



ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 160.

An Act for inclofing Lands in the Manors of *Great Chelworth* and *Little Chelworth*, in the Parishes of *Cricklade Saint Sampson* and *Cricklade Saint Mary*, in the County of *Wilts*. [17th June 1814.]

WHEREAS the Manor of *Cricklade*, and also the Two several Manors of *Great Chelworth* and *Little Chelworth*, are within and form Part of the said Parishes of *Cricklade Saint Sampson* and *Cricklade Saint Mary*, in the County of *Wilts*: And whereas there are within the said Manors of *Great Chelworth* and *Little Chelworth* several Open and Common Fields, Common Meadows, Common Pastures, and other Commonable and Waste Lands: And whereas *Joseph Pitt* Esquire is Lord of the said Manor of *Cricklade*, and also of the said Manors of *Great Chelworth* and *Little Chelworth*: And whereas the Right Honourable *John Lord Eliot*, the said *Joseph Pitt*, and *Robert Maskeleyne*, *William Maskeleyne*, *Morgan Byrt*, *Richard Kinniere*, *William Champernowne*, *John Creed*, *William Wells*, and *Robert White*, Esquires, *Thomas Heberden* Clerk, *Ann Poulton* Widow, and several other Persons, are Owners or Proprietors of the Lands within the said Open and Common Fields and Common Meadows, and whose respective Properties therein lie intermixed, and are disperfed in small Quantities: And whereas the said *Joseph Pitt*, *Thomas Heberden*, *Robert Maskeleyne*, *William Maskeleyne*, *Morgan Byrt*, and divers other Persons, are Owners and Proprietors of certain old inclofed Lands and Premises, situate and being within the inner Boundaries of the late Forest of *Braydon*, in the Manor of *Great Chelworth* aforesaid, and as such they are entitled to exclusive Right of Common of Pasture for

[*Loc. & Per.*]

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their

their Cattle in, over, and upon certain Parts of the said Waste or Commonable Lands as lie within the said Manor of *Great Chelworth* called *Cricklade Common*, and the Lanes, and other Commonable Lands within the said Manor of *Great Chelworth*; which said Common, called *Cricklade Common*, is reputed to contain Two hundred and twelve Acres, and the Lanes are reputed to contain Sixty Acres, being Part of a reputed Quantity of Eighty-four Acres in Lanes within the said Manors of *Great Chelworth* and *Little Chelworth*: And whereas there is within the said Parish of *Cricklade Saint Mary* a Meadow called *Normeade* otherwise *North Meadow*, containing the reputed Quantity of One hundred and twenty Acres, of which the said *Thomas Heberden*, and several other Persons, have and use and exercise the Right to mow, and take annually to their own Use, the first Vesture or Hay Crop; and from and after the Twelfth Day of *August* in every Year, to the Twelfth Day of *February* in the following Year, all Persons residing and occupying Houses within the said Manor or Borough of *Cricklade* aforesaid, in respect of the said Houses which they so occupy, and those Persons and in that respect only have and use and exercise the Right to depasture their Cattle in and upon the said Meadow called *Normeade* otherwise *North Meadow*: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled *An Act for consolidating in one Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas the said Open and Common Fields, Common Meadows, Common Pastures, and other Commonable and Waste Lands, are in their present State incapable of any considerable Improvement; and it would be of advantage to the several Proprietors thereof, if the Commonable Rights therein (except the said Meadow called *Normeade* otherwise *North Meadow*, and also except as herein-after is excepted) were extinguished, and the same were divided and inclosed, and specific Shares thereof allotted to the several Proprietors and Persons interested therein, and such Allotments inclosed; and if the said Meadow called *Normeade* otherwise *North Meadow* were so allotted that the several Persons who have Land therein lying dispersed and intermixed were to have an entire Allotment or Allotments made to them in lieu of their said Lands so dispersed; but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *John Edmonds* of *Whelford*, in the County of *Gloucester*, Gentleman, and *Robert Wright Hall* of *Cirencester*, in the same County, Gentleman, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Commissioners for dividing, allotting, and inclosing the said Open and Common Fields, Common Meadows, Common Pastures, and other Commonable and Waste Lands, and for carrying this Act and also the said recited Act into Execution, in the Manner and subject to the Rules, Orders, and Directions herein contained, and also subject to the Regulations and Provisions of the said recited Act, except where the same are hereby altered or varied.

Commis-
sioners.

How future
Commission-
ers are to be
appointed.

II. And be it further enacted, That if either of the said Commissioners appointed by this Act, or any other Commissioner or Commissioners to be appointed

appointed in Manner herein-after mentioned; shall die or refuse to act, or become incapable of acting as a Commissioner in the Execution of the said recited Act and this Act, the surviving or remaining Commissioner shall from Time to Time, within Two Calendar Months next after the happening of every such Event, by Writing under his Hand and Seal, nominate and appoint such other proper Person (not interested in the said Division, Allotment, and Inclosure) to be a Commissioner in the room of such Commissioner as shall so die, or refuse to act or become incapable of acting; and in case both the Commissioners for the Time being shall die, or refuse or neglect to act, or become incapable of acting, before the Execution of all the Powers and Authorities hereby and by the said recited Act in them vested, then it shall be lawful for the major Part in Value (such Value to be ascertained by the Land Tax Assessment of the said respective Parishes) of the Proprietors or Persons interested in the Lands directed by this Act to be divided, allotted, and inclosed, or their Agents or Attornies for that Purpose authorised in Writing, who shall be present at a Meeting to be held in the Parish Church of *Cricklade Saint Sampson* aforesaid, in pursuance of a Notice to be given by Writing, to be affixed upon the principal Outer Door of the said Church, at least Twenty-one Days before such Meeting, to appoint Two other Commissioners, not interested in the said Division, Allotment and Inclosure, by Writing under their Hands, in the room of the Commissioners who shall die, or refuse to act, or become incapable of acting; and so from Time to Time and as often as both the Commissioners shall die, or refuse or neglect to act, or become incapable of acting as aforesaid; and every Person so to be appointed a Commissioner as aforesaid shall take and subscribe the Oath or Affirmation prescribed in the said recited Act, and thereupon shall have the like Power and Authority to act in the Execution of this Act and the said recited Act, as the Commissioner or Commissioners in whose Place or Places he or they shall be appointed was or were vested with by virtue of this and of the said recited Act.

III. Provided always, and be it further enacted, That whenever the said Commissioners shall differ or disagree in opinion upon any Point or Matter relating to the Execution of this Act or the said recited Act, *John Davis* of *Bloxham*, in the County of *Oxford*, Gentleman, shall be and is hereby appointed an Umpire to determine the Point or Matter of such Difference or Disagreement in Opinion; and in case the said *John Davis* shall die, refuse to act, or become incapable of acting as such Umpire, the said Commissioners shall, within One Calendar Month next after such Event being made known to them, appoint another Person (not interested in the said Division, Allotment, and Inclosure) to be an Umpire in the Place of the said *John Davis*, and from Time to Time afterwards to do the like, as Occasion shall require; and the Judgment and Determination of the said Umpire, in all Matters so from Time to Time referred to him, shall be deemed and considered to be the Judgment and Determination of the said Commissioners; and for the Purpose aforesaid, but not for any other Purpose, such Umpire shall have and he is hereby vested with the same Powers and Authorities, as by the said recited Act and this Act are given to and vested in the said Commissioners; and that all Acts, Matters, and Things authorised or necessary to be done and executed by the said Commissioners for effecting the Purposes aforesaid, may, in case of any Difference or Disagreement in Opinion between them, be done and executed

Appointment
of Umpire.

executed by either of them jointly with the said Umpire herein-before named, and the same shall be as valid and effectual to all Intents and Purposes as if the same Acts, Matters, and Things had been done and executed by both the said Commissioners first herein nominated and appointed.

Umpire to
take an Oath.

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

Form of
Oath.

‘ I *A. B.* do swear, [*or, being one of the People called Quakers, do solemnly affirm*], That I will faithfully, honestly, and impartially, according to the best of my Skill and Ability, execute and perform the Powers and Authorities reposed in me as Umpire, by virtue of an Act passed in the Fifty-fourth Year of the Reign of King *George* the Third, intituled *An Act* [*here insert the Title of this Act*], according to Equity and good Conscience, and without Favour or Affection, Prejudice or Malice, to any Person or Persons whomsoever.

‘ So help me GOD.’

Which Oath or Affirmation it shall be lawful for either of the said Commissioners to administer (who is hereby required to administer the same), and such Oath or Affirmation, when so taken and subscribed by such Umpire, shall be annexed to and enrolled with the Award of the said Commissioners, and a Copy of the Enrolment thereof shall be admitted as legal Evidence.

Allowance to
Commissioners
and Umpire.

V. And be it further enacted, That every Commissioner and Umpire employed in the Execution of this Act shall be allowed the Sum of Three Pounds and Three Shillings, and no more, for his Trouble and Expences for each Day he shall necessarily attend in the due Execution of the Powers of this and the said recited Act, out of which said Allowance such Commissioner and Umpire shall defray his own Charges and Expences; and the said Commissioners shall have Power and they are hereby authorized to appoint a Clerk or Clerks to assist them in the Execution of this and the said recited Act, and such Clerk from Time to Time to remove, and another to appoint, as to them shall seem meet; and such Clerk shall in like Manner be allowed any Sum, not exceeding Three Pounds and Three Shillings for his Trouble, Charges, and Expences for each and every Day he shall necessarily attend the said Commissioners or Umpire in the Execution of this and the said recited Act, as the said Commissioners shall direct.

Power to ap-
point Clerk,
and Allow-
ance to him.

Proprietors
to pay their
own Expence
at Meetings.

VI. Provided always, and be it further enacted, That the said 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 held in pursuance of the said recited Act and this Act.

Notices of
Meetings.

VII. And be it further enacted, That the said Commissioners shall cause Notice to be given in the Parish Churches of *Cricklade Saint Sampson* and *Cricklade Saint Mary* aforesaid respectively, upon some *Sunday* during or immediately after Divine Service, or by Writing under their Hands, to be affixed upon the principal Outer Doors of the said Churches, and also by Advertisement to be inserted in some Newspaper printed or circulated within the said County of *Wilts*, of the Time and Place of the First and every

every subsequent Meeting for the Execution of this Act, Ten Days at the least before any such Meeting shall be held (Meetings by Adjournment, which the said Commissioners are hereby authorised to make, only excepted); and if at the Time and Place appointed for any such Meeting no more than One Commissioner shall attend, such Commissioner may adjourn such Meeting to such Time and Place as he shall think most convenient; and if no such Commissioner shall attend at such Time and Place, then it shall be lawful for the Person who shall act as Clerk to the said Commissioners to adjourn such Meeting to any future Day, not exceeding Twenty-one Days from the Day of Adjournment; and that all such Meetings shall be held in one or other of the said Parishes of *Cricklade Saint Sampson* or *Cricklade Saint Mary* aforesaid, or within the Distance of Eight Miles from the respective Boundary of the said Parishes.

VIII. And be it further enacted, That all other Notices necessary or requisite to be made and given by the said Commissioners shall be so made and given by Advertisement to be inserted in some Newspaper printed or circulated in the said County of *Wilts*. All other Notices how to be given.

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 Division, Allotment and Inclosure, touching or concerning the respective Property, Rights or Interests, which they or any of them shall have or claim to have in the same, or touching or concerning any other Matter or Thing relating to the said Division, Allotment and Inclosure, it shall be lawful for the said Commissioners or Umpire and they or he are and is hereby authorised and required, by Examination of Witnesses upon Oath or Affirmation, (which Oath or Affirmation either of the said Commissioners or Umpire is hereby authorised and empowered to administer), or upon View, or other satisfactory Evidence, to hear and determine the same: Provided always, that nothing herein contained shall authorise the said Commissioners or Umpire to determine the Title to any Messuages, Cottages, Lands, Tenements, or other Hereditaments whatsoever. Commissioners to settle Differences.
Commissioners or Umpire not to determine Titles.

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, see Cause to award any Costs, it shall be lawful for the said Commissioners and they are hereby empowered, upon Application made to them for that Purpose, to settle, assess, and award such Costs and Charges as they shall think reasonable, to be paid to the Party or Parties in whose Favour any Determination of the said Commissioners shall or may be made, by the Person or Persons whose Claim or Claims, Objection or Objections, shall be thereby disallowed or over-ruled; and in case the Person or Persons who shall be liable to pay such Costs and Charges shall neglect or refuse to pay the same upon Demand, then and in such Case it shall be lawful for the said Commissioners and they are hereby authorised and required, by Warrant under their Hands and Seals directed to any Person or Persons whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person and Persons so neglecting and refusing to pay the same, rendering the Overplus (if any) upon Demand to the Person or Persons whose Goods and Chattels shall Commissioners to award Costs.

[*Loc. & Per.*]

shall

shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Parties dis-
satisfied may
try their
Rights by an
Issue at Law.

XI. Provided always, and be it further enacted, That in case any Person or Persons interested in the said intended Division, Allotment and Inclosure, shall be dissatisfied with the Determination of the said Commissioners or Umpire, touching or concerning any Rights or Interests in, over, and upon the Lands and Grounds hereby directed to be divided, allotted and inclosed, or any Part thereof, or touching or concerning any Common Rights, or other Rights or Interests, which they or any of them may have or claim in, upon, or over the same, or touching or concerning any other Matter or Thing relating to the said Division, Allotment and Inclosure, it shall be lawful for the Person or Persons so dissatisfied to proceed to a Trial at Law of the Matter so determined by the said Commissioners or Umpire, at the then next or at the following Assizes to be holden for the said County of *Wiltts*, and for that Purpose the Person or Persons who shall be dissatisfied with the Determination of the said Commissioners shall cause an Action to be brought, upon a feigned Issue, against the Person or Persons in whose Favour any such Determination shall have been made, within Three Calendar Months next after such Determination of the said Commissioners or Umpire; and the Defendant or Defendants in such Action or Actions shall, and he, she, or 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 upon, may be tried and determined, (such Issue or Issues to be settled by the proper Officer of the Court in which such Action or Actions shall be commenced, in case the Parties shall differ about the same), and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding, and conclusive upon all and every Person and Persons whomsoever, Body and Bodies Politic, Corporate or 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, as is usual in other Cases; and that after such Verdict or Verdicts shall be obtained, and not set aside by the Court, the said Commissioners or Umpire 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 or Umpire, touching such Claim or Claims to such Common Rights, or other Rights or Interests in, over, or upon the said Lands and Grounds hereby directed to be divided, allotted and inclosed, or any Part thereof, which shall not be objected to within the Time and in Manner aforesaid, or being objected to, the Party or Parties objecting not causing such Action at Law to be brought and proceeded in as aforesaid, shall be final and conclusive upon all Parties.

If no Action
brought, or
not proceeded
in, the De-
termination
of the Com-
missioners to
be final.

Action not
to abate by
the Death of
Parties.

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

In Cases of
Deaths of
Parties before

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

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 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 said Commissioners or their Clerk with Process for commencing such Action or Actions, in the same Manner as the Party or Parties might have been served therewith if living; and it shall thereupon be incumbent on the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, or in his, her, or their own Name or Names, and Proceedings shall be had therein in the same Manner as if such Person or Persons had been actually living, and the Rights of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

Actions brought, the same to be carried on and defended in their Names.

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

Right of Possession not to be determined by the Commissioners.

XV. And be it further enacted, That if any of the Parties interested in the said intended Division, Allotment and Inclosure, shall die before the same shall be completed, the Powers and Authorities hereby given to the said Commissioners shall not thereby be determined or suspended, but that the said Commissioners shall proceed in the Execution of the Powers given to them by this Act or the said recited Act, in such Manner as they might have done in case such Parties had not died; and that the Share or Shares of the Person or Persons so dying shall be allotted to such Person or Persons who shall by Law become entitled to the same, and shall be accepted and fenced by him, her or them, according to the Directions of this or the said recited Act; and he, she, or they shall be liable to the Charges and Expences and other Conditions of this and the said recited Act.

Death of Parties not to suspend the Execution of the Act.

XVI. And be it further enacted, That if the said Commissioners shall deem it expedient or proper to shorten the Boundary Fences between the Lands and Grounds by this Act directed to be divided, allotted, and inclosed in the Manors of *Great Chelworth* and *Little Chelworth* aforesaid respectively, and any Manor or Parish, or Manors or Parishes adjoining thereto, or to make the same Boundary Fences respectively regular, it shall be lawful for the said Commissioners (with the Consent in Writing under the Hand or Hands of the Lord or Lords of the Manor or Manors in which the Land is situated, or of the Owner or Owners of the Land upon which any Fence or Fences shall or may be intended to be made) to set out the Boundary between the Lands and Grounds by this Act directed

For shortening Boundary Fences.

to

to be divided, allotted, and inclosed within the said Manors of *Great Chelworth* and *Little Chelworth* respectively, and any adjoining Manor or Parish, or Manors or Parishes, in such Manner as they shall judge proper for the Purposes aforesaid; and after such Boundaries shall be so set out as aforesaid, the same shall be fenced by such Person or Persons in such Manner, and at such Time or Times as the said Commissioners shall direct, and shall for ever thereafter be deemed and taken to be the Boundaries between the said Manors of *Great Chelworth* and *Little Chelworth* respectively, and such adjoining Manor or Parish, Manors or Parishes respectively; any Law, Usage, or Custom to the contrary notwithstanding.

Commissioners empowered to stop up old Roads, &c.

XVII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, to stop up, divert, turn, or in any other Way alter any old Carriage Road, Bridleway or Footpath leading through and over the said Common or Waste Lands hereby directed to be divided, allotted and inclosed, or passing or leading through any of the old Inclosures within the said Manors of *Cricklade Saint Sampson* and *Cricklade Saint Mary*, or either of them; and the Soil of the Roads and Ways so to be stopped up, diverted, turned, or in any other Way altered, shall be deemed and taken as Part of the Lands and Grounds so to be divided, allotted and inclosed: Provided always, that no such Carriage Road, Bridleway or Footpath passing or leading through any of the said Inclosures in the said Manors, shall be stopped up, diverted, turned, or in any other Way altered, without the Concurrence and Order of any Two Justices of the Peace for the said County of *Wilts*, and not interested in the Repair of such Roads, and which Order shall be subject to an Appeal to the Quarter Sessions for the said County of *Wilts*, in like Manner and under such Forms and Restrictions as if the same had been originally made by such Justices.

Justices to certify when Roads are completed, &c.

XVIII. And be it further enacted, That when and so soon as Two or more of His Majesty's Justices of the Peace for the said County of *Wilts*, at any Special Sessions to be holden by them, shall find, and shall under their Hands and Seals certify and declare any of the Public Carriage Roads to be set out in pursuance of the said recited Act and of this Act, or any Part of any such Road, to be fully and sufficiently formed, repaired and completed, such Road or Roads, or so much thereof as shall in any such Writing be described and certified, shall from thenceforth be supported and kept in Repair by such Persons, and in like Manner as the Public Roads within the said Parishes, or that Part or District of the said Parishes, or either of them, in which the same shall be, are or ought to be by Law amended and kept in Repair; and every such Certificate shall, at the General Quarter Sessions of the Peace to be holden for the County of *Wilts* next after the Date thereof, be filed of Record by the Clerk of the Peace for the said County.

Commissioners empowered to make Drains, &c.

XIX. And be it further enacted, That the said Commissioners shall and may and they are hereby authorized and empowered to scour out and widen, divert, carry or turn, or cause to be scoured out and widened, diverted, carried or turned, all or any of the ancient Ditches, Drains, Streams, Springs of Water, Watercourses, and Tunnels, and Bridges in the said Manors of *Great Chelworth* and *Little Chelworth* respectively, that they may think proper; and also shall and may set out, appoint, construct, and

and make any new Ditches, Drains, Watercourses, Tunnels, Watergates, Sluices, Banks and Bridges, as well in, through, over, and upon the Lands and Grounds hereby intended to be divided, allotted and inclosed, as in, over, through, and upon any ancient Inclosures, or other Lands or Grounds within the said Manors of *Great Chelworth* and *Little Chelworth* respectively, (making such Satisfaction to the Proprietor or Proprietors of such ancient Inclosures, or other Lands and Grounds not hereby intended to be divided, allotted and inclosed, for the Damage done thereto, as they shall think reasonable); and of such Depth and Breadth, and in such Directions, as the said Commissioners shall think fit: Provided always, that no such Ditch, Drain, Watercourse, Watergate, Sluice, Bank or Bridge, shall be made in, over, through, or upon any such ancient Inclosure, without the Consent in Writing of the Owner or Owners thereof; and the said Commissioners shall apportion and assess the Expences of the Satisfaction to be made for Damage done to ancient Inclosures, and other Lands not intended to be hereby divided, allotted and inclosed, and of scouring out, making and constructing such Ditches, Drains, Watercourses, Tunnels, Watergates, Sluices, Banks and Bridges, over all or any of the said Proprietors to whom the said Lands shall be allotted and belong, in proportion to the Benefit their Estates will severally derive from such Drainage; and the Money so aforesaid shall be levied and raised in the same Manner as the Money for the Purpose of paying the Expences of passing this Act, and carrying the same into Execution, is directed to be levied and raised; and the said Commissioners are hereby directed in and by their Award to order and appoint at whose Expence, and in what Way and Manner, the said Ditches, Drains, Watercourses, Tunnels, Watergates, Sluices, Banks, Bridges, and other Requisites, shall thereafter severally be repaired, scoured, cleansed, maintained and renewed: Provided always, that no such Streams, Springs of Water or Watercourses, shall be diverted or turned without the Consent in Writing of the Person or Persons from or out of whose Lands the same shall be diverted or turned, and of the Person or Persons through or into whose Lands the same shall be diverted or turned.

XX. And be it further enacted, That all Encroachments and Inclosures made or taken in or from any of the said Commonable or Waste Lands by this Act intended to be divided, allotted and inclosed, (except such as shall be proved to the Satisfaction of the said Commissioners to have been held and enjoyed without Interruption or Acknowledgment for the Space of Twenty Years next before the passing of this Act), shall severally be deemed Parcel of the Commons and Waste Lands in or from whence such Encroachments and Inclosures have respectively been made or taken, and shall be divided, allotted, and inclosed as such accordingly: Provided nevertheless, that all such Encroachments and Inclosures shall, if the said Commissioners shall think fit, but not otherwise, be allotted and awarded to the Person or Persons who shall at the Time of making the said Allotments be in the Possession thereof, or in the Receipt of the Rents and Profits thereof, as the Whole or Part of the Share or Portion of the said Commons and Waste Lands to which such Person or Persons may be entitled under or by virtue of this Act, subject to such Orders and Regulations, and to such Deductions for Roads, or otherwise, as the said Commissioners shall by their Award, or otherwise, direct; and in case the said Commissioners shall think fit to allot and award any Part, and not the

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Whole

Encroachments.

Whole of such Encroachment or Inclosure to the Person or Persons then in the Possession thereof, it shall be lawful for them to do so in full, or on account of his, her, or their Share or Shares, Portion or Portions, of the Lands and Grounds hereby directed to be allotted and awarded; and in every such Case the Overplus of such Encroachment or Inclosure shall be deemed and considered Open and Commonable Land, and shall be subject to such Distribution as if the same had never been taken in or inclosed; and in case the said Commissioners shall think fit to allot and award the Whole of such Encroachment and Inclosure to the Person or Persons then in the Possession thereof, and the same shall exceed the Quantity of Land which such Person or Persons possessing the same may be entitled to for his, her, or their Share or Shares, Portion or Portions as aforesaid, it shall be lawful for the said Commissioners to do so, and in that Case the said Person and Persons to whom the said Encroachment or Inclosure shall be so allotted and awarded shall pay to the said Commissioners so much Money as they shall adjudge to be equivalent to such Overplus; the same to be paid at such Time or Times as the said Commissioners shall appoint, and to be considered and applied by them as Part of the Money to be raised for defraying the Expences of carrying this Act into Execution; and if any Surplus shall remain after the Payment of such Expences, such Surplus shall be disposed of in Manner herein-after mentioned or referred to, in respect to any Surplus Money arising from the Sale of any Land herein-after authorized to be sold for the Payment of the Expences attending the carrying this Act into Execution.

What Lands,
&c. shall be
deemed allot-
table.

XXI. And be it further enacted, That all Fields and Meadows, and also old Inclosures within the said Manors of *Great Chelworth* and *Little Chelworth* respectively, in which Two or more Persons shall be seised of or entitled to any Lands, or Common of Pasture, or other Common Right or Property, and also all Closes and Inclosures under Five Acres respectively, and likewise all Inclosures containing the Property of One Person only, but held by or under different Tenures or Interests, (such Fields, Meadows, Closes, and Inclosures respectively being wholly or in Part within the said Manors of *Great Chelworth* and *Little Chelworth*, or one of them), shall be deemed Part of the Land to be divided, allotted, and inclosed under this Act, in case the said Commissioners shall be satisfied that the same can be so considered, without any material Injury to the Parties entitled thereto respectively.

Costs of Act
to be raised
by Sale of
Lands, if
Commission-
ers shall think
fit.

Application
of surplus
Monies aris-
ing from Sale
of Lands.

XXII. And be it further enacted, That in case the said Commissioners shall think fit to raise all or any Part of the Money which shall be necessary for defraying the Charges and Expences attending the obtaining and passing this Act, and of carrying the same into Execution, by the Sale of any Part or Parts of the Commons and Waste Lands by this Act authorized to be divided, allotted and inclosed, it shall be lawful for them so to do, and in that Case they the said Commissioners shall set out so much, and such Part and Parts of the said Commons and Waste Lands by this Act authorized to be divided, allotted and inclosed, as they shall think proper for that Purpose; and thereupon the said Commissioners shall and they are hereby authorized and required to expose the Land which shall be so set out and allotted to Sale by Public Auction, Private Contract, or otherwise, in Manner and subject to the Regulations mentioned in the said recited Act, and to apply the Money which shall arise by such Sale in or
towards

towards defraying the Charges and Expences aforesaid; and in case any Surplus of the Monies arising by such Sale shall remain after all such Charges and Expences shall have been fully paid and satisfied, such Surplus shall be apportioned between the several Proprietors of the Lands and Grounds hereby directed to be divided, allotted and inclosed, according to their several and respective Interests therein; and the Shares or Apportionments of such of the said Proprietors who shall be Tenants in Fee Simple shall be paid to them respectively, but the Shares or Apportionments of such of the said Proprietors who shall not be Tenants in Fee Simple, shall be paid into the Bank of *England*, in Manner directed by the said recited Act, with respect to Money thereby directed to be paid into the Bank, for the Purchase or Exchange of Lands, Tenements or Hereditaments, or of any Timber or Wood growing thereon; and which Money ought to be laid out in the Purchase of other Lands, Tenements or Hereditaments, to be settled to the same Uses, and the Receipts of the several Persons who shall then be in the actual Possession or Receipt of the Rents of the said Rights or Interests, or of the Trustees, Guardians, or Agents of such several Persons, shall be good and sufficient Discharges to the said Commissioners for the same.

XXIII. Provided always, and be it further enacted, That in case the said Commissioners shall not think proper, under the Powers of this Act, to raise the Whole of the Charges and Expences aforesaid, by Sale of Land in Manner herein-before mentioned, then, so far as the Money so raised shall be deficient, such Deficiency shall be made up by the several Persons interested in the said Division, Allotment and Inclosure, by a Rate or Rates to be laid by the said Commissioners on the several Owners of the Lands and Grounds by this Act directed to be divided, allotted and inclosed, in proportion and according to their respective Rights and Interests therein, and shall be paid in such Shares, and within such Time, and to such Person or Persons as the said Commissioners shall direct, nominate, and appoint; and in case any Expences shall be incurred in the Execution of any of the Powers and Provisions of the said recited Act or of this Act, which ought to be borne and defrayed by any particular Person or Persons, and not out of the Money to be raised for the general Purposes of this Act, then the same shall be paid in such Shares, and within such Time, and by and to such Person or Persons, as the said Commissioners shall direct, nominate or appoint; and in case any Person or Persons shall neglect or refuse to pay any Sum or Sums of Money so directed to be paid by him, her or them, within the Time appointed for the Payment thereof, the same may be levied and recovered by the same Means as are prescribed by the said recited Act, for recovering Sums of Money payable by Proprietors towards the Expences of the Inclosure.

Costs, &c.
not raised by
Sale of Land
to be raised
by Rate.

XXIV. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to set out and allot, unto and for the Lord of the Manor of *Great Chelworth* aforesaid for the Time being, or his Lessee, such Parts of the Commons and Waste Lands within the said Manor, and hereby directed to be divided, allotted and inclosed, as, in the Judgment of the said Commissioners, shall be a full Recompence and Satisfaction for his Rights of Soil in the said Commons and Waste Lands, over and above any other Allotment or Allotments which such Lord or his Lessee may have, or be entitled to, in respect of any other

Allotment to
the Lord of
the Manor
of Great
Chelworth.

Rights

Rights or Interests in the Lands and Grounds hereby directed to be divided, allotted and inclosed.

Allotments to Owners of the First Vesture or Hay Crop.

XXV. And be it further enacted, That the said Commissioners shall and they are hereby required to set out, divide, and allot the said Common Meadow called *Normead* otherwise *North Meadow*, unto and among the several Persons who are or shall be Owners of the First Vesture or Hay Crop thereof, in such Shares and Proportions as the said Commissioners shall adjudge and determine to be a fair, just, and reasonable Compensation and Satisfaction, and equal in Value to their several and respective Shares, Properties, Rights and Interests of, in, to, and over the same Meadow, but as far only as regards such First Vesture or Hay Crop thereof.

Right of Common on Normead to be used as heretofore.

XXVI. Provided always, and be it further enacted, That notwithstanding such Division, Allotment and Inclosure, shall be so made by the said Commissioners of the said Common Meadow called *Normead* otherwise *North Meadow*, the Right of Common now used and exercised in, upon, and over the said Meadow, from the said Twelfth Day of *August* in every Year to the said Twelfth Day of *February* in the following Year, shall not be extinguished, but the same shall be used, exercised, and enjoyed by the Inhabitant Householders in the Manor and Borough of *Cricklade* aforesaid exclusively as heretofore, as fully and effectually, to all Intents and Purposes whatsoever, as if this Act had not been passed, any Thing herein contained to the contrary notwithstanding.

Right of Common on Normead not to be abridged or altered.

XXVII. Provided also, and be it further enacted, That it shall not be lawful for the Persons to whom the Allotment of the said Common Meadow called *Normead* otherwise *North Meadow*, shall be respectively made as aforesaid, or any of them, to fence all or any of their said Allotments by Hedges, Ditches, Trenches, or otherwise, or to do any other Act whereby the Right of Common in, over, or upon the same shall be prevented, abridged, or otherwise altered, any Thing herein contained to the contrary notwithstanding.

Allotment of Residue.

XXVIII. And be it further enacted, That after the several Allotments of Lands and Grounds herein-before directed to be divided, allotted and inclosed, shall be made, the said Commissioners shall divide, set out and allot, all the Residue and Remainder of the said Open and Common Fields, Common Meadows, Common Pastures, Common and other Commonable and Waste Land, (except the Commonable and Waste Lands in the Manor of *Little Chelworth* aforesaid, and which are to remain open and uninclosed as heretofore), by this Act directed to be divided, allotted and inclosed, unto and amongst the several Persons who, at the Time of making such Divisions, Allotments and Inclosures, shall be the Owners and Proprietors thereof, in proportion to their several and respective Lands, and other Rights and Interests therein.

Tithes not to be affected.

XXIX. Provided always, and be it further enacted, That nothing herein contained shall empower the said Commissioners to set out or make any Allotment to, or to prejudice, lessen, or defeat the Right or Title of, the Owner or Owners, Proprietor or Proprietors, of all or any of the Great or Rectorial, Small or Vicarial Tithes, to arise, grow, increase, or be
issuing

Issuing out of and from the said Lands and Grounds, intended to be inclosed by virtue of this Act, or any Part thereof, or of any Composition or Compositions in lieu or in respect of such Tithes respectively, or of any of them, but that the same and every Part thereof shall remain and continue to the said Owner and Owners, Proprietor and Proprietors thereof respectively and their respective Lessees and Tenants for the Time being, liable to such and the same Tithes and Compositions, and in as full, large, and ample Manner, to all Intents and Purposes whatsoever, as at any Time or Times before the passing of this Act.

XXX. And be it further enacted, That all and every the Allotment and Allotments to be made by virtue of this Act, in or upon the said Lands and Grounds hereby directed to be divided, allotted and inclosed, shall from and after the making and executing the Award of the said Commissioners be held under and subject to the same Tenures, Services, Rents, Chief Rents and Quit Rents, as the Lands and other Property in respect of which they were so respectively allotted were held and enjoyed.

Allotments to be of the same Tenure as the Lands in respect of which they were so allotted.

XXXI. Provided always, and be it further enacted, That if any Person hath sold, or shall at any Time before the Execution of the said Award sell his or her Right, Interest and Property in, to, over or upon the Lands and Grounds hereby directed to be divided, allotted and inclosed, or any Part thereof, to any other Person, then and in every such Case it shall be lawful for the said Commissioners, and they are hereby authorised and required, upon receiving Notice of any such Sale, to make an Allotment of Land unto the Vendee or Purchaser in every such Sale, or to his or her Heirs or Assigns, for and in respect of such Right, Interest, and Property so sold as aforesaid; and every such Vendee or Purchaser, or his or her Heirs and Assigns, shall and may from and after the Execution of the said Award hold and enjoy the Land so to be allotted to him, her, or them as aforesaid, in the same Manner as the Vendor in such Sale might, could, or ought to have held and enjoyed the same in case such Sale had not been made, or such Right, Interest or Property had been vested in such Vendor at the Time of making such Allotment as aforesaid.

If any Person shall sell his Right the Allotment to be made to the Purchaser.

XXXII. And be it further enacted, That it shall be lawful for the said Commissioners to set out, allot, and award any Lands, Tenements or Hereditaments, within the said Parishes of *Cricklade Saint Sampson* and *Cricklade Saint Mary*, or either of them, in lieu of and in Exchange for any other Lands, Tenements or Hereditaments, within either of the same Parishes, or within any of the adjoining Parishes, Townships, Hamlets, Manors or Places, 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 Land, Tenements or Hereditaments, which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politic, Corporate or Collegiate, or 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, by and with the Consent of the Lessor or Lessors; and not otherwise, or with the Consent of the Guardians, Trustees, Feoffees for Charitable or other Uses, Husbands, Committees, Attornies of or acting for any such Owners or

Exchanges.

Proprietors as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Females Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself, such Consent to be testified in Writing under the Common Seal of the Body Politic, Corporate or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every such Exchange and Exchanges so to be made shall be good, valid, and effectual in Law, to all Intents and Purposes: Provided nevertheless, that no Exchange shall be made of any Lands, Tenements or Hereditaments, held in right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent testified as aforesaid of the Patron thereof, and of the Bishop of the Diocese in which such Lands, Tenements, or Hereditaments so to be exchanged, shall lie and be situate: Provided always, that all Costs, Charges, and Expences attending the making any Exchanges and Partitions, shall be paid and borne by the several Persons making such Exchanges or Partitions, in such Manner or in such Proportions as the said Commissioners shall by their Award order or direct.

Costs of Exchanges and Partitions by whom to be paid.

To vacate Leases at Rack Rent.

XXXIII. And be it further enacted, That it shall be lawful for the said Commissioners, if they shall think proper, at their First or any subsequent Meeting, by Notice or Advertisement to be given and published as aforesaid, to vacate and determine all or any Leases or Agreements at Rack Rent now subsisting of the Lands and Grounds hereby directed to be divided, allotted and inclosed, or of the Lands, Tenements or Hereditaments, of which any such Exchange or Partition shall be made, or of any Part or Parts thereof, for any Term or Number of Years therein, or from Year to Year, or at Will; and from and after the Determination and Avoidance of any such Lease or Leases, Agreement or Agreements, the said Commissioners shall and they are hereby required to adjust and settle all Matters and Things between the Landlords and their respective Tenants, touching the Avoidance of such Leases and Agreements, and to make such Order therein, respecting the growing Rent of the several Lands and Grounds, and the Disposal of the Fodder, Dung, and Manure arising therefrom, and the Compensation which the respective Tenants thereof ought to have received, as they the said Commissioners in each particular Case shall think reasonable and just: Provided always, that if there shall be any Lease of Lands, Part of which shall lie in either of the said Manors, and Part in an adjoining Manor or Parish, all and every such Lease or Leases at Rack Rent now subsisting may be vacated; but where any Land shall be taken in Exchange, which Lands shall be under Lease, and wholly situate in an adjoining Manor or Parish, the Lease of such last-mentioned Lands shall not be vacated.

Act not to affect Wills or Settlements.

XXXIV. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to revoke, make void, alter or annul, any Will or Settlement, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Debts, Rents or Incumbrances, out of or upon, or affecting any of the Messuages, Buildings, Lands, or Grounds to be divided, allotted, and exchanged as aforesaid, or any Part or Parts thereof respectively; but that the respective Persons to whom any Lands or Hereditaments shall be allotted or given in Exchange by virtue of this Act shall stand and be seized thereof,

to, for, and upon such and the same Uses, Trusts, Estates and Interests, and subject to such and the same Wills, Jointures, Rents, Charges and Incumbrances, as the Messuages, Buildings, Lands, Grounds and Hereditaments, whereof such Person was seised or possessed at or immediately before the Execution of the Award to be made by the said Commissioners, or for which or in respect whereof such Allotments or Exchanges shall be made, would have been subject to, charged with, or affected by, in case this Act had not been passed.

XXXV. 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 passing this Act) the said Commissioners shall and they are hereby authorised to make a true and perfect Statement and 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 the said recited Act; and such Statement and Account when so made, together with the Vouchers relating thereto, shall be by them laid before any Two Justices of the Peace in and for the said County of *Wilts*, to be by them examined and balanced; and such Balance shall be by such Justices stated in the Book of Accounts to be kept in the Office of the Clerk of the said Commissioners, and no Charge or Item in such Account shall be binding on the Parties concerned, or valid in the Law, unless the same shall have been duly allowed by such Justices.

Accounts to be laid before Justices of the Peace.

XXXVI. And be it further enacted, That if any Person or Persons hath advanced or shall advance any Money for the Purpose of paying the Fees or other Expences attending this Act, or of executing the said recited Act or this Act, the Money so advanced shall be repaid and satisfied by the Direction of the said Commissioners, together with lawful Interest for the same, out of the Monies to be raised by virtue of this Act.

Money advanced to be repaid with Interest.

XXXVII. And be it further enacted, That the Award to be made by the said Commissioners, when enrolled in Manner directed by the said recited Act, shall, together with a Plan of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, annexed thereto, be deposited in the Church of the said Parish of *Cricklade Saint Sampson*.

Award to be deposited.

XXXVIII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done or omitted to be done in pursuance of this or the said recited Act, then and in every such Case (except where the Orders, Determinations, and Proceedings of the said Commissioners or Umpire are by this or the said recited Act declared to be final and conclusive, and except in such Cases where an Issue at Law shall be tried as herein-before mentioned) he, she, or they may appeal to the General Quarter Sessions of the Peace which shall be holden for the said County of *Wilts*, within Six Calendar Months next after the Cause of Complaint shall have arisen, such Appellant first giving to the said Commissioners or their Clerk, or to the Party or Parties interested therein, Twenty-one Days Notice at least in Writing of such Appeal, and of the Matter thereof; and the Justices at such General Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein, and award such Costs, as to them in their Discretion shall seem reasonable, and by their

Persons aggrieved may appeal to the Quarter Sessions.

Order

Order or Warrant to levy the Costs which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale; which Determination of the said Justices shall be final and conclusive upon all Parties concerned, and shall not be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

Saving
Clause.

XXXIX. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person or Persons, Bodies Politic and Corporate, his, her, and their Heirs, Successors, Executors and Administrators, (other than and except such Persons to whom and for whose Use and Benefit any Allotment or Allotments shall be made by virtue hereof, in respect of the Interest or Property for which such Allotment or Allotments shall be made, and their respective Successors, Heirs, Executors and Administrators), all such Estate, Right, Title and Interest, Claim and Demand, (except such as are meant and intended to be barred and destroyed by this Act), which he, they, every or any of them had and enjoyed, of, in, to, or out of the said Open Fields and Commonable Lands intended to be divided, allotted, and inclosed as aforesaid, before the passing of this Act, or would, could, or might have had and enjoyed in case the same had not been passed.

Act to be
printed by
the King's
Printer.

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

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