ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

****

Cap. 86.

An Act for incloſing Lands in the Tything of *Aſhton Gifford*, in the Pariſh of *Codford Saint Peter*, in the County of *Wilts*. [27th *May* 1814.]

WHEREAS there are within or belonging to the Tything of *Aſhton Gifford*, in the Pariſh of *Codford Saint Peter*, in the County of *Wilts*, ſeveral Open and Common Fields, Common Downs, Meadows, Paſtures, and other Commonable and Waſte Lands, and alſo ſeveral incloſed Lands and Grounds: And whereas *William Hubbard* Eſquire, *William Hinton* Eſquire, and *Sarah Bingham* Spinſter, and divers other Perſons, are the Owners or Proprietors of, or intereſted in, the ſaid Open and Common Fields, Common Downs, Meadows, Paſtures, and other Commonable and Waſte Lands: And whereas *Harry Biggs* Eſquire, is Lord of the Manor of *Codford Saint Peter* aforeſaid, within which Pariſh the ſaid Tything of *Aſhton Gifford* is ſituate: And whereas an Act was paſſed in the Forty-firſt Year of the Reign of His preſent Majeſty King *George* the Third, intituled, *An Act for conſolidating in one Act certain Proviſions uſually inſerted in Acts of Incloſure, and for facilitating the Mode of proving the ſeveral Facts uſually required on the paſſing of ſuch Acts:* And whereas the Lands of the ſeveral Proprietors in the ſaid Open and Common Fields lie intermixed and diſperſed, and are otherwiſe inconveniently ſituated, and the ſeveral Proprietors thereof, and of the other Commonable and Waſte Lands, are deſirous that the ſame ſhould be divided and allotted unto and amongſt them proportionably and according to the Value of their reſpective Eſtates, Rights, and Intereſts therein, and be divided and held in Severalty: But as the ſeveral beneficial Purpoſes aforeſaid cannot be effected 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 Hayward*, of *Rowde*, in the County of *Wilts*, Gentleman, *Ambroſe Patient*, of *Corton*, in the County of *Wilts*, Gentleman, and *John Rogers*, of *Burcombe*, in the ſame County, Gentleman, and their Succeſſors to be appointed as hereinafter mentioned, ſhall be and they are hereby appointed Commiſſioners for dividing and allotting all the Open and Common Fields, Common Downs, and other Commonable and Waſte Lands in the Tything of *Aſhton Gifford* aforeſaid, and for carrying the ſeveral other Purpoſes of this Act into Execution, purſuant to the Powers, Regulations, and Directions herein contained in that behalf, and with and purſuant to ſuch of the Powers, Regulations, and Directions of the ſaid recited Act as are not controuled by or repugnant to any of the Proviſions contained in this Act.

Appointment of new Commiſſioners.

II. And be it further enacted, That all Matters and Things hereby directed to be done by the ſaid Commiſſioners, may be done and executed by any Two of them, and the ſame ſhould be as valid and effectual as if done and executed by all the Commiſſioners hereinbefore named or hereafter to be appointed.

Two Commiſſioners may act.

III. And be it further enacted, That in caſe any Commiſſioner hereinbefore named, or to be appointed as hereinafter mentioned, ſhall refuſe to act or qualify himſelf as a Commiſſioner for the Execution of this Act, or if he ſhall, before the Powers and Truſts repoſed in the ſaid Commiſſioners, ſhall have been fully executed, die, or become incapable of acting as a Commiſſioner, it ſhall be lawful for the Majority in Value (to be aſcertained by the Land-Tax Aſſeſſment) of the Proprietors for the Time being, of the Lands and Grounds hereby directed to be divided and incloſed, or their reſpective Agents or Attornies preſent, at a Meeting to be holden for that Purpoſe, by Writing under their reſpective Hands, to appoint one other fit Perſon, not intereſted in the Premiſes, to be a Commiſſioner in the Place of every Commiſſioner who ſhall die, refuſe to act, or become incapable of acting as aforeſaid: Provided always, that Fourteen Days' Notice of the Time, Place, and Purpoſe of ſuch Meeting ſhall be given by Two or more of the ſaid Proprietors, in like Manner as hereinafter is directed with reſpect to the Meetings of the ſaid Commiſſioners, and that ſuch Meeting ſhall be held in the Pariſh of *Codford Saint Peter* aforeſaid, or within the Diſtance of Eight Miles therefrom; and if any Commiſſioners hereby appointed or to be appointed in the Manner hereinbefore directed, ſhall neglect to attend Three ſucceſſive Meetings of the ſaid Commiſſioners, unleſs prevented by Sickneſs, ſuch Neglect ſhall be deemed and taken to be a Refuſal to act in the Execution of this Act; and if any ſuch Vacancies as aforeſaid ſhall not be filled up in the Manner hereinbefore directed, within the Space of One Calendar Month after the ſame reſpectively ſhall happen, it ſhall be lawful for the ſurviving or remaining Commiſſioner or Commiſſioners for the Time being, by Writing under their Hands, to appoint one other fit and proper Perſon not intereſted in the Premiſes, to be a Commiſſioner for ſupplying ſuch Vacancy, and ſo from Time to Time as often as there ſhall be Occaſion;

Appointment of new Commiſſioners.

and

and every Perſon who ſhall be appointed a Commiſſioner in the Manner hereinbefore directed, ſhall have the like Powers and Authorities in the Execution of this Act, and of the ſaid recited Act, as if he had been appointed a Commiſſioner in and by this Act.

Allowance to Commiſſioners.

IV. And be it further enacted, That every Commiſſioner who ſhall act in the Execution of this Act, ſhall be allowed and paid the Sum of Three Guineas and no more for each day he ſhall actually attend and be employed as a Commiſſioner in the Execution of this Act, or ſhall neceſſarily travel from Home to attend any Meeting held for the Purpoſes of this Act, or when returning Home after having attended ſuch Meeting, in full Satisfaction for his Trouble and Expences in carrying this Act into Execution; and that as well the ſaid Commiſſioners as their Surveyor and Clerk to the ſaid Commiſſioners, and the ſaid Proprietors and others who ſhall attend any of the Meetings of the ſaid Commiſſioners to be held in purſuance of this Act, ſhall in all Caſes defray their own Expences.

Appointment of a Land Surveyor.

V. And be it further enacted, That *John Daniel*, of *Warminſter*, in the ſaid County of *Wilts*, Land Surveyor, ſhall be the Surveyor for the Purpoſes of this Act, during the Will and Pleaſure of the ſaid Commiſſioners; and on his Death or Removal it ſhall be lawful for the ſaid Commiſſioners, by Writing under their Hands, to appoint one or more fit and proper Perſon or Perſons not intereſted in the Premiſes, to be Surveyor or Surveyors for the Purpoſes of this Act, for and during the Will and Pleaſure of the ſaid Commiſſioners; and on every future Vacancy in like Manner to appoint ſome other Surveyor or Surveyors, as often as there ſhall be Occaſion.

Surveyor's Oath.

VI. And be it further enacted, That no Perſon ſhall be capable of acting as a Surveyor in the Execution of this Act, until he ſhall have taken and ſubſcribed an Oath or Affirmation in the Form following; (that is to ſay,)

'I *A. B.* do ſwear, (*or, being one of the People called Quakers*, do ſolemnly affirm) that I will faithfully, impartially, and honeſtly, according to the beſt of my Skill and Ability, execute and perform the Truſts, Powers, and Authorities veſted and repoſed in me as a Surveyor, by virtue of an Act paſſed in the Fifty-fourth Year of the Reign of King *George* the Third, intituled [*here inſert the Title of this Act*] according to Equity and good Conſcience, and without Favour or Affection, Prejudice or Partiality to any Perſon or Perſons whomſoever. So help me God:'

Which Oath or Affirmation it ſhall be lawful for the ſaid Commiſſioners, or either of them, to adminiſter, and they are hereby required to adminiſter the ſame, and ſuch Oath or Affirmation ſo taken and ſubſcribed by every ſuch Surveyor in purſuance of this Act, ſhall be inrolled with the Award of the ſaid Commiſſioners made after the taking of every ſuch Oath or Affirmation, or making any ſuch Appointment, and be deemed and conſidered as Part thereof, and the Copy of the Inrolment thereof ſhall be admitted as legal Evidence.

Commiſſioners to give Notice of Meetings.

VII. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby required to cauſe public Notice to be given in the Newſpaper

paper called the *Saliſbury and Wincheſter Journal*, or in caſe the ſame ſhall not be then publiſhed, then in ſome other Newſpaper uſually circulated in the ſaid County of *Wilts*, and to be affixed on the principal outer Door of the Pariſh Church of *Codford Saint Peter* aforeſaid on ſome *Sunday* during or immediately before Divine Service, of the Time and Place of their firſt and every other Meeting for executing this Act, at leaſt Eight Days before ſuch Meeting ſhall be holden (Meetings by Adjournment only excepted); and the ſaid Commiſſioners may and are hereby authorized to adjourn any ſuch Meeting from Time to Time and Place to Place, as they ſhall ſee Occaſion; and in caſe not more than one of the ſaid Commiſſioners ſhall meet at the Time and Place appointed for any ſuch Meeting, or to which any ſuch Meeting ſhall be adjourned, it ſhall be lawful for the Commiſſioner preſent at ſuch Time and Place, or if no Commiſſioner ſhall attend, then for the Clerk to the ſaid Commiſſioners to adjourn ſuch Meeting to any future Day not exceeding Twenty-eight Days from the Day of Adjournment, to be holden at the ſame or any other convenient Place, and ſo from Time to Time until the ſaid Commiſſioners, or any Two of them, ſhall meet; and the Commiſſioner or Clerk making ſuch Adjournment is hereby required to give Notice thereof to the abſent Commiſſioners: Provided always, that all the Meetings of the Commiſſioners ſhall be holden at a certain Houſe called the *George* Inn in *Codford Saint Peter* aforeſaid, or at ſome other convenient Place within the Diſtance of Eight Miles from the Boundary of the Tything of *Aſhton Gifford* aforeſaid.

Place of Meetings.

Other Notices, how to be given.

VIII. And be it further enacted, That all other Notices requiſite or neceſſary to be given by the ſaid Commiſſioners, ſhall be given by Advertiſement in the ſaid Newſpaper called *The Saliſbury and Wincheſter Journal*, or in caſe the ſame ſhall not be then publiſhed, then in ſome other Newſpaper uſually circulated in the ſaid County of *Wilts*.

Commiſſioners to determine Differences,

IX. And be it further enacted, That if any Diſpute or Difference ſhall ariſe between any of the Parties that now are, or ſhall before the making of the general Award of the ſaid Commiſſioners be intereſted, or claim to be intereſted in the ſaid intended Diviſion and Allotments, or any of them, touching or concerning the reſpective Shares or Proportions which they or any of them ſhall claim or ought to have in any of the Lands and Grounds hereby intended to be divided and allotted, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authoriſed and required to hear and determine the ſame: Provided always, that nothing in this Act contained ſhall authorize the ſaid Commiſſioners to determine the Title to any Meſſuages, Lands, Tenements, or Hereditaments whatſoever.

and to award Coſts.

X. And be it further enacted, That in caſe the ſaid Commiſſioners ſhall, upon the Hearing and Determination of any Claim or Objection to be delivered to them in purſuance of this or the ſaid recited Act, ſee Cauſe to award any Coſts, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby empowered, upon Application made to them for that Purpoſe, to ſettle, aſſeſs, and award ſuch Coſts and Charges as they ſhall think reaſonable to be paid to the Party or Parties in whoſe Favour the Determination of the ſaid Commiſſioners ſhall be made by the Perſon or Perſons whoſe Claim or Objection ſhall be thereby diſallowed or overruled; and in

caſe the Perſon or Perſons who ſhall be liable to pay ſuch Coſts and Charges ſhall neglect or refuſe to pay the ſame on Demand, then and in ſuch Caſe it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required, by Warrant under their Hands and Seals, directed to any Perſon or Perſons whomſoever, to cauſe ſuch Coſts and Charges to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo neglecting or refuſing to pay the ſame, rendering the Overplus (if any), upon Demand, to the Perſon or Perſons whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold, after deducting the Coſts and Charges attending ſuch Diſtreſs and Sale.

Power to try diſputed Claims at Law.

XI. Provided always, and be it further enacted, That if any Perſon or Perſons, making any Claim or Claims to any Lands or Hereditaments intended to be divided or affected by this Act, or any Rights or Intereſts therein, or objecting to any ſuch Claim or Claims, ſhall be diſſatisfied with the Determination of the ſaid Commiſſioners, and ſhall be deſirous of having ſuch Claim or Claims, Rights and Intereſts reſpectively tried at Law; and the Perſon or Perſons ſo deſirous of having the ſame tried at Law ſhall, by themſelves or their reſpective Stewards, Receivers, Attornies, or Agents, give or cauſe to be given Notice thereof in Writing to the ſaid Commiſſioners, or either of them, within Two Calendar Months next after ſuch Determination ſhall have been ſo made by the ſaid Commiſſioners (of which Notice the ſaid Commiſſioners are hereby required, immediately on the Receipt thereof, or as ſoon after as conveniently may be, to give Information to the adverſe Party or Parties, or his, her, or their reſpective Stewards, Receivers, Attornies, or Agents, by Writing under their reſpective Hands, to be delivered to or left at the uſual Place of Abode of ſuch Party or Parties, Stewards, Receivers, Attornies, or Agents as aforeſaid); it ſhall be lawful for the Perſon or Perſons giving ſuch Notice as aforeſaid, their reſpective Heirs, Succeſſors, and Aſſigns, and he, ſhe, or they is and are hereby required to proceed to a Trial or Trials at Law of the ſame at the then next or the following Aſſizes to be holden for the County of *Wilts*, in a feigned Action or Actions for that Purpoſe, to be commenced by the Perſon or Perſons giving ſuch Notice as aforeſaid, againſt any Perſon or Perſons intereſted in the ſaid Diviſion, who ſhall make ſuch Objection or Objections, within Two Calendar Months next after ſuch Notice ſhall be given to the ſaid Commiſſioners as aforeſaid; and the Defendant or Defendants in ſuch Action or Actions ſhall forthwith name an Attorney or Attornies, who ſhall file Common Bail, or appear and accept one or more Iſſue or Iſſues, whereby all ſuch Claim or Claims and Rights and Intereſts may be properly tried and determined, ſuch Iſſue or Iſſues to be ſettled by the proper Officer of the Court wherein ſuch Action ſhall be brought, if the Parties differ about the ſame; and the Verdict or Verdicts which ſhall be given in ſuch Action or Actions ſhall be final and concluſive to all Perſons whomſoever, unleſs the Court wherein ſuch Action or Actions ſhall be brought, ſhall ſet aſide ſuch Verdict or Verdicts, and order a new Trial to be had therein, which it ſhall be lawful for the Court to do, as is uſual in other Caſes; and after any Verdict or Verdicts ſhall have been obtained, and not ſet aſide by the Court, the ſaid Commiſſioners ſhall, and they are hereby authorized and required to conform thereto; but if no ſuch Action or Actions at Law ſhall be brought or commenced by the Perſon or Perſons giving ſuch

Notice within the Time aforeſaid, or if ſuch Action or Actions ſhall not be proceeded in to a Trial or Trials at the firſt Aſſizes which ſhall be holden for the County of *Wilts*, after the Expiration of Thirty Days from the Day of giving ſuch Notice, by or on account of the Neglect or Default of the Plaintiff or Plaintiffs therein, then and in ſuch Caſe the Determination of the Commiſſioners ſhall be final, binding, and concluſive unto and upon all Parties whomſoever: Provided alſo, that if any of the Parties, in any Action to be brought in purſuance of this Act, ſhall die pending the ſame, ſuch Action ſhall not abate by reaſon thereof, but ſhall be proceeded in as if no ſuch Event had happened.

How Actions may be brought after the Death of Parties.

XII. Provided alſo, and be it further enacted, That if any Perſon or Perſons, in whoſe Favour any ſuch Determination as aforeſaid ſhall have been made, and againſt whom any ſuch Action or Actions might have been brought if living, ſhall die before any ſuch Action or Actions ſhall have been brought, and before the Expiration of the Time hereinbefore limited for bringing ſuch Action or Actions, it ſhall be lawful for the Perſon or Perſons, Bodies Politic or Corporate, who might have brought ſuch Action or Actions againſt the Perſon or Perſons ſo dying, to bring the ſame within the Time ſo limited as aforeſaid againſt ſuch Perſon or Perſons as if actually living, and to ſerve the Clerk of the ſaid Commiſſioners with Notice of ſuch Action or Actions in the ſame Manner as the Party or Parties might have been ſerved therewith if living, and it ſhall be thereupon incumbent on the Heir or Heirs, or other Perſon or Perſons who ſhall claim the Benefit of ſuch Determination as aforeſaid, to appear and defend ſuch Action or Actions in the Name or Names of the Perſon or Perſons ſo dead, and Proceedings ſhall be had therein in the ſame Manner as if ſuch Perſon or Perſons had been actually living, and the Rights of all Parties ſhall be equally bound and concluded by the Event of ſuch Action or Actions.

Commiſſioners not to determine contrary to Poſſeſſion.

XIII. Provided alſo, and be it further enacted, That nothing in this Act contained ſhall extend to enable the ſaid Commiſſioners to determine any Right between any Parties contrary to the Poſſeſſion of any ſuch Parties; but in caſe the ſaid Commiſſioners ſhall be of Opinion againſt the Right of the Perſon or Perſons ſo in Poſſeſſion, (except with reſpect to Encroachments as hereinafter mentioned,) they ſhall forbear to make any Determination thereupon until the Poſſeſſion ſhall have been given up by or recovered from ſuch Perſon or Perſons by Ejectment or other due Courſe of Law.

Death of Parties not to delay Incloſure.

XIV. And be it further enacted, That if any of the Proprietors or Perſons intereſted in the ſaid intended Diviſion, or in any Allotment to be made, or Exchange to take place purſuant to this Act or the beforementioned Act, ſhall die before the ſame ſhall be perfected, and the ſaid Commiſſioners ſhall not have made their Award touching the ſame, then and in ſuch Caſe the Powers and Authorities hereby and by the ſaid recited Act given and veſted in the ſaid Commiſſioners, ſhall not be 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 and 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 in the Premiſes, which

which any Perſon or Perſons ſo dying would have been entitled to, ſhall be allotted, ſet out, and aſſigned to or for the Uſe of 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 all and every ſuch Perſon or Perſons to whom any ſuch Share or Shares ſhall be allotted or aſſigned, ſhall accordingly accept and take, have, hold, and enjoy the ſame, according to the ſeveral Limitations, Truſts, Proviſoes, and Intereſts, and Ways limited, declared, appointed 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 Lands and Grounds, or any of them.

Encroachments to be determined by Commiſſioners.

XV. And be it further enacted, That all Incloſures and Encroachments which have been taken in and made from the ſaid Lands and Grounds hereby directed to be divided and allotted (ſave and except ſuch as have been peaceably and quietly enjoyed for the ſpace of Twenty Years laſt paſt, without any Interruption or Payment of any Acknowledgment), ſhall be deemed Parcel of the Lands and Grounds ſo to be divided and allotted as aforeſaid; and in caſe any Difference or Diſpute ſhall ariſe touching any ſuch Incloſures or Encroachments being deemed Parcel of the Lands and Grounds ſo to be divided and allotted, ſuch Difference or Diſpute ſhall be examined into and determined by the ſaid Commiſſioners.

Ancient Roads may be ſtopped.

XVI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, with ſuch Concurrence and Order, and in Manner and ſubject to ſuch Appeal as is directed and expreſſed in and by the ſaid recited Act, to ſtop up, turn, widen, or alter any old or accuſtomed Road or Way leading through or over any Part of the ſaid Tything of *Aſhton Gifford* as they ſhall think proper, and may alſo widen, turn, or alter any Turnpike Road running over the ſaid Lands, with the Conſent of the Truſtees under whoſe Care and Management the ſame ſhall be, and the Road or Way ſo ſtopped up or turned ſhall be conſidered as Part of the Lands hereby intended to be divided, and ſhall be allotted to ſuch of the ſaid Proprietors, if any ſuch there be, whoſe Lands ſhall be on both Sides of the ſame, or otherwiſe ſhall be allotted in ſuch Manner as the ſaid Commiſſioners ſhall think proper, and be incloſed accordingly.

Allotment for a Gravel Pit.

XVII. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, and they are hereby required to ſet out, allot, and award out of the ſaid Lands and Grounds ſo intended to be divided and allotted as aforeſaid (if they deem the ſame neceſſary), one or more Plot or Plots within the ſaid Tything of *Aſhton Gifford*, not exceeding in the whole Two Acres, as and for a Public Stone and Gravel Pit, with convenient Ways thereto, to be uſed for the Repairs of the Public Roads, and the Improvement of the Land within the ſaid Tything, and to award and direct to whom the Herbage of ſuch Allotment ſhall belong.

Allotments.

XVIII. And be it further enacted, That the ſaid Commiſſioners ſhall have full Power and Authority, and they are hereby authorized and directed,

as

as ſoon as conveniently may be, to divide, ſet out, and allot the ſaid Open and Common Fields and Downs, Common Meadows, Common Paſtures, Commonable and Waſte Lands in or belonging to the ſaid Tything of *Aſhton Gifford*, unto and for the ſeveral Owners, Proprietors, Leſſees, and cuſtomary Tenants thereof, and other Perſons intereſted therein, in Proportion to their ſeveral and reſpective Lands, Common Rights, and all other Rights whatſoever, in, over, and upon the ſame, which ſaid Allotments (after Notice in Writing thereof to be given by the Surveyor to be appointed under or by virtue of this Act, to the ſeveral Owners or Occupiers of the ſeveral Eſtates, in reſpect of which ſuch Allotments ſhall have been reſpectively made,) ſhall be in full Bar and Compenſation for all Rights (all Tythes, Moduſes, and eccleſiaſtical Dues excepted,) of the ſeveral Parties in, over, and upon the ſeveral Open and Common Fields, Meadows, Paſtures, and Downs, and Commonable and Waſte Lands as aforeſaid.

Diſtinct Allotments to be made for Lands holden by different Titles for different Eſtates.

XIX. And be it further enacted, That in caſe the Proprietor or Proprietors of any Lands or other Hereditaments hereby authoriſed to be divided, allotted, or exchanged, ſhall hold their reſpective Lands or Hereditaments by different Tenures or for different Eſtates, or under different Titles, the ſaid Commiſſioners ſhall aſcertain and diſtinguiſh the Lands or other Hereditaments held by each of ſuch Tenures for each of ſuch Eſtates, and under each of ſuch Titles reſpectively, and ſhall accordingly in their Award ſet out and diſtinguiſh diſtinct and ſeveral Allotments for ſuch reſpective Lands and other Hereditaments, and where from the Want of neceſſary Information before the ſaid Commiſſioners, or from any other Cauſe, their Award ſhall omit diſcriminating as hereinbefore is required, ſuch different Titles, different Eſtates, and different Tenures reſpectively, and within Twelve Calendar Months after making the ſaid Award, Requeſt ſhall be made to the ſaid Commiſſioners by any Perſon or Perſons intereſted, by Writing under his, her, or their Hand or Hands, to have ſuch Omiſſion ſupplied by a ſeparate Inſtrument, then and in every ſuch Caſe the ſaid Commiſſioners are hereby authorized to do every thing neceſſary for ſupplying ſuch Omiſſion; and ſo far as that Purpoſe ſhall require to examine Witneſſes, and in every other reſpect to proceed and act as if the ſaid Award had not been made, and when they ſhall have obtained what they ſhall think ſufficient Information, they are hereby alſo authorized, by any Deed under their Hands and Seals, to diſtinguiſh and aſcertain the Difference of Tenures, Eſtates, and Titles reſpectively, and accordingly to make diſtinct and ſeveral Allotments in the ſame Manner as is hereby required, where ſuch Diſcrimination ſhall be contained in the ſaid Award, and every ſuch ſeparate Inſtrument ſhall have the ſame Effect as if it was contained in the ſaid Award; and the ſame Supplement or Inſtrument ſhall be delivered to the Perſon or Perſons upon whoſe Requeſt the ſaid Omiſſion ſhall have been ſupplied, or to the Perſon or Perſons to whom the Cuſtody of the Deeds or Writings concerning the Title to the Premiſes in queſtion ſhall, in the Opinion of the ſaid Commiſſioners, moſt properly belong for the Time being; and all Expences which ſhall be reaſonably incurred in or about any ſuch ſeparate Inſtrument as aforeſaid, ſhall be payable by the Perſon or Perſons who ſhall have ſo requeſted the ſaid Commiſſioners to make and execute the ſame, or by his or their Heirs, Executors, or Adminiſtrators.

XX. And

Allotments to go to the ſame Uſes as the Eſtate for which they were made.

XX. And it is hereby further enacted and declared, That the ſeveral Lands, Tenements, or Hereditaments which ſhall be reſpectively allotted and exchanged by virtue of this Act, ſhall, upon the Allotment and Exchange thereof reſpectively become and be, and go and remain to the ſame Perſons for the ſame Eſtates and Intereſts, and to the ſame Uſes, upon the ſame Truſts, and to and for the ſame Intents and Purpoſes, and to be under and ſubject to the ſame Powers, Proviſoes, Limitations, Conditions, Covenants, Agreements, Debts, Charges, Incumbrances, and Proviſions of every Kind, and in the ſame Manner as the Hereditaments in reſpect whereof the ſame Lands, Tenements, and Hereditaments ſhall be reſpectively allotted and exchanged, or would belong, or ſtand, or be limited to or upon, or be ſubject to, if ſuch Allotment or Exchange thereof had not been made, or this Act had not paſſed, (except as to ſuch Leaſes or Agreements for Leaſes at Rack-rent or from Year to Year as ſhall be determined by virtue of this Act, or where any of the Proviſions of the ſaid recited Act or of this Act ſhall be to the contrary; and alſo except ſuch Charges and Incumbrances as ſhall be made thereon by virtue of the ſaid recited Act or of this Act.)

Lands allotted to be of the ſame Tenure.

XXI. And be it further enacted, That all and ſingular the Lands which ſhall be allotted under or by virtue of this Act ſhall (immediately after ſuch Allotments are made) be held by and be ſubject to ſuch and the ſame Tenures, Cuſtoms, Heriots, Fines, and Services as the ſeveral and reſpective Meſſuages, Buildings, Lands, Tenements, and Hereditaments, in reſpect whereof ſuch allotted Lands ſhall be made, are now ſubject to.

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

XXII. And be it further enacted, That it ſhall be lawful for any of the Owners or Proprietors of any Common Rights upon the Lands and Grounds hereby directed to be divided and allotted, to ſell and diſpoſe of the ſame, or of the Allotment or Allotments to be made and ſet out in reſpect thereof, by virtue of this Act, ſeparate and diſtinct from the Eſtate, in right of which he, ſhe, or they are or is entitled to the ſame, in the ſame Manner as he, ſhe, or they might have done at any Time after the Execution of the ſaid Award; and it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and empowered to award all and every ſuch Allotment or Allotments, which ſhall be ſo ſold or diſpoſed of, or to be made and ſet out in lieu of any Common Right ſo ſold or diſpoſed of, to the Purchaſer or Purchaſers thereof, or other Perſon or Perſons who ſhall be entitled to the ſame by virtue of any ſuch Sale or Diſpoſition.

Exchanges.

XXIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and empowered to aſſign, ſet out, allot, and award any Lands, Tenements, or Hereditaments, within the ſaid Tything of *Aſhton Gifford*, in lieu of or in exchange for any other Lands, Tenements, or Hereditaments, within the ſaid Tything, or within any adjoining Pariſh, Hamlet, Townſhip, or Place, ſo that all ſuch Exchange be aſcertained, ſpecified, and declared in the Award of the ſaid Commiſſioners, and be made by and with the Conſent of the reſpective Owner or Owners, Proprietor or Proprietors, or other Perſon ſeiſed, poſſeſſed of, or intereſted in the Lands, Tenements, Hereditaments, or other Premiſes which ſhall reſpectively be ſo exchanged as aforeſaid, whether ſuch Owner or Owners,

Proprietor or Proprietors ſhall be a Body or Bodies Politic, Corporate, or Collegiate, or a Tenant or Tenants in Fee-Simple or for Life, or in Fee-Tail, General, or Special, or by the Curteſy of *England*, or for Years determinable on a Life or Lives, or with the Conſent of the Guardians, Truſtees, Feoffees to charitable or other Uſes, Huſbands, Committees, Attornies, or known Agents, acting for or on behalf of any ſuch Owners, Proprietors, or other Perſons reſpectively, who at the Time of making ſuch Exchange or Exchanges ſhall be reſpectively under Coverture, Minors, Lunatics, beyond the Seas, or under any other legal Diſability or Incapacity of acting for themſelves, himſelf, or herſelf, ſuch Conſent to be teſtified in any Writing under the Common Seal of the Body Politic, Corporate, or Collegiate, and under the Hands of the other conſenting Parties reſpectively; and all Exchanges ſo made ſhall take place at ſuch Time or Times as the ſaid Commiſſioners ſhall order, direct, and appoint, by their Award to be made in purſuance of the ſaid recited Act, or by any Deed or Inſtrument under their Hands and Seals, to be inrolled in the ſame Manner and Place as ſuch their Award is thereby directed to be inrolled; and all Exchanges ſo made ſhall be for ever good, valid, and effectual in the Law to all Intents and Purpoſes whatſoever.

But not of Lands held in Right of any Church, without Conſent of Patron and Biſhop.

XXIV. Provided nevertheleſs, That no Exchange ſhall be made of any Lands, Tenements, or Hereditaments held in right of any Church, Chapel, or other Eccleſiaſtical Benefice, without the Conſent teſtified as aforeſaid of the Patron thereof, and of the Biſhop of the Dioceſe in which ſuch Lands, Tenements, or Hereditaments ſo to be exchanged ſhall lie and be ſituate.

Expences of Exchanges to be borne by the Parties.

XXV. And be it further enacted, That all Coſts, Charges, and Expences attending the making and completing any Exchanges and Partitions of the Lands and Grounds by this Act intended to be divided, allotted, and incloſed, which ſhall be made by virtue of this or the ſaid recited Act, ſhall be paid and borne by the ſeveral Perſons making ſuch Exchanges or Partitions, diſtinct and apart from the other Expences attending the Execution of this Act, in ſuch Manner and in ſuch Proportions as the ſaid Commiſſioners ſhall order and direct.

Vacating Leaſes.

XXVI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, at any Time previous to the Execution of the ſaid Award, in all Caſes where they in their Diſcretion ſhall deem it neceſſary or expedient for the due Execution of this Act, by any Writing or Writings under their Hands, to determine and make void all or any of the Leaſes or Agreements for Leaſes at Rack-rent, or from Year to Year, then ſubſiſting, of all, every, or any Part or Parts of the Lands and Grounds which are hereby directed to be divided and allotted, and exchanged reſpectively by virtue of this Act, and of all other Lands and Hereditaments demiſed or agreed to be demiſed by or comprized in ſuch Leaſes and Agreements reſpectively, either as to the whole, or as to ſome Part or Parts only of the Hereditaments comprized in ſuch Leaſes or Agreements reſpectively, and at ſuch Time or Times in the Year as the ſaid Commiſſioners ſhall in their Diſcretion think moſt convenient and expedient, according to the Circumſtances of the Caſe; and in all Caſes where any ſuch Leaſes or Agreements ſhall be determined as aforeſaid,

the ſaid Commiſſioners ſhall aſcertain and declare whether any and what Sum or Sums of Money in the Groſs ought to be paid, or any or what Deduction or Abatement in the reſerved Rent or Rents ought to be made by the Leſſors or Landlords to the Leſſees or Tenants as a Compenſation and Satisfaction for ſuch total or partial Determination of their reſpective Leaſes or Agreements; and ſuch Sums in the Groſs, and reduced Rents ſo aſcertained and declared as aforeſaid, ſhall reſpectively become payable or commence at ſuch Time or Times and in ſuch Manner as the ſaid Commiſſioners ſhall direct and appoint; and all ſuch Sums in the Groſs ſhall be charged upon the Lands in reſpect of which the ſame ſhall be payable, and ſhall and may be levied and recovered in the like Manner as in the ſaid recited Act is provided with reſpect to the levying and recovering the Expences of paſſing and executing this Act; and all ſuch reduced Rents ſhall, after the Commencement thereof, be payable and recoverable in like Manner as the Rents originally reſerved would have been payable and recoverable if this Act had not paſſed; and in all Caſes where ſuch ſubſiſting Leaſes or Agreements ſhall continue in force as to the Whole or any Part or Parts of the Hereditaments therein comprized, it ſhall be lawful for the ſaid Commiſſioners in like Manner to aſcertain and declare whether any and what additional Rent or Rents ought to be paid by the Leſſees or Tenants to the Leſſors or Landlords for or in reſpect of any Improvement in the annual Value of the Hereditaments comprized in ſuch Leaſes or Agreements reſpectively, by reaſon of the ſame being divided, allotted, and exchanged reſpectively by virtue of this Act; and ſuch additional Rents ſo aſcertained and declared as laſt aforeſaid, ſhall commence at ſuch Time or Times as the ſaid Commiſſioners ſhall direct and appoint, and ſhall afterwards be payable and recoverable in like Manner as the Rents originally reſerved would have been payable and recoverable if this Act had not paſſed; and it ſhall be lawful for the ſaid Commiſſioners in like Manner to ſettle, aſcertain, and declare the Courſe of Huſbandry to be uſed by ſuch Leſſees or Tenants during the Remainder of their ſubſiſting Leaſes and Agreements, in all Caſes where they ſhall deem it neceſſary or proper ſo to do: Provided always, that if there ſhall be any Leaſe or Leaſes of any Lands, part of which ſhall be in the ſaid Tything and part in an adjoining Pariſh, all and every ſuch Leaſe or Leaſes upon Rack-rent now ſubſiſting may be vacated; but where any Land ſhall have been taken in Exchange, which Land ſhall be under Leaſe and wholly ſituate in an adjoining Pariſh, the Leaſe of ſuch laſt-mentioned Lands ſhall not be vacated.

Commiſſioners may direct the Courſe of Huſbandry.

XXVII. And be it further enacted, That in the Meantime, and until ſuch Diviſions, Partitions, or Allotments ſhall be made as aforeſaid, all the Tillage, Paſture, and other Lands hereby directed to be divided and allotted, ſhall be ſtocked with ſuch Cattle, and ſowed by the reſpective Owner or Owners, Occupier or Occupiers thereof, with ſuch Sort of Corn and Grain, and ſhall be kept, ordered, and continued in ſuch Courſe of Huſbandry as the ſaid Commiſſioners, by any Writing or Writings under their Hands in that behalf, ſhall order and appoint, any Uſage of ſtocking or ſowing to the contrary notwithſtanding; and that no Meadows, Paſtures, or freſh Grounds, Part of the Lands and Grounds hereby directed to be divided and allotted, and not now in Tillage, ſhall before that Time be ploughed, broken up, or converted into Tillage.

XXVIII. And

Proprietors whose Allotments shall have been ploughed to make Satisfaction for the same.

XXVIII. And be it further enacted, That the several Proprietors whose Allotments in the said Division and Inclosure shall have been ploughed, sown, or manured by the Direction of the said Commissioners, shall pay unto the several Persons who shall have ploughed, sown, or manured the same, such several and respective Sums of Money, and at such Times, as the said Commissioners shall think reasonable, and by any Writing under their Hands ascertain, order, and direct; and in case any of the said Sums of Money shall not be paid at the Time so ordered by the said Commissioners, the same shall be raised, levied, and recovered in such Manner as by the said recited Act is provided for raising, levying, and recovering the Expences of obtaining and recovering this Act, in case of Neglect or Refusal to pay the same.

Satisfaction for Damages.

XXIX. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered, by Writing under their Hands, to order, direct, and appoint that every Proprietor, Owner, or Occupier, who shall not have his, her, or their proper Quantity or Proportion of the Allotments to be made by virtue of this Act in good Order and Course for an ensuing Wheat-Crop, or who shall receive any Detriment or Injury whatsoever in consequence of any Thing done or omitted to be done in pursuance of this Act, shall have and receive such pecuniary or other Compensation from such of the other Proprietors, Owners or Occupiers as the said Commissioners shall adjudge to be equitable and proper; and that the said Commissioners shall and may in all such Cases set out, specify, regulate, and appoint in what Manner, in what Quantities and Proportions, and by what Persons such new Allotments, or any Part thereof, shall be manured, sown, occupied, and enjoyed, so as to be most beneficial to each and every Proprietor for One Year next after such Allotments shall have been made; any Thing herein contained to the contrary notwithstanding.

Expences of the Act.

XXX. And be it further enacted, That all the Costs, Charges, and Expences of soliciting and passing this Act, and of surveying, measuring, planning, valuing, dividing, and allotting of the Lands and Grounds hereby directed to be divided and allotted, and also of the valuing, surveying, measuring, and planning the Old Inclosures, and of preparing and depositing the said Award, and all Expences and Charges of the said Commissioners, and of the several Persons to be employed by them in and about the Premises either before or after their executing the said Award; and also of making any Fences, Stiles, Drains, or other Conveniences which the said Commissioners shall think necessary to be made at the general Expence of the Proprietors; and all other necessary Charges and Expences in and about the Premises, shall be paid, borne, and defrayed by the Owners and Proprietors of and Persons interested in the said Lands, Grounds, and Premises hereby intended to be divided and allotted, (except the Proportion of such Expence for the Glebe Lands, for which no Charge shall be made to the Rector of the said Parish and Tything,) in and by such Shares and Proportions, and at such Time or Times, and to such Person or Persons as the said Commissioners shall, either before or after the executing their said Award, in and by any Writing under their Hands order and direct.

XXXI. And

Land may be deducted from Allotments in lieu of and equivalent to Expences.

XXXI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, if they ſhall think fit, to deduct from any Allotment or Allotments to be ſet out by virtue of this Act, ſo much Land as, in the Judgment of the ſaid Commiſſioners, ſhall be equivalent to the Part or Proportion of the Expences of ſoliciting and paſſing this Act, and of the Execution thereof by the ſaid Commiſſioners, which ought to be paid in reſpect of ſuch Allotment or Allotments; and the Lands ſo deducted ſhall be allotted to or amongſt the Proprietor or Proprietors who ſhall pay the ſame Expences in Proportion to the Sums they reſpectively ſhall pay or contribute thereto: Provided nevertheleſs, that no ſuch Deduction ſhall be made by the ſaid Commiſſioners without the previous Conſent in Writing of the reſpective Proprietors or Perſons ſeiſed or entitled in Poſſeſſion for Life, or any Term of Years determinable on Lives, or any greater Eſtate of or to ſuch Allotment or Allotments, or of the Huſbands, Guardians, Truſtees, Committees, or Attornies of any ſuch Proprietors, being Femes-Covert, Infants, Lunatics, beyond the Seas or under any other legal Diſability or Incapacity of acting for themſelves: Provided alſo, that in caſe the Land deducted from ſuch Allotment or Allotments ſhall not be equal in Amount to the Sum of Money that ſuch Proprietor or Proprietors is or are, by the ſaid recited Act or this Act, empowered to borrow and charge on his, her, or their Allotment or Allotments; then, and in ſuch Caſes, it ſhall be lawful for the Proprietor, or Perſon from whoſe Allotment Land ſhall be deducted as aforeſaid, to charge his, her, or their Lands, Tenements, or Hereditaments, by virtue of the ſaid recited Act or this Act, with any Sum of Money not exceeding the Exceſs or Difference towards Payment of ſuch Expences.

Money advanced to be repaid with Intereſt.

XXXII. And be it further enacted, That the Money which ſhall be advanced by any Perſon or Perſons for the Purpoſe of defraying the Expences of applying for and obtaining this Act, or for carrying the ſame into Execution, ſhall be repaid with lawful Intereſt to the Perſon or Perſons advancing the ſame, his or her Executors, Adminiſtrators, or Aſſigns, out of the firſt Monies to be raiſed for defraying the Expences of obtaining and executing this Act.

Commiſſioners to lay their Accounts before a Juſtice of the Peace.

XXXIII. And be it further enacted, That at leaſt once in every Year during the Execution of this Act, to be computed from the Day of the paſſing thereof, the ſaid Commiſſioners ſhall, and they are hereby required by themſelves or by their Clerk, to make a true and juſt Statement and Account of all Sums of Money by them received, or expended, or due to them reſpectively, and any Perſon or Perſons to be employed by them in carrying this Act into Execution for their Trouble and Expence in the Execution of this Act; and ſuch Statement and Account when ſo made, together with the Vouchers relating thereto, ſhall be by them laid before one or more of His Majeſty's Juſtices of the Peace for the ſaid County of *Wilts* (not intereſted in the Premiſes), to be by him or them examined and balanced, and ſuch Balance ſhall be by ſuch Juſtice or Juſtices ſtated in the Book of Accounts to be kept in the Office of the Clerk or Clerks of the ſaid Commiſſioners; and no Charge or Item in ſuch Accounts ſhall be binding on the Parties concerned, or valid in Law, unleſs the ſame ſhall have been duly allowed by ſuch Juſtice or Juſtices.

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

XXXIV. And be it further enacted, That the Award to be made by the said Commissioners, when enrolled in the Manner directed by the said recited Act, shall, together with a Map or Plan thereunto annexed, be deposited with the Clerk of the Peace for the said County of *Wilts*, who shall be paid, on the Delivery to him of the said Award, the Sum of Two Pounds Two Shillings, and no more; and that a true Copy of the said Award shall be made and signed by the said Commissioners, and, together with a Map or Plan thereunto annexed, deposited in the Church Chest of *Codford Saint Peter* aforesaid, and shall be admitted as Evidence of the said Award by all Judges, Justices, and others.

Persons aggrieved may appeal to the Quarter Sessions.

XXXV. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of the said recited Act or this Act, other than and except such Claims, Matters, and Things as are hereinbefore directed or authorized to be ascertained, settled, tried, or determined by any Issue at Law, or whereby any of the Provisions of the said recited Act, or of this Act, the Determinations, Acts, or Proceedings of the said Commissioners are directed to be final and conclusive, he, she, or they may appeal to any General Quarter Sessions of the Peace which shall be holden for the said County of *Wilts* within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioners, and to the Party or Parties concerned, Twenty-one Days' Notice in Writing of such Appeal, and the Matter thereof; and the Justices (not interested in the Premises) at the said General Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and to make such Order, 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 Warrant, Distress, and Sale; and the Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed by *Certiorari* or any other Writ or Process whatsoever into any of His Majesty's Courts of Record at *Westminster*, or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, and without Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants as to them in their Discretion shall seem reasonable, and to be levied in Manner aforesaid.

General Saving.

XXXVI. Saving always to the King's most Excellent Majesty, his Heirs and Successors, all and every other Person and Persons, Bodies Politic and Corporate, his, her, and their Heirs, Successors, Executors, Administrators, and Assigns, (other than and except the several Persons to whom any Allotment or Allotments of Land or other Compensation shall be made or provided by virtue of this Act in respect to the Interest or Property for which such Allotment or Compensation shall be made, and except such other Rights and Interests as the Intent and Purposes of the Inclosures hereby authorized shall absolutely require to be barred, destroyed, and extinguished by this Act,) all such Estates, Rights, and Interests as they, every or any of them had or enjoyed of, in, and to or in respect of the said Open and Common Fields, and other the Lands and Grounds

Grounds hereby directed to be divided and allotted before the passing of this Act, or could or might have or enjoy if this Act had not been made.

Act to be printed by the King's Printer.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1814.