, whether such Properties belong to different Lords or Landholders in Fee, or are held of One Lord or Land Owner by different Copies of Court Roll, or Leases for a long Term of Years, or determinable on the Death of One or more Life or Lives, or by any other Mode whatsoever, whereby the Duration of Interest is different or uncertain, and all Lands heretofore given up or relinquished, or agreed to be given up or relinquished, by the former Owner or Owners, or reputed Owner or Owners of the late disafforested Ground of *Gillingham*, in the County of *Dorset*, to the Tenants, Freeholders, Inhabitants and Poor of the Parish of *Mere* aforesaid, or any of them; and all Open or Commonable Lands, set out, or held in respect of any Messuages, Lands, or Hereditaments, within the Parish of *Mere* aforesaid, shall be considered as Commonable Lands, and be divided and allotted accordingly, by virtue of and under the Powers and Authorities of this Act; and in such Cases where Allotments are made to Persons holding Estates for different Terms, under the same Lord or Land Owners, the said Commissioners shall in their Award declare to which Estate the respective Allotments do severally belong; and that all Inclosures, which have at any Time been made in the said Common Arable Fields, and which do not adjoin to a publick or other sufficient Road, shall be deemed to be allottable Land, within the Meaning of this Act, unless the Proprietors

Certain Lands liable to be allotted, ascertained.

of such Inclosures are possessed of other allottable Land sufficient to make a Communication to the said Inclosures.

Disposal of
Encroach-
ments.

X. And be it further enacted, That all Encroachments and Inclosures, made in, upon, and from any of the said Open and Commonable Fields, Common Pastures, and Commonable Lands, within the Space of Twenty Years next before the passing of this Act, (except such as have been made by the Lord or Lords, Lady or Ladies, of the said Manors, or any or either of them, or their Tenant or Tenants respectively, by their Authority, adjoining the Freehold Lands of such Lord or Lords, Lady or Ladies respectively,) shall severally be deemed Part of the same Open and Common Fields or Lands respectively, in or from which such Incroachments or Inclosures have been made, and shall be set out, divided and allotted as such, under this Act; or otherwise shall and may be set out, appointed and allotted to the respective Lord or Lords, Lady or Ladies of the said respective Manors, for or in respect of their Right of Soil, or other their respective Share or Proportion, to be set out or allotted for them, by virtue of or under this Act.

Commission-
ers to make
a Survey, and
determine
Differences.

XI. And be it further enacted, That the said Commissioners, as soon as conveniently may be, after they shall have caused a Survey and Admeasurement, and a Map or Maps, Plan or Plans, to be made for the Purpose of this Act, wherein shall be inserted the Parcels and Quantity of Land belonging to the several Proprietors, shall summon all and every the said several Proprietors of the said Open and Common Fields, Common Pastures, and Commonable Lands, by this Act authorized to be divided and allotted, to attend at such Time and Place, as they the said Commissioners shall appoint, by giving Fourteen Days previous Notice at the least, for that Purpose, in the *Salisbury* and *Winchester Journal*, and in the said Parish Church, on some *Sunday* immediately after Divine Service, or by affixing the like Notice thereof in Writing under their Hands, on One of the principal outer Doors of the said Parish Church, Fourteen Days at the least previous to the same Meeting, and so in like Manner to the Surveyor General at *Somerset Place* aforesaid; and at such Meeting shall submit such Survey and Admeasurement, Map or Maps, Plan or Plans, to the Inspection and Examination of the said several Proprietors and Persons interested in the said intended Division, the better to discover and to correct any Error or Errors that may be therein, and to ascertain the specific and distinct Parcels and Quantities of Land belonging to the several Proprietors, by this Act authorized to be divided and allotted.

Commission-
ers to direct
what inclosed
Lands may be
surveyed.

XII. Provided always, and be it further enacted, That nothing in the said Act or this Act contained shall extend, or be construed to extend, so as to require the said Commissioners or their Surveyor to make, or cause to be made, any Admeasurement, Plan, or Valuation of any of the Messuages, Cottages, Orchards, Gardens, Homesteads, ancient inclosed Lands and Grounds, hereby authorized to be divided and allotted, unless the said Commissioners shall deem such Admeasurement, Plan, or Valuation expedient for the Purposes of this Act.

XIII. Pro.

XIII. Provided always, and be it further enacted, That in case any Person or Persons, Body or Bodies Politick, Corporate or Collegiate, interested in the said intended Division, Allotment, and Inclosure, shall be dissatisfied with the Determination of the said Commissioners touching or concerning any Right or Interest in, over, or upon the said Open and Common Fields, Common Meadows, Common Pastures, and Waste or other Lands, hereby authorized or directed to be divided, allotted, and inclosed, then and in such Case it shall and may be lawful to and for the Person or Persons so dissatisfied to proceed to a Trial at Law of the Matter so determined by the said Commissioners at the then next Assizes for the said County of *Wilts*, if the same shall not happen within Three Calendar Months next after such Determination; but if the said next Assizes shall happen within Three Calendar Months next after such Determination, then at the following Assizes to be holden for the said County of *Wilts*; and for that Purpose the Person or Persons, Body or Bodies Politick, Corporate, or Collegiate, who shall be dissatisfied with the Determination of the said Commissioners, shall cause an Action to be brought, upon a feigned Issue, against the Person or Persons, Body or Bodies Politick, Corporate, or Collegiate, in whose Favour such Determination shall have been, within Two Calendar Months next after such Determination of the said Commissioners; and shall also, within One Calendar Month after such Determination, give Notice in Writing to the said Commissioners of his, her, or their being so dissatisfied; 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 Attorneys, who shall appear thereto, or file Common Bail, and accept One or more Issue or Issues, whereby such Claim or Claims, and the Right or Rights thereby insisted on, may be tried and determined; such Issue or Issues to be settled by the proper Officer of the Court in which such Action or Actions shall be commenced, in case the Parties shall differ about the same; and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding, and conclusive upon all and every Person and Persons whomsoever, Body and Bodies Politick, Corporate, or Collegiate, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall be lawful for the Court to do; and also, upon sufficient Cause shewn, to put off the Trial of such Action or Actions, as is usual in other Cases; and after such Verdict or Verdicts shall be obtained, and not set aside by the Court, the said Commissioners shall, and they are hereby authorized and required, to act in conformity thereto, and to allow or disallow the Claim or Claims thereby determined according to the Event of such Trial or Trials; and such Allowances and Disallowances shall be final and conclusive upon all Parties: Provided always, that the Determination of the said Commissioners touching such Rights, or other Rights or Interests in, over, or upon the said Open and Common Fields, Common Meadows, Common Pastures, and other Commonable Lands, hereby authorized or directed to be divided and allotted, which shall not be objected to in due Time, or, being objected to, the Party or Parties objecting not causing such Action at Law to be brought and proceeded in as aforesaid, shall be final and conclusive upon all Parties.

Allowing
Parties to try
Rights at
Law.

XIV. And be it further enacted, That if any of the Parties in any Action, Suit, or Proceeding to be brought or commenced in pursuance of

Death of Par-
ties not to
stop Pro-
ceedings.
this

this Act, shall die pending the same, such Action or Proceeding shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened.

Allotments
to Lords of
Manors for
Rights of
Soil.

XV. And be it further enacted, That the said Commissioners shall, and they are hereby directed to set out and allot such Part or Parts of the said Common Pastures, hereby authorized and directed to be divided and allotted, called *Mere* and *Zeals Commons*, or by any other Name or Names, as the said Commissioners shall adjudge to be fair and equitable, not exceeding in Value One Twentieth Part of the said Common Pastures (after deducting the Public Roads to be set out therein), unto and for the several and respective Lords of the several Manors of *Mere*, *Zeals Clevedon*, and *Zeals Aylesbury*, in lieu of their Right of Soil in, over, and upon the same respectively.

Allotment to
be made to
the Vicar and
Parish Offi-
cers of *Mere*.

XVI. And be it further enacted, That the said Commissioners shall, and they are hereby directed and required, in the next Place, to set out and allot any Plot or Parcel of Land, not exceeding Twenty Acres, in some One or more of the Common Pastures, hereby authorized and directed to be divided and allotted, to the Vicar, Churchwardens, and Overseers of the Poor, for the Time being, of the said Parish of *Mere*, to be held and enjoyed by them and their Successors for ever, in Trust, for the Benefit of the Poor of the said Parish, in such Manner and under such Orders, Regulations, and Restrictions, as the said Vicar, Churchwardens and Overseers of the Poor of the said Parish, for the Time being, or the major Part of them, shall from Time to Time order and direct.

Allotments
for Stone,
Chalk, and
Gravel Pits.

XVII. And be it further enacted, That the said Commissioners shall, and they are hereby required to set out and allot such Part or Parts of the said Common Downs and Common Pastures, hereby authorized or directed to be divided and allotted, as they shall deem expedient, as and for public Stone, Chalk, and Gravel Pits, with convenient Roads to and from the said Stone, Chalk, and Gravel Pits, to be used by the Proprietors or Occupiers of Lands and Estates within the Parish, for the Repairs of the public Roads and Purposes of Husbandry, and to allot the Ground, Soil, and Herbage of such Land, so to be appropriated for such Stone, Chalk, and Gravel Pits respectively, unto, for, or amongst such of the Owners or Proprietors of Lands, authorized by this Act to be divided and allotted, as the said Commissioners shall think proper, and order and direct.

Allotment of
the Residue.

XVIII. And be it further enacted, That the said Commissioners shall in the next Place divide, set out, and allot all the Residue of the said Open and Common Arable Fields and Common Downs, Common Meadows, Common Pastures, and Commonable Places, and other Lands, hereby authorized or directed to be divided and allotted, unto and for the several Owners, Proprietors, Lessees, and customary Tenants thereof, and Persons interested therein, in lieu of and in Proportion to their respective Lands and Rights of Common or other Rights therein; and that the same Proportion of the Common Fields below the Hills and Downs, as to Quantity, Quality, and general Situation, be allotted to each Proprietor

as he at present holds, as far as Circumstances and the Accommodation of small Proprietors will admit.

XIX. And whereas some of the Proprietors, Lessees and other Persons interested in the Common Pastures, by this Act directed to be divided, allotted, and inclosed, whose Allotments thereof may be too small to bear the Expence of Inclosing, or for other Reasons may be desirous of having Liberty to feed and depasture their Allotments in Common under proper Regulations; be it therefore enacted, That the said Commissioners shall, and they are hereby fully authorized and empowered to award, order and direct that all such of the said Allotments as they shall think proper and necessary shall be hereafter fed and depastured in Common, and may, by their Award declare at what Time or Times, and on what Contingency or Contingencies, those Common Rights, or any of them, shall or may respectively cease and determine; any Thing herein contained to the contrary thereof in any wise notwithstanding; and the said Commissioners shall, in and by their Award, and they are hereby authorized and empowered to direct that the same shall be opened, stocked, and depastured, and also be shut up and unstocked on such Days, and at such Times yearly, and with such Sort and Number of Neat Cattle, Sheep, and other Stock, for the Share and Proportion of each Proprietor or Owner therein respectively, and under and subject to such Rules, Orders, and Restrictions as the said Commissioners shall judge most equitable and beneficial for the several Parties interested therein, and as they shall insert in their said Award.

For depasturing Allotments in Common.

XX. And be it further enacted, That the said Commissioners shall as soon after the passing of this Act, as conveniently may be, by some Writing or Writings, under their Hands, to be published in the said Parish Church of *Mere*, upon some Sunday immediately after Divine Service, and also to be affixed on One of the principal, outer Doors of the said Church, order and direct the Course of Husbandry that shall be used in, over and upon the Lands and Grounds, by this Act authorized or directed to be divided, allotted, and inclosed, until the Time when they shall have made and completed the said intended Division, Allotment, and Inclosure, as well with respect to the laying down the same with Corn or Grass Seeds, and the Plowing, Fallowing, Tilling, Manuring, and Mowing thereof, as to the Stocking, Depasturing, and Unstocking the same, or any Part or Parts thereof, and by such Writing or Writings, or any other Writing or Writings, under their Hands, to be published and made known as aforesaid, shall and may make such Orders and Regulations touching the Conduct of the Farmers and Tenants of the said Lands and Grounds, and the Seeding of the same, as may prevent them from committing Waste, Destruction or Damage upon any of the said Lands and Grounds in the mean Time, and until the Allotment and Division thereof shall be effected; and all such Orders and Regulations of the said Commissioners shall be binding and conclusive upon all Persons interested, their Farmers and Tenants; and the said Commissioners shall set and impose such pecuniary Penalties and Forfeitures, not exceeding for any One Offence the Sum of Five Pounds *per Acre*, on each and every Person not conforming to such Orders and Regulations as they shall think necessary; and all such Penalties and Forfeitures shall be paid to the said Commissioners, and shall be applied by them in Aid of the Expences of passing and executing this

Directing the Course of Husbandry.

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Act, and not otherwise; and the same shall be respectively recovered and recoverable in a summary Way before One or more Justices of the Peace for the said County of *Wilts*, who is hereby authorized and required, upon Complaint made before him, to summon the Party complained of, and to examine any Witness or Witnesses upon Oath, and proceed to a Judgment and Conviction thereon; and if any such Penalties or Forfeitures shall have been adjudged to have been incurred, then and in every such Case it shall be lawful for such Justice or Justices, by Warrant under his or their Hand and Seal, to cause such Penalties to be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, together with reasonable Costs, returning the Overplus (if any) to the Owner or Owners of such Goods and Chattels.

Commissioners may direct Fencing of certain Allotments.

XXI. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required to order and direct, that such of the Allotments in the Common Meadows and Common Pastures, and such small Allotments in the Arable Fields, as they shall judge proper and necessary to be inclosed, shall be fenced with Ditches and Quickset Hedges on the outward Boundaries thereof, by and at the Expence of the Proprietors, Lessees, or Persons to whom the same shall be respectively awarded (other than and except the Rector and Vicar of the said Parish for the Time being, for or on account of any Allotment or Allotments to be made to them respectively in respect of their Glebe Lands;) and all such Fences shall be made in such Manner, and within such Time, and in such Shares and Proportions, and by such Person and Persons, and shall thereafter be repaired, maintained, and preserved, in such Manner and in such Shares and Proportions, and by such Person and Persons as the said Commissioners shall direct and appoint; but that all the other Allotments in the Arable Fields, and all Allotments on the Downs, may be inclosed or left open at the Discretion of the Proprietors thereof.

For vacating Leases at Rack Rent.

XXII. And be it further enacted, That all or any Leases or other Agreements at Rack Rent, now subsisting of or respecting any of the Lands and Grounds to be divided and allotted pursuant to this Act; or of or respecting any Messuages, Buildings, Homesteads, Gardens, Orchards, or old inclosed Lands held with the same, or of or respecting any Lands or Hereditaments which shall be exchanged by virtue hereof, shall (in case the said Commissioners shall think fit and proper) cease, determine, and be utterly void, at such Time or Times, and in such Manner and Form, and with such Addition or Abatement of Rent, or other Satisfaction, as the said Commissioners shall, by Writing under their Hands, order and appoint; and the Lessors or Owners of the Lands, Tenements, and Hereditaments, comprized in such Leases or Agreements, shall pay or receive such Sum or Sums of Money, or make or receive such Satisfaction to, or from their Lessees or Tenants respectively, as the said Commissioners shall judge to be a proper Equivalent for vacating such Leases or Agreements respectively; and the said Commissioners are hereby authorized and required to order and direct such Payments and Satisfaction to be made accordingly: Provided always, That where any Lands, Tenements, or Hereditaments, shall have been exchanged by virtue of this Act, which Lands, Tenements, or Hereditaments, shall be under Lease, or wholly situate in an adjoining Parish, the Lease of such Lands, Tenements, and Hereditaments, shall not be vacated or determined.

XXIII. And

XXIII. And be it further enacted, That it shall be lawful for the said Commissioners to set out, allot, and award any Lands, Tenements, Rights, or Hereditaments whatsoever, within the said Parish of *Mere*, in Lieu of and in Exchange for any other Lands, Tenements, Rights, or Hereditaments whatsoever, within the said Parish, or within any adjoining Parish, Hamlet, Manor, Township, or Place, provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioners, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors, seized of all the Lands, Tenements, or Hereditaments, which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politic, Corporate or Collegiate, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail General or Special, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for Charitable or other Uses, Husbands, Committees, or Attornies of, or acting for any such Proprietors or Owners as aforesaid, who, at the Time of making such Exchange or Exchanges, shall be respectively Infants, Females Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves; himself or herself; such Consent to be testified in Writing, under the Seal of the Body Politic, Corporate or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every Exchange and Exchanges, so to be made, shall be good and effectual in the Law to all Intents and Purposes: Provided always, That no Exchange shall be made of any Lands, Tenements, or Hereditaments, held under his said Royal Highness, without the Consent testified as aforesaid, of his said Royal Highness, or of his Successors; and no Exchange shall be made of any Lands, Tenements, or Hereditaments, held in Right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent testified as aforesaid, of the Patron of such Church, Chapel, or Benefice, and also of the Lord Bishop of the Diocese in which such Lands, Tenements, or Hereditaments, so to be exchanged, shall be situate.

For making Exchanges.

XXIV. And be it further enacted, That all the Costs, Charges and Expences, attending the making of any Exchanges or Partitions by virtue of this or the said recited Act, shall be paid, borne, and defrayed by the several Persons making such Exchanges and Partitions, in such Manner, and in such Proportions, as the said Commissioners shall order or direct, (due Regard being had to the Provisions and Exceptions herein mentioned as to his said Royal Highness and his Successors).

Expences of Exchanges to be borne by the Parties interested therein.

XXV. And be it further enacted, That the said Commissioners shall and may from Time to Time, as they shall find convenient, deliver to the several Persons interested in the several Divisions and Allotments, to be set out under this Act, Possession of their respective Allotments; and such Possession so delivered shall be kept and maintained by the several Persons entitled thereto, although the Award of the said Commissioners shall not then have been made and executed.

Commissioners to deliver Possession to Owners of Allotments.

XXVI. And be it further enacted, That all and every the Costs, Charges and Expences incident to the obtaining and passing of this Act, and of surveying, admeasuring and valuing, dividing, allotting, and inclosing, the said Open and Common Fields or Lands, hereby authorized to be divided, allotted,

For paying the Expences of the Act.

allotted, and inclosed; and of providing and sowing such Grass Seeds as may be sown in pursuance of this Act; and of forming and making the public or Common Drains, Sewers, Watercourses, Watering Places for Cattle, Wells, Bridges, and other Conveniences, Hedges and Fences, which shall be set out and made by virtue of this Act, and of preparing and depositing the said Award and Map, and Copies thereof, as hereby directed; and all other the Costs, Charges, and Expences of the said Commissioners, and of the several Persons employed in preparing the same, or otherwise employed by the said Commissioners in carrying the several Powers of this Act and the said recited Act into Execution; and also the Share and Proportion of the said Charges and Expences in respect to making any Outward or Boundary Fences of any Allotment or Allotments to the Vicar or Rector of the said Parish of *Mere* for Glebe Lands or Common Right; and all other Sum and Sums of Money which the said Commissioners are hereby directed or empowered to raise or levy shall be paid, borne and defrayed by all the Owners or other Persons interested in the said Open and Common Fields or Lands, in Proportion, as near as may be, to their respective Estates, Rights, Interests, and Lands therein (save and except his said Royal Highness and his Successors, for or in respect of his reverend or other Estate or Estates or Interest therein, whose Share of such Costs, Charges, and Expences, is herein directed to be defrayed by his Lessee or Tenants respectively, and except the said Rector and Vicar), due Regard being had to the Expences occasioned by each Person's Estates, and also to the Value thereof; and the Shares and Proportions of the said Costs, Charges, and Expences, to be borne by the respective Owners and Persons so interested in Manner aforesaid, shall be settled by the said Commissioners, and shall be paid by such Person or Persons, in and by such Rate or Rates, Shares and Proportions, and at such Time or Times, and to such Person or Persons, as the said Commissioners shall direct or appoint (save as aforesaid); and in case any Person or Persons shall refuse or neglect to pay his, her, or their Proportion of such Costs, Charges, and Expences, according to such Direction or Appointment as aforesaid, then and in such Case the same shall and may be recovered in the Manner directed in and by the said Act of the Forty-first Year of His present Majesty.

Land may be sold for defraying the Expences.

XXVII. Provided always, and be it enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered, upon Application made to them in Writing by any Person or Persons whomsoever (save and except the Lessee of his Royal Highness the Prince of *Wales* and his Successors, and the said Rector and Vicar of the said Parish for the Time being, for or in respect of any Allotment or Allotments which shall be made them respectively by virtue of this Act in respect of their respective Glebe Lands), to sell and dispose of so much of the Allotment or Allotments so made to such Person or Persons by whom or on whose behalf such Application shall be made as aforesaid, as in the Judgement of the said Commissioners will by the Sale thereof raise Money sufficient to pay and defray the Share and Proportion of the said Costs, Charges, and Expences of obtaining and executing this Act, to be paid by such Person or Persons; and the said Commissioners shall thereupon sell and dispose of such Part of the said Allotment or Allotments as to them shall seem right and proper, to any Person or Persons, for the best Price or Prices that can be gotten for the same, by private Contract or by public Auction

Auction or Auctions, to be holden for that Purpose; of which Auction or Auctions respectively Six Weeks previous Notice shall be given; and the Person or Persons so purchasing the same by private Contract or at such public Auction shall immediately pay (by way of Deposit) into the Hands of the said Commissioners, or such Person or Persons as they shall direct and appoint, One Tenth Part of his, her, or their Purchase Money, and pay the Remainder thereof within Six Calendar Months next after the said Sale, or at such other Time as the said Commissioners shall appoint; and in Default thereof the Money so deposited shall be forfeited, and shall be applied in paying and defraying such Proportion of such Costs, Charges, and Expences; and the Allotment or Allotments for which the whole of such Purchase Money shall not have been so paid, or for which there shall be no Bidding at such Auction, shall be again put up to Sale, and sold by public Auction in Manner aforesaid, for the best Price or Prices that can be gotten for the same, or be sold by the said Commissioners by private Contract for any Sum or Sums not less than the remaining Nine Tenths of the Price or respective Prices for which the same was or were respectively before sold, or the Amount of One Bidding above the Sum or respective Sums at which the same was or were respectively put up in the said former Auction; and every Allotment for which the full Purchase Money shall be paid, shall immediately thereupon be absolutely discharged of and from all Common and other Rights thereon or therein, and be vested in Fee Simple in, and be thenceforth held in Severalty by such Purchaser or Purchasers thereof respectively as his, her, or their private and absolute Property, and shall be conveyed and allotted accordingly by the said Commissioners; and the Purchase Money shall be applied by the said Commissioners in defraying such Share and Proportion of such Costs, Charges, and Expences, as aforesaid.

XXVIII. Provided always, and be it enacted, That in case such Lands, and Grounds, so to be sold as herein-before mentioned by the said Commissioners, shall be sold for more Money than will be required to defray the Share or Proportion of such Costs, Charges, and Expences, to be paid by the Person or Persons so requesting such Sale, then and in such Case such Surplus Money shall be divided and apportioned between the several Persons so requesting such Sale, if more than One such Application shall be made, in such Shares as the said Commissioners shall think proper; and the Shares of such of them as shall be Tenants of their respective Allotments in Fee Simple, shall be paid to them respectively, and the Shares of such other Persons of and in such Surplus Money shall be applied and disposed of in Manner directed by the said Act, in those Cases wherein any Money is to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the same Uses.

Application
of Surplus
Money.

XXIX. Provided always, and be it further enacted, That the Monies herein-before authorized to be raised or levied by any such Sale or Sales, Rate or Rates, as herein-before mentioned, shall and may be raised or levied wholly or in Part by either or both of the said Ways or Means as the said Commissioners shall in their Discretion think fit.

Money may
be raised
wholly or in
Part by a Sale
or Rate.

XXX. And be it further enacted, That it shall and may be lawful for the several Persons to whom any Allotment or Allotments of the Lands

Tenants for
Life to charge
their Allot-

[Loc. & Per.]

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and

ments with
Expences,
&c.

and Grounds to be divided and inclosed, shall be made by virtue of this Act, being Tenants in Tail, or for Life or Lives only, or for Years determinable upon One or more Life or Lives, and to and for the Husbands of all Females Covert, and all other Persons being or acting as Guardians, Committees, Trustees, or Attornies of or to any Minors; Idiots, or Lunatics, or Persons beyond the Seas, or under any Incapacity or Disability whatsoever, to whom any Allotment or Allotments shall be made of the said Open and Common Fields or Lands, and to and for all Trustees for charitable Uses, by and with the Consent of the said Commissioners, to be testified in Writing under their Hands and Seals, either in and by their Award, or in and by any Deed or Instrument to be executed by them, (and which Consent the said Commissioners are hereby authorized and required to give, from Time to Time) to charge the Lands which shall be allotted to such Persons respectively as aforesaid (save and except the Lessee or Lessees, Tenant or Tenants, of the Lands and Hereditaments holden or to be holden under his said Royal Highness, within the Manor of *Mere* aforesaid, for or in respect of such Lands, the Manner of charging such Lands being herein specially provided for), with such Sum or Sums of Money not exceeding Five Pounds *per Acre*, as shall be necessary for the Purpose of defraying such respective Shares or Proportions of the Costs, Charges, and Expences, as shall be directed by the said Commissioners to be paid by such Persons in Manner herein-before mentioned; and for securing the Repayment of such respective Sums of Money with Interest, to demise or grant for any Term or Number of Years the Lands so to be allotted as aforesaid, unto the Person or Persons who shall advance and lend the same respectively, his, her, or their Executors, Administrators, or Assigns, so as such Grants or Demises respectively be made with a proviso or Condition to cease and be void, or on an express Trust to be surrendered, when the Sum or Sums of Money thereby secured, and the Interest thereof, shall be fully satisfied and paid; and so as in every such Demise and Grant which shall be made by such Tenant in Tail, or for Life or Lives, or Years determinable on one or more Life or Lives, or by any Husband, Guardian, Committee, Trustee, or Attorney as aforesaid, there be inserted a Covenant to pay and keep down Half-yearly the Interest of the Money thereby secured during the Life or Lives, or other Estate and Interest for which the said Lands to be charged, demised, or granted, shall be respectively held: Provided always, That no Person entitled to the Remainder or Reversion of the Lands so to be charged, demised, or granted, shall be liable to pay any greater Arrear of Interest of the said Money so borrowed, than for One Year preceding the Time that the Title of such Person to the Possession of the said mortgaged Premises shall have commenced; and that every such Grant and Demise, by way of Charge or Mortgage of the said Lands to be allotted in pursuance of this Act, shall be good, valid, and effectual in the Law.

Powers for
Persons hold-
ing under the
Prince of
Wales to bor-
row Money.

XXXI. And whereas the said Lessee or Lord Farmer under his said Royal Highness, or some of the Proprietors of the said Allotments, held or to be holden under his said Royal Highness, or his said Lessee, may have Occasion to borrow Money, or to advance Money to defray their Proportion of the Charges and Expences of obtaining and executing this Act in Manner aforesaid, and of inclosing their Allotments, and cannot by Reason of some Impediment, Customs, or Incumbrances, make an effectual Security thereon, to the Satisfaction of a Mortgagee; be it further enacted, That it shall and may be lawful to and for any Proprietor of any Estate,

to

to whom any Allotment or Allotments shall be made, or who shall be or become interested in the said Division, Allotment, and Inclosure, by virtue of this Act, as a Tenant of His Royal Highness or holding of or under the said Manor of *Mere*; and for any Guardian, Husband, Committee, Trustee, or Attorney for any Infant, Idiot, Lunatic, Feme Covert, Person beyond the Seas, or otherwise incapable to act for herself, himself, or themselves; or for any Tenant for Life or Lives, or Lessee for Years, whose Leases are not avoided by this Act; Trustee or Trustees for charitable Uses; or any Mortgagee or other Creditors in Possession of any of the said Lands and Grounds so leased or holden as last aforesaid, or any of them, to charge the said Lands and Grounds or old Inclosures which shall be so allotted and awarded, or exchanged, to them as Tenants of His said Royal Highness, or holding of or under the said Manor of *Mere*, or otherwise as aforesaid, with any Sum or Sums of Money not exceeding Five Pounds *per* Acre, as the said Commissioners by Writing under their Hands shall direct or appoint, such Sum or Sums of Money to be paid to such Person or Persons as the said Commissioners shall by any such Writing authorize to receive the same, in order to be wholly applied to the Purposes herein-before mentioned; and for securing the Repayment of such Sum or Sums of Money, with Interest, to make a Surrender or assign the Lease by or under which the said Tenements, Lands, or Grounds, so to be charged, are so held under his said Royal Highness, unto such Person or Persons who shall advance such Sum or Sums respectively for the Whole of their Interest therein; so as such Surrender or Assignment of Lease be made with a proviso or Condition to cease and be void, or with an express Trust to be surrendered and vacated when such Sum or Sums of Money, with the Interest thereof, shall be paid; and every such Surrender or Assignment shall be good, valid, and effectual in Law: Provided also, that all and every such Sum or Sums of Money so to be advanced as aforesaid, shall remain a Charge upon the Lands and Grounds which shall be so surrendered or assigned as aforesaid, until the same shall revert to his said Royal Highness or his Successors, unless the same shall be previously discharged.

XXXII. And be it further enacted, That his said Royal Highness and his Successors, or his Lessee or Lessees, shall be answerable and subject, and liable to allow, in the setting of any future Fine or Fines, on any Renewal or Renewals, Exchange or Exchanges, of such Estate or Estates, as shall be so held as a Part of his said Royal Highness's Possessions of his Duchy of *Cornwall*, so much but no greater or other Proportion of such Sum or Sums of Money so to be raised respectively, and charged upon the Owner or Owners of such Estates respectively, under the Authority and for the Purposes aforesaid, than what the said Commissioners shall in their Award assess and allot as a fair and adequate Equivalent for his said Royal Highness's reversionary Interest and Benefit of and in the said Estate or Estates so held at the Time of their making such their said Award, and which said Proportion or Equivalent they the said Commissioners are hereby authorized, empowered and directed to make and assess accordingly, between his said Royal Highness and his Successors, or his or their Lessee or Lessees, and such Owner or Owners, Proprietor or Proprietors, Tenants of his said Royal Highness under the said Manor, according to the best of their Skill and Judgement; due Regard being had by them to the respective Rights and Interests of each Party therein respectively at the Time of making the same,

same, and whether then held for One, Two, or Three Lives, or for any Term or Number of Years renewable.

XXXIII. Provided also, and be it further enacted, That if the Owner or Owners, Proprietor or Proprietors, Mortgagee or Mortgagees, in Possession of any such Estates so held under his said Royal Highness as Lord of the Manor of *Mere* aforesaid, shall neglect or refuse to renew on the dropping of any Life or Lives before the Expiration of any Term or Number of Years, so as that the same Estate or Estates so held shall or may revert to his said Royal Highness or his Successors, or his or their Lessee or Lessees, then and in every such Case, his said Royal Highness and his Successors, or his or their Lessee or Lessees, shall be wholly exonerated of and from the Payment of any Part of such Sum or Sums so to be raised, and so to be apportioned, in Manner and for the Purposes and Intent aforesaid, and all Interest in respect thereof; any Settlement, Will, Trust, Use, Reversion, Limitation, Surrender, Clause, or Condition, or other Matter or Thing whatsoever, to the contrary notwithstanding.

Power to
assign Mort-
gages.

XXXIV. And be it further enacted, That all and every Person and Persons to whom any Grant, Mortgage, Lease, Surrender, Assignment, or Demise shall be made by the Authority of this and the said recited Act, or who shall be entitled to the Money thereby secured, may from Time to Time, by any Deed or Deeds, Writing or Writings, by him or them duly executed, assign, surrender, or transfer the Security or Securities, or the principal Money and Interest thereby secured, and all his, her, or their Right, Title, and Interest in and to the same, unto any other Person or Persons whomsoever, who may again in like Manner assign or be admitted to the same, and so *toties quoties*; and such Mortgagee or Mortgagees, Surrenderer or Surrenderers, Assignee or Assignees, his, her, and their Executors and Administrators, and all Persons, claiming under them or any of them, shall and may use, take, and pursue all such lawful Methods, Courses, and Expedients, in Law and in Equity, or by the Custom of the said Manor of *Mere*, for the recovering and obtaining the Possession of the Premises so to be mortgaged, demised, assigned, or surrendered as aforesaid, in case of Non-payment of the principal Money or Interest to be thereby secured, or any Part thereof, as is or are used, taken and pursued in all Cases of the like Nature (except as against any of the said Estates so held under his said Royal Highness, which shall or may revert for Want of Renewal, in Manner as aforesaid); and that in all Cases where the Estates so to be mortgaged, leased, surrendered, assigned, or demised, for securing of Money as aforesaid, and for the Purposes aforesaid, are held under his said Royal Highness or his Successors, as Lord of the Manor aforesaid, it shall and may be lawful to and for all and every Person and Persons to whom any such Mortgage, Lease, Surrender, or Assignment, shall be made by the Authority of this Act and by the Custom of the said Manor, or who shall be entitled to the Money thereby secured from Time to Time upon the dropping of any One or more Life or Lives, to renew, paying the Fine or Fines for such Renewal, under his said Royal Highness or his Successors, the Estate or Estates wherein One or more Life or Lives may so drop, as a Security to him, her, or them, for the Money so lent and secured thereon, and so from Time to Time as often as the same may happen pending the Existence of

of such Security; and to charge the Sum or Sums of Money from Time to Time so paid for such Renewals, by way of Fine and Charges of taking up the same, together with the Interest thereon, at and after the Rate of Five Pounds *per Centum per Annum*; and that no Estate or Estates, so in Mortgage as aforesaid, shall be redeemed or redeemable, until as well the said original Mortgage Money, and the Interest so secured and covenanted to be paid as aforesaid, as the said Sum or Sums of Money so to be paid for such Renewal, by way of Fine and Charges, with Interest thereon as aforesaid, shall be fully paid and satisfied; any Thing herein contained to the contrary thereof in anywise notwithstanding.

XXXV. Provided always, and be it further enacted, That all and every the Allotments or Allotment to be made to the Owners and Proprietors of Estates within the said Parish of *Mere*, in Right or in Respect of any Freehold Messuages, Lands, Rights, or Interests, by virtue of this Act, shall, from and after the Execution of the Award of the said Commissioners, be deemed as Freehold Lands, and held under the same Rents and Services (if any), and in the same Manner as the Freehold Messuages, Lands, Tenements, or other Hereditaments, in respect of which they shall be allotted; and all and every the Allotments to be made in Right of or in respect of any Leasehold or Copyhold Messuages, Lands, or Hereditaments by virtue of this Act, shall from and after the Execution of the said Award, be deemed and taken as and for Leasehold or Copyhold, and shall be held as such by Lease and Copy of Court Roll, at the Will of the Lords of the said Manor, and under and subject to the same Tenures, Rents, Payments, Fines, Customs and Services as the Leasehold or Copyhold Messuages, Lands, or Hereditaments respectively for or in respect whereof such Allotments shall be made are now held, as Part and Parcel thereof; and the Quantities in Acres, Roods, and Perches of such respective Allotments, with their respective Boundaries and Abutments, shall be described and distinguished from each other in the said Award of the said Commissioners, and in the Survey and Map to be made of the said Lands and Grounds; and that all and every Person and Persons to whom any such Copyhold Allotment or Allotments shall be made, shall within Twelve Calendar Months next after the Execution of the Award of the said Commissioners, be respectively admitted Copyhold Tenants to the Lands so allotted to them, without paying any Fine to the Lord, paying only the accustomed Charges and Fees to the Steward and Bailiff of the Court of the said Manor.

Allotments to be held for the same Tenures as the Lands in respect of which they were made.

XXXVI. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, so as to make void or annul any Will or Settlement, or to prejudice any Person having or claiming any Jointure, Dower, Debt, Portion, or Incumbrance, out of, upon, or affecting any of the Lands and Grounds to be divided, allotted, and exchanged respectively in pursuance of this Act, but that the several Lands and Grounds so to be allotted or given in exchange as aforesaid, shall from thenceforth be, remain, and enure, and the several Persons to whom the same shall be allotted or given in Exchange as aforesaid, shall stand and be seized thereof for such and the same Uses, Trusts, and Estates, and subject to the same Wills, Settlements, Limitations Remain-

Wills and Settlements not to be affected.

ders, Charges, and Incumbrances, as the several Lands, Tenements, and Hereditaments for or in respect of which such Allotments or Exchanges shall be made as aforesaid, would have been subject and liable to be charged with or affected by in case this Act had not been made.

Directions where the Award shall be deposited.

XXXVII. And be it further enacted, That the Award to be made by the said Commissioners, when inrolled in Manner directed by the said Act, shall be deposited in the Parish Chest, in the Parish Church of *Mere* aforesaid, wherein the Papers and Books relating to the said Parish are usually kept; and that a true Copy thereof, together with the Map of the same, attested by the said Commissioners, shall also be deposited in the Office of the Duchy of *Cornwall*, for the Convenience of the Officers of His said Royal Highness.

Persons advancing Money to be repaid with Interest.

XXXVIII. And be it further enacted, That if any Person shall advance any Sum or Sums of Money for defraying the Expences of obtaining and passing this Act, or for the Use of the said Commissioners in carrying the same into Execution, every such Person shall be repaid the same, with Interest at the Rate of Five Pounds *per Centum per Annum*, out of the first Monies that shall be received for defraying the Expences of obtaining and executing this Act, and which Sum and Sums of Money so advanced shall be and be deemed to be a Charge on the Monies to be received by the said Commissioners for the Execution of this Act.

Commissioners to account

XXXIX. 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 the passing thereof), the said Commissioners shall, and they are hereby authorized and required to make a true and just Statement or Account of all Sums of Money by 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 by them laid before any one or more of His Majesty's Justices of the Peace for the said County of *Wilts*, (not interested in the said intended Division and Inclosure), to be by such Justice or Justices examined and balanced; and such Balance shall be by him or them stated in the Book of Accounts to be kept in the Office of the Clerk to the Commissioners; and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed by such Justice or Justices.

Appeals to the Quarter Sessions.

XL. And be it further enacted, That if any Person or Persons shall think him, her, or themselves aggrieved by any Thing done in pursuance of the said Act of the Forty-first Year of His present Majesty, or of this Act, then and in such Case (except in such Cases where the Orders or Determinations of the said Commissioners are by the said Act or this Act directed to be final or conclusive, and except as to such Clauses, Matters, and Things as are herein before authorized to be tried or determined by an Issue at Law) he, she, or they may appeal to any General Quarter Sessions of the Peace which shall be holden for the County of *Wilts*, within Six Calendar Months next after the Cause of Complaint shall have arisen, giving Thirty Days Notice in Writing of such Appeal to the said Commissioners; and the Justices at the said General Quarter Sessions are hereby

hereby required to hear and determine the Matter of every such Appeal, and make such Orders therein, and award such Costs as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs which shall be so awarded, by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) on Demand to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale; which Determination of the Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removable by *Certiorari* or any other Writ or Process whatsoever into any other of His Majesty's Courts at *Westminster*.

XLII. And be it further enacted, That nothing in this Act contained shall prejudice, lessen, or defeat the Right, Title, or Interest of His said Royal Highness, or his Successors, Lessee or Lessees, as Lord or Lords of the said Manor of *Mere*, of, in, or to the Seignories or Royalties incident or belonging to the said Manor (save and except the Right of the Soil of any of the Waste Lands and Grounds hereby directed to be divided and allotted); but that such Lord or Lords shall and may, from Time to Time, and at all Times hereafter, hold Courts and receive Fines, and Quit-rents, Waifs, and Estrays, and enjoy all Royalties and Privileges to the same Manor respectively belonging or incident thereto, in as full, ample, and beneficial a Manner, to all Intents and Purposes, as the said Lord or Lords or his or their Successor or Successors might have held and enjoyed the same before the passing of this Act, or in case the same had never been made.

Saving the Rights of the Lords of the Manor of *Mere*.

XLIII. And be it further enacted, That nothing in this Act or in the said recited Act contained shall prejudice or defeat the Right, Title, or Interest of the Lord or Lords of the said respective Manors of *Zeals Clevedon* and *Zeals Aylesbury*, and of the Parsonage of *Mere*, of, in, or to the Seignories or Royalties, incident or belonging thereunto respectively (save and except the Right of Soil of any of the Lands and Grounds hereby directed to be divided and allotted), but that such Lord or Lords shall and may, from Time to Time, and at all Times hereafter, hold Courts and receive Fines and Quit-rents, Waifs, and Estrays, and enjoy all Royalties and Privileges to the same Manors respectively belonging or incident thereunto, in as full, ample, and beneficial a Manner, to all Intents and Purposes, as the said Lord or Lords or their Successors might have held and enjoyed the same before the passing of this Act, or in case the same had never been made.

Saving the Rights to the Lord or Lords of the Manor of *Zeals Clevedon* and *Zeals Aylesbury* and Parsonage of *Mere*.

XLIII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person and Persons, Bodies Politick and Corporate, his, her, or their Heirs, Successors, Executors, and Administrators, all such Estates, Rights, Titles, and Interests (other than such as are meant and intended to be barred and destroyed by this Act); of, in, to, or in respect of the Lands and Hereditaments to be divided and allotted by virtue of this Act, as he, they, or any of them might or could have had or enjoyed, in case this Act had not been made.

General Saving of all other Rights.

XLIV. And

Act to be
printed by
the King's
Printer.

XLIV. And be it further enacted, That this Act shall be printed by the Printer to the King's most Excellent Majesty, and a Copy thereof so printed shall be admitted as Evidence thereof by all Judges, Justices, and others.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1807.