ANNO QUINQUAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 96.

An Act for incloſing Lands in the Pariſh of *Steeple Aſhton*, in the County of *Wilts*. [21ſt *May* 1813.]

WHEREAS there are within the Pariſh of *Steeple Aſhton*, in the County of *Wilts*, divers Commonable Fields of Arable Land and other Land, Commonable Places, Commons, and Waſte Grounds: And whereas *Katharine Long* Spinſter, is Lady of the Manor of *Steeple Aſhton*, in the County of *Wilts*; and as ſuch Lady is entitled to the Soil of ſuch of the ſaid Commons and Waſte Grounds as are lying and being within the ſaid Manor of *Steeple Aſhton*, and to all Trees growing thereon, and to all Royalties thereto belonging, and to divers Farms, Lands, and Grounds lying within the ſame Manor: And whereas *Richard Long* Eſquire, is Lord of the Manor of *Rood Aſhton with Weſt Aſhton*, in the County of *Wilts*; and as ſuch Lord is entitled to the Soil of ſuch of the ſaid Commons and Waſte Grounds as are lying and being within the ſaid Manor of *Rood Aſhton with Weſt Aſhton*, and to all Trees growing thereon, and to all Royalties thereto belonging, and to divers Farms, Lands, and Grounds lying within the ſame Manor: And whereas the Moſt Noble *Edward Adolphus* Duke of *Somerſet*, is Lord of the Manor of *Semington*, in the County of *Wilts*; and as ſuch Lord is entitled to the Soil of ſuch of the ſaid Commons and Waſte Grounds as are lying and being within the ſaid Manor of *Semington*, and to all Trees growing thereon, and to all Royalties thereto belonging, and to divers Farms, Lands, and Grounds lying within the ſame Manor: And whereas *Joſhua Smith* Eſquire, is Lord of the Hundred of *Worwelsdown*, in the ſaid County, in which Hundred the ſaid Commons and

Waſte Grounds are lying and being; and as ſuch is entitled to all Waifs and Strays that may be taken from the ſaid Commons and Waſte Grounds, and ſent to the Hundred Pound: And whereas the Reverend *Samuel Hey* is the preſent Vicar of the Vicarage of *Steeple Aſhton cum Semington*, and in reſpect thereof is entitled to certain Glebe Lands and Rights of Common within the ſaid Pariſh of *Steeple Aſhton*: And whereas the ſaid *Katharine Long*, *Richard Long*, and the Duke of *Somerſet*, and *Abraham Ludlow* Eſquire, and divers other Perſons reſpectively, are the Owners and Proprietors of all the ſaid Arable Lands and other Lands, ſituate and lying within the ſaid Pariſh of *Steeple Aſhton*: And whereas the ſaid *Katharine Long*, *Richard Long*, the Duke of *Somerſet*, *Abraham Ludlow*, and divers other Perſons in Right of their Eſtates, in the Pariſh of *Steeple Aſhton* aforeſaid, and elſewhere, are entitled to Rights of Common in and upon the ſaid Commons and Waſte Grounds: 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 Fields of Arable Lands and other Lands, lie intermixed and diſperſed, and are therefore inconvenient to the ſeveral Occupiers, and of leſs Value to the reſpective Proprietors thereof; and the ſaid Commons and Waſte Grounds lie open and uncultivated, and are ſubject to Treſpaſſes, and in their preſent State incapable of any conſiderable Improvement; and it would be more advantageous to the ſaid Owners, and all other Perſons intereſted in the ſaid Lands and Grounds, if the ſaid Rights of Common were extinguiſhed, and if the ſaid Commons and Waſte Grounds, together with all the aforeſaid Arable Lands and other Lands were divided, and ſpecific Parts and Shares thereof allotted unto and incloſed by the ſeveral Perſons intereſted therein, according to their ſeveral and reſpective Eſtates, Rights, and Intereſts; but as ſuch Extinguiſhment, Diviſion, and Allotment, 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 *George Barnes* of *Andover*, in the County of *Southampton*, *Thomas Davis* of *Horningſham*, in the ſaid County of *Wilts*, and *Thomas Flower* of *Melkſham*, in the ſaid County of *Wilts*, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be, and they are hereby appointed the Commiſſioners for dividing, allotting, and incloſing all the ſaid Arable Lands, and other Lands, Commons, and Waſte Grounds, in the ſaid Pariſh of *Steeple Aſhton*, and for carrying this Act into Execution, ſubject to ſuch of the Powers, Authorities, Directions, Regulations, Reſtrictions, and Proviſions contained in the ſaid recited Act, as are not altered, varied, or otherwiſe provided for by this Act; and that all Acts, Matters, and Things done by any Two of the Commiſſioners named in or to be appointed by virtue of this Act, ſhall be to all Intents and Purpoſes as valid and effectual as if the ſame were done and performed by all the ſaid Commiſſioners.

Commiſſioners.

Appointment of new Commiſſioners.

II. And be it further enacted, That if either of the Commiſſioners herein named, or to be appointed by virtue of this Act ſhall before the Execution of the Powers and Authorities veſted in him, die or refuſe, or become

become incapable to act in the Execution of this Act, then and in every such Case it shall be lawful for the surviving or remaining Commissioners or Commissioner, and they and he are and is hereby required at any Time within Twenty-eight Days next after such Death, Refusal, or Incapacity, shall be known to him or them by Writing under his or their Hand or Hands, to appoint another Person or Persons not interested in the Premises, to be a Commissioner or Commissioners in the Room or Stead of such Commissioner or Commissioners so dying or refusing, or becoming incapable to act; and in case the said Commissioners, and any other or others to be appointed in their room, shall die, neglect, or refuse to act, or the surviving Commissioner or Commissioners shall neglect for the Space of Twenty-eight Days, to appoint another Commissioner; then it shall and may be lawful for the major Part in Value, (to be ascertained by the Land-Tax Assessment), of the Proprietors and Persons interested in the Lands and Grounds by this Act directed to be divided and inclosed, or the known Agents or Attornies of any of them, who shall be present at some Meeting to be held for that Purpose at some Place in *Steeple Ashton* aforesaid, in pursuance of Notice to be given in Manner hereby directed, at least Fourteen Days before such Meeting, to appoint a Commissioner or Commissioners (as the Case may be), in the room of any Commissioner or Commissioners so dying, neglecting, or refusing to act, and the Commissioner or Commissioners so to be appointed as aforesaid, shall, after taking and subscribing the Oath or Affirmation prescribed in that Behalf, have the like Powers and Authorities for carrying the said recited Act and this Act into Execution in all Respects as if he or they had been named a Commissioner or Commissioners in this Act.

Clerk.

III. And be it further enacted, That the said Commissioners shall appoint and they are hereby authorized and empowered to appoint a Clerk to assist them in the Execution of the Powers of this Act.

Meetings.

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

Notice of Meetings.

V. And be it further enacted, That the said Commissioners shall and they are hereby required to cause Notice of the Time and Place of their First and every other Meeting for the Execution of this Act, to be inserted in *The Salisbury and Winchester Journal*, or in some other public Newspaper, then printed or circulated within the said County of *Wilts* Ten Days at least before any such Meeting, (Meeting by Adjournment only excepted), and it shall be lawful for the said Commissioners or One Commissioner alone, if One only should happen to attend, to adjourn any and every such Meeting from Time to Time, and at such Time and Place within the said Parish of *Steeple Ashton*, or within Eight Miles thereof, as they shall think most convenient: Provided always, that if at any Meeting to be appointed as aforesaid no Commissioner shall attend, it shall be lawful for the Clerk of the said Commissioners to adjourn such Meeting for any Time not exceeding Twenty-eight Days, but to the Place last appointed.

Other Notices.

VI. And be it further enacted, That all other Notices necessary to be given by the said Commissioners in pursuance of this Act, or of the said recited

recited Act, for any Purpoſe whatſoever, (except ſuch Notices as are in and by this Act particularly directed to be given in any other Manner), ſhall be publiſhed and given by Advertiſement to be inſerted in *The Saliſbury and Wincheſter Journal*, or in ſome other public Newſpaper then publiſhed or circulated in the County of *Wilts*, and by Writing to be affixed upon the Principal Doors of the Pariſh Church of *Steeple Aſhton* aforeſaid, and of the Pariſh Chapel of *Semington*, in the ſaid Pariſh of *Steeple Aſhton*; and all ſuch Notices ſo given ſhall be deemed to be well and ſufficiently publiſhed and given, and full and ſufficient Notice to all Parties concerned, reſpecting all the Matters and Things to which ſuch Notice ſhall relate, any Thing in the ſaid recited Act contained to the contrary thereof in anywiſe notwithſtanding.

Survey.

VII. And be it further enacted, That a true and perfect Survey and Admeaſurement of all the Lands and Grounds intended by this Act to be divided and allotted, ſhall be made by *Jacob Player Sturge* of the City of *Briſtol*, and *John Hayward* of *Rowde*, in the County of *Wilts*, Land Surveyors, or ſuch other Surveyor or Surveyors as the ſaid Commiſſioners ſhall appoint on their becoming incapable to act, or neglecting or refuſing for the Space of Two Calendar Months next after the paſſing of this Act to execute the ſame; and alſo of the old Incloſures within the ſaid Pariſh of *Steeple Aſhton*, or ſuch of them whereof the ſaid Commiſſioners ſhall not be furniſhed with Maps or Plans and Admeaſurements already made or taken thereof; which Surveys or Admeaſurements ſo to be made, ſhall be reduced into Writing, and the Number of Acres, Roods, and Perches in Statute Meaſure belonging to each Proprietor, ſhall be ſet forth and aſcertained therein; and the ſaid Survey or Surveys ſhall be laid before the ſaid Commiſſioners at ſome or one of their Meetings to be held in purſuance of this Act, and ſhall be verified by the Oath or Affirmation of the Surveyor or Surveyors who made the ſame, which Oath or Affirmation the ſaid Commiſſioners or any one of them, are or is hereby authorized and required to adminiſter: Provided always, that no greater or other Fee, Compenſation, or Recompence ſhall be made to the ſaid *Jacob Player Sturge* and *John Hayward*, either for making the ſaid Survey and Admeaſurement or for their Attendances on the Commiſſioners or elſewhere on the Buſineſs of this Incloſure, than would have been made in caſe one Surveyor had been ſolely employed on the Occaſion: Provided alſo, 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.

VIII. 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 *Jacob Player Sturge* and *John Hayward*, in making the Survey and Admeaſurement previous to the Firſt Meeting of the ſaid Commiſſioners,) until he ſhall have taken and ſubſcribed an Oath or Affirmation in the Form following; (*videlicet*),

'I *A. B.* do ſincerely promiſe and ſwear, [*or*, if a *Quaker* do ſolemnly affirm,] 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-third Year of the Reign of King *George* the Third, intituled

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'tuled [*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.'

Commissioners to settle Disputes.

IX. 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 intended Division and Allotments, touching or concerning the respective Rights, Interests, and Shares which they or any of them shall claim to have in or upon the Commons and Waste Grounds hereby directed to be divided and allotted, or concerning any Timber, Wood, Underwood, Bushes, Thorns, Whins, or Furze growing thereon, or concerning any other Matter or Thing relating to the said Division and Allotments, it shall be lawful for the said Commissioners, and they are hereby authorized and required to examine into, hear, and determine the same: Provided always, that nothing herein contained shall extend or be construed to extend so as to enable the said Commissioners to determine the Title to any Messuages, Cottages, Lands, Tenements, or Hereditaments whatsoever.

Power to award Costs.

X. And be it further enacted, That in case the said Commissioners shall upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of this or the said recited Act, or upon the Hearing and Determination of any Dispute or Difference as aforesaid, see cause to award any Costs, it shall be lawful for the said Commissioners, and they are hereby authorized, 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 any Determination of the said Commissioners shall be made, by the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, whose Claim or Claims, Objection or Objections shall be thereby disallowed or over-ruled, or against whom the said Commissioners shall have determined as aforesaid; and in case the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, who shall be liable to pay such Costs and Charges, shall neglect or refuse to pay the same on Demand, then and in such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required, by Warrant under their Hands and Seals, directed to any Person whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand to the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Trial at Law.

XI. Provided always, and be it further enacted, That in case any Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, interested or claiming to be interested in the said intended Division and Allotments, shall be dissatisfied with any Determination of the said Commissioners, touching or concerning any Claim or Claims of any Right or Interest in, over, or upon the Lands and Grounds hereby directed to be divided and allotted, then and in every such Case it shall be lawful

for such Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, so dissatisfied, to proceed to a Trial at Law of the Matters so determined by the said Commissioners, at the then next or at the following Assizes to be holden for the said County of *Wilts*; and for that Purpose the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, who shall be dissatisfied with the Determination of the said Commissioners, shall, within Three Months next after such Determination shall be made and declared, cause an Action to be brought upon a feigned Issue against the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, in whose Favour such Determination shall have been 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 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 binding, final, and conclusive upon all Persons whomsoever, Body and 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 to be had therein, which it shall be lawful for the Court to do if the said Court shall think proper; and after such Verdict or Verdicts shall be obtained, and not set aside by the Court, the said Commissioners shall and they 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 said Commissioners touching such Claim or Claims of the Rights or Interests in, to, over, or upon the Lands or Grounds hereby directed to be divided and allotted, or any Part thereof, which shall not be objected to, or being objected to, the Party or Parties objecting shall not cause such Actions at Law to be brought and proceeded in as aforesaid, shall be binding, final, and conclusive upon all Parties: Provided also, that if any of the Parties in any such Action, to be brought as aforesaid, shall die pending the same, such Action shall not abate by reason thereof, but shall be proceeded in as if no such Death had happened.

Suits not to delay Inclosure.

XII. Provided always, and be it enacted, That no such Difference, Suit, or Proceeding as aforesaid, nor any Difference, Dispute, or Proceeding, touching the Title to any Lands, Tenements, or Hereditaments, shall impede or delay the said Commissioners in the Execution of this Act; but the Division and Allotments hereby directed to be made, shall be proceeded in, notwithstanding any such Difference, Suit, or Proceeding.

In case of Death of Parties.

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 herein-before limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who might have brought such Action or Actions against the Person or Persons

ſons ſo dying, to bring the ſame within the Time ſo limited as aforeſaid, againſt ſuch Perſon or Perſons as if actually living, and to ſerve the Clerk of the ſaid Commiſſioners with a 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 as if ſuch Perſon or Perſons had been actually living, and the Rights of all Parties ſhall be equally bound and concluded by the Event of ſuch Action or Actions.

Commiſſioners not to determine contrary to Poſſeſſion.

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

Rights of Common extinguiſhed.

XV. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, at any Time or Times before the Execution of their Award, to order and direct by Notice under their Hands, to be for that Purpoſe given and affixed upon the Principal Doors or other conſpicuous Parts of the Pariſh Church of *Steeple Aſhton*, and Pariſh Chapel of *Semington* aforeſaid, all and every, or any Rights or Right whatever, in, over, or upon the ſaid Fields, Lands, Commons, and Waſte Grounds, or any and every of them, or any Part thereof to be extinguiſhed, or the Exerciſe thereof to be ſuſpended for and during ſuch Time or Times as ſhall be expreſſed in ſuch Notice; and all and every ſuch Rights and Right which the ſaid Commiſſioners ſhall ſo order and direct to be extinguiſhed, or the Exerciſe thereof to be ſuſpended as aforeſaid, ſhall from the Time of affixing ſuch Notice on the ſaid Church Doors ceaſe, determine, and be extinguiſhed, or the Exerciſe thereof ſhall be ſuſpended accordingly; any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

Encroachments.

XVI. And be it further enacted, That the ſaid Commiſſioners in aſcertaining, ſetting out, determining, and fixing the Boundaries of the ſaid Commons and Waſte Grounds, in Manner directed by the ſaid recited Act, ſhall inquire into and determine what Incloſures have been taken from, and what Encroachments have been made upon the ſaid Commons and Waſte Grounds, by this Act intended to be divided and incloſed; and all ſuch Incloſures taken out, and Encroachments made upon or from any Part thereof, (except ſuch Part or Parts as have been enjoyed for Twenty Years laſt paſt without Interruption, or leaſed by the reſpective Ladies or Lords of the ſaid Manors,) ſhall be deemed Part and Parcel of the ſaid Commons and Waſte Grounds hereby directed to be divided and incloſed, and ſhall be divided and allotted accordingly.

Roads.

XVII. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby authorized and required, in the firſt Place, before they ſhall proceed to make any of the Diviſions and Allotments directed by this Act,

to

to ſet out and appoint all and every the public Carriage Roads and Highways in, through, and over the ſaid Lands and Grounds hereby required to be divided and allotted; and may ſtop up and direct to be diſcontinued any of the preſent public or other Roads, in, through, or over any Part of the ſaid Pariſh of *Steeple Aſhton* as the ſaid Commiſſioners ſhall judge neceſſary, ſo as the ſaid Roads and Highways to be ſet out and appointed by the ſaid Commiſſioners ſhall be and remain Thirty Feet wide at the leaſt, and be ſet out in ſuch Directions as ſhall upon the whole appear to them moſt commodious to the Public; and the ſaid Commiſſioners are hereby further required to aſcertain the ſame by Marks and Bounds, and to prepare and ſign a Map, in which ſuch intended Roads ſhall be accurately laid down and deſcribed, and to cauſe the ſame, when ſo ſigned, to be depoſited with their Clerk, for the Inſpection of all Perſons concerned; and as ſoon as may be afterwards, the ſaid Commiſſioners ſhall give Notice in one of the public Newſpapers then publiſhed or circulated in the ſaid County of *Wilts*, and alſo in and by Writing to be affixed on the principal Doors or other conſpicuous Parts of the Pariſh Church of *Steeple Aſhton* aforeſaid, and Pariſh Chapel of *Semington* aforeſaid, of their having ſo ſet out ſuch Roads and depoſited ſuch Map as aforeſaid, and alſo of the general Lines of ſuch intended Carriage Roads, and ſhall appoint, in and by the ſame Notice, a Meeting to be held by the ſaid Commiſſioners at ſome convenient Place in the ſaid Pariſh of *Steeple Aſhton*, or within Eight Miles thereof, and not ſooner than Fourteen Days from the Date and Publication of ſuch Notice; at which Meeting, if any Perſon who may be injured or aggrieved by the Setting-out of ſuch Roads ſhall attend, and object to the Setting-out of the ſame, then ſuch Commiſſioners, together with any Juſtice or Juſtices of the Peace acting in and for the Diviſion in which the ſaid Pariſh of *Steeple Aſhton* is ſituate, and not being intereſted in the ſaid Diviſion and Allotment, ſhall hear and determine ſuch Objection, and the Objection of any other Perſon to any Alteration that the ſaid Commiſſioners, together with ſuch Juſtice or Juſtices, may in conſequence propoſe to make; and the ſaid Commiſſioners, together with ſuch Juſtice or Juſtices as aforeſaid, ſhall, and they are hereby required, according to the beſt of their Judgment upon the whole, to order and finally direct how ſuch Carriage Roads ſhall be ſet out, and either to confirm the ſaid Map or make ſuch Alteration therein as the Caſe may require; and all Roads, Ways, and Paths in, through, and over the ſaid Lands and Grounds hereby directed to be divided and allotted, or any Part thereof, which ſhall not be ſet out or finally ordered and directed as aforeſaid, ſhall be for ever ſtopped up and extinguiſhed, and ſhall be deemed and taken as Part of the Lands and Grounds to be divided and allotted by virtue of this Act, and ſhall be divided and allotted accordingly: Provided alſo, that none of the preſent Roads within the ſaid Pariſh of *Steeple Aſhton*, ſhall be ſhut up and diſcontinued until the Roads which ſhall be intended to remain, or be the public Roads in future, ſhall be ſet out in the Manner by this Act directed, and until the ſame ſhall be properly formed and made ſafe and convenient for Horſes, Carts, and Carriages.

Drains. XVIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby empowered to make, repair, vary, alter, ſcour out, cleanſe, and widen, (for the Protection of the Lands and

Grounds hereby directed to be divided and allotted), all Brooks, Streams, Ditches, Drains, Watercourſes, Tunnels, Watergates, Hatches, Hatchways, Banks, and Bridges, in the ſaid Pariſh, of ſuch Height, Breadth, and Depth, and in ſuch Situation and Direction as the ſaid Commiſſioners ſhall think proper, as well in, through, over, and upon the Lands and Grounds hereby intended to be divided and allotted, as alſo in, through, over, and upon the other Lands and Grounds in the ſaid Pariſh, or any Part or Parts thereof, (making ſuch Satisfaction and Compenſation to the Owners and Proprietors of ſuch ancient Inclo-ſures, or other Lands and Grounds not hereby intended to be divided and allotted as they ſhall think reaſonable); and the ſaid Commiſſioners ſhall in and by their Award order and direct by whom, and at whoſe Expence, and at what Time or Times, and in what Manner the ſaid Brooks, Streams, Ditches, Drains, Watercourſes, Tunnels, Watergates, Dams, Hatches, Hatchways, Banks, and Bridges, ſhall be thereafter uſed, cleanſed, repaired, ſcoured, and maintained; and the ſaid Commiſſioners ſhall and they are hereby required, in ſuch their Order and Determination, to pay due Regard by what Perſon or Perſons ſuch Brooks, Streams, Ditches, Drains, Watercourſes, Tunnels, Watergates, Dams, Hatches, Hatchways, Banks, and Bridges, have been accuſtomed to be maintained and kept in repair: Provided always, that no ſuch Brook or Stream ſhall be diverted or turned without the Conſent in Writing of the Owner or Owners of the Lands and Grounds from which any ſuch Brook or Stream ſhall be diverted or turned, and alſo of the Perſon or Perſons through or into whoſe Lands or Grounds any ſuch Brook or Stream ſhall be turned.

Allotment to Lord of the Manor.

XIX. And be it further enacted, That the ſaid Commiſſioners ſhall in the next Place ſet out and allot unto the ſaid *Katherine Long*, or to the Perſon or Perſons who for the Time being ſhall be Lord or Lady of the Soil of the ſaid Manor of *Steeple Aſhton*, in lieu and in reſpect of her Right and Intereſt in the ſaid Soil, One-Twentieth Part of the ſaid Commons and Waſte Grounds within the ſaid Manor (Quality, Convenience, and Situation conſidered); and ſhall alſo ſet out and allot unto the ſaid *Richard Long* or his Aſſigns, or to the Perſon or Perſons who for the Time being ſhall be Lord or Lady of the Soil of the ſaid Manor of *Rood Aſhton* with *Weſt Aſhton*, in lieu and in reſpect of his Right and Intereſt in the ſaid Soil, One-Twentieth Part of the ſaid Commons and Waſte Grounds within his ſaid Manor, (Quality, Situation, and Convenience conſidered), and alſo ſhall ſet out and allot unto the ſaid Duke of *Somerſet*, or to the Perſon or Perſons who for the Time being ſhall be Lord of the Soil of the ſaid Manor of *Semington*, in lieu and in reſpect of his Right and Intereſt in the ſaid Soil, One-Twentieth Part of the ſaid Commons and Waſte Grounds within his ſaid Manor, (Quality, Convenience, and Situation conſidered.)

Allotment to the Lord of the Hundred of Worwelſdown, and the Vicar.

XX. And be it further enacted, That the ſaid Commiſſioners ſhall in the next Place ſet out and allot unto the Lord of the Hundred of *Worwelſdown* for the Time being, ſuch Part and Proportion of the ſaid Commons and Waſte Grounds as ſhall be Equivalent to, and a full Recompence for all ſuch Loſs as he or they ſhall ſuſtain in reſpect to the Diminution and Leſſening of the ſaid Waifs and Strays, by reaſon of the incloſing and allotting of the ſaid Commons and Waſte Grounds by this Act directed to be divided and incloſed, and ſhall ſet out

out and allot unto the ſaid *Samuel Hey* as Vicar of the ſaid Pariſh of *Steeple Aſhton* and his Succeſſors, for and in reſpect of the Glebe Lands belonging to him within the ſaid Pariſh, ſuch Parcel or Parcels of the Lands by this Act directed to be divided and incloſed, as in the Judgment of the ſaid Commiſſioners allotting the ſame ſhall ſeem juſt and equitable.

Allotment of Remainder.

XXI. And be it further enacted, That after the aforeſaid ſeveral Allotments ſhall have been made and ſet out according to the Directions herein-before contained, the ſaid Commiſſioners ſhall then divide, ſet out, and allot all the Reſidue and Remainder of the Lands and Grounds by this Act directed to be divided and allotted unto and amongſt all and every Perſon and Perſons, Body and Bodies Politic, Corporate, or Collegiate, having any Rights or Intereſts in, to, over, or upon the ſaid Lands and Grounds, in ſuch Shares and Proportions as the ſaid Commiſſioners ſhall adjudge and determine to be proportionate to the Value of, and a full Compenſation and Satisfaction to him, her, or them reſpectively, for his, her, or their reſpective Rights and Intereſts, in, to, over, or upon the ſame Lands and Grounds.

Lands to be allotted.

XXII. And be it further enacted, That all Open and Commonable Lands and Woods, and all Fields, Lands, or Incloſures within the ſaid Pariſh of *Steeple Aſhton*, being the Property of Two or more Perſons, and ſituate within One Fence, whether ſuch Fields, Lands, or Incloſures belong to different Lords or Landholders in Fee, or are held of One Lord or Landholder by different Copies of Court-roll, or Leaſes for a long Term of Years, or determinable on the Death of one or more Life or Lives, or by any other Mode whatſoever, whereby the Duration of Intereſt is different or uncertain, ſhall be conſidered as Lands to be divided and allotted by virtue of this Act, and ſhall be divided and allotted accordingly by the ſaid Commiſſioners; and in ſuch Caſes where Allotments are made to Perſons holding Eſtates for different Terms under the ſame Lord or Land Owner, the ſaid Commiſſioners ſhall, in their Award, declare to which Eſtate the reſpective Allotments do ſeverally belong; and that all Incloſures which have been made in the ſaid Common Arable Fields within Twenty Years before the paſſing of this Act, ſhall be deemed to be allottable Land within the Meaning of this Act.

Allotting the Woods.

XXIII. And be it further enacted, That all ſuch Parts of the Commonable Lands within the ſaid Pariſh of *Steeple Aſhton* as conſiſt of Woods or Underwoods, ſhall be allotted to the preſent Proprietors thereof reſpectively, provided ſuch Proprietors ſhall have Common Rights, or other Commonable Lands within the ſaid Pariſh of *Steeple Aſhton*, ſufficient to compenſate to the Commoners for their Right of Feed in the ſaid Woods and Underwoods, and that in all Caſes where the Proprietors of ſuch Commonable Woods or Underwoods ſhall not be poſſeſſed of other Commonable Land or Common Rights within the ſaid Pariſh of *Steeple Aſhton*, ſufficient to compenſate for the Right of Feed in the ſaid Woods and Underwoods, that then it ſhall be lawful for the ſaid Commiſſioners to calculate the Value in Fee Simple of the Rights of feeding therein, and to order the Amount thereof to be paid by the reſpective Owners thereof to the ſaid Commiſſioners, to be applied towards diſcharging ſuch Part of the Expences of obtaining and executing this Act, as ſhall be charged on the

ſeveral Perſons entitled to the ſaid Right of feeding, in ſuch Proportions as to the ſaid Commiſſioners ſhall ſeem juſt and reaſonable; and if any Surplus ſhall remain after Payment of ſuch Expences as aforeſaid, ſuch Surplus ſhall be divided between ſuch ſeveral Perſons; and the Shares of ſuch of the ſaid Perſons as ſhall be Tenants thereof in Fee-ſimple, ſhall be paid to them reſpectively; and the Shares of the others of the ſaid Perſons ſhall reſpectively be paid into the Bank of *England*, in the Manner directed by the ſaid recited Act, with reſpect to Money to be paid for the Purchaſe or Exchange of Lands, Tenements, or other Hereditaments, or of any Timber or Wood growing thereon, where any ſuch laſt-mentioned Money ought to be laid out in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the ſame Uſes.

Commiſſioners to deliver early Poſſeſſion.

XXIV. And be it further enacted, That the ſaid Commiſſioners ſhall and may from Time to Time, as they ſhall find it convenient, deliver to the ſeveral Perſons intereſted in the ſeveral Diviſions and Allotments to be ſet out under this Act, Poſſeſſion of their reſpective Allotments hereby directed to be made and ſet out; and ſuch Poſſeſſion ſo delivered ſhall be kept and retained by the ſeveral Perſons entitled thereto, againſt all Perſons whomſoever, although the Award of the ſaid Commiſſioners ſhall not then be made and executed: Provided always, that it ſhall be lawful for the ſaid Commiſſioners, at any Time before executing their ſaid Award, to make any Alterations in all or any of the Allotments and Fences which they may have ſet out and ordered, or private Roads laid or to be laid over or to ſuch Allotment or Allotments that they ſhall think right and expedient; and in caſe any Perſon or Perſons be injured by any ſuch Alterations on account of any Expences he, ſhe, or they may have been at, the ſaid Commiſſioners ſhall aſcertain and determine what Recompence ſhall be made to him, her, or them, and ſhall direct by whom, and in what Manner ſuch Recompence ſhall be made, and which is hereby directed to be made accordingly.

Fencing Allotments.

XXV. And be it further enacted, That the Lands and Grounds hereby directed to be divided and allotted, ſhall be incloſed, hedged, ditched, and fenced by ſuch Perſon or Perſons, Body or Bodies Politic, Corporate, or Collegiate (ſave and except the Vicar of the ſaid Vicarage for the Time being, in reſpect of any Allotment to be made to him in Right of the ſaid Vicarage), within ſuch Time, and in ſuch Manner, and under and ſubject to ſuch Regulations and Reſtrictions as the ſaid Commiſſioners ſhall, by Writing under their Hands, or in and by their ſaid Award order, direct, and appoint; and the Hedges, Ditches, and Fences which ſhall be made purſuant thereto, ſhall at all Times thereafter be maintained and kept in Repair, and cleanſed, by ſuch Perſons, and Body or Bodies Politic, Corporate, or Collegiate, as the ſaid Commiſſioners ſhall in and by ſuch Writing under their Hands, or by their ſaid Award, direct.

Allotments to be made to Purchaſers.

XXVI. And be it further enacted, That if any Owner or Owners of any Lands or Grounds in the ſaid Pariſh of *Steeple Aſhton*, hath or have ſold, or ſhall, at any Time before the Execution of the Award of the ſaid Commiſſioners, ſell to any other Perſon or Perſons whomſoever, all or any Part of ſuch Owner or Owners Right, Intereſt, and Property in, over, or upon, the ſaid Lands and Grounds hereby directed to be divided and allotted, or in or to any Allotment which ſhall be ſet out or be intended to be made by

by the ſaid Commiſſioners, in full or in part Satisfaction of any ſuch Right, Intereſt, and Property as aforeſaid, then and in every ſuch Caſe it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required to make an Allotment of Land unto the Vendee or Purchaſer, or his or her Heirs or Aſſigns, for or in reſpect of ſuch Right, Intereſt, and Property ſo ſold as aforeſaid; and every ſuch Vendee or Purchaſer, or his or her Heirs or Aſſigns, ſhall and may, from and after the Execution of the ſaid Award, hold and enjoy the Lands ſo to be allotted to him, her, or them as aforeſaid, in the ſame Manner to all Intents and Purpoſes as the Vendor in every ſuch Sale might, could, or ought to have held or enjoyed the ſame in caſe any ſuch Sale had not been made, or ſuch Right, Intereſt, or Property had remained in ſuch Vendor at the Time of making ſuch Allotment as aforeſaid.

Tenure of Allotments.

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

Lands to be held under the same Tenure.

XXVIII. And be it further enacted, That all such Lands or Grounds, and other Hereditaments, as shall be allotted to any of the said Proprietors under or by virtue of this Act, or the Act of the Forty-first Year of the Reign of His present Majesty, shall be held by such Proprietor or other Person or Persons respectively, under the same Tenure as the Lands or Grounds or Hereditaments, in respect whereof such Allotment shall be made, were respectively held and enjoyed at or immediately before the making of such Allotments.

Exchanges.

XXIX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to set out, allot, and award any Buildings, Lands, Tenements, or Hereditaments within the said Parish of *Steeple Ashton*, in lieu of and in Exchange for any other Buildings, Lands, Tenements, or Hereditaments within the said Parish of *Steeple Ashton*, or within any adjoining Parish, Hamlet, or Townships, provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioners, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Buildings, 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, Corporation Aggregate or Sole, or a 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 any 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 Proprietors or Owners 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 or 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 Buildings, 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 Lord Bishop of the Diocese in which such Lands, Tenements, or Hereditaments so to be exchanged shall lie or be situate: Provided also, that all Costs, Charges, and Expences, attending the making of any Exchanges and Partitions shall be paid and borne by the several Persons making such Exchanges or Partitions, in such Manner and in such Proportions as the said Commissioners shall by their said Award order and direct.

Tenants to give up Possession.

XXX. And be it further enacted, That every Tenant and Occupier under any Lease or Agreement for any Term of Years at Rack or Extended Rent, now subsisting of any old inclosed Lands, which shall by virtue of this Act be allotted to any other Person or Persons than the present Owner or Owners thereof, or shall be exchanged, shall, immediately after the signing of the Award of the said Commissioners, or at such Time or Times either before or after the Execution of the said Award as the said Commissioners shall appoint, and whereof Notice in Writing shall be given for that Purpose, deliver up the full and peaceable Pos-

ſeſſion of ſuch allotted or exchanged Lands, to the Perſon or Perſons to or with whom the ſame ſhall be reſpectively allotted or exchanged; but the Tenants or Occupiers of ſuch allotted or exchanged Lands ſhall receive from the reſpective Owners and Proprietors thereof ſuch Satisfaction as the ſaid Commiſſioners upon Requeſt in Writing being made to them for that Purpoſe, ſhall by Writing under their Hands order, direct, or appoint to be paid to ſuch Tenants reſpectively, as an Equivalent for the Loſs or Loſſes they ſhall reſpectively ſuſtain thereby; and if the Money ſo to be aſcertained as aforeſaid ſhall not be paid to the Perſon or Perſons entitled to receive the ſame, within Twenty-one Days after Demand made thereof, it ſhall and may be lawful to and 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 and levied: Provided always, that if there ſhall be any Leaſe or Agreement of Lands, Part of which ſhall be in the ſaid Pariſh and Part in any adjoining Pariſh, all and every ſuch Leaſe or Leaſes and Agreements at Rack Rents now ſubſiſting, may be vacated in Manner aforeſaid; but where any Land ſhall have been taken in Exchange, which Land ſhall be holden under any Leaſe, and wholly ſituate in an adjoining Pariſh, the Leaſe of ſuch laſt-mentioned Land ſhall not be vacated.

Vacating Leaſes.

XXXI. And be it further enacted, That all and every Leaſe and Leaſes at Rack or Extended Rent, now ſubſiſting, of any Meſſuages, Lands, or Tenements within the ſaid Pariſh of *Steeple Aſhton*, ſhall, as far as ſuch Leaſe or Leaſes affect or concern any Allotment or Allotments to be made of any Part of any of the ſaid Lands, Commons, or Waſte Grounds in reſpect of any ſuch Meſſuages, Lands, or Tenements compriſed in ſuch Leaſe or Leaſes, be, and the ſame is and are hereby declared to be null and void as to ſuch Allotment or Allotments, and ſuch Allotment or Allotments ſhall be made and aſſigned unto the Landlord or Landlords, and not to the Tenant or Tenants, Leſſee or Leſſees; and ſuch Allotment and Allotments ſhall be free, and diſcharged from all Right and Intereſt which may or otherwiſe might be claimed in or to the ſame, by virtue of ſuch Leaſe or Leaſes; and the Perſon or Perſons to whom the Meſſuages, Lands, or Tenements compriſed in ſuch Leaſe or Leaſes ſhall belong, as Landlord or Landlords, ſhall make ſuch Compenſation to the Perſon or Perſons entitled to the ſame under ſuch Leaſe or Leaſes as the ſaid Commiſſioners, upon Requeſt in Writing made to them for that Purpoſe, ſhall by Writing under their Hands direct, for the Right of Common, or any other Rights or Intereſts in, over, or upon the ſaid Commons or Waſte Grounds, or any Part thereof appendant or appurtenant to ſuch Meſſuages, Lands, or Tenements, and which ſhall be extinguiſhed by this Act; and if any Perſon or Perſons ſhall refuſe or neglect to make any ſuch Compenſation to the Perſon or Perſons entitled thereto, within Twenty-one Days after Demand made thereof, then and in ſuch Caſe it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized and 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, or any Part thereof, can or may be raiſed and levied.

XXXII. Provided

Not to revoke Wills and Settlements.

XXXII. 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 ſuch Proprietor was ſeiſed and poſſeſſed at or immediately before the Execution of the Award to be made by the ſaid Commiſſioners, 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.

Courſe of Huſbandry.

XXXIII. And be it further enacted, That from and after the paſſing of this Act until the Execution of the ſaid Award, all the Arable Lands hereby directe d to be divided and allotted ſhall be ſubject and liable to ſuch Directions and Regulations as the ſaid Commiſſioners ſhall from Time to Time by any Writing under their Hands appoint, with regard to the ſtocking, ploughing, tilling, ſowing, and laying down the ſame; and it ſhall be lawful for the ſaid Commiſſioners to order and direct ſuch Sum and Sums of Money, in reſpect thereof, to be paid by any Perſon or Perſons intereſted in the ſaid Arable Lands, or any Part thereof, or his, her, or their Tenant or Tenants, to any other Perſon or Perſons in like Manner intereſted therein, or his, her, or their Tenant or Tenants, as the ſaid Commiſſioners ſhall think reaſonable; and in caſe any Perſon or Perſons who ſhall be directed to pay any Sum or Sums of Money upon any of the Accounts aforeſaid, ſhall neglect or refuſe to pay the ſame on Demand, then and in ſuch Caſe it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required 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, or any Part thereof, can or may be raiſed and levied by virtue of the Powers herein-before contained.

Sheep not to be kept for Seven Years.

XXXIV. And be it further enacted, That it ſhall not be lawful for any of the Proprietors, or any of their Tenants, to turn any Sheep, Horſes, Aſſes, Pigs, Beaſts, or other Cattle in any Ways, Lanes, or Roads, on either Side whereof any new Fences ſhall be made, for the Space of Seven Years, commencing from the paſſing of this Act.

Sheep may be kept if Fences guarded.

XXXV. Provided nevertheleſs, and be it further enacted, That no Perſon or Perſons who ſhall occupy any of the Allotments to be made as herein directed, ſhall graze and keep Sheep and Lambs in and upon ſuch their Allotments, unleſs ſuch Occupier ſhall make, and during ſuch Time ſufficiently maintain, fence, or otherwiſe ſufficiently guard the young Quickſet Hedges on every Side of the Allotment or Allotments where ſuch Sheep or Lambs ſhall be kept, from receiving any Damage therefrom.

XXXVI. And

Allowance to Commissioners and Clerk.

XXXVI. And be it further enacted, That each of the Commissioners acting in the Execution of the Trusts and Powers hereby vested in them and their Clerk, shall be allowed and paid, in Satisfaction for their Trouble and Expences, the Sum of Three Pounds Three Shillings for every Day on which they shall be employed in travelling to, attending on, or returning from all Meetings to be held in pursuance of this Act; and the said Commissioners and Clerk shall pay their own Expences, and not be allowed for more than One Day's Journey to, and One Day's Journey from, the Place of Meeting.

Expences of the Act.

XXXVII. And be it further enacted, That the Allowances to the Commissioners, their Clerk and Surveyors, together with all the Charges and Expences of soliciting and passing this Act, and the Costs and Charges attending the same, and the Costs and Charges of surveying, admeasuring and planning, valuing, draining, dividing, and allotting the Lands and Grounds so intended to be divided and allotted as aforesaid, and also of surveying the said Homesteads and ancient Inclosures, of forming and making the public Roads, and of fencing the Allotment to be made to the said Vicar in respect to his said Vicarage, and of preparing and inrolling the said Award or Instrument, and all other necessary Charges and Expences about and concerning any Exchanges to be made by virtue of this Act, shall be borne and defrayed in a proportionable Manner by all the Proprietors and Owners, or Persons entitled to Lands, Grounds, Commonable and other Rights in *Steeple Ashton* aforesaid, (except the said Vicar), such Charges and Expences to be settled, adjusted, and determined by the said Commissioners; and the said Commissioners are hereby empowered and required to raise the said Expences by one or more Rate or Rates, at any Time or Times, and from Time to Time either before or after the Execution of the Award, as they shall think proper; 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, and also the Expence of inclosing and fencing any Allotment or Allotments which the Proprietors thereof may refuse or neglect to fence within the Time to be limited by the said Commissioners, to such Person or Persons as they shall appoint to receive the same, (Notice of the Time and Place appointed for paying the same being affixed on the Door of the said Parish Church of *Steeple Ashton* aforesaid, and of the Parish Chapel of *Semington* aforesaid, on some *Sunday* before Divine Service, at least Ten Days before the Day appointed for Payment thereof), the said Commissioners shall and may, by Warrant under their Hands and Seals directed to any Person whomsoever, cause the same 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), on Demand, to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of taking and making such Distress and Sale; or otherwise it shall and may be lawful to and for the said Commissioners, or any Person or Persons authorized and appointed by them for that Purpose, to enter into and upon the said Premises so to be allotted to such Person or Persons as they shall think proper, and to receive and take the Rents, Issues, and Profits thereof, until thereby and therewith the Shares or Proportions of the said Costs and Charges to be directed, awarded, and appointed by the said Commissioners, with lawful Interest for the same, to be computed from the Time such Sum of Money shall be ordered to be paid; and also all Costs, Charges, and Expences

occaſioned by or attending ſuch Entry upon, and Receipt of the Rents and Profits of the ſaid Premiſes ſhall reſpectively be fully paid and ſatisfied.

Deductions from Allotments for Expences.

XXXVIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, if they ſhall think the Meaſure expedient, to deduct from any Allotment or Allotments to be ſet out by virtue of this Act, ſo much Land as in the Judgment of the ſaid Commiſſioners ſhall be equivalent to and in lieu of the Part or Proportion of the Expences of paſſing and executing this Act, and all the other Expences attendant thereon, which ought to be paid in reſpect of ſuch Allotment or Allotments, and the Land ſo deducted ſhall be allotted to or amongſt the Proprietor or Proprietors who ſhall pay the ſame Expences in Proportion to the Sums they ſhall reſpectively pay or contribute thereto; but under the Reſtrictions however, that no ſuch Deduction ſhall be made by the ſaid Commiſſioners without the previous Conſent in Writing of the reſpective Proprietors or Perſons ſeiſed or entitled for Life, or any Term or Terms determinable on Lives, or for any greater Eſtate of or to ſuch Allotment or Allotments, or of the Huſbands, Guardians, Truſtees, Committees, or Attornies of any ſuch Proprietors being Femes Covert, Infants, Lunatics, beyond the Seas, or under any other legal Diſability or Incapacity of acting for themſelves.

Parties from whoſe Allotments Deductions, &c. made, not to charge Coſts.

XXXIX. Provided always, and be it enacted, That in all Caſes where any Deduction ſhall be made from any ſuch Allotment or Allotments in Manner aforeſaid, or where any ſuch Sale of any ſuch Allotment or Allotments, or of any Part or Parts thereof, ſhall have been made for the Payment of ſuch Coſts, Charges, and Expences as aforeſaid, it ſhall not be lawful for the Perſon or Perſons, or Body or Bodies Politic, or Corporate, or Collegiate, from whoſe Allotment or Allotments ſuch Deduction or Deductions ſhall have been made as aforeſaid, or of whoſe Allotment or Allotments, or of any Part thereof, ſuch Sale ſhall have been made in Manner aforeſaid, to charge the Lands and Grounds allotted to him, her, or them, or any Part or Parts thereof, by virtue of this or the ſaid recited Act, with any Money towards defraying ſuch Coſts, Charges, and Expences.

Expences of Act to be repaid.

XL. And be it further enacted, That if any Perſon or Perſons whomſoever, ſhall advance and pay any Money in Diſcharge of the Fees or other Expences of preparing, obtaining, and executing this Act, the Money ſo advanced and paid ſhall be repaid and ſatisfied to him, her, or them, by the Direction of the ſaid Commiſſioners together with lawful Intereſt for the ſame: Provided always, that the ſaid ſeveral Proprietors, their Attornies and Agents ſhall pay their own Expences, when they or any of them ſhall attend the ſaid Commiſſioners, at any of their Meetings to be holden in purſuance of this Act.

Diviſion to be completed within a certain Time.

XLI. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required to finiſh the Diviſion and Allotment of the ſaid Lands, Commons and Waſte Grounds hereby directed to be divided and allotted, ſo that their Award as directed by the ſaid recited Act may be ſealed and executed within the Space of Three Years, from the paſſing of this Act, unleſs any Suits, Actions, or Controverſies at Law or in Equity, to be brought, commenced, or agitated by any Perſon or Perſons

ſons touching any Right, Claim, or Intereſt in or to the ſaid Lands, Commons, and Waſte Grounds, be then depending, in which caſe the ſaid Commiſſioners ſhall and they are hereby required to ſeal and execute their ſaid Award within One Year next after the Determination or Adjuſtment of ſuch Suits, Actions, or Controverſies.

Accounts to be laid before Juſtice of Peace.

XLII. And be it further enacted, That once at leaſt in every Year during the Execution of this Act, (ſuch Year to be computed from the Day of the paſſing thereof), the ſaid Commiſſioners ſhall, and they are hereby required to make a true and juſt Statement or Account of all Sums of Money by them received and expended, or due to them for their own 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 by them 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 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 Juſtice.

Award to be depoſited.

XLIII. And be it further enacted, That the Award to be made by the ſaid Commiſſioners, when inrolled in the Manner directed by the ſaid recited Act, ſhall be depoſited in the Church Cheſt of the ſaid Pariſh of *Steeple Aſhton*, together with the Pariſh Regiſters.

Copy of Award to be legal Evidence.

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

Appeal.

XLV. 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 Act or the ſaid recited Act, (other than and except ſuch Orders and Determinations of the ſaid Commiſſioners as are by the ſaid recited Act or this Act directed to be final and concluſive, and except in ſuch Caſes wherein an Iſſue at Law ſhall be tried as herein-before mentioned), then and in every ſuch Caſe he, ſhe, or they may appeal to the Juſtices at 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 Fourteen Days Notice in Writing of ſuch Appeal, and of the Matter thereof; and the Juſtices in ſuch Seſſions (not intereſted in the Premiſes) are hereby required to hear and determine the Matter of every ſuch Appeal, and to make ſuch Order therein, and award ſuch Coſts and Damages as to them in their Diſcretion ſhall ſeem reaſonable; and by their Order or Warrant to levy the Coſts and Damages which ſhall be ſo awarded by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties liable or required to pay the ſame, rendering the Overplus (if any) to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of ſuch Warrant,

Diſtreſs, and Sale, and the Determination of the ſaid Juſtices ſhall be final and concluſive to all Parties concerned, and ſhall not be removed or removeable 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 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 ſuch Coſts ſhall be levied in Manner laſt aforeſaid.

General Saving.

XLVI. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, the Lady and Lords of the aforeſaid ſeveral Manors of *Steeple Aſhton*, *Rood Aſhton with Weſt Aſhton*, and *Semington*, and of the aforeſaid Hundred of *Worwelſdown*, and to all and every Perſon and Perſons, Body or Bodies Politic, Corporate, or Collegiate, his, her, and their Heirs, Succeſſors, Executors, and Adminiſtrators, all ſuch Rights, Titles, and Intereſts, (other than and except ſuch as is and are hereby meant and intended to be barred, deſtroyed, and extinguiſhed), as they, every, or any of them could or ought to have had and enjoyed of, in, to, or out of the ſaid Lands, Commons, and Waſte Grounds hereby directed to be divided, allotted, and incloſed, in caſe this Act had not been made.

To be printed by the King's Printers.

XLVII. 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.