



ANNO QUADRAGESIMO QUINTO

GEORGI III. REGIS.

Cap. 92.

An Act for inclosing Lands in the Parish of *Great Canford* in the County of *Dorset*, and in the Town and County of the Town of *Poole*.

[27th June 1805.]

WHEREAS there are within the Parish of *Great Canford*, in the County of *Dorset*, divers Common Meadows, of which the first Crop or Shear is taken from small Pieces lying intermixed, and which are afterwards fed in Common: And whereas there is within the said Parish of *Great Canford* and County of *Dorset*, a Tract of Common or Waste Land, called *Canford Heath*, containing by Estimation Nine thousand Acres or thereabouts, and the Mayor, Bailiffs, Burgesses, and Commonalty of the Town and County of the Town of *Poole*, in their Corporate Capacity, and also the Freeholders and others seised or possessed of Messuages, Lands, or Hereditaments, as well within the said Town and County of the Town of *Poole*, as within the said Parish of *Great Canford*, are or claim to be entitled in respect thereof to Common of Pasture and of Turbary and other Fuel, or they claim some other Rights or Interest therein: And whereas there are within the said Town and County of the Town of *Poole*, divers Pieces of Waste Land over which the said Mayor, Bailiffs, Burgesses, and Commonalty of the said Town and County of *Poole*, in their Corporate Capacity, and also the Freeholders and others seised or possessed of Messuages, Lands, or Hereditaments within the same Town and County, are or claim to be entitled in

[Loc. & Per.]

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respect

respect thereof to Common of Pasture and of Turbary and other Fuel, or they claim some other Rights or Interest therein: And whereas there are within the Manor and Parish of *Great Canford*, and within the Town and County of the Town of *Poole* aforesaid, divers Waste Lands or Mudlands, lying between high and low Water Mark: And whereas *Edward Arrowsmith* Esquire, as the Devisee in Trust, named and appointed in and by the last Will and Testament of Sir *John Webb*, late of *Great Canford* aforesaid, Baronet, deceased, claims to be the Lord of the said Manor of *Great Canford*, which extends over the whole of the said Parish of *Great Canford*, and the Town and County of the Town of *Poole*, and over the Mudlands within the same respectively lying between high and low Water Mark, and the said *Edward Arrowsmith*, as such Lord, is entitled to the Right of the Soil of and in the Heath Lands, Waste Lands, and Mudlands aforesaid, subject to such Rights of Common and other Rights in and over the same as aforesaid: And whereas *Henry Bankes* Esquire, is the Impropiator of the Eastern Division of the Improprate Rectory and Parish of *Great Canford* aforesaid; and the said *Edward Arrowsmith*, as such Devisee in Trust as aforesaid, is the Impropiator of the Middle Division of the said Improprate Rectory and Parish of *Great Canford*; and *John Willett Willett* Esquire, is the Impropiator of the Western Division of the said Improprate Rectory; and as such Impropiators, respectively, they the said *Henry Bankes*, *Edward Arrowsmith*, and *John Willett Willett*, are respectively entitled every Two Years in Three to all Tythes, both Great and Small, within the said respective Divisions, subject nevertheless to such Moduses as are now established in respect thereof: And whereas *George Tito Brice* Clerk, is the Patron and Vicar of the Vicarage of *Great Canford* aforesaid, and as such is entitled every third Year alternately to the Whole of the Tythes both Great and Small, subject to such Moduses as aforesaid, within the said Three Divisions of the said Parish of *Great Canford*: And whereas the said Parish of *Great Canford* is within the royal, peculiar, and exempt Jurisdiction of *Great Canford* and *Poole*, and *John Harris* Clerk, Master of Arts, is the Official of the said peculiar and exempt Jurisdiction, and as such is the Ordinary thereof: And whereas the Mayor, Bailiffs, Burgesses, and Commonalty of the said Town and County of the Town of *Poole*, are the Impropiators, of so much of the said Improprate Rectory of *Great Canford* as lies within the Tything of *Long fleet* and Hamlet of *Parkstone*; and also of the Improprate Rectory of the Parish of *Saint James*, in the Town and County of the Town of *Poole*, and as such they are entitled to all Tythes, both Great and Small, arising within the said Tything and Hamlet and Parish of *Saint James* respectively: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for consolidating in one Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas it would be advantageous to the several Proprietors and Persons interested in the said Common Meadows, Heaths, Waste Lands, and Commonable Grounds, if the same were divided, and specific Parts thereof allotted in proportion to the Property, Rights of Common, and other Interests of the Proprietors therein; and also if a certain Part of the said Mudlands herein-after described were allotted to the several Persons, Bodies Politick, and Corporate, within the Town and County of *Poole* in Manner herein-after also mentioned: But such Division and

Allotment

Allotment, cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Richard Gee* of *Turvey*, in the County of *Buckingham*, *William Driver* of *Kent Road*, in the County of *Surrey*, and *William Clapcott* of *Holdenburst*, in the County of *Southampton*, Gentlemen, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Commissioners for the Purposes of dividing and allotting the said Common Meadows, Heaths, Waste Lands, and Commonable Grounds in the said Parish of *Great Canford*, and in the said Town and County of the Town of *Poole*, and the said Mudlands herein-after described, and for carrying this Act into Execution, with, under, and subject also to the Powers, Authorities, Regulations, Directions, and Provisions contained in the said recited Act, except so far as the same are hereby varied or altered.

Commissioners.

II. And be it further enacted, That in case the said *Richard Gee* shall die, refuse to act, or become incapable of acting as such Commissioner as aforesaid, the said *Edward Arrowsmith*, as Devisee as aforesaid, his Heirs or Assigns, under the Order of the Court of Chancery, to be obtained in Manner herein-after mentioned, relating to the Exchanges to be made by the said *Edward Arrowsmith*, shall and may, by any Writing under his or their Hand and Seal or Hands and Seals, within Twenty Days after such Death, Refusal, Neglect, or Incapacity as aforesaid, or as soon afterwards as Occasion shall require, nominate and appoint a proper Person, not interested in the said intended Division and Inclosure, to be a Commissioner in the Room of the said *Richard Gee*, and so from Time to Time as often as any Commissioner to be appointed by the said *Edward Arrowsmith*, as Devisee as aforesaid, his Heirs or Assigns, by Order to be obtained in Manner herein-after mentioned, shall die, refuse or neglect to act, or become incapable of acting as such Commissioner as aforesaid; and in case the said *William Driver* shall die, refuse, or neglect to act, or become incapable of acting as such Commissioner as aforesaid, the Mayor, Bailiffs, Burgeses, and Commonalty of the said Town and County of the Town of *Poole* or their Successors, shall and may, by any Writing under their Common Seal, within Twenty Days after such Death, Refusal, Neglect, or Incapacity as aforesaid, or as soon afterwards as Occasion shall require, nominate and appoint a proper Person, not interested in the said intended Division and Inclosure, to be a Commissioner in the Room of the said *William Driver*, and so from Time to Time as often as any Commissioner, to be appointed by the said Mayor, Bailiffs, Burgeses, and Commonalty, or their Successors as aforesaid, shall die, refuse, or neglect to act, or become incapable of acting as such Commissioner as aforesaid; and in case the said *William Clapcott* shall die, refuse, or neglect to act, or become incapable of acting as such Commissioner as aforesaid, the major Part in Value of the Tythe Owners and other Proprietors of Lands and Hereditaments within the said Parish of *Great Canford* (except the said *Edward Arrowsmith*, his Heirs or Assigns) and of the Agents to be appointed for such Purpose, by Writing under their respective Hands, or the known Agents or Attornies of such Tythe Owners and other Proprietors

For appointing new Commissioners.

(except as before excepted) attending respectively at a Meeting to be holden for that Purpose in pursuance of Notice to be given in the Parish Church of *Great Canford* and Chapel of *Kinson*, on some *Sunday* immediately after Divine Service, Ten Days at least before such Meeting, and at the Time and Place to be specified in such Notice shall and may, by any Writing under their Hands, within Twenty Days after such Death, Refusal, Neglect, or Incapacity as aforesaid, or as soon afterwards as Occasion shall require, nominate and appoint a proper Person not interested in the said intended Division and Inclosure, to be a Commissioner in the Room of the said *William Clapcott*, and so from Time to Time as often as any Commissioner to be appointed by the said Tythe Owners and other Proprietors of Lands and Hereditaments within the said Parish of *Great Canford* (except as aforesaid) shall die, refuse, or neglect to act, or become incapable of acting as such Commissioner as aforesaid; and in case the said *Edward Arrowsmith*, his Heirs or Assigns, or the said Mayor, Bailiffs, Burgeses, and Commonalty of the said Town and County of *Poole*, or their Successors, or the said Proprietors of Tythes, Lands, and Hereditaments, either or any of them respectively, shall make Default in appointing any new Commissioner so directed to be appointed by him and them as aforesaid, within Twenty Days after the Death of any Commissioner, or his Refusal or neglecting to act as aforesaid shall be known, then the surviving or remaining Commissioner or Commissioners shall, and they and he are and is hereby required from Time to Time, by Writing under their or his Hands or Hand, within One Calendar Month next after the Expiration of the said Twenty Days allowed to the respective Parties and Persons for naming such new Commissioner or Commissioners by them respectively as aforesaid, to appoint One other Commissioner, not interested in the said Inclosure, in the Room of every such Commissioner so dying, refusing to act, or neglecting to attend as aforesaid and every Commissioner so to be appointed, shall have the like Power and Authority as the Commissioner in whose place he shall be appointed was vested with by virtue of this Act; and that all Acts, Matters, and Things hereby directed to be done and executed by the said Commissioners, may be done and executed by any Two of them, and the same when so done shall be as valid and effectual, as if done and executed by all the Commissioners herein-before named or to be appointed as aforesaid.

Two Com-
missioners
may act.

Commission-
ers Allow-
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Commission-
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prietors to
pay their
own Ex-
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Meetings.

III. And be it further enacted, That out of the Money that shall be raised for defraying the Expences of obtaining and executing this Act, there shall be paid to each of the said Commissioners as a Recompence for his Pains and Trouble, the Sum of Two Guineas and an Half, and no more, for each Day he shall be employed in travelling to, returning from, and attending on the Execution of this Act, but that no Commissioner shall have the said Allowance for more than one Day in respect of travelling to, nor for more than one Day in respect of returning from the Place of his Attendance or Meeting as aforesaid; and that the said Commissioners shall defray their travelling Expences, and also their own Expences at all Meetings to be held in pursuance of this Act; and that every Proprietor and other Person in any Manner interested in the Commons and Waste Lands to be divided and inclosed by virtue of

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of this Act, their respective Agents and Attornies, shall at all such Meetings pay and defray their own Expences.

IV. And be it further enacted, that the said Commissioners shall and they are hereby required to give or cause publick Notice to be given in the Newspaper called *The Salisbury and Winchester Journal*, or in some other Newspaper circulated in the County of *Dorset*, and also like Notices in the Parish Churches of *Great Canford* and *Saint James*, in the Town and County of the Town of *Poole*, and the Chapel of *Kinson*, on some *Sunday* immediately after Divine Service, of the Time and Place of their first and every subsequent Meeting for executing the Purposes of this and the said recited Act, Ten Days at least before every such Meeting (Meetings by Adjournment only excepted); and if at any such Meeting no more than One of the said Commissioners shall attend, such Commissioner may adjourn such Meeting to such Time, at the same Place, or at some other Place within the Distance of Eight Miles from the said Parish of *Great Canford* as he shall think most convenient, within Two Calendar Months from that Time.

Notice to be given of the Meetings.

V. And be it further enacted, That the said Commissioners shall with all convenient Speed, either by themselves or jointly with the Assistance of such Person or Persons as they shall think proper, carefully view and value the Lands and Grounds hereby directed to be divided, allotted, and inclosed; and unless some Survey or Admeasurement thereof, or of Parts thereof, already made, shall be produced to and approved by the said Commissioners at their first or Second Meeting a true and perfect Survey and Admeasurement shall, with all convenient Speed, be made of the Whole of the Lands and Grounds hereby intended to be divided and allotted; or if any such Survey shall be produced at such first or Second Meeting, and approved as aforesaid, then of such Part or Parts of them whereof no such Survey and Admeasurement shall be produced and approved as aforesaid, and also of all such other Lands and Grounds within the said Parish of *Great Canford*, and in the Town and County of the Town of *Poole*, as shall in the Judgement of the said Commissioners be necessary, by *John Crutchley*, of *Kingsthorpe*, in the County of *Northampton*, Land Surveyor, or in case of his Death, Neglect, or Refusal to act as Surveyor, by such Person or Persons as shall be nominated and appointed for that Purpose by the said Commissioners and the Person or Persons who have or hath made, or who shall make such Survey, and also such Person or Persons (if any) as shall assist in the said Valuation, shall verify the same on Oath as to the Truth, Fidelity, and Impartiality of their Survey, Admeasurement, Valuation, and Proceedings, which Oath any One of the said Commissioners is hereby empowered to administer; and the said Survey and Admeasurement shall be reduced into Writing, and the Number of Acres, Roods, and Perches, belonging to each Proprietor in the said Lands and Grounds shall be therein set forth and ascertained; and the Survey and Admeasurement already made, and which shall be approved as aforesaid, or which shall hereafter be made as aforesaid, shall be produced and delivered to the said Commissioners, to be made use of for the Purposes of this Act; and the said Commissioners and Surveyors or Surveyor, and all other Persons to be employed by them, or any or either of them, shall and they are hereby authorized, at any Time or

Lands to be valued and surveyed.

Times before the Execution of the Award of the said Commissioners, to enter into and upon, and to examine, view, survey, and measure all and every the Lands and Grounds aforesaid, and all the old inclosed Lands and Grounds within the said Parish of *Great Canford*, and the Town and County of the Town of *Poole*, or so much thereof as they shall think proper to be surveyed, examined, or viewed.

Commissioners to determine Differences.

VI. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested in the said Lands and Grounds hereby intended to be divided and allotted, or any Part thereof, touching the respective Rights, Shares, or Proportions, which they or any of them may have therein, or touching any Common Rights or other Interest which they may have or claim, in, upon, or over the same, it shall be lawful for the said Commissioners, and they are hereby authorized and empowered to examine into, hear, and determine the same: Provided always, that nothing herein contained shall authorize the said Commissioners to determine the Title to any Messuages, Cottages, Lands, Tenements, or Hereditaments whatsoever.

Commissioners not to determine Titles.

Determination of Commissioners to be final.

VII. Provided always, and be it further enacted, That the Determination of the said Commissioners touching such Claim or Claims of Right to the Soil of the said Commons and Waste Lands, or of any Rights of Common, or other Rights or Interests, in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, which shall not be objected to, or being objected to the Party or Parties objecting not causing such Action or Actions at Law to be brought and proceeded in, in Manner herein-mentioned, shall be final and conclusive upon all Parties.

Power to assess Costs.

VIII. And be it further enacted, That in case the said Commissioners upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of this or of the said recited Act, shall see Cause to award any Costs, it shall and may 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 whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

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

IX. Provided always, and be it further enacted, That in case any Person or Persons, Body or Bodies Corporate, Politick, or Collegiate, interested

interested or claiming to be interested in the said intended Division and Allotments, shall be dissatisfied with any Determination of the said Commissioners touching or concerning any Claim or Claims of the Right to the Soil of the said Commons and Waste Lands, or of any Rights of Common, or other Rights or Interests in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed or any Part thereof, it shall be lawful for the Person or Persons so dissatisfied to proceed to a Trial at Law of the Matter so determined by the said Commissioners, at the then next Assizes, or at the Assizes immediately following the next, to be holden for the said County of *Dorset*; and for that Purpose the Person or Persons 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 in whose Favour such Determination shall have been made, within Three Calendar Months next after such Determination of the said Commissioners; and the Defendant or Defendants in such Action or Actions shall, and he, she, or they is and are hereby required to name an Attorney or Attornies, who shall appear thereto or file Common Bail, and accept One or more Issue or Issues, whereby such Claim 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 the said 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 binding, final, 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 as is usual in other Cases; and that after such Verdict or Verdicts shall be obtained and not set aside by the Court, the said Commissioners shall and they are hereby required to act in conformity thereto, and to allow or disallow the Claim or Claims thereby determined according to the Event of such Trial or Trials.

X. Provided always, and be it further enacted, That no such Difference, Suit, or Proceeding touching the Title to any Lands, Tenements, or Hereditaments, shall impede or delay the Commissioner or Commissioners in the Execution of the Powers vested in him or them by virtue of this Act; but the Division and Inclosure directed to be made, shall be proceeded in notwithstanding such Difference or Suit.

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

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

Actions not to abate by Death of Parties.

XII. And be it further enacted, That all Fields and Inclosures within the said Parish of *Great Canford*, either Arable, Meadow, or Pasture, containing Two or more Properties or Estates in Severalty within one Fence, whether such Properties or Estates in Severalty belong to different Lords or Land Owners in Fee, or are held of or under one Lord or Land Owner by different Copies of Court Roll, or Leases for long Terms of Years, or determinable on the Failure of one or more Life

The Lands to be divided ascertained.

Life or Lives, or by any other Mode, or for any other Estate or Interest whatsoever, and all Crofts, Inclosures, and Encroachments taken out of the said Commonable Lands and Waste Grounds within the Space of Twenty Years last past, except such Parts thereof as were heretofore granted in Fee, or for Terms of Years absolute, exceeding Ninety-nine Years, by Sir *John Webb* Baronet, deceased, the late Lord of the said Manor of *Great Canford*, unto any Person or Persons whomsoever, and also all old Inclosures of less than Five Acres each, not lying within One Quarter of a Mile of the Homesteads, nor contiguous to other old Inclosures belonging to the same Estate, or to the Owners thereof respectively, shall respectively be deemed Part of the Lands to be divided and allotted by virtue of this Act, and shall be divided and allotted accordingly; and in such Cases, where Allotments are made to Persons holding different Estates of or under the same Lord or Land Owner, the said Commissioners shall, in their Award, declare to which Estate the respective Allotments do severally belong: Provided nevertheless, that no Meadow Land shall, by virtue of this Clause, be allotted in respect of Arable Land, nor any Arable Land in respect of Meadow Land, without the Consent in either Case of the Parties respectively entitled to the same Lands in Possession, or to the actual Receipt of the Rents and Profits thereof, if such Parties shall be of full Age, and if not then of their respective Trustees and Guardians, such Consent to be signified by Writing under the Hand or Hands of the Person or Persons giving the same.

No Meadow Lands to be allotted for Arable without Consent of Parties.

Old Roads or Ways may be stopped.

XIII. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered, in case they shall think proper, to stop up, divert, or turn any old or accustomed Road or Roads, Way or Ways, Track or Tracks passing or leading through any Part of the old Inclosures, or over any other Part of the said Parish of *Great Canford* and in the said Town and County of *Poole*, not herein directed to be divided and allotted, subject nevertheless to such Provisions and under such Directions and Conditions as are contained in the said recited Act respecting the stopping up of any old or accustomed Road or Roads: Provided always, that none of the present Roads, Ways, or Tracks within the said Parish and Town and County respectively, shall be shut up or discontinued until the several Roads and Ways intended to be and remain publick Roads shall be set out in Manner by the said recited Act directed, and until the same shall be properly fenced and made safe and convenient for the Passage of Horses, Cattle, and Carriages.

Expences as to the Waste Grounds to be defrayed by Sale of Waste Grounds.

XIV. And be it further enacted, That all Charges and Expences attending the obtaining and passing of this Act, and of dividing, allotting, and ring-fencing the several Allotments to be made to the Impropiators and Vicar, and to the Lord in Trust for the Cottagers for Fuel in the said Waste Grounds, and of the Allowances herein-after directed to be made to the other Persons, Bodies Politick and Corporate, towards the Expence of Ring-fencing their several Allotments, and also of surveying, dividing, and allotting the Whole of the said Waste and Mudlands intended to be divided and allotted under this Act, and of defraying the Charges and Expences of preparing and inrolling the said Award, and all other Expences attending the carrying of this Act into Execution, or in
anywise

anywise relating or incident thereto, so far as respects any of the said Waste or Mudlands, shall be paid, borne, and defrayed by Sale by Auction, or otherwise in the Manner prescribed by the said recited Act, of such Part or Parts of the said Waste Lands within the said Parish of *Great Canford*, as the said Commissioners shall think necessary, and shall direct to be sold for that Purpose; and also all such Charges and Expences, so far as they respect any other Lands, Grounds, and Hereditaments, within the said Parish of *Great Canford*, by this Act directed or intended to be divided and allotted, shall be paid, borne, and defrayed by the several Owners and Proprietors of and Persons interested in the same last-mentioned Lands, Grounds, and Premises (except any Person to whom any Allotment shall be made in right of any Church or Chapel, so far only as respects such Allotment) in and by such Shares and Proportions, at such Time or Times, and to such Person or Persons, as the said Commissioners shall, by Writing under their Hands, order and direct; and in ascertaining the several Shares and Proportions of the Charges and Expences to be paid by each Owner and Proprietor, the said Commissioners are hereby authorized and required to have due Regard, not only to the proportionate Value of the several Estates and Lands with respect to each other, but also to the proportionate and real Improvement which they shall respectively receive by the said Division, Allotment, and Inclosure.

Other Expences how to be defrayed.

XV. And be it further enacted, That in case such Part or Parts of the said Waste Lands, hereby directed to be sold as herein-before mentioned, shall be sold for more Money than will be required to defray such Charges and Expences as aforesaid, then and in such Case such Surplus Money shall be divided and apportioned between the several Proprietors of the Lands hereby directed to be divided and inclosed, in case they shall be Tenants thereof in Fee Simple, according to their several and respective Interests therein, or otherwise such Surplus Money shall be applied and disposed of in Manner directed by the said recited Act whenever 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.

Surplus produced by Sales to be divided between Proprietors according to their Interests or Proportions to the same.

XVI. And be it further enacted, That if any Person shall advance any Sum or Sums of Money for the Purposes of defraying the Expences of obtaining and passing this Act, or of 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 raised for defraying such Expences by virtue of this Act.

Money advanced for Expences to be repaid with Interest.

XVII. And be it further enacted, That the said Commissioners shall set out and allot unto the Surveyors of the Highways within the several Tythings and Hamlet of the said Parish of *Great Canford*, and to the Scavengers of the said Town and County of the Town of *Poole* respectively, such Parts and Parcels of the said Heath and Waste Lands hereby directed to be divided and inclosed, lying within the said Parish of *Great Canford* and the said Tythings and Hamlet, some or One of them as the said Commissioners shall think proper or necessary, as and

Allotments for Watering Places, Gravel Pits, &c.

for publick Watering Places for Cattle, and for Stone and Gravel Pits, Sand and Clay Pits, and for laying and depositing Manure and Rubbish; and the same Allotments, when so set out, shall for ever thereafter be used by the Surveyors of the Highways, and by the said Scavengers, and also by the Proprietors of Lands, Tenements, and Hereditaments within the said Parish, Tything, Hamlet, and Town and County respectively, and their Tenants for the Time being, in such Manner, and under such Rules and Regulations, as the said Commissioners shall by their Award direct or appoint.

Well at Tatnam not to be inclosed.

XVIII. Provided always, and be it further enacted, That the Spring or Well at a Place called *Tatnam*, in the said Heath or Waste Land, and which is now used by the Mayor, Bailiffs, Burgeses, and Commonalty of the Town and County of the Town of *Poole*, and by the Inhabitants thereof, as well as by the Inhabitants of the Parish of *Great Canford*, shall not be inclosed, allotted, or appropriated, or in anywise affected by or under this Act.

Commissioners to allot to the Mayor, &c. of Poole Part of the Waste for a Conduit Head.

XIX. And be it further enacted, That the said Commissioners shall set out, allot, and award unto the Mayor, Bailiffs, Burgeses and Commonalty of the Town and County of the Town of *Poole*, such Parts and Parcels of the said Heath and Waste Lands hereby intended to be allotted and divided, as in the Judgement of the said Commissioners shall be most proper for supplying the Town of *Poole* with Water, not exceeding Two Acres in the Whole, for the Purpose of the said Mayor, Bailiffs, Burgeses, and Commonalty, erecting thereon One or more Conduit Head or Conduit Heads, or Reservoir or Reservoirs for Water, which said last mentioned Allotments shall be vested in the said Mayor, Bailiffs, Burgeses, and Commonalty, and their Successors for ever, with the Liberty and Power of conveying the Water from thence to the same Town through or over any Part or Parts of the same Heath or Waste Lands, by Conduit Pipes, making a reasonable Compensation for Damage and Spoil of Ground occasioned by the laying, repairing, or altering of such Conduit Pipes, to the Owner or Owners, and Occupier or Occupiers thereof, and such Compensation to be recovered by an Action of Debt, or on the Case, in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, or Wager of Law, or any more than One Imparance shall be allowed.

Allotment for supplying Fuel for Cottages.

XX. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to set out and allot, in every Tything or Division within the said Parish of *Great Canford*, unto the Lord of the said Manor of *Great Canford* for the Time being, in Trust for the Occupiers for the Time being of all such Cottages and Tenements within the said Tythings or Divisions respectively, containing less than One Acre each, as were erected on ancient Sites, or have now been erected more than Twenty Years, in lieu of their Rights, or pretended Rights or Custom of cutting Turves on the Waste Lands by this Act intended to be allotted or inclosed so much and such Part or Parts of the said Waste Lands in such respective Tythings or Divisions as the said Commissioners shall think proper for a Turf Common, and for Heath and Fuel, not exceeding in the whole Five Acres or less than Two Acres, for each Cottage or Tenement within each Tything

or Division respectively, as shall in the Judgement of the said Commissioners be fit and proper for supplying Turves, Heath, and Fuel for the Use of such Cottages or Tenements, and which Allotments shall for ever afterwards be managed, and the Turf, Heath, and Fuel arising therefrom shall be cut, taken, and used by the Occupiers of such Cottages or Tenements, in such Quantities, and at such Time or Times in every Year, and in such Manner as the said Lord of the said Manor for the Time being, or his Steward thereof for the Time being, or any Person or Persons to be by the said Lord or by his Steward, in or by Writing under the Hand of the said Lord or of his Steward, for such Purpose appointed, shall from Time to Time order and direct; but such Common shall not be fed or depastured by any Sheep or other Cattle whatsoever.

XXI. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to set out and allot unto and for the said *Henry Bankes*, his Heirs and Assigns, and unto and for the said *George Tito Brice*, the Vicar of the said Parish of *Great Canford*, and his Successors for the Time being, for and in lieu of their and each of their Great and Small Tythes yearly arising, issuing, and payable, out and from such Parts of the Waste Lands herein-before directed or intended to be divided, allotted, and inclosed, and which by the said Commissioners shall be allotted and awarded to be inclosed by virtue of this Act, lying within the Limits of the Eastern Division of the said Parish of *Great Canford*, such Plot or Plots of the same Waste Lands in the same Division, as in the Judgement of the said Commissioners shall be equal in Value to One-seventh Part of all such of the said Waste Lands within the said Division as shall be divided, allotted, and inclosed as aforesaid, and which shall remain after the publick and private Roads and Ways, and any Allotments or Allotment to be made for Stone, Sand, Clay, and Gravel pits, and for Watering Places, and depositing Rubbish, and for Sale for the Purpose of defraying the Expences of this Act, and of the Proceedings under the same, and for the several Occupiers of the said Cottages and Tenements for Heath and Fuel, shall be taken and deducted; and Two-Third Parts of such One-seventh Part or Allotment in respect of Tythes shall be awarded unto the said *Henry Bankes*, in Severalty, in lieu of his Great and Small Tythes arising Two Years in Three from the said Waste Lands within the said Eastern Division, and the remaining One-third Part thereof shall be allotted to the said *George Tito Brice*, and his Successors Vicars as aforesaid, in Severalty, in lieu of the Great and Small Tythes as aforesaid, arising every third Year within the said Eastern Division, and the Allotments so to be set out, allotted, and awarded for Tythes as aforesaid, shall be in full Satisfaction and Discharge of all Great and Small Tythes whatsoever, issuing, arising, and renewing within such Parts of the said Waste Lands lying within the said Eastern Division, as shall be so divided, allotted, awarded, and inclosed as aforesaid by virtue of this Act.

Allotment to the Impropriator of Eastern Division, and Vicar, in lieu of Tythes of such Waste Grounds as shall be inclosed.

XXII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to set out and allot unto the said *Edward Arrowsmith*, as Devisee in Trust under the Will of the said Sir *John Webb* as aforesaid, and the Heirs and Assigns of the said *Edward Arrowsmith*, and unto and for the said *George Tito Brice*, the Vicar of the said Parish of *Great Canford*, and his Successors for the Time being, for and

Allotment to Impropriators of Middle Division, and Vicar, in lieu of Tythes.

in

in lieu of their and each of their Great and Small Tythes yearly arising, issuing, and payable out of and from such Parts of the Waste Lands herein-before directed or intended to be divided, allotted, and inclosed, and which by the said Commissioners shall be allotted and awarded to be inclosed by virtue of this Act, lying within the Limits of the Middle Division of the said Parish of *Great Canford*, such Plot or Plots of the same Waste Lands, as in the Judgement of the said Commissioners shall be equal in Value to One-seventh Part of all such of the said Waste Lands within the said Middle Division as shall be divided, allotted, and inclosed as aforesaid, and which shall remain after the publick and private Roads and Ways, and any Allotment or Allotments to be made for Stone, Sand, Clay, and Gravel Pits, and for Watering Places, and for depositing Rubbish within the said Middle Division, and for Sale for defraying the Expences, and for the severall Occupiers of the said Cottages and Tenements for Heath and Fuel, shall be taken and deducted; and Two-third Parts of such last-mentioned One-seventh Part or Allotment in respect of Tythes shall be awarded unto the said *Edward Arrowsmith*, as Trustee as aforesaid, in Severalty, in lieu of his Great and Small Tythes arising Two Years in Three from the said Waste Lands within the said Middle Division so to be inclosed as aforesaid; and the remaining One-third Part thereof shall be allotted to the said *George Tito Brice* and his Successors, Vicars as aforesaid, in Severalty, in lieu of the Great and Small Tythes as aforesaid arising every Third Year within the said Middle Division; and the Allotments so to be set out, allotted, and awarded for Tythes as last aforesaid, shall be in full Satisfaction and Discharge of all Great and Small Tythes whatsoever, issuing, arising, and now owing within such Parts of the said Waste Lands lying within the said Middle Division, as shall be so divided, allotted, awarded, and inclosed as aforesaid, by virtue of this Act.

Allotment to Impropriator of Western Division, and Vicar, in lieu of Tythes.

XXIII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to set out and allot unto the said *John Willett Willett*, his Heirs and Assigns, and unto and for the said *George Tito Brice* the Vicar of the said Parish of *Great Canford*, and his Successors for the Time being, for and in lieu of their and each of their Great and Small Tythes yearly arising, issuing, and payable out of and from such Parts of the Waste Lands herein-before directed and intended to be divided, allotted, and inclosed, and which by the said Commissioners shall be allotted and awarded to be inclosed by virtue of this Act, lying within the Limits of the Western Division of the said Parish of *Great Canford*, such Plot or Plots of the same Waste Lands, as in the Judgement of the said Commissioners shall be equal in Value to One-seventh Part of all such of the said Waste Lands within the said Western Division, as shall be so divided, allotted, and inclosed as aforesaid, and which shall remain after the publick and private Roads and Ways, and any Allotment or Allotments to be made for Stone, Sand, Clay, and Gravel Pits, for publick Watering Places, and for depositing Rubbish, and for Sale for defraying the Expences, and for the severall Occupiers of the said Cottages and Tenements for Heath and Fuel, shall be taken and deducted; and Two-third Parts of such last-mentioned One-seventh Part or Allotment in respect of Tythe shall be awarded unto the said *John Willett Willett*, in Severalty, in lieu of his Great and Small Tythes arising Two Years in Three from the said Waste Lands within the said Western Division; and the remaining

One-third Part thereof shall be allotted to the said *George Tito Brice*, and his Successors Vicars as aforesaid, in Severalty, in lieu of his Great and Small Tythes as aforesaid arising every Third Year within the said Western Division, and the Allotments so to be set out, allotted, and awarded for Tythes as aforesaid, shall be in full Satisfaction and Discharge of all Great and Small Tythes whatsoever, issuing, arising, and renewing within such Parts of the said Waste Lands lying within the said Western Division, as shall be so divided, allotted, awarded, and inclosed as aforesaid by virtue of this Act.

XXIV. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to set out and allot unto the Mayor, Bailiffs, Burgesses, and Commonalty of the said Town and County of the Town of *Poole*, and their Successors for the Time being, for and in lieu of their Great and Small Tythes yearly arising, issuing, and payable out of and from such Parts of the Waste and Mudlands by this Act directed or intended to be divided, allotted, and inclosed, and which by the said Commissioners shall be awarded and allotted to be inclosed by virtue of this Act, lying within the Tything of *Longfleet* and Hamlet of *Parkstone*, and also within the said Town and County of the Town of *Poole*, such Plot or Plots of the same Waste and Mudlands, as in the Judgment of the said Commissioners shall be equal in Value to One seventh Part of all such of the said Waste and Mudlands within the said last-mentioned Tything, Hamlet, and Town and County respectively, as shall be divided, allotted, and inclosed as aforesaid, and which shall remain after the publick and private Roads and Ways, and any Allotments or Allotment to be made for Stone, Sand, Clay, and Gravel Pits, and for publick Watering Places, and for depositing Rubbish, and for Sale for the Purpose of defraying Expences, and for the several Occupiers of the said Cottages and Tenements in the said Tything of *Longfleet* and Hamlet of *Parkstone* for Heath and Fuel shall be taken and deducted; and the Allotments so to be set out, allotted, and awarded for Tythes as aforesaid, shall be in full Satisfaction and Discharge of all Great and Small Tythes whatsoever, issuing, arising, and renewing within such Parts of the said Waste and Mudlands lying within the said Tything of *Longfleet* and Hamlet of *Parkstone*, and also within the said Town and County of the Town of *Poole*, as shall be so divided, allotted, inclosed, and awarded as aforesaid, by virtue of this Act.

Allotment to Corporation of Poole, in lieu of Tythes in Poole, and in Parkstone and Longfleet.

XXV. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to discharge, alter, affect, or vary the Right or Title of the said *George Tito Brice*, *Henry Bankes*, *Edward Arrowsmith* as such Trustee as aforesaid, *John Willett Willett*, and the Mayor, Bailiffs, Burgesses, and Commonalty of the Town and County of the Town of *Poole*, their Heirs, Successors, or Assigns, of and in the Great and Small Tythes arising, issuing and renewing out of or from any Encroachment or Inclosure, Encroachments or Inclosures, which have been taken in and inclosed out of the said Heath or Waste Lands, for Seven Years and upwards, before the passing of this Act, nor to the Great and Small Tythes arising, issuing, or renewing out of or from any old Inclosures, or other Lands or Grounds within the said Parish, Tything, Hamlet, and Town and County respectively (save and except the said Heath or Waste Lands) nor

Allotments for Tythes not to affect the Impropriators or Vicar's Right to Tythes of Encroachments made above Seven Years, nor to affect Tythes of old Inclosures or Modests.

Encroachments remaining subject to Tythes to be specified in Award.

to any Modus or Composition payable in respect of the said Tythes, by this Clause excepted as aforesaid, or any Part or Parts thereof, but that the same shall respectively remain, continue, and be in force, as if this Act had not been made; and that the said Encroachments and Inclosures from the Heath and Waste Lands aforesaid, so to remain subject to Tythes, shall be particularly described and specified by the said Commissioners in their Award.

Such Encroachments not estimated as Allotments to the Impropiator.

XXVI. Provided also, and be it further enacted, That the said Commissioners in setting out the said One-seventh Parts of the said Heath and Waste Lands respectively for Tythes as aforesaid, shall not take into their Consideration the Value of such Encroachments or Inclosures, as have been so inclosed for Seven Years or upwards, but that the Allotment of the said One-seventh Part in Value shall be made exclusively thereof.

Allotment of One-sixteenth to the Lord, in lieu of his Right of Soil.

XXVII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and required to set out and allot such Plots of the said Waste Lands intended to be divided and allotted (except of the Wastes within the Town and County of the Town of *Poole*, and except of the Parcel of Mudlands herein-after mentioned and intended to be hereby allotted) as in the Judgment of the said Commissioners shall be equal to One-sixteenth Part of the same Waste Lands (except as before excepted), which shall remain after the publick and private Roads and Ways, and any Allotment or Allotments to be made for Stone, Gravel, Sand, and Clay Pits, and for publick Watering Places, and for depositing Rubbish, and for Sale for the Purpose of defraying the Expences and for the several Occupiers of the said Cottages and Tenements for Heath and Fuel, shall be taken and deducted, unto the said *Edward Arrowsmith*, his Heirs and Assigns the Lord or Lords in Trust as aforesaid of the said Manor of *Great Canford*, in lieu of and in full Compensation for his and their Right and Interest in and to the Soil of the said Waste Lands respectively, which shall be awarded by the said Commissioners to be divided and allotted under and by virtue of this Act.

Allotment to Poole of One-seventh Part in Quantity of the Residue of the Waste in Canford, and of the Whole of the Waste and Mudlands in Poole.

XXVIII. And be it further enacted, That after the Sale of a sufficient Part of the said Heath and Waste Lands in the said Parish of *Great Canford* to defray such Expences as aforesaid, and after deducting the Allotments for publick and private Roads and Ways for Stone, Gravel, Sand, and Clay Pits, and for publick Watering Places, and for depositing Rubbish, and also for the Vicar and Impropiators in lieu of Tythes, and to the Lord or Lords of the said Manor for the Time being, in lieu of his and their Right of Soil, One-seventh Part in Quantity of the Residue of the said Heath and Waste Lands within the said Parish of *Great Canford* (except the Mudlands in the same Parish, which are not intended to be divided or affected under or by virtue of this Act) and most contiguous to the Town and County of the Town of *Poole*; and also all the Residue of the Wastes and Commons within the Limits of the said Town and County of the Town of *Poole*, and also the following Mudlands within the said Town and County; (that is to say), all the Mudlands bounded on the North East by the Town Ditch, and on the East and South East by the low Water Mark of a certain Channel

er I. Beginning from a Place called *Scalecraft* otherwise *Scalecroft*, into the great Channel of the Harbour of *Poole*, and on the South and South West by the low Water Mark of the same great Channel, and on the North and North West by the low Water Mark of the great Channel, and a Stream leading towards a Place called *Cricmoor*, and also all other Meadows within the said Town and County of the Town of *Poole*, shall be set out, allotted, and awarded by the said Commissioners to and amongst the several Persons, Bodies Politick and Corporate, within the Town and County of the Town of *Poole*, and subdivided between or among them in the Proportions and Manner herein-after mentioned, expressed, and declared of and concerning the same, in lieu of and in full Compensation for their respective Rights in and upon the said Heath and Waste Lands and Commons, intended to be inclosed under or by virtue of this Act.

XXIX. And be it further enacted, That after the several Allotments herein-before directed to be made shall have been assigned and set out, the said Commissioners shall divide, set out, and allot all such Parts of the said Common Meadows, and other Commonable Lands, and also of the Residue of the said Waste Lands intended by this Act to be divided and allotted, as shall in their Judgement be fit and proper to be divided, allotted, or inclosed, or to be held in Severalty, unto and for the several Proprietors thereof and Persons interested therein, and every of them, in such Quantities, Shares, and Proportions, as shall by the said Commissioners be judged and determined to be a just Compensation and Satisfaction, and the same shall accordingly be had and taken in bar and Satisfaction of the Lands and Common Rights, and all other Rights and Interest whatsoever of such Proprietors and Persons respectively, of, in, over, and upon the Common Meadows, Commonable Lands, and Waste Lands, so to be divided and allotted as aforesaid, and for which no Allotment or Compensation is herein-before specifically directed to be made; and for the more easily ascertaining and determining the Extent and Value of such Common Rights, the said Commissioners are hereby authorized and required, by the present Poor Rates of the said Parish of *Great Canford*, or of any Tything or Division thereof, or by any Valuation of old Inclosures or Estates there, in respect of which the said Common Rights are claimed, made by some competent Judge, and proved on Oath before the said Commissioners, or by the Examination of Witnesses upon Oath (which Oath they are hereby empowered to administer), or by such other Ways and Means as they shall think proper, to examine into, hear, and determine the same.

Allotments of
Residue.

XXX. Provided always, and be it further enacted, That the said Commissioners shall and may set out the several Allotments to be made to the Owners of Lands and Tenements, lying in the Neighbourhood of the Town and County of the Town of *Poole*, as near to their respective Lands and Tenements as may be, having Regard to the Accomodation of the several Persons, Bodies Politick and Corporate, within the Town and County of the Town of *Poole*, in respect to the Contiguity or Nearness to the said Town and County of their said Allotment or Allotments.

Commissioners
to set out Al-
lotments to
Proprietors in
the Neighbour-
hood of *Poole*,
&c.

XXXI. And

Encroach-
ments in Can-
ford to be al-
lotted to Mr.
Arrowsmith.

XXXI. And be it further enacted, That the said Commissioners shall set out and allot to the said *Edward Arrowsmith*, his Heirs or Assigns, in Trust as aforesaid, in Part of his and their Share in the said Heaths and Waste Lands in the said Parish of *Great Canford*, to be divided and allotted as aforesaid, so much and such Part or Parts thereof as were or were inclosed, either with or without the Consent of the Lord or Lords of the Manor, or any other Person or Persons, at any Time or Times within Twenty Years previous to the Fifth Day of *April* One thousand eight hundred and four, but not any Part or Parts thereof inclosed since the said Fifth Day of *April* One thousand eight hundred and four, and excepting such Part or Parts of the same Lands inclosed during the said Period of Twenty Years previous to the Fifth Day of *April* One thousand eight hundred and four, as shall fall within the Ring-fence, and form a Part of the Allotment to the Mayor, Bailiffs, Burgeses and Commonalty, of the Town and County of the Town of *Poole*, aforesaid, in lieu of Tythes and also of the said One-seventh Part to be allotted to the Mayor, Bailiffs, Burgeses, and Commonalty aforesaid, and the Owners of Messuages, Lands, and Hereditaments in *Poole*, aforesaid; and also excepting such Encroachments as were granted in Fee, or for Terms of Years absolute, exceeding Ninety-Nine Years, by the said Sir *John Webb* Baronet, deceased, unto any Person or Persons whomsoever.

No Allotment
to be made in
respect of
Rights of
Common, &c.

XXXII. Provided also, and be it further enacted, That no Allotment shall be made by virtue of this Act, for or in respect of any Right of Common (other than and except in Manner aforesaid) for the Right or alleged Right of cutting Turf, Heath, or Fuel; as aforesaid, claimed or to be claimed in respect of any Encroachment or Inclosure, made either with or without the Consent of the Lord or Lords of the said Manor, or any other Person or Persons, at any Time or Times within the Space or Term of Sixty Years next before the passing of this Act.

Lands may be
continued
open or Ring-
fenced, &c.

XXXIII. And be it further enacted, That as to such Part or Parts of the said Waste or other Commonable or inclosed Grounds in the said Parish of *Great Canford*, and in the Town and County of the Town of *Poole*, as shall not in the Judgement of the said Commissioners be thought fit and proper to be divided and inclosed, or to be holden in Severalty, they the said Commissioners shall be and they are hereby authorized and empowered to order and direct that the same, or any Part or Parts thereof, shall be Ring-fenced or continued open, and be stocked and depastured in Common, in such Proportions, Manner, and Times, or used only for the Purpose of cutting Fuel, Heath, and Turf, in such Quantities, and at such Time or Times in each and every Year, by such Proprietors or Persons under such Orders, Rules, and Regulations, and in such Manner as they the said Commissioners shall think proper; and that such Orders and Regulations as to any Expences which may be incurred respecting the same, or the equitable Enjoyment thereof, and for the Participation of any Produce growing or to grow thereon, shall be made by the said Commissioners as they shall think beneficial and proper for the several Persons interested therein.

XXXIV. And

XXXIV. And be it further enacted, That the said Wastes and Commons within the Limits of the Town and County of the Town of *Poole*, and the Mudlands herein described, and the said One-seventh Part to be respectively allotted in pursuance of the Powers herein-before in that behalf obtained, of and in the said Heath and Waste Lands in the said Parish of *Great Canford*, shall be subdivided and allotted by the said Commissioners to and amongst the several Persons, Bodies Politick and Corporate herein-after mentioned and in the Proportions following; (that is to say) as to One-third Part of the said Wastes and Commons within the said Town and County of the Town of *Poole*, and the Mudlands herein described, and also as to One-third Part of the said One-seventh Part of the said Heath and Waste Lands in the said Parish of *Great Canford*. the same shall respectively be set out and allotted unto the Mayor, Bailiffs, Burgesses, and Commonalty of the Town and County of the Town of *Poole* aforesaid, and their Successors for ever; and as to the remaining Two-third Parts thereof respectively, the same shall be respectively set out and allotted to the Owners of Messuages, Lands, and Hereditaments, within the Limits of the said Town and County of the Town of *Poole* in such Shares as shall be in proportion to the Value of their said respective Messuages, Lands, and Hereditaments, according to the present Rate and Assessment made on the Owners and Occupiers of the said Messuages, Lands, and Hereditaments for the Relief of the Poor of the Parish of *Saint James*, in the Town and County of the Town of *Poole*.

One-third of the Wastes, &c. in Poole, and One third of the One-seventh of the Wastes in Canford, to be allotted to the Corporation of Poole, and the remaining Two third to the Owners of Messuages, &c. in Poole.

XXXV. Provided always, and be it further enacted, That in case any Messuages, Lands, or Hereditaments, within the said Town and County of the Town of *Poole*, shall have been omitted to be assessed in the said Rate, the said Commissioners shall, according to the best of their Judgement, ascertain and fix a Value on such Messuages, Lands, or Hereditaments as shall have been so omitted as aforesaid, in proportion to the Value at which the Messuages, Lands, and Hereditaments contained in the said Rate shall be assessed, and shall accordingly set out and allot unto the Owners of such Messuages, Lands, and Hereditaments, as shall have been so omitted, such Shares of the said Allotments as shall be in proportion to the Value of the same Messuages, Lands, and Hereditaments, and in such Manner in every Respect as if the same had been originally assessed in the said Rate.

Where any Messuages, &c. are omitted in the Rate, the same to be valued by Commissioners, and Allotments made accordingly.

XXXVI. And be it further enacted, That in making Allotments to the Owners of Messuages, Lands, and Hereditaments, within the Town and County of the Town of *Poole* aforesaid, the said Commissioners shall be at liberty to make such Allotments wholly or in part from the Wastes and Commons in the Parish of *Great Canford*, or wholly or in part from the Wastes and Commons in the Town and County of the Town of *Poole*, as they shall find most convenient.

Commissioners may make Allotments to Owners of Messuages, &c. in Poole, wholly or in part, from Wastes in Canford or Poole.

XXXVII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to allot to the Owners of the several Messuages, Lands, and Hereditaments, within the said Town and County of the Town of *Poole*, which adjoin or lie contiguous to the Beach or to the Mudlands of the Harbour, as and for a Part of their respective Allotments under this Act, so much of the said Mudlands and

Allotment of certain part of Mudland to the Owners of adjoining Lands.

Beach as shall be adjudged by the said Commissioners proper to be enjoyed by the Owners of such several Messuages, Lands, and Hereditaments, and of which the Allotment as aforesaid will not be prejudicial to the Harbour.

Commissioners to set out publick Highways upon and round the Quays.

XXXVIII. And be it further enacted, That the said Commissioners shall set out and allot such publick Highways upon and round the Quays, and the Beach or Shore of the Harbour within the Town and County of the Town of *Poole*, and of such Breadth as they shall think proper.

No Mudlands to be so subdivided that the Harbour may be injured, but One third of such Mudlands to be allotted to the Corporation, and Two-thirds to the Owners of Messuages, &c. in entire Parcels.

XXXIX. And be it further enacted, That no Part of the Mudlands herein described, and to be allotted as aforesaid to the said Mayor, Bailiffs, Burgesses, and Commonalty of the said Town and County of the Town of *Poole*, and to the Owners of Messuages, Lands, and Hereditaments within the same Town and County, and whereof the further Subdivision and the Inclosure of such subdivided Shares would be prejudicial to the said Harbour of *Poole*, shall be so inclosed or further subdivided, but the same shall be set out and allotted as herein-after mentioned; (that is to say), One-third Part thereof shall be set out and allotted in One entire Allotment or Parcel, and for ever thereafter shall remain and belong to the said Mayor, Bailiffs, Burgesses, and Commonalty of the Town and County of the Town of *Poole*, their Successors and Assigns, and the remaining Two-third Parts thereof shall be set out and allotted in one entire Allotment or Parcel, and for ever thereafter shall remain and belong to the Owners of Messuages, Lands, and Hereditaments, within the Town and County of the Town of *Poole* aforesaid, in such undivided Shares as shall be in proportion to the Value of the said respective Messuages, Lands, and Hereditaments, according to the Rate aforesaid.

Power to lay Allotments together to save Expences.

XL. And be it further enacted, That if any Two or more Persons, Bodies Politick and Corporate, entitled to separate Allotments in the Subdivision of the said Allotments of the said Commons or Wastes or Mudlands, directed to be made and set out to the said Mayor, Bailiffs, Burgesses, and Commonalty of the Town and County of the Town of *Poole*, and to the Owners of Messuages, Lands, and Hereditaments in the same Town and County, shall by any Writing under their respective Hands, or the Hands of their respective Attornies, Stewards, or Agents, to be delivered to the said Commissioners for the Time being, at any of their Meetings previously to their setting out such Allotments, signify their Desire to have their respective Allotments laid contiguous to and adjoining each other, for the Purpose of saving the Expences of fencing between the same, the said Commissioners shall in that Case lay the Allotments of the Persons, Bodies Politick or Corporate, so desiring the same, contiguous and adjoining each other, in one or more Plot or Plots, Parcel or Parcels, and shall make or lay down, by their Award, such Rules and Orders for the Management and Enjoyment of such Allotments, and for ascertaining upon what Conditions any of the Owners thereof for the Time being shall be at liberty to fence off their respective Shares thereof, as the said Commissioners shall think just and equitable, which Rules and Orders shall be final, binding, and conclusive, to and upon all Parties concerned in such Allotments, and their

Heirs

Heirs and Assigns, and all Persons claiming under them respectively, in such and the same Manner as under and by virtue of the Powers and Provisions contained in the said recited Act, any Person or Persons entitled to an Allotment or Allotments, upon the Division of the said Commonable and Waste Lands, and who shall for the like Reasons be desirous of having their respective Allotments in like Manner laid together, shall be entitled to have the same so laid together.

XLI. And be it further enacted, That the said Commissioners shall set out to the said Mayor, Bailiffs, Burgeses, and Commonalty of the Town and County of the Town of *Poole*, and their Successors, in part of their Share of and in the said Heaths and Commonable and Waste Lands in the Parish of *Great Canford*, and in the Town and County of the Town of *Poole*, to be divided and allotted as aforesaid, so much and such Part or Parts of the said Heath and Waste Lands in the said Parish of *Great Canford*, as was or were inclosed (either with or without the Consent of the Lord or Lords of the Manor, or any other Person or Persons, except such Parts thereof as were heretofore granted in Fee, or for Terms of Years absolute exceeding Ninety-nine Years, by the said Sir *John Webb*, unto any Person or Persons whomsoever as aforesaid) at any Time or Times within Twenty Years previous to the fifth Day of *April* One thousand eight hundred and four, as shall fall within the Ring Fence, and form a Part of the Allotment or Allotments to be made to the said Mayor, Bailiffs, Burgeses, and Commonalty of the said Town and County in lieu of Tythes as aforesaid, and also as shall fall within and form a Part of the said One-seventh Part to be allotted to the said Mayor, Bailiffs, Burgeses, and Commonalty, and the Owners of Messuages, Lands, and Hereditaments in the said Town and County of the Town of *Poole*, of and in the said Heaths and Waste Lands in the said Parish of *Great Canford*.

Encroachments made within Twenty Years, falling within the Ring-Fence of the Allotment to Poole for Tythes and of the One-seventh Part of *Canford* Heath, to be allotted to the Mayor, Bailiffs, Burgeses, and Commonalty.

XLII. Provided always, and it is hereby enacted, That this Act shall not, nor shall any Thing herein contained, extend, or be construed to extend, to affect or prejudice any Rights, Privileges, or Franchises, of any Person or Persons, Bodies Politick and Corporate, enjoyed or claimed by them or any of them, in, over, or upon any Mudlands or other Lands over which the Tide flows and ebbs in or near the Harbour of *Poole*, and which are not intended to be allotted under or by virtue of this Act.

All not to affect the Right of any Person over the Residue of Mudlands, &c. not intended to be allotted.

XLIII. And be it further enacted, That the Lands to be set out and allotted by virtue of this Act to and for the said *Henry Bankes*, *Edward Arrowsmith*, and *John Willett Willett*, and the Mayor, Bailiffs, Burgeses, and Commonalty of the said Town and County of the Town of *Poole*, as Impropriators, and in respect of Tythes as aforesaid, and the Lands to be allotted to the said Vicar of *Great Canford* and his Successors as aforesaid, and also the Lands to be set out and allotted for supplying Heath and Fuel for Cottages as aforesaid, shall be respectively inclosed and fenced on the outward Boundaries thereof, in such Manner as the said Commissioners shall by their Award order and direct, by and out of the Money arising from the Sale of the Lands herein-before directed to be sold for the Purposes of this Act as aforesaid; and such Fences shall thereafter be maintained, supported, and preserved, during the Term of

Allotment to Impropriator and Vicar and for Fuel, to be raised at the general Expence.

Four

Four Years, to commence from the passing of this Act, by the said Commissioners, with the Money to arise from such Sale or Sales of Land, as herein-before mentioned; and from and after the Expiration of the said Term of Four Years, the same shall thereafter be maintained and preserved as the said Commissioners shall by their Award Order or direct.

Fencing.

XLIV. And be it further enacted, That all such of the said Allotments of the said Commonable Lands and Waste Lands in the said Parish of *Great Canford*, and Town and County of the Town of *Poole*, so to be made as aforelaid, as the said Commissioners shall deem fit and proper to be inclosed (except the said Allotments to the said Impropriators and Vicar and for Heath and Fuel as aforelaid) shall be inclosed and fenced in such Manner by the several Persons to or for whom the same shall be set out and allotted as aforelaid, and in such Shares and Proportions, and at or before such Time or Times as the said Commissioners shall in or by their said Award order and direct; and that such Fences as shall be so made as aforelaid, shall for ever afterwards be repaired, preserved, and maintained by such Proprietors, in such Manner, and in such Shares and Proportions, as the said Commissioners shall so direct as aforelaid.

Proprietors may, by Order of the Commissioners, fence their Allotments before the Execution of the Award.

XLV. And be it further enacted, That if the said Commissioners shall, before the Execution of their said Award, make any Order or Orders for such Purpose by Writing under their Hands, it shall be lawful for the Proprietors of Lands and Tenements, at any Time or Times after the said Allotments shall be staked and set out by the said Commissioners, and before the Execution of their said Award, to inclose and fence, pursuant to such Order or Orders of the said Commissioners, all and every or any of the said Allotments so staked or set out as aforelaid, in such Manner as the said Commissioners shall by such Order or Orders appoint or direct.

Allowance to be made by the Commissioners to the Proprietors of Allotments for Ring-fencing

XLVI. And be it further enacted, That in order the better to enable the several Proprietors (except the said Impropriators and Vicar in respect of their said respective Allotments for Tythes) to ring-fence their respective Allotments which may by the said Commissioners be directed to be inclosed, the said Commissioners shall allow to each of such Proprietors (except as aforelaid) any Sum not exceeding Two Shillings nor less than One Shilling per Lug, for fencing the same, and the Sums so to be allowed shall be paid in such Manner as the Expences of obtaining this Act and carrying it into Execution, so far as it relates to the Heath and Waste Lands, are hereby directed to be paid: Provided nevertheless, that such Allowances shall not be paid to the said respective Proprietors before they shall have completed the Banks of such fences, and planted the same with Furze or Quicksets, as the Commissioners shall direct or approve of.

Allowance not to be made for Fences completed.

No Turves, &c. to be cut, without the Consent of the Commissioners.

XLVII. And be it further enacted, That if any Person or Persons shall, after the passing of this Act and before the Execution of the said Award of the Commissioners, cut, dig, pare, or carry away any Peat, Turves, Heath, or other Fuel, in, upon, or from the said Waste Lands or any Part thereof, without or contrary to the Licence of the said Commissioners first had and obtained in Writing for that Purpose, which Licence the said Commissioners are hereby empowered to grant, under such Rules,

Orders,

Orders, Regulations, and Restrictions, as they shall think proper to insert therein, then and in every such Case the said Commissioners, upon due Proof made before them upon Oath (which Oath any One of the said Commissioners is hereby authorized to administer) shall and they are hereby required, by Warrant under their Hands and Seals directed to any Person or Persons whomsoever, to cause any Sum not exceeding Forty Shillings to be levied by Distress and Sale of the Goods and Chattels of the Person and Persons so offending in the Premises, rendering the Overplus (if any) upon Demand, to the Person or Persons whose Goods shall be so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale; and the Money so to be levied as aforesaid, shall be applied towards the Payment of the Costs and Charges of obtaining and executing this Act.

XLVII. And be it further enacted, That it shall be lawful to and for the said Commissioners and they are hereby authorized, at any Time or Times before the Execution of their said Award, by Notice in Writing under their Hands, to be affixed upon the principal Doors of the Parish Churches of *Great Canford*, *Saint James in Poole*, and the Chapel of *Kingsen* aforesaid, to order and direct all or any Part of the Rights of Common in, over, or upon the said Commonable Lands, and Waste Lands, or any Part thereof, to be extinguished or the Exercise thereof to be suspended, for and during such Time as shall be expressed in such Writing; and that all such Rights of Common as the said Commissioners shall by such Writing order and direct to be extinguished, or the Exercise thereof to be suspended as aforesaid, shall, from the Time mentioned in such Writing on the said Church and Chapel Doors, cease, determine, and be extinguished, or the Exercise thereof be suspended accordingly; any Law, Usage, or Custom to the contrary thereof notwithstanding.

For extinguishing or suspending Rights of Common, before the Execution of the Award.

XLVIII. And be it further enacted, That if any Person or Persons who shall or may be entitled to any Allotment or Allotments of the said Commons or Waste Lands or Mudlands hereby directed to be divided, shall, by any Writing under his, her, or their Hand or Hands, to be delivered to the said Commissioners at any of their Meetings before the Execution of their said Award, signify and declare that he, she, or they hath or have sold or disposed of his, her, or their Allotment or Allotments, or any Part or Parts thereof, to any Person or Persons to be named and described in such Writing, and shall desire the same, or so much thereof as shall be so sold or disposed of, to be set out, allotted, and appointed to the Person or Persons to whom or in whose Favour the same respectively shall be so sold or disposed of, the said Commissioners in every such Case shall and they are hereby authorized and required to set out, allot, and appoint the said Allotment or Allotments of the Person or Persons who shall have so given Notice of their having sold or disposed thereof, or so much thereof as shall be therein mentioned to have been so sold or disposed of, to the Person or Persons to whom or in whose Favour the same respectively shall in such Notice be mentioned to be so sold or disposed of; and the said Allotment or Allotments so sold or disposed of, or so much thereof as shall be so sold or disposed of, shall in every such Case, from and after the Execution of the said Award of the said Commissioners, become, and the same is and are hereby declared to be vested in and settled upon the Person or Persons to whom the same shall have been by such Notice or Writing as aforesaid, so

Power to sell before Award.

[Loc. & Per.]

18 Y

signified

signified and declared to have been so sold or disposed of as aforesaid, and his, her, or their Heirs, Executors, Administrators, and Assigns, for and according to the Estate and Interest, or Estates and Interests of such Vendor or Vendors, Grantor or Grantors, therein respectively.

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

XLIX. Provided always, That it shall be lawful for the said Commissioners, at any Time before the executing of their Award, to make any Alteration or Alterations, which they shall think expedient, in the Allotments and Ring Fences which may have been set out and ordered, or the private Roads which may have been laid or marked out over or to such Allotments or any of them, or otherwise, upon the Lands to be inclosed or allotted by virtue of this Act; and in case any Person or Persons be injured by such Alteration or Alterations, the said Commissioners shall ascertain and determine what Recompence shall be made to him, her, or them, and shall direct by whom and in what Manner such Recompence shall be made, and the same shall be made accordingly.

Commissioners may exchange Allotments, Messuages, Lands, &c. with the Consent of the Proprietors, or if belonging to Churches, with the Consent of the Officers and Patron.

L. And be it further enacted, That the said Commissioners shall be and they are hereby authorized to set out, allot, and award, any Messuages, Buildings, Lands, Tenements, Tythes, and Hereditaments, new Allotments or old Inclosures, within the said Parish of *Great Canford*, and in the Town and County of the Town of *Poole*, in lieu of or in exchange for any other Messuages, Lands, Buildings, Tenements, Hereditaments, new Allotments or old Inclosures, within the said Parish of *Great Canford*, and Town and County of the Town of *Poole*, or within any adjoining Parish or Place, so as that all such Exchanges be made with the Consent of the respective Owners, Proprietors, or other Persons seised of the Lands, Tythes, Hereditaments, and Premises, which shall respectively be so exchanged as aforesaid, or of the Husbands, Guardians, Trustees, Committees, or Attornies acting for or on Behalf of such Owners, Proprietors, or other Persons respectively, who are under Coverture, Minors, Lunatics, or beyond the Seas, or under any other Disability or Incapacity of acting for themselves (such Consent to be testified by Writing under their respective Hands); and so as all Exchanges of any Lands, Tenements, Tythes, or Hereditaments, within the said Parish of *Great Canford*, and in the said Town and County of the Town of *Poole*, belonging to or held in Right of any Church, Chapel, or Ecclesiastical Benefice, shall be made with the like Consent in Writing of the Official of the peculiar and exempt Jurisdiction of *Great Canford* and *Poole*, and of the Patron of such Church, Chapel, or Ecclesiastical Benefice for the Time being; and so as all such Exchanges be specified, ascertained, and set forth in and by the Award of the said Commissioners; and all such Exchanges so made as aforesaid shall be for ever good, valid, and effectual in the Law, to all Intents and Purposes whatsoever: Provided always, that nothing in this Act contained shall extend, or be construed to extend, to enable the said *Edward Arweynth* as Devisee in Trust as aforesaid, his Heirs or Assigns, to make any Exchange or Exchanges with any Person or Persons whomsoever, without the Order of the High Court of Chancery to be first had or obtained in a summary Way by Petition to the Lord Chancellor, Lord Keeper, or Lords Commissioners of the Great Seal for the Time being, in Two Causes now depending in the said Court, intituled, "*Webb* against

No Exchanges to be made by Mr. Arweynth without the Order of the Court of Chancery.

the

“ the Earl of *Shaftesbury* and others,” and “ The Earl of *Shaftesbury* against *Arrowsmith* and others.”

LI. Provided always, and be it further enacted, That all Costs, Charges, and Expences attending the making of any Exchanges or Partitions to be made by virtue of the said recited Act or of this 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 by their Award, or other Deed or Instrument in Writing under their Hands, order and direct.

Costs of Exchanges and Partitions to be paid by the Part making the same.

LII. And be it further enacted, That all and every Tenant or Occupier, under any Lease or Agreement for any Term of Years, of any of the said Lands and Grounds within the said Parish of *Great Canford*, which shall be allotted or exchanged by virtue of this Act, shall immediately, after the Execution of the Award of the said Commissioners, or at such other Time as the said Commissioners shall appoint, and whereof at least Three Calendar Months Notice in Writing shall be given for that Purpose, give, surrender, resign, and yield up the full and peaceable Possession of such allotted or exchanged Lands, to the Person or Persons to or with whom the same shall be respectively allotted or exchanged, such respective Tenants and Occupiers of such allotted or exchanged Lands, receiving from the said respective Owners and Proprietors thereof, such Abatement in Rent for the Residue of the Term mentioned in such Lease or Agreement as the said Commissioners shall, by Writing under their Hands, ascertain, order, and appoint to be made to such Tenant or Tenants respectively on Account thereof, as an Equivalent for the Loss or Losses he, she, or they shall respectively sustain thereby; or otherwise, if the said Commissioners shall think it proper and reasonable for either or any of such Tenants or Occupiers to hold such allotted Lands or exchanged Premises during the Remainder of such Leases or Agreements, then such Tenants or Occupiers shall pay to the Owners or Proprietors thereof respectively such additional Rents, and manage the said Lands and Premises in such Manner, and subject to such Conditions and Provisions, as the said Commissioners shall, by any Writing under their Hands for that Purpose, order and appoint.

Tenants to give up allotted or exchanged Land, upon having Satisfaction made to them for the same.

or if they continue to hold Allotments, to pay additional Rent for them.

LIII. And be it further enacted, That the Award by the said recited Act directed to be made by the said Commissioners, together with a proper Map or Plan annexed thereto, shall be deemed and taken to be well and effectually enrolled, according to the Directions of the said recited Act, if a true Copy thereof, together with a proper Map or Plan annexed thereto, shall, within the Time mentioned by the said recited Act for such Enrolment, be deposited with the respective Clerks of the Peace for the County of *Dorset*, and for the said Town and County of the Town of *Poole*, and such respective Clerks shall be paid on the Delivery thereof to them respectively the Sum of Two Guineas, and no more; and such respective Clerks shall, and they are hereby required to deposit and keep such Copies so deposited with them respectively with the Records of the said County of *Dorset* and the said Town and County of the Town of *Poole*, respectively, to the end that Recourse may be had thereto by any Person or Persons interested therein, for the Inspection and Perusal whereof the Sum of One Shilling, and no more, shall be paid; and the said

Award.

faid original Award shall be deposited and kept in the Parish Church of *Great Canford* aforesaid, or in such other Place as the said Commissioners shall appoint; and the said Award and Copies thereof, with the said Maps or Plans, or any other Copy of the said Award, or of any Part thereof attested by the said Commissioners, or any Copy of such respective Copies of the said Award so deposited with the respective Clerks of the Peace as aforesaid, or of any Part or Parts thereof attested by the said respective Clerks of the Peace or their respective Deputies, for which Copies no more shall be paid than Two-pence *per* Sheet, each Sheet containing Seventy-two Words, shall from Time to Time and at all Times hereafter be admitted and allowed as legal Evidence of the Matters and Things therein contained in all Courts whatsoever.

Two reduced Plans of the Lands awarded to be annexed to the Award, and the other to the Enrolment.

LIV. And be it further enacted, That the said Commissioners shall and they are hereby required to cause Three reduced Plans of the Lands to be divided, allotted, awarded, or inclosed, under and by virtue of this Act, to be drawn upon Vellum, on which the publick and private Roads, Paths, and Ways, with the Boundary Fences of the several Allotments mentioned and described in the said Award, and such other Matters and Things as the said Commissioners shall think proper to be described therein, shall be fairly and distinctly delineated, marked, and expressed; and the said Commissioners shall sign the said Plans, one of which shall be annexed to the said Award, and the others shall be annexed to or shall go and be kept with the Enrolments thereof.

Commissioners to lay their Accounts before a Justice every Year.

LV. 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 required to make a true and just Statement or Account of all Sums of Money by them received and expended, and due to them for their own Trouble or Expences in the Execution of this Act; and such Statement or Account, when so made, together with the Vouchers relating thereto, shall be by them laid before Two of His Majesty's Justices of the Peace for the said County of *Dorset*, and One of His Majesty's Justices of the Peace for *Poole*, to be by them examined and balanced, and such Balance shall be by such Justices stated in the Book of Accounts to be kept in the Office of the Clerk of the said Commissioners; and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed by the said Justices.

Power to Vicar to grant Leases, with Consent of Official.

LVI. Provided always, and be it further enacted, That it shall be lawful for the Vicar for the Time being of the said Parish of *Great Canford*, by Indenture or Indentures under his Hand and Seal, with the Consent and Approbation of the Official of the said peculiar and exempt Jurisdiction of *Great Canford* and *Poole*, to lease or demise all or any Part or Parts of the Allotment or Allotments to the said Vicar or his Successors, in such Manner, and under and subject to such Restrictions and Regulations, as in and by the said recited Act are expressed and enacted for authorizing the Vicar to make Leases, with the Consent of the Bishop of the Diocese and Patron of the Vicarage as therein mentioned.

LVII. And

LVII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves, aggrieved by any Thing done in pursuance of this Act or of the said recited Act (other than and except such Orders and Determinations of the said Commissioners as are by this Act or by the said recited Act directed to be final or conclusive, or except in such Cases wherein an Issue at Law shall be tried as herein-before mentioned) then and in every such case he, she, or they may appeal to the General Quarter Sessions of the Peace which shall be holden for the County or Place where the Subject Matter of such Appeal shall arise within Six Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioners, and to the Party or Parties concerned, Twenty Days Notice in Writing of such Appeal, and of the Matter thereof; and the Justices (not interested in the Premises) in their said General Quarter Sessions, are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein, and award such Costs and Damages as to them in their Discretion shall seem reasonable, and by their Order or Warrant to cause to be levied the Costs and Damages which shall be so awarded, by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) to the Owner and Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale; and the Determination of the said Justices shall be final and conclusive to all Parties concerned and shall not be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without 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 to be levied in Manner aforesaid.

Appeal allowed to the Quarter Sessions, where Persons consider themselves aggrieved.

LVIII. And be it further enacted, That nothing in this Act shall extend, or be construed to extend, to prejudice, lessen, or defeat the Right and Title of the said *Edward Arrowsmith*, his Heirs or Assigns, Trustee or Trustees as aforesaid, as Lord or Lords of the said Manor of *Great Canford*, of, in, or to any Seignories, Royalties, or other Manerial Rights incident or belonging thereto (other than and except the Right to the Soil of the Waste Lands, for which a Compensation is herein-before directed to be made) but that the said *Edward Arrowsmith*, or the Lord or Lords of the said Manor for the Time being, and all Persons claiming by, from, under, or in Trust for him and them, shall and may, from Time to Time and at all Times for ever hereafter, have, hold, and enjoy all Rents, Heriots, Forfeitures, Services, Fines, Courts, Perquisites and Profits of Courts, and all Mines, Minerals, Quarries, and other Royalties, Jurisdictions, and Privileges to the said Manor incident, appendant, belonging, or appurtenant (except Clay and the Right to the Soil as aforesaid) in as full, ample, and beneficial a Manner to all Intents and Purposes whatsoever as he and they might or ought to have held and enjoyed the same in case this Act had not been made.

Reservation of Manerial Rights.

LIX Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person or Persons, Body or Bodies Politick, Corporate, or Collegiate, his, her, or their Heirs, Successors

General Saving.

cessors, Executors, and Administrators (except the several Persons to whom any Allotment or Allotments or Compensation shall be made in pursuance of this Act, for and in respect of such Rights and Interests as are meant and intended to be hereby barred, destroyed, and extinguished, and all Persons respectively claiming by, from, or under them, or in Remainder after them) all such Right, Title, and Interest, as they, every, or any of them, shall or ought to have had and enjoyed in, to, or out of the Lands and Grounds hereby directed to be divided, allotted, or inclosed, in case this Act had not been made.

A printed
Copy of this
Act may be
allowed Evi-
dence.

LX. 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 before all Judges, Justices, and others.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1805.