ANNO QUADRAGESIMO SECUNDO

GEORGII III. REGIS.

****

Cap. 79.

An Act for dividing and allotting in Severalty the Open and Common Arable Fields, Commons, Downs, Common Meadows, Common Paſtures, and Commonable Places, within the Pariſh of *Weſtbury* in the County of *Wilts*.

[28th *May* 1802.]

WHEREAS there are in the Pariſh of *Weſtbury* in the County of *Wilts*, divers Open and Common Arable Fields, Common Downs, Common Meadows, Common Paſtures, and Commonable Places; and which ſaid Open and Common Arable Fields and Common Meadows contain in the Whole Three thouſand nine hundred Acres and upwards; and the ſaid Common Downs, Common Paſtures, and Commonable Places, contain together One thouſand two hundred Acres, or upwards: And whereas the Right Honourable *Henry* Lord Viſcount *Gage* and *William Baldwin* Eſquire, Deviſees in Truſt, named in the laſt Will and Teſtament of *Willoughby Bertie* late Earl of *Abingdon*, deceaſed, the Moſt Honourable *Thomas* Marquis of *Bath*, the Dean and Chapter of the Collegiate Church of *Saint Peter* in *Weſtminſter*, and the Reverend *Nathaniel Hume* Clerk, Chantor of the Cathedral Church of *Sarum*, reſpectively are or claim to be Lords of Manors lying within the ſaid Pariſh of *Weſtbury*: And whereas the ſaid Lord Viſcount *Gage* and *William*

Baldwin Eſquire, as Deviſees as aforeſaid, the ſaid *Thomas* Marquis of *Bath*, the ſaid Dean and Chapter, and the ſaid Reverend *Nathaniel Hume* Chantor of the ſaid Cathedral Church of *Sarum*, or their Leſſees, *Richard Erle Drax Groſvenor*, *Thomas Peckham Phipps*, *Thomas Hele Phipps*, *Abraham Ludlow*, *John Whittaker*, and *William Aldridge Ballard*, Eſquires, *John Matravers*, *Philip Whitaker*, and *John Turner*, Gentlemen, and divers other Perſons, are Proprietors of Land within the ſaid Pariſh of *Weſtbury*, and entitled to a Proportion of the ſaid Common Downs, Common Paſtures, and Commonable Places, lying within the ſame Pariſh: And whereas the ſaid Open and Common Arable Fields and Common Meadows lie intermixed and diſperſed in ſmall Parcels, and the ſaid Common Downs, Common Paſtures, and Commonable Places are, in their preſent Situation, incapable of any conſiderable Improvement; but if the ſame were divided into ſpecifick Shares, and allotted unto and amongſt the ſeveral Proprietors thereof in Severalty, in lieu of and in Proportion to their reſpective Rights and Intereſts therein, and if ſuch Allotments in the ſaid Common Meadows, Common Paſtures, and Commonable Places, were incloſed, the ſame would be more convenient for Occupation, and might be conſiderably improved: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That *Richard Richardſon* of *Lincoln's Inn Fields* in the County of *Middleſex*, *Jacob Sturge* of *Weſtbury-upon-Trim* in the County of *Glouceſter*, and *Thomas Singer* of *Berkeley* in the County of *Somerſet*, Gentlemen, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be and they are hereby appointed Commiſſioners for dividing, allotting, and laying in Severalty the Common Arable Fields, Common Downs, Common Meadows, Common Paſtures, and other Commonable Places within the Pariſh of *Weſtbury* in the ſaid County of *Wilts*, and for carrying the ſeveral other Purpoſes of this Act into Execution, with ſuch Powers and ſubject to ſuch Rules and Directions as are herein-after particularly mentioned; and alſo with ſuch of the Powers and ſubject to ſuch of the Rules and Directions contained in an Act paſſed in the laſt Seſſion of Parliament, 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*, as are not controulled by or repugnant to any of the Proviſions contained in this Act; and that all Acts, Matters, and Things hereby authorized or directed to be done and executed by the ſaid Commiſſioners, may be done and executed by any Two of them, at their reſpective Meetings to be holden in purſuance of this Act, and the ſame ſhall be as valid and effectual as if done and executed by all the Commiſſioners herein-before named; and that the ſaid Commiſſioners ſhall be allowed Two Guineas and a Half each for their Trouble and Expences for every Day which they ſhall be neceſſarily employed in the Execution of the Powers of this Act.

Commiſſioners appointed for dividing and allotting the Lands.

New Commiſſioners to be appointed upon Vacancies.

II. And be it alſo enacted, That if any or either of the Commiſſioners herein-before named, or their Succeſſors, to be appointed in Manner herein-after mentioned, ſhall die, refuſe to act, or become incapable of acting as a Commiſſioner or Commiſſioners for the Purpoſes of this Act, that then and as often as the Caſe ſhall happen, it ſhall be lawful for the

Majority in Value of the Proprietors of Lands and Grounds in the ſaid Pariſh, or their reſpective Agents, or Attornies preſent at a Meeting to be holden for that Purpoſe, by Writing under their Hands, from Time to Time, as ſoon as conveniently may be after ſuch Death, Refuſal, or Incapacity as aforeſaid, to nominate and appoint ſuch other Perſon (not intereſted in the ſaid intended Diviſion), to be a Commiſſioner in the Room of every Commiſſioner who ſhall ſo die, refuſe to act, or become incapable of acting as aforeſaid, as they or he ſhall adjudge to be a fit and proper Perſon to act as a Commiſſioner in the Execution of this Act; and that every new Commiſſioner ſo to be appointed, ſhall have the like Power and Authority to act in the Execution of this Act as the Commiſſioner in whoſe Place he ſhall ſucceed was inveſted with, which ſaid Appointment ſhall be inrolled with the Award herein-after directed to be made by the Commiſſioners.

Commiſſioners to make a Survey, and to determine Diſputes.

III. And be it further enacted, That the ſaid Commiſſioners, as ſoon as conveniently may be after they ſhall have cauſed a Survey and Admeaſurement, and a Map or Maps, Plan or Plans to be made for the Purpoſes of this Act, wherein ſhall be inſerted the Parcels and Quantity of Land belonging to the ſeveral Proprietors, ſhall ſummon, by Writing under their Hands, all and every ſuch Proprietors within the ſaid Pariſh, at ſuch Time and Place as they the ſaid Commiſſioners ſhall appoint, by giving Fourteen Days Notice thereof in the *Saliſbury* and *Wincheſter Journal*, and by affixing the like Notice on the principal Doors of the Pariſh Church of *Weſtbury*, the Church of *Bratton*, and Chapel of *Dilton* within the ſaid Pariſh of *Weſtbury*, and ſhall ſubmit ſuch Survey and Admeaſurement, Map or Maps, Plan or Plans, to the Inſpection and Examination of the ſaid Proprietors and intereſted Perſons, the better to diſcover and correct any Error or Errors that may be therein, and to aſcertain the Parcels and Quantity of Land belonging to the ſeveral Proprietors in the Open and Common Arable Fields and Common Meadows reſpectively; and if any Queſtion or Diſpute ſhall ariſe between any Perſon or Perſons intereſted in the ſaid Open and Common Arable Fields and Common Meadows, before ſetting out and allotting the ſame, touching the Extent, Identity, or Poſſeſſion of any Parcel or Portion thereof, or touching any Common Rights or other Intereſts which they may have or claim in the Common Downs, Common Paſtures, and Commonable Places, directed by this Act to be divided, that it ſhall and may be lawful for the ſaid Commiſſioners to examine any Witneſs or Witneſſes, and to hear, adjudge, and determine ſuch Queſtion or Diſpute; but no ſuch Determination ſhall hinder or prevent any of the Parties from trying their Rights at Law in reſpect to any Matter of Title, nor ſhall any ſuch Trial ſuſpend the Execution of the Power given by this Act, or diſturb any Allotment to be made to any Perſon whomſoever.

Commiſſioners to direct what incloſed Lands may be ſurveyed.

IV. Provided always, and be it further enacted, That nothing in the ſaid Act or this Act contained ſhall extend to require the ſaid Commiſſioners, or their Surveyor, to make or cauſe to be made any Admeaſurement, Plan, or Valuation of any of the Meſſuages, Cottages, Orchards, Gardens, Homeſteads, ancient incloſed Lands and Grounds in the Pariſh of *Weſtbury* aforeſaid, unleſs the ſaid Commiſſioners ſhall deem ſuch Admeaſure-

Admeaſurement, Plan, or Valuation expedient for the Purpoſes of this Act.

Certain Notices to be publiſhed in the Newſpaper.

V. And be it further enacted, That all Noitces by the ſaid Act or this Act required to be given or publiſhed in any publick Newſpaper, of ſetting out publick Carriage Roads, and of reading and executing the Award of the Commiſſioners, and of any other Matter or Thing in the Execution of this Act, ſhall be given and publiſhed in *The Saliſbury* and *Winchester Journal*, or if that Newſpaper ſhall not then be publiſhed, in ſome other Newſpaper uſually circulated in the ſaid County of *Wilts*.

Notice of Meetings.

VI. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby required to give publick Notice by Advertiſement in *The Saliſbury* and *Winchester Journal*, and by Writing under their Hands to be affixed on the principal Doors of the Pariſh Church of *Weſtbury*, the Church of *Bratton*, and Chapel of *Dilton* within the ſaid Pariſh of *Weſtbury*, on ſome *Sunday* at or immediately before Divine Service, of the Time and Place of their Firſt and every ſubſequent Meeting for executing this Act, Ten Days at leaſt before every ſuch Meeting (Meetings by Adjournment only excepted); and if at ſuch Meeting no more than One Commiſſioner ſhall attend, he is hereby empowered to adjourn ſuch Meeting to ſuch Time and Place near the Premiſes as he ſhall think moſt convenient; and every Proprietor or Perſon intereſted, who ſhall attend any ſuch Meetings, ſhall pay his own Expences.

Power to try diſputed Claims at Law.

VII. Provided always, and be it further enacted, That if any Perſon or Perſons, Bodies Politick or Corporate, making any Claim or Claims to any Lands or Hereditaments intended to be divided or affected by this Act, or any Rights or Intereſts therein, or objecting to any ſuch Claim or Claims, ſhall be diſſatisfied with the Determination of the ſaid Commiſſioners, and ſhall be deſirous of having ſuch Claim or Claims, Rights or Intereſts reſpectively tried at Law, and the Perſon or Perſons, Body or Bodies Politick or Corporate, ſo deſirous to have the ſame tried at Law, ſhall by his, her, or their reſpective Agents or Attornies, give Notice thereof in Writing to the ſaid Commiſſioners, or any Two of them, within Two Calendar Months after ſuch Determination ſhall have been ſo made by the ſaid Commiſſioners (of which Notice the ſaid Commiſſioners are hereby required immediately on Receipt thereof, or as ſoon afterwards as conveniently may be done, to give Information to the adverſe Party or Parties, or his, her, or their reſpective Agents or Attornies, by Writing under their reſpective Hands, to be delivered to or left at the uſual Place of Abode of ſuch Party or Parties, Agents or Attornies reſpectively), then, but not afterwards or otherwiſe, it ſhall be lawful for the Perſon or Perſons, Body or Bodies Politick or Corporate, giving ſuch Notice as aforeſaid, their reſpective Heirs, Succeſſors, or Aſſigns, to proceed to Trial at Law for the ſame at the next Aſſizes to be holden for the County of *Wilts* after ſuch Notice given as aforeſaid, in a feigned Action or Actions for that Purpoſe, to be commenced in One of His Majeſty's Courts at *Weſtminſter* by the Perſon or Perſons, Body or Bodies Politick or Corporate, their reſpective Heirs, Succeſſors, or Aſſigns, giving ſuch Notice as aforeſaid, againſt the adverſe Party making ſuch Claim or Objection as aforeſaid; and the Defendant or Defendants in ſuch Action or Actions ſhall forthwith name an Attorney or Attornies, who

who ſhall file Common Bail, or appear and accept One or more Iſſue or Iſſues, whereby all ſuch Claim or Claims, and Rights and Intereſts may be properly tried and determined (ſuch Iſſue or Iſſues to be ſettled by the proper Officers of the Court wherein ſuch Action or Actions ſhall be commenced if the Parties ſhall differ about the ſame); and the Verdict or Verdicts which ſhall be given in the ſaid Action or Actions ſhall be final and concluſive to all and every Perſon and Perſons, Body and Bodies Politick and Corporate whomſoever, unleſs the Court wherein ſuch Action or Actions ſhall be brought ſhall ſet aſide ſuch Verdict or Verdicts, and order a new Trial or Trials to be had, which it ſhall be lawful for the Court to do, and alſo upon ſufficient Cauſe ſhewn to put off the Trial of ſuch Iſſue, as is uſual in other Caſes; and after any Verdict or Verdicts ſhall have been obtained, and not ſet aſide by the Court, the ſaid Commiſſioners ſhall, and they are hereby authorized and required to conform thereto.

The Lands liable to be allotted aſcertained.

VIII. And be it further enacted, That all Fields or Incloſures containing Two or more Properties within One Fence, whether ſuch Properties 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 long Terms 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 Commonable Lands, and be divided and allotted accordingly; 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 at any Time been made in the ſaid Common Arable Fields, and which do not adjoin to a publick or other ſufficient Road, ſhall be deemed to be allottable Land within the Meaning of this Act, unleſs the Proprietors of ſuch Incloſures are poſſeſſed of other allottable Land ſufficient to make a Communication to the ſaid Incloſures.

Encroachments to be thrown open under certain Reſtrictions.

IX. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, and they are hereby required to enquire into and determine 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 Encroachments made on or from any of the ſaid Lands or Grounds (ſave and except ſuch as have been enjoyed for Twenty Years laſt paſt without Interruption), 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; ſave and except ſuch Plots of Land which ſhall have been incloſed from the Waſte as Cottage Gardens, or ſuch Parts of ſuch Plots as ſhall appear to the ſaid Commiſſioners to be proper and reaſonable to ſuffer to remain incloſed: Provided always, that no Pieces of Land which have been incloſed from the Common Arable Fields within Twenty Years laſt paſt, which ſhall contain Two or more Acres, and be the ſole Property of One Proprietor, ſhall be deemed to be allottable within the Meaning of this Act, in caſe the ſame ſhall communicate with ſome publick Road, except ſuch Parts thereof as ſhall be neceſſary to widen the ſaid Road, or to make any new Road or Roads through the ſame.

Woods, *etc.* subject to Rights of Common, to be allotted to the present Owners.

X. And be it further enacted, That all such Parts of the Commonable Lands within the said Parish of *Westbury* as consists of Woods, Underwoods, or Woody Grounds, shall be allotted to the present Proprietors thereof respectively, together with the Underwood and Timber growing thereon, after making such Deduction of Land therefrom as shall appear to the said Commissioners to be just for the Rights of the Commoners who are entitled to feed therein, and which Deduction shall be made in such Part or Parts thereof where it will be the least injurious to grub the Underwood and Timber thereon; and that wherever the said Woods, Underwoods, or Woody Grounds belongs to Two or more Persons as Joint Tenants or Tenants in Common, it shall be lawful for the said Commissioners, and they are hereby required, on Application by any One or more of the said Persons, to make a Partition and Division thereof among such Persons so entitled to the same, according to their several and respective Rights therein: Provided, that in all Cases where the Proprietors of such Woods, Underwoods, or Woody Grounds, shall have Common Rights or other Commonable Land within the said Parish of *Westbury*, sufficient to compensate to the Commoners for their Right and Feed in the said Woods, Underwoods, or Woody Grounds, that in every such Case the said Commissioners shall divide and allot an Equivalent of such other Commonable Land among the said Commoners, in lieu of making any Deduction of Land from the said Woods, Underwoods, or Woody Grounds.

Where Owners of such Woods *etc.* have not Land to give to the Commoners, they may pay Money in lieu.

XI. And be it enacted, That in all Cases where the Owner of any of such Commonable Woods, Underwoods, or Woody Grounds, shall not be possessed of other Commonable Land or Common Rights within the said Parish of *Westbury*, sufficient to compensate for the Right of Feed in the said Woods, Underwoods, or Woody Grounds, and shall be desirous of retaining the Whole of the said Woods, Underwoods, or Woody Grounds, and to pay a Compensation in Money instead of giving up Part of the said Woods, Underwoods, or Woody Grounds, to the Commoners for their Common Rights therein, that then it shall be lawful for the said Commissioners, and they are hereby required, on Application from the respective Owners of the said Woods, Underwoods, or Woody Grounds, 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.

Allotments to Lords of Manors for Rights of Soil.

XII. And be it further enacted, That the said Commissioners shall, and they are hereby directed and required to set out and allot such Part or Parts of the said Common Pastures hereby directed to be divided and allotted, called *Westbury Commons* (not being Woods, Underwoods, or Woody Grounds, as aforesaid), as in the Judgement of the said Commissioners shall be equal in Value (Quantity and Quality considered), to One Twentieth Part of the said Common Pastures, after deducting the publick Roads to be set out therein, unto and for the several and respective Lords of Manors within the said Parish of *Westbury*, who shall respectively prove themselves to be entitled to the Soil of the said Common Pastures.

XIII. And

Allotment to be made to the Churchwardens, *etc.* of *Weſtbury*.

XIII. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby directed and required in the next Place to ſet out and allot Twenty Acres of the Common Paſtures called *Weſtbury Commons*, to the Churchwardens, Chapelwardens, and Overſeers of the Poor, for the Time being within the ſaid Pariſh of *Weſtbury*, to be held and enjoyed by them and their Succeſſors for ever, for the Employment or Relief of the Poor of the ſaid Pariſh of *Weſtbury*, in Aid of the Poor Rates, or for ſuch other Purpoſe as the Majority of the Perſons aſſeſſed to the Poor Rate of the ſaid Pariſh, at a Veſtry to be called and held for that Purpoſe, ſhall order and direct concerning the ſame, of which Veſtry Fourteen Days Notice in the ſeveral Churches and Chapel within the ſaid Pariſh ſhall be previouſly given: Provided, that it ſhall and may be lawful to and for the ſaid Churchwardens, Chapelwardens, and Overſeers, or any Six of them, at any Time hereafter to exchange the Whole or any Part of ſuch Allotment of and for other Lands of equal Value, and which may be nearer and more contiguous to the General Workhouſe of the ſaid Pariſh, ſo that ſuch Exchange be approved of by the Majority of the ſaid Veſtry.

Allotment for Stone Pits.

XIV. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required to ſet out and allot ſuch Part of the ſaid Common Downs ſo intended to be divided and allotted as and for publick Stone Pits, not exceeding in the Whole Twenty Acres, with convenient Roads to and from the ſame, to be uſed in common by the Proprietors of Lands and Eſtates within the ſaid Pariſh of *Weſtbury* for the Repairs of the publick Roads within the ſaid Pariſh, and that the Ground, Soil, and Herbage of ſuch Land ſo to be allotted for Stone Pits ſhall be ſet out and allotted to the Owners or Proprietors of Lands by this Act directed to be divided and allotted, as the Commiſſioners ſhall think proper.

Allotment of the Reſidue.

XV. And be it further enacted, That the ſaid Commiſſioners do and ſhall divide, ſet out, and allot all the Reſidue of the ſaid Open and Common Arable Fields, and Common Downs, Common Meadows, Common Paſtures, and Commonable Places, unto and for the ſeveral Owners, Proprietors, Leſſees, and cuſtomary Tenants thereof and Perſons intereſted therein, in Proportion to their reſpective Lands and Rights of Common therein, and that the ſame Proportion of the Common Arable Fields below the Hills and Downs, as to Quantity, Quality, and general Situation, be allotted to each Proprietor, as he at preſent holds, as far as the Nature of the Caſe and the Accommodation of ſmall Proprietors will admit.

For depaſturing Allotments in Common.

XVI. And whereas ſome of the Proprietors, Leſſees, and other Perſons intereſted in the Common Paſtures by this Act directed to be divided, allotted, and incloſed, whoſe Allotment thereof will be too ſmall to bear the Expence of incloſing, or for other Reaſons, may be deſirous of having Liberty to feed and depaſture their Allotments in Common under proper Regulations; be it therefore enacted, That the ſaid Commiſſioners ſhall, and they are hereby fully authorized and empowered, on an attentive View and full Conſideration of the Premiſes, to award, order, and direct, that all ſuch of the ſaid Allotments as they ſhall think proper and neceſſary, ſhall be hereafter fed and depaſtured in Common, and may by their Award declare at what Time or Times, and on what Contingency or Contingencies thoſe Common Rights, or any of them, ſhall or may reſpectively

ceaſe and determine, any Thing herein contained to the contrary notwithſtanding; and the ſaid Commiſſioners ſhall, and they are hereby authorized and empowered to direct, that all ſuch of the ſaid Allotments which ſhall be ſo ordered by them to be fed and depaſtured in Common, as aforeſaid, ſhall be cultivated and enjoyed in the beſt improved Courſe of Huſbandry that the reſpective Soils and Situations are capable of, and the ſame ſhall be opened, broken, ſtocked, and depaſtured, and alſo be ſhut up and unſtocked on ſuch Days and at ſuch Times yearly, as the ſaid Commiſſioners ſhall direct and appoint; and alſo that the ſame ſhall be ſtocked and depaſtured with ſuch Sort and Number of Neat Cattle, Sheep, or other Stock, for the Share and Proportion of each Proprietor or Owner reſpectively, as the ſaid Commiſſioners ſhall judge moſt equitable and beneficial for the Whole and for the ſeveral Parties intereſted therein.

Commiſſioners may direct the Courſe of Huſbandry.

XVII. Provided always, and be it 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 all the ſaid Open and Common Downs, Common Meadows, and other Open and Commonable Lands and Grounds 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 Commiſſioners ſhall from Time to Time, by any Writing or Writings under their Hands 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 Ten Days Notice ſhall be given, and affixed on the Church and Chapel Doors as aforeſaid; and that no Meadow, Paſture, or Greenſward Ground, in the ſaid Open and Common Fields and Downs, Common Meadows, and other Open and Commonable Lands and Grounds, hereby intended to be divided and allotted, ſhall, before the making of ſuch Diviſions and Allotments, be ploughed, broken up, or converted into Tillage.

To prevent Abuſes on quitting any of the Lands or Grounds, and for the more equitable Entry on the ſame.

XVIII. And be it further enacted, That in caſe the Orders of the ſaid Commiſſioners reſpecting the Courſe of Huſbandry ſhall not have been fully complied with, or in caſe the late Occupier of any Allotment ſhall have neglected to manure, properly cultivate, or lay down the ſaid Allotment, or ſhall have before the Time ſo fully or improperly cropped the ſame that the Land is exhauſted, or in Courſe to lie fallow, or if by any other Means it ſhall happen that any of the Proprietors, Owners, or Occupiers of the new Allotments are deprived of a due Share or Proportion of Land in proper Order and Condition for the enſuing Wheat Crop, or ſhall receive any other Detriment or Injury, then and in any of the ſaid Caſes it ſhall be lawful for the ſaid Commiſſioners, and they are hereby empowered, by Writing under their Hands, to order, direct, and appoint that every Proprietor, Owner, or Occupier, who ſhall not have his, her, or their proper Quantity or Proportion of the Allotment to be made by virtue of this Act in good Order and in Courſe for an enſuing Wheat Crop, or who ſhall receive any Detriment or Injury whatſoever in conſequence of any Thing done or omitted to be done in purſuance of this Act, ſhall have and receive ſuch pecuniary or other Compenſation from ſuch of the other Proprietors, Owners, or Occupiers, as the ſaid Commiſſioners ſhall

ſhall adjudge to be equitable and proper, and that the ſaid Commiſſioners ſhall and may in all ſuch Caſes ſet out, ſpecify, regulate, and appoint in what Manner, in what Quantities and Proportions, and by what Perſons, ſuch new Allotments, or any Part thereof, ſhall be manured, ſown, occupied, and enjoyed, ſo as to be moſt beneficial to each and every Proprietor for One Year next after ſuch Allotments ſhall have been made; any Thing herein contained to the contrary notwithſtanding.

Power for the Commiſſioners to cauſe the Common Meadows, *etc.* to be incloſed.

XIX. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby authorized and required to order and direct that all the Allotments in the Common Meadows and Common Paſtures, and ſuch ſmall Allotments in the Arable Fields as they ſhall judge proper and neceſſary to be incloſed ſhall be fenced with Ditches and Quickſet Hedges on the outward Boundaries thereof, by and at the Expence of the Proprietors, Leſſees, or Perſons to whom the ſame ſhall be reſpectively awarded (except the Allotments to the Vicar of *Weſtbury* in reſpect of his Glebe Lands), which reſpective Fences ſhall be made in ſuch Manner and within ſuch Time, and in ſuch Shares and Proportions, and ſhall thereafter be repaired, maintained, and preſerved in ſuch Manner, and in ſuch Shares and Proportions as the ſaid Commiſſioners ſhall direct and appoint; but that all the other Allotments in the Arable Fields, and all the Allotments on the Downs may be incloſed or left open at the Diſcretion of the Proprietors thereof.

For vacating Leaſes at Rack Rent.

XX. And be it further enacted, That all or any Leaſes or other Agreements at Rack Rent now ſubſiſting, of or reſpecting any of the Lands and Grounds to be divided and allotted purſuant to this Act, and of or reſpecting any Meſſuages, Buildings, Homeſteads, Gardens, Orchards, or old incloſed Lands held with the ſame, and of or reſpecting any Lands or Hereditaments in the Pariſh of *Weſtbury* aforeſaid, which ſhall be exchanged by virtue hereof, ſhall, in caſe the ſaid Commiſſioners ſhall think it to be proper and reaſonable, ceaſe, determine, and be utterly void, at ſuch Time or Times, with reſpect to ſuch Lands or Grounds, and in ſuch Manner and Form, and with ſuch Addition or Abatement of Rent or other Satisfaction, as the ſaid Commiſſioners ſhall by Writing under their Hands order and appoint; and that the Leſſors or Owners of the Lands, Tenements, and Hereditaments comprized in ſuch Leaſes or Agreements, ſhall pay or receive ſuch Sum or Sums of Money, or make or receive ſuch Satisfaction to or from their Leſſees or Tenants reſpectively, as the ſaid Commiſſioners ſhall judge to be a proper Equivalent for vacating ſuch Leaſes or Agreements, and they are hereby authorized and required to order and direct ſuch Payments and Satisfaction to be made accordingly.

Expences of Exchanges to be borne by the Parties intereſted therein.

XXI. And be it further enacted, That all Coſts, Charges, and Expences attending the making of any Exchanges or Partitions by virtue of this Act, 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 Award, or other Writing under their Hands, order and direct.

Certain Exchanges to be made with the Conſent of the Biſhop of *Saliſbury*.

XXII. And be it further enacted, That in caſe any Exchange ſhall be made of any Part of the Glebe Land belonging either to the Rectory or Parſonage, or the Vicarage, or of any Allotment of Land made in purſuance

ſuance of this Act, to the ſaid Rectory or Parſonage, or Vicarage, that the ſame ſhall not be good and effectual without the Conſent of the Lord Biſhop of *Saliſbury* for the Time being, the Patron of the Precentorſhip of the Cathedral Church of *Saliſbury*, under which the ſaid Rectory or Parſonage is held.

New Allotments and exchanged Lands to enure to former Uſes.

XXIII. And be it further enacted, That all and ſingular the Lands and other Premiſes which ſhall be ſo reſpectively allotted or exchanged under or by virtue of this Act, ſhall, immediately after ſuch Allotments and Exchanges are made, be, remain, and enure to and for ſuch and the ſame Uſes, Eſtates, Truſts, and Purpoſes, and be held under and ſubject to ſuch and the ſame Wills, Settlements, Limitations, Powers, Remainders, Leaſes (except ſuch Leaſes at Rack Rent as ſhall be directed by the ſaid Commiſſioners to be vacated), and ſhall be ſubject to and diſcharged from all ſuch Royalties, Tenures, Cuſtoms, Heriots, Rents, Services, Charges, and Incumbrances, as the ſeveral and reſpective Meſſuages, Buildings, Lands, Tenements, Hereditaments, new Allotments, or old Incloſures, in lieu or in reſpect whereof ſuch allotted Lands or exchanged Premiſes ſhall reſpectively be made or taken, now are, or might or would have been ſubject or liable to be charged with or affected by in caſe this Act had not been made.

Watercourſes not to be diverted.

XXIV. Provided always, and be it further enacted, That it ſhall not be lawful for the Commiſſioners to divert any Watercourſe or Rivulet running through any Part of the Lands and Grounds by this Act directed to be divided and allotted, without the Conſent of the Perſon or Perſons ſo entitled to the Uſe thereof.

Expences of the Act to be paid by Sale of Part of the Commons.

XXV. And be it further enacted, That all Charges and Expences incident to and attending the obtaining and paſſing of this Act, and of making and forming the publick Carriage Roads, and of ſuch Survey, Admeaſurements, and Plans of the ſaid Lands, as ſhall be made by Order of the ſaid Commiſſioners or approved by them, and alſo of valuing, dividing, ſetting out, allotting, and exchanging the ſaid Lands, Grounds, and Premiſes, or any Part of the ſame, and of providing, ſowing, and managing ſuch Graſs Seeds as may be ſown in purſuance of this Act, and of preparing, drawing up, and inrolling the ſaid Award, and of making out a Copy of the ſame, and all Charges and Expences of the ſaid Commiſſioners, and of the ſeveral Perſons to be employed by them, either before or after the executing of the ſaid Award, and alſo the Share and Proportion of the ſaid Charges and Expences, in reſpect to any Allotment or Allotments to the ſaid Vicar for Glebe Lands or Common Rights, and all other neceſſary Charges and Expences whatſoever incurred by or under the Authority of the ſaid Commiſſioners in and about the Execution of this Act, ſhall be paid, borne, and defrayed by Sale of Part of the Common Paſtures called *Weſtbury Commons*, in Manner directed by the ſaid Act: Provided, that in all Caſes where the Proprietors of Commonable Lands ſhall not be entitled to ſufficient Right on the ſaid Common Paſtures called *Weſtbury Commons*, wherewith to pay their Share of the ſaid Expences, or ſhall be deſirous of paying their reſpective Shares of the ſaid Expences in Money, inſtead of ſuſtaining a Loſs of Land for that Purpoſe, and ſhall give timely Notice to the Commiſſioners in Writing of ſuch their Deſire, at a Meeting to be held for ſuch Purpoſe, that in ſuch Caſes all ſuch Expences

pences shall be paid, borne, and defrayed by such respective Proprietors and Persons interested in the said Lands so allotted or exchanged, in and by such Shares and Proportions, at such Time or Times, and to such Person or Persons, as the said Commissioners shall, by Writing under their Hands, to be affixed on the principal Doors of the several Churches and Chapel within the said Parish, on some *Sunday* during Divine Service, Thirty Days at least before such Time or Times of Payment, order and direct; the Commissioners nevertheless keeping a separate Account of the Expences which may be occasioned by the dividing and allotting each Description of Lands and Grounds by this Act directed to be divided and allotted, and rating the respective Proprietors thereof proportionably, accordingly; and that the several Shares and Expences aforesaid, in respect of the several Tenements held by any Person by Lease or Copy of Court Roll, determinable on any Life or Lives, shall be borne or defrayed in such Shares or Proportions between the Lord of the Fee of the said Tenements, and the Persons respectively holding the same, and paid at such Times and in such Manner as shall be directed by the said Commissioners: Provided, that no Person or Persons who shall be possessed of Land in the Common Arable Fields only, not exceeding Two Acres, shall be obliged to contribute any Thing towards the Expences of obtaining and passing this Act, and carrying the same into Execution, in respect of such Land: Provided always, that nothing in this Act contained shall extend, or be construed to extend, to subject the said Precentor of the said Cathedral Church of *Sarum* for the Time being, in respect of the said Rectory or Parsonage, to any Charge or Expence incident to or attending this present Act, or carrying the same, or any Part thereof, into Execution, or for or on Account of any Allotment of Land, Exchange, or Partition to be made to or with the said Rectory or Parsonage, by virtue of this Act.

Auditors of Commissioners' Accounts.

XXVI. And be it further enacted, That Once at least in each and every Year during the Execution of this Act (such Year to be computed from the Day of the passing thereof), the said Commissioners shall, and they are hereby required to make a just and true Statement or Account of all Sums of Money by them received and expended, or due to them for their own Trouble or Expences in the Execution of this Act; and such Statement or Account, when so made, together with the Vouchers relating thereto, shall be by them laid before *Andrew Drummond* of *Stapleton* in the County of *Gloucester*, Esquire, and *Henry Bosanquet* of the City of *Bath*, Esquire, or One of them, to be by them, or either of them, examined and balanced, and such Balance shall be by them, or One of them, stated in the Book of Accounts to be kept in the Office of the Clerk of the said Commissioners; and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed by the said *Andrew Drummond* and *Henry Bosanquet*, or One of them.

Persons advancing Money to be repaid with Interest.

XXVII. And be it further enacted, That if any Person shall advance any Sum or Sums of Money for defraying the Expences of obtaining and passing this Act, or for the Use of the said Commissioners in carrying the same into Execution, every such Person shall be repaid the same, with Interest at the Rate of Five Pounds *per Centum per Annum*, out of the First Monies that shall be raised for defraying the Expences of obtaining and executing this Act.

XXVIII. And

Appeals to the Quarter Seſſions.

XXVIII. Provided always, and be it further enacted, That if any Perſon ſhall think himſelf aggrieved by any Thing done in purſuance of this Act, then and in every ſuch Caſe (except in ſuch Caſes where the Orders, Directions, or Determinations of the ſaid Commiſſioners are directed to be final, binding, or concluſive), ſuch Perſon may appeal to any General Quarter Seſſions of the Peace which ſhall be held for the ſaid County of *Wilts*, within Six Calendar Months next after the Cauſe of Complaint ſhall have ariſen; and the Juſtices at ſuch Seſſions are hereby required to hear and determine the Matter of ſuch Appeal, and to make ſuch Order therein and award ſuch Coſts as to them in their Diſcretion ſhall ſeem reaſonable, and by 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 to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of every ſuch Diſtreſs and Sale; which Determination of the Juſtices ſhall be final, binding, 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.

General Saving.

XXIX. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and to all and every other Perſon and Perſons, Bodies Politick and Corporate, his, her, or their Heirs, Succeſſors, Executors, Adminiſtrators, and Aſſigns (other than and except the reſpective Perſons to whom any Allotment or Allotments of Land, or other Compenſation ſhall be made or provided by virtue of this Act, or in reſpect of the Intereſt or Property for which ſuch Allotment or Compenſation ſhall be made, and except ſuch other Rights and Intereſts as the Intent and Purpoſes of the Incloſure hereby authorized ſhall abſolutely require to be barred, deſtroyed, or extinguiſhed by this Act), all ſuch Eſtates, Rights, and Intereſts, as they, every, or any of them had and enjoyed, of, in, or in reſpect of the Commonable Lands and Grounds hereby directed to be divided and allotted before the paſſing of this Act, or could or might have had or enjoyed if this Act had not been made.

Publick Act.

XXX. And be it further enacted, That this Act ſhall be deemed a publick Act, and be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons, without the ſame being ſpecially pleaded.

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