



ANNO QUADRAGESIMO NONO

# GEORGI II. REGIS.

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## *Cap. 100.*

An Act for dividing and allotting Lands in the Parishes of *Barford Saint Martin* and *South Newton*, and for extinguishing Rights of Common in other Lands in or adjoining the Parishes of *Barford Saint Martin* aforesaid, and *Baverstock*, in the County of *Wilts*.

[20th May 1809.]

**W**HEREAS there are within the Parish and Manor of *Barford Saint Martin*, and in the Hamlet or Tything of *Stowford*, within the Parish and Manor of *South Newton*, in the County of *Wilts*, several Open and Common Fields and Downs, Common Meadows, Common Pastures, and other Commonable and Waste Lands and Grounds, containing together by Estimation Two thousand four hundred and twenty-five Acres, or thereabouts: And whereas there are within or adjoining to the said Parish and Manor of *Barford Saint Martin* certain Coppices, Woods, or Woodlands, called by the several Names of *Rowden Coppice*, *Sandgates Coppice*, *Thornhill's Coppice*, *Chilfinch Coppice*, *Appledoe Coppice*, *Himsel Coppice*, and *Shortengrove Coppice*; and there are within or adjoining to the Parish of *Baverstock*, in the said County of *Wilts*, certain other Coppices, Woods, or Woodlands, called by the several names of *Long Coppice*, *Three Ways Coppice*, and *Tear Coat Coppice*, all which said Coppices, Woods, or Woodlands, are Part of certain Woods or Woodlands called *Grovely Woods*, within the ancient Forest of *Grovely*, in the said County of *Wilts*, and contain by Estimation Seven hundred and thirty Acres, or thereabouts, over which said Coppices, Woods, or

[*Loc. & Per.*]

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Woodlands,

Woodlands, the Owners or Occupiers of Lands and Tenements in the said Parishes of *Barford Saint Martin* and *Baverstock* respectively are or claim to be entitled to Right of Common in respect of such Lands and Tenements: And whereas the Right Honourable *George* Earl of *Pembroke* and *Montgomery* is Lord of the said several Manors of *Barford Saint Martin* and *South Newton*, and as such is entitled to the Soil of the Waste Lands within the said Manors, and the said Earl, *Alexander Powell*, *John Hungerford Penruddocke*, Esquires, and divers other Persons are the Owners or Proprietors of, or interested in, the said Open and Common Fields and Downs, Common Meadows, Common Pastures, and other Commonable and Waste Lands and Grounds within the said Parish and Manor of *Barford Saint Martin*, and Hamlet or Tything of *Stowford*, within the said Parish and Manor of *South Newton*: And whereas the said *Alexander Powell* claims to be Lord of the Manor of *Barford Saint Martin*, within the Manor of *Barford Saint Martin* aforesaid, and as such claims to be entitled to Part of the Soil of the said Commons and Waste Grounds: And whereas the said Earl is the Owner or Proprietor of the said Coppices, Woods, or Woodlands, called *Grovely Woods*, and Lord of the said ancient Forest of *Grovely*; and the said Earl, *Alexander Powell*, *John Hungerford Penruddocke*, and divers other Persons are the Owners or Proprietors of, or interested in, the several Lands and Tenements in the said several Parishes of *Barford Saint Martin* and *Baverstock*, so as aforesaid entitled or claiming to be entitled to Right of Common in the said several Coppices, Woods, and Woodlands: And whereas the Warden and Fellows of *All Souls College*, in the University of *Oxford*, are Patrons of the Rectory of *Barford Saint Martin* aforesaid, and the Reverend *Edward Pole*, Doctor of Divinity, is the present Rector or Incumbent thereof, and as such is entitled to certain Glebe Lands and Tythes to the said Rectory belonging, or to some Modus or Composition in lieu thereof: And whereas by reason of the intermixed State of the Property belonging to the respective Proprietors thereof, the said Open and Common Lands and Grounds are not capable of being cultivated in the most profitable Manner, and it would be highly beneficial and advantageous to the said Proprietors and Persons interested therein, and in the said Common Meadows, Common Pastures, and other Commonable and Waste Lands and Grounds, if the same were divided and specific Shares thereof allotted to them in Severalty, in lieu of their respective Rights and Interests therein; and if the said Common Meadows, Common Pastures, and other Commonable and Waste Lands and Grounds were inclosed: And whereas the Rights of Common of the Owners or Occupiers of Lands and Tenements in the said Parishes of *Barford Saint Martin* and *Baverstock* in or upon the said Coppices, Woods, and Woodlands, within or adjoining to those Parishes, are injurious to the Growth of the Underwood and young Timber therein, and it would be highly beneficial to the said several Proprietors and Persons interested therein, if the said Rights of Common were extinguished, and specific Allotments of Land in the Parish of *Barford Saint Martin* aforesaid, made to the said several Proprietors and Persons entitled thereto, in Severalty, in lieu of such their respective Rights of Common therein; but the several beneficial Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may 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 Seagrim*, of the Borough of *Wilton*

*Wilton* in the County of *Wilts*, Gentleman, *John Rogers*, of *South Burcomb* in the said County of *Wilts*, Gentleman, and *John Charlton*, of *Stourton* in the said County of *Wilts*, Gentleman, shall be, and they are hereby appointed Commissioners for setting out, dividing, and allotting the said Open and Common Fields and Downs, and also for dividing, allotting, and inclosing the said Common Meadows, Common Pastures, and other Commonable and Waste Lands and Grounds, within the said Parish and Manor of *Barford Saint Martin*, and Hamlet or Tything of *Stowford*, within the said Parish and Manor of *South Newton*, 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 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*, as are not controuled by, repugnant to, or otherwise provided for by any of the Clauses, Provisions, or Regulations contained in this Act.

II. And be it further enacted, That in case the said *John Seagrim* shall die, or refuse to act, or become incapable of acting as a Commissioner for the Purposes of this Act, before all the Powers, Authorities, and Trusts hereby reposed in the said Commissioners shall be fully executed and performed, it shall be lawful for the said *George Earl of Pembroke* and *Montgomery*, or the Lord or Lords of the several Manors of *Barford Saint Martin* and *South Newton* aforesaid, for the Time being, by any Writing under his or their Hand and Seal, or Hands and Seals, to nominate and appoint one other fit and proper Person, not interested in the Premises, to be a Commissioner in the Place of the said *John Seagrim*; and if any Commissioner or Commissioners, who shall be appointed in the Place of the said *John Seagrim*, shall die, refuse to act, or become incapable of acting as aforesaid, such future Vacancies shall be filled up in like Manner by the said *George Earl of Pembroke* and *Montgomery*, or the Lord or Lords of the same Manors for the Time being; and in case the said *John Rogers* shall die, or refuse to act, or become incapable of acting as a Commissioner in the Execution of this Act, before all the Powers, Authorities, and Trusts hereby reposed in the said Commissioners, shall be fully executed and performed, it shall be lawful for the said *Edward Pole*, or the Rector of *Barford Saint Martin* aforesaid, for the Time being, by any Writing under his Hand and Seal, to nominate and appoint one other fit and proper Person, not interested in the Premises, to be a Commissioner, in the Place of the said *John Rogers*; and if any Commissioner or Commissioners, who shall be appointed in the Place of the said *John Rogers*, shall die, refuse to act, or become incapable of acting as aforesaid, such future Vacancies shall be filled up in like Manner by the said *Edward Pole*, or the Rector of *Barford Saint Martin* aforesaid, for the Time being; and in case the said *John Charlton* shall die, or refuse to act, or become incapable of acting as a Commissioner, as aforesaid, it shall and may be lawful for the Majority in Value of the Proprietors of Lands and Grounds, hereby directed to be divided and allotted, or their respective Agents or Attornies, (except the Lord or Lords of the said Manors of *Barford Saint Martin* and *South Newton* aforesaid, for the Time being, and the said *Edward Pole*,

Power to appoint new Commissioners.

*Pole*, and his Successors, Rectors as aforesaid), present at any Meeting to be held for that Purpose, by Writing under their Hands, to nominate and appoint one other fit and proper Person, not interested in the Premises, to be a Commissioner in the Room of the said *John Charlton*, provided that Ten Days notice of the Time, Place, and Purpose of such Meeting shall be given by Four or more of the said Proprietors, in like Manner as herein-after is directed, with respect to the Meetings of the said Commissioners, and that such Meeting shall be held at some Place within the Parish of *Barford Saint Martin* aforesaid, or within the Distance of Eight Miles from the said Parish; and in case any Commissioner or Commissioners, who shall be appointed in the Place of the said *John Charlton*, shall die, refuse to act, or become incapable of acting as aforesaid, such future Vacancies shall in like Manner be filled up by the Majority in Value of the said Proprietors, (except the Lord or Lords of the said Manors of *Barford Saint Martin* and *South Newton*, for the Time being, and the said *Edward Pole*, and his Successors, Rectors as aforesaid), and if any Commissioner shall neglect to attend Three successive Meetings of the said Commissioners, unless prevented by Sickness, such Neglect shall be deemed and taken to be a Refusal to act in the Execution of this Act; and if any of such Vacancies in the Commission aforesaid shall not be filled up in the Manner herein-before directed, within the Space of Two Calendar Months next after the same shall respectively happen, it shall be lawful for the surviving or remaining Commissioner or Commissioners for the Time being, by Writing, under their or his Hands or Hand, to nominate and appoint one other fit and proper Person, not interested in the Premises, to be a Commissioner for supplying such Vacancy, and so from Time to Time, as often as there shall be Occasion; and every Person who shall be nominated and appointed a Commissioner in Manner aforesaid, shall have the like Powers and Authorities in the Execution of this Act, as if he had been appointed a Commissioner in and by this Act.

Two Commissioners may act.

III. And be it further enacted, That it shall be lawful for any Two of the Commissioners of this Act for the Time being, to do, execute, and perform any and every Act, Matter, and Thing by this Act directed or expressed to be done, executed, and performed by the said Commissioners, as fully and effectually, to all Intents and Purposes, as if all the said Commissioners had concurred therein.

Surveyor to be appointed.

IV. And be it further enacted, That it shall be lawful for the said Commissioners, by Writing under their Hands, to appoint One or more fit and proper Person or Persons, not interested in the Premises, to be Surveyor or Surveyors for the Purposes of this Act, for and during the Will and Pleasure of the said Commissioners; and on any future Vacancy, in like Manner to appoint some other Surveyor or Surveyors, and so from Time to Time as often as there shall be Occasion; and every such Surveyor shall at the First Meeting of the said Commissioners after his Appointment, take and subscribe an Oath in the Form hereinafter set forth.

V. And be it further enacted, That no Person shall be capable of acting as a Surveyor in the Execution of this Act, until he shall have taken and subscribed an Oath in the Form following, viz.

‘ I A. B.

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

Surveyor's  
Oath.

And any of the Commissioners is hereby authorized to administer the said Oath to the said Surveyor; and the Oath so taken and subscribed by such Surveyor shall be enrolled with the Award of the said Commissioners.

VI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby required to cause a Notice in Writing under their Hands, specifying the Time and Place of their first Meeting for executing this Act, to be affixed on the Principal Door of each of the Churches of *Barford Saint Martin*, *South Newton*, and *Baverstock*, afore said, on some *Sunday*, at or immediately before Divine Service, Seven Days at least before such Meeting; and also to cause the like Notice to be given of every such subsequent Meeting (Meetings by Adjournment only excepted); and it shall be lawful for the said Commissioners to adjourn their Meetings from Time to Time, as they shall see Occasion, for the Execution of this Act, and if only one Commissioner shall be present at any Meeting, it shall be lawful for him to adjourn such Meeting from Time to Time, until Two or more Commissioners shall be present; and the Commissioner making such Adjournments, is hereby required forthwith to give Notice thereof to the absent Commissioners; and all the Meetings of the said Commissioners shall be held at some Place, within the said Parish of *Barford Saint Martin*, or within the Distance of Eight Miles from the Boundary thereof.

Commissioners  
Meetings.

VII. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties that now are or shall, before the making of the Award herein-after mentioned, be interested in the said intended Division and Allotment, or any of them, touching or concerning the respective Rights and Interests which they, or any of them, shall claim in the Lands and Grounds hereby intended to be divided and allotted, or touching or concerning any Common Rights or other Interests in the said Coppices, Woods, or Woodlands, in *Grovely Woods* afore said, hereby intended to be extinguished, or touching or concerning any other Rights or Interests, Matters or Things, relating to the said intended Division and Allotment, it shall be lawful for the said Commissioners, and they are hereby authorized and empowered by Examination of Witnesses upon Oath, which the said Commissioners are hereby authorized and empowered to administer, or upon view or other satisfactory Evidence, to hear and determine the same, provided that nothing herein contained shall authorize the said Commissioners to determine any Dispute or Difference which may arise, touching or concerning the Title of any Person or Persons to any Lands, Tenements, or Hereditaments whatsoever: Provided also, that nothing in this Act contained shall extend to enable the said Commissioners to determine any Right between any Parties, contrary to the Possession of any such Parties; but in case the said Commissioners shall be of Opinion against the Right of the Person or Persons so in Possession,

Commissioners  
to determine  
Differences.

they shall forbear to make any Determination thereupon, until the Possession shall have been taken from such Person or Persons by Ejectment or other due course of Law.

May award  
Costs.

VIII. 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 Act, and the said Act of the Forty-first Year of the Reign of His present Majesty, 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 be made, by the Person or Persons whose Claim or Claims, Objection or Objections, shall be thereby disallowed or over-ruled; and in case the Person or Persons who shall be liable to pay such Costs and Charges shall neglect or refuse to pay the same on Demand, then and in such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required, by Warrant under their Hands and Seals, directed to any Person or Persons whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Power to try  
disputed  
Claims at  
Law.

IX. Provided always, and be it further enacted, That if any Person or Persons, 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 to any Rights of Common or other Rights or Interests in the said Coppices, Woods, or Woodlands, in *Grovelly Woods* aforesaid, or any Part or Parts thereof, 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 so desirous of having the same tried at Law, shall by himself, herself, or themselves, or his, her, or their respective Stewards, Receivers, Attornies, or Agents, give, or cause to be given, Notice thereof in Writing to the said Commissioners, within Two Calendar Months next 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 after as conveniently may be, to give Information to the adverse Party or Parties, or his, her, or their respective Stewards, Receivers, Attornies, or Agents, by Writing, under their respective Hands, to be delivered to, or left at the usual Place of Abode of such Party or Parties, Stewards, Receivers, Attornies or Agents, as aforesaid); then, but not otherwise, it shall be lawful for the Person or Persons, giving such Notice as aforesaid, their respective Heirs, Successors, or Assigns, and he, she, or they, is and are hereby required to proceed to a Trial or Trials of the same, in a feigned Action or Actions for that Purpose, to be commenced in any of His Majesty's Courts of Record at *Westminster*, by the Person or Persons giving such Notice as aforesaid, against any Person or Persons interested in the said Division, who shall make such disputed Claim or Claims, Objection or Objections, within Two Calendar Months next after such Notice shall be given to the  
said

said Commissioners as aforesaid, and the Defendant or Defendants in such Action or Actions, shall forthwith name an Attorney or Attornies, who shall appear thereto or file Common Bail, and accept one or more Issue or Issues, whereby all such Claim or Claims, and Rights and Interests, or Objection or Objections to such Claim or Claims, Rights or Interests, respectively thereby insisted on, may be properly tried and determined; such Issue or Issues to be settled by the proper Officer of the Court wherein such Action shall be brought, if the Parties shall differ about the same; and if at the Trial of any such Issue or Issues, it shall appear that the Party claiming is entitled to any qualified or less Right or Rights, Interest or Interests, than was or were claimed by such Party, then it shall be lawful for the Jury by whom such Issue or Issues shall be tried, to find and declare the same by their Verdict, which shall be indorsed on the Postea in addition to the Verdict given on the Issue or Issues joined, but nevertheless the Costs of such Action or Actions shall abide and be determined by the Verdict given upon the Issue or Issues joined, as if no such special Finding had been made; and the Verdict or Verdicts which shall be given in such Action or Actions upon the Issue or Issues therein joined, in case there shall be no such Special Finding and Indorsement, or such Special Finding and Indorsement, if any such shall be made, shall be final, binding, and conclusive, upon and to all and every Person and Persons whomsoever, unless the Court wherein such Action or Actions shall be brought, shall set aside such Verdict or Verdicts, or such Special Finding and Indorsement, and order a new Trial or new Trials to be had therein, which it shall be lawful for the Court to do, and also upon sufficient Cause shewn to put off such Action or Actions as is usual in other Actions at Law; and after such Verdict or Verdicts, or Special Finding, or Indorsement, shall be obtained and not set aside by the Court, the said Commissioners shall, and they are hereby required to act in conformity thereto, and to allow or disallow the Claim or Claims, Right or Rights, or Interest or Interests, thereby determined, according to the Verdict or Verdicts or Special Finding and Indorsement as aforesaid; but if no such Action or Actions at Law shall be brought or commenced by the Person or Persons giving such Notice, within the Time aforesaid, or if such Action or Actions shall not be proceeded in to a Trial or Trials within Ten Calendar Months, by or on Account of the Neglect or Default of the Plaintiff or Plaintiffs therein, then and in such Case the Determination of the Commissioners shall be final, binding, and conclusive, unto and upon all Parties whomsoever: Provided also, 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.

Actions not to abate by Death of the Parties.

X. Provided always, and be it further enacted, That if any Person or Persons in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time herein-before limited for bringing such Action or Actions, it shall be lawful for the Person or Person, Bodies Politic or Corporate, who might have brought such Action or Actions against the Person so dying, to bring the same, within the Time so limited as aforesaid, against such Person or Persons as if actually living, and to serve the Clerk to the said Commissioners with Notice for commencing

Allowing Actions to be brought after Death of the Parties

commencing such Action or Actions, of which Notice the said Clerk to the said Commissioners is hereby required, immediately on Receipt thereof or as soon after as conveniently may be, to give Information to the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, or his, her, or their respective Stewards, Receivers, Attornies, or Agents, by Writing under his Hand, to be delivered to, or left at, the usual Place of Abode of such Heir or Heirs, or other Person or Persons, Stewards, Receivers, Attornies, or Agents as aforesaid; and it shall thereupon be incumbent on such Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein, in the same Manner as if such Person or Persons had been actually living, and the Rights of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

Encroachments  
except those  
made for 20  
Years, to be  
deemed Part  
of the Lands  
to be divided.

XI. And be it further enacted, That all Inclosures and Incroachments, which shall have been taken in and made from the said Lands and Grounds, hereby directed to be divided and allotted, (save and except such as have been peaceably and quietly enjoyed for the Space of Twenty Years last past, or upwards, without any Interruption, or Payment of any Acknowledgment), shall be deemed Part and Parcel of the said Lands and Grounds to be divided and allotted in pursuance of this Act; and in case any Difference or Dispute shall arise touching any such Inclosures or Encroachments, being deemed Part or Parcel of the said Lands and Grounds so to divided and inclosed, such Differences and Disputes shall be examined into and determined by the said Commissioners.

Commis-  
sioners may  
make Drains,  
Watering-  
Places for  
Cattle, &c.

XII. And be it further enacted, That the said Commissioners shall and may scour out and widen all such Brooks, Streams, Ditches, Watercourses, Watering-Places for Cattle, Wells, Tunnels, and Bridges, within the Parish of *Barford Saint Martin* and Hamlet or Tything of *Stowford* aforesaid, or either of them, and also shall and may set out, order, and direct such new Ditches, Drains, Watercourses, Watering-Places for Cattle, Wells, Tunnels, Hatches, Watergates, Banks, and Bridges, to be made as well in, through, and over the Lands and Grounds hereby intended to be divided and allotted as aforesaid; as also in, through, and over any ancient Inclosures, or other Lands or Grounds within the said Parish and Hamlet or Tything, making such Satisfaction to the Owners and Proprietors of such ancient Inclosures, or other Lands and Grounds not hereby intended to be divided and allotted, for the Damage done thereby as the said Commissioners shall think reasonable, the Expences thereof to be borne and defrayed, as the other Expences of executing this Act are herein directed to be borne and defrayed, and of such Depth, Breadth, and Dimensions, and in such Directions as the said Commissioners shall think proper; and the said Commissioners shall, and they are hereby directed and required, in and by their Award, to order and direct by whom and at whose Expence, and at what Time, and in what Manner the said Brooks, Ditches, Drains, Watercourses, Watering-Places, Wells, Tunnels, Watergates, Hatches, Banks, and Bridges, shall be thereafter upheld, repaired, cleansed, scoured, and maintained; and to make such Rules and Regulations, for the Use and Enjoyment thereof respectively, as to them shall seem meet and convenient; and also shall



shall and may direct, order, and award all or any of the Streams, Springs of Water, and Watercourses within the said Lands and Grounds hereby directed to be divided and allotted, to be carried, diverted, and turned in such Courses, and through and across such Parts of the Lands and Grounds hereby directed to be divided and allotted, as the said Commissioners shall, in their Discretion, judge proper for watering the several Allotments to be made by virtue of this Act; provided that such Streams, Springs, and Watercourses be not diverted or turned without the Consent in Writing of the respective 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 turned.

XIII. And be it further enacted, That the said Commissioners shall and may turn, or abate and stop up, or cause or order to be turned or abated and stopped up, any ancient Carriage Road or Way, Roads or Ways or any ancient Footway or Path, Footways or Paths, in, through, upon, or over any of the Lands or Grounds within the said Parish of *Barford Saint Martin*, and Hamlet or Tything of *Stowford* aforesaid, where they shall judge it requisite or expedient, giving such Notice of a Day to be appointed by them to receive Objections thereto, as in the said Act of the Forty-first Year of the Reign of His present Majesty is directed and required, in the case of Setting out the Roads and Ways therein mentioned, and observing the Directions of the said Act, as to the obtaining the Concurrence of Two Justices of the Peace previous thereto, and subject to an Appeal to the Quarter Sessions, as in the said Act is mentioned.

Power to turn and stop Roads.

XIV. And be it further enacted, That the said Commissioners shall, in the First Place, set out and allot such Parts of the Lands and Grounds in the Parish of *Barford Saint Martin* aforesaid, hereby directed to be divided and allotted, as the said Commissioners shall think necessary, not exceeding One Acre, as, and for Public Stone and Gravel Pits, for the Use and Benefit of the Proprietors and Occupiers of the several Allotments in the said Parish, which shall be set out in pursuance of this Act, and of the Lands and Tenements in respect of which any such Allotment shall be made, to be used in and upon such Allotment, Lands, and Tenements, respectively, or for making and repairing the public Highways and Roads in the said Parish, or to be set out in pursuance of the said Act of the Forty-first Year of His present Majesty's Reign, or of this Act, but not for any other Use or Purpose; and the said Commissioners shall, by their Award, order and direct how and in what Manner the same shall be respectively worked, for the general Advantage of the respective Persons interested therein.

Commissioners to set out Stone and Gravel Pits, etc.

XV. And be it further enacted, That the said Commissioners shall in the next Place set out, allot, and award unto the said *Edward Pole*, as Rector of *Barford Saint Martin* aforesaid, and his Successors, Rectors of the said Rectory, so much and such Part or Parts of the Lands and Grounds in the Parish of *Barford Saint Martin* aforesaid, hereby directed to be divided and allotted, as shall in the Judgement of the said Commissioners be a full, fair, just, and adequate Equivalent and Compensation

Allotment to the Rector of Barford Saint Martin, etc.

for all the Open Common Field and Common Meadow, Glebe Lands belonging to the said Rectory, lying and being in the said Parish of *Barford Saint Martin*, and for all Rights of Common belonging to the said Rectory, in, over, and upon the said Lands and Grounds hereby directed to be divided and allotted, lying in the Parish of *Barford Saint Martin* aforesaid; and also so much and such further Part or Parts of the said Lands and Grounds in *Barford Saint Martin* aforesaid, hereby directed to be divided and allotted, as shall, in the Judgement of the said Commissioners, be a full, fair, just, and adequate Equivalent and Compensation for all the Tithes of Hay, arising, renewing, increasing, or growing due and payable to the said *Edward Pole* and his Successors, as Rectors as aforesaid, out of, upon, or for the Common Meadow in *Barford Saint Martin* aforesaid, Part of the Lands and Grounds hereby directed to be divided and allotted; provided always, that the Allotment or Allotments to be made to the said *Edward Pole* and his Successors, Rectors of *Barford Saint Martin* aforesaid, in lieu of Rights of Common in, over, and upon the Lands and Grounds hereby directed to be divided and allotted, shall be made and set out in or upon the Open Common Downs of the said Parish of *Barford Saint Martin*.

Allotment to the Lord of the Manors for his Right of Soil.

XVI. And be it further enacted, That the said Commissioners shall also, and they are hereby authorized and required to set out, allot, and award unto the said *George Earl of Pembroke and Montgomery*, as Lord of the Manors of *Barford Saint Martin* and *South Newton* aforesaid, respectively, so much and such Part or Parts of all the Commons and Waste Grounds hereby directed to be divided and allotted within the said Manors respectively, as, in the Judgement of the said Commissioners, shall be an Equivalent and Compensation for his Right to the Soil of the said Commons and Waste Grounds.

Allotment to Mr. Powell, if he shall make out his Claim.

XVII. And be it further enacted, That if the said *Alexander Powell* shall be entitled to the Soil of any Parcel of the said Commons and Waste Grounds, the said Commissioners shall set out and allot to him such Part or Parts of the said Commons and Waste Grounds, as, in the Judgement of the said Commissioners, shall be an Equivalent and Compensation for such his Right of Soil therein.

Allotment of Residue.

XVIII. And be it further enacted, That the said Commissioners, after making such Allotments as are herein-before directed, shall and they are hereby authorized and required to set out, allot, and award all the Residue and Remainder of the said Open and Common Fields and Downs, Common Meadows, Common Pastures, and other Commonable and Waste Lands and Grounds, hereby directed or intended to be divided and allotted unto, for, or among the said *George Earl of Pembroke and Montgomery*, and the several other Proprietors thereof, their respective Heirs, Successors, or Assigns, or the Person or Persons seised of their respective Estates for the Time being, and all other the Proprietors of Lands or other Hereditaments for which no Allotment or other Compensation, is herein specifically directed to be made, in such Quantities, Parts, Shares, and Proportions, as the said Commissioners shall adjudge and

and determine to be a just Equivalent, Compensation, and Satisfaction for their several Lands and Hereditaments, Rights of Common, and other their Rights and Interests therein, in Proportion to the respective Values thereof, and in setting out all such Allotments as aforesaid, the said Commissioners shall have due regard to the Quantity, Quality, Situation, and Convenience thereof, and shall lay the same as convenient as may be to the Messuages, Buildings, and inclosed Grounds of the Proprietors to whom such Allotment shall be made.

XIX. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required to set out, allot, and award unto the said *Alexander Powell*, *John Hungerford Penruddocke*, and the several other Persons, Owners or Proprietors of or interested in the several Messuages, Lands, or Tenements, situate in the several Parishes of *Barford Saint Martin* and *Baverstock* aforesaid, entitled to Right of Common in, over, or upon the said Coppices, Woods, and Woodlands in *Grovely Woods* aforesaid, situate within or adjoining to the said Parishes, or either of them, so much and such convenient Part or Parts of the several Estates, Farms, and Lands belonging to the said *George Earl of Pembroke* and *Montgomery*, situate in the said Parish of *Barford Saint Martin*, and now in the several Occupations of the said *Alexander Powell*, and of *James Sidford*, *William Green*, *William Nicholson*, *William Bennet*, and *Charles Bishop*, or of the Allotments to be made and set out in virtue of this Act, for or in respect of such Estates, Farms, and Lands or any of them, as in the Judgement of the said Commissioners shall be a full Equivalent, Compensation and Satisfaction for all such their several and respective Rights of Common, in, over, or upon all and every the said Coppices, Woods, and Woodlands, in *Grovely Woods* aforesaid; and that from and immediately after such last mentioned Allotments shall be so set out and allotted, all Rights of Common in, over or upon the said Coppices, Woods and Woodlands, in respect whereof such Allotments shall be made, shall cease, and be for ever extinguished: Provided always, that the Allotments which shall be made to the said *Edward Pole*, as Rector of *Barford Saint Martin* aforesaid, and his Successors, Rectors of the said Rectory, in lieu of such Right of Common, in the said Coppices, Woods, and Woodlands, in *Grovely Woods* aforesaid, shall be set out, and be situate in and upon the Common Downs of the said Parish of *Barford Saint Martin*; and that the Allotments which shall be made to the said *John Hungerford Penruddocke*, and the several other Owners or Proprietors of Messuages, Lands or Tenements in the Parish of *Baverstock* aforesaid, respectively, in lieu of their respective Common Rights in the said Coppices, Woods, and Woodlands, shall be set out, and be situate on the North-west side of the said Parish of *Barford Saint Martin*, and shall abut or adjoin the said Parish of *Baverstock*, or as near thereto as may or can be done.

Allotments  
in lieu of  
Rights of  
Common in  
Grovely  
Woods.

XX. And be it further enacted, That when the Proprietor or Proprietors of any Lands or other Hereditaments, which shall be allotted or exchanged by virtue of this Act, shall hold their said respective Lands or Hereditaments by different Tenures, or for different Estates, or under different

Separate Al-  
lotments to be  
made for  
Lands held by  
different Te-  
nures or Ti-  
tles.

different Titles, the said Commissioners shall, upon the Request of such respective Proprietors, in Writing under their Hands, ascertain and distinguish the Lands or other Hereditaments, held by each of such Tenures, for each of such Estates, and under each of such Titles respectively; and shall accordingly in their said Award, set out and distinguish distinct and several Allotments for such respective Lands, or other Hereditaments; and where, from the want of the necessary Information, before the said Commissioners, or from any other Cause, their Award shall omit discriminating, as herein-before is required, such different Titles, different Estates, and different Tenures, and within Twelve Calendar Months after making the said Award, Request shall be made to the said Commissioners, by any Person or Persons interested, by Writing under his, her, or their Hands; and in every such Case, the said Commissioners are hereby authorized to do every thing necessary for supplying such Omission, and so far as that Purpose shall require to examine Witnesses, and in every other respect to proceed and act as if the Award had not been made; and when they shall have obtained what they shall think sufficient Information, are hereby also authorized, by any Deed under their Hands and Seals, to ascertain and distinguish the Difference of Tenures, Estates, and Titles respectively, and accordingly to make distinct and several Allotments, in the same Manner as is hereby required, where such Discrimination shall be contained in the said Award, and every such separate Instrument shall have the same Effect as if it was contained in the said Award; and the same supplemental Instrument shall be delivered to the Person or Persons upon whose Request the said Omission shall have been supplied; or to the Person or Persons to whom the Custody of the Deeds or Writings, concerning the Title to the Premises in question, shall in the Opinion of the Commissioners most properly belong for the Time being, and all Expences which shall be reasonably incurred in or about any such supplemental Instrument as aforesaid, shall be payable by the Person or Persons who shall have so requested the said Commissioners as aforesaid, his, her, or their Executors or Administrators.

Fencing the  
Rector of  
Barford  
Saint Martin's  
Allotments.

XXI. And be it further enacted, That the Plot or Plots of Land which in Manner aforesaid shall be allotted to the Rector of *Barford Saint Martin* aforesaid in the Open Common Arable and Open Common Meadow Land, hereby directed to be divided and allotted, shall be inclosed and fenced round the Boundaries thereof, with Ditches and Quickset Hedges, or other proper Fences, to be made in such Time and Manner as the said Commissioners shall direct, and the Expence of making such Hedges, Ditches, or other proper Fences, shall be borne and defrayed in the same way as the Expences of obtaining and passing this Act, and carrying the same into Execution, are herein-after directed to be paid; and the said Commissioners shall direct what Parts and Proportions of the said Fences shall belong to, and afterwards be kept in Repair by the said Rector and his Successors, and the other Proprietors of Allotments respectively; and the said Commissioners shall, and they are hereby authorized and required to order and direct that all the Allotments in the Common Meadows, and such small Allotments in the Arable Fields, as they shall judge

Other Fenc-  
ing.

proper and direct to be inclosed, shall be fenced round the Boundaries thereof, with Ditches and Quickset Hedges, or other proper Fences, by and at the Expence of the Proprietors or Persons to whom the same shall be respectively allotted, which respective Fences shall be made in such Manner, and in such Shares and Proportions as the said Commissioners shall direct; but that all the other Allotments in the Arable Fields, and all the Allotments of the Down Lands may be inclosed or left open, at the Discretion of the respective Proprietors thereof.

XXII. And be it further enacted, That when Two or more small Allotments shall be laid together, and the respective Proprietors thereof shall by any Writing under their Hands signify their Desire to the said Commissioners that such Allotments may lie open to each other, then, and in such Case, the said Commissioners (unless there shall be good Cause to the contrary) shall not make, or give any Orders or Directions touching the fencing such small Allotments from each other, but shall exempt and except such small Allotments and the Proprietors thereof, out of and from the General Orders and Regulations touching the fencing of the Allotments to be made in pursuance of this Act, so far as such Orders or Directions shall respect the fencing such small Allotments from each other, but not so far as such Orders or Directions shall respect the fencing off the same, or any of them from any other Allotment or Allotments, to be made under or by virtue of this Act, and the said Commissioners in their said Award shall take due Notice of all such Exemptions and Exceptions.

Small Allotments may be laid together.

XXIII. And be it further enacted, That it shall be lawful for the said Commissioners, at any Time, when they in their Judgement shall think it necessary or convenient, by Writing under their Hands, to be affixed on the principal Doors of the Parish Churches of *Barford Saint Martin*, *South Newton*, and *Baverstock* aforesaid respectively, to suspend or totally extinguish all or any of the Rights of Common, in, upon, or over all or any of the said Lands or Grounds, hereby directed to be divided and allotted, and also the Rights of Common in, over, and upon the said Coppices, Woods, and Woodlands, in *Grovely Wood* aforesaid, hereby directed to be extinguished, and, that from and immediately after the Expiration of the Time or Times, in such Notice or Notices to be expressed for that Purpose, such Rights of Common shall cease and be extinguished or suspended as the said Notice or Notices shall specify or direct, and if after such Extinguishment or Suspension, any Proprietor or Proprietors, Occupier or Occupiers, shall permit his, her, or their Cattle, Sheep, or other Stock to depasture, feed, or go upon any of the said Lands or Grounds, Coppices, Woods, and Woodlands, as to which such Common Rights shall be extinguished, or suspended, it shall and may be lawful to and for any other Proprietor or Proprietors, Occupier or Occupiers, to distrain all or any of such Cattle, Sheep, or other Stock, and impound the same until the Person or Persons so offending, shall pay unto the Person or Persons so distraining, such Sum or Sums of Money as the said Commissioners shall direct, not exceeding for any one Offence the Sum of Five Pounds, and in Case the same shall not be paid within

To suspend or extinguish common Rights.

[*Lac. & Per.*]

22. K

such

such Time as the said Commissioners shall appoint, then the said Commissioners shall cause the said Cattle, Sheep, or other Stock so distrained, or such Part thereof as they shall think necessary, to be sold for raising and paying such Sum or Sums of Money, together with the Costs and Charges attending such Distress and Sale, rendering the Overplus (if any) to the Owner or Owners thereof.

Commissioners to regulate course of Husbandry until Inclosure.

XXIV. And be it further enacted, That in the mean Time, and until such Allotments shall be made as aforesaid, all the Lands and Grounds hereby directed to be divided and allotted, shall, by the Occupiers thereof, respectively be stocked with such Cattle and Sheep, and sowed with such Kinds of Grain and Seeds, and be manured, cultivated, and kept in such course and order of Husbandry, as the said Commissioners shall by any Writing or Writings, under their respective Hands direct, any Usage or Custom to the contrary notwithstanding, and no Pasture or fresh Ground, hereby directed to be divided or allotted shall be ploughed, broken up, or converted into Tillage; and 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 same 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 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, 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 Allotment shall have been made; any Thing herein contained to the contrary notwithstanding.

For determining Leases at Rack Rents.

XXV. And be it further enacted, That all or any Lease or Leases, or any Agreement or Agreements for Leases at rack Rent, or from Year to Year, now subsisting on or respecting any of the Lands and Grounds to be divided and allotted pursuant to this Act, or of any Messuages, Buildings, Homesteads, Gardens, Orchards, or old inclosed Lands, held with the same, or which shall be exchanged by virtue hereof, shall in case the said Commissioners shall think it proper and reasonable, cease, determine,

determine, and be utterly void at such Time, 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 comprised 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 authorised and required to order and direct such Payments and Satisfactions to be made accordingly: Provided always, that if there shall be any such Lease or Leases of Lands as aforesaid, Part of which shall be in either of the said Manors, or Parishes and Tything, and Part in any adjoining Parish, Manor, or Place, all and every such Lease or Leases may be vacated; but where any Lands shall have been taken in Exchange, which Lands shall be under Lease, and wholly situate in any adjoining Parish, Manor, or Place, such last mentioned Lease shall not be vacated.

XXVI. And be it further enacted, That it shall and may be lawful Exchanges. to and for the said Commissioners to set out, allot, and award any Messuages, Lands, Tenements, or Hereditaments, new Allotments, or old Inclosures, within any of the respective Parishes, or Manors and Tythings aforesaid, or the Precincts thereof respectively, in lieu of, and in exchange for any other Messuages, Lands, Tenements, or Hereditaments, new Allotments or old Inclosures, within the same Parishes, or Manors and Tythings, or any of them, or within any adjoining Parish, Manor, Tything, Hamlet, or Township, so as all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioners, and be made with the Consent of the respective Owners or Proprietors, or *cestuique* Trusts, being beneficially entitled for not less than an Estate for Life, of, and in the Messuages, Lands, Tenements, or Hereditaments, new Allotments, or old Inclosures, which shall be so exchanged, or with the Consent of the Guardians, Trustees, Feoffees for charitable and other Uses, Husbands, Committees, or Attornies of, or acting for any such Owners or Proprietors as aforesaid, who at the Time of making such Exchange or Exchanges, shall be respectively Infants, 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 any Corporation Aggregate, and under the Hands of the other consenting Parties respectively), and that all and every such Exchange and Exchanges so to be made shall be good, valid, and effectual in the Law, to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Messuages, Lands, Tenements, or Hereditaments, new Allotments, or old Inclosures, held in Right of any Church, Chapel, or other ecclesiastical Benefice, without the Consent of the Patron thereof, and of the Bishop of the Diocese for the Time being respectively, testified as aforesaid: And provided always, that all Costs, Charges, and Expences attending the making and completing any Exchanges and Partitions shall be paid and borne by the several Persons making

making such Exchanges or Partitions, distinct and apart from the other Expences attending the Execution of this Act, in such Manner, and in such Proportions as the said Commissioners shall, by their said Award, order and direct.

Allotments and exchanged lands to enure to the same Uses as the Estates in respect of which they are made.

XXVII. And be it further enacted, That all and singular the several Lands, Tenements, and Hereditaments which shall be respectively allotted or exchanged by virtue of this Act, or the said Act of the Forty-first Year of the Reign of His present Majesty, shall, immediately after such Allotments and Exchanges respectively shall be made, vest in, and go, and remain to such and the same Persons respectively, for such and the same Estates and Interests respectively, and to, for, upon, with, under and subject to such and the same Uses, Trusts, Intents, Purposes, Powers, Provisoos, Conditions, Charges, Incumbrances, Limitations, Remainders, Reversions, and Dispositions by Will or otherwise, as the Lands, Grounds, Tenements, Rights, and Hereditaments whatsoever, in lieu of which such Allotments were made, or such Lands or Hereditaments received in Exchange respectively, were vested in, to, for, or upon, with, under, and subject to, immediately before such Allotments and Exchanges were respectively made, or would have been vested in, and gone, and remained to, in case such Allotments and Exchanges respectively, or this Act had not been made; and nothing herein contained shall extend, or be construed to extend to revoke, annul, make void, or alter any Will, Codicil, Settlement, Jointure, Dower, Portion, Debt, Mortgage, Charge, or Incumbrance affecting any of the Lands, Grounds or Hereditaments intended to be divided or allotted as aforesaid, or which shall be exchanged as aforesaid, further or otherwise than by substituting the Lands, Grounds, Tenements, or Hereditaments so to be allotted or received in Exchange for and instead of the Lands, Grounds, Tenements, Rights, and Hereditaments in lieu of which the same shall be so allotted or received in Exchange.

Authorising Proprietors to sell their Allotments before award.

XXVIII. And be it further enacted, That it shall and may be lawful to and for any Person or Persons beneficially interested in the said Division and Allotment, (other than and except only the said Rector of *Barford Saint Martin* aforesaid, for the Time being, and those to whom any Allotment or Allotments may be made in Trust for any College, Chapel, School, Hospital, or other Public Use or Charity), at any Time before the Execution of the Award to be made by the said Commissioners, to sell or mortgage, or convey all or any Part of such Estate, Right, Title, or Interest as he, she, or they now have or hath, or shall or may hereafter have in or to any Right of Common in or upon the said Lands and Grounds hereby directed to be divided and allotted, or in or upon the said Coppices, Woods, and Woodlands in *Grovely Woods* aforesaid, or in or to any Allotment or Allotments to be made in respect of such Right of Common by virtue of this Act, separate and apart from the Estate in Right whereof he, she, or they is, are, or shall be so entitled or interested, and that in case of any such Sale previously to the Execution of such Award, it shall be lawful for the said Commissioners, and they are hereby authorised and required, at the Request of  
the



the Vendor or Vendors, signified in Writing to the said Commissioners, under the Hand or Hands of such Vendor or Vendors, to allot the same by their Award at once and directly to the Purchaser and Purchasers thereof respectively, who shall and may, immediately thereupon, have, hold, use, and enjoy the Allotment or Allotments purchased by him, her, or them as aforesaid, in as full, large, ample, and beneficial a Manner, to all Intents and Purposes whatsoever, as the Vendor or Vendors thereof, or any other Person or Persons seised or possessed of any Estate or Interest therein, in Trust for such Vendor or Vendors, could or might have done and held the same, in case such Sale had not been made, but subject, nevertheless, to the several Rules, Orders, Conditions, and Restrictions contained in or authorised by this Act, and that the Expences attending such Sale or Sales shall be paid by the Purchaser or respective Purchasers, when and as the said Commissioners shall order and direct.

XXIX. And be it further enacted, That each of the said Commissioners who shall act in the Execution of this Act, and their Clerk, shall be allowed and paid the Sum of Three Pounds Three Shillings for each Day he shall actually attend and be employed as a Commissioner and Clerk in the Execution of this Act, or shall necessarily travel from Home to attend the Meetings of the Commissioners, or when returning Home after having attended such Meetings, in full Satisfaction for his Trouble and Expences in the Execution of this Act.

Commis-  
sioners Allow-  
ances.

XXX. And be it further enacted, That all the Costs, Charges, and Expences of soliciting and passing this Act, and of surveying, admeasuring, and valuing the said Lands and Grounds, Coppices, Woods, and Woodlands hereby directed to be divided and allotted, and of dividing and allotting the same, and of forming and making the public Roads, public or common Drains, Sewers, Watercourses, Watering Places for Cattle, Wells, Bridges, Hatches, and other Conveniences which shall be set out by virtue of this Act, and of fencing and inclosing the Allotments of Open Common Arable and Open Common Meadow to be made and allotted to the Rector of *Barford Saint Martin* aforesaid, and of preparing and enrolling the said Award, and all other the Costs, Charges, and Expences of the said Commissioners, and of the several Persons employed by them either before or after the Execution of the said Award, in, about, or concerning the Execution of this Act, and not herein otherwise directed to be paid, shall be paid, borne, and defrayed by all the Owners of, or Persons interested in the same Lands and Grounds, Coppices, Woods, and Woodlands, (except the Rector of *Barford Saint Martin* aforesaid), in proportion as near as may be to their respective Estates and Interests (due regard being had to the Expences occasioned by each Person's Estates, and also to the Value and Improvement thereof,) and the Shares and Proportions of the said Costs, Charges, and Expences to be borne by the said respective Owners and Persons interested, shall be settled and ascertained by the said Commissioners, and shall be paid to such Person or Persons, at such Time or Times, either before or after the Execution of the said Award, as the said Commissioners shall direct or appoint

Expences of  
the Act.

[*Loc. Et Per.*]

by Writing under their Hands, affixed on the principal Doors of the Parish Churches of *Barford Saint Martin*, *South Newton*, and *Baverstock* aforesaid, and in case any Person or Persons shall refuse or neglect to pay his, her, or their Share or Proportion of the said Costs, Charges, and Expences according to such Direction or Appointment as aforesaid, the said Commissioners shall and may raise and levy the same by such Remedies, Ways and Means as are provided or mentioned in and by the said Act of the Forty-first Year of the Reign of His present Majesty: Provided always, that the several Shares of the Charges and Expences aforesaid in respect of the several Lands and Tenements within the said several Parishes, Manors, and Tythings held by Copy of Court Roll or Lease, for One or more Life or Lives, or for Years determinable on the Death of One or more Life or Lives, under the said *George Earl of Pembroke and Montgomery*, shall be paid, borne, and defrayed by the said Earl, or the Person or Persons for the Time being intituled to his said Estates, and the said Commissioners are hereby authorized and required to award and direct that the respective Lessees and Copyholders, or customary Tenants of the said Lands and Tenements, so held under the said *George Earl of Pembroke and Montgomery*, shall respectively pay to him the said Earl, and the Person and Persons for the Time being entitled to his said Estates, after the Rate of Five Pounds *per Centum per Annum*, for all the Monies so paid by him or them by virtue of this Act, and which Payment, after the Rate aforesaid, shall commence at such Time as the said Commissioners shall, in and by their said Award, direct and appoint, and shall from thenceforth be added to and accounted Part of the several and respective reserved Rents, to be paid from Time to Time for such Lands, Grounds, and Premises respectively, and shall be recoverable by Distress or otherwise, in like Manner as other Rents in Arrear are recoverable by the Law of this Realm.

Power to  
borrow  
Money to  
defray the  
Expences of  
the Inclosure.

XXXI. And be it further enacted, That it shall be lawful for the respective Proprietors, and Persons seised or entitled for any Life or Lives, or Years determinable on any Life or Lives, or for any Estate of Inheritance of or to any Lands, Tenements, or Hereditaments hereby directed or authorized to be divided or allotted, or any Lands, Tenements, or Hereditaments which shall be allotted or exchanged in pursuance of this Act, and for the Husbands, Guardians, Trustees, Committees, or Attornies, of any such Proprietors, being Femes Covert, Lunatics, beyond the Seas, or under any other legal Disability or Incapacity of acting for themselves (except the Rector of *Barford Saint Martin* aforesaid, for the Time being,) at any Times either before or after the Execution of the said Award, with the Consent of the Commissioners in Writing, under their Hands, to charge such respective Lands, Tenements, Hereditaments, and Allotments as aforesaid, or any of them, or any Part or Parts thereof respectively, with any Sum or Sums of Money not exceeding Five Pounds an Acre, which shall appear to the Satisfaction of the Commissioners to have been paid, laid out, and expended by them the said Proprietors respectively or by their respective Direction, for inclosing, ditching, hedging, and fencing their respective Allotments as aforesaid, and making necessary sub-division Fences, and erecting necessary Buildings on the said Allotments for the  
convenient

convenient Occupation thereof, and for their respective Proportions of the Expences of passing this Act and carrying the same into Execution, or which shall be lent and advanced, by any other Person or Persons at the Request of such Proprietors, or of such other Persons for them as aforesaid, and paid to such Person or Persons as the said Commissioners shall appoint, in order to be applied and disposed of for the Purposes aforesaid, with lawful Interest for such Sum or Sums of Money, and for the better securing the Payment of such Sum or Sums of Money, with Interest, to convey in the way of Mortgage, without Impeachment of Waste, such respective Lands, Tenements, Hereditaments, and Allotments, as aforesaid, or any of them, or any Part or Parts thereof, to the Person or Persons who shall respectively lay out and expend such Sum or Sums of Money, or so cause the same to be laid out and expended, or to such Person or Persons as he, she, or they, or his, her, or their Executors or Administrators shall respectively appoint, so as every such Conveyance by way of Mortgage as aforesaid, be made with a Proviso, that no Person in Remainder or Reversion who shall become entitled in Possession to the Hereditaments and Premises therein comprized, shall be liable to pay any further or larger Arrear of Interest on the Money so secured, than for Six Calendar Months preceding the Time at which the Title to such Possession shall have commenced; and every such Conveyance by way of Mortgage as shall be made in pursuance of this Act, either before or after the Execution of the said Award, shall be good, valid, and effectual in the Law for the Purposes thereby intended.

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

Land may be deducted from Allotments in lieu of and Equivalent to the Expences.

XXXIII. 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 passing thereof) the said Commissioners shall, and they are hereby required to make a true and just Statement or Account of all Sums of Money by them received and expended, or due to them for their own Trouble and Expences in the Execution of this Act, and such

Commissioners Accounts.

Statement

Statement or Account when so made, together with the Vouchers relating thereto, shall be by them laid before any one or more Justice or Justices of the Peace for the County of *Wilts*, to be by him or them examined and balanced; and such Balance shall be by such Justice or Justices stated in the Book of Account, to be kept in the Office of the Clerk to the said Commissioners, and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in the Law, unless the same shall have been duly allowed by such Justice or Justices.

Money advanced for passing the Act to be repaid with Interest.

XXXIV. And be it further enacted, That any Sum or Sums of Money which shall be advanced or lent for the Purpose of defraying the Expences of obtaining and passing this Act, or of the said Commissioners in carrying the same into Execution, shall be repaid with lawful Interest to the Person or Persons who shall advance or lend the same, his Executors, Administrators, or Assigns, out of the first Monies which shall be raised for defraying the Expences of passing and executing this Act.

Award to be deposited.

XXXV. And be it further enacted, That the General Award to be made by the said Commissioners, pursuant to the said Act of the Forty-first Year of the Reign of His present Majesty, shall be enrolled with the Clerk of the Peace for the County of *Wilts*, within Twelve Calendar Months after the Execution thereof, by the said Commissioners, or so soon after as conveniently may be, and the said original Award, and such Plans or Surveys as may be annexed thereto, shall be deposited in the Parish Church of *Barford Saint Martin* afore said, to the End that Recourse may be had thereto by any Person or Persons interested in the said Division and Allotment, which said Award and Plans, and every other Award and Instrument to be lodged with the said Award, shall and may be inspected at all reasonable Times, upon reasonable Notice given by the Party requiring such Inspection, and upon Payment for every such Inspection of the Sum of One Shilling to the Person having the Custody thereof respectively.

Power of Appeal to the Quarter Sessions.

XXXVI. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of the said Act of the Forty-first Year of the Reign of His present Majesty, or of this Act, (except as to such Claims, Matters, and Things, as are herein-before authorized to be tried and determined by the Verdict of a Jury, or as to which the Determination of the said Commissioners is by the said Act of the Forty-first Year of His present Majesty, or by this Act directed to be final and conclusive), he, she, or they, may appeal to any General or Quarter Sessions of the Peace, which shall be held in and for the said County of *Wilts*, within Three Calendar Months next after the Cause of Complaint shall have arisen, giving Notice in Writing of every such Appeal, by affixing such Notice, expressing the Cause of Complaint, upon the Principal Doors of the Parish Churches of *Barford Saint Martin*, *South Newton*, and *Baverstock*, afore said, Twenty-eight Days at least before such General or Quarter

ter Sessions, and the Justices of the Peace assembled at such General or Quarter Sessions, or at any subsequent General or Quarter Sessions to which the said Justices shall adjourn any such Appeal, either for the Want of such Notice having been given as aforesaid, or for any other Cause which to the said Justices shall seem a sufficient Cause to adjourn such Appeal, are hereby authorized to hear and determine the same, and to make such Order therein, and to award such Damages and Costs as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Damages and Costs which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties awarded to pay the same, rendering the Overplus (if any) upon Demand to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of every such Distress and Sale, and the Order and Determination of the said Justices upon such Appeal shall be final and conclusive to all Parties concerned, and shall not be removed or removeable by *Certiorari* or any Process or Writ whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere, but in Case any such Appeal shall appear to the said Justices to be frivolous, vexatious, or without Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants, as to them in their Discretion shall seem reasonable, which Costs shall and may be levied in Manner aforesaid.

XXXVII. Provided always, and be it enacted, That all Notices necessary and requisite to be given by the said Commissioners in pursuance of the said Act of the Forty-first Year of the Reign of His present Majesty, or this Act, (except such as are otherwise particularly directed by this Act), shall be given by Advertisement in the *Salisbury* and *Winchester* Journal, if then published, and if not, then in some other Newspaper or Newspapers printed and circulated in the said County of *Wilts.* How Notices to be given.

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

1978

49° GEORGII III. *Cap.* 100.

Act to be  
printed by the  
King's Prin-  
ter.

XXXIX: And be it further enacted, That this Act shall be printed by the Printer to the King's most Excellent Majesty, and a Copy thereof so printed shall be admitted as Evidence thereof by all Judges, Justices, and others.

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LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,  
Printers to the King's most Excellent Majesty. 1809.