ANNO QUINQUAGESIMO PRIMO

GEORGII III. REGIS.

Cap. 130.

An Act for dividing, allotting, and incloſing Lands, in the ſeveral Pariſhes of *Biddeſtone Saint Nicholas*, *Biddeſtone Saint Peters*, and *Slaughterford*, in the County of *Wilts*. [25th *May* 1811.]

WHEREAS there are, within the ſeveral Pariſhes of *Biddeſtone Saint Nicholas*, *Biddeſtone Saint Peters*, and *Slaughterford*, in the County of *Wilts*, divers Open and Common Fields, Common Meadows, Common Paſtures, Commons, Commonable Places, and Waſte Lands, containing in the Whole Two hundred and ninety-three Acres, or thereabouts: And whereas *Paul Cobb Methuen* Eſquire, is Lord of the Manor of *Biddeſtone Saint Nicholas* aforeſaid, and *Thomas Little* Gentleman, is Lord of the Manor of *Biddeſtone Saint Peters* aforeſaid, and the Honourable *Charles William Wyndham* is Lord of the Manor of *Slaughterford* aforeſaid: And whereas the Warden and Scholars of *Saint Mary* College of *Wincheſter* near *Wincheſter* are ſeiſed of the Impropriate Rectories and Parſonages of the ſaid ſeveral Pariſhes of *Biddeſtone Saint Nicholas* and *Slaughterford*, and in Right thereof are entitled to all the Great Tythes ariſing, growing, and renewing, from and out of all the Lands and Grounds within the ſaid ſeveral Pariſhes of *Biddleſtone Saint Nicholas* and *Slaughterford* aforeſaid; and *Samuel Mountjoy* of *Corſham*, in the County of *Wilts*, Eſquire, is Leſſee of the ſaid Rectories and Tythes: And whereas the ſaid Warden and Scholars are, or claim to be, ſeiſed of the Perpetual Advowſon, Right of Patronage, and Preſentation of, in, and to the Rectory of *Biddeſtone Saint Peters* aforeſaid, and alſo to the Vicarage of *Biddeſtone Saint Nicholas* and *Slaughterford* aforeſaid; And whereas the Reverend *Charles Daubeny* is Rector of the ſaid Rectory of *Biddeſtone Saint Peters*, and in Right of the ſaid Rectory is entitled to certain Glebe Lands thereunto belonging, and to all the Great and Small Tythes ariſing, growing, and renewing, within the ſaid Pariſh of *Biddeſtone Saint Peters*;

and the said *Charles Daubeny* is also Vicar of the said Vicarage of *Biddestone Saint Nicholas* and *Slaughterford*, and in Right of the said Vicarage entitled to all the Small Tythes arising, growing, and renewing, within the said several Parishes of *Biddestone Saint Nicholas* and *Slaughterford*: And whereas the said *Paul Cobb Methuen*, the Honourable *Charles William Wyndham*, *Thomas Little*, and divers other Persons, are seised of or entitled to the said Open and Common Fields, Common Meadows, Common Pastures, Commons, Commonable Places, and Waste Lands, and to divers Rights of Feeding and other Interests therein: And whereas the Lands of the respective Proprietors of the said Open and Common Fields, Common Meadows, and Common Pastures, lie very much intermixed and dispersed in small Parcels, so as to render the Cultivation thereof very inconvenient, and the same, in their present State, are incapable of any considerable Improvement; and if the same, together with the Commons, Commonable Places, and Waste Lands, were divided and inclosed, and specific Shares allotted to the several Proprietors, according to their respective Rights and Interests therein, they might be much improved, and rendered of greater Value; but such Division and Inclosure cannot be effected without the Aid and Authority of Parliament: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for consolidating in one Act, certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts:* May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Richard Richardson* of *Lincoln's Inn Fields*, *London*, Gentleman, shall be and he is hereby appointed a Commissioner, for the Purpose of valuing, dividing, allotting, laying in severalty, and inclosing the said Open and Common Fields, Common Meadows, Common Pastures, Commons, Commonable Places, and Waste Lands, within the said several Parishes of *Biddestone Saint Nicholas*, *Biddestone Saint Peters*, and *Slaughterford*, and for putting this Act into Execution, subject to the Rules, Orders, and Directions hereinafter contained, and also subject to the Rules, Orders, and Directions contained in the said recited Act, so far as the same are not varied or altered by this Act.

Commissioner appointed.

II. And be it further enacted, That if the said *Richard Richardson* shall, before he hath begun to act as a Commissioner, or before the Execution of all the Powers and Authorities hereby vested in him, die, refuse to act, or become incapable of acting as such Commissioner as aforesaid, for the Space of One Calendar Month, then and in such Case it shall be lawful for the major Part in Value (to be ascertained by the Land Tax Assessment) of the several Owners and Proprietors for the Time being, of the Open and Common Fields, Common Meadows, Common Pastures, Commons, Commonable Places, and Waste Lands, hereby directed to be divided, allotted, or inclosed, or their respective Agents or Attorneys, who shall attend a Meeting to be holden for that Purpose, in consequence of a Notice under the Hands of the Lords of the said Manors for the Time being, or Three or more of the said Owners and Proprietors, to be affixed upon the Door of the Parish Church of *Biddestone Saint Nicholas* aforesaid, specifying the Time and Place of such Meeting, at least Fourteen Days before such Meeting, from Time to Time, within Two Calendar

Power to appoint a new Commissioner.

Months next after such Death, Refusal, or Incapacity, by Writing under their Hands, to appoint any other Person, not interested in the said Division or Inclosure, to be a Commissioner in the Place of the said *Richard Richardson*, or any Commissioner so dying, or refusing to act, or becoming incapable of acting as aforesaid; and every Commissioner so to be elected shall, after he shall have taken and subscribed to the Oath prescribed by the said recited Act, in Manner therein mentioned, be a Commissioner for executing the said recited Act and this Act, and shall have the same Powers and Authorities as the Commissioner appointed by this Act is invested with.

Declaring what shall be a Refusal to act.

III. And be it further enacted, That if any Commissioner, or his Successors, shall not attend, on having Fourteen Days Notice given to him in Writing, by the Lords of the said Manors, or Three or more of the said Proprietors for the Time being, such Absence shall be deemed and taken a Refusal to act.

Power to appoint a Clerk.

IV. And be it further enacted, That the said Commissioner shall appoint a Clerk or Clerks, to assist him in the Execution of this and the said recited Act.

Allowance to the Commissioner and Clerk.

V. And be it further enacted, That the said Commissioner shall be paid the Sum of Three Pounds Three Shillings and no more, for his Trouble and Expences for each and every Day he shall necessarily attend in the Execution of the Powers of this and the said recited Act, (Days of travelling from and to Home included); and that the Clerk to the said Commissioner shall be paid the like Sum of Three Pounds Three Shillings for each and every Day he shall attend upon the said Commissioner, in the Execution of this and the said recited Act; and every Proprietor and other Person interested in the Execution of this Act, and their Solicitors and Agents, who shall attend any Meeting to be held by the said Commissioner in pursuance of this Act, shall bear and pay his and their own Expences for such Attendance.

Surveyor appointed.

VI. And be it further enacted, That *Thomas Crass* of *Beaufort Buildings*, in the County of *Middlesex*, Land Surveyor, shall be the Surveyor for the Purposes of this Act, for and during the Will and Pleasure of the said Commissioner; and on the Death or Removal of the said *Thomas Crass* it shall be lawful for the said Commissioner, by Writing under his Hand, to appoint One or more fit and proper Person or Persons, not interested in the said Inclosure, to be Surveyor or Surveyors for the Purposes of this Act, for and during the Will and Pleasure of the said Commissioner; and on any future Vacancy in like Manner to appoint some other Surveyor or Surveyors, and so from Time to Time as often as there shall be Occasion; and no Person shall be capable of acting as such Surveyor until he shall have taken and subscribed the Oath or Affirmation following:

Oath.

'I do swear, [*or*, being one of the People called *Quakers*, do solemnly affirm and declare], that I will faithfully impartially, and honestly, to the best of my Skill and Judgement, execute the Trusts and Powers reposed in me as Surveyor, by virtue of an Act, passed in the Fifty-first Year of the Reign of His Majesty King *George* the Third, intituled, *An Act* [*here insert the Title of this Act*], according

' according to Equity and good Conſcience, and without Favour or Affec-
' tion, Prejudice or Partiality, to any Perſon or Perſons whomſoever.
' So help me GOD.'

Which Oath or Affirmation, ſo taken and ſubſcribed by ſuch Surveyor, ſhall be taken and ſubſcribed by him before the ſaid *Richard Richardſon*, or the Commiſſioner for the Time being (and which Oath or Affirmation the ſaid Commiſſioner is hereby authorized to take or adminiſter) before he preſumes to act in the Execution of this Act; and ſuch Oath or Affirmation, ſo taken and ſubſcribed by ſuch Surveyor as aforeſaid, ſhall be annexed to and inrolled with the Award of the ſaid Commiſſioner, hereinafter directed to be made.

Notice of Meetings.

VII. And be it further enacted, That the ſaid Commiſſioner ſhall give or cauſe Notice to be given, in the Pariſh Church of *Biddeſtone Saint Nicholas* aforeſaid, upon ſome *Sunday* immediately after Divine Service, or by Advertiſement to be inſerted in *The Saliſbury and Wincheſter Journal*, *The Bath Herald*, or in ſome other Newſpaper circulated in the ſaid County of *Wilts*, of the Time and Place of his Firſt and every ſubſequent Meeting for carrying this and the ſaid recited Act into Execution, Ten Days at leaſt before the Time appointed for holding ſuch Meeting (Meetings by Adjournment only excepted); and it ſhall and may be lawful for the ſaid Commiſſioner from Time to Time to adjourn ſuch Meeting, to ſuch Time and Place, within the ſaid ſeveral Pariſhes of *Biddeſtone Saint Nicholas*, *Biddeſtone Saint Peters*, and *Slaughterford*, or one of them, or within Eight Miles thereof, as he ſhall think moſt convenient; giving Notice at the Time of making ſuch Adjournment, of the Time and Place to which ſuch Meeting ſhall be adjourned: Provided always, that all the Meetings of the ſaid Commiſſioner ſhall be held at ſome convenient Place within the ſaid ſeveral Pariſhes, or one of them, or within Eight Miles of the Boundaries thereof.

Other Notices, how to be given.

VIII. And be it further enacted, That all other Notices neceſſary or requiſite to be made and given by the ſaid Commiſſioner, in purſuance of the ſaid recited Act and this Act, ſhall be ſo made and given by Advertiſement to be inſerted in *The Saliſbury and Wincheſter Journal*, *The Bath Herald*, or in ſome other Newſpaper circulated in the ſaid County of *Wilts*, or by affixing the ſame on the principal outer Door of the Church of the ſaid Pariſh of *Biddeſtone Saint Nicholas*.

Commiſſioner to ſettle Diſputes.

IX. And be it further enacted, That if any Queſtion or Diſpute ſhall ariſe between any Perſon or Perſons intereſted or claiming to be intereſted in the ſaid Open and Common Fields, Common Meadows, Common Paſtures, Commons, Commonable Places, and Waſte Lands reſpectively, before the ſetting out and allotting the ſame, touching the Extent, Identity, or Poſſeſſion, of any Plot, Parcel, or Portion thereof, or touching or concerning any Common Rights or other Intereſts, which they are or any of them ſhall have, or claim to have, or be entitled to, in, upon, or over the ſame Fields, Commons, Lands, or Grounds, or touching or concerning any other Matter or Thing relating to the ſaid Diviſion, Allotment, and Incloſure; then and in ſuch caſe it ſhall be lawful for the ſaid Commiſſioner to examine into, hear, and determine the ſame: Provided always, that nothing herein contained ſhall authorize the ſaid Commiſſioner

Commiſſioner to determine the Title to any Meſſuages, Tenements, Cottages, Lands, or Hereditaments whatſoever.

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

X. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend to enable the ſaid Commiſſioner to determine any Right between any Parties, contrary to the Poſſeſſion of any ſuch Parties (except in caſes of Encroachments within Twenty Years); but in caſe the ſaid Commiſſioner ſhall be of Opinion againſt the Right of the Perſon or Perſons ſo in Poſſeſſion, he ſhall forbear to make any Determination thereupon, until the Poſſeſſion ſhall have been given up by ſuch Perſon or Perſons, or recovered from ſuch Perſon or Perſons by Ejectment or other due Courſe of Law.

Commiſſioner may award Coſts.

XI. And be it further enacted, That in caſe the ſaid Commiſſioner, upon the Hearing and Determination of any Claim or Claims, Objection or Objections to be delivered to him in purſuance of the ſaid recited Act or this Act, or of any Diſpute or Difference between any of the Parties intereſted in the ſaid Diviſion and Incloſure, ſhall ſee Cauſe to award any Coſts, it ſhall be lawful for the ſaid Commiſſioner and he is hereby empowered, upon Application made to him for that Purpoſe, to ſettle, aſſeſs, and award, ſuch Coſts and Charges as he ſhall think reaſonable to be paid to the Party or Parties in whoſe Favour his Determination ſhall be made, by the Perſon or Perſons whoſe Claim or Claims, Objection or Objections, 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 ſuch Commiſſioner, and he is hereby authorized and required, by Warrant under his Hand and Seal, 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.

Allowing Parties diſſatisfied with the Commiſſioners Determination, to try their Right at Law.

XII. Provided always, and be it further enacted, That in caſe any Perſon or Perſons, Body or Bodies Politic, Corporate, or Collegiate, intereſted or claiming to be intereſted in the ſaid intended Diviſion, Allotment, and Incloſure, ſhall be diſſatisfied with any Determination of ſuch Commiſſioner, touching or concerning any Claim or Claims of any Rights or Intereſts, in, over, or upon the ſaid Open and Common Fields, Common Meadows, Common Paſtures, Commons, Commonable Places, and Waſte Lands hereby intended to be divided and incloſed, or any Part thereof, and ſhall give Notice thereof in Writing to the ſaid Commiſſioner, or leave the ſame at his laſt or uſual Place of Abode, within Thirty Days next after ſuch Determination ſhall have been made, (a true Copy of which Notice the ſaid Commiſſioner is hereby required, immediately upon or as ſoon as may be after the Receipt thereof, to cauſe to be delivered to, or left at the laſt or uſual Place or Places of Abode of the adverſe Party or Parties, ſome or One of them, or of his, her, or their reſpective Agent or Agents, Attorney or Attornies), it ſhall be lawful for the Perſon or Perſons, Body or Bodies Politic, Corporate, or Collegiate, ſo diſſatisfied with ſuch Determination, to proceed to a Trial at Law of the Matter ſo determined by ſuch Commiſſioner, at the then next or following

following Aſſizes to be holden for the ſaid County of *Wilts*, and for that Purpoſe the Perſon or Perſons, Body or Bodies Politic, Corporate, or Collegiate, who ſhall be diſſatisfied with ſuch Determination, ſhall cauſe an Action to be brought upon a feigned Iſſue, againſt the Perſon or Perſons, Body or Bodies Politic, Corporate, or Collegiate, in whoſe Favour ſuch Determination ſhall have been made, ſome or One of them, and the Defendant or Defendants in ſuch Action or Actions ſhall name an Attorney or Attornies, who ſhall appear thereto and file Common Bail, and accept One or more Iſſue or Iſſues whereby the Claim or Claims, and the Right or Rights thereby inſiſted on, may be tried and determined; ſuch Iſſue or Iſſues to be ſettled by the proper Officer of the Court in which the ſaid Action or Actions ſhall be commenced, in caſe the Parties ſhall differ about the ſame, and the Verdict or Verdicts which ſhall be given in ſuch Action or Actions, ſhall be final and concluſive upon all and every ſuch Perſon and Perſons, Body or Bodies Politic, Corporate, and Collegiate, unleſs the Court wherein ſuch Action or Actions ſhall be brought ſhall ſet aſide ſuch Verdict or Verdicts, and order a new Trial or new Trials to be had therein, which it ſhall be lawful for the Court to do, and alſo on ſufficient Cauſe ſhewn, to put off the Trial or Trials, as is uſual in other Caſes; and after ſuch Verdict or Verdicts ſhall be obtained, and not ſet aſide by the Court, the ſaid Commiſſioner ſhall and is hereby required to act in Conformity thereto, and to allow or diſallow the Claim or Claims thereby determined, according to the Event of ſuch Trial or Trials: Provided always, that the Determination of the Commiſſioner for the Time being, touching ſuch Claim or Claims, which ſhall not be objected to, or being objected to, the Party or Parties objecting not cauſing ſuch Action or Actions at Law to be brought and proceeded in as aforeſaid, ſhall be final and concluſive upon all Parties.

If any of the Parties die, Proceeding not to abate.

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

In caſe of Deaths of Parties before Action brought, ſame to be carried on and defended in their Names.

XIV. Provided always, and be it further enacted, That if any Perſon or Perſons in whoſe Favour any ſuch Determination as aforeſaid ſhall have been made, and againſt whom any ſuch Action or Actions might have been brought if living, ſhall die before any ſuch Action or Actions ſhall have been brought, and before the Expiration of the Time 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 Commiſſioner with Proceſs for commencing ſuch Action or Actions, in the ſame Manner as the Party or Parties might have been ſerved therewith if living; and it ſhall thereupon be incumbent on the Heir or Heirs, or other Perſon or Perſons who ſhall claim the Benefit of ſuch Determination as aforeſaid, to appear and defend ſuch Action or Actions, in the Name or Names of the Perſon or Perſons ſo deceaſed, 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.

XV. And

Allotment for Quarries.

XV. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioner, and he is hereby authorized and required, to ſet out and allot One or more Plot or Plots of the Lands or Grounds hereby directed to be divided, allotted, and incloſed, as and for Stone Quarries, with convenient Roads to and from the ſame, for the making and repairing the public and private Roads to be ſet out in purſuance of the ſaid recited Act and this Act.

Allotment to the Rector in lieu of his Glebe.

XVI. And be it further enacted, That the ſaid Commiſſioner ſhall and he is hereby required, in the next Place, to ſet out and allot unto and for the ſaid *Charles Daubeny*, and his Succeſſors, Rectors of the ſaid Rectory of *Biddeſtone Saint Peters*, ſuch Part and Proportion of the Lands and Grounds hereby directed to be divided and incloſed, as ſhall, in the Judgement of the ſaid Commiſſioner, be equal in Value to and a full Compenſation for the preſent unincloſed Glebe Lands belonging to the ſaid *Charles Daubeny*, as ſuch Rector as aforeſaid, and for any Rights or Intereſts appertaining to the ſame.

Allotments to the Lords of the ſeveral Manors, in lieu of Soil and Manerial Rights.

XVII. And be it further enacted, That the ſaid Commiſſioner ſhall and he is hereby authorized and required to ſet out, allot, and award, unto and for the ſaid *Paul Cobb Methuen*, as Lord of the ſaid Manor of *Biddeſtone Saint Nicholas*, and unto the ſaid *Thomas Little*, as Lord of the ſaid Manor of *Biddeſtone Saint Peters*, and unto the ſaid *Charles William Wyndham*, as Lord of the ſaid Manor of *Slaughterford*, ſo much and ſuch Part of the ſaid Commons and Waſte Lands hereby directed to be divided, allotted, and incloſed, as are ſituate lying and being within the ſaid reſpective Manors of *Biddeſtone Saint Nicholas*, *Biddeſtone Saint Peters*, and *Slaughterford*, as in the Judgement of the ſaid Commiſſioner making the ſame, ſhall be a reaſonable and fair Satisfaction and Compenſation of or for their reſpective Rights of Soil and other Manorial Rights within their ſaid ſeveral Manors.

Allotment of the Reſidue.

XVIII. And be it further enacted, That the ſaid Commiſſioner ſhall and he is hereby authorized and required to divide, ſet out, and allot, all the Reſidue and Remainder of the ſaid Open and Common Fields, Common Meadows, Common Paſtures, Commons, Commonable Places, and Waſte Lands, by this Act intended to be divided, allotted, and incloſed, unto and amongſt the ſeveral Owners and Proprietors thereof, and Perſons intereſted therein, in Proportion and according to their ſeveral and reſpective Lands, Rights of Common, Rights of Soil, and other Rights and Intereſts therein reſpectively.

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

XIX. And be it further enacted, That all and ſingular the Open Fields, Commons, Commonable Lands, and Waſte Grounds, which ſhall be allotted under and 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, Rents, and Services, as the reſpective Meſſuages, Lands, Tenements, and Hereditaments, in reſpect whereof ſuch allotted Lands ſhall be made, are now ſubject to.

Allotment to the Rector, to be fenced at the Proprietors Expence.

XX. And be it further enacted, That the Lands to be ſet out and allotted by virtue of this Act, to and for the ſaid *Charles Daubeny*, and his Succeſſors, as Rectors of the ſaid Rectory, in reſpect of his ſaid Glebe

Glebe Lands, ſhall be incloſed for the firſt Time, by Ring Fences, with Quickſet Hedges and Ditches, or with good and ſubſtantial Stone Walls, in ſuch Manner as the ſaid Commiſſioner ſhall direct, by and at the Expence of the Reſt of the Owners and Proprietors of, and Perſons intereſted in the Lands by this Act directed to be divided and incloſed, and in ſuch Manner as the ſaid Commiſſioner ſhall in and by his ſaid Award, order, direct, and appoint; and ſuch Fences ſhall be maintained, ſupported, and preſerved during the Term of Seven Years from the Time of making and completing the ſame, by and at the Expence of the ſaid Proprietors, (except the ſaid Rector), in ſuch Manner as the ſaid Commiſſioner ſhall, by his Award, order and direct; and from and after the Expiration of the ſaid Term of Seven Years, the ſame Fences ſhall be maintained and kept in Repair by and at the Expence of the ſaid *Charles Daubeny* and his Succeſſors, Rectors as aforeſaid.

Exchanges may be made.

XXI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioner to ſet out, allot, and award, any Meſſuages, Lands, Tenements, or Hereditaments whatſoever, within the ſaid ſeveral Pariſhes of *Biddeſtone Saint Nicholas*, *Biddeſtone Saint Peters*, and *Slaughterford*, or either of them, in lieu of or in Exchange for any other Meſſuages, Lands, Tenements, or Hereditaments, within the ſaid ſeveral Pariſhes, or either of them, or within any adjoining Pariſh, Hamlet, Townſhip, or Place; provided that every ſuch Exchange be aſcertained, ſpecified, and declared, in the Award of the ſaid Commiſſioner, and provided that every ſuch Exchange be made with the Conſent of the Owner or Owners, Proprietor or Proprietors, of the Meſſuages, Lands, Tenements, or Hereditaments, which ſhall be ſo exchanged, whether ſuch Owner or Owners, Proprietor or Proprietors, ſhall be a Body or Bodies Politick, Corporate or Collegiate, Tenant or Tenants in Fee Simple or for Life, or in Fee Tail general or ſpecial, or by the Courteſy of *England*, or for Years determinable on a Life or Lives, or with the Conſent of the Guardians, Truſtees, Feoffees for Charitable or other Uſes, Huſbands, Committees, or Attornies of or acting for any ſuch Owners or Proprietors as aforeſaid, who at the Time of making any ſuch Exchange or Exchanges, ſhall be reſpectively Infants, Femes Covert, Lunaticks, or under any other legal Diſability, or who ſhall be beyond the Seas, or otherwiſe diſabled to act for themſelves, himſelf, or herſelf; ſuch Conſent to be teſtified in Writing, under the Common Seal of the Body Politick, Corporate or Collegiate, and under the Hands of the other conſenting Parties reſpectively; and all and every ſuch Exchange and Exchanges ſo to be made, ſhall be good, valid, and effectual in the Law, to all Intents and Purpoſes whatſoever: Provided nevertheleſs, that no Exchange ſhall be made of any Meſſuages, Lands, Tenements, or Hereditaments, held in Right of any Church, Chapel, or other Eccleſiaſtial Benefice, without the Conſent, teſtified as aforeſaid, of the Patron, thereof, and of the Biſhop of the Dioceſe, in which ſuch Meſſuages, Lands, Tenements, or Hereditaments ſo to be exchanged ſhall be ſituate.

Expences of Partitions and Exchanges, by whom to be paid.

XXII. And be it further enacted, That the Coſts, Charges, and Expences attending the making of any Partition or Exchange which ſhall be made by virtue of this or the ſaid recited Act, ſhall be borne and defrayed by the reſpective Parties making ſuch Partition or Exchange, diſtinct and apart from the other Expences attending the Execution of this Act, in ſuch Manner as the ſaid Commiſſioner ſhall order and direct.

XXIII. And

Tenants to give up allotted or exchanged Lands, on having Satisfaction.

XXIII. And be it further enacted, That every Tenant and Occupier, under any Leaſe or Agreement for any Term of Years at Rack Rent, now ſubſiſting, of any Lands or Hereditaments which ſhall be allotted or exchanged by virtue of this Act, within the ſaid ſeveral Pariſhes, ſhall immediately after the Signing of the Award of the ſaid Commiſſioner, or within ſuch further Time as the ſaid Commiſſioner ſhall appoint, and whereof Notice in Writing ſhall be given for that Purpoſe, deliver up the full and peaceable Poſſeſſion of ſuch allotted or exchanged Lands and Hereditaments, to the Perſon or Perſons to or with whom the ſame ſhall be allotted or exchanged; but the Tenants or Occupiers of ſuch allotted or exchanged Lands and Hereditaments ſhall receive from the reſpective Owners and Proprietors thereof, ſuch Satisfaction as the ſaid Commiſſioner ſhall aſcertain, order, and direct to be paid to ſuch Tenants reſpectively, as an Equivalent for the Loſs or Loſſes they may reſpectively ſuſtain thereby; and if the Money to be aſcertained as aforeſaid ſhall not be paid to the Perſon or Perſons entitled to receive the ſame, within Ten Days after Demand made thereof, it ſhall and may be lawful to and for the ſaid Commiſſioner, and he is hereby required to raiſe and levy the ſame, for the Uſe and Benefit of the Perſon or Perſons entitled thereto, by ſuch Ways and Means as the Coſts, Charges, and Expences of obtaining and executing this Act can or may be raiſed or levied: Provided always, that nothing herein contained ſhall be conſidered to extend to vacate any Leaſe or Leaſes otherwiſe than as aforeſaid.

Penalty on Perſons ſtocking Lands after Extinguiſhment of Right of Common.

XXIV. And be it further enacted, That if any Perſon or Perſons, after any Right of Common or Feeding ſhall be ſuſpended or extinguiſhed, under or by virtue of the ſaid recited Act or of this Act, ſhall during ſuch Suſpenſion or Extinguiſhment thereof, ſtock or depaſture, with Sheep or other Stock, any Part of the ſaid Grounds on which ſuch Right of Common or Feeding ſhall be ſo directed to be ſuſpended or extinguiſhed as aforeſaid, it ſhall be lawful for any Proprietor or Proprietors of any of the ſaid Lands and Grounds, or any Perſon or Perſons by the ſaid Commiſſioner to be appointed from Time to Time, to diſtrain all ſuch Cattle, Sheep, and other Stock, then being or depaſturing upon any Part of the ſaid Lands and Grounds, after the ſaid Right of Common or Feeding ſhall be ſuſpended or extinguiſhed, and the ſame to impound until the Perſon or Perſons offending ſhall have paid to the Perſon or Perſons diſtraining the ſame, Ten Shillings *per* Head for all Cattle and other Stock ſo diſtrained, (except Sheep or Pigs), and Sixpence *per* Head for each and every Sheep or Pig ſo diſtrained; and in caſe the ſame be not paid within Five Days after ſuch Diſtreſs, then the ſaid Commiſſioner, or any Juſtice of the Peace for the ſaid County of *Wilts*, is hereby authorized and required, on Proof upon Oath by one credible Witneſs (which Oath the ſaid Commiſſioner or ſuch Juſtice is hereby empowered to adminiſter) of ſuch Offence, and the Non-payment of the Penalty hereby impoſed, and ſo often as the ſame ſhall happen, by Warrant under the Hand and Seal of the ſaid Commiſſioner, or under the Hand and Seal of any ſuch Juſtice, and directed to the Conſtable or Conſtables of the ſaid Pariſhes of *Biddeſtone Saint Nicholas*, *Biddeſtone Saint Peters*, and *Slaughterford*, or One of them, who is and are hereby required to execute every ſuch Warrant, and to cauſe ſuch and ſo many of ſuch Cattle, Sheep and Pigs, and other Stock, to be ſold, as ſhall be ſufficient for raiſing and paying the Penalty aforeſaid, together with the Coſts and Charges attending ſuch Diſtreſs and Sale; rendering the Overplus (if any) to the Owner or Owners of ſuch Cattle or Sheep, on

Demand; which Warrant, and the Proceedings to be had thereon, ſhall be binding and concluſive on the Parties.

Cattle not to be turned into Lanes.

XXV. Provided always, and be it further enacted, That no Perſon ſhall, at any Time after the Execution of the ſaid Award, turn or put, or cauſe to be turned or put, any Horſes, Cattle, Sheep, Swine, or Lambs, into any of the Roads or Ways to be ſet out by virtue of this Act, or into the Allotment or Allotments to be made for Stone Quarries.

For paying the Expences of this Act.

XXVI. And be it further enacted, That all the Coſts, Charges, and Expences of incloſing and fencing the Allotment to be made to the ſaid Rector and his Succeſſors, in lieu of his Glebe, and for Stone Quarries reſpectively, and all other the Coſts, Charges, and Expences incident to and attending the obtaining and paſſing this Act, and of ſurveying, admeaſuring, planning, dividing, and allotting the Lands and Grounds hereby directed to be divided, allotted, and incloſed, and all the Coſts, Charges, and Expences of ſetting out and making the publick and private Roads and Ways to be made and ſet out by virtue of the ſaid recited Act and of this Act, and of preparing and inrolling the ſaid Award, and all other Coſts, Charges, and Expences of the ſaid Commiſſioner, and of the ſeveral other Perſons to be employed by him, either before or after the Execution of the ſaid Award, in and about the Premiſes, and all other Expences of carrying this Act and the ſaid recited Act into Execution, ſhall be borne and defrayed by the ſeveral Perſons to whom any Allotment or Allotments ſhall be made by virtue of this Act (ſave and except the ſaid Rector and his Succeſſors, for and in reſpect of any Allotment or Allotments to be made to him, and the Allotment for Stone Quarries as aforeſaid) in ſuch Proportions, and ſhall be paid to ſuch Perſon or Perſons, and at ſuch Time or Times, as ſhall be ſettled, adjuſted, determined, and directed, by the ſaid Commiſſioner, by any Writing or Writings under his Hand, to be affixed on the principal outer Door of the ſaid Pariſh Church of *Biddeſtone Saint Nicholas*, at leaſt Fourteen Days before the Time of Payment; and the ſame ſhall, in caſe of Non-payment thereof, or of any Part thereof, be levied and recovered in ſuch Manner as is provided or mentioned by the ſaid recited Act.

Perſons advancing Money towards the Expences of this Act, to be re-paid with Intereſt.

XXVII. And be it further enacted, That if any of the Proprietors or Perſons intereſted in the Lands and Grounds hereby intended to be divided, allotted, and incloſed, or any other Perſon or Perſons, ſhall advance and pay any Money in Diſcharge of the Fees or other Expences of obtaining and executing this Act, the Money ſo advanced and paid ſhall be repaid and ſatisfied by the Direction of the ſaid Commiſſioner, together with lawful Intereſt for the ſame.

Deeds and Wills not to be affected.

XXVIII. Provided always, and be it further enacted, That nothing in this or in the ſaid recited Act contained ſhall extend, or be conſtrued to extend, to revoke, make void, alter, or annul any Will, Deed, or Settlement, or to prejudice any Perſon or Perſons having any Right or Claim of Dower, Jointure, Portion, Debt, Rent, or Incumbrance, out of, upon, or affecting any of the Meſſuages, Buildings, Lands, or Grounds, to be divided, allotted, incloſed, or exchanged as aforeſaid, or any Part or Parts thereof reſpectively; but that the reſpective Perſons to whom any Lands or Hereditaments ſhall be allotted or given in Exchange, by virtue of this or the ſaid recited Act, ſhall be ſeiſed thereof to ſuch and the ſame Uſes,

and for ſuch and the ſame Eſtates, and ſubject to ſuch and the ſame Wills, Jointures, Settlements, Rents, Charges, and Incumbrances, and no other, as the Meſſuages, Buildings, Lands, Grounds, and Hereditaments, whereof ſuch Perſon was ſeiſed or poſſeſſed at or immediately before the Execution of the Award to be made by the ſaid Commiſſioner, or for which, or in reſpect whereof, ſuch Allotments or Exchanges ſhall be made, ſhould have been ſubject to be charged with and affected by in caſe this Act had not been made.

How Expences ſhall be raiſed upon Copyholds.

XXIX. And be it further enacted, That when and ſo often as it may be neceſſary to charge any Allotment or Allotments with any Sum or Sums of Money, by Way of Mortgage, for paying and defraying any Share or Shares of ſuch Coſts, Charges, and Expences, as are by the ſaid recited Act authorized to be charged thereon, and ſuch Allotment or Allotments ſhall be Copyhold, then and in ſuch Caſe ſuch Copyhold Lands and Premiſes ſhall be ſurrendered for the due Payment thereof, with Intereſt, to the Uſe of ſuch Perſon or Perſons who ſhall advance and lend ſuch Sum or Sums of Money by Way of Mortgage, his, her, or their Heirs and Aſſigns, according to the Cuſtom or Cuſtoms of the Manor or Manors whereof the ſame ſhall be holden, inſtead of being mortgaged and ſurrendered to ſuch Perſon or Perſons, his, her, or their Executors, Adminiſtrators, of Aſſigns, for a Term of Years, as mentioned in the ſaid recited Act; but in caſe ſuch Allotment or Allotments ſhall be Leaſehold, then ſuch Sum or Sums of Money ſhall be raiſed in the Manner authorized by the ſaid recited Act.

Commiſſioner to lay his Accounts before Two Juſtices, once in every Year.

XXX. And be it further enacted, That Once at leaſt in each and every Year during the Execution of this Act, (ſuch Year to be computed from the Day of the paſſing thereof), the ſaid Commiſſioner ſhall and he is hereby required to make a true and juſt Statement or Account of all Sums of Money by him received and expended, or due to him for his own Trouble or Expences in the Execution of this Act; and ſuch Statement or Account, when ſo made, together with the Vouchers relating thereto, ſhall be by him laid before any Two or more of His Majeſty's Juſtices of the Peace for the ſaid County of *Wilts*, to be by them examined and balanced; and ſuch Balance ſhall be, by ſuch Juſtices, ſtated in the Book of Accounts to be kept in the Office of the Clerk to the ſaid Commiſſioner; and no Charge or Item in ſuch Account ſhall be binding on the Parties concerned, or valid in Law, unleſs the ſame ſhall have been duly allowed by ſuch Juſtices.

Award to be depoſited.

XXXI. And be it further enacted, That the Award to be made by the ſaid Commiſſioner, when inrolled in Manner directed by the ſaid recited Act, ſhall be depoſited in the Pariſh Church of *Biddeſtone Saint Nicholas* aforeſaid.

Perſons aggrieved may appeal to the Quarter Seſſions.

XXXII. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of this or the ſaid recited Act (other than and except ſuch Orders and Determinations of the ſaid Commiſſioner as are by the ſaid recited Act, or herein, directed to be final and concluſive, and except in ſuch Caſes wherein an Iſſue at Law ſhall be tried, as herein-before mentioned), then and in every ſuch Caſe he, ſhe, or they may appeal to the General Quarter Seſſions of the Peace which ſhall be holden for the ſaid County of

of *Wilts*, within Six Calendar Months next after the Cauſe of Complaint ſhall have ariſen, on giving to the ſaid Commiſſioner, and to the Party or Parties concerned Twenty-eight Days Notice in Writing of ſuch Appeal, and of the Matter thereof, and the Juſtices (not intereſted in the Premiſes) in their ſaid General Quarter Seſſions, are hereby required to hear and determine the Matter of every ſuch Appeal, and to make ſuch Order 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) on Demand, to the Owner or Owners of ſuch Goods or Chattels, after deducting the reaſonable Charges of ſuch Warrant, Diſtreſs, and Sale; and the Determination of the ſaid Juſtices ſhall be final and concluſive to all Parties concerned, and ſhall not be removed by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*, or elſewhere; but in caſe ſuch Appeal ſhall appear to the ſaid Juſtices to be frivolous, vexatious, or without Foundation, then the ſaid Juſtices ſhall award ſuch Coſts, to be paid by the Appellant or Appellants, as to them in their Diſcretion ſhall ſeem reaſonable, and to be levied in Manner aforeſaid.

General Saving.

XXXIII. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and to all and every other Perſon or Perſons, Body or Bodies Politick, Corporate and Collegiate, his, her, and their Heirs, Succeſſors, Executors, and Adminiſtrators, (except the ſeveral Perſons to whom any Allotment or Allotments ſhall be made in purſuance of this Act, for and in reſpect of ſuch Rights and Intereſts as are hereby meant and intended to be barred, deſtroyed, and extinguiſhed, and all Perſons reſpectively claiming under them, or in Remainder after them), all ſuch Eſtate, Right, Title, and Intereſt, as they, every, or any of them, could or ought to have had and enjoyed in, to, or out of the Lands and Grounds hereby directed to be divided, allotted, and incloſed, in caſe this Act had not been made.

Act to be printed by the King's Printer.

XXXIV. And be it further enacted, That this Act ſhall be printed by the Printer to the King's moſt Excellent Majeſty; and a Copy thereof, ſo printed, ſhall be admitted as Evidence thereof, by all Judges, Juſtices, and others.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1811.