ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 75.

An Act for incloſing Lands in the Tithing of *Littlecot*, in the Pariſh of *Enford*, in the County of *Wilts*.

[18th *May* 1814.]

WHEREAS there are within the Tithing of *Littlecot*, in the Pariſh of *Enford*, in the County of *Wilts*, ſeveral Open and Common Fields, Open and Common Downs, and other Open and Commonable Lands and Waſte Ground: And whereas *John Moore* Gentleman, is Lord of the Manor of *Littlecot*, within the ſaid Pariſh of *Enford*, and as ſuch is entitled to the Ground and Soil of the ſaid Waſte Ground, and to all Royalties thereto belonging: And whereas the ſaid *John Moore*, *William Akerman*, the ſaid *John Prince*, and divers other Perſons, are the Owners and Proprietors of or intereſted in the ſaid Open and Common Fields and Downs: 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:* And whereas the ſaid Open and Common Fields lie very much intermixed and diſperſed, and the ſame, and alſo the ſaid Downs are in their preſent State inconvenient for the Tillage, Cultivation, Uſe, and Management thereof; but if the ſame were divided and allotted amongſt the ſeveral Proprietors in lieu of, and in Proportion to their ſeveral Rights and Intereſts therein reſpectively, and the Allotments thereof incloſed, they might be very much improved and rendered more productive and of greater Value, but the ſame cannot be effected without the Aid and Authority of Parliament: May it therefore pleaſe Your

Your Majeſty that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That *Thomas Davis* of *Horningſham*, in the County of *Wilts*, Gentleman, and his Succeſſors, to be elected in Manner herein-after mentioned, ſhall be, and he is hereby appointed, ſole Commiſſioner for dividing, allotting, laying in Severalty, and incloſing the ſeveral Open and Common Fields and Downs in the Tithing of *Littlecot* herein-before mentioned, and for carrying the ſeveral Purpoſes of the ſaid recited Act and this Act into Execution, and ſubject to the Regulations of the ſaid recited Act, except in ſuch Caſes where the ſame are hereby varied and altered.

Commiſſioner appointed.

II. And be it further enacted, That if the ſaid *Thomas Davis*, or any other Commiſſioner to be elected in Manner herein-after mentioned, ſhall die, neglect, refuſe to act, or become incapable of acting, then the Majority in Value (to be aſcertained according to the Land Tax Aſſeſſment) of the Proprietors or Perſons intereſted in the ſaid Open and Common Fields and Downs, and the Vicar of the ſaid Pariſh of *Enford* for the Time being, if any, ſhall, from Time to Time, within Sixty Days next after any ſuch Death, Refuſal, Neglect, or Incapacity, by Writing under their Hands, elect and appoint ſome other fit and proper Perſon (not intereſted in the ſaid Incloſure) to be a Commiſſioner in the Place and Stead of ſuch Commiſſioner ſo dying, neglecting, or refuſing to act, or becoming incapable; and every Commiſſioner ſo to be appointed as aforeſaid, (after taking the Oath preſcribed in that Behalf) ſhall have the ſame Power and Authority for carrying this Act into Execution, as the Commiſſioner in whoſe Place he ſhall ſucceed was veſted with, provided that Notice be given in the Pariſh Church of *Enford* aforeſaid, upon ſome *Sunday* immediately after Divine Service, of the Time and Place of Meeting, to chooſe ſuch new Commiſſioner at leaſt Ten Days before ſuch Meeting.

Power to elect a new Commiſſioner.

III. And be it further enacted, That the ſaid Commiſſioner acting in the Execution of the Truſts and Powers hereby veſted in him, ſhall be allowed and paid, in Satisfaction for his Trouble and Expences, the Sum of Three Pounds and Three Shillings, and no more, for every Day on which he ſhall be employed in travelling to, attending on, or returning from all Meetings to be held in purſuance of this Act, and the ſaid Commiſſioner ſhall pay his own Expences, and not be allowed for more than One Day's Journey to, and One Day's Journey from the Place of Meeting.

Commiſſioner's Allowance.

IV. And for the more juſt and regular Diviſion and Diſtribution of the ſaid Lands and Grounds, and for the better aſcertaining the ſame; be it further enacted, That a Survey or Admeaſurement ſhall be made of the ſaid Open and Common Fields, Downs, Commonable Lands, and Waſte Grounds, and alſo of the Homeſtead, Home-Cloſes, Yards, Gardens, Orchards, and old Incloſures in the Tithing of *Littlecot* aforeſaid, as ſoon as conveniently may be, by *Thomas Tillbrook*, Land Surveyor, or ſuch other Surveyor or Surveyors as the ſaid Commiſſioner ſhall appoint, on his or their becoming incapable to act, or neglecting or refuſing, for the Space of Six Calendar Months next after the paſſing of this Act, to execute the ſame, which Survey or Admeaſurement ſhall be reduced into Writing, and the Number of Acres, Roods, and Perches, in Statute Meaſure, belonging

Survey to be made.

longing to each Proprietor, ſhall be ſet forth and aſcertained therein, and the ſaid Survey ſhall be laid before the ſaid Commiſſioner at ſome or one of his Sittings to be held in purſuance of this Act, and ſhall be verified by the Oath of the Surveyor who made the ſame, which Oath the ſaid Commiſſioner is hereby authorized and required to adminiſter: Provided always, that no Commiſſioner acting in the Execution of the Powers hereby given, ſhall be employed, or act as a Surveyor by virtue of this Act, during the Time he ſhall ſo act as a Commiſſioner.

Surveyor's Oath.

V. And be it further enacted, That no Perſon ſhall be capable of acting as a Surveyor in the Execution of this Act, (except the ſaid *Thomas Tillbrook*) in making the Survey and Admeaſurement previous to the Firſt Sitting of the ſaid Commiſſioner, until he ſhall have taken and ſubſcribed an Oath in the Form following; *videlicet*,

'I *A.B.* do ſincerely promiſe and ſwear, that I will act in the Execution 'of the Powers, Authorities, and Truſts repoſed in me as Surveyor, 'by virtue of an Act paſſed in the Fifty-fourth Year of the Reign of King '*George* the Third, intituled [*here ſet forth the Title of this Act*] truly, 'impartially, and honeſtly, according to the beſt of my Skill, Judgement, 'and Ability, without Favour or Affection, Prejudice or Malice, to any 'Perſon or Perſons whomſoever. So help me GOD.'

And the ſaid Commiſſioner is hereby authorized to adminiſter the ſaid Oath to the ſaid Surveyor, and the Oath ſo taken and ſubſcribed by ſuch Surveyor, ſhall be inrolled with the Award of the ſaid Commiſſioner.

Appointment of a Clerk.

VI. And be it further enacted, That the ſaid Commiſſioner ſhall appoint, and he is hereby authorized and empowered to appoint a Clerk to aſſiſt him in the Execution of the Powers of this Act.

Sittings to be held at Enford.

VII. And be it further enacted, That all Sittings for putting in Execution this Act, ſhall be holden in *Enford* aforeſaid, or at ſome Place within Eight Miles of the Boundary thereof.

Notice of Sittings.

VIII. And be it further enacted, That the ſaid Commiſſioner ſhall, and he is hereby required to give Public Notice by Advertiſement in the *Saliſbury and Wincheſter Journal*, or in ſome other Public Newſpaper then printed or circulated within the ſaid County of *Wilts*, and by Writing under his Hand affixed on the principal Door of the Pariſh Church of *Enford* aforeſaid on ſome *Sunday* at or immediately before Divine Service, of the Time and Place of his Firſt and every ſubſequent Sitting within the ſaid Pariſh, or within Eight Miles of the Boundary of the ſaid Pariſh, for executing the Purpoſes of this Act, at leaſt Seven Days before every ſuch Sitting (Sittings by Adjournment only excepted), which it ſhall and may be lawful for the ſaid Commiſſioner from Time to Time to make.

Other Notices how to be given.

IX. Provided always, and be it enacted, That all other Notices neceſſary or requiſite to be made and given by the ſaid Commiſſioner ſhall be ſo made and given by Advertiſement in the *Saliſbury and Wincheſter Journal*, or in caſe ſuch Newſpaper ſhall not at that Time be publiſhed, then in ſome other Newſpaper circulated in the ſaid County.

For ſettling Diſputes.

X. And be it further enacted, That if any Diſpute or Difference ſhall ariſe between any of the Parties intereſted or claiming to be intereſted in

the ſaid Diviſion and Allotments, touching or concerning the reſpective Rights and Intereſts which they or any of them ſhall have, or claim to have, in the ſame, or touching or concerning any other Matter or Thing relating to the ſaid Diviſion and Allotments, it ſhall and may be lawful for the ſaid Commiſſioner, and he is hereby authorized and required, as well by Examination of Witneſſes upon Oath, (which Oath the ſaid Commiſſioner is hereby empowered to adminiſter) as upon any other proper and ſufficient Inquiry and Evidence, to examine into, hear, and determine the ſame: Provided always, that nothing herein contained ſhall authorize or empower the ſaid Commiſſioner to determine the Title to any Lands, Tenements, or Hereditaments whatſoever.

Power to award Coſts.

XI. And be it further enacted, That in caſe the ſaid Commiſſioner ſhall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to him in purſuance of this or the ſaid recited Act, ſee Cauſe to award any Coſts, it ſhall and may be lawful to and 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 in whoſe Favour any Determination of the ſaid Commiſſioner 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 and may be lawful to and for the ſaid Commiſſioner, and he is hereby authorized and empowered by Warrant under his Hand and Seal, directed to any Perſon whomſoever, to cauſe ſuch Coſts and Charges to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo neglecting or refuſing to pay the ſame, rendering the Overplus (if any), upon Demand, to the Perſon or Perſons whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold, after deducting the Coſts and Charges attending ſuch Diſtreſs and Sale.

Power to try Rights at Law.

XII. Provided always, and be it further enacted, That in caſe any Perſon or Perſons intereſted or claiming to be intereſted in the ſaid intended Diviſion and Allotments, ſhall be diſſatisfied with any Determination of the ſaid Commiſſioner, touching or concerning any Claim or Claims, or other Rights or Intereſts in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and incloſed, or any Part thereof, it ſhall be lawful for the Perſon or Perſons ſo diſſatisfied to proceed to a Trial at Law of the Matter ſo determined by the ſaid Commiſſioner, at the then next or following Aſſizes to be holden for the ſaid County of *Wilts*; and for that Purpoſe the Perſon or Perſons who ſhall be diſſatisfied with the Determination of the ſaid Commiſſioner, ſhall, upon giving Notice to the ſaid Commiſſioner of his, her, or their Intention to bring ſuch Action, within Three Calendar Months after ſuch Determination ſhall be made, cauſe an Action to be brought upon a feigned Iſſue againſt the Perſon or Perſons in whoſe Favour ſuch Determination ſhall have been made, within Three Calendar Months next after the Determination of the ſaid Commiſſioner ſhall be ſo made; and the Defendant or Defendants in ſuch Action or Actions ſhall, and he, ſhe, and they is and are hereby required, to name an Attorney or Attornies, who ſhall appear thereto, or file Common Bail, and accept One or more Iſſue or Iſſues, whereby

whereby ſuch 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, binding and concluſive upon all and every Perſon and Perſons whomſoever, unleſs the Court, wherein ſuch Action or Actions ſhall be brought, ſhall ſet aſide ſuch Verdict or Verdicts, and order a new Trial to be had therein, which it ſhall be lawful for the Court to do, as is uſual in other Caſes; and after ſuch Verdict or Verdicts ſhall be obtained, and not ſet aſide by the Court, the ſaid Commiſſioner ſhall, and he 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 ſaid Commiſſioner, touching ſuch Claim or Claims of Right to the Soil of the ſaid Commons and Waſte Grounds, or other Rights or Intereſts in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and incloſed, or any Part thereof, which ſhall not be objected to, or, being objected to, the Party or Parties objecting not cauſing ſuch Action at Law to be brought and proceeded in as aforeſaid, ſhall be final and concluſive upon all Parties.

If Parties die before Actions commenced, the ſame ſhall not ſtop by reaſon thereof.

XIII. 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, 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 to 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 dead, and Proceedings ſhall be had therein in the ſame Manner as if ſuch Perſon or Perſons had been actually living, and the Rights of all Parties ſhall be equally bound and concluded by the Event of ſuch Action or Actions.

Commiſſioner not to determine contrary to Poſſeſſion.

XIV. Provided alſo, 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; 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 until the Poſſeſſion ſhall have been given up or recovered from ſuch Perſon or Perſons, by Ejectment, or other due Courſe of Law.

Suit not to delay Incloſure.

XV. And be it further enacted, That if any Suit or Suits ſhall be commenced or proſecuted, touching or concerning the Title to any Meſſuages, Lands,

Lands, Tenements, or Hereditaments, for or in reſpect of any Right or Intereſt in, over, or upon the Lands and Grounds hereby directed to be divided and allotted, or any Part thereof, ſuch Suit or Suits ſhall not delay, impede, or hinder the ſaid Commiſſioner from proceeding in the Powers veſted in him by this Act, but the ſaid Allotments ſhall be proceeded in notwithſtanding ſuch Suit or Suits, and may be had and taken by the Perſon or Perſons, Body or Bodies Politic, Corporate, or Collegiate, who, upon the Determination of ſuch Suit or Suits, ſhall become entitled to the ſame.

Preſcribing Courſe of Huſbandry, and extinguiſhing Right of Common.

XVI. Provided always, and be it further enacted, That in the mean Time, and until ſuch Diviſions and Allotments ſhall be made as aforeſaid, all the Tillage and other Lands lying in the ſaid Open and Common Fields and Downs ſo to be allotted as aforeſaid, ſhall be ſtocked with ſuch Cattle, or be cropped or ſown with ſuch Graſs Seeds, Corn, or Grain, and in ſuch Proportions, and ſhall be kept, ordered, and continued in ſuch Courſe of Huſbandry as the ſaid Commiſſioner ſhall, from Time to Time, by any Writing or Writings under his Hand in that Behalf order, direct, and appoint, any Uſage or Cuſtom to the contrary notwithſtanding, of which ſaid Order and Direction ſo to be made, at leaſt Seven Days Notice ſhall be given and affixed on the Church Door aforeſaid; and that no Meadow, Paſture, or Greenſward Ground, which ſhall be Parcel of the Lands and Grounds to be divided, allotted, and incloſed by virtue of this Act, and which ſhall not have been ploughed or uſed in Tillage for the Space of Seven Years before the paſſing of this Act, ſhall be ploughed or converted into Tillage, until the ſame ſhall have been divided and allotted by the ſaid Commiſſioner, and Leave ſhall have been given by him to the Party or Parties to whom the ſame ſhall have been allotted to enter thereupon, and that it ſhall and may be lawful for the ſaid Commiſſioner, at any Time or Times hereafter, whenever and as often as he in his Diſcretion ſhall think convenient, by Notices in Writing for that Purpoſe, under his Hand, to be affixed on the principal Door of the Church aforeſaid, to ſuſpend or totally extinguiſh all or any Part of the Rights of Common in, over, and upon all or any Part of the ſaid Open and Common Fields and Downs hereby directed to be divided and allotted; and from and after ſuch Notices given, all ſuch Right of Common in, over, and upon the ſaid Open and Common Fields and Downs, or ſuch Parts thereof, as by ſuch Notices ſhall be directed to be ſuſpended or extinguiſhed, ſhall ceaſe, and be totally extinguiſhed, or otherwiſe ſuſpended accordingly.

Encroachment.

XVII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioner, and he is hereby authorized and required to aſcertain and determine what Incloſures have been taken from, and what Encroachments have been made upon the ſaid Lands and Grounds by this Act intended to be divided and allotted, or upon any Part or Parts thereof; and all ſuch Incloſures taken from, and Encroachments made on or from any of the ſaid Lands and Grounds (ſave and except ſuch as have been enjoyed for Twenty Years before the Day of the paſſing of this Act, without Interruption) which can be proved by Evidence to the Satisfaction of the ſaid Commiſſioner, ſhall be deemed Part and Parcel of the Lands and Grounds to be divided and allotted, under or by virtue of this Act, and ſhall be divided and allotted accordingly.

What Lands to be allotted.

XVIII. And for the better ascertaining what Lands shall be divided and allotted pursuant to this Act, be it further enacted, That all Open and Commonable Arable Fields and Downs, and all other Commonable Lands and Waste Grounds, or Old Inclosures, containing the Property of Two or more Persons within One Fence, shall be deemed Part of the Lands to be divided and allotted by virtue of this Act, and be divided and allotted accordingly.

Allotment to the Lord.

XIX. And be it further enacted, That the said Commissioner shall, in the First Place, set out and allot unto and for the said *John Moore*, as Lord of the said Manor of *Littlecot*, in lieu and in respect of his Right and Interest in the said Soil, One Twentieth Part of the Waste Grounds within the said Manor (Quality, Convenience, and Situation considered).

Allotments of the Land.

XX. And be it further enacted, That the said Commissioner shall divide, set out, and allot the said Open and Common Fields and Downs hereinbefore mentioned, unto and for the several Owners and Proprietors, in Proportion to their several and respective Lands, Common Rights, and all other Rights whatsoever in, over, and upon the same; and in making such Divisions and Allotments the said Commissioner is hereby required to pay due Attention and Regard, as well to the Quantity, Quality, Situation, and Value of the Lands and other Rights belonging to each Proprietor previous to such Division, as also to the Quantity, Quality, Situation, and Value of the Lands to be allotted to each Proprietor in lieu thereof, so as to make the said Division in all Respects as equitable as possible, and as convenient to the Houses, Barns, and other inclosed Property of the several Owners and Persons entitled to the same, as their respective Situations will admit of, which said Allotments shall be in full Bar of, and Compensation for all Rights of the several Parties in, over, and upon the several Open and Common Fields and Downs as aforesaid.

Not to compel the making of Fences.

XXI. And be it further enacted, That nothing in this or the said recited Act contained, shall extend, or be construed to extend, to oblige or compel any Person or Persons to whom any Allotment or Allotments shall be made by virtue of this Act, to fence or mound such Allotment or Allotments, (except any Allotment or Allotments of Grass Land or Waste Ground, or Land adjoining to the Homesteads, which the said Commissioner shall judge fitting, and accordingly direct to be fenced or mounded, and which shall be fenced or mounded by such Person or Persons, at such Times and in such Manner as the said Commissioner shall appoint): Provided always, that in case any of the said Proprietors, after the Allotments shall be set out and before the Execution of the Award, be desirous of fencing his, her, or their Allotment or Allotments, or any of them, the said Commissioner is hereby authorized and required to lay down and prescribe in his Award, such Rules as he may think fit or necessary to be observed by any Proprietor or Proprietors in fencing and in maintaining and preserving the Fence of any such Allotment or Allotments, when the same shall be done, and such Rules shall be observed by, and at all Times hereafter be binding upon the said Proprietors interested in such Allotment or Allotments, and all such Fences when made and put up shall be deemed to be made and put up under the Authority and for the Purposes of this Act and the said recited Act.

XXII. And

Allotments to follow the Tenures of ancient Eſtates.

XXII. And be it further enacted, That all ſuch Lands or Grounds or other Hereditaments as ſhall be allotted to any of the ſaid Proprietors, under or by virtue of this Act or the ſaid recited Act, ſhall be held by ſuch Proprietors, or other Perſon or Perſons reſpectively, under the ſame Tenure as the Lands, Grounds, or Hereditaments, in lieu of or in reſpect of which ſuch Allotments ſhall be made, were reſpectively held and enjoyed, at or immediately before the making of ſuch Allotments.

Exchanges.

XXIII. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioner to ſet out, allot, and award any Lands, Tenements, or Hereditaments within the ſaid Pariſh of *Enford*, in lieu of and in Exchange for any other Lands, Tenements, and Hereditaments within the ſaid Pariſh, or within any adjoining Pariſh, Hamlet, Townſhip, or Place; provided that all ſuch Exchanges be aſcertained, ſpecified, and declared in the Award of the ſaid Commiſſioner, and be made with the Conſent of the Owner or Owners, Proprietor or Proprietors of the 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, or 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 Purpoſes, Huſbands, Committees, or Attornies of, or acting for any ſuch Owners or Proprietors as aforeſaid, who at the Time of making 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 Lands, Tenements, or Hereditaments, in Right of any Church, Chapel, or other Eccleſiaſtical Benefice, without the Conſent teſtified as aforeſaid, of the Patron thereof, and of the Biſhop of the Dioceſe in which ſuch Lands, Tenements, or Hereditaments ſo to be exchanged, ſhall lie and be ſituate.

Expence of Exchanges and Partitions.

XXIV. Provided always, and be it enacted, That all Coſts, Charges, and Expences attending the making and completing any Exchanges and Partitions, ſhall be paid and borne by the ſeveral Perſons making ſuch Exchanges or Partitions except the ſaid Vicar, in ſuch Manner and in ſuch Proportions as the ſaid Commiſſioner ſhall direct.

Leaſes at Rack Rent to be void on Compenſation being made.

XXV. And be it further enacted, That all and every Leaſe and Leaſes upon Rack Rent now ſubſiſting, of all or any Part or Parts of the Meſſuages, Cottages, or Tenements, Old Incloſures, Lands, or Grounds, Hereditaments, and Premiſes to be exchanged, divided, or allotted, by virtue of this and the ſaid recited Act, and all and every other Agreement or Agreements for any Term or Terms of Years at Rack Rent, or from Year to Year, or at Will, reſpecting the ſame or any Part thereof, whether ſuch Leaſe or Leaſes, Agreement or Agreements, ſhall relate ſolely to any Part or Parts of the ſaid Meſſuages, Cottages, or Tenements, Lands, or Grounds, Hereditaments, and Premiſes, or partly thereto and partly to

any

any Meſſuages, Cottages, or Tenements, Lands or Grounds, Hereditaments, and Premiſes, ſituate in any adjoining Pariſh, Hamlet, or Place, ſhall ceaſe and be void, at ſuch Times as the ſaid Commiſſioner, by any Writing or Writings under his Hand, to be affixed upon the Church Door of the ſaid Pariſh of *Enford*, or to be delivered to ſuch Leſſee or Leſſees, Tenant or Tenants reſpectively, or left at his, her, or their uſual Place or Places of Abode reſpectively, ſhall order and direct; and the Owners and Proprietors of the Hereditaments and Premiſes ſo let, ſhall make ſuch Satisfaction in Money to their Leſſee or Leſſees, Tenant or Tenants reſpectively, and within ſuch Time as ſuch Owners and Proprietors, and their Leſſee or Leſſees, Tenant or Tenants ſhall reſpectively agree upon; and in caſe of Diſagreement in the Premiſes between any ſuch Owners and Proprietors, and any ſuch Leſſee or Leſſees, Tenant or Tenants reſpectively, then upon Application made by either Party in Writing to the ſaid Commiſſioner, the ſaid Commiſſioner ſhall order and direct what Sum or Sums of Money ſhall be paid by ſuch Owners and Proprietors reſpectively, to ſuch Leſſee or Leſſees, Tenant or Tenants reſpectively, as an Equivalent or Satisfaction for the Loſs or Loſſes which he, ſhe, or they ſhall reſpectively ſuffer on account of the Determination of ſuch Leaſe or Leaſes, Agreement or Agreements as aforeſaid, (proper Allowance being made for all ſuch Conditions in every ſuch Leaſe or Agreement as ſhall not have been fulfilled by ſuch Leſſee or Leſſees, Tenant or Tenants reſpectively); and if the Money ſo agreed or ordered and directed to be paid as aforeſaid, ſhall not be paid to the Perſon entitled to receive the ſame within Twenty-one Days after the Time agreed upon or appointed for Payment of the ſame (as the Caſe may be), and Demand made thereof in Writing under the Hand or Hands of the Perſon or Perſons to whom the ſame ſhall be payable, 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, may be raiſed and levied: Provided always, that if there ſhall be any Leaſe of Lands, Part of which ſhall lie in the ſaid Pariſh of *Enford* and Part in any adjoining Manor or Pariſh, all and every ſuch Leaſe or Leaſes upon Rack Rent now ſubſiſting may be vacated; but where any Lands ſhall be taken in Exchange, which Lands ſhall be under Leaſe, and wholly ſituate in any adjoining Manor or Pariſh, the Leaſe of ſuch laſt-mentioned Lands ſhall not be vacated.

Wills and Settlements not to be affected.

XXVI. Provided always, and be it enacted, That nothing in this Act contained, ſhall extend to revoke, make void, alter, or annul any Will or any 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, and Grounds, to be divided and allotted, or exchanged by virtue of this Act, or the ſaid recited Act, or any Part or Parts thereof reſpectively; but that every Proprietor ſhall ſtand, and be ſeiſed of the ſeveral Meſſuages, Buildings, Lands, and Grounds, to be allotted or given in Exchange to him or her by virtue of this Act, and the ſaid recited Act, to ſuch and the ſame Uſes, and for ſuch and the ſame Eſtates, and ſubject to ſuch and the ſame Wills, Jointures, Rents, Charges, and Incumbrances, and no other, as the Meſſuages, Buildings, Lands, and Grounds, whereof each Proprietor was ſeiſed and poſſeſſed, at or immediately before the Execution of the

Award to be made by the ſaid Commiſſioner, or for which ſuch Allotments or Exchanges ſhall be made, would have been ſubject to, or charged with, or affected by, in caſe this Act had not been made.

Proprietors to pay their own Expences.

XXVII. Provided always, and be it further enacted, That the ſeveral Proprietors of Lands and Grounds to be divided and allotted by virtue of this Act, and their reſpective Attornies and Agents, who ſhall attend the ſaid Commiſſioner at any of his Sittings, in purſuance of this or the ſaid recited Act, ſhall pay their own Expences at all ſuch Sittings.

Money advanced to be repaid.

XXVIII. And be it further enacted, That if any of the Owners or Proprietors of the Lands and Grounds to be divided and allotted by virtue of this Act, or any other Perſon or Perſons ſhall advance any Sum or Sums of Money, for the Purpoſe of defraying the Expences of obtaining this Act, or of carrying the ſame and the ſaid recited Act into Execution, ſuch Owners or Proprietors, or other Perſon or Perſons reſpectively, ſhall be repaid the ſame with lawful Intereſt, out of the Firſt Monies that ſhall be raiſed by the ſaid Commiſſioner, in purſuance of the Powers veſted in him.

Expences of the Incloſure.

XXIX. And be it further enacted, That the Allowance to the Commiſſioner, his Clerk, and Surveyor, together with all the Charges and Expences attending the obtaining and paſſing of this Act, and of ſuch Survey, Admeaſurement, and Plan of the ſaid Open and Common Fields and Downs, as ſhall have been already made, and ſhall be approved of by the ſaid Commiſſioner, and of all other Surveys, Plans, and Admeaſurements, which ſhall be made by his Order, and alſo of valuing, dividing, ſetting out, and allotting the ſaid Lands, Grounds, and Premiſes, or any Part of the ſame, and of preparing, drawing up, and inrolling the Award or Inſtrument; and all Charges and Expences of the ſaid Commiſſioner, and of the ſeveral Perſons to be employed by him, either before or after the executing the ſaid Award and Inſtrument, and all other neceſſary Charges and Expences whatſoever in and about the Premiſes, (except of making Exchanges and Partitions as aforeſaid), ſhall be borne, paid, and defrayed by the ſeveral Owners and Proprietors, and Perſons intereſted in the Lands, Grounds, and Premiſes, hereby intended to be divided and allotted, (except the ſaid Vicar) in and by ſuch Rate or Rates, and in ſuch Shares and Proportions, Manner and Form, and at ſuch Time or Times, and to ſuch Perſon or Perſons, as the ſaid Commiſſioner ſhall, by Writing under his Hand and Seal, order and direct; and in caſe any of the Perſons aforeſaid ſhall neglect or refuſe to pay his, her, or their Shares or Proportions of ſuch Charges and Expences, at the Time, and in the Manner directed by the ſaid Commiſſioner, then and in ſuch Caſe the ſaid Commiſſioner ſhall and may, by Warrant under his Hand, directed to any Perſon or Perſons whomſoever, cauſe the ſame to be levied and recovered, agreeably to the Directions contained in the ſaid recited Act.

Award to be depoſited.

XXX. And be it further enacted, That the Award to be made by the ſaid Commiſſioner ſhall be executed by him within the Space of Three Years from the paſſing of this Act, and when inrolled, in Manner directed by the ſaid recited Act, ſhall, together with a Map or Plan thereunto annexed, be depoſited in the Church Cheſt of the ſaid Pariſh Church of *Enford* aforeſaid, together with the Pariſh Regiſters.

XXXI. And

Copy of Award, &c. to be Evidence.

XXXI. And be it further enacted, That a Copy of the ſaid Award, or any Part thereof, ſigned by the Clerk of the Peace for the ſaid County of *Wilts*, or by the ſaid Commiſſioner, and by him atteſted to be a true Copy, ſhall at all Times be admitted and allowed, in all Courts whatever, as legal Evidence.

Commiſſioner to account.

XXXII. And be it further enacted, That once at leaſt in each and every Year during the Execution of this Act (ſuch Day to be computed from the Day of 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 Trouble and Expences in the Execution of this Act, and ſuch Statement or Account, when ſo made, together with the Vouchers relating thereto, ſhall be laid before any One of His Majeſty's Juſtices of the Peace for the ſaid County of *Wilts* (not intereſted in the ſaid Diviſion and Allotment), to be by him examined and balanced, and ſuch Balance ſhall be by ſuch Juſtice ſtated in the Book of Accounts to be kept in the Office of the Clerk of the ſaid Commiſſioner, and no Charges or Items in ſuch Accounts ſhall be binding on the Parties concerned or valid in Law, unleſs the ſame ſhall have been duly allowed by ſuch Juſtice.

Allowing an Appeal.

XXXIII. 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 this Act directed to be final or 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 *Wilts*, within Six Calendar Months next after the Cauſe of Complaint ſhall have ariſen, on giving to the ſaid Commiſſioner, and to the Party and Parties concerned, Ten 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) to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of ſuch Warrant, Diſtreſs, and Sale, and the Determination of ſuch 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.

XXXIV. 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, or Collegiate, his, her, and their Heirs, Succeſſors, Executors, and Adminiſtrators (except the ſeveral Perſons to whom any

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 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.

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

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