ANNO QUINQUAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 176.

An Act for incloſing Lands in the ſeveral Pariſhes of *Calne*, *Calſtone-Wellington*, and *Blackland*, in the County of *Wilts*. [22d *June* 1813.]

WHEREAS there are within the Pariſhes of *Calne* and *Blackland*, in the County of *Wilts*, ſeveral Commons called *The Marſh*, and *Alders*, and *Blackland Common*; and there are alſo within the Pariſhes of *Calne* aforeſaid, *Calſtone-Wellington*, and in *Blackland* aforeſaid, ſeveral other Commons, Commonable Places, and Waſte Lands, and divers Open and Common Fields, Common Meadows, and Common Paſtures: And whereas the moſt Honourable the Marquis of *Lanſdowne* is Lord of the ſeveral Manors of *Calne* and *Calſtone*, and *Calſtone-Wellington* aforeſaid; and *John Eardley Wilmot* Eſquire is the Lord of the Manor of the Prebend of *Calne* aforeſaid, as the Leſſee of the Treaſurer of the Cathedral Church of the Bleſſed Virgin *Mary*, in *Sarum*, in the ſaid County, as Truſtee for the ſaid Marquis, and *Thomas Henry Hume* Clerk is now the Treaſurer of the ſaid Cathedral Church; and the Guild Stewards and the Burgeſſes of the Borough of *Calne* aforeſaid are or claim to be Lords of and entitled to the Manorial or other Rights and Soil, and to other Privileges of and in the ſaid Commons called *The Marſh* and *Alders*, and the ſaid Guild Stewards and Burgeſſes are alſo, or claim to be, entitled to ſeveral other Rights of Common of, in, and over the ſaid Open and Common Fields, Common Meadows, and Common Paſtures within the ſaid Borough of *Calne*; and *John Merewether* Gentleman is Lord of the Manor of *Blackland* aforeſaid: And whereas the ſaid *John Eardley Wilmot*, as ſuch Leſſee, under the ſaid Treaſurer of the Cathedral Church of *Sarum* as aforeſaid, is ſeiſed of the Impropriate Rectory of the Prebend of *Calne* aforeſaid, and in Right thereof is entitled

to all the Great Tithes arising, growing, and renewing from and out of the Lands and Grounds within the said Parish of *Calne* aforesaid in Trust as aforesaid: And whereas the said Treasurer of the Cathedral Church of *Sarum* as aforesaid, is seised of the Perpetual Advowson, Right of Patronage and Presentation, of, in, and to the Vicarage of *Calne* aforesaid: And whereas *Thomas Greenwood* Clerk is Vicar of the Vicarage of the said Parish of *Calne*, and as such is entitled to a Beast Leaze in the said Commons called *The Marsh* and *Alders*, and also to certain Glebe Lands belonging to the said Vicarage, as well as to all the Small Tithes arising, growing, and renewing within the said Parish of *Calne*: And whereas the said Marquis is seised of the Perpetual Advowson, Right of Patronage and Presentation, of, in, and to the Rectory of *Calstone-Wellington* aforesaid: And whereas *Charles Townsend* Clerk is Rector of the Rectory of the said Parish of *Calstone-Wellington* aforesaid, and in Right of the said Rectory is entitled to certain Glebe Lands thereunto belonging, and to the Great and Small Tithes arising, growing, and renewing within the said Parish of *Calstone-Wellington* aforesaid: And whereas *James Mayo* Clerk is seised of the Perpetual Advowson, Right of Patronage and Presentation, of, in, and to the Rectory of *Blackland* aforesaid, and is also the Rector and present Incumbent thereof, and as such is entitled to certain Glebe Lands thereunto belonging, and to all the Great and Small Tithes arising, growing, and renewing within the said Parish of *Blackland* and elsewhere, appurtenant to the said Rectory: And whereas the said Marquis, the said Guild Stewards and Burgesses, and the said *John Merewether*, *William Northey* Esquire, *Arabella Walker*, *Heneage Mary Merewether*, Widows, *John Bishop* and *Thomas Stratton Stretch*, Gentlemen, and divers other Persons are seised of and entitled to the said Open and Common Fields, Common Meadows, Common Pastures, Commons, Commonable Places, and Waste Lands, or some or one of them, and to divers Rights of Feeding and other Interests therein, within the said several Parishes of *Calne*, *Calstone-Wellington*, and *Blackland*, or some or one of them: And whereas an Act was passed in the Forty-first Year
41 G. 3. c. 109. 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 passing of such Acts*: And whereas the Lands of the respective Proprietors of the said Open and Common Fields, Common Meadows, and Common Pastures in the said several Parishes lie very much intermixed and dispersed in small Parcels, whereby the Cultivation thereof is rendered 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 respective 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: 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 Gale* of *Stert*, in the County of *Wilts*, Gentleman, and *Richard Parsons* of *North Standing*, in the said County of *Wilts*, Gentleman, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby

Commissioners.

hereby appointed Commiſſioners for ſetting out, dividing, allotting, and incloſing all the Open and Common Fields, Common Meadows, Common Paſtures, Commons, Waſtes, and other Commonable Lands and Grounds, and for carrying this Act and the ſaid recited Act into Execution, ſubject to ſuch of the Regulations, Directions, Reſtrictions, and Proviſions contained in the ſaid recited Act, as are not varied, altered, or controuled by or repugnant to any of the Powers or Proviſions contained in this Act.

Appointment of Umpire.

II. And be it further enacted, That before the ſaid Commiſſioners ſhall proceed to any other Buſineſs touching the Execution of this Act, they ſhall appoint ſome other Perſon (not intereſted in the ſaid Diviſion and Incloſure) to be an Umpire between them; and in caſe ſuch Perſon, or any other Perſon to be appointed as Umpire as herein-after mentioned, ſhall die, or refuſe to act, or become incapable of acting as ſuch, the ſaid Commiſſioners ſhall and they are hereby required forthwith to appoint another Perſon (not intereſted in the ſaid Diviſion and Incloſure) to be an Umpire in his Stead; and whenever the ſaid Commiſſioners ſhall differ or diſagree in Opinion touching any Matter or Thing to be by them done or performed in purſuance of this Act, then and in every ſuch Caſe the Matter in Queſtion ſhall be determined by the Umpire to be appointed as aforeſaid, whoſe Determination thereon ſhall be deemed and acted upon as the Determination of the ſaid Commiſſioners.

Umpire to be ſworn.

III. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as Umpire in the Execution of the Powers given by this Act or the ſaid recited Act, until he ſhall have taken and ſubſcribed the Oath following; (that is to ſay)

Oath.

'I do ſwear, That I will faithfully, impartially, and honeſtly, according to the beſt of my Skill and Judgment, execute and perform the ſeveral Powers and Authorities veſted and repoſed in me as Umpire by virtue of an Act paſſed in the Fifty-third Year of the Reign of King *George* the Third, intituled *An Act* [*here inſert the Title of this Act*] according to Equity and good Conſcience, and without Partiality, Favour, or Affection, Prejudice, or Malice, to any Perſon or Perſons whomſoever. So help me GOD.'

Which Oath it ſhall be lawful for either of the ſaid Commiſſioners to adminiſter; and the ſaid Oath, ſo taken and ſubſcribed by ſuch Umpire, together with the Appointment of every ſuch Umpire, ſhall be enrolled, annexed to, and depoſited with the Award of the ſaid Commiſſioners.

Power to appoint new Commiſ-

IV. And be it further enacted, That if either of the ſaid Commiſſioners hereby appointed, or any other Commiſſioner to be appointed as herein-after mentioned, ſhall before the completing the ſaid Diviſion or Incloſure, die, or refuſe to act, or become incapable of acting as a Commiſſioner in the Execution of this Act, then and in every ſuch Caſe, the Umpire to be appointed by the ſaid Commiſſioners hereby appointed as aforeſaid, ſhall be a Commiſſioner in the room of every Commiſſioner ſo dying, refuſing to act, or being incapable of acting as aforeſaid; and ſo from Time to Time, as often as either of the Commiſſioners ſo to be appointed as aforeſaid for the Time being, ſhall happen to die, refuſe to act, or be incapable of acting as aforeſaid; and every ſuch new Commiſ-

sioner so to be appointed, shall have the like Powers and Authorities for putting the said recited Act and this Act into Execution, as if he or they had been named and appointed a Commissioner in and by this Act.

Appointment of other Umpires.

V. And be it further enacted, hat in case the Umpire or Umpires so to be appointed as aforesaid, shall hereafter become a Commissioner or Commissioners in the room of any of the Commissioners appointed by this Act, or so to be hereafter appointed as aforesaid on the Event of such Commissioner or Commissioners so dying or refusing to act, or become incapable of acting as aforesaid, in the Execution of this Act, before all the Powers, Authorities and Trusts hereby reposed in the said Commissioners hereby appointed shall be fully executed and performed, it shall be lawful for the said Commissioners for the Time being, and they are hereby directed from Time to Time to appoint One other fit and proper Person, not interested in the Premises, to be an Umpire in the Place of all and every such Umpire to be appointed as aforesaid, who shall or may hereafter become a Commissioner or Commissioners for carrying into Execution the Powers of this and the said recited Act.

Declaring what shall be a Refusal to act.

VI. And be it further enacted, That if any Commissioner for executing this Act shall not attend on 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.

Power to appoint a Clerk or Clerks.

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

Power to appoint a Surveyor.

VIII. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized to appoint a Surveyor for the Purposes of this Act, for and during the Will and Pleasure of the 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 a Surveyor or Surveyors for the Purposes of this Act, for and during the Will and Pleasure of the Commissioners; 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.

IX. 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 in the Form following; (*videlicet*),

Surveyor's Oath.

'I do sincerely promise and swear, That I will act in the Execution of the Duties incumbent on me as Surveyor, by virtue of an Act passed in the Fifty-third Year of the Reign of King *George* the Third, intituled *An Act for inclosing Lands in the Parishes of* Calne, Calstone-Wellington, *and* Blackland, *in the County of* Wilts, truly, impartially, and honestly, according to the best of my Skill, Judgment, and Ability, without Favour or Affection, Prejudice or Malice, to any Person or Persons whomsoever. So help me GOD.'

And either of the Commissioners is hereby authorized, at their First Meeting after any Appointment of any Surveyor for the Purposes of this Act, to

to adminiſter the ſaid Oath to the ſaid Surveyor; and the Oath ſo taken and ſubſcribed by each Surveyor ſhall be enrolled with the Award of the ſaid Commiſſioners.

Notice of Meetings.

X. And be it further enacted, That the ſaid Commiſſioners ſhall give or cauſe Notice to be given in the Pariſh Churches of *Calne*, *Calſtone-Wellington*, and *Blackland* aforeſaid, upon ſome *Sunday* immediately before Divine Service, and by Advertiſement to be inſerted in *The Saliſbury and Wincheſter Journal*, *The Bath Chronicle*, or ſome other Newſpaper, circulated in the ſaid County of *Wilts*, of the Time and Place of their Firſt and every other 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 be lawful for the ſaid Commiſſioners, or One or more of them, from Time to Time to adjourn ſuch Meeting to ſuch Time and Place within the ſaid Pariſh of *Calne* as he or they 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.

Other Notices how to be given.

XI. And be it further enacted, That all Notices, neceſſary or requiſite to be made and given by the ſaid Commiſſioners 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 Chronicle*, or ſome other Newſpaper circulated in the ſaid County of *Wilts*, or by affixing the ſame on the principal Outer Door of the Churches in the ſaid ſeveral Pariſhes of *Calne*, *Calſtone-Wellington* and *Blackland*.

Place of Meeting.

XII. And be it further enacted, That all Meetings of the ſaid Commiſſioners for putting this Act into Execution, or of any Matter relating thereto, ſhall be holden within the ſaid Pariſh of *Calne*.

Commiſſioners to ſettle Diſputes.

XIII. 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 or any of them ſhall have or claim to have or be entitled to, in, upon, or over, the ſame Open and Common Fields, Common Meadows, Common Paſtures, Commons, Commonable Places and Waſte Lands reſpectively, 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 Commiſſioners to examine into, hear, and determine the ſame.

Commiſſioners not to determine Titles nor moleſt Poſſeſſion.

XIV. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend to authorize or empower the ſaid Commiſſioners or Umpire to determine the Title to any Meſſuages, Tenements, Cottages, Lands or Hereditaments whatſoever, nor to determine any Right between any Parties, contrary to the Poſſeſſion of any of ſuch Parties (except in Caſes of Encroachment); but in caſe the ſaid Commiſſioners or Umpire ſhall be of Opinion againſt the Right of the Perſon or Perſons ſo in Poſſeſſion, they ſhall forbear to make any Determination thereupon, until

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.

Commiſſioners may award Coſts.

XV. And be it further enacted, That in caſe the ſaid Commiſſioners, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them in purſuance of 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 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 their Determination ſhall be made, by the Perſon or Perſons whoſe Claim or Claims, Objection or Objections ſhall be thereby diſallowed or over-ruled; and in caſe the Perſon or Perſons who ſhall be liable to pay ſuch Coſts and Charges ſhall neglect or refuſe to pay the ſame on Demand, then and in ſuch Caſe it ſhall be lawful for ſuch 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.

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

XVI. 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 Commiſſioners or Umpire, 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 Commiſſioners, or leave the ſame at their 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 Commiſſioners are 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 Commiſſioners, at the then next or 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 thereunto and file Com-

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mon 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 Commiſſioners ſhall and are hereby required to act in conformity thereto, and to allow or diſallow the Claim or Claims thereby determined, according to the Event of ſuch Trial or Trials: Provided always, that the Determination of the Commiſſioners 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 Proceedings not to abate.

XVII. 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.

XVIII. 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 herein-before limited for bringing ſuch Action or Actions, it ſhall be lawful for the Perſon or Perſons Bodies Politic or Corporate, or Collegiate, 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 or Clerks of the ſaid Commiſſioners 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.

Power to divert and ſtop ancient Roads.

XIX. And be it further enacted, That the Commiſſioners or Umpire ſhall and may, and they and he are and is hereby empowered to divert and turn or ſtop up and diſcontinue, or cauſe to be diverted and turned or ſtopped up and diſcontinued, any ancient public Carriage Road or Way, Roads or Ways, or any ancient public Footway or Path, Footways or Paths, in, through, upon, or over any of the Open and

Common Fields, Common Meadows, Common Paſtures, Commons, Commonable Places and Waſte Lands, intended to be divided, allotted and incloſed, or in, through, upon or over any Old Incloſures, or other Lands or Grounds within the ſaid Pariſhes of *Calne*, *Calſtone-Wellington* and *Blackland*, or either of them, as the Commiſſioners or Umpire ſhall judge requiſite or expedient, and ſhall give ſuch Notice of a Day to be appointed by them or him to receive Objections thereto, as in the ſaid recited Act is directed and required in the Caſe of ſetting out the Roads and Ways therein mentioned, and ſhall in all Reſpects obſerve the Directions of the ſaid recited Act, as to the obtaining the Concurrence and Order of Two Juſtices of the Peace previous thereto; and the Orders of the Commiſſioners or Umpire ſhall be ſubject to an Appeal to the Quarter Seſſions, as in the ſaid recited Act is expreſſed; and the Soil of the Roads and Ways ſo ſtopped up and diſcontinued, ſhall be deemed and taken as Part of the Lands and Grounds to be divided and allotted by virtue of this Act.

Commiſſioners to determine as to Encroachments.

XX. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby required to enquire and determine what Incloſures have been taken from, and what Encroachments have been made upon the Lands and Grounds intended to be divided, allotted and incloſed, or upon any Part or Parts thereof; and all ſuch Incloſures taken or Encroachments made from or on the ſame (ſave and except ſuch as have been held and enjoyed for Twenty Years paſt without Interruption) ſhall be deemed and taken to be Part and Parcel of the Lands and Grounds intended to be divided, allotted and incloſed by virtue of this Act, and ſhall be divided, allotted and incloſed accordingly.

Allotment for Quarries.

XXI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required to ſet out and allot 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; and which ſaid Allotment or Allotments when made and ſet out ſhall, from and after the Execution of the Award to be made in purſuance of this and the ſaid recited Act, be veſted in the Surveyor or Surveyors of the Highways for the Time being, of the reſpective Pariſhes in which ſuch laſt-mentioned Allotment or Allotments ſhall be made, in Truſt for the Purpoſes aforeſaid; and it ſhall be lawful for any ſuch Surveyor or Surveyors, from Time to Time, to let the Herbage ariſing or growing upon ſuch Allotment or Allotments for the moſt Money that can be gotten for the ſame; and ſuch Surveyor or Surveyors ſhall apply ſuch Money towards the Repairs of the ſaid Roads, and ſhall account for ſuch Money in like Manner as for any other Monies coming to his or their Hands, in ſuch his or their Capacity of Surveyor or Surveyors, and ſhall be ſubject to the like Penalties for neglecting ſo to do.

The Common called The Alders to be

XXII. And be it further enacted, That the Commiſſioners or Umpire ſhall and they and he are and is hereby authorized and required to allot unto the ſaid Marquis of *Lanſdowne*, his Heirs and Aſſigns, the ſaid Common

Common called *The Alders*, within the Parish of *Calne* aforesaid, containing Sixty-two Acres; and also all Thorns and Bushes standing and growing upon the same, for or in lieu of his the said Marquis's Rights of and in the said several and respective Commons and Waste Lands within the said Parish of *Calne*, or so far as his Right or Share thereof shall extend; but if the said Allotment of the said Common called *The Alders*, and the Thorns and Bushes standing and growing thereon, shall be more than an Equivalent for the said Rights of the said Marquis, that then the said Marquis, his Heirs and Assigns, shall and may permit the Commissioners and Umpire, and they are hereby authorized and directed to award and allot a sufficient Part of other Lands in the Common Fields, hereby directed to be divided, allotted or inclosed, now held by the said Marquis, his Tenant or Tenants, to make up a full Compensation and Equivalent for the said Common called *The Alders*, and the Thorns and Bushes standing and growing thereon: Provided nevertheless, that no Allotment shall be made of such Lands in the Common Fields which shall be at a greater Distance than One Mile from the Market House in the Town of *Calne* aforesaid, without the Consent to be signified to the Commissioners in Writing of the Party or Parties interested in the particular Allotment or Allotments that may be made at any greater Distance, and from and immediately after the said Common called *The Alders* shall have been allotted to the said Marquis, the same shall cease to be Commonable Land.

allotted to the Marquis of Lansdowne.

XXIII. And be it further enacted, That the said Commissioners shall from Time to Time set out and allot such Part or Parts of the said Commons, Commonable Places and Waste Lands (except the said Common called *The Alders*, so to be allotted to the said Marquis as aforesaid,) as they shall judge sufficient in Value, when sold, to defray the necessary Charges and Expences attending the applying for and obtaining and passing and executing this Act; and shall expose the said Allotment or Allotments to public Sale, by Auction or otherwise, in Manner and subject to the Directions and Regulations mentioned in the said recited Act; and that the said Commissioners shall, on Payment of the Purchase Money for such Allotment or Allotments so to be sold for the Purposes aforesaid, by Indentures under their Hands and Seals, to be by them executed in the Presence of and attested by Two or more credible Witnesses, convey, assure and confirm, by way of Lease and Re-lease, the same Allotment or Allotments unto and to the Use of the Purchaser or Purchasers thereof, his, her, or their Heirs and Assigns for ever, or unto such Person or Persons as such Purchaser or Purchasers shall direct or appoint; such Direction or Appointment to be in Writing under his, her, or their Hands and Seals respectively.

Lands to be sold to pay Expences.

XXIV. And be it further enacted, That the said Commissioners shall and they are hereby required, in the next Place, to set out and allot unto and for the said *Thomas Greenwood* and his Successors, Vicars of the said Vicarage of *Calne*, and unto and for the said *Charles Townsend* and his Successors, Rectors of the said Rectory of *Calstone-Wellington*, and unto and for the said *James Mayo* and his Successors, Rectors of the said Rectory of *Blackland*, such Part and Proportion of the Lands and Grounds hereby directed to be divided and inclosed as shall in the Judgment of the said Commissioners be equal in Value to and a full Compensation for

Allotment to the Vicar of Calne, and to the Rectors of Calstone-Wellington and Blackland, in lieu of their Glebe in their respective Parishes.

for the preſent unincloſed Glebe Lands belonging to the ſaid *Thomas Greenwood*, *Charles Townſend*, and *James Mayo*, as ſuch Vicar and Rectors as aforeſaid, and for any Rights or Intereſts appertaining to the ſame.

Allotment to the Vicar of Calne in lieu of Small Tythes of Commons, called the Marſh and Alders, and Quemerford Commons.

XXV. And be it further enacted, That the ſaid Commiſſioners ſhall in the next Place, and they are hereby authorized and required to ſet out and allot unto and for the ſaid *Thomas Greenwood* and every of his Succeſſors, Vicar of the ſaid Pariſh of *Calne* for the Time being, ſuch Parcel or Parcels of the ſaid Commons and Waſte Lands, (except the ſaid Common called *The Alders*), as in the Judgment of the ſaid Commiſſioners ſhall be a full Equivalent and Compenſation for the Small Tythes ariſing or payable from, for or in reſpect of the Commons called *The Marſh* and *Alders*, and *Quemerford Commons* aforeſaid; and ſuch Allotment or Parcel or Parcels of Land when ſo ſet out, and being well and ſufficiently Ring-fenced at the Coſts and Expences of the other Proprietors, ſhall be accepted and taken and be held and enjoyed by the ſaid Vicar and his Succeſſors, Vicars of *Calne* for the Time being.

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

XXVI. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized and required to ſet out, allot and award unto and for the ſaid Marquis, as Lord of the ſeveral Manors of *Calne* and *Calſtone* and *Calſtone-Wellington*, and unto the ſaid *John Eardley Wilmot*, as Lord of the Manor of the Prebend Manor of *Calne* aforeſaid, as ſuch Leſſee as aforeſaid, in Truſt as aforeſaid, and unto the Guild Stewards and Burgeſſes of *Calne* aforeſaid, as Lords of the Manorial Rights and Soil of the ſaid Commons called *The Marſh* and *Alders*, and alſo in reſpect of other their Rights in the ſaid Common Fields, Common Meadows, Common Paſtures, Commons, Commonable Places and Waſte Lands, and unto the ſaid *John Merewether*, as Lord of the ſaid Manor of *Blackland*, ſo much and ſuch Part of the ſaid ſeveral and reſpective Common Fields, Common Meadows, Common Paſtures, Commons and Waſte Lands, hereby directed to be divided, allotted and incloſed, as are ſituate, lying and being within the ſaid reſpective Manors of *Calne* and *Calſtone* and *Calſtone-Wellington*, *Calne Prebend*, and *Blackland*, as in the Judgement of the ſaid Commiſſioners 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 the ſaid ſeveral Manors.

Allotment of the Reſidue.

XXVII. And be it further enacted, That the ſaid Commiſſioners ſhall and they are 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 hereby directed 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 the Vicar of Calne and Rectors of Calſtone-

XXVIII. And be it further enacted, That the Lands to be ſet out and allotted by virtue of this Act, to and for the ſaid *Thomas Greenwood*, *Charles Townſend* and *James Mayo*, and their reſpective Succeſſors, Vicars and Rectors as aforeſaid, in reſpect of their ſaid Glebe Lands ſhall be incloſed

closed 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 Commissioners 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 Commissioners shall in and by their 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 Vicar and Rectors) in such Manner as the said Commissioners shall by their 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 *Thomas Greenwood*, *Charles Townsend* and *James Mayo*, and their respective Successors, Vicars and Rectors as aforesaid.

Wellington and Blackland, to be fenced at the Proprietors Expence.

XXIX. And be it further enacted, That it shall be lawful for the said Commissioners to set out, allot and award any Messuages, Lands, Tenements and Hereditaments within the said several Parishes of *Calne*, *Calstone-Wellington* and *Blackland*, 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 Commissioners; 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 Politic, 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, Lunatics, 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 Politic, 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 Ecclesiastical 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.

Exchanges may be made.

XXX. 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

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

Execution of this Act, in such Manner as the said Commissioners shall order and direct.

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

XXXI. 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 Commissioners, or within such further Time as the said Commissioners 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 Commissioners 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 for the said Commissioners, and they are 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 if there shall be any Lease of Lands, Part of which shall lie in the said Parishes or either of them, and Part in any adjoining Parish, all and every such Lease or Leases, at Rack Rent, now subsisting, may be vacated; but where any Land shall be 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.

Deeds and Wills not to be affected.

XXXII. Provided always, and be it further enacted, That nothing in this or 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 Commissioners, or for which or in respect whereof such Allotments or Exchanges shall be made, would have been subject to be charged with and affected by in case this Act had not been made.

Lands to enure to the same Uses.

Penalty on Persons stocking Lands after ex-

XXXIII. 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, and before the Execution

Execution of the Award directed to be made by the ſaid Commiſſioners, 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 Perſon or Perſons by the ſaid Commiſſioners to be appointed from Time to Time, to diſtrain all ſuch 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 Commiſſioners, or any Juſtice of the Peace for the ſaid County of *Wilts*, are hereby authorized and required, on Proof upon Oath by One credible Witneſs (which Oath the ſaid Commiſſioners or ſuch Juſtice are 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 Hands and Seals of the ſaid Commiſſioners, or under the Hand and Seal of any ſuch Juſtice, and directed to the Conſtable or Conſtables of the ſaid Pariſhes of *Calne*, *Calſtone-Wellington* and *Blackland*, or ſome or One of them, who is or 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 Proceeding to be had thereon, ſhall be binding and concluſive on the Parties.

Extinguiſhment of Right of Common.

XXXIV. Provided always, and be it further enacted, That no Perſon ſhall at any Time after the Execution of the Award of the ſaid Commiſſioners, 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.

Cattle not to be turned into Lanes.

XXXV. And be it further enacted, That the Coſts, Charges, and Expences attending the applying for and obtaining and paſſing this Act, and carrying the ſame and the ſaid recited Act into Effect, and of furveying, meaſuring, planning, valuing, dividing and allotting the ſaid Commons, Commonable Places and Waſte Lands, and of incloſing and fencing ſuch Part or Parts thereof ſo intended to be ſold in purſuance of this Act as aforeſaid (if they ſhall deem it neceſſary ſo to do) and of incloſing and fencing ſuch other Part or Parts of the ſaid Commons, Commonable Places and Waſte Lands as herein-after mentioned, and of making, ſcouring, widening and repairing all ſuch ancient Bridges, Brooks, Rhines, Ditches and Watercourſes as ſhall be deemed neceſſary; and alſo the Coſts and Charges and Expences of firſt forming and making ſuch public and private Roads as are directed to be made by the ſaid Act, and of preparing and enrolling the Award in the ſame Act mentioned, and all other the neceſſary Charges and Expences ariſing and accruing in the Courſe of carrying the Powers herein and in the ſaid recited Act contained in full and complete

Expences of the Act.

Execution and Effect, shall be paid and discharged by the said Commissioners out of the Mony to arise by Sale of Land as herein-before mentioned.

Application of Surplus Money.

XXXVI. And be it further enacted, That in case any Part or Parts of the said Commons, Commonable Places, and Waste Lands (except the Common called *The Alders* as aforesaid) shall be sold for more Money than will be required to defray such Charges and Expences as aforesaid, then and in such Case such Surplus Money shall be divided and apportioned between the several Proprietors of the Lands hereby directed to be divided and inclosed, according to their several and respective Interests therein; or otherwise such Surplus Money shall be paid into the Bank of *England*, in Manner directed by the said recited Act, with respect to Money thereby directed to be paid into the Bank for the Purchase or Exchange of Lands.

Proprietors paying their own Expences, to be entitled to their Proportion without any Deduction for the same.

XXXVII. Provided always, and be it further enacted, That in case any of the Owners or Proprietors of Lands within the said several Parishes shall, in order to prevent the Sale of any Part of their Proportions of the Lands hereby authorized and directed to be sold as aforesaid, be desirous of paying in Money their respective Shares of the Costs and Charges attending the obtaining and passing of this Act and of carrying the same into Execution, and of such their Desire shall give Notice to the said Commissioners before the Sale as herein-before directed, then and in such Case the said Commissioners shall and they are hereby directed to receive in Money the respective Shares of such Owners or Proprietors respectively, of and in such Costs and Charges, and on Payment thereof shall allot and award to such Owners or Proprietors respectively, the Whole of their respective Proportions of and in the Lands and Grounds hereby authorized and intended to be divided and allotted, without any Deduction on Account of such Costs and Charges, any Thing herein contained to the contrary notwithstanding.

How Expences shall be raised upon Copyholds.

XXXVIII. 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 if 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 lawful Interest, to the Use of such Person and 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, or Assigns, for a Term of Years, as mentioned in the said recited Act; but in case any 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.

Commissioners empowered to borrow Money, &c.

XXXIX. And be it further enacted, That it shall be lawful for the said Commissioners to borrow and take up at Interest, of any Person or Persons willing to advance and lend the same, such Sum and Sums of Money as shall

shall from Time to Time be neceſſary for defraying the Charges and Expences of paſſing this Act, and the Expences of executing the ſame, and the ſaid recited Act.

Perſons advancing Money to be repaid with Intereſt.

XL. And be it further enacted, That in caſe any Perſon or Perſons ſhall advance any Sum or Sums of Money for the Purpoſe of defraying the Expences of obtaining and paſſing this Act, and of carrying the ſame into Execution, every ſuch Perſon ſhall be repaid the ſame, together with lawful Intereſt, out of the Firſt Monies which ſhall be raiſed for defraying ſuch Expences under and by virtue of this Act.

Allowance to Commiſſioners and Clerks.

XLI. And be it further enacted, That the ſaid Commiſſioners ſhall be paid the Sum of Three Pounds Three Shillings apiece, and no more, for their Trouble and Expences, for each and every Day they 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 or Clerks to the ſaid Commiſſioners ſhall be paid ſuch Sum as the ſaid Commiſſioners ſhall think right, not exceeding the Sum of Three Pounds Three Shilling apiece for each and every Day he or they ſhall attend upon the ſaid Commiſſioners 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 Commiſſioners in purſuance of this Act, ſhall bear and pay his and their own Expences for ſuch Attendance.

Commiſſioners to lay their Accounts before Two Juſtices once in every Year.

XLII. 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 of this Act), the ſaid Commiſſioners ſhall and they are hereby required to make a true and juſt Statement of all Sums of Money by them received and expended, or due to them for their own Trouble or Expences in the Execution of this Act, in four diſtinct or ſeparate Accounts; *videlicet*, One for the ſaid Commons called *The Marſh* and *Alders*, another for the ſaid Waſte Lands and Common Fields in the ſaid Pariſh of *Calne*, another for the ſaid Waſte Lands and Common Fields in the ſaid Pariſh of *Calſtone-Wellington*, and another for the ſaid Commons, Waſte Lands, and Common Fields in the ſaid Pariſh of *Blackland*; and ſuch Statements and Accounts when ſo made, together with the Vouchers relating thereto, ſhall be by them 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 or Clerks to 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 Juſtices.

Award to be depoſited.

XLIII. And be it further enacted, That the Award to be made by the ſaid Commiſſioners, when enrolled in Manner directed by the ſaid recited Act, ſhall, together with a Plan annexed, be depoſited and kept in the Pariſh Church of *Calne* aforeſaid.

Perſons aggrieved may appeal to the Quarter Seſſions.

XLIV. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done or omitted to be done in purſuance of this Act or the ſaid recited Act (other than

than and except such Orders and Determinations of the said Commissioners 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 hereinbefore 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 *Wilts*, within Six Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioners and to the Party or Parties concerned Twenty-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.

XLV. 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 Politic, 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 he, 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.

XLVI. 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. 1813.