



ANNO QUARTO

# GULIELMI IV. REGIS.

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## Cap. 10.

An Act for inclosing Lands in the Parish of *Dalwood* in the County of *Dorset*. [16th June 1834.]

**W**HEREAS there are within the Parish of *Dalwood* in the County of *Dorset* certain Commonable and Waste Grounds, called respectively *Dalwood Downs*, *Denning's Hill*, *Thorney Cleeves*, *Peirs Down*, *Twinhayes*, *Dicken Marsh*, *Dalwood Marsh*, and *Dalwood Green*, and other Commons and Waste Lands and Grounds, containing together Four hundred and thirty-three Acres or thereabouts: And whereas the Right Honourable Lord *King* is or claims to be Lord of the Manor of *Dalwood*, and as such claims to be entitled to the Soil of the said Commons and Waste Lands: And whereas the Owners and Proprietors of the several Lands and Tenements lying within the said Parish claim to be entitled to the Soil of the said Commons and Waste Lands, and to Rights of Common in, over, or upon the same: And whereas an Act was passed in the Forty-first Year of the Reign of His Majesty King *George* the Third, intituled *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas an Act was passed in the First and Second Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend the Law respecting the inclosing of open Fields, Pastures, Moors, Commons, and Waste Lands in England*: And whereas the said several Commons, Commonable Lands, and Waste Grounds are in their present State of little Value, and it would be of great Benefit to the several Persons interested therein if the same were divided and allotted in Severalty unto and among them respectively; but the same cannot be effected

[Private.]

41G.3.c.109.

1 & 2 G. 4.  
c. 23.

Appointment  
of Commis-  
sioner.

effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Henry Wakley* of *Membury* in the County of *Devon*, Gentleman, shall be and he is hereby appointed sole Commissioner for setting out, dividing, allotting, and inclosing the said Commons, Commonable Lands, and Waste Grounds, and for carrying this Act into execution, subject to the Rules, Orders, and Directions herein-after contained, and also subject to such of the Rules, Orders, Directions, Authorities, Regulations, Restrictions, and Provisions contained in the said recited Acts, as are not repugnant to or controlled by any of the Powers, Provisions, or Regulations contained in this Act or in the said recited Acts.

Neglect of  
Commis-  
sioner de-  
fined.

○ II. And be it further enacted, That in case the said Commissioner, or any other Commissioner to be appointed in pursuance of the Powers of this Act shall neglect to act in the Execution of the Powers of this Act for the Space of Fourteen Days or more next after Notice in Writing, requiring him so to act by any Person or Persons entitled to any Allotment under this Act, shall have been given to him, or left at his last or most usual Place of Abode, such Neglect shall be deemed an absolute Refusal on the Part of such Commissioner to act within the Meaning of this Act.

Appointment  
of new Com-  
missioner.

III. And be it further enacted, That if the said Commissioner, or any Commissioner to be appointed in his Stead, shall refuse to act or become incapable of acting as a Commissioner in the Execution of this Act, or shall die before all the Powers, Authorities, and Trusts reposed or vested in him shall be fully executed, the several Owners and Proprietors of Lands, Tenements, and Hereditaments having or claiming Rights to the said Commons or Waste Lands in the said Manor and Parish of *Dalwood*, or the major Part of them in Value according to the Poor's Rate, who shall be present in Person, or by their respective Attornies or Agents, at a Meeting to be held for that Purpose within Thirty Days after such Death, Refusal, or Incapacity to act, of which Meeting Notice shall be given in Writing by any Five or more of such Owners or Proprietors, or by their respective Attornies or Agents, by affixing such Notice on the Door of the Parish Church of *Dalwood* aforesaid, and causing the same to be inserted in some Newspaper then printed or generally circulated in the said County of *Dorset*, Fourteen Days at least before such Meeting, shall and may by Writing under their Hands nominate and appoint a proper Person not being interested in the Premises, and not being the Attorney or Agent of any Person interested therein, to be a Commissioner in the Place of the said Commissioner herein named, and again in like Manner, or when and as often as any Person so to be appointed a Commissioner shall die, or refuse or become incapable to act as aforesaid, to appoint another such Person for supplying every such Vacancy in the Commission; and every Person so to be appointed as aforesaid shall take and subscribe the Oath or Affirmation prescribed in the said first-recited Act, and shall thereupon have such and the like Powers and Authorities in all respects for putting the said recited Acts and this Act into execution as if he had been hereby appointed the Commissioner by this Act.

IV. And

IV. And be it further enacted, That the said Commissioner shall have the Power and he is hereby authorized to appoint some fit and proper Person to be his Clerk to assist him in the Execution of this Act and the said recited Acts, and such Clerk from Time to Time to remove, and to nominate and appoint some other fit and proper Person to succeed him in such Office, as to the said Commissioner shall seem fit; and every such Clerk shall be paid and allowed, out of the Monies which shall be raised for putting this Act into execution, such Sum or Sums of Money as herein-after is mentioned for his Trouble and Expences in the Assistance to be given by him as aforesaid.

Commis-  
sioner to  
appoint a  
Clerk.

V. And be it further enacted, That *William Pickering* of *Axminster* in the County of *Devon*, Land Surveyor, shall be and he is hereby appointed the Surveyor for the Purposes of this Act and the said recited Acts; and in case of the Death, Refusal, Neglect, or Incapacity of the said Surveyor herein named to act as such Surveyor whilst the Powers of this and the said recited Acts are carrying into execution, then the said Commissioner shall and he is hereby authorized to appoint another Surveyor in his Stead; but no Commissioner acting in the Execution of the Powers hereby given shall be employed to act as Surveyor in the Execution of this or the said recited Acts during the Time he shall so act as Commissioner.

Appointment  
of Surveyor.

VI. And be it further enacted, That out of the Money which shall be raised for defraying the Expences of obtaining, passing, and executing this Act there shall be paid to the said Commissioner and his Clerk respectively the Sum of Three Pounds and Three Shillings, and no more, for each Day they shall respectively actually attend and be employed as Commissioner or Clerk in the Execution of this Act, or shall necessarily travel or be employed in any Business relating to the Execution of this Act or the said recited Acts, during the first Two Years next after the passing of this Act, and after the Expiration of the said Two Years, until the Powers granted by this Act shall be fully executed and performed, the Sum of Two Pounds and Two Shillings, and no more, for each and every Day they shall be respectively employed as aforesaid, in full Satisfaction of their Time and Trouble, and for the several Expences which they shall be put unto during the several Journies and Attendances in the Execution of this Act or the said recited Acts, other than and except the Expences for the Use of the Room in which the Meetings shall be holden for carrying this Act and the said recited Acts into execution, and the Costs and Expences of drawing, preparing, copying, and ingrossing and inrolling the Award of the said Commissioner, and of Advertisements.

Allowance  
to Commis-  
sioner and  
Clerk.

VII. And be it further enacted, That out of the Money which shall be raised for defraying the Expences of obtaining, passing, and executing this Act there shall be paid to the said Surveyor, or other the Person for the Time being employed as a Surveyor for the Purposes of this Act, for his Time and Trouble, any Sum not exceeding One Shilling and Sixpence *per* Acre for surveying, measuring, mapping, and planning the said Commons, Commonable Lands, and Waste Grounds, and any other Lands or Grounds which he shall so survey, measure, map, or plan for the Execution of this Act, or any Sum not exceeding Three Pounds and Three Shillings for each and every Day he shall be actually and wholly employed as a Surveyor for the Purposes of this Act; which said Sums of

Surveyor's  
Allowance.

One

Surveyor to take an Oath. One Shilling and Sixpence *per* Acre, or Three Pounds and Three Shillings *per* Day, shall be in full Satisfaction for his Time, Trouble, and for all the travelling and other Expences of every Description of such Surveyor in and about the Execution of this Act: Provided always, that the said Surveyor hereby appointed, and every other Surveyor hereafter to be appointed as herein-before is mentioned, shall, at the first Sitting of the said Commissioner, or before he shall proceed to act as Surveyor, take and subscribe an Oath, or, being one of the People called *Quakers*, an Affirmation, in the Form following; (that is to say,)

Form of Oath.

‘ I do sincerely promise and swear, [*or, being one of the People called Quakers, do solemnly affirm,*] That I will act in the Execution of the Powers, Authorities, and Trusts reposed in me as Surveyor by virtue of an Act passed in the Fourth Year of the Reign of King *William* the Fourth, intituled [*here insert the Title of this Act*], truly, impartially, and honestly, according to the best of my Skill, Judgment, and Ability, without Favour or Affection, Prejudice or Malice, to any Person or Persons whomsoever. So help me GOD.’  
 [Or, being a Quaker, omit the Words ‘ So help me God.’]

Which Oath or Affirmation the said Commissioner is hereby authorized to administer to the said Surveyor; and every Oath or Affirmation so taken and subscribed by such Surveyor shall be annexed to and inrolled with the Award of the said Commissioner.

Notice of Sittings.

VIII. And be it further enacted, That the said Commissioner shall and he is hereby required to cause Notice to be given of the Time and Place of his first and every other Sitting for the Execution of this Act by affixing a Notice in Writing under his Hand upon the principal outer Door of the Parish Church of *Dalwood* aforesaid on some *Sunday* before Divine Service, and also by causing the same to be inserted in some Newspaper or Newspapers printed or circulated in the County of *Dorset*, Ten Days at least before every such Sitting (Sittings by Adjournment only excepted); and the said Commissioner may adjourn any such Sitting from Time to Time and from Place to Place as he shall see Occasion: Provided always, that every such Sitting of the said Commissioner shall be held within the said Parish of *Dalwood*, or within Eight Miles from the Boundary thereof; and if the said Commissioner shall not attend at such Sitting, then it shall be lawful for his Clerk to adjourn such Sitting, and appoint the same to be held at the same Place or any other Place in the said Parish of *Dalwood*, or within Eight Miles thereof, on any future Day not exceeding Twenty-one Days from the Day of Adjournment, and shall give Notice thereof to the said Commissioner.

Place of holding Sittings.

For regulating the Duration of Sittings.

IX. And for regulating the Duration of all Sittings to be holden for the Purposes of this Act, be it further enacted, That a Day shall be deemed to consist of Eight Hours in all Sittings to be held between the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September*, and of Six Hours between the Twenty-ninth Day of *September* and the Twenty-fifth Day of *March*, and that any Sittings to be holden for the Purposes of this Act of less Duration than Eight Hours or Six Hours (as the Case may be) shall be charged as only Half a Day, and the said Commissioner and the said Clerk shall be paid accordingly; and a Book shall be kept by the said Commissioner or his Clerk in which shall be entered the  
 several

several Days on which the said Commissioner shall hold his Sittings, and in such Book shall also be entered at what Hour the said Commissioner and his Clerk were respectively present at such Sitting, and at what Hour they respectively left the same; and such Book shall be signed by such Commissioner and his Clerk at the Termination of each Sitting, and shall be open to the Inspection of any Person or Persons interested in the said Inclosure, or his, her, or their Agents or Attornies, during all the Sittings to be held in pursuance of this Act; and all and every such Person or Persons shall and may take Copies of or Extracts from such Book without paying any thing for the same: Provided also, that it shall not be lawful for the said Commissioner to retain or pay himself or his said Clerk out of any Monies to be received by him or over which he may have any Control by virtue of this Act, any Sum or Sums of Money on account of the Allowances herein-before directed to be made to such Commissioner and Clerk respectively, beyond One Third of such Allowances as they shall be entitled to as aforesaid, until after the Expiration of Six Calendar Months from the Date of the said Award, or in case the Accounts of the said Commissioner shall be appealed against, then not until such Appeal shall have been heard and decided: Provided nevertheless, that in case of the Death of the said Commissioner or of the said Clerk before the Execution of the said Award the Commissioner for the Time being shall, after the Expiration of the Period allowed for Appeal against the Accounts herein-after directed to be made and stated, pay to the Executors or Administrators of such deceased Commissioner or of such deceased Clerk such Sum of Money as shall appear by the said Accounts to be due to them or either of them.

X. Provided always, and be it further enacted, That all Notices necessary to be given by the said Commissioner shall be given by Advertisement to be inserted in some Newspaper or Newspapers published in the said County of *Dorset*, and by affixing the same upon the principal outer Door of the Parish Church of *Dalwood* aforesaid.

Notices how to be given.

XI. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said intended Division, Allotment, and Inclosure, touching and concerning any of the Rights and Interests which the said Parties or any of them shall have or claim to have in or over the Lands hereby directed to be divided, allotted, and inclosed, or touching or concerning the Right to the Soil thereof, or touching any other Matter relating to such Division, Allotment, and Inclosure, it shall be lawful for the said Commissioner, and he is hereby authorized and directed, to examine into, hear, and determine the same, and such Determination shall be binding and conclusive upon all Parties concerned: Provided always, that nothing in this Act contained shall authorize the said Commissioner to determine the Title to any Lands, Tenements, or Hereditaments whatsoever.

Commissioner to determine Differences.

XII. Provided also, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioner to determine the Title to any Messuages, Lands, Tenements, or Hereditaments whatsoever, nor to determine any Right between any Parties contrary to the Possession of any such Parties (except in Cases of Encroachments as herein-after mentioned); but in case the said Commissioner shall be of opinion against

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

[*Private.*]

the Right of the Person or Persons so in Possession, he shall forbear to make any Determination thereupon until the Possession shall have been given up by such Person or Persons, or recovered from such Person or Persons by Ejectment or other due Course of Law.

Commis-  
sioner to  
assess Costs.

XIII. And be it further enacted, That in case the said Commissioner shall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to him in pursuance of this Act and the said recited Acts, or of either of them, or upon the Hearing and Determination of any Dispute or Difference as aforesaid; see Cause to award any Costs, it shall be lawful for the said Commissioner and he is hereby empowered, upon Application made to him for that Purpose, to settle, assess, and award such Costs and Charges as he shall think reasonable to be paid to the Party or Parties in whose Favour any Determination of the said Commissioner shall have been made by the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, whose Claim or Claims, Objection or Objections, shall have been thereby disallowed or over-ruled, or against whom the said Commissioner shall have made any Determination as aforesaid; and in case the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, liable to pay such Costs and Charges, shall neglect or refuse to pay the same or any Part thereof, on Demand, then and in such Case the same shall and may be recovered by Action of Debt in any of His Majesty's Courts of Record at *Westminster*, or in the Manner directed or authorized by the said firstly-recited Act with respect to Expences to be paid in proportion by the Proprietors of Lands and Grounds to whom any Allotment shall be made.

Power to try  
Rights by  
Issues at  
Law.

XIV. 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, Allotment, and Inclosure, shall be dissatisfied with any Determination of the said Commissioner touching or concerning any Claim or Objection which shall be delivered to the said Commissioner in pursuance of the said recited Acts and this Act, or touching or concerning any Property, Right, or Interest intended to be affected by such Determination, it shall be lawful for the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, so dissatisfied, to cause an Action to be brought upon a feigned Issue against the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, in whose Favour any such Determination shall have been made, within Three Calendar Months next after the Determination of the said Commissioner shall have been notified in Writing to the Party or Parties against whom such Determination shall have been so made, or his, her, or their known Agent or Attorney, and thereupon the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, so dissatisfied, shall proceed to a Trial at Law of the Matter so determined by the said Commissioner, at the then next Assizes to be held for the said County of *Dorset*, after such Action or Actions shall have been commenced, unless such Assizes shall happen within Three Calendar Months next after such Action or Actions shall have been so commenced, and in that Case at the Second Assizes to be held for the said County next after such Action or Actions shall have been so commenced; and the Defendant or Defendants in such Action shall, and he, she, or they is and are hereby required to name an Attorney or Attornies, who shall  
appear

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 Officers 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 final, binding, and conclusive, 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 after such Verdict shall be obtained and not set aside the said Commissioner shall and he is hereby required to act in conformity thereto, and to allow or disallow of the Claim thereby determined, according to the Event of such Trial: 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 Trial within the Time herein-before limited for that Purpose, then the Determination of the said Commissioner shall be final, binding, and conclusive to all Intents and Purposes whatsoever.

If no Action brought or proceeded in, the Determination of the Commissioner to be final.

XV. And be it further enacted, That if any of the Parties in any Action or Actions to be brought in pursuance of this Act shall die pending the same, such Action or Actions shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened.

Proceedings not to abate by Death of Parties.

XVI. 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 to the said Commissioner with Process for commencing such Action or Actions in the same Manner as the Party or Parties so dying might have been served therewith if living; and it shall thereupon be incumbent on the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein in the same Manner as if such Person or Persons had been actually living, and the Rights of all Parties shall be equally bound and concluded by the Event of such Action or Actions: Provided also, that no Suit or Action touching the Matters aforesaid shall impede or delay the Commissioner in the Execution of the Powers vested in him by this Act or the said recited Acts, but the Division, Allotment, and Inclosure hereby directed to be made shall be proceeded in notwithstanding any such Suit or Action.

Provision in case of Deaths of Parties before Action brought

XVII. And be it further enacted, That if any of the Person or Persons, Party or Parties, interested in the said Division, Allotment, or Inclosure, shall die before the same shall be completed, the Powers and Authorities hereby

Deaths of Parties not to suspend Execution of the Act.

hereby given to the said Commissioner shall not be thereby determined or suspended, but the said Commissioner shall and may proceed to execute the Powers given to him by this Act and the said recited Acts in such Manner as he might have done in case such Parties had not died; and the Share or Shares of the Person or Persons so dying shall be allotted and awarded to the Person or Persons who by Descent, Will, or otherwise, shall become entitled to the same, and shall be accepted by him, her, or them according to the Directions of this Act and the said recited Acts, and he, she, or they shall be liable to the Charges and Expences and other Conditions of this Act and the said recited Acts.

Encroachments.

XVIII. And be it further enacted, That all Inclosures and Encroachments which have been made from or upon the Commons, Commonable Lands, and Waste Grounds within the Parish of *Dalwood* aforesaid, or any Part thereof, and which have not been held and enjoyed for the Space of Twenty Years before the passing of this Act without Interruption from or by the Owners and Proprietors of the said Commons, Commonable Lands, and Waste Grounds, or some of them, shall be deemed Part of the said Commons, Commonable Lands, and Waste Grounds, and shall be divided, allotted, and inclosed accordingly; and in case of any Dispute touching such Encroachment or Encroachments, or the Extent thereof respectively, such Dispute shall be determined by the said Commissioner.

Encroachments to be allotted to the Party in Possession.

XIX. Provided always, and be it further enacted, That the Land comprised in any Encroachment hereby directed to be divided, allotted, and inclosed as aforesaid shall (without regard paid to any Improvement since made thereon) be allotted to the Person in Possession thereof, so far as he, she, or they shall be entitled by virtue hereof to any Allotment of equal or sufficient Value; and in that Case the Value of such Encroachment shall, according to the Circumstances, be deemed a partial or entire Compensation for the Allotment or Allotments to which such Person or Person shall be entitled by virtue of this Act; but if such Person or Persons shall not be entitled to any Allotment or to any Allotment equivalent in Value to such Encroachment, then the whole or the Surplus of such Encroachment (as the Case may require) shall be deemed Part of the Land to be divided, allotted, inclosed, or disposed of by virtue hereof.

Disputes as to Encroachments to be determined by the Commissioner.

XX. And be it further enacted, That if any Dispute shall arise as to the Space of Time during which such Inclosures or Encroachments shall have been made or subsisted, the same shall be determined by the said Commissioner, who shall proceed therein in the Manner in which by this Act and the said firstly-recited Act he is directed to proceed in Matters or Things left to his Determination.

Rights of Common may be extinguished.

XXI. And be it further enacted, That it shall be lawful for the said Commissioner and he is hereby authorized, at any Time when he in his Judgment shall think it convenient and proper, by Notice for that Purpose under his Hand to be affixed on the principal outer Door of the Parish Church of *Dalwood* aforesaid on some *Sunday* before Divine Service, to order the Right of Common in, upon, and over the Lands hereby directed to be divided, allotted, and inclosed, or any of them, to be extinguished either in the whole or in part, or the Exercise thereof to



be suspended; and from and after the Time or Times to be mentioned in and appointed by any such Notice all such Rights of Common as shall be thereby directed to be extinguished, or the Exercise thereof suspended, shall be extinguished, or the Exercise thereof suspended, according to and as shall be expressed in and directed by such Notice; and if after such Extinguishment, or during such Suspension of such Rights of Common, any of the Proprietors or Occupiers, or Claimants of Pasturage or Common Rights, shall permit his, her, or their Cattle or Sheep to go, depasture, or feed on any of the Lands over which such Right of Common shall be extinguished or suspended as aforesaid, then it shall be lawful for any other or others of the said Proprietors or Occupiers to distrain such Cattle or Sheep being upon such Lands contrary to such Notice, and to impound the same until such Party or Parties so offending shall pay to the Party or Parties so distraining any Sum not exceeding Ten Shillings for each Head of Cattle and Five Shillings for each Sheep so distrained, to be determined by the said Commissioner; and in case the same, together with all Costs and Charges to be determined as aforesaid, shall not be paid within a reasonable Time to be fixed by him, the said Commissioner is hereby authorized and empowered, upon Proof of such Offence or Offences having been committed, and Nonpayment of the Penalty or Penalties incurred, to cause the Cattle or Sheep so distrained, or such of them as he shall think fit, or other the Goods and Chattels of the Party or Parties so offending (which the said Commissioner is hereby authorized to distrain in case of any Rescue or Pound Breach), to be sold for raising the Penalty or Penalties so incurred as aforesaid, together with the Costs and Charges attending every such Distress and Sale, rendering the Overplus (if any), upon Demand, to the Owner or Owners of such Cattle and Sheep.

XXII. And be it further enacted, That in setting out and appointing ways the several public Carriage Roads, Highways, Bridle Roads, and Foot- in pursuance of this Act or the said first-recited Act, the said Commissioner shall and he is hereby authorized and empowered (if he shall think it necessary or proper) to continue or discontinue, stop up, divert, turn, or alter any of the Carriage Roads, Highways, Bridle Roads, or Foot- ways passing or leading through or over any of the Lands or Grounds intended to be divided, allotted, and inclosed by virtue of this Act, or passing or leading through or over any ancient Inclosures within the said Parish of *Dalwood*; and the Soil of the Roads and Ways so to be discontinued and stopped up shall be deemed and taken to be Part of the Lands and Grounds to be divided, allotted, and inclosed by virtue of this Act; provided that no such Carriage Road, Highway, Bridle Road, or Foot- way passing through any of the inclosed Lands and Grounds within the said Parish shall be discontinued, stopped up, diverted, turned, or altered without the Concurrence and Order of Two of His Majesty's Justices of the Peace acting for the County of *Dorset*, not interested in the said Division, Allotment, and Inclosure, or in the Repairs of such Roads, such Order to be made upon and after such Notice as is directed and required by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to amend an Act of the Thirteenth Year of His present Majesty, for the Amendment and Preservation of the public Highways, in so far as the same relates to Notice of Appeal against turning or diverting a public Highway, and to extend the*

Power to stop or alter Roads.

55G.3. c.68.

[Private.]

*Provisions of the same Act to the stopping up of unnecessary Roads; and every such Order to be made by such Two Justices of the Peace as aforesaid may include Two or more Carriage Roads, Highways, Bridle Roads, and Footways; and the same Order, or any Part or Parts thereof, shall be subject to an Appeal in the Manner directed by the said last-mentioned Act.*

Commis-  
sioner may  
make Drains,  
&c.

XXIII. And be it further enacted, That it shall be lawful for the said Commissioner to cause any Ditches, Drains, or Watercourses within the said Parish of *Dalwood* to be cleansed, opened, scoured, widened, deepened, or enlarged, and also to stop up and discontinue any such Ditches, Drains, or Watercourses, and also to cause any new Ditches, Drains, or Watercourses to be made within the said Parish, and to make such Order for maintaining such Ditches, Drains, or Watercourses as he shall think proper; provided that no Ditch, Drain, or Watercourse shall be diverted or turned from its present Course from, in, through, or over any ancient inclosed Land without the Consent in Writing of the Owner or Owners of the Land from, through, or over which any such Ditch, Drain, or Watercourse shall be diverted or turned or carried.

Commis-  
sioner to set  
out Allot-  
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Sale to de-  
fray Ex-  
pences.

XXIV. And be it further enacted, That the said Commissioner shall set out and allot such Part and Parts of the said Commons and Waste Lands as he shall judge will by the Sale thereof be fully sufficient to defray and discharge all the Costs, Charges, and Expences incident to and attending the obtaining and passing this Act, and of surveying, admeasuring, planning, valuing, dividing, and allotting the Lands and Grounds to be divided and allotted by virtue thereof, and all the Charges of the said Commissioner, his Assistants and Servants, and all other necessary Expences of the several Persons to be employed by the said Commissioner in and about the Premises, and all the Expences of forming, making, completing, and putting in repair the public Carriage Roads and Highways, and all Bridges and Watercourses to be set out, appointed, and made by the said Commissioner, and all other Expences of carrying this Act into execution; and the said Commissioner shall and he is hereby required to sell such Allotment or Allotments as to him 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 or Auctions to be holden for that Purpose, of which Three Weeks previous Notice shall be given; and the Person or Persons so purchasing the same shall immediately pay into the Hands of the said Commissioner, or such Person or Persons as he shall direct and appoint, such Deposit as the said Commissioner shall think proper, and pay the Remainder thereof within Three Calendar Months next after, or at such other Time as the said Commissioner shall appoint; and in default thereof the Money so deposited shall be forfeited, and shall be applied in carrying this Act into execution, and the Allotment or Allotments for which the whole of such Purchase Money shall not have been so paid shall be again put up to Sale and sold in manner aforesaid for the best Price or Prices that can be gotten for the same; but if the same shall not be so resold for any Sum or Sums less than the Price or respective Prices for which the same was or were respectively before sold, and every Allotment for which the full Purchase Money shall be paid shall immediately thereupon be

absolutely discharged of and from all Commons and other Rights thereon or therein, and shall be conveyed by the said Commissioner, either by Indentures of Lease and Release, or by Feoffment, with Livery of Seisin, to the Purchaser or Purchasers, his, her, or their Heirs and Assigns, or otherwise, as he, she, or they shall direct or appoint; and the Hereditaments so conveyed shall thereupon become absolutely vested in such Purchaser or Purchasers in Fee Simple, or otherwise, according to the Form and Effect of such Conveyance; and the said Purchase Money shall be applied by the said Commissioner in defraying such Costs, Charges, and Expences as aforesaid; and the Overplus of such Purchase Money (if any), after deducting such Costs, Charges, and Expences, shall be distributed amongst the several Persons interested in the said Commons and Waste Lands respectively in proportion to their several and respective Rights and Interests therein; and such Money shall be paid to such Person or Persons, in case he, she, or they shall be seised in Fee Simple of the several Allotments to be made to them respectively by virtue of this Act, or otherwise such Money shall be applied and disposed of by the said Commissioner in manner directed by the said first-recited Act where any Sum of 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 Sum of Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the same Uses.

XXV. Provided always, and be it further enacted, That in case after Application of the Monies arising from such Sale or Sales as aforesaid the Whole of the Costs, Charges, and Expences aforesaid shall not be defrayed and discharged, it shall be lawful for the said Commissioner, and he is hereby authorized and empowered, by Writing under his Hand, to rate and assess all and every the Proprietors of and Persons beneficially interested in the Rents and Profits of the several Lands and Tenements in respect of which any Allotment shall be made by virtue of this Act proportionably to the yearly Value thereof, such yearly Value to be ascertained in the Manner herein directed, in such Sum or Sums of Money as shall be requisite to make up such Deficiency, not exceeding Two Shillings in the Pound; and the several Persons so rated and assessed as aforesaid shall pay to the said Commissioner the respective Sums of Money at which such Persons respectively shall be so rated and assessed at such Time or Times and Place or Places as the said Commissioner, by Fourteen Days public Notice at least affixed on the principal outer Door of the Parish Church of *Dalwood* aforesaid, shall for that Purpose order and direct; and the Monies arising thereby, when raised, collected, and paid, shall be applied by the said Commissioner in defraying the several Costs, Charges, and Expences which shall remain undischarged after the Application herein-before directed; and in case any Person or Persons so rated or assessed shall neglect or refuse to pay the Sum or Sums at which he, she, or they shall be so rated or assessed at the Times and Places to be appointed as aforesaid, then the said Commissioner shall and may, by Warrant under his Hand and Seal to be directed to any Person or Persons whomsoever, from Time to Time cause such Sum and Sums of Money so neglected or refused to be paid as aforesaid, or any Part thereof, 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) to the Owner or Owners of such

Commis-  
sioner may  
assess Pro-  
prietors to  
make up any  
Deficiency.

Goods

Goods and Chattels, after deducting all the Costs and Charges of such Distress and Sale.

Allotment in lieu of Soil.

XXVI. And be it further enacted, That after the said Commissioner shall have set out such Roads and Ways as shall be deemed necessary, and shall have set out such Parts of the said Commons and Waste Lands as he shall deem expedient for Sale as aforesaid, the said Commissioner shall and he is hereby authorized and required to set out, allot, and award unto and for the said Lord *King* as Lord of the said Manor, in case it shall be determined in the Manner herein-before provided that he is entitled to the Soil of the said Commons and Waste Lands, such Part or Parts thereof as shall in the Judgment of the said Commissioner be equal in Value to One full Twentieth Part of the said Commons and Waste Lands, in lieu of and in full Satisfaction for his Right and Interest in and to the Soil of the said Commons and Waste Lands: Provided nevertheless, that if it shall be adjudged and determined that the said Lord *King* as such Lord of the said Manor is not entitled to the Soil of the said Commons and Waste Lands, then and in such Case no Allotment or Allotments shall be set out or made in respect of the Soil of the said Commons and Waste Lands to any other Person or Persons, but the Residue of the said several Commons and Waste Lands shall be set out and allotted in the Manner herein-after directed.

Allotment of Residue of the Commons.

XXVII. And be it further enacted, That the said Commissioner shall and he is hereby authorized and required to set out, allot, and award the Residue and Remainder of all the said Commons and Waste Lands unto, for, and amongst the several Owners and Proprietors for the Time being of Lands and Tenements being entitled in respect thereof to any Common Right upon the said Commons and Waste Lands, or any Part or Parts thereof, in proportion and according to the yearly Value of such Lands and Tenements respectively, such yearly Value to be ascertained and fixed by and according to the Assessment by which the several Occupiers of the said Lands and Tenements in respect thereof are now charged and rated to the Poor's Rate of the said Parish, having regard, in setting out, allotting, and awarding the same several Allotments, to the Quality, Quantity, Situation, and Conveniency thereof respectively, and setting out the said several Allotments as near as conveniently may be to the several Tenements in right of which the same several Allotments shall respectively be made.

Fencing Allotments.

XXVIII. And be it further enacted, That the several Allotments to be made by virtue of this Act and the said recited Acts shall be inclosed, hedged, ditched, and fenced, at the Expence of the respective Proprietors to whom such Allotments shall be allotted and directed to belong, with Ditches and Quickset Hedges, or in such other Manner and within such Time as the said Commissioner shall by any Writing under his Hand or by his Award direct or appoint.

For determining Objections to Allotments.

XXIX. And be it further enacted, That when and so soon as the said Commissioner shall have ascertained the respective Rights and Interests of the said Proprietors and Persons interested in the Lands to be divided, allotted, and inclosed by virtue of this Act and the said recited Acts, and also the respective Shares and Proportions by him proposed to be allotted to such Proprietors respectively in lieu thereof, the said Commissioner shall hold  
a Sitting

a Sitting at some convenient Time and Place, of which due Notice shall be given, when and where the Proprietors and Persons interested may be informed of such Allotments, and see the same set out and delineated upon a Map or Plan to be produced for their Inspection; and if any of the said Proprietors and Persons interested upon such Inspection shall be dissatisfied with the proposed Allotments the said Commissioner shall, at such Time and Place as aforesaid, or at some other Time and Place to be appointed by him for that Purpose, receive Statements in Writing of the Complaints and Objections of any Proprietor or Proprietors, or Person or Persons interested, against any such Allotment or Allotments, and shall forthwith, or as soon after as conveniently may be, determine the same; and such Determination shall be final, binding, and conclusive to all Parties.

XXX. And be it further enacted, That it shall be lawful for the said Commissioner at any Time before executing his Award to make such Alterations in the Allotments and Fences, or in the private Roads which he may have set out and ordered, as he shall think right and expedient; and in case any Proprietor or Proprietors, Person or Persons interested, shall be injured by such Alterations on account of any Expence he, she, or they may have incurred in respect of his, her, or their Allotment or Allotments, the said Commissioner shall ascertain what Recompence shall be made to him, her, or them, and shall direct by whom and in what Manner such Recompence shall be made; and the same shall and may be recovered in the same Manner as the Costs which may be awarded by the said Commissioner upon the Determination of any Claim as aforesaid are herein-before directed to be recovered.

Commissioner may make Alterations respecting Allotments or private Roads before Execution of the Award.

XXXI. And be it further enacted, That in case any Proprietor or Proprietors of any Messuages, Lands, Tenements, or Hereditaments by this Act and by the said firstly-recited Act, or by either of them, authorized to be divided, allotted, inclosed, or exchanged, shall hold the respective Messuages, Lands, Tenements, and Hereditaments by different Tenures, or for, by, or under different Estates or Titles, the said Commissioner shall, on Request in Writing under the Hand or Hands of such Proprietor or Proprietors, ascertain and distinguish the Messuages, Lands, Tenements, or Hereditaments held by such different Tenures, or for or by, or under different Estates or Titles respectively, and shall in his Award set out and allot distinct and separate Allotments for such respective Messuages, Lands, Tenements, or Hereditaments, and shall therein set forth and declare in right of what Estate or Estates in particular such Allotment or Allotments shall have been made, and shall therein also ascertain and describe the Situation of every such Allotment or Allotments.

Separate Allotments for Estates held by different Titles.

XXXII. And be it further enacted, That it shall be lawful for any of the Owners or Proprietors of any Estate, or of any Common Rights upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, to sell and dispose of the same, or of the Allotment or Allotments to be made and set out in respect thereof by virtue of this Act, either together with or separate and distinct from the Estate in right of which they, he, or she are or is entitled to the same, in the same Manner as they, he, or she might have done at any Time after the Execution of the said Award; and it shall be lawful for the said Commissioner, and he is hereby authorized and empowered, to award all and every such

Proprietors may sell or mortgage Rights of Common or Allotments, separate from other Property, before Execution of Award.

[Private.]

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Allotment

Allotment or Allotments which shall be so sold or disposed of, or to be made and set out in lieu of any Common Right so sold or disposed of, to the Purchaser or Purchasers thereof, or other Person or Persons who shall be entitled to the same by virtue of any such Sale or Disposition.

Supplemen-  
tary Award  
may be made  
by the Com-  
missioner in  
certain Cases.

XXXIII. And be it further enacted, That where the Proprietor or Proprietors of or Person or Persons interested in any Allotment or Allotments, Lands, or other Hereditaments which shall be allotted, divided, inclosed, or exchanged by virtue of this Act or of the said firstly-recited Act, shall hold his, her, or their Lands or Hereditaments by different Tenures, or for, by, or under different Estates or Titles, and where, from the Want of necessary Information before the said Commissioner, or from any other Cause, the Award of the said Commissioner shall have omitted to distinguish the Lands, Tenements, or other Hereditaments holden by different Tenures, or for, by, or under different Estates or Titles, or to set out and award several and distinct Allotments for any such respective Lands or other Hereditaments as herein-before is required, it shall be lawful for the said Commissioner, and he is hereby authorized and required, at any Time and from Time to Time within Twelve Calendar Months after the Date and Execution of his Award, upon Request in Writing to be made by the respective Proprietors, or other Person or Persons, Body or Bodies Politic, Corporate, or Collegiate interested, to do all such Acts as shall be necessary for supplying any such Omission, and for that Purpose to examine Witnesses, and proceed as if his said Award had not been made, and by any Deed or Instrument under his Hand and Seal to distinguish, ascertain, and set out the Lands, Tenements, and Hereditaments held by different Tenures, or for, by, or under different Estates or Titles respectively, in the same Manner as he is hereby and by the said firstly-recited Act authorized and required to do in Cases where such Lands and Hereditaments are directed to be distinguished and set out by the General Award; and every such separate Instrument shall be enrolled in the same Place as the General Award shall be enrolled, and Evidence thereof shall be given in the same Manner as by this Act and the said recited Acts, or either of them respectively, is directed concerning the General Award of the said Commissioner; and all the Expences which shall be reasonably incurred in or about any such subsequent Inquiry and separate Deed or Instrument as aforesaid shall be paid by the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who shall have requested the said Commissioner to make and execute the same or by his, her, or their Heirs, Successors, Executors, or Administrators, and on Nonpayment thereof the same shall and may be recovered in the same Manner as the Costs which may be awarded by the said Commissioner upon the Determination of any Claim are herein-before directed to be recovered; and every such separate Instrument as aforesaid shall, from and immediately after the Execution thereof by the said Commissioner, have the same Effect, to all Intents, Constructions, and Purposes, as if the Contents thereof had been inserted in his said General Award; and a Duplicate thereof shall be delivered to the Proprietor or Proprietors, Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, upon whose Request respectively any such Omission shall have been supplied, or to the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, to whom the Custody of the Deeds, Writings, and Muni-ments concerning the Title to the Premises in question shall in the Opinion of the Commissioner most properly belong.

XXXIV. And

XXXIV. And be it further enacted, That it shall and may be lawful for the said Commissioner to set out, allot, and award any Lands, Tenements, or Hereditaments whatsoever within the said Parish of *Dalwood* in lieu of or in exchange for any other Lands, Tenements, or Hereditaments whatsoever within the said Parish of *Dalwood*, or within any adjoining Parish, Township, or Place, provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioner, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, or Hereditaments which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politic, Corporate, or Collegiate, or a Tenant or Tenants in Fee Simple, or for Life or Lives, or in Fee Tail, General or Special, or by the Courtesy of *England*, or for Years determinable upon any Life or Lives, by and with the Consent of the Lessor or Lessors, but not otherwise, or with the Consent of the Guardian or Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for such Owner or Owners, Proprietor or Proprietors as aforesaid, who at the Time of making such Exchange or Exchanges as aforesaid shall be respectively Infants, Females Covert, Lunatics, or under other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for himself, herself, or themselves, such Consent to be testified in Writing under the Common Seal of the Body or Bodies Politic, Corporate, or Collegiate, and under the Hand and Hands of the other consenting Party or 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, Constructions, and Purposes whatsoever: Provided always, that no Exchange or Exchanges shall be made of any Lands, Tenements, or Hereditaments held in right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent, testified as aforesaid, of the Patron thereof, and of the Bishop of the Diocese in which such Lands, Tenements, or Hereditaments so to be exchanged shall lie or be situate.

Exchanges may be made.

XXXV. And be it further enacted, That the Expences attending every Exchange or Partition of the Lands, Tenements, or Hereditaments by this Act or the said first-recited Act authorized to be made shall be borne and defrayed by the respective Parties making such Exchanges or Partitions, distinct and apart from the other Expences attending the Execution of this Act and the said recited Acts, in such Manner, and in such Shares and Proportions, as the said Commissioner shall by his said Award, or other Writing or Writings under his Hand, order and direct; and in case of Nonpayment thereof, or of any Part thereof, the same shall and may be recovered in the same Manner as the Costs which may be awarded by the said Commissioner upon the Determination of any Claim are herein-before directed to be recovered.

Costs of Exchanges to be paid by the Parties.

XXXVI. And be it further enacted, That the said Lands so to be allotted to any of the said Proprietors under and by virtue of this Act or the said recited Acts shall be held by such respective Proprietors, or other Person or Persons respectively, by and under the same Tenure as the Lands, Tenements, and Hereditaments in respect of which such Allotments shall be made shall or may be respectively held at or immediately before the making such Allotments.

Allotments to be of the same Tenure as the Lands in respect of which they are allotted.

XXXVII. Pro-

Wills and Settlements not to be affected.

XXXVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to revoke, make void, annul, or alter any Settlement, Will, Mortgage, or Deed, or other Instrument whatsoever, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Annuity, Rent-charge, Debt, or Incumbrance whatsoever, in, out of, upon, or affecting any of the Lands hereby directed to be inclosed, divided, and allotted, or any Messuages; Lands, Tenements, or Hereditaments which shall be exchanged as aforesaid in pursuance of this Act or the said recited Acts; but that the several Persons to whom any Messuages, Lands, Tenements, or Hereditaments shall be allotted or awarded in exchange as aforesaid by virtue of this Act or of the said recited Acts shall thenceforth stand, and be seised and possessed thereof respectively, to, for, and upon such and the same Uses, Trusts, and Purposes respectively, and subject and liable to such and the same Wills, Settlements, Mortgages, Limitations, and Remainders, Conditions, Charges, Tenures, Rents, Services, and Incumbrances, and no others, as the several Messuages, Lands, Tenements, and Hereditaments whereof such Persons were seised or possessed at or immediately before the Execution of the Award of the said Commissioner, or for which or in respect whereof such Allotments, Exchanges, or Partitions shall be made and awarded, would have been subject or liable to be charged with or affected by in case this Act had not been passed.

Power to borrow Money.

XXXVIII. And be it further enacted, That it shall be lawful for the said Commissioner to borrow and take up at Interest, of any Person or Persons willing to advance and lend the same, such Sum or Sums of Money as shall from Time to Time appear to the said Commissioner to be necessary for defraying the Charges and Expences of applying for and obtaining and executing this Act, until the same Charges and Expences shall be raised as herein-before is mentioned; which Sum or Sums so to be borrowed as aforesaid, together with legal Interest for the same, shall be repaid out of the first Monies to be raised by virtue of this Act.

Award to be deposited with the Clerk of the Peace, and a Copy thereof in the Parish Church.

XXXIX. And be it further enacted, That the Award to be made by the said Commissioner under the Authority of this Act and the said first-recited Act shall be executed and published within Three Years from the passing of this Act, and, together with a proper Map or Plan of the said Lands and Grounds hereby directed to be divided and allotted thereto annexed, shall, within Ten Days after the Execution thereof, be delivered to the Clerk of the Peace for the said County of *Dorset*, who is hereby required to deposit and keep the same among the Records of the said County, so that Recourse may be had thereto by any Person or Persons interested in the Premises, for the Reception whereof the Fee of Two Pounds and Two Shillings and no more shall be paid; and the said Award shall, from and after the Delivery thereof to the said Clerk of the Peace, be deemed and taken to be enrolled according to the Directions and within the Meaning of the said first-recited Act; and a Copy of the said Award, fairly transcribed in a Book, with a proper Map or Plan of the Allotments so set out and allotted as aforesaid, attested and signed by the said Commissioner, shall within the Time aforesaid be deposited in the Parish Church of *Dalwood* aforesaid, and there kept in a Box to be provided for that Purpose; and the said Award and the Copy thereof so attested, and any other Copy of the said Award, or of any Part or Parts thereof,



thereof, attested by the said Clerk of the Peace for the Time being of the said County, or his Deputy (for every Sheet of which containing One hundred Words Sixpence and no more shall be paid), shall from Time to Time and at all Times thereafter be admitted and allowed as legal Evidence of the Matters and Things therein contained in all Courts whatsoever.

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

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

1 G. 4. c. 35.

[*Private.*]

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Lands,

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

When under  
200*l.* and not  
amounting to  
20*l.*

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

When under  
20*l.*

XLII. Provided also, and be it further enacted, That in case the Surplus of such Money shall be less than Twenty Pounds, then and in all such

Cases the same shall be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased or exchanged for his, her, or their own Use and Benefit; or in case of Infancy, Idiocy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

XLIII. And be it further enacted, That once at least in each and every Three Calendar Months during the Execution of this Act (such Space of Time to be computed from the Day of the passing of this Act) the said Commissioner shall and he is hereby required to make a just and true Statement and Account of all Sums of Money by him received or expended, or due to him for his own Trouble and Expences in the Execution of this Act, and all Sums of Money paid and allowed to his Clerk, Surveyor, or other Persons acting under him, and also shall in such Account particularly specify the several Items and Articles for which each particular Sum has been disbursed or paid; and such Statement and Account, together with the Vouchers relating thereto, shall be by him laid before One or more of His Majesty's Justices of the Peace for the said County of *Dorset*, not interested in the said Inclosure, Division, or Allotment, to be by him or them examined and balanced; and such Balance shall be by such Justice or Justices stated and entered in the Book of Account to be kept in the Office of the Clerk to the said Commissioner; and an Abstract of such Accounts so examined and balanced shall, within Fourteen Days after the same shall have been so examined and balanced, be from Time to Time published in some Newspaper published in the said County of *Dorset*; and no Charge or Item in such Account shall be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed by such Justice or Justices, and until such Account or an Abstract thereof shall have been published in such Newspaper as aforesaid, subject nevertheless to the Power of Appeal herein-after contained: Provided always, that the said Commissioner shall give Notice in each Three Calendar Months, in the Manner other Notices are herein-before directed to be given, of the Day on which he intends to lay his Accounts before such Justice or Justices as aforesaid.

Commis-  
sioner to pass  
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Three Calen-  
dar Months.

XLIV. 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 this Act or the said recited Acts, (except in the Cases where the Orders and Determinations of the said Commissioner are by this Act and by the said first-recited Act, or by either of them, directed to be final, binding, and conclusive, and except in the Cases wherein Issue at Law shall be tried in the Manner herein-before mentioned,) then and in every such Case he, she, or they may appeal to any General Quarter Sessions of the Peace to be holden in and for the said County of *Dorset*, within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioner and to the Party or Parties interested at least Ten Days Notice in Writing of such his, her, or their Intention to appeal, and of the Matter thereof (except with respect to the Accounts of the said Commissioner, which, notwithstanding the same shall have been examined and balanced and published as aforesaid, may

Power of  
Appeal.

may be appealed against at any Time within Six Calendar Months next after the depositing of the said Award as aforesaid, on giving to the said Commissioner or his Clerk such Notice as last aforesaid); and the Justices at the said Quarter Sessions not interested in the Premises are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein, and award such Costs and Damages, as to them in their Discretion shall seem reasonable, and which Costs and Damages shall and may be recovered in the same Manner as the Costs which may be awarded by the said Commissioner upon the Determination of any Claim are herein-before directed to be recovered, which Determination of the said Justices shall be final and conclusive to and upon all Parties concerned, and shall not be removed or removable by Certiorari, or any other Writ or Process whatsoever, to any of His Majesty's Courts of Record at *Westminster* or elsewhere; and in case any such Appeal shall appear to such Justices to be frivolous, vexatious, or without Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants as to them in their Discretion shall seem reasonable, and which shall be recovered in manner aforesaid.

Saving Right  
of Lord of  
Manor.

XLV. And be it further enacted, That nothing in this Act contained shall prejudice, lessen, defeat, or annul the Right, Title, or Interest of the Lord of the Manor of *Dalwood*, or to any of the Seigniorities, Royalties, and Services incidental thereto respectively, but that he shall and may from Time to Time and at all Times hereafter hold, receive, take, and enjoy all the Rents, Fines, Services, Courts, Courts Leet and Baron, Perquisites and Profits of Courts, Goods and Chattels of Felons and Fugitives, Felons of themselves and put in Exigent, Deodands, Waifs, Estrays, Forfeitures, and all other Rights, Royalties, and Privileges to the said Manor incident, appendant, appurtenant, or belonging, (other than and except Right of Soil in, over, and upon the said Lands so directed to be inclosed, divided, and allotted as aforesaid, or any Part thereof,) in as full, ample, and beneficial a Manner to all Intents and Purposes as he might or could have held and enjoyed the same before the passing of this Act, or in case the same had not been made.

General  
Saving.

XLVI. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every Person and Persons, Body or Bodies Politic, Corporate, or Collegiate, and his, her, and their Heirs, Successors, Executors, and Administrators, all such Estates, Rights, Titles, or Interests, (other than and except such as are hereby expressly mentioned or intended to be barred, discharged, and extinguished by this Act,) as they, every or any of them, could or ought to have had and enjoyed of, in, to, or out of the Lands hereby directed to be inclosed, divided, or allotted, in case this Act had not been made.

Act to be  
printed by  
the King's  
Printers.

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

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LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,  
Printers to the King's most Excellent Majesty. 1834.