

An Act for Dividing and Inclosing  
the Common or Waste Ground called  
Brislington, otherwise Bussleton, Common  
- the text of an original 1778 publication,  
scanned and with a foreword by Ken Taylor

## Foreword

This document contains a scanned copy of the text in the printed publication entitled "AN ACT FOR Dividing and Inclosing the Common or Waste Ground called *Brislington*, otherwise *Bussleton*, *Common*, in the Parish of *Brislington*, otherwise *Bussleton*, in the County of *Somerset*. - 1778."

The twenty-four pages of the original publication are printed on six full foolscap sheets of antique laid paper, each measuring 13.5 inches by 17 inches (343mm x 432mm) - the word inches is abbreviated below by the standard but somewhat archaic symbol often known as double quotation marks: ". The front page of this folio volume measures 13.5" x 8.5" (343mm x 216mm). All cut edges are slightly uneven.

Each sheet is watermarked with two designs positioned so that one appears in the centre of each folio page. The letters L V G denote the Dutch paper manufacturer Lucas van Gerrevink (his initials were often used by other paper-makers either because they were subsidiary companies or simply as a form of branding to denote high quality). The other design is a crowned oval cartouche containing a rampant lion holding in one forepaw a staff or sceptre with a hat motif at the top, and in the other a bundle of arrows. The initials are 70mm in length, and the oval is 75mm at its widest point. Sadly the watermarks aren't very clear and the contents of the cartouche are difficult to decipher. There's a drawing of a very similar watermark that can be viewed online (Churchill 1935, illustration 93) where it's attributed to an English paper-maker - Joseph Portal - and dated to 1779 (the year after this Act was passed). The Appendix (below) offers rudimentary portrayals of an example of each of the watermarks in the Act.

Each sheet of paper is folded in half to print four pages (the first sheet provides pages 1 to 4, the next sheet provides pages 5 to 8, and so on). All the folded sheets are sewn with thread using three holes in a straight line three-eighths of an inch (10mm) from the fold. The central hole is midway between the top and bottom edges, and the distance between the two outer holes is 4.5" (114mm). The thread in this copy of the Act is not original. This publication was then folded in half and in half again so the title on page 24 became the front cover.

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Ken Taylor  
Brislington  
June 2022

### Bibliography

Churchill, W A 1935, *Watermarks in Paper in Holland, England, France, Etc., in the XVII and XVIII Centuries and their Interconnection*, Amsterdam, Menno Hertzberger & Co; available in an online facsimile at <https://ia601003.us.archive.org/2/items/b31345736/b31345736.pdf>, San Francisco, Internet Archive, accessed 06 June 2022.



A N

A C T

F O R

Dividing and Inclosing the Common or Waste Ground called *Brislington*, otherwise *Busleton*, *Common*, in the Parish of *Brislington*, otherwise *Busleton*, in the County of *Somerset*.



WHEREAS there is a Common or Waste Ground Preamble. called *Brislington*, otherwise *Busleton*, *Common*, containing Three hundred and Ninety-five Acres or thereabouts, situate in the Parish of *Brislington*, otherwise *Busleton*, in the County of *Somerset* :

And whereas *Francis Popham*, Esquire, is entitled to the Advowson, Patronage, and Right of Presentation, of and to the Vicarage

A

Vicarage

Vicarage of the Church of *Brislington*, otherwise *Busleton*; and the Reverend *George Popbam* is Vicar of the said Vicarage, and as such entitled to all the Vicarial Tythes arising, renewing, or happening, within the said Parish :

And whereas *William James*, Gentleman, is Impropiator of the Tythes of Corn and Grain arising and renewing within the said Parish of *Brislington*, otherwise *Busleton*, or a certain Modus or Sum of Money in lieu thereof :

And whereas *Joseph Langton*, Esquire, is Lord of the Manor of the said Parish of *Brislington*, otherwise *Busleton*, and is entitled to the Soil of the said Common or Waste Ground, and to all Trees growing thereon; and to all Mines, Minerals, Quarries, and Royalties, thereto belonging; and to divers Farms, Lands, and Grounds, lying within the said Manor :

And whereas divers other Persons have or claim to have a Right of Common for their Cattle at all Times throughout the said Common; and it is apprehended that it would be of great Advantage to the several Persons interested therein to have the same divided and inclosed, as at present it lies open, ruinous, and waste, and is of little or no Benefit to the Persons entitled to the same, or to the Public in general: But, as such Division and Inclosure 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 *Thomas Symes* of *Chewton Mendip*, *Robert Wright* of *East Harptree*, and *William Blackburrow* of *Town End*, all in the County of *Somerset*, Gentlemen, and their Successors, to be elected in Manner hereinafter mentioned, shall be, and they are hereby appointed Commissioners for the setting out, dividing, draining, allotting, and inclosing the said Common or Waste Ground called *Brislington*, otherwise *Busleton*, Common, within the said Parish of *Brislington*, otherwise *Busleton*, and for putting this Act into Execution.

Commissioners.

And

And be it further Enacted, That if any of the said Commissioners by this Act appointed, or any Commissioner or Commissioners to be elected in Manner hereinafter mentioned, shall die or refuse to act, the surviving or remaining Commissioner or Commissioners shall from Time to Time, within Thirty Days next after such Death or Refusal happen to be known, by Writing under his or their Hand and Seal, or Hands and Seals, appoint such new Commissioner or Commissioners, as the Case may require, not being interested in the said Division or Inclosure, at a Meeting to be held for that Purpose, in the Room or Place of every such Commissioner or Commissioners so dying or refusing to act as aforesaid; and every such new Commissioner or Commissioners so to be appointed (having first taken and subscribed the Oath or Affirmation hereinafter directed, which shall be administered to him or them respectively by such surviving or remaining Commissioner or Commissioners) shall have the like Powers and Authorities in putting this Act into Execution, as the Commissioner or Commissioners, whose Place or Places he or they shall so succeed to, had, or was or were by this Act invested with; which Writing appointing such new Commissioner or Commissioners, shall be inrolled in like Manner as the Award or Instrument is hereinafter directed to be inrolled.

For choosing  
new Com-  
missioners, in  
case of Death

~~And, for the better ascertaining the said Common or Waste~~ Ground so to be divided and inclosed, and for the more just and regular Division and Distribution of the same; **Be it further Enacted**, That, as soon as conveniently may be, a Survey and Admeasurement shall be made of the said Common or Waste Ground, and a Plan shall likewise be made thereof, some Time before the First Day of *May*, One thousand Seven hundred and Seventy-eight, or as soon as conveniently may be, by such Person or Persons as shall be nominated and appointed for that Purpose by the said Commissioners, or any Two of them; and such Survey or Admeasurement shall be reduced into Writing, and the Number of Acres, Roods, and Perches in the said Common or Waste Ground shall be set forth and ascertained therein; and the said Survey and Plan shall be laid before the said Commissioners, or any Two of them, at some or One of their Meetings to be held in pursuance of this Act.

Survey to be  
made.

And be it further Enacted, That the said Commissioners, or any Two of them, shall, and they are hereby required to give public Notice in the Parish Church of *Brislington*, otherwise  
*Buffleton*,

Notice of  
Meeting.

*Busleton*, aforesaid, upon some *Sunday* immediately after Divine Service, in the Morning or Evening, of the Time and Place of their First Meeting for executing the Powers hereby vested in them; and also, from Time to Time, of any Meeting for the Election of any new Commissioner or Commissioners, at least Twenty-one Days before any such Meeting; and also Fourteen Days Notice, at least, in the said Church, after Divine Service in the Morning or Evening, of every subsequent Meeting of the said Commissioners under this Act.

No Commissioner to act without taking an Oath.

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 Act (unless it be the Power hereby given of administering Oaths, and of advertising the First Meeting of the Commissioners) until he shall have taken and subscribed the following Oath or Affirmation :

Commissioners Oath.

I *A. B.* do swear (or being One of the People called *Quakers*, do solemnly, sincerely, and truly declare and affirm) That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, execute the Trusts reposed in me, and 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 or Waste Ground called *Brislington*, otherwise *Busleton Common*, in the Parish of *Brislington*, otherwise *Busleton*, in the County of *Somerset*, without Favour or Affection to any Person whatsoever.

So help me GOD.

Which Oath it shall be lawful for any One of the said Commissioners to administer, and he is hereby required to administer the same to the other or others of them; and the said Oath so taken and subscribed, shall be inrolled in the same Place that the said Award to be made by the said Commissioners, as hereinafter mentioned and directed to be made, is in and by this Act directed to be inrolled, but no Stamp shall be requisite for the Paper or Parchment on which such Oath shall be written.

Provided always, That if at any of the Meetings appointed to be holden as aforesaid, it shall happen that no more than One of the said Commissioners shall attend, such Commissioner may

may adjourn such Meeting, to such Time and Place as he shall think most convenient.

And be it further Enacted, That all Persons having or claiming any Right of Common on the said Common or Waste Ground, or other Right or Interest in or upon the same, shall, and they are hereby required, by themselves, their Agents, or Tenants respectively, at the First or Second Meeting of the said Commissioners for putting this Act in Execution, to give and deliver to One or more of the said Commissioners present at such Meeting, in Writing under their Hands, their respective Claims, and a full, true, and just Account of the respective Messuages, Cottages, Lands, Tenements, or Hereditaments, for and in respect whereof they respectively claim such Right as aforesaid, and where situate within the said Parish; and all Persons neglecting so to give and deliver, or to cause to be given and delivered, such Claims, and such Accounts of their respective Estates, in respect of which they have or claim Right of Common on the said Common or Waste Ground, shall be, and they are hereby excluded and debarred of and from all Right and Title of, in, or to the said Common or Waste Ground, and from any Part, Share, or Allotment, in lieu thereof, and also of and from all Right of Common, and other Right, Estate, and Interest whatsoever, of, in, or to the several Parts to be allotted to any Person or Persons by virtue of this Act; and that no Claim or Claims whatsoever of Right of Common upon the said Common or Waste Ground, or any Part thereof, shall be made, received, or allowed, except at the First or Second Meeting of the said Commissioners; and that all and every Claim and Claims of Right of Common, or other Interest, in and upon the said Common or Waste Ground, which shall be so given and delivered in Writing to any One of the said Commissioners, at their First or Second Meeting as aforesaid, and to which no Objection shall be made either then or at the Third Meeting of the said Commissioners, shall be allowed, and shall be final and conclusive, and shall be binding to and upon all Persons whomsoever, and shall never thereafter be suffered to be litigated, controverted, or disputed, upon any Account or Pretence whatsoever, unless the said Commissioners, or any Two of them, shall see good Cause to prolong the Time for producing and proving such Rights.

Time of delivering in Claims.

And be it further Enacted, That if any Difference or Dispute

B

Commissioners to deter-

mine Differences, and award Costs to be levied on the Parties.

Dispute shall arise between the Parties interested in the said Division, or any of them, touching or concerning their respective Right of Common on the said Common or Waste Ground so to be divided and allotted as aforesaid, or the respective Shares or Proportions which they, or any of them, ought to have, upon such Division, by virtue of this Act, it shall and may be lawful to and for the said Commissioners, or any Two of them, and they are hereby authorized and required, by Examination of Witnesses upon Oath (which Oath the said Commissioners, or any One of them, are or is hereby empowered to administer) or by such other Inquiry, Evidence, or Satisfaction, as to them shall seem requisite and sufficient, to hear, adjudge, and determine the same; and such Determination, being reduced into Writing, and signed by the said Commissioners, or any Two of them, and delivered to the several Parties interested therein, shall be absolutely final and conclusive to all Parties, so far as relates to the said Division and Inclosure; and such of the same Determinations as the said Commissioners shall think necessary for explaining their Award, shall be taken Notice of therein, or in some Instrument in Writing, to be signed by the said Commissioners, or any Two of them, and inrolled in like Manner as the Award hereinafter mentioned is directed to be inrolled; and in case any extraordinary Expence be incurred by reason of any such Difference or Dispute, and the said Commissioners, or any Two of them, shall think there was not any reasonable Cause for the same, the said Commissioners, or any Two of them, shall and may, by Writing under their Hands, award such Costs as they shall think reasonable, to the Party or Parties in whose Favour they shall determine the same; and, in case such Costs shall not be paid within Seven Days after Demand made thereof, that then it shall be lawful for the said Commissioners, or any Two of them, to issue their Warrant for levying the same by Distress and Sale of the Goods and Chattels of the Person or Persons against whom such Dispute or Claim shall be determined (together with the reasonable Charges and Expences attending such Distress and Sale, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels; but no such Determination shall hinder or prevent any of the Parties from trying their Right at Law in respect of any Matter of Title; nor shall any Trial to be had thereon obstruct or hinder the Execution of this Act, or disturb any Allotment

Allotment or Allotments made or to be made to any Person or Persons whomsoever.

And be it further Enacted, That the said Commissioners, or any Two of them, shall, at the Request of any of the Parties interested in any of the Matters referred to them, or of their Attorney, Solicitor, or Agent, by Writing under his or their Hand or Hands, summon such Witness or Witnesses as shall be thought necessary, to appear and give Evidence before them respectively, at such Time and Place as shall therein be appointed (which they are hereby authorized and empowered to do); and if such Witness or Witnesses, being duly served with such Summons, and having been paid or tendered a reasonable Sum of Money to bear his, her, or their Charges of Attendance, shall refuse or neglect to appear agreeably to such Summons, or appearing, shall refuse or neglect to give Evidence, then, and in either of those Cases, the said Commissioners, or any Two of them, on due Proof made of the Service of such Summons, in case of Neglect or Refusal to appear by any Person summoned, are hereby empowered and required, by Warrant under their Hands and Seals, to levy, by Distress and Sale of the Goods and Chattels of every Person so refusing or neglecting to appear and give Evidence as aforesaid, any Sum of Money, not exceeding Twenty Pounds, nor less than Forty Shillings, for the Use of the Person or Persons who caused such Witness to be summoned as aforesaid, rendering the Overplus (if any) upon Demand, after deducting the reasonable Charges of such Summons, Warrant, Distress, and Sale, to the Person or Persons respectively whose Goods and Chattels shall be so distrained and sold as aforesaid.

Commissioners may summon Witnesses.

Provided always, and be it further Enacted, That the Claim of any Guardian, Husband, Trustee, Committee, or Attorney, or of any Person acting as Guardian, Trustee, Committee, or Attorney, of any Person or Persons being Minors, under Coverture, Lunatics, beyond the Seas, or otherwise incapable by Law to make such Claims as aforesaid, shall be, and is hereby declared to be as valid and effectual as if the Person or Persons in whose Behalf such Claim shall be so made, was capable of acting for him, her, or themselves.

Trustees or Guardians to accept for Infants.

And, for the preventing all unnecessary Delays and Expences in proceeding upon the several Claims, Complaints, and Objections,

Copies of Grants, &c. to be Evidence.

jections, to be referred to the said Commissioners, or to be tried at Law as aforesaid; **Be it further Enacted,** That a true Copy, or Copies, upon Paper, with a proper Stamp thereon, of any Grants, Inquisitions, Bills, Answers, Depositions, Decrees, or of any other Record, Matter, or Thing, in any of His Majesty's Courts of Law or Equity, or in the *Tower, Rolls Chapel,* or any other Public Office or Place in *London or Westminster,* or in any public Office within the County of *Somerset,* or elsewhere (such Copy or Copies being verified by Affidavit to be taken and sworn before One of the Masters Ordinary or Extraordinary of the High Court of Chancery, or before One of the Commissioners for taking Affidavits to be made Use of in either of His Majesty's Courts of King's Bench or Common Pleas at *Westminster*) shall be admitted and allowed as good Evidence before the said Commissioners, or any of them, and before the Court in which such Trials at Law shall be had, in the same Manner as if the Originals themselves had been produced.

Giving false Evidence to be subject to the Penalties of Perjury.

**And be it further Enacted,** That in case any Person or Persons, upon Examination before the said Commissioners, or any Two of them, shall wilfully and corruptly give false Evidence, every such Person or Persons so offending, in any of the Cases aforesaid, being duly convicted of such Offence or Offences, shall be, and is and are hereby declared to be subject and liable to such Pains and Penalties, as by any Law now in being Persons convicted of wilful and corrupt Perjury are subject and liable to.

Any Person dying not to hinder the Commissioners from proceeding.

**And be it further Enacted,** That if any Person or Persons, by or for whom any Claim or Claims of Right of Common as aforesaid shall be made, as hereinbefore is directed, shall happen to die before the said intended Division shall be made and perfected, and the said Commissioners shall have made their Award touching the same, then, and in such Case, the Powers and Authorities hereby given and vested in the said Commissioners shall not be any Ways determined, suspended, or affected by such Death or Deaths; but that the said Commissioners shall and may proceed in, and execute, the said Powers and Authorities, and every of them, in such or the like Manner as they could or might have done if such Person or Persons had not died; and that the Part or Parts, Share or Shares, of the said Common or Waste Ground, which any Person or Persons so dying would have been entitled

titled unto, shall be allotted and set out to the Person or Persons who shall be entitled to the same, according to the best of the Information or Knowledge of the said Commissioners; and such Person or Persons shall accordingly accept and fence, and have, hold, and enjoy, the same, according to the several Limitations, Trusts, Provisoos, and Interest, any Ways limited, declared, appointed, or provided, of and concerning the Premises in respect whereof he, she, or they shall be entitled to such Part or Parts, Share or Shares, of the said Common or Waste Ground.

And be it further Enacted, That the said Commissioners, or any Two of them, shall and may, and they are hereby authorized and required, before making any Allotments of the said Common or Waste Ground, to set out and appoint such Public Highways and Roads, through and upon the said Common or Waste Ground so to be divided and inclosed as aforesaid, as they shall think proper (the Turnpike Road leading from the City of *Bath* to the City of *Bristol*, over the same, and which Road is not to be affected, altered, or turned, or be within the Compass of this Act, excepted); and also shall, within Six Calendar Months next after making the several Allotments of the said Common or Waste Ground, set out and appoint such other Roads or Ways, both Public and Private (all which Public Roads or Ways shall be of the Breadth of Forty Feet at the least, between the Ditches) and such Drains, Ditches, and Watercourses, and Bridges over the same, in, over, and through the Grounds to be inclosed and allotted, as the said Commissioners, or any Two of them, shall deem requisite, for the Use and Benefit of the several Proprietors, to pass through, over, and from the Lots or Parcels of the said Common or Waste Ground to be assigned and allotted to them respectively; which Public Roads or Highways, as shall by the said Commissioners, or any Two of them, be so directed and appointed to be made and repaired, shall be made, and at all Times thereafter be maintained and kept in Repair, by and at the Expence of such of the Inhabitants and Occupiers of Land in the said Parish of *Bristolington*, otherwise *Busleton*, entitled to and having Right of Common as aforesaid, as the said Commissioners, or any Two of them, shall, in and by their Award hereinafter mentioned and directed in that Behalf, direct, appoint, and award; but all Private and Bridle Roads, and Footways, and also all the Drains or

Commission-  
ers to set out  
Roads.

Ditches, and Watercourses, and all the Bridges thereon, shall be made, and be maintained and kept in Repair, by the several Persons respectively to whom the said Common or Waste Ground shall be allotted and set out, in such Proportions and Shares, and in such Manner and Form, and by such other Ways and Means, as to the said Commissioners, or any Two of them, shall seem proper and convenient; and after such Roads and Ways to be set out and appointed as aforesaid, shall be made, it shall not be lawful for any Person or Persons to use any other Roads or Ways on the said Common or Waste Ground, but all former and other Roads and Ways, than such as shall be so set out and appointed, shall be deemed Part of the Land and Ground to be divided and inclosed, and shall be allotted as Part thereof.

Allotment to  
defray the Ex-  
pence of pass-  
ing this Act.

And be it further Enacted, That the said Commissioners, or any Two of them, shall in the next Place, after having so set out the said Roads or Highways, set out, allot, and award so much of the Land remaining of the said Common or Waste Ground, as they shall judge to be equal in Value, when sold, to the Charges and Expences of passing this Act, and all the Costs and Charges of surveying, admeasuring, planning, dividing, and allotting the said Common or Waste Ground so intended to be divided and inclosed as aforesaid, and of preparing and inrolling the Award of the said Commissioners hereinafter directed to be made, and the Oath of every Commissioner who shall be sworn by virtue of this Act, and all other the necessary Charges and Expences of the said Commissioners, in and about and concerning the Premises; and shall expose the said Allotment to Public Sale and Auction, after giving due Notice of the Day appointed for such Sale, at least Two Months before the same shall take place: And the said Commissioners, or any Two of them, shall apply the Money arising from such Sale, to defray the said several Costs and Charges; and if any Surplus shall remain of the said Money, the same shall become a Fund in the Hands of the said Commissioners, to be by them, or any Two of them, at their Discretion, from Time to Time laid out in and towards the repairing and amending such of the said Roads, Drains, and Bridges, as shall be made and erected by virtue of this Act, as to them shall seem meet and convenient.

Provided

Provided always, and be it further Enacted, That if the Monies to be produced by such Sale or Sales as aforesaid shall not be sufficient to defray all the Charges and Expences incident to and attending the applying for, and obtaining and passing this Act, and of surveying, measuring, dividing, and allotting the said Common or Waste Ground, and of preparing, making, executing, and inrolling the Award of the said Commissioners, the Oaths to be taken by the Commissioners, by virtue of this Act, and all other Charges and Expences attending the Execution of this Act; then such Deficiency shall be borne, defrayed, and paid by the respective Persons to whom the said Common or Waste Ground shall be allotted, in proportion to the real Value of their respective Allotments, such Proportions to be settled and ascertained by the said Commissioners, or any Two of them, and to be paid to such Person or Persons, and at such Time and Times, as the said Commissioners, or any Two of them, shall order and direct; and in case any Person or Persons shall refuse or neglect to pay his, her, or their Share or Proportion of the said Deficiency as aforesaid, then the said Commissioners, or any Two of them, shall, and they are hereby empowered and required, by Warrant under their Hands and Seals, to cause the same to be levied by Distress and Sale of the Goods and Chattels of the Owner or Owners, Occupier or Occupiers, of the Allotment or Allotments of the Person or Persons so refusing or neglecting to make any such Payment as aforesaid, together with the Charges of such Warrant, Distress, and Sale, rendering the Overplus (if any be) to the Owner or Owners of such Goods and Chattels, upon Demand; and every Occupier or Tenant, who shall make such Payment, is hereby authorized to deduct and retain, out of his or her Rent or Rents, so much Money as he or she shall so pay as aforesaid.

In case the Lot sold shall not be sufficient, Persons interested to pay in Proportion to their Allotments.

And be it further Enacted, That the Person or Persons who shall become the Purchaser or Purchasers of the said Lots or Parcels of the said Common so to be allotted and sold, their Heirs and Assigns, shall be subject and liable to the making and keeping in Repair the said Roads, Drains, Bridges, and Fences, or such of them as shall be, in that Behalf, directed by the said Commissioners, or any Two of them; and also to the due Observance and Performance of all Orders, Matters, Charges, and Directions to be made, laid down, and

Persons purchasing to be subject to the same Orders as the Persons to whom Land is allotted.

and appointed by the said Commissioners, or any Two of them, in and by their General Award.

Power for Commissioners to raise Money by Mortgage till the same can be raised by Sale, as aforesaid.

And be it further Enacted by the Authority aforesaid, That the said Commissioners, or any Two of them, shall and may borrow and take up at Interest, of any Person or Persons willing to advance the same, such Sum and Sums of Money as shall, from Time to Time, be necessary for paying and defraying the Costs, Charges, and Expences of passing this Act, and all such Costs, Charges, and Expences as aforesaid, until the same shall be raised by such Sale as aforesaid; which said Sum and Sums of Money so to be borrowed as aforesaid shall, from Time to Time, be a Charge on all the said Common or Waste Ground by virtue hereof intended to be divided, until the same shall be raised and repaid by such Sale as aforesaid, with lawful Interest for the same, from the Time each respective Sum shall be advanced; and the said Commissioners, or any Two of them, shall have Power, if they shall see Occasion, to grant a Term or Terms for Years, of the said Common or Waste Ground, or any Part thereof, for securing the said Monies so to be advanced, with Interest as aforesaid.

Allotment to the Lord of the Manor.

And be it further Enacted, That after the said Commissioners shall have set out and allotted the several and respective Parcels of the said Common or Waste Ground, for the Purposes aforesaid, they, or any Two of them, shall set out and allot to the said *Joseph Langton*, Esquire, his Heirs and Assigns, Lord of the Soil of the said Common or Waste Ground of *Brislington*, alias *Busleton*, aforesaid, in lieu and respect of his Right and Interest in the said Soil, One Twentieth Part of the said Common or Waste Ground (Quality, Situation, and Convenience considered).

General Allotment.

And be it further Enacted, That after the said Commissioners, or any Two of them, shall have set out and allotted the several and respective Parcels of the said Common or Waste Ground for the Purposes aforesaid, they, or any Two of them, shall ascertain, set out, and allot the Remainder of the said Common or Waste Ground, unto and amongst the several Persons entitled to Allotments of the same in respect of their Interest therein, in regard to the Common of Pasture and Feedings they have, in Right of any Messuages, Cottages, Lands, Tenements, or Hereditaments, within the said Parish of *Brislington*,

*ington*, alias *Busleton*, and that as near to the Lands, Estates, and Premises of every particular Person as may be; and that in making such Allotments, the said Commissioners are to have Regard to the Quality and Situation of the Land, as well as the Quantity so to be allotted to each Person; and, as the said *Joseph Langton* has several Farms and Estates near or adjoining to the said Common or Waste Ground, that the Land allotted to him shall be near his Farm and Estate at *Burchwood*, now in the Occupation of *William Brown* (Quality and Situation considered).

Provided always, and be it further Enacted, That as well until the said Division and Allotments shall be made and finished by virtue of this Act, as after the same shall be perfected, the Vicar and Impropiators for the Time being, of the Parish of *Brislington*, alias *Busleton*, aforesaid, shall be entitled to have, receive, and enjoy such Tythes, or Moduses in lieu thereof, as they respectively might or ought to have done in case this Act had not been made.

Impropiator  
and Vicar  
to receive  
Tythes in  
Kind.

And be it further Enacted, That for the more convenient Disposition of the several Farms and Lands within the said Parish of *Brislington*, upon the said intended Division and Inclosure, it shall and may be lawful for the Proprietors or Owners of Lands or Grounds within the said Parish, and the Proprietors of any Messuages, Lands, or Tenements within the said Parish, being Tenants in Tail, for Life, Term or Terms for Years, or any other Estate in Possession therein, to exchange all or any of his, her, or their Messuages, Lands, or Tenements, or other Lands or Grounds within the said Parish, for any other Messuages, Tenements, or other Lands or Grounds, within any Part of the said Parish; so as on any such Exchange neither of the Parties concerned therein shall give or pay to any other of them, any Sum or Sums of Money, or other Consideration whatsoever, for the Messuages, Lands, or Tenements to be taken in Exchange, save the Messuages, Lands, or Tenements to be given or allowed in lieu thereof; and so as such Exchange or Exchanges be made by and with the Consent and Approbation of the said Commissioners, or any Two of them, and be testified, ascertained, and declared in the said Award or Instrument to be made and executed as hereinafter mentioned; and that then, and from thenceforth, such Exchange or Exchanges so to be made as

Power to ex-  
change.

D

aforesaid,

aforesaid, shall be for ever good, valid, and effectual in the Law, to all Intents and Purposes whatsoever.

Not to revoke  
any Will,  
Settlement,  
&c.

Provided always, That nothing in this Act contained shall extend, or be construed, deemed, or adjudged to revoke, make void, alter, or annul any Will or Settlement, or to prejudice any Person having any Jointure, Dower, Portion, or Incumbrance, or other Demand, out of, upon, or any ways affecting any of the Land so intended to be divided and inclosed, or which shall be exchanged by virtue of this Act; but that the several Lands and Grounds so to be set out and allotted upon such Division and Inclosure, or which shall be taken in Exchange in pursuance of this Act, shall, immediately after such Allotments or Exchanges shall be made, remain and enure to and for such and the same Uses, Intents, and Purposes, as the several Lands and Grounds in lieu whereof such Allotments and Exchanges shall be made as aforesaid, now are, or should or would have been in case this Act had not been made.

Leases at  
Rack Rent to  
be void.

And be it further Enacted, That the said Commissioners, or any Two of them, may, and they are hereby directed and authorized to declare void all and every Lease and Leases at Rack Rent now subsisting, so far as such Lease or Leases may operate, to demise or let all or any Part or Parts of the said Common or Waste Ground so intended to be divided and inclosed as aforesaid, or Right of Common thereon; and the said Commissioners, or any Two of them, are hereby empowered to adjudge and determine such Satisfaction as to them shall appear reasonable to be paid such Lessee or Lessees, and to adjudge and determine by whom such Satisfaction shall be so paid.

Award.

And, for preventing Disputes and Differences relating to the said Division and Inclosure, Be it further Enacted, That, as soon as conveniently may be after the said Commissioners, or any Two of them, shall have completed the Divisions and Allotments of the Common or Waste Ground so intended to be divided and inclosed as aforesaid, pursuant to the Directions of this Act, they the said Commissioners, or any Two of them, shall form and draw up an Award or Instrument in Writing, which shall express and contain the Quantity in  
Statute

Statute Measure of Acres, Roods, and Perches contained in the said Common or Waste Ground so intended to be divided and inclosed as aforesaid, and the Quantity and Contents of each and every Part and Parcel thereof assigned and allotted to each of the Parties interested in and entitled to the same, and a Description of the Situation of the Boundaries of the same Parcels and Allotments respectively, and proper Orders and Directions for fencing and mounding the same, and also for maintaining and keeping in Repair the said public Roads or Highways as aforesaid, and for making and laying out such other proper Roads, Ways, Passages, and Drains, in and through the same, and Bridges over such Drains, and for supporting and maintaining the same; and shall also express and contain such other Orders, Regulations, and Determinations, as shall be proper and necessary to be inserted therein, conformable to the Intent and Purport of this Act; which said Award or Instrument shall be fairly ingrossed and written on Parchment (for which no Stamp shall be necessary) and signed and sealed by the said Commissioners, or any Two of them, and shall, within Three Calendar Months next after the same shall have been so signed and sealed as aforesaid, be inrolled by the Clerk of the Peace for the said County of *Somerset* (who is hereby required to receive and enrol the same) to the End that Recourse may be had to the same by all Persons interested in the said intended Division and Inclosure; for the Inspection whereof One Shilling shall be paid, and no more: And a true Copy of such Inrollment, or of any Part thereof, when and so often as the same shall be required, shall be delivered to any Person or Persons desiring the same, signed by the Clerk of the Peace, or his Deputy, purporting the same to be a true Copy (for which no more than Two Pence *per* Sheet, reckoning Seventy-two Words to each Sheet, shall be paid) which said Copy, as also the original Award or Instrument, shall at all Times thereafter be admitted as legal Evidence in all Courts whatsoever; and a Duplicate on Parchment, signed and sealed by the said Commissioners, or any Two of them, shall, together with a Plan, specifying the respective Divisions (for which Plan no Stamp shall be necessary) be deposited in the Chest of the Parish Church of *Brislington*, otherwise *Busleton*, for the Inspection of any Person or Persons interested therein; and the several Divisions and Allotments directed to be made in and by such Award or Instrument in Writing, so executed and inrolled as aforesaid, and every other Matter and  
 Thing

Thing therein contained, shall be, and are hereby declared to be final, binding, and conclusive, unto and upon all Parties, Proprietors of, entitled to, or in any wise interested in the said Common or Waste Ground, or the several and respective Grounds, Lands, and Premises, to be allotted or exchanged as aforesaid.

Allotments to be made to be in Bar of Right of Common.

And be it further Enacted, That the several Pieces and Parcels of Ground so to be divided, set out, and allotted unto and for the several Persons who shall be entitled to the same by virtue of this Act, shall be in full Bar, Compensation, and Satisfaction, for his, her, or their Right of Common in and over the said Common or Waste Ground; and from and after making the said Divisions and Allotments, and the Execution of the said Award, all Right of Common in, over, or upon the said Common or Waste Ground, and every or any Part thereof, shall cease, determine, and be for ever extinguished.

Persons neglecting to make Fences, how to be compelled so to do.

And be it further Enacted, That if any Person or Persons shall not, within the Time or Times in that Behalf to be appointed and directed by the said Award, aid and assist, or contribute and pay such Sum and Sums in lieu thereof, as the said Commissioners, or any Two of them, shall by their said Award in that Behalf direct, in and about the inclosing, hedging, ditching, and fencing, the said Common or Waste Ground, and the several Allotments thereof, in such Manner as the said Commissioners, or any Two of them, shall by their said Award direct, it shall and may be lawful to and for any One or more of the other of the Persons interested in the said Common or Waste Ground, or the said intended Division thereof, to exhibit a Complaint in Writing against such Person or Persons as shall have so neglected to aid and assist, and to contribute to pay such Sum or Sums as aforesaid, to the said Commissioners, or any Two of them; who are hereby authorized and required to summon the Parties concerned, to examine into the Nature of the Complaint, and all proper Witnesses on Oath (which Oath the said Commissioners, or any One of them, are and is hereby impowered and required to administer); and after such Summons and Examination shall be had, given, and taken, shall and may, by Warrant under the Hands and Seals of the said Commissioners, or any Two of them, directed to the Person or Persons exhibiting such Complaint as aforesaid, or to the Constable

Constable or any other Peace Officer of the Parish, Hamlet, or Place, where such Person or Persons, so refusing as aforesaid, shall live, cause such Sum and Sums of Money as the Person or Persons against whom Complaint or Complaints shall have been made, ought to have so contributed and paid, and shall have so neglected to contribute and pay (Demand having been first made by some Person who shall have been in that Behalf appointed by the said Commissioners, before One or more credible Witness or Witnesses, or Notice left on some notorious Part of the Premises to be allotted as aforesaid) to be levied by Distress and Sale of the Goods and Chattels of such Person or Persons neglecting or refusing to pay the same, upon Demand, or Notice left as aforesaid, rendering the Overplus (if any) after Payment of the Charges and Expences of taking and making such Distress and Sale, to the Owner or Owners of such Goods and Chattels; and in case no sufficient Distress can be found, then the said Commissioners, or any Two of them, shall and may, by Writing under their Hands and Seals, authorize and empower the Person or Persons exhibiting such Complaint, his, her, or their Agent or Agents, to enter upon the Premises so to be allotted to such Person or Persons neglecting or refusing to pay as aforesaid, or upon any other Lands or Tenements whatsoever of the same Person or Persons, and to receive and take the Rents, Issues, and Profits of the same Premises respectively, until therewith, or thereby, or otherwise, the Sum or Sums of Money which the Person or Persons ought to have so contributed and paid, and shall have so neglected to contribute and pay as aforesaid, together with all Costs and Charges 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.

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 such Case (except in such Cases where the Orders and Determinations of the said Commissioners, or any Two of them, are by this Act directed to be final, binding, and conclusive upon all Parties) he, she, or they may appeal to any General Quarter Sessions of the Peace which shall be held for the County of *Somerset*, within Four Calendar Months next after the Cause of Complaint shall have arisen; and the Justices in the said

Appeal to the  
Sessions.

E

General

General Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and 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 such Distress and Sale; which Determination of the Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removable, by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*.

Commissioners to account on Request.

And be it further Enacted, That the said Commissioners, or any Two of them, shall, and they are hereby required (in case the same shall be demanded by any Two of the said Proprietors) to make out a full and particular Account, in Writing, of all the Charges and Expences of the said Commissioners, or which they shall have allowed or consented to be paid by virtue of or in pursuance of any of the Powers contained in this Act, and to lay the same, together with all Receipts, Vouchers, and Papers relating thereto, before any Two of the said Proprietors, to be nominated and chosen by the major Part in Value of the said Proprietors present at a Meeting to be held for that Purpose, pursuant to Notice to be given in the Parish Church of *Brislington* aforesaid, and affixed on the principal Door of the said Church, at least Ten Days before the same shall be held; and such of the said Proprietors as shall be so nominated and chosen at the same Meeting, shall be, and they are hereby authorized and appointed, from Time to Time, and at all reasonable Times, to inspect and examine such Accounts of the said Commissioners, and also all other Accounts, or Bills of Charges of any other Person or Persons employed or acting in the passing or executing this Act, and all Receipts, Vouchers, Papers, and Writings, concerning the same.

Power to assign Mortgages.

And be it further Enacted by the Authority aforesaid, That all and every Person and Persons to whom any Grant, Mortgage, Lease, or Demise shall be made by virtue of this Act, or who shall be entitled to the Money thereby secured, may from Time to Time, by any Deed or Deeds, Writing or Writings,

ings, under his, her, or their Hand and Seal, or Hands and Seals, assign and transfer the same Security or Securities, or the Principal Money and Interest thereby secured, and all Benefit and Advantage thereof, and all his, her, or their Right, Title, and Interest in and to the same, and so *toties quoties*; and such Mortgagee or Mortgagees, Assignee or Assignees, his, her, or their Executors or Administrators, and all Persons claiming under them, or any of them, shall and may use, take, and pursue all such lawful Methods, Courses, and Expedients, at Law or in Equity, for the recovering and obtaining the Possession of the Premises so to be mortgaged, demised, and assigned as aforesaid, in case of Non-payment of the Principal and Interest to be thereby secured, or any Part thereof, as is, are, or may be used, taken, or pursued in Cases of Mortgages made by Persons seized in Fee Simple in Possession.

And be it further Enacted, That it shall not be lawful for any of the Proprietors, or any of their Tenants, to graze or keep any Sheep or Lambs upon any of the Allotments of the open Lands and Grounds hereby intended to be divided and inclosed, for the Space of Five Years, commencing from the Twenty-fifth Day of *March*, One thousand Seven hundred and Seventy-nine; nor shall turn any Sheep, Horses, Asses, Pigs, Beasts, or other Cattle, in any Ways, Lanes, or Roads, on either Side whereof any new Fences shall be made, for the Space of Ten Years, commencing from the Time aforesaid.

Against graz-  
ing Sheep,  
&c.

Provided nevertheless, and be it further Enacted, That any Person or Persons who shall occupy any of the Allotments to be made as herein directed, may graze and keep Sheep and Lambs in and upon such of their Allotments respectively as shall be sown down with Turnips, Clover, or Hay Seeds, in case every such Occupier do make, and during such Time sufficiently maintain, fence, or otherwise effectually guard, the young Quickset Hedges on every Side of the Allotment or Allotments where such Sheep or Lambs shall be kept, from receiving any Damage therefrom; and every Proprietor and Occupier of any of the said Allotments, who shall sustain any Damage by Horses, Asses, Bulls, Cows, Calves, Pigs, Sheep, Lambs, or other Cattle, turned into any neighbouring Allotment or Allotments, or into any Ways, Lanes, or Roads, contrary to the Directions of this Act, shall, on Application to any Two of His Majesty's Justices of the Peace for the County

without  
guarding  
Quicksets, &c.

of

of *Somerset*, or to the General Quarter Sessions of the Peace to be held for the said County of *Somerset*, within Three Calendar Months next after the Cause of Complaint shall have arisen, in a summary Way, receive such Satisfaction as by the said Justices shall be assessed, to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons liable to pay the same, with such Costs as by the said Justices shall be ordered and directed.

For setting up  
Posts and  
Rails.

And be it further Enacted, That it shall and may be lawful for the Proprietors of the Allotments to be made in pursuance of this Act, or the Persons employed on their Behalf, at any seasonable Time or Times, within the Space of Nine Years next after the Date of the said Award, to set up and erect Posts and Rails, or other dead Fences, on the Outside of the Ditches bounding their respective Allotments, not exceeding Three Feet from such Ditches, for the Preservation of their Quickset Hedges, and at any seasonable Time or Times to take and carry away the Materials thereof, when decayed.

Against plant-  
ing Timber  
Trees within  
Twelve Feet  
of the Fences.

Provided also, and be it further Enacted by the Authority aforesaid, That it shall not be lawful for any of the Owners or Proprietors of the Allotments to be made in pursuance of this Act, to plant any Timber or other Trees, in his, her, or their Allotment or Allotments, within the Space of Twelve Feet of the Fence or Fences of any other of the said Owners or Proprietors; and if any Tree or Trees shall be planted contrary to the aforesaid Restriction, then it shall and may be lawful for the Owner or Owners, or for the Occupier or Occupiers of such Fence or Fences for the Time being, to enter on the Lands on which such Tree or Trees shall be so planted, and to cut down the same, at any Time within the Space of Two Years from the Time of planting thereof.

The Lord of  
the Manor to  
be paid for  
Timber.

And whereas there is now standing, growing, and being on the said Common or Waste Ground a considerable Number of Timber and other Trees, which are the Property of the said *Joseph Langton*, Esquire, Lord of the said Manor; Be it therefore further Enacted by the Authority aforesaid, That the said Commissioners, or any Two of them, shall and will, within Fourteen Days after the Allotments made by them to each Proprietor as aforesaid, by Survey, or by such other Ways and Means as they shall think expedient,

cient, settle, and determine, as near as they can, the Contents and Value of the said Timber and other Trees, that shall by virtue of such Allotment happen to be growing on each Proprietor's Lands; and that each Proprietor, on whose Allotment any of the said Trees shall happen to be standing or growing, shall and will, on Notice of such Valuation to be given to them under the Hands of the said Commissioners, or any Two of them, within Fourteen Days from such Notice, well and truly pay, or cause to be paid, unto the said *Joseph Langton*, his Heirs and Assigns, such Sum and Sums of Money as shall be by the said Commissioners determined to be the Value of such Tree or Trees.

Provided always, and it is hereby further Enacted and Declared by the Authority aforesaid, That nothing in this Act shall extend to prejudice or defeat the Right and Title which the said *Joseph Langton*, his Heirs and Assigns, now hath, or shall or may have, of digging for Coals and Stone on the said Common or Waste Ground of *Brislington* aforesaid, or any Part thereof, and of his having free Ingress, Egress, and Regress, at all Times, for carrying away the said Coals and Stone when dug, with Carts, Carriages, Horses, or any other Ways and Means, as he or they shall think proper; he the said *Joseph Langton*, his Heirs and Assigns, Tenant or Tenants, Workmen or Servants, going the nearest Way with the same into the Road or Roads so to be set out as aforesaid, and paying such Damage for the Grass and Herbage that may be by him injured in digging and carrying away Coals or Stone in Manner aforesaid, as Two indifferent Persons, One to be chosen by the said *Joseph Langton*, and the other by the Proprietor on whose Land the said Grass or Herbage shall be so injured, shall, by Writing under their Hands, direct and appoint; or to prejudice, lessen, or defeat the Right, Title, or Interest that the said *Joseph Langton*, his Heirs and Assigns, as Lord of the Manor of *Brislington*, otherwise *Busleton*, aforesaid, within the Jurisdiction and Limits whereof the said Common or Waste Ground is lying and being, or of, in, and to the Seigniories and Royalties incident or belonging to the said Manor; but that the said *Joseph Langton*, his Heirs and Assigns, and all and every Person and Persons claiming, or to claim, under him or them, shall and may, from Time to Time, and at all Times hereafter, hold and enjoy all Rents, Chief Rents, Quit

Saving the  
Right of the  
Lord of the  
Manor.

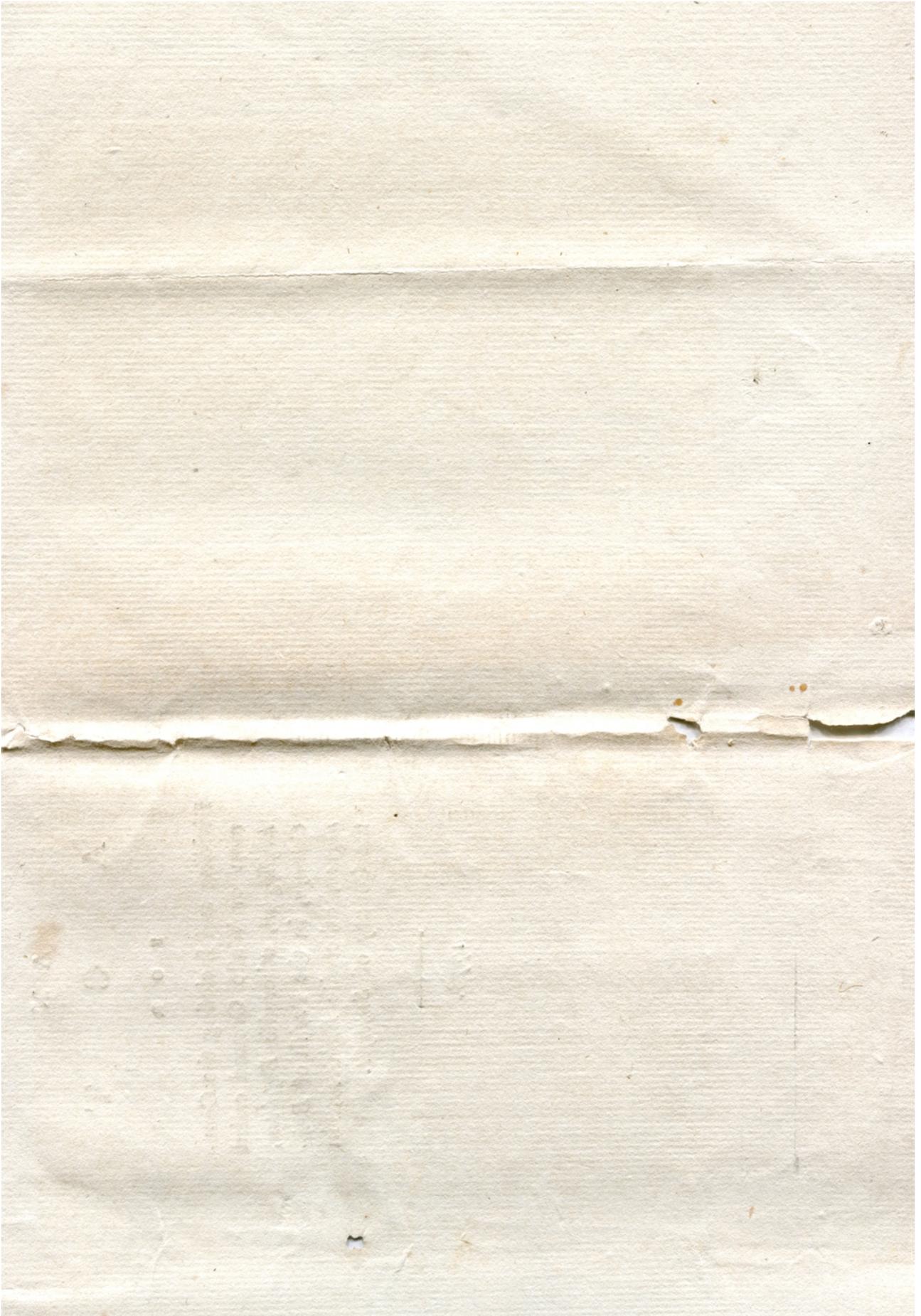
F

Rents,

Rents, Audit Rents, Heriots, Fines, Suits, Services, Courts, Perquisites and Profits of Courts, Waifs, Mines, Quarries, and all other Royalties and Privileges to such Manor, Lordship, or Liberty, or to the said *Joseph Langton*, his Heirs and Assigns, or to any claiming under him or them, incident or appendant, belonging or appertaining (other than and except such Common of Pasture and Turbary, or other Right of Common, as can or may be claimed by, or belong to, or could or might have been claimed by, or belonged to, him, them, or any of them, in, over, and upon the said Common or Waste Ground hereby directed to be divided and inclosed as aforesaid, and all his, their, and each of their Right of Soil therein) in as full, large, ample, and beneficial Manner, to all Intents and Purposes, as he, or they, or any of them, might have held and enjoyed the same before the passing of this Act, or in case the same had never been made.

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 Politic and Corporate, his, her, and their Heirs, Successors, Executors, and Administrators (other than and except the respective Persons to whom any Allotment or Allotments, or Compensation, shall be made by virtue of this Act, in respect of the Interest or Property for which such Allotment or Compensation shall be made) all such Estate and Interests as they, every or any of them, had or enjoyed of, in, to, or in respect of, the said Common or Waste Ground so intended to be divided and inclosed as aforesaid, at the Time of passing this Act, or could or might have held or enjoyed in case the same had not been made.



A N  
A C T

F O R

Dividing and Inclosing the Com-  
mon or Waste Ground called  
*Brislington*, otherwise *Busleton*,  
*Common*, in the Parish of *Bris-*  
*lington*, otherwise *Busleton*, in  
the County of *Somerset*.

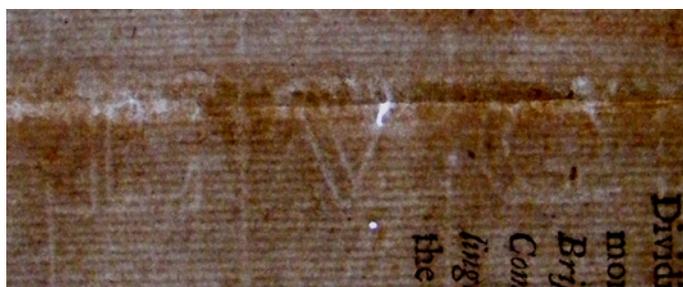
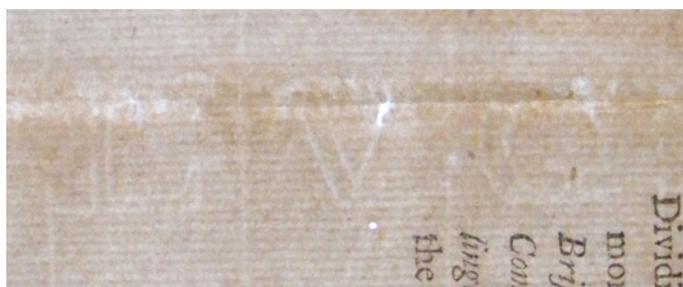
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1778.

## Appendix

There are many techniques for teasing the best images of watermarks out of their native paper, but some will have to wait (after all, the text is more important to the interests of Brislington than the watermarks). These illustrations were obtained using a back light, and the digitally manipulated photograph has Brightness decreased by 50% and Contrast increased by 50%.

The initials L V G are best shown on page 24 (the front cover), and would be in the left-hand part of the paper-maker's screen (and appears on the left-hand side of the foolscap page).



The cartouche with the lion is best shown on page 20 where, in relation to the watermark, this page is printed upside down. The cartouche would have been in the right-hand part of the paper-maker's screen.

