



ANNO QUINQUAGESIMO PRIMO

GEORGI II. REGIS.



Cap. 177.

An Act for inclosing Lands in the Parish of *Tilshead*,
in the County of *Wilts.* [15th June 1811.]

WHEREAS there are in the Parish of *Tilshead*, otherwise *Tulshead*,
otherwise *Tydeshead*, in the County of *Wilts*, several old In-
closures and divers Open Fields and Downs, and divers Com-
mon Fields, Common Downs, and other Commonable Lands and Waste
Grounds: And whereas the Reverend *Charles Gore* and *Daniel Clutterbuck*,
Charles Blagrove, *Philip Hayward* and *Edward Sampson* Esquires, are
Lords of the Manor of *Tilshead*, in the County of *Wilts*, which Manor
extends over so much or such Part of the Parish of *Tilshead* aforesaid as is
called or known by the Name of *The North Side*, or *Tilshead North Side*,
and as such Lords claim to be entitled to the Right of Soil of and in the
Commonable Lands and Waste Grounds lying within their said Manor:
And whereas *Katherine Long* Spinster, is Lady of the Manor of
Steeple Ashton, in the said County of *Wilts*, which Manor extends over so
much or such Part of the Parish of *Tilshead* aforesaid as is called or known
by the Name of *The South Side* or *Tilshead South Side* and as such Lady
claims to be entitled to the Right of Soil of and in the Commonable Lands
and Waste Grounds in the Parish of *Tilshead* aforesaid lying within her
said Manor: And whereas *Gorges Lowther* Esquire, is seized of the Rectory
or Parsonage Improprate of *Tilshead*, otherwise *Tulshead*, otherwise *Tyde-*
shead aforesaid, and as such is entitled to the Tythes of Corn and Grain
arising and renewing from the Lands and Grounds within the said Parish of
Tilshead, (except the Portion of Tythes of *Thomas Lawes* and *Mary* his
Wife, herein-after mentioned) and to certain Glebe Lands, old Inclosures,
[*Loc. & Per.*] 46 C Rights

Rights of Common and Foldage, and other Rights within the said Parish: And whereas *Thomas Lawes* and *Mary* his Wife are, or one of them is, seised or otherwise entitled to a certain Portion of the Tythes of Corn and Grain arising and renewing from the Manor Farm of *Tilshead* aforesaid, or the Farm and Lands in *Tilshead North Side* within the said Parish, of them the said *Charles Gore*, *Daniel Clutterbuck*, *Charles Blagrove*, *Philip Hayward*, and *Edward Sampson*, and which they the said *Thomas Lawes* and *Mary* his Wife, or one of them, hold by Lease granted to one *William Cooper* deceased, by the Right Honourable the Earl of *Pembroke* and *Montgomery*: And whereas the King's most Excellent Majesty is Patron of the Vicarage of *Tilshead* aforesaid, and the Reverend *David Williams* Clerk, is the present Vicar thereof, and as such is entitled to sundry Tythes arising and renewing from all the Lands and Grounds within the said Parish: And whereas the Dean and Chapter of the Cathedral Church of *Sarum*, in the County of *Wilts*, and the said *Charles Gore*, *Daniel Clutterbuck*, *Charles Blagrove*, *Philip Hayward*, *Edward Sampson*, *Gorges Lowther*, *Thomas Grovesnor Erle Drax*, *Richard Norris*, *William Slade*, *William Alsop Lawes*, *Leonard Lawes*, and divers other Persons, are seised of or entitled unto the Residue of the old Inclosures, Open and Common Fields and Downs, and Commonable Lands and Waste Grounds, within the said Parish of *Tilshead*: 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 Lands in the said Common Fields lie intermixed and dispersed in small Parcels, and the said Open Fields and Downs, Commonable Lands, and Waste Grounds being subject to certain Feedings and Common Rights and Customs are in their present State incapable of any considerable Improvement; and it would be very advantageous to the several Proprietors and Persons interested therein, if certain Parts of the old Inclosures in the said Parish, and the said Open Common Fields and Downs, Commonable and Waste Lands and Grounds were allotted in Severalty, and if specific Shares were set out to the several Owners thereof and Persons interested therein in proportion and according to their respective Estates, Rights, and Interests therein, and if all the said old Inclosures, Lands, and Grounds were exonerated from the Payment of Tythes; but in as much as such Division, Allotment, and Exoneration cannot be effected without the 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 *Richard Richardson* of *Lincoln's Inn Fields*, in the County of *Middlesex*, Gentleman, *John Billingsley* of *Ashwicke Grove*, in the County of *Somerset*, Gentleman, and *Thomas Davis* of *Horningsham*, in the said County of *Wilts*, Gentleman, and their Successors, to be appointed in Manner herein-after mentioned, shall be and they are hereby appointed Commissioners for carrying the Purposes of the said recited Act and of this Act into Execution, subject to the Regulations of the said recited Act in all Cases, except where the same are hereby varied and altered; and that all Acts, Matters, and Things done by any Two of the Commissioners named in or to be appointed by virtue of this Act, shall be to all Intents and Purposes as valid and effectual as if the same were done and performed by all the said Commissioners.

Commission-
ers.

II. And

II. And be it further enacted, That when and as often as any Commissioner hereinbefore named, or to be appointed in Manner hereinafter mentioned, shall, before the finishing and completing of the said Division, die or refuse to act, or become incapable of acting as a Commissioner in the Execution of this Act, the surviving or remaining Commissioners or Commissioner shall, within Sixty Days then next following, nominate and appoint, under their Hands and Seals, or his Hand and Seal, any other Person not interested in the said intended Inclosure, to be a Commissioner in the Room of every Commissioner who shall die or refuse to act or become incapable of acting as aforesaid; and that every new Commissioner so to be appointed shall have the like Power and Authority to act in the Execution of the Powers hereby given, as the Commissioner in whose Place he shall succeed was invested with; and the said Appointment shall be inrolled, with the Award of the said Commissioners to be made as hereinafter mentioned: Provided, that in case any or either of the said Commissioners shall neglect to attend for Three successive Meetings, unless prevented by Sickness in attending the Third Meeting, the same shall be deemed as a Refusal to act.

New Commissioners to be appointed upon Vacancies.

III. And, for the more just and regular Division and Distribution of the said Lands and Grounds, and for the better ascertaining the same, be it further enacted, That a Survey or Admeasurement shall be made of the said Open and Common Fields, Downs, Commonable Lands, and Waste Grounds, and also of the Homesteads, Homecloses, Yards, Gardens, Orchards, and old Inclosures in *Tilshhead* aforesaid, as soon as conveniently may be, by *George Barnes*, Land Surveyor, or such other Surveyor or Surveyors as the said Commissioners shall appoint, on his or their becoming incapable to act, or neglecting or refusing for the Space of Six Calendar Months next after the passing of this Act to execute the same, which Survey or Admeasurement shall be reduced into Writing, and the Number of Acres, Roods, and Perches, in Statute Measure, belonging to each Proprietor, shall be set forth and ascertained therein; and the said Survey shall be laid before the said Commissioners at some or one of their Meetings, to be held in pursuance of this Act, and shall be verified by the Oath of the Surveyor who made the same, which Oath the said Commissioners, or any one of them, are or is hereby authorized and required to administer: Provided always, that no Commissioner acting in the Execution of the Powers hereby given, shall be employed or act as a Surveyor by virtue of this Act, during the Time he shall so act as Commissioner.

Survey to be made.

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

Surveyor's Oath.

‘ 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 a Surveyor, by virtue of an Act passed in the Fifty-first Year of the Reign of King *George* the Third, intituled, [*here set forth the Title of this Act,*] truly, impartially, and honestly, according to the best of my Skill, Judgement, and Ability, without Favour or Affection, Prejudice or Malice, to any Person or Persons whomsoever. ‘ So help me GOD.’

And

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 inrolled with the Award of the said Commissioners.

Appointment
of a Clerk.

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

Meetings
where to be
held.

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

Notice of
Meetings.

VII. And be it further enacted, That the said Commissioners shall, and they are hereby required to give Notice in *The Salisbury and Winchester Journal*, but in case no such Newspaper shall then be published, then in some Newspaper circulated in the said County of *Wilts*, and also by affixing a like Notice on the principal Door of the Parish Church of *Tilshhead* aforesaid, of the Time and Place of their First Meeting for executing the Power hereby vested in them, on some *Sunday* before Divine Service at least Ten Days before such Meeting; and shall in like Manner also give at least Ten Days Notice of every subsequent Meeting (Meetings by Adjournment only excepted); and that the said Commissioners shall and may adjourn from Time to Time as they shall see Occasion, for the due Execution of this Act, and that all other Notices necessary or requisite to be made or given by the said Commissioners, shall be made and given in the same Manner as is hereinbefore directed respecting the Notice of their First Meeting: Provided always, that if at any Meeting, to be holden as aforesaid, only one of the Commissioners shall attend, such Commissioner so attending shall and may adjourn such Meeting to such Time and Place in *Tilshhead* aforesaid, or within Eight Miles thereof, as he shall think most convenient; and if no Commissioner shall attend, it shall be lawful for the Clerk to the said Commissioners to adjourn such Meeting for any Time not exceeding Twenty-eight Days, and to the Place last appointed.

Commissioners
to settle
Differences.

VIII. And be it further enacted, That in case any Dispute or Difference shall arise between any of the Parties interested, or claiming to be interested, in the said intended Division and Inclosure, touching or concerning the respective 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 intended Division and Inclosure, it shall be lawful for the said Commissioners, and they are hereby authorized by Examination of Witnesses on Oath, which Oath they are hereby empowered to administer, or by other good and sufficient Evidence to hear and determine the same: Provided always, that nothing in this Act contained shall authorize the Commissioners to determine the Title to any Messuages, Cottages, Lands, Tenements, or Hereditaments whatsoever.

Commissioners
to assess
Costs.

IX. 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 or Charges, it shall be lawful for the said Commissioners, and they are hereby empowered, upon Application being made to them for that Purpose, to settle,
award,

award, and assess 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 thereof made in Writing, then and in such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required, by Warrant under their Hands and Seals, directed to any Person whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons 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: Provided always, that in case the Person or Persons whose Claim or Claims shall have been so over-ruled or disallowed by the said Commissioners, shall cause an Action to be brought as herein-after is mentioned, and shall upon the Trial of such Action establish the Claim which shall have been so over-ruled or disallowed by the said Commissioners, the Costs and Charges so assessed and awarded by the said Commissioners as aforesaid, shall not, nor shall any Part thereof be paid by or levied upon the Goods or Chattels of the Person or Persons by whom the said Commissioners shall have awarded the same to be paid as aforesaid.

X. And be it further enacted, That if any Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, making any Claim or Claims to any Lands or Hereditaments intended to be divided and inclosed or affected by this Act, or any Rights or Interests therein, or objecting to any Claim or Claims made by any other Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, 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 shall by himself, herself, or themselves, or his, her, or their respective known Agent or Agents, Attorney or Attornies, give Notice thereof in Writing to the said Commissioners, or their Clerk, within Six Calendar Months next after such Determination shall have been so made, (of which Notice the said Commissioners or their Clerk respectively are hereby required immediately on Sight thereof, or so soon after as conveniently may be, to give Information to the adverse Party or Parties, or his, her; or their known Agent or Agents, Attorney or Attornies, by Writing under their respective Hands, to be delivered to or left at the usual or last Place of Abode of such Party or Parties, or by his or their known Agent or Agents, Attorney or Attornies respectively), then, but not otherwise, it shall be lawful for the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, giving such Notice as aforesaid, his, her, or their Heirs, Successors, or Assigns, to proceed to Trial at Law for the same, at the next Assizes to be holden for the said County of *Wilts*, after such Notice shall be given as aforesaid, in a feigned Action or Actions for that Purpose, to be commenced in one of His Majesty's Courts of Record at *Westminster*, by the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, his, her, or their Heirs, Successors, or Assigns, giving such Notice as aforesaid against the adverse Party or Parties, making such Claim or Objection as aforesaid; and the Defendant or Defendants

Power to Persons dissatisfied with the Determination of the Commissioners to try their Rights at Law.

in such Action or Actions shall forthwith name an Attorney or Attornies, who shall file Common Bail or appear, and accept one or more Issue or Issues, whereby all such Claim or Claims, Rights or Interests, may be tried and determined (such Issue or Issues to be settled by the proper Officers of the Court wherein such Action or Actions shall be commenced, if the Parties shall differ about the same); and the Verdict or Verdicts which shall be given in such Action or Actions shall be final and conclusive to all and every Person and Persons, Body and Bodies Politic, Corporate, and Collegiate whomsoever; and after any Verdict or Verdicts shall have been obtained, and not set aside by the Court in which any such Action or Actions shall be depending, the said Commissioners shall conform, and they are hereby authorized and required to conform thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials: Provided always, that it shall be lawful for the Court in which any Action or Actions to be commenced in pursuance of this Act shall be depending, upon sufficient Cause shewn, to put off the Trial of such Action or Actions, or to order a new Trial therein, although the Time herein-before limited for the Trial of such Action or Actions may be thereby exceeded: Provided also, that all such Determinations of the said Commissioners as shall not be objected to, and also all such Determinations as being objected to shall not be proceeded in by Reason that the Party or Parties objecting thereto shall not cause such Action or Actions at Law as aforesaid to be brought and prosecuted with Effect, shall be absolutely final and conclusive upon all Parties.

Action not to abate by Death of Parties.

XI. Provided always, and be it further enacted, That such Action or Actions shall not abate by Reason of the Death of any of the Parties therein, but shall be proceeded in as if no such Death had happened.

Disputes about Titles not to impede Proceedings of the Commissioners in the Execution of this Act.

XII. And be it further enacted, That if any Suit or Suits shall be commenced or prosecuted touching or concerning the Title of any Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, in or to any Lands, Tenements or Hereditaments in the said Parish of *Tilshhead*, such Suit or Suits shall not impede, delay or hinder the said Commissioners from proceeding in the Execution of the Powers vested in them by this or the said recited Act; but the said Division and Allotment shall be proceeded in notwithstanding such Suit or Suits, and the Allotment or Allotments to which any such Suit or Suits shall relate, shall and may be had and taken by the Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, who upon the Determination of such Suit or Suits shall become entitled to the same.

Provision in case of the Death of Parties before Actions brought.

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

Commissioners with Proceſs for commencing ſuch Action or Actions in the ſame Manner as the Party or Parties might have been ſerved therewith if living; and it ſhall thereupon be incumbent on the Heir or Heirs, or other Perſon or Perſons who ſhall claim the Benefit of ſuch Determination as aforeſaid, to appear and defend ſuch Action or Actions in the Name or Names of the Perſon or Perſons ſo dead, and Proceeding 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.

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

Right of Poſſeſſion of Perſons not to be determined by Commiſſioners.

XV. And be it further enacted, That it ſhall and may be lawful for the ſaid Commissioners, and they are hereby authorized at any Time or Times before the Execution of their Award, by Writing under their Hands to be affixed on the principal Door of the Pariſh Church of *Tilſhead* aforeſaid, on ſome *Sunday* before Divine Service, to order and direct all or any Part of the Rights of Common, or any other Commonable Rights and Cuſtoms whatſoever, in, over or upon the Lands and Grounds to be divided and allotted by virtue of this Act, or any Part thereof to be extinguished, or the Exerciſe thereof to be ſuſpended for and during ſuch Time and Times as ſhall be expreſſed in ſuch Writing; and that all ſuch Rights of Common, and other Commonable Rights and Cuſtoms as the ſaid Commissioners ſhall by ſuch Writing order and direct to be extinguished, or to be ſuſpended from being exerciſed as aforeſaid, ſhall, from the Time of affixing ſuch Writing on the ſaid Church Door, or from ſuch ſubſequent Time as ſhall be expreſſed in ſuch Notice, ceaſe, determine, and be extinguished and ſuſpended from being exerciſed accordingly; any Law, Uſage or Cuſtom to the contrary notwithstanding.

For extinguishing Rights of Common.

XVI. 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 and Grounds hereby intended to be incloſed or allotted, or in, through or over any of the old Incloſures within the Pariſh of *Tilſhead* aforeſaid, when 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 recited Act is directed and required in the Caſe of ſetting out the Roads and Ways therein mentioned, and obſerving the Directions of the ſaid recited Act as to the obtaining the Concurrence and Order of Two Juſtices of the Peace previously thereto, and ſubject to an Appeal to the Quarter Sessions, as in the ſaid recited Act is mentioned; and the Soil of the Roads and Ways ſo to be ſtopped up or abated, ſhall be deemed and taken as Part of the Lands and Grounds to be divided and allotted by virtue of this Act.

Power to turn and ſtop Roads.

XVII. And

Allotment to be delineated upon a Plan, and shewn the Proprietors.

XVII. And be it further enacted, That when and so soon as the said Commissioners shall have ascertained the respective Rights and Interests of the said Proprietors in the Lands and Grounds to be divided and allotted by virtue of this Act; and also the respective Shares and Proportions by them proposed to be allotted to such Proprietors respectively in lieu of such Rights and Interests, they the said Commissioners shall set out and delineate such intended Allotments upon a Map or Plan; and shall also give Notice in Manner aforesaid of some convenient Time and Place when and where the said Proprietors may be informed of such intended Allotments, and may see the Map or Plan thereof; and as some Proprietors may, upon Inspection of such Map or Plan, be dissatisfied with such intended Allotments, the said Commissioners shall at such Time and Place as last aforesaid, or at some other Time and Place to be appointed by them for that Purpose, receive Statements in Writing of any Complaints or Objections which may be made by any of the said Proprietors against such intended Allotments, and shall forthwith, or so soon after as conveniently may be, determine all such Complaints and Objections.

Land to be sold for Payment of Expenses.

XVIII. And be it further enacted, That the said Commissioners shall, in the First Place, mark and set out for the Purpose of Sale, as herein-after mentioned, Two several Allotments or Pieces or Parcels of Land, as will in their Judgement, by the Sale thereof, produce the net Sum of Four hundred Pounds, One of which said Allotments, or Pieces or Parcels of Land, to lie in or be taken out of the Lands and Grounds to be divided and allotted by virtue of this Act in *Tilthead North Side*, and the other of the said Allotments, or Pieces or Parcels of Land, to lie in or be taken out of the said Lands and Grounds in *Tilthead South Side*; and each of the said Allotments, or Pieces or Parcels of Land, to bear the same Proportion in Value to the remaining Lands in each Side respectively; and the said Commissioners shall, and they are hereby required to sell the Two several Allotments, or Pieces or Parcels of Land, so marked and set out as aforesaid, to any Person or Persons, for the best Price or Prices that can be gotten for the same, by Private Contract or by Public Auction or Auctions to be holden for that Purpose, of which Auction (if any) Four Weeks previous Notice shall be given; and the Person or Persons so purchasing the same shall immediately pay (by Way of Deposit) into the Hands of the said Commissioners, or such Person and Persons as they shall direct and appoint, One Tenth Part of his, her, or their Purchase Money, and shall pay the Remainder thereof within Three Calendar Months next after, or at such other Time as the said Commissioners shall appoint, and in Default thereof, the Money so deposited shall be forfeited, and shall be applied in carrying this Act into Execution; and the Allotments or Pieces or Parcels of Land, in case the Whole of such Purchase Money shall not have been so paid, or in case there shall be no Bidding for the same at such Auction, may be again put up to Sale by Public Auction, and sold in Manner aforesaid, for the best Price or Prices that can be gotten for the same, or may be sold by the said Commissioners by private Contract, for any Sum or Sums not less than the remaining Nine Tenths of the Price or respective Prices for which the same was or were respectively before sold; and upon the Receipt of the whole Purchase Money the said Commissioners shall and they are hereby authorized and required to grant and convey by Indenture of Grant, or of Bargain and Sale, or by some other Instrument in Writing under their Hands and Seals, all the Fee Simple and Inheritance
of

of such Allotments or Pieces or Parcels of Land to such Person or Persons, and for such Use and Uses as the respective Purchaser or Purchasers thereof shall appoint; and immediately after the Execution of such Indenture of Grant, or of Bargain and Sale, or of such other Instrument in Writing as aforesaid, all and every the said Allotments or Pieces or Parcels of Land to be thereby granted and conveyed, shall be absolutely discharged of and from Land Tax and all other Rights thereon or therein, and be thenceforth held in Severalty by, and vested in Fee Simple in the Purchaser or Purchasers thereof respectively, as his, her, or their private or absolute Property, and shall be allotted accordingly by the said Commissioners in their Award to be made under the Authority of this Act, and of the said recited Act; and the Receipt and Receipts of the said Commissioners shall be a full and sufficient Discharge for all and every Sum and Sums of Money to be paid to the said Commissioners as aforesaid; and the said Commissioners shall apply the Sum of Four hundred Pounds out of the Money arising by such Sale, towards defraying the Charges and Expences of erecting Barns or other necessary Buildings and Conveniences upon the Allotment to be made to the said *David Williams* and his Successors, Vicars of the said Parish; and the Overplus of such Purchase Money (if any) after defraying such Charges and Expences, shall be equally distributed amongst the several Persons interested in the said Lands and Grounds by this Act directed to be divided and allotted in Proportion to their several and respective Rights and Interests therein, and shall be paid and disposed of in Manner following; *videlicet*, where any Person or Persons shall be seized of, or entitled in Fee Simple to his, her, or their several Allotments, then he, she or they shall be entitled to, and shall be forthwith paid his, her, or their proportionate Share of the aforesaid Overplus Monies; but in case any such Person or Persons shall not be seized or entitled in Fee Simple to his, her, or their respective Allotments, then his, her, or their proportionate Share or Shares of the aforesaid Overplus Monies shall be applied and disposed of by the said Commissioners in like Manner (according to the Amount of such Shares respectively) as are directed by the said recited Act, whenever any Sum of Money is to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon; and which Sum of Money, when paid, ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the same Uses.

XIX. And be it further enacted, That the said Commissioners shall assign, set out, and allot unto the Surveyors of the Highways in the said Parish of *Tilshhead*, such Parts of the Commons and Waste Grounds hereby directed to be divided and allotted, as the said Commissioners shall think necessary, as and for public Sand, Gravel, Clay, Chalk, and Marl Pits; and the same Allotment or Allotments, when so set out, shall for ever thereafter be used by the Surveyors of the Highways, and by the Proprietors of Lands and Estates within the said Parish, and their Tenants for the Time being, in such Manner, and under such Rules and Regulations as the said Commissioners shall, by their Award, direct or appoint, and not otherwise.

Allotments
for publick
Watering-
places, Gra-
vel-pits, &c.

XX. And be it further enacted, That the said Commissioners shall, in the next Place, assign, set out, and allot unto the said *Charles Gore, Daniel Clutterbuck, Charles Blagrove, Philip Hayward, and Edward Sampson*, such Part or Parts of the Lands and Grounds, situate in *Tilshhead Northside*,

Allotment in
lieu of Right
of Soil on the
North Side.

[*Loc. & Per.*]

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hereby

hereby directed to be divided and allotted, as in the Judgement of the said Commissioners shall be an adequate and fair Compensation for their Right and Interest in the Soil of the Common and Waste Lands within their said Manor of *Tilshead*.

Allotment for
Rectorial
Tithes on the
North Side.

XXI. And be it further enacted, That the said Commissioners shall set out and allot, and they are hereby required, in the next Place, to set out and allot unto the said *Gorges Lowther*, as the Owner or Proprietor of the Rectory or Parsonage Improprate of *Tilshead*, otherwise *Tulshead*, otherwise *Tydeshead*, aforefaid; and also to the said *Thomas Larwes* and *Mary* his Wife, as the Owners or Proprietors of the Portion of Tithes herein-before mentioned respectively, such Parcels of the Lands and Grounds, situate in *Tilshead Northside*, hereby directed to be divided and allotted, as in the Judgement of the said Commissioners shall be a full Equivalent and Compensation for the Glebe Lands, Tithes, Rights of Common and Foldage, and other Rights belonging to the said Rectory, lying and arising in *Tilshead Northside* aforefaid, and for the Portion of Tithes herein-before mentioned.

Allotment on
the North
Side to the
Vicar in lieu
of his Tithes,
&c. through-
out the
Parish.

XXII. And be it further enacted, That the said Commissioners shall, and they are hereby required, in the next Place, to set out and allot unto and for the said *David Williams* and his Successors, Vicars of the said Parish of *Tilshead*, such Parts and Parcels of the said Lands and Grounds in *Tilshead Northside* hereby directed to be divided and allotted, as in the Judgement of the said Commissioners shall be a full Equivalent and Compensation for all Tithes, Ecclesiastical Dues and Payments, and other Rights whatsoever (except *Easter Offerings*, *Mortuaries*, and *Surplice Fees*, and the Tithe of Mills, within the said Parish, all of which are to remain payable as heretofore,) arising, growing, increasing, happening, or becoming payable to the said *David Williams* as Vicar, as aforefaid, within the said Parish of *Tilshead*, as well on the North Side as on the South Side; and in making such Allotment and Allotments for the said Vicar the Commissioners shall have due Regard to such probable improved Value of the said Tithes, as the same would in their Judgement have amounted unto in case this Inclosure had not taken place, and the Parish of *Tilshead* had not been exonerated from the Payment of Vicarial Tithes.

Allotment of
the Residue
on the North
Side.

XXIII. And be it further enacted, That the said Commissioners shall then set out, allot, and award, unto the several Proprietors and Owners thereof, and Persons having Right of Common and other Interest therein, all the then Residue and Remainder of the said Lands and Grounds in *Tilshead Northside*, hereby directed to be divided and allotted, in such Quantities, Shares, and Proportions, as they the said Commissioners shall adjudge and deem to be a just Compensation and Satisfaction for and to be equal to their respective Lands, Grounds, Rights of Common, and other Rights and Interests therein, but making such Deduction or Abatement from the Allotment or Allotments to be so made to and for the said *Gorges Lowther*, as shall be equal in Value to the Tithes, Rights, and Dues, of the said Vicar in *Tilshead Southside*, and for which a Compensation is hereby directed to be made in *Tilshead Northside* as aforefaid.

Allotment in
lieu of Right
of Soil on the
South Side.

XXIV. And be it further enacted, That the said Commissioners shall assign, set out, and allot unto the said *Katherine Long*, such Part or Parts of the
Lands

Lands and Grounds situate in *Tilshead Southside*, hereby directed to be divided and allotted, as in the Judgment of the said Commissioners shall be an adequate and fair Compensation for her Right and Interest in the Soil of the Common and Waste Lands there, within her said Manor of *Steeple Ashton*.

XXV. And be it further enacted, That the said Commissioners shall set out and allot, and they are hereby required, in the next Place, to set out and allot unto the said *Gorges Lowther*, as the Owner or Proprietor of the Rectory or Parsonage Improprate aforesaid, such Parcel of the Lands and Grounds situate in *Tilshead Southside* aforesaid, hereby directed to be divided and allotted, as in the Judgment of the said Commissioners shall be a full Equivalent and Compensation for the Tithes and Rights belonging to the said Rectory, and arising in *Tilshead Southside*; as also to set out and allot unto the said *Gorges Lowther* such further Parcel of the Lands and Grounds in *Tilshead Southside* aforesaid, as in the Judgment of the Commissioners shall be equal in Value to the Land so as aforesaid directed to be deducted or abated out of the Allotment or Allotments for the said *Gorges Lowther* in *Tilshead Northside*, for the Benefit of the Vicar.

Allotment to
Gorges
Lowther for
Rectorial
Tithes, &c.
on the South
Side.

XXVI. And be it further enacted, That the said Commissioners shall then set out, allot, and award unto the several Proprietors and Owners thereof, and Persons having Right of Common therein, all the then Residue and Remainder of the said Lands and Grounds in *Tilshead Southside*, hereby to be directed to be divided and allotted, in such Quantities, Shares, and Proportions, as they the said Commissioners shall adjudge and deem to be a just Compensation and Satisfaction for and to be equal to their respective Lands, Grounds, Rights of Common, and other Rights and Interests therein.

Allotment of
the Residue
in the South
Side.

XXVII. And for determining what Lands shall be divided and allotted pursuant to this Act, be it further enacted, That all Fields and Inclosures containing Two or more Estates, belonging to different Owners or Proprietors, within One Fence, shall be considered as Commonable Land, and shall be divided and allotted accordingly.

What Lands
to be allotted.

XXVIII. And be it further enacted, That until the Allotment or Allotments herein-before directed to be set out for the said *Gorges Lowther*, *Thomas Lawes* and *Mary* his Wife, and *David Williams*, for their Tythes and other Rights belonging to them, in Right of the said Parsonage Improprate, Portion of Tythes, and Vicarage respectively shall have been made, and Possession thereof given to them respectively, that they the said *Gorges Lowther*, *Thomas Lawes* and *Mary* his Wife, and *David Williams*, shall be entitled to and have, receive, and enjoy such and the same Tythes and other Rights as they, he, she, or any of them, could or might have received and enjoyed in case this Act had not passed.

Tithes to
continue pay-
able until
Allotments
are made in
lieu thereof.

XXIX. Provided always, and be it further enacted, That no Lease or Leases shall be made by virtue of the said recited Act, of the Forty-first Year of His present Majesty, of any Allotment or Allotments to be set out or allotted unto the Vicar of *Tilshead* for the Time being, in Right of his Vicarage, without the Consent of the King's most Excellent Majesty, His Heirs and Successors, as Patron or Patrons of the Vicarage and Parish Church of *Tilshead* aforesaid, shall have been first had and obtained thereto.

Leases of
the Allot-
ments to the
Vicar not to
be made with-
out the Con-
sent of His
Majesty, as
Patron of the
Vicarage.

XXX. And

Not to com-
pel the making
of Fences.

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

Allotments
and Common
Rights may
be sold before
the Execution
of the Award.

XXXI. And be it further enacted, That it shall be lawful for any of the Owners or Proprietors of any of the Lands and Grounds hereby directed to be divided and inclosed, to sell and dispose of all his, her, or their Estate, Right, and Interest, in and to the Allotment or Allotments, to be made and set out in respect thereof, by virtue of this Act, separately and distinctly from the Estate, in Right of which he or she is or may be entitled to the same, in such Manner as he or she might have done at any Time after the Execution of the said Award; and it shall be lawful for the said Commissioners, and they are hereby authorized and empowered to award all and every such Allotment and Allotments which shall be so sold and disposed of, to the Purchaser or Purchasers thereof, or other Person or Persons who shall be entitled to the same, by any such Sale or Disposition; and after such Sale and Disposition, the Allotment or Allotments shall and may be awarded and allotted to the Purchaser or Purchasers thereof, or other Person or Persons who may be entitled thereto, by any such Sale or Disposition.

Lands held by
different Te-
nures or Titles
to be distin-
guished.

XXXII. And be it further enacted, That where any Person or Persons shall be seised or possessed of Lands, or other Hereditaments in the said Parish, held by different Tenures, or for, by, or under different Estates or Titles, and prove the same to the Satisfaction of the said Commissioners, the said Commissioners shall, upon the Request of the Person so seised or possessed respectively, inquire into, ascertain, and determine the respective Lands or other Hereditaments, held by such several Tenures, or for, by, or under such different Estates or Titles respectively, and shall set out distinct Allotments in respect of such Parts thereof as shall be, or arise within the Common and Open Fields, or other the Lands and Grounds hereby directed to be divided and inclosed, regard being had to the Deductions which shall have been made for Tithes of ancient Inclosures, held by the same Tenures, and for the same Estates respectively.

XXXIII. And be it further enacted, That where the Proprietor or Proprietors of any Allotment, Land, or other Hereditaments in the said Parish of *Tilshed*, shall hold his, her, or their respective Lands and Hereditaments by different Tenures, or for, by, or under different Estates or Titles, and where, from Want of the necessary Information before the said Commissioners, or from any other Cause, the Award of the said Commissioners shall have omitted to distinguish the Lands or other Hereditaments, holden by such several Tenures; or for, by, or under such different Estates or Titles, or to set out and award the several and distinct Allotments for any such respective Lands or Hereditaments as hereinbefore is required, it shall be lawful for the said Commissioners, and they are hereby authorized at any Time, and from Time to Time, within One Year after the Date and Execution of their Award, upon Request in Writing, to them made by the respective Proprietors of any such Lands or other Hereditaments, to do all such Acts as shall be necessary for supplying any such Omission, and for that Purpose to examine Witnesses, and to proceed as if their Award had not been made; and by any Deed or Instrument under their Hands and Seals, to distinguish, ascertain, and set out the Lands and Hereditaments held by different Tenures, or for, by, or under different Estates or Titles respectively, in the same Manner as they are hereby authorized and required to do in Cases where such Lands and Hereditaments are directed to be ascertained, distinguished, and set out by the general Award, and every such separate Instrument shall be inrolled in the same Place as the general Award shall be inrolled, and Evidence thereof shall be given in the same Manner as by the said recited Act of the Forty-first Year of His present Majesty; and this Act, or either of them respectively, is directed concerning the said General Award of the said Commissioners, and all the Expences which shall be reasonably incurred in or about every such subsequent Inquiry and separate Instrument as aforesaid, shall be paid by the Person or Persons who shall have requested the said Commissioners to make and execute the same, or by his or their Heirs, Executors, or Administrators.

Lands held by different Tenures or Titles, omitted to be distinguished by the Award, may be afterwards distinguished by a separate Instrument.

XXXIV. And be it further enacted, That it shall be lawful for the said Commissioners to set out, allot, and award any Lands, Tenements, New Allotments, or Hereditaments whatsoever, within the said Parish of *Tilshed*, in lieu of or in exchange for any other Lands, Tenements, New Allotments, or Hereditaments whatsoever, within the said Parish of *Tilshed*, or within any adjoining Parish, Hamlet, or Place, provided that all such Exchanges be ascertained, specified, and declared in and by the Award of the said Commissioners, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, or Hereditaments which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors shall be a Body or Bodies Politic, Corporate, or Collegiate, or a Tenant or Tenants in Fee Simple or for Life or Lives; or in Fee Tail general or special, or by the Courtesy of *England*, or for Years determinable on a Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for charitable 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, Feme Covert, Lunatics, or under any 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 every such Body Politic,

Power to make Exchanges.

Corporate, or Collegiate, and under the Hands of the other consenting Parties respectively ; and all and every such Exchange and Exchanges so to be made, shall be good, valid, and effectual in the Law, to all Intents and Purposes whatsoever : Provided nevertheless, that no Exchange shall be made of any Lands, Tenements, or Hereditaments held in Right of any Church or Chapel, or other Ecclesiastical Benefice, without the Consent testified as aforesaid, of the Patron thereof, and of the Lord Bishop of the Diocese in which such Lands, Tenements, or Hereditaments so to be exchanged, shall be situated.

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

XXXV. And be it further enacted, That all and every Lease and Leases upon Rack Rent, now subsisting of all or any Part or Parts of the Messuages, Cottages, or Tenements, Old Inclosures, Lands, or Grounds, Tithes, Hereditaments, and Premises to be exchanged, divided, allotted, or exonerated from Tithes by virtue of this and the said recited Act, and all and every other Agreement and Agreements for any Term or Terms of Years at Rack Rent, or from Year to Year, or at Will, respecting the same or any Part thereof, whether such Lease or Leases, Agreement or Agreements, shall relate solely to any Part or Parts of the said Messuages, Cottages, or Tenements, Lands, or Grounds, Tithes, Hereditaments, and Premises, or partly thereto, and partly to any Messuages, Cottages, or Tenements, Lands, or Grounds, Tithes, Hereditaments, and Premises situate in any adjoining Parish, Hamlet, or Place, shall cease and be void at such Time as the said Commissioners, by any Writing or Writings under their Hands, to be affixed upon the Church Door of the said Parish of *Tilshead*, or to be delivered to such Lessee or Lessees, Tenant or Tenants respectively, or left at his, her, or their usual Place or Places of Abode respectively, shall order and direct ; and the Owners and Proprietors of the Hereditaments and Premises so let shall make such Satisfaction, in Money, to their Lessee or Lessees, Tenant or Tenants respectively, and within such Time as such Owners and Proprietors, and their Lessee or Lessees, Tenant or Tenants, shall respectively agree upon ; and in case of Disagreement in the Premises between any such Owners and Proprietors and any such Lessee or Lessees, Tenant or Tenants respectively, then upon Application made by either Party, in Writing, to the said Commissioners, they the said Commissioners shall order and direct what Sum or Sums of Money shall be paid by such Owners and Proprietors, respectively to such Lessee or Lessees, Tenant or Tenants respectively, as an Equivalent or Satisfaction for the Loss or Losses which he, she, or they shall respectively suffer on account of the Determination of such Lease or Leases, Agreement or Agreements as aforesaid ; proper Allowance being made for all such Conditions in every such Lease or Agreement as shall not have been fulfilled by such Lessee or Lessees, Tenant or Tenants respectively ; and if the Money so agreed or ordered and directed to be paid as aforesaid, shall not be paid to the Person entitled to receive the same within Twenty-one Days after the Time agreed upon or appointed for Payment of the same, (as the Case may be) and Demand made thereof in Writing, under the Hand or Hands of the Person or Persons to whom the same shall be payable, it shall and may be lawful to and for the said Commissioners, and they are hereby required to raise and levy the same for the Use and Benefit of the Person or Persons entitled thereto, by such Ways and Means as the Costs, Charges, and Expences of obtaining and executing this Act may be raised and levied : Provided always, that if there shall be any Lease of
Lands,

Lands, Part of which shall lie in the said Parish of *Tilthead*, and Part in any adjoining Manor or Parish, all and every such Lease and Leases upon Rack Rent, now subsisting, may be vacated; but where any Lands shall be taken in Exchange, which Lands shall be under Lease, and wholly situate in an adjoining Manor or Parish, the Lease of such last mentioned Lands shall not be vacated.

XXXVI. And be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, so as 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, upon, or affecting any of the Messuages, Cottages, Lands, Grounds, or Hereditaments to be divided, allotted, or exchanged by virtue of this or the said recited Act, or any Part or Parts thereof respectively, but that the Person or Persons to whom any Lands, Grounds, or Hereditaments shall be allotted or given in Exchange by virtue of this or the said recited Act, shall be seised thereof to such and the same Uses, and for such and the same Estates, and subject to such and the same Wills, Jointures, Rents, Charges, and Incumbrances, and no other, as the Messuages, Cottages, Lands, Grounds, and Hereditaments, whereof such Person or Persons was or were 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 passed.

Wills and Settlements not to be affected.

XXXVII. And be it further enacted, That the said Commissioners shall, as soon after their First Meeting under this Act as conveniently may be, by some Writing or Writings under their Hands, to be affixed on the principal Door of the Parish Church of *Tilthead* aforesaid, on some *Sunday* before Divine Service, order and direct the Course of Husbandry that shall be used in, over, and upon the Lands and Grounds to be divided and allotted by virtue of this Act, until the Time when they shall have made and completed the said intended Division and Allotment, as well with respect to the laying down, ploughing, sowing, fallowing, and tilling of the said Lands and Grounds, as to the stocking and eating of the Fallows or Stubbles thereof, and to the cutting of Furzes, Thorns, or Bushes thereon, and by the same or any other Writing or Writings under their Hands, to be published as aforesaid, shall and may make such Orders and Regulations touching the Conduct of the Owners and Occupiers of the Lands within the said Parish of *Tilthead*, for preventing the Commission of Waste or Destruction by any Person or Persons whomsoever, upon any of the Lands or Grounds to be divided and allotted by virtue of this Act, in the meantime, and until the Allotments and Divisions thereof shall be effected, as to them the said Commissioners shall seem expedient; all which Orders and Regulations of the said Commissioners shall be binding and conclusive upon all Parties interested therein, their Farmers and Tenants; and that the said Commissioners shall set out and impose such pecuniary Penalties and Forfeitures not exceeding Five Pounds per Acre on every Person not conforming to such Orders and Regulations as they shall think necessary, all which Penalties and Forfeitures shall be paid to such Person or Persons, and for such Uses and Purposes as the said Commissioners shall by any such Writing or Writings as aforesaid,

Commissioners to direct the Course of Husbandry.

or

or by their Award direct or appoint, and the same shall be recovered and recoverable in a summary Way before one Justice of the Peace for the County of *Wilts*, who is hereby authorized and required, upon Complaint made before him, to summon the Party and to examine any Witness or Witnesses upon Oath in the Premises, and to proceed to Judgment and Conviction in the Matter, and if any such Penalties and Forfeitures shall be by the said Justice adjudged to have been incurred, then it shall be lawful for such Justice, by Warrant under his Hand and Seal, to cause such Penalties and Forfeitures to be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, together with reasonable Costs, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels.

Against
ploughing
old Swarth.

XXXVIII. Provided always, and be it further enacted, That no Greenward Ground which shall be Parcel of the Lands and Grounds to be divided, allotted and inclosed by virtue of this Act, and which shall not have been ploughed or used in Tillage for the Space of Seven Years, before the passing of this Act, shall be ploughed or converted into Tillage, until the same shall have been divided and allotted by the said Commissioners, and Leave shall have been given by them to the Party or Parties to whom the same shall have been allotted to enter thereupon.

Commissioners
to make
Drains;

XXXIX. And be it further enacted, That the said Commissioners shall and may scour out, widen, repair and rebuild all such ancient Brooks, Ditches, Drains, Watercourses, Tunnels, Gates and Bridges in the said Parish of *Tilshed*, as to them shall seem meet; and also shall and may set out, scour out, widen, make and build any new Ditches, Drains, Watercourses, Tunnels, Gates and Bridges, as well in, through and over the Lands and Grounds hereby directed to be divided and allotted, as also in, through and over any ancient Inclosures within the said Parish, making such Satisfaction to the Proprietors of such ancient Inclosures for the Damages done thereby, as they the said Commissioners shall think reasonable, the Expences whereof shall be raised and defrayed in like Manner, as the Expences of obtaining and executing this Act are hereinafter directed to be raised 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 order and determine, and they are hereby required, in and by their Award, to order and determine by whom and at whose Expence, and at what Time, and in what Manner, the said Brooks, Ditches, Drains, Watercourses, Tunnels, Gates and Bridges shall be afterwards cleansed, scoured and maintained; and shall also direct, order and award all such of the Streams, Springs and Watercourses within the said Open and Common Fields, Lands and Grounds hereby directed to be divided and allotted, to be carried and turned in such Courses, and through, over and across such Parts of the Lands and Grounds hereby directed to be divided and allotted, as they the said Commissioners shall in their Discretion judge proper: Provided always, that no Spring Streams or Watercourses shall be diverted or turned from its present Course in, through, from, or over any inclosed Lands, without the Consent in Writing of the Owner or Owners of the Land from which and into which any such Spring, Stream, or Water-course shall be diverted or turned and carried or conveyed.

and to divert
Watercourses
with Consent
of Parties in-
terested.

XL. And

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

Commissioners to make Rates, &c.

XLI. And be it further enacted, That it shall be lawful for the said Commissioners, if they shall think the Measure expedient, to deduct from any Allotment or Allotments to be set out by virtue of this Act, so much Land as in the Judgment of the said Commissioners shall be equivalent to and in lieu of the Part or Proportion of the Expences of passing and executing this Act; and all the other Expences attendant thereon, which ought to be paid, in respect of such Allotment or Allotments, and the

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

[Loc. & Per.]

46 G

Land

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 Femes Covert, Infants, Lunatics, beyond the Seas, or under any other legal Disability or Incapacity of acting for themselves.

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 Femes Covert, Infants, Lunatics, beyond the Seas, or under any other legal Disability or Incapacity of acting for themselves.

Allowance to the Commissioners.

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

Proprietors and their Agents to pay their own Expences.

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

Money advanced on the Credit of this Act to be repaid with Interest.

XLIV. And be it further enacted, That if any of the Owners or Proprietors of the Lands and Grounds to be divided and allotted by virtue of this Act, or any other Person or Persons, shall advance any Sum or Sums of Money for the Purpose of defraying the Expences of obtaining this Act, or of carrying the same and the said recited Act into Execution, such Owners or Proprietors, or other Person or Persons respectively, shall be repaid the same, with Interest after the Rate of Five Pounds *per Centum per Annum*, out of the first Monies that shall be raised by the said Commissioners, in pursuance of the Power vested in them.

Commissioners to lay their Accounts before Two Justices Once in every Year.

XLV. And be it further enacted, That once at least in each and every Year, during the Execution of this Act, such Year to be computed from the Day of the passing thereof, the said Commissioners shall make, 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, or to the said Clerk, for their Trouble and Expences in the Execution of this Act; and such Statement or Account, when so made, together with the Vouchers relating thereto, shall be by them laid before any Two or more Justices of the Peace for the said County of *Wilts*, not interested in the said intended Division and Inclosure, 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 said Clerk; 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.

XLVI. And

XLVI. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this or the said recited Act, then and in such Case (except in such Cases where the Order and Determination of the said Commissioners are thereby or by this Act directed to be final, binding, and conclusive, and except in such Cases where an Issue at Law shall be tried, as hereinbefore mentioned) he, she, or they may appeal to the General Quarter Sessions of the Peace which shall be held for the said County of *Wilts*, within Six Calendar Months next after the Cause of Complaint shall have arisen; and the Justices at the said General Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and to make such Orders therein, and award such Costs as to them in their Discretion shall seem reasonable; and by their Orders and Warrants 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 Distress and Sale, which Determination of the said Justices shall be final and conclusive to and upon all Parties concerned, and shall not be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

Appeal.

XLVII. And be it further enacted, That the Award to be made by the said Commissioners shall be executed by them within the Space of Three Years from the passing of this Act, and shall within Twelve Calendar Months after the same shall be executed, or so soon as conveniently may be, be enrolled in one of His Majesty's Courts of Record at *Westminster*, or with the Clerk of the Peace for the County of *Wilts*, and shall afterwards be deposited in the Church Chest of the said Parish of *Tilshead*.

Award where to be deposited.

XLVIII. And be it further enacted, That nothing in this Act contained shall prejudice, lessen, or defeat the Rights, Titles, or Interest of the Lords and Lady of the said several Manors, or any future Lord or Lords, Lady or Ladies, in or to the Seigniories and Royalties incident or belonging to the said Manors respectively; but that the said Lords or Lord, Ladies or Lady, shall and may from Time to Time, and at all Times hereafter, have, hold, receive, and enjoy all Rents, Services, Courts, and Profits of Courts, and all other Rights, Royalties, and Privileges to the said Manors respectively, incident, or belonging or appertaining (other than and except such Rights of Ground and Soil as are mentioned and intended to be barred by this Act), in as full and ample Manner, to all Intents and Purposes, as they or he might or ought to have held and enjoyed the same before the passing of this Act.

Exception of Manorial Rights.

XLIX. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person and Persons, Bodies Politic and Corporate, his, her, and their respective Heirs, Successors, Executors, and Administrators (other than and except such Person or Persons to whom any Allotment or Allotments shall be made by virtue of this Act) all such Estate, Right, Title, and Interest, (other than and except such as are hereby intended to be barred and destroyed) as they, every, or any of them, may have had and enjoyed in, to, or out of the said Open and Common Fields, Lands and Grounds, so intended to be divided and inclosed at any Time before the passing of this Act, or could or ought to have had and enjoyed in case this Act had not been made.

General Saving.

L. And

Act to be
printed by
the King's
Printer.

L. 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.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1811.