



*P. Geo 3. Cap. 18*

A N

A C T

F O R

Dividing and Inclosing the Common  
Fields, Meadow Grounds, Sheep Downs,  
Commons, Common Heaths, and other  
Waste Grounds, in the In-Parish of  
*Winfrith Newburgh*, in the County of  
*Dorset*.

Pref  
I



Whereas there are within the In Parish of *Winfrith Newburgh*, in the County of *Dorset*, several Common Fields, Meadow Grounds, Sheep Downs, Commons, Common Heaths, and other Waste Grounds, containing Two thousand Two hundred and Fifty-four Acres, or thereabouts: Preamble.

And whereas *Edward Weld*, Esquire, is Lord of the Manor of *Winfrith Newburgh*, *George Clavell*, Esquire, is Lord of the Manor or reputed Manor of *Langcotts* and *East Fossell*, within the said In-Parish, and *Benjamin Thornton*, Clerk, is Rector of *Winfrith Newburgh* aforesaid, and *William Weston*, Clerk, is Vicar of *Campden*, in the County of *Gloucester*, who in Right of their several  
A Churches

Churches are intituled to some Tythes, or Portions of Tythes, arising yearly out of divers Lands in the said Parish or Manor :

**And whereas** the said *Edward Weld* and *George Clavell*, *Edward Berkeley*, Esquire, *John Felton*, Gentleman, and *John Little*, Yeoman, together with several other Persons, are the Owners or Proprietors of Lands, or otherwise interested in the said Common Fields, Meadow Grounds, Sheep Downs, Commons, Common Heaths, and other Waste Grounds :

**And whereas** the Lands and Grounds of the several Owners or Proprietors in the said Common Fields and Meadow Grounds lie intermixed and dispersed, and are in their present Situation incapable of Improvement, and it would tend greatly to the Advantage of the several Persons interested therein, and in the said Sheep Downs, Commons, Common Heaths, and other Waste Grounds, if the same were divided and inclosed : **But** as such Division and Inclosure cannot be made and established without the Aid 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 *John Bond of Grange*, *David Robert Mitchell of Dewlish*, *Nathaniel Bond of West Lulworth*, *Thomas Williams of Herringstone*, *William Churchill of Dorchester*, Esquires, *George Lillington of Burngate*, and *Joseph Garland of Chaldon*, Gentlemen, all in the County of *Dorset*, and their Successors, to be elected in Manner herein after-mentioned, shall be and they are hereby appointed Commissioners for setting out, dividing, and allotting the said Common Fields, Meadow Grounds, Sheep Downs, Commons, Common Heaths, and other Waste Grounds in the said In-Parish of *Winfrith Newburgh*, unto and for the Benefit of the Lord of the said Manor of *Winfrith Newburgh*, and the several other Persons interested in, or having Right of Common upon, the said Common Fields, Meadow Grounds, Sheep Downs, Commons, Common Heaths, and other Waste Grounds, in Proportion to the Rights which they are severally intituled unto in the same, and in the Manner, and subject to the Rules, Orders, and Directions, and for the Purposes in and by this Act ordered, directed, and appointed.

Commis-  
sioners.

The Oath to  
be taken by  
the Commis-  
sioners.

**And be it further Enacted**, That no Person shall be capable of acting as a Commissioner in the Execution of the Powers given by this

this Act, unless it be the Power hereby given of administering Oaths, and of giving the first publick Notice for putting this Act in Execution, until he and they shall have taken and subscribed the following Oath, or an Oath to the Effect following:

*I A. B. do swear, that I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, hear and determine all such Matters and Things as shall be brought before me as a Commissioner by virtue of an Act "for Dividing and Inclosing the Common Fields, Meadow Grounds, Sheep Downs, Commons, Common Heaths, and other Waste Grounds, in the In-Parish of Winfrith Newburgh, in the County of Dorset," without Favour or Affection to any Person whatsoever.*

Which Oath it shall and may be lawful for any One of the said Commissioners to administer, and he is hereby required to administer the same to any other of the said Commissioners: And the said Oath, so taken and subscribed by each Commissioner, shall be inrolled in the same Place, and at the same Time as the Award or Instrument of Allotment made by the said Commissioners is in and by this Act directed to be inrolled.

**And be it further Enacted,** That the said Commissioners, or any Three or more of them, shall, as soon as conveniently may be after the Passing of this Act, make, or cause to be made (if they shall think the same necessary) a true and distinct Survey of all the said Common Fields, Meadow Grounds, Sheep Downs, Commons, Common Heaths, and other Waste Grounds; which Survey (in case the same shall be thought necessary to be made) shall be reduced into Writing, and the Number of Acres, Roods, and Perches in the said several Common Fields, Meadow Grounds, Sheep Downs, Commons, Common Heaths, and other Waste Grounds shall be specified therein; and such Survey shall be laid before the said Commissioners, or any Three or more of them, at One of their Meetings to be held in pursuance of this Act, to be by them kept for the better enabling them to carry this Act into Execution.

**And be it further Enacted,** That the said Commissioners, or any Three or more of them, shall and they are hereby authorized and required as soon as conveniently may be after the said Survey (if any shall be thought necessary to be made) shall have been laid before them, and if no Survey shall be thought necessary to be made, then, as soon as conveniently may be after the Passing of this Act, to examine into, settle, ascertain, and determine the Rights of Common of and in the said Common Fields, Meadow Grounds, Sheep

Commissioners to ascertain the Right of Common.

and allot the  
Lands, Part  
for growing  
Fuel,

and the Rest  
to the Persons  
interested.

Sheep Downs, Commons, Common Heaths, and other Waste Grounds, which all and every or any Person or Persons, or their respective Tenant or Tenants, or any other Person or Persons, claiming or to claim from, by, or under, or in Trust for them respectively, now have, or could, or might, or would in Time to come severally and respectively be intitled to hold and enjoy in the said Common Fields, Meadow Grounds, Sheep Downs, Commons, Common Heaths, and other Waste Grounds, in case this Act had not been made: And the said Commissioners, or any Three or more of them, shall then set out and allot in the said Common Fields, Meadow Grounds, Sheep Downs, Commons, Common Heaths, and other Waste Grounds, so much or such Part or Parts thereof as shall appear to them to be sufficient, and to be conveniently situate for the preserving and raising Furze, Turf, or other Fuel, for the Use of the several Persons who shall then appear to the said Commissioners, or any Three or more of them, to be intitled to a Right of Common in the said Common Fields, Meadow Grounds, Sheep Downs, Commons, Common Heaths, and other Waste Grounds: And the said Commissioners, or any Three or more of them, shall in the next Place allot, assign, and set out, by proper Metes and Bounds, unto and for all and every Person and Persons who shall then appear to the said Commissioners, or any Three or more of them, to be intitled to a Right of Common, or to have or be intitled to any other Property in the said Common Fields, Meadow Grounds, Sheep Downs, Commons, Common Heaths, and other Waste Grounds, such Part, Share, and Proportion, or Parts, Shares, and Proportions, of and in the Residue and Remainder of the said Common Fields, Meadow Grounds, Sheep Downs, Commons, Common Heaths, and other Waste Grounds, as they the said Commissioners, or any Three or more of them, shall judge and determine ought to be allotted, assigned, and set out to him, her, or them, in respect of his, her, or their Rights of Common, or in respect of his, her, or their having or being intitled to any other Property in and upon the said Common Fields, Meadow Grounds, Sheep Downs, Commons, Common Heaths, and other Waste Grounds, without giving any undue Preference to any of the Parties interested in the Division and Inclosure intended to be made by virtue of this Act in respect to the Allotments to be made to them; and all such Allotments shall be made justly and equitably, and without Partiality, due Regard being always had to the Quality as well as to the Quantity of the said Common Fields, Meadow Grounds, Sheep Downs, Commons, Common Heaths, and other Waste Grounds, and to the convenient Situation thereof, so to be allotted, assigned, and set out unto and for the Benefit of all and every Person and Persons who shall then appear to the said Commissioners, or any Three or more of them, to be intitled to a Right of Common, or to have or be intitled to any other Property in the said Common Fields,

Fields, Meadow Grounds, Sheep Downs, Commons, Common  
Heaths, and other Waste Grounds.

And for preventing all Differences and Disputes relating to the Division and Inclosure of the said Common Fields, Meadow Grounds, Sheep Downs, Commons, Common Heaths, and other Waste Grounds, <sup>Commission-  
ers to make an  
Award.</sup> **Be it further Enacted**, That within the Space of Six Calendar Months after the said Commissioners shall have completed and finished the Division and Allotments of the said Common Fields, Meadow Grounds, Sheep Downs, Commons, Common Heaths, and other Waste Grounds, pursuant to the Directions of this Act, they shall form and draw up, or cause to be formed and drawn up, an Award or Instrument thereof in Writing, which shall express, specify, and contain the Quantity and Contents in Statute Measure of the Acres, Roods, and Perches contained in the said several Common Fields, Meadow Grounds, Sheep Downs, Commons, Common Heaths, and other Waste Grounds, so intended to be divided and inclosed, and the Quantity of each and every Part and Parcel thereof which shall be assigned and allotted to each of the several Parties intitled to a Right of Common, or having or claiming any other Property in the said Common Fields, Meadow Grounds, Sheep Downs, Commons, Common Heaths, and other Waste Grounds, with proper Descriptions of the Situations, Buttals, and Boundaries thereof, and other convenient Certainities for the better distinguishing and ascertaining the respective Parts and Proportions of and in the said Common Fields, Meadow Grounds, Sheep Downs, Commons, Common Heaths, and other Waste Grounds so to be allotted, assigned, and set out, unto and for the several Parties; and Three or more Parts of such Award or Instrument shall be fairly wrote or ingrossed upon Parchment, and shall be signed and sealed by the said Commissioners, or any Three or more of them, and shall be delivered to such Person or Persons, or otherwise disposed of, as the said Commissioners, or any Three or more of them, shall think fit; but One of such Parts shall within Six Calendar Months next after the same shall be signed and sealed be inrolled with the Clerk of the Peace for the County of *Dorset*, to the end Recourse may be had to the same by any Person or Persons interested therein; for the Inspection and Perusal whereof the Sum of One Shilling shall be paid, and no more; and a true Copy thereof, or of any Part thereof (for which no more than Four Pence a Sheet, accounting Seventy-two Words to each Sheet, shall be paid) shall be allowed and admitted in all Courts whatsoever as legal Evidence of the same; and such Award so made by the said Commissioners, and inrolled as aforesaid, shall be binding and conclusive to all and every Person and Persons any-ways interested in, or intitled to a Right of Common, or having or any-way claiming any other Property in the

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said

faid Common Fields, Meadow Grounds, Sheep Downs, Commons, Common Heaths, and other Waste Grounds, their and every of their several and respective Heirs, Successors, Executors, Administrators, and Assigns.

After the Execution of the Award all Right of Common to cease.

**And be it further Enacted,** That immediately after the Execution of the said Award or Instrument all Right of Common in, over, and upon the said Common Fields, Meadow Grounds, Sheep Downs, Commons, Common Heaths, and other Waste Grounds, shall cease and be extinguished; and from thenceforth the said several Parties, and all Persons claiming or to claim by, from, or under or in Trust for them respectively, and all and every other Person and Persons who would or might be intitled to any Right of Common, or to have and enjoy any other Property in the said Common Fields, Meadow Grounds, Sheep Downs, Commons, Common Heaths, and other Waste Grounds, in case this Act had not been made, shall from time to time and at all Times thereafter hold and enjoy the several and respective Parts, Shares, and Proportions of the said Common Fields, Meadow Grounds, Sheep Downs, Commons, Common Heaths, and other Waste Grounds, which shall be so allotted, assigned, and set out unto and for him, her, or them, or any of them, according to such respective Determinations, Divisions, Allotments, and Assignments so to be made as aforesaid in Severalty, to the same Uses, and for the same Estate and Interest, Estates and Interests, and shall enjoy the same Rights, Privileges, and Exemptions, and subject and liable to the same Rents, Charges, and other Incumbrances, as the same several Parties, and all Persons claiming or to claim by, from, or under, or in Trust for them, and such other Person and Persons as aforesaid, do now hold or enjoy, or shall or may at any Time or Times hereafter be intitled to hold or enjoy, any Lands or Tenements whatsoever lying or being within the said Parish of *Winfrith Newburgh*, or the Precincts thereof, in respect whereof he, she, or they now is or are, or would or might at any Time or Times hereafter (in case this Act had not been made) be intitled to a Right of Common, or to have and enjoy any other Property in the said Common Fields, Meadow Grounds, Sheep Downs, Commons, Common Heaths, and other Waste Grounds; and the said several Parties, and all Persons claiming or to claim by, from, or under or in Trust for them, and such other Person and Persons as aforesaid, shall accept and take the same in Lieu of and in full Satisfaction of and for his, her, and their several and respective Rights of Common or other Property in the aforesaid Common Fields, Meadow Grounds, Sheep Downs, Commons, Common Heaths, and other Waste Grounds, within the Space of Six Calendar Months next after the Execution of the said Award or Instrument, and publick Notice given in the Parish Church of *Winfrith Newburgh* aforesaid,

said, on a ~~Sunday~~ immediately after Divine Service, and a like Notice in Writing affixed on the Door of the said Parish Church for that Purpose, signed by the said Commissioners, or any Three or more of them, which Notice the said Commissioners are hereby required to sign and give or cause to be given accordingly: And in case any Person shall neglect or refuse to accept his or her Share or Allotment, Shares or Allotments, within the Time before mentioned, then every Person so neglecting or refusing shall be totally excluded from having or receiving any Benefit or Advantage by this Act, and also from any Estate, Interest, or Right of Common, or other Property whatsoever, of, in, or to the Lands or Grounds assigned or allotted to any other Person or Persons by virtue of or under this Act.

And be it further Enacted, That the Lands and Grounds which shall be allotted to any of the said Proprietors, and the Lands, Grounds, and old Inclosures which shall be taken in Exchange in pursuance of this Act, in Lieu or in Respect of any Lands, Grounds, and old Inclosures now belonging to such Proprietors, which are Cistercian Lands, shall, from and for ever after the making of the said Award or Instrument, be and be deemed to be Cistercian Lands though the same were not before Cistercian Lands, and shall be held by and under the same Exemptions from the Payment of Tythes as the Cistercian Lands, Grounds, and old Inclosures, in Lieu or in Respect whereof such Allotments or Exchanges shall be made, are now held; and that any Cistercian Lands, Grounds, and old Inclosures which shall be allotted to any of the said Proprietors, or given in Exchange as aforesaid, in Lieu or in Respect of any Lands, Grounds, or old Inclosures now belonging to such Proprietors, which are not Cistercian Lands, shall, from and after such Award or Instrument shall be made, be and be deemed to be subject and liable to such and the same Sort of Tythes, and to such and the same Dues, Duties, Payments, and Moduses for and in respect of Tythes, as the Lands, Grounds, and old Inclosures, in Lieu or in Respect whereof such Allotments or Exchanges shall be made, were subject and liable to.

And be it further Enacted, That all and every Person and Persons who shall, within the Time before-mentioned, accept of the Share or Allotment, Shares or Allotments, to be assigned or allotted to or for him, her, or them by virtue or in pursuance of this Act, and all and every Person and Persons claiming or to claim by, from, or under, or in Trust for them respectively, shall from time to time and at all Times thereafter hold and enjoy the several and respective Parts, Shares, and Proportions of and in the said Common Fields, Meadow Grounds, Sheep Downs, Commons, Common Heaths, and other Waste Grounds, so to be allotted, assigned

Respecting  
Cistercian  
Lands.

Allotments to  
be held with-  
out Disturb-  
ance, and  
discharged of  
Right of  
Common.

assigned, and set out to or for him, her, or them, or any of them, without any Claim, Title, or Disturbance to be made or given one to another, and freed and discharged for ever thereafter of and from all and all Manner of Rights of Common therein, which any other present or future Owners, or Proprietors, or Occupiers of any Lands or Tenements within the said In-Parish of *Winfrith Newburgh*, or within the Precincts thereof, or which any other Person or Persons, not having any Lands within the said In-Parish, or the Precincts thereof, but who may claim a Right to depasture any Sort of Cattle or Sheep on any of the said Common Fields, Meadow Grounds, Sheep Downs, Commons, Common Heaths, and other Waste Grounds, now have or hath or could or might in any wise claim therein in case this Act had not been made.

Trustees to  
accept Allot-  
ments for  
Persons inca-  
pable,

**Provided always, and be it further Enacted,** That the Guardians, Husbands, Trustees, Committees, or Attornies of any Person or Persons being Minors, under Coverture, beyond the Seas, or otherwise incapable by Law to accept any such Assignments or Allotments so to be made as aforesaid, shall be and are hereby enabled and required to accept thereof for the Use of such Person or Persons so incapacitated as aforesaid; and also that any Person or Persons intitled to any such Assignments or Allotments as aforesaid, <sup>14</sup> as Tenant or Tenants for Life or Lives, shall be and is and are hereby respectively enabled to take and accept of such Assignments or Allotments for the Use of themselves, and of those in Reversion or Remainder, expectant on the Determination of the Estate or Estates of such Tenant or Tenants for Life or Lives; and likewise that any Person or Persons intitled to any such Assignments or Allotments as aforesaid, in Remainder or Expectancy, upon any precedent particular Estate shall, upon the Neglect or Refusal of any Tenant in Possession, or any Person intitled to such precedent particular Estate, be and is and are respectively hereby enabled to accept of such Assignments or Allotments in lieu or instead of any such Tenant or Person so intitled and neglecting or refusing; and every such Acceptance shall be and is hereby declared to be valid and effectual to all Intents and Purposes whatsoever; any Thing herein contained to the contrary notwithstanding.

but not to  
exclude Per-  
sons after the  
Disability re-  
moved.

**Provided also,** That the Non-claim or Non-acceptance of any Guardian, Husband, Trustee, Committee, or Attorney, shall not exclude or prejudice the Claim or Acceptance of any Infant, Lunatick, Idiot, Feme-Covert, or any other Person under any other Disability or Incapacity as aforesaid, who shall claim or accept within Twelve Calendar Months after such Disability or Incapacity shall be removed, or of any Person or Persons intitled as Heir or in Remainder after the Death of any Person dying under such Disability <sup>15</sup> or



or Incapacity, who shall claim or accept within Twelve Calendar Months after his, her, or their Right, Title, or Interest shall have descended, vested, or accrued.

**And it be further Enacted,** That the aforesaid Rector and The Rector and Vicar to take Tythes of the Inclosures.  
 Vicar herein before named, and all and every other Person and Persons who is or are intitled to any Tythes or Proportions of Tythes whatsoever arising out of or within the said In-Parish of *Winfrith Newburgh*, and their respective Heirs, Successors, Executors, Administrators, or Assigns, shall from time to time and at all Times hereafter be respectively intitled to have, receive, and enjoy the same and the like Kind of Tythes and Portions of Tythes, and to the same Exemptions, Privileges, and Payments in lieu of Tythes, out of and from the several and respective Parts, Shares, and Proportions of the said Common Fields, Meadow Grounds, Sheep Downs, Commons, Common Heaths, and other Waste Grounds, so to be allotted, assigned, and set out as aforesaid, as the same shall annually or otherwise arise, and as the said Rector and Vicar, and such other Person and Persons as aforesaid, now is or are intitled to have and receive out of and from the Lands already inclosed in the said In Parish of *Winfrith Newburgh*.

- 16 **Provided always,** That whenever the said Parties, or any or either of them, to whom such Allotment or Allotments shall be made as aforesaid, shall convert any Part of the ancient, now uninclosed, Arable Lands of the Premises, which shall be liable to the Payment of Tythes to the said Rector and Vicar, into Pasture or Meadow Ground for Dairy Cows or Black Cattle, then the said Parties and every of them shall from time to time pay for every Acre of such Lands so converted unto the said Rector of *Winfrith Newburgh* and his Successors, and to the said Vicar of *Campden* and his Successors, the yearly Sum of Three Shillings, by Two equal half-yearly Payments, on *Lady-day* and *Michaelmas day*; the First Payment to be made respectively on such of the said Days as shall happen next after the converting such Lands as aforesaid, and so in Proportion for a greater or less Quantity than an Acre; which said Payment of Three Shillings shall be divided in Manner following; that is to say, One Shilling thereof shall be paid to the said *Benjamin Thorntun* and his Successors, and the other Two Shillings shall be paid to the said *William Weston* and his Successors, as a Satisfaction and Equivalent for their Corn Tythes that would otherwise arise out of such Lands in case the same had remained Arable Lands.

- 17 **And be it further Enacted,** That if the said respective yearly Sums of One Shilling and Two Shillings an Acre, so to be charged and paid as aforesaid, or any Part thereof, shall be behind or unpaid after  
 C any  
 Rent how to be recovered.

any of the said Days of Payment hereby appointed, then and so often and from time to time, as the same shall so happen, it shall and may be lawful to and for the said *Benjamin Thornton* and his Successors, Rectors of *Winfrith Newburgh* aforesaid, and to and for the said *William Weston* and his Successors, Vicars of *Campden* aforesaid respectively, or their respective Lessees, to enter into and take and distrain the Goods, Chattels, and Cattle, which shall be found on such Lands as aforesaid; and the Distress then and there found and taken, to sell and dispose of, returning the Overplus (if any) on Demand, to the Owner or Owners thereof, after all Charges paid.

Rules to be  
observed in  
Allotments  
made for  
Right of  
Common, &c.

And be it further Enacted, That the said Commissioners, or any Three or more of them, in making the aforesaid Allotments to the several Parties interested, shall observe the following Rule; that is to say, That the respective Parts, Shares, or Proportions, which shall be allotted, assigned, and set out unto and for such of the said Parties who are or may be intitled to a Right of Common, or to have or enjoy any other Property in the said Common Fields, Meadow Grounds, Sheep Downs, Commons, Common Heaths, and other Waste Grounds, shall be computed, regulated, and adjusted in Manner following; that is to say, in the said Common Fields and Sheep Downs by and according to the Parts and Proportions of the Arable Lands lying in the said Common Fields, 18 which the said Parties respectively now are, or, at the Time of such Allotments so as aforesaid to be made shall be intitled to; and in the said Meadow Grounds, Commons, Common Heaths, and other Waste Grounds in the said In-Parish of *Winfrith Newburgh*, according to the Sum or Sums of Money which the said Parties and each of them now stand charged with towards the Relief of the Poor of the said Parish of *Winfrith Newburgh* for and in respect of his, her, or their Lands lying in the said In-Parish, and having Right of Common, in and by the present Poores Rates of the said In-Parish.

Roads to be  
set out.

And be it further Enacted, That the said Commissioners, or any Three or more of them, shall and may set out and appoint publick and private Highways through the said Common Fields, Meadow Grounds, Sheep Downs, Commons, Common Heaths, and other Waste Grounds hereby intended to be divided and inclosed, and also private Horse and Carriage Ways, to any Allotments to be made by virtue of this Act, or to any old Inclosures lying and being within the said In Parish of *Winfrith Newburgh*, of such Size and Breadth, and to and for such Uses and Purposes, as the said Commissioners, or any Three or more of them, in and by their Award shall order and appoint; and all such publick Highways shall be set out and remain Sixty Feet broad at the least between the Ditches or Fences (except Bridle Ways and Foot Ways); and that it shall not be

19 be lawful for any Person or Persons, after the Execution of the said Award, to use or claim the Use of any Highway, either old or new, publick or private, over, within, or through the Lands and Grounds hereby intended to be divided and inclosed, or any Part thereof, either on Foot, or with Horses, Cattle, or Carriages, or otherwise, other than such Highways as shall be so ascertained, set out, and appointed by the said Commissioners, or any Three or more of them as aforesaid; and that all former Highways, or so much thereof as shall not be set out and appointed as Highways, shall be deemed Part of the Lands to be divided and inclosed by this Act; and that all publick Highways and Bridle Ways, which shall be set out and appointed by the said Commissioners, or any Three or more of them, shall for ever thereafter be maintained and kept in Repair in the same Manner as the respective publick Highways and Bridle Ways in the said In-Parish of *Winfrith Newburgh* are or ought to be repaired by Law; and that all the private Ways set out by the said Commissioners, or any Three or more of them, shall for ever thereafter be repaired and amended in such Manner as they shall in their Award order and direct.

How Roads  
are to be re-  
paired.

20 And be it further Enacted, That the said Commissioners, or any Three or more of them, shall and may and they are hereby authorized and required to allot, direct, and appoint the several and respective Parts, Shares, and Proportions of the Fences and Inclosures which each of the Parties any way interested in, or having any Right of Common in or upon the said Common Fields, Meadow Grounds, Sheep Downs, Commons, Common Heaths, and other Waste Grounds, is to make for or in respect of the dividing, separating, and inclosing the same (except as herein after is mentioned); and also that the said Commissioners, or any Three or more of them, shall and may direct, set out, and appoint all such Watercourses, Ditches, Sewers, Bridges, Gates, and Stiles that are to be made in and upon the Lands and Grounds to be divided and inclosed as aforesaid, and by whom the same respectively shall be made, preserved, repaired, and maintained for ever thereafter; and such Allotments, Directions, and Appointments, so to be made in relation to such Fences, Inclosures, Watercourses, Ditches, Sewers, Bridges, Gates, and Stiles, shall be inserted, described, and set forth in the said Award or Instrument; and all such Allotments, Directions, and Appointments so to be made as aforesaid, shall be binding to all and every Person and Persons whomsoever any way interested in or intitled to a Right of Common, or having or any way claiming to be intitled to any other Property in the said Common Fields, Meadow Grounds, Sheep Downs, Commons, Common Heaths, and other Waste Grounds, their and every of their several and respective Heirs, Successors, Executors, Administrators, and Assigns.

Commission-  
ers to direct  
the making of  
Fences.

And

Fences by  
what time to  
be made.

And be it further Enacted, That within the Space of Twelve Calendar Months after the Execution of the said Award or Instrument, 21 or within such other convenient Space of Time as the said Commissioners, or any Three or more of them, shall think fit, the several Parcels of Land thereby assigned and allotted shall be inclosed, hedged, ditched, and fenced by the several Persons to whom the same shall be respectively assigned and allotted, in such Manner as the said Commissioners, or any Three or more of them, in their Award or Instrument shall direct and appoint.

Gaps to be  
left.

Provided always, That convenient Openings shall be left in the said Fences and Inclosures for the Space of Twelve Calendar Months next ensuing the Execution of the said Award or Instrument, or for such other convenient Space of Time as the said Commissioners, or any Three or more of them, shall think fit, for the Passage of Cattle, Carts, and Carriages through the same, unless the several Parties interested in the said intended Division and Inclosure shall agree that the same shall be sooner made up and inclosed.

In case Par-  
ties neglect to  
fence, Per-  
sons interested  
may do it.

And be it further Enacted, That in case any Person or Persons, to whom or to whose Use or Benefit any Land or Ground shall by virtue of this Act be allotted (other than and except the said *Benjamin Thornton* and his Successors, Rectors of *Winfrith Newburgh*, and the said *William Weston* and his Successors, Vicars of *Campden*) shall refuse or neglect, within Twelve Calendar Months next after the Signing and Sealing the said Award or Instrument, to inclose and fence the 22 several Parcels of Land set out and allotted to him, her, or them respectively as aforesaid, in such Manner as the said Commissioners, or any Three or more of them, shall order and appoint, it shall and may be lawful to and for the Person or Persons interested in the Lands or Grounds next adjoining to the Lands or Grounds allotted to the Person or Persons so refusing or neglecting, to exhibit a Complaint in Writing against such Person or Persons before One or more of his Majesty's Justices of the Peace for the said County of *Dorset*, not being interested in the Lands or Grounds so to be inclosed and fenced as aforesaid, who may summon the Parties concerned, examine into the Nature of the Complaint, and examine all proper Witnesses upon Oath; and after such Summons and Examination shall and may, if he or they shall see Cause, order, direct, and appoint the Person or Persons, exhibiting such Complaint, to inclose and fence the Allotment or Allotments of the Person or Persons so neglecting or refusing; and also shall and may, by Warrant under his or their Hand and Seal or Hands and Seals, directed to the Person or Persons exhibiting such Complaint, cause the Charges and Expences of the inclosing and fencing of the Allotment or Allotments of the Person or Persons so refusing or neglecting (Demand being first made thereof before

23 before One or more credible Witness or Witnesses) 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 Goods and Chattels, after deducting the Costs and Charges of taking and making such Distress or Distresses, and selling the same, or otherwise shall and may, by any Writing under his or their Hand and Seal or Hands and Seals, authorize and empower the Person or Persons, exhibiting such Complaint, to enter into and upon the Premises so to be allotted to such Person or Persons refusing or neglecting to pay as aforesaid; and to take and receive the Rents and Profits thereof respectively, until thereby or therewith the Charges and Expences of the inclosing and fencing the Allotment or Allotments of the Person or Persons so refusing or neglecting to pay as aforesaid; and also all Costs, Charges, and Expences occasioned by or attending such Entry upon and Perception of the Rents and Profits of the same Premises shall respectively be fully paid and satisfied.

24 **provided always, and be it further Enacted,** That the Lands and Grounds which shall be allotted to any of the said Owners or Proprietors who are Copyholders of the said Manor of *Winfrith Newburgh*, or are Leaseholders for Years determinable on One or more Life or Lives, or Widowhood, shall be hedged, ditched, and inclosed in such Manner as the said Commissioners, or any Four or more of them, shall order and direct; and the Expence thereof shall be borne and paid by the Lord of the said Manor of *Winfrith Newburgh* and the said Copyholders or Leaseholders respectively, in such Proportions as the said Commissioners, or any Four or more of them, shall order, direct, and appoint.

Copyholders and Leaseholders Lands to be inclosed by the Lord of the Manor and such Copyholders or Leaseholders.

**And be it further Enacted,** That all the Charges and Expences of obtaining and passing this Act shall be borne and paid by the said *Edward Weld* and *George Clavell*, in Proportion to their several and respective Estates and Interests, whether in Possession or Reversion, in the Lands and Grounds hereby intended to be divided and inclosed; and all the Costs, Charges, and Expences of surveying, measuring, dividing, and allotting the Lands and Grounds so to be divided and inclosed as aforesaid, and all the Charges of the said Commissioners, and other necessary Charges and Expences in, about, and concerning the Premises, shall be borne and defrayed by the several Parties interested, or having a Right of Common in the said Common Fields, Meadow Grounds, Sheep Downs, Commons, Common Heaths, and other Waste Grounds respectively (except by the said Rector and Vicar and their respective Successors, whose Charges and Expences therein shall be borne and defrayed by the said *Edward Weld* and *George Clavell*, in Proportion to their respective Estates and Interests as aforesaid) in Proportion to

For defraying the Expences of the Act.

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the

the Quantity of Land which shall pursuant to this Act be allotted to them respectively, or otherwise, as the said Commissioners, or any Three or more of them, shall direct or appoint.

How to be recovered.

**And be it further Enacted,** That in case any Person or Persons, to whom any Allotment or Allotments shall be made by virtue of this Act, shall refuse or neglect to pay his, her, or their Share and Proportion, Shares and Proportions of the Costs and Charges of surveying, measuring, dividing, and allotting the Lands and Grounds to be divided and allotted as aforesaid, and the Charges of the said Commissioners, and other necessary Charges and Expences in, about, and concerning the Premises, within a certain Time to be limited by the said Commissioners, or any Three or more of them, to such Person or Persons as they, or any Three or more of them, shall appoint to receive the same; then the said Commissioners, or any Three or more of them, shall and may, by Warrant under their Hands and Seals, directed to any Person or Persons whomsoever, cause the same 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) on Demand, to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of taking and making such Distress or Distresses and Sales or Sales.

Leases at Rack Rent to be void.

**And be it further Enacted,** That all and every Lease and Lease at Rack-rent subsisting of all or any Part of the Lands or Grounds hereby intended to be divided and inclosed, or any Right of Common in or upon the same, and all other Agreements at Rack-rent, for any Time or Term therein, shall, immediately upon such Division and Allotments being made, and such Award or Instrument being executed as aforesaid, or so soon thereafter as the said Commissioners, or any Three or more of them, shall by their said Award or Instrument appoint, cease, determine, and be void, the respective Owners or Proprietors who have made any such Lease or Leases, Agreement or Agreements, making such Satisfaction to such his, her, or their respective Lessee or Lessees, Tenant or Tenants, as the said Commissioners, or any Three or more of them, shall ascertain as reasonable to be paid to such Lessee or Lessees, Tenant or Tenants, on Account thereof or as an Equivalent for the same.

Persons who have no Land in the Parish but have Right of Common to have an Allowance for such Right.

**And be it further Enacted,** That in case it shall appear, before such Time as the said Commissioners, or any Three or more of them, shall have executed their Award or Instrument, that any Person or Persons, having no Lands within the said In-Parish of *Winfrith Newburgh*, or the Precincts thereof, hath or have a Right, or doth or do claim to depasture any Sort of Cattle or Sheep upon any of the said Common Fields, Meadow Grounds, Sheep Downs,

Downs, Commons, Common Heaths, and other Waste Grounds to be divided and inclosed as aforesaid, that then it shall and may be lawful to and for the said Commissioners, or any Three or more of them, and they are hereby authorized and impowered to assign and set out unto and for such Person or Persons any Part or Parts of the said Common Fields, Meadow Grounds, Sheep Downs, Commons, Common Heaths, and other Waste Grounds so to be divided and inclosed as aforesaid, in such Manner as they the said Commissioners, or any Three or more of them, shall think fit, in Lieu of or as an Equivalent for such Right of Common.

27 **And be it further Enacted,** That in case any Difference or Dispute shall arise between all or any of the Parties interested in the said Division and Inclosure, with respect to the Premises, or any Matter or Thing herein contained or consequent thereon, or in relation thereunto, the same shall be adjusted and finally determined between the said Parties, and every of them, by the said Commissioners, or any Three or more of them; and it shall and may be lawful to and for the said Commissioners, or any Three or more of them, and they are hereby impowered to take the Examination of Witnesses upon Oath (which Oath the said Commissioners, or any Three or more of them, are hereby authorized to administer) for their better Information and Satisfaction in determining such Disputes or Differences; and the Determinations of the said Commissioners, or any Three or more of them therein, shall be binding and conclusive to all and every the said Parties, their and every of their several and respective Heirs, Successors, Executors, Administrators, and Assigns.

Commissioners to determine Disputes.

28 **And be it further Enacted,** That it shall and may be lawful to and for the Husbands, Guardians, Trustees, or Committees, or for any Person or Persons acting as Guardians, Trustees, or Committees of or for any Infants, Idiots, Lunatics, Femmes-covert, or Persons beyond the Seas, and to and for every of the Owners of Land, Right of Common, or other Property in the said Fields and commonable Places hereby intended to be divided and inclosed, being Tenants in Tail or for Life, to or for whom any Allotment shall be made in pursuance of this Act, to charge the Lands or Grounds which shall be so allotted to or for them respectively with any Sum or Sums of Money, not exceeding Forty Shillings for every Acre of such Land or Ground, to be paid to such Person or Persons as the said Commissioners, or any Three or more of them, shall for that Purpose nominate or appoint, in order to be applied and disposed of for the Purpose of paying and defraying their respective Shares and Proportions of the Costs, Charges, and Expences aforesaid, and of the Charges and Expences of inclosing and subdividing such Lands or Grounds, and other necessary Expences attending the same; and for securing the Repayment of such Sum or Sums

Power for Tenants for Life and others to charge Allotments for Money borrowed to inclose.

Sums of Money with Interest, to grant, mortgage, lease, or demise the Lands or Grounds so to be charged as aforesaid, unto such Person or Persons respectively, or their Trustees, as shall advance such Money, for any Term or Number of Years, so as such Grant or Demise be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered, when such Sum or Sums of Money, with the Interest thereof, shall be paid: And every such Grant, Mortgage, Lease, or Demise of such Land or Ground, or any Part or Parts thereof, to be made in pursuance of this Act, shall be good, valid, and effectual in the Law for the Purposes thereby intended, notwithstanding the Want of Title in any such Guardians, Husbands, Trustees, or Committees, or in the Persons acting as Guardians, Trustees, or Committees, or in such Tenants in Tail or for Life; any Settlement, Will, Trust, Use, Remainder, Limitation, or other Incumbrance of or concerning the same Land or Ground, or any Part or Parts thereof, then in being or capable of taking Effect to the contrary notwithstanding: And the Interest of the Money so to be borrowed shall be paid and kept down by the Person or Persons in Possession for the Time being of the Land or Ground to be charged with such Money as aforesaid, so that no Person afterwards becoming possessed of such Lands or Grounds shall be subject or liable to pay any further or larger Arrear of Interest than for One Year preceding the Time when the Title to such Possession shall accrue or commence.

Saving to  
Lord of the  
Manor.

**Provided always, and be it further Enacted,** That nothing in this Act contained shall prejudice, lessen, or defeat the Right, Title, or Interest of the said *Edward Weld*, or the Lord or Lords of the said Manor of *Winfrith Newburgh* for the Time being, or the said *George Clavell*, or the Lord or Lords of the said Manor or reputed Manor of *Langcotts* and *East Fossell* for the Time being, of, in, or to the Seigniories and Royalties incident and belonging to the said Manors respectively; but that they the said *Edward Weld* and *George Clavell*, and all and every Person and Persons claiming under or in Trust for them, or either of them, as Lord or Lords of the said Manors, and all other succeeding Lords of the said Manors of *Winfrith Newburgh* and *Langcotts* and *East Fossell* for the Time being, shall and may at all Times for ever hereafter have, hold, and enjoy all Rents, Services, Courts, Perquisites and Profits of Courts, Mines, Goods, and Chattels of Felons and Fugitives, Felons of themselves and put in Exigent, Deodands, Waifs, Estrays, Forfeitures, and all other Royalties, Jurisdictions, Rights, and Pre-eminences whatsoever to the same Manors, or to the Lord or Lords thereof for the Time being, incident, appendant, belonging, or appertaining (other than and except the Mines, Delves, and Quarries lying within and under such Parts, Shares, and Proportions of the said Common Fields, Meadow Grounds, Sheep Downs, Commons, Common Heaths, and other Waste Grounds as shall or may



may be allotted and assigned to the several other Freeholders and Owners of Lands lying and being within the said Manor of *Winfrith Newburgh*, or within the said Manor or reputed Manor of *Langcotts* and *East Fossell*, or to any other Person or Persons not having any Lands within the said In-Parish or Manors, or within the Precincts thereof as aforesaid, in Lieu of or as an Equivalent for such Right or Claim as aforesaid; and other than and except such Common of Pasture and  
 31 other Common Rights as can or may be claimed by or belonging to the Lord or Lords of the said Manors in and upon the Premises so intended to be divided and inclosed as aforesaid) in as full, ample, and beneficial Manner, to all Intents and Purposes, as he, they, or any of them, could or might have held or enjoyed the same before the Passing of this Act, or in case the same had never been made.

**And be it further Enacted**, That the said Commissioners, or any Three or more of them, shall and they are hereby required to give or cause to be given publick Notice in the Parish Church of *Winfrith Newburgh* aforesaid, upon some *Sunday* immediately after Divine Service, of the Time and Place of their First and every subsequent Meeting for the Executing of this Act, at least Six Days before any such Meeting shall be held (Meetings by Adjournment only excepted). or Notice to be given of Meetings.

**And be it further Enacted**, That if any One or more of the Commissioners nominated and appointed in this Act, or to be elected in Manner herein after mentioned, shall die or refuse to act, then and so often it shall and may be lawful to and for the surviving Commissioners or Commissioner, or the the major Part of such surviving Commissioners, by Writing under his or their Hand and Seal or Hands and Seals, to elect One or more Person or Persons, not interested in the said Common Fields, Meadow Grounds, Sheep Downs, Commons, Common Heaths, and other Waste Grounds, in  
 32 the Place or Room of such Commissioner or Commissioners so dying or refusing to act; which Commissioner or Commissioners, so from Time to Time elected, shall have and is and are hereby enabled to have the same Power and Authority to put this Act in Execution, as if he or they had been respectively named and appointed herein; which said Writing shall, within Six Calendar Months after the Execution thereof, be inrolled with the Clerk of the Peace for the said County of *Dorset*, and a true Copy thereof shall be allowed and admitted in Evidence in all Courts whatsoever. In case of Death or Refusal to act, others to be chosen.

**And be it further Enacted**, That for the more convenient Situation and Disposition of the Lands and Grounds of the said Owners and Proprietors in the said In-Parish or Manors, it shall and may be lawful to and for any of the Proprietors of such Lands and Grounds to exchange all or any Part thereof for any other Lands or  
 E Grounds, Exchanges of Lands may be made.

Grounds, either already inclosed or which are intended to be inclosed by virtue of this Act, lying within the In-Parish or Manors aforesaid, so as all such Exchanges be made by and with the Consent and Approbation of the said Commissioners, or any Three or more of them, and be expressed and declared in the Award directed to be made as aforesaid; and all and every Exchange or Exchanges, so made as aforesaid, shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever.

For allowing  
an Appeal to  
the Quarter  
Sessions.

**And be it further Enacted**, That if any Person or Persons shall think him, her, or themselves aggrieved by any Thing done in pursuance of this Act, then and in every such Case (except in such Cases where the Orders and Determinations of the said Commissioners are directed to be final, binding and conclusive upon all Parties) he, she, or they may appeal to the General Quarter Sessions of the Peace which shall be held for the County of *Dorset*, within Six Calendar Months next after the Cause of Complaint shall have arisen; and the Justices 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, as to them in their Discretion shall seem reasonable; and by their Order or Warrant to levy the Costs which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of every such Distress and Sale; which Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at *Westminster* or elsewhere.

General Saving.

**Saving always** to the KING's Most Excellent MAJESTY, his Heirs and Successors, and to all and every other Person and Persons, Bodies Politick and Corporate, his, her, and their Heirs, Successors, Executors, and Administrators (other than and except the several Persons to whom any Allotment or Allotments of Lands shall be made by virtue of this Act, and also the said *Benjamin Thornton* and his Successors, Rectors of *Winfrith Newburgh*, and the said *William Weston* and his Successors, Vicars of *Campden*) all such Estate and Interest as they, every or any of them, had or enjoyed of, in, to, or in respect of the said Common Fields, Meadow Grounds, Sheep Downs, Commons, Common Heaths, and other Waste Grounds before the Passing of this Act, or could or might have had or enjoyed in case the same had not been made; but no such other Person or Persons, Bodies Politick or Corporate, his, her, or their Heirs, Executors, Administrator, or Successors shall have Power to disturb any of the Allotments

lotments made in pursuance of this Act, but shall accept the respective Allotments which shall be made in pursuance of this Act in Lieu of the Lands or Grounds and Rights of Common or other Interest which he, she, or they would have been intitled to therein in case this Act had not been made.

A N  
A C T  
F O R

Dividing and Inclosing the Common  
Fields, Meadow Grounds, Sheep  
Downs, Commons, Common  
Heaths, and other Waste Grounds  
in the In-Parish of *Winfrith*  
*Newburgh*, in the County of  
*Dorset*.

[ 1768. ]