



ANNO QUINQUAGESIMO PRIMO

GEORGII III. REGIS.

Cap. 190.

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

WHEREAS there are within the Parish of *Bromham*, in the County of *Wilts*, certain Commons and Waste Grounds, containing together by Estimation Two hundred and sixty Acres or thereabouts: And whereas Sir *Andrew Bayntun Rolt* Baronet is Lord of the Manor of *Bromham* aforesaid, and as such is entitled to the Right of Soil of and in the said Commons or Waste Grounds, and all Trees growing thereon, and all Royalties thereto belonging: And whereas the said Sir *Andrew Bayntun Rolt* is Patron of the Rectory of *Bromham* aforesaid, and the Reverend *Henry Bayntun* the younger, Clerk, is the present Rector of the said Rectory of *Bromham*, and as such is entitled to certain Glebe Lands, and to all the Great and Small Tithes arising and renewing within the said Parish of *Bromham*: And whereas the said Sir *Andrew Bayntun Rolt*, and divers other Persons, in respect of certain Lands and Estates within the said Parish of *Bromham* are entitled to Common of Pasture, and other Common Rights in, over, and upon the said Commons and Waste Grounds, in Proportion, and according to the well known and long established Custom or Stint: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas the said Commons and Waste Grounds in their present State are incapable of Improvement, but

[*Loc. & Per.*]

Commissioner appointed.

if the same were divided and allotted unto and amongst the several Persons interested therein, in Proportion and according to their several and respective Estates, Rights, and Interests, and if such Allotments were inclosed so far as is expedient, they would be considerably improved and rendered of much greater Value; but inasmuch as such Division, Allotment, and Inclosure 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 *John Gale* of *Stert*, in the County of *Wilts*, Gentleman, and his Successors, to be elected in Manner herein-after mentioned, shall be and is hereby appointed Commissioner 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 or altered.

Power to elect a new Commissioner.

II. And be it further enacted, That when and as often as the Commissioner by this Act appointed, or any Commissioner to be appointed in Manner herein-after mentioned, shall die or refuse to act, or become incapable of acting as a Commissioner for the Purposes of this Act, then and in every such Case, the major Part in value of the several Persons entitled to Common of Pasture, and other Common Rights, in, over, and upon the said Commons and Waste Grounds hereby intended to be divided, allotted, or inclosed, or their known Agents or Attornies duly authorized, (such Value to be ascertained according to the Number of Stints in the said Commons and Waste Grounds,) present at some public Meeting to be holden in the Parish Church of *Bromham* aforesaid, (of which Meeting and the Intent thereof, Notice shall be given by the Clerk to the said Commissioner, at least Ten Days previous to such Meeting, by affixing such Notice on the Door of the Church of the said Parish, and by inserting such Notice in the *Salisbury* and *Winchester* Journal, or in case such Newspaper shall not at that Time be published, then in some other Newspaper usually circulated in the said County of *Wilts*;) shall and they are hereby empowered by Writing, from Time to Time, under their Hands, to elect and appoint some other Person (not interested in the said intended Division and Inclosure,) to be a Commissioner in the Room and Stead of the Commissioner so dying or refusing to act, or becoming incapable of acting as aforesaid; and every such Commissioner so to be appointed, shall have the same Power and Authority to act in the Execution of the Powers given in and by this Act and the said recited Act, as the Commissioner hereby appointed had or could have been invested with, in case such Death, Refusal, or Incapacity to act, had not taken place or happened; which Appointment shall be annexed to and deposited with the Award of the said Commissioners.

Allowance to Commissioner and Clerk.

III. And be it further enacted, That the said Commissioner hereby appointed, and every Commissioner to be appointed by virtue of this Act, shall be allowed the Sum of Three Pounds and Three Shillings for his Trouble and Expences, for each Day he shall necessarily travel, or attend in the Execution of the Powers of this Act; and such Commissioner is hereby authorized to appoint a Clerk to assist him in the Execution of the Powers of this Act, and from Time to Time to remove such

such Clerk and appoint another, as to him shall seem meet, and that such Clerk so to be appointed, shall be allowed such Sum as the Commissioner for the Time being shall think fit, for his Trouble and Expences on each Day he shall be employed in the Execution of this Act; and that at every Sitting or Attendance, the said Commissioner and Clerk shall pay his and their own Expences; and that the respective Proprietors, their Attornies or Agents, shall also pay their own Expences, when they, or any of them shall attend any Sitting or Attendance of the said Commissioner, in pursuance of this Act.

IV. And be it further enacted, That the said Commissioner shall and he is hereby required to cause Notice to be given as herein-after mentioned, of the Time and Place of his first and every other Sitting or Attendance, for the Execution of this Act, at least Ten Days before every such Sitting or Attendance, (Sittings or Attendances by Adjournment only excepted); and that it shall be lawful for the said Commissioner to adjourn any and every such Sitting or Attendance, from Time to Time, as he shall think most convenient, without giving any such Notice; and that all Sittings or Attendances of the said Commissioner, shall be held within the said Parish of *Bromham*, or within Five Miles thereof.

Notice of Meetings.

V. Provided always, and be it further enacted, That all Notices whatsoever, necessary or requisite to be given by the said Commissioner, in pursuance and in Execution of this Act, shall be so given by Advertisement in the *Salisbury and Winchester Journal*; or in case such Journal shall not at that Time be published, then in some other Newspaper usually circulated in the said County of *Wilts*, and also by affixing such Notice in Writing on the principal Door of the Parish Church of *Bromham* aforesaid.

How Notices are to be given.

VI. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said intended Division and Allotments, it shall be lawful for the said Commissioner to examine into, hear, and determine the same: Provided always, that nothing herein contained, shall authorize the said Commissioner to determine the Title to any Messuages, Lands, Tenements, or Hereditaments whatsoever.

Commissioners to settle Differences.

VII. And be it further enacted, That in case the said Commissioner hereby appointed, or any other Commissioner to be appointed in pursuance of this Act, shall upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to him in pursuance of this Act or the said recited Act, see Cause to award any Costs, it shall be lawful for such Commissioner, and he is hereby empowered, upon Application made to him for that Purpose, to settle, assess, and award such Costs and Charges as he shall think reasonable, to be paid to the Party or Parties in whose Favour any Determination of such Commissioner 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 every such Case, it shall be lawful for such Commissioner,

Power to award Costs.

Commissioner,

missioner, and he is hereby authorized and required, by Warrant under his Hand, 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.

Allowing
Parties to try
their Rights
by an Issue
at Law.

Determina-
tion of Com-
missioner to
be final, if not
objected to,
or if no Ac-
tion brought.

If any of the
Parties die
Proceedings
not to abate.

VIII. Provided always, and be it further enacted, That in case any Person or Persons interested, or claiming to be interested in the said intended Division and Allotment, shall be dissatisfied with any Determination of the said Commissioner, touching or concerning their respective Rights or Interests in, over, or upon the Commons and Waste Grounds hereby directed to be divided, allotted and inclosed, or any Part thereof, it shall be lawful for the Person or Persons so dissatisfied, to proceed to a Trial at Law, of the Matter so determined by the said Commissioner, at the then next or at the following Assizes to be holden for the said County of *Wilts*, and for that Purpose the Person or Persons who shall be dissatisfied with the Determination of such Commissioner, shall cause an Action to be brought for Trial on a feigned Issue against the Person or Persons in whose Favour such Determination shall have been made, within Six Calendar Months next after such Determination of the said Commissioner; and the Defendant or Defendants in such Action or Actions shall, and he, she, or they is and are hereby required to name an Attorney or Attornies who shall appear thereto, or file Common Bail, and accept One or more feigned Issue or Issues, whereby such Claim or Claims, or the Right or Rights thereby insisted on may be tried and determined, (such Issue or Issues to be settled by the proper Officer of the Court in which the said Action or Actions shall be commenced, in case the Parties shall differ about the same,) and the Verdict or Verdicts which shall be given in such Action or Actions, shall be final, binding, and conclusive upon and to all and every Person or Persons whomsoever, unless the Court wherein such Action or Actions shall be brought, shall set aside such Verdict or Verdicts, and order a new Trial or Trials to be had therein, which it shall be lawful for the Court to do, as is usual in other Cases; and after such Verdict or Verdicts shall be obtained and not set aside by the Court, the said Commissioner shall and he is hereby required to act in conformity thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials: Provided always, that the Determination of such Commissioner, touching such Rights or Interests in, over, and upon the said Commons and Waste Grounds, or any Part thereof, which shall not be objected to, or which being objected to, the Party or Parties objecting shall not cause such Action at Law to be brought and proceeded in as aforesaid, shall be final and conclusive to all Parties.

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

X. Provided

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, or before the Expiration of the Time herein before limited for bringing such Action or Actions, it shall be lawful for the Person or Persons 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 Commissioner with Process for commencing such Action or Actions, in the same Manner as the Party or Parties might have been served with, if living; and it shall thereupon be incumbent on the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein in the same Manner as if such 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.

XI. Provided always, and be it enacted, That no such Difference, Suit, or Proceeding as aforesaid, nor any Difference, Dispute, or Proceeding, touching the Title to any Lands, Tenements, or Hereditaments, shall impede or delay the said Commissioner in the Execution of this Act; but the Division and Allotments hereby directed to be made, shall be proceeded in notwithstanding any such Difference, Suit, or Proceeding; and the Allotment or Allotments to which any such Difference, Suit, or Proceeding shall relate, shall be taken by the Person or Persons who, upon the Determination of such Difference, Suit, or Proceeding, shall become entitled to the same.

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

XIII. And be it further enacted, That in making the Survey, Admeasurement, and Plan, by the said recited Act directed to be made, the said Commissioner shall, and he is hereby empowered, to cause a Survey, Admeasurement, and Plan to be made only of the said Commons and Waste Grounds by this Act intended to be divided and inclosed, and of such Messuages, Lands, and Grounds within the said Parish of Bromham only as he shall think necessary for the due Execution of the Powers vested in him by this Act; and the same shall be considered as effectual to all Intents and Purposes, as if such Survey, Admeasurement, and Plan, had extended to, or comprised the whole of the Messuages, Lands, and Grounds within the said Parish of Bromham; any Thing in the said recited Act contained to the contrary notwithstanding.

Rights of
Common
may be sus-
pended.

XIV. And be it further enacted, That it shall be lawful for the said Commissioner for the Time being, and he is hereby authorized at any Time or Times before the Execution of his Award, by Notice in Writing under his Hand, to order or direct all or any Part of the Rights of Common in, over, or upon the said Commons and Waste Grounds, or any Part thereof, to be extinguished, or the Exercise thereof to be suspended, for and during such Time as shall be expressed in such Writing; and that all such Rights of Common as such Commissioner shall by such Writing, order and direct to be extinguished, or the Exercise thereof to be suspended as aforesaid, shall from the Time expressed in such Notice in Writing, cease and determine, and be for ever extinguished, or the Exercise thereof be suspended accordingly; any Law, Usage, or Custom, to the contrary thereof notwithstanding.

Encroach-
ments within
Twenty
Years allot-
table beyond
Twenty Years
confirmed.

XV. And be it further enacted, That all Encroachments which have been made within Twenty Years last past upon the said Commons and Waste Grounds by this Act directed to be divided and allotted, shall be deemed Part of the said Commons and Waste Grounds so to be divided and allotted; and that no such Encroachments which shall have been made more than Twenty Years shall be liable to the Claim of any other Person against the present Possessor, on the Ground of such Encroachments having been heretofore Part of the said Commons and Waste Grounds; and in case any Dispute shall arise touching any such Encroachments, or the Extent thereof, such Dispute shall be determined by the said Commissioner.

Encroach-
ments within
Twenty Years
to be allotted
to Persons in
Possession, or
sold.

XVI. Provided always, and be it enacted, That the Lands and Grounds comprized in any Encroachments which shall have been made within Twenty Years last past, shall (without Regard to the Value of any Improvements since made thereon) be allotted to the Person or Persons in Possession thereof, so far as he, she, or they shall be entitled to any Allotment of sufficient Value by virtue of this Act, and in that Case the Value of such Encroachments shall, as Circumstances require, be deducted from or deemed a Compensation for the Allotment to which such Person or Persons shall be entitled under this Act; but if the Person or Persons in Possession of such Encroachments shall not be entitled to any Allotment by virtue of this Act, or shall not be entitled to an Allotment equivalent to the Value of such Encroachments, then and in either of the last-mentioned Cases, the Whole or the Surplus Quantity (as the Case may be) of such Encroachments shall be sold by the said Commissioner in Manner by the said recited Act directed, and conveyed by him in Fee Simple to any Person who shall become the Purchaser thereof; and the Money arising from such Sales shall be applied in and towards defraying the Costs, Charges, and Expences attending the obtaining and passing this Act, and of carrying the same into Execution; and, in Case there shall be any Surplus, the same shall be applied and disposed of in the Manner directed by the said recited Act in Cases where Money ought to be paid into the Bank of *England*, for the Purchase of Lands, Tenements, or Hereditaments, or any Timber or Wood growing thereon; and which Money ought to be laid out in the Purchase of Lands, Tenements, or Hereditaments to be settled to the same Uses.

XVII. And

XVII. And be it further enacted, That the said Commissioner shall and may and he is hereby empowered to divert and turn, or stop up and discontinue, or cause to be diverted and turned, or stopped up and discontinued, 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 said Commons and Waste Grounds hereby intended to be inclosed, or in, through, upon, or over any old Inclosures or other Lands or Grounds within the said Parish of *Bromham*, as he, the said Commissioner, shall judge requisite or expedient, and shall give such Notice of a Day to be appointed by him 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 shall in all Respects observe the Directions of the said recited Act as to the obtaining the Concurrence and Order of Two Justices of the Peace previous thereto, and the Orders of the said Commissioner shall be subject to an Appeal to the Quarter Sessions, as in the said recited Act is expressed; and the Soil of the Roads and Ways so stopped up and discontinued shall be deemed and taken as Part of the Lands and Grounds to be divided and allotted by virtue of this Act.

Power to divert and stop ancient Roads.

XVIII. And be it further enacted, That no Person or Persons whomsoever shall permit any Sort of Cattle, Sheep, Lambs, or Goats to graze in any Highway, Lane, or Passage which the said Commissioner shall order or direct to be laned off or fenced on both Sides, for the Space of Seven Years next after the Execution of the Award of such Commissioner.

Roads not to be depastured for Seven Years.

XIX. And be it further enacted, That the said Commissioner shall and may (if he shall think necessary, but not otherwise), after setting out the Roads and Ways in Manner directed by the said Act of the Forty-first Year of His present Majesty, allot and award unto the Surveyors of the Highways of the said Parish of *Bromham*, such Parcels of Land, Part of the Commons or Waste Grounds intended to be divided and inclosed, under and by virtue of this Act, as the said Commissioner shall think most proper for the Purpose of digging for and getting Stone, Gravel, and other Materials for the Repair of the Highways and Public and Private Roads within the said Parish; the Herbage or Produce of which Allotments shall be appropriated in such Manner as the said Commissioner shall in and by his Award order, direct, and appoint.

Allotment for Materials.

XX. And be it further enacted, That the said Commissioner shall assign, set out, and allot unto and for the Lord of the said Manor of *Bromham*, so much of the said Commons and Waste Grounds hereby directed to be divided and allotted as in the Judgement of such Commissioner shall be equal in Value to One-thirtieth Part of the said Commons and Waste Grounds respectively; and such Allotment or Allotments shall be a full Recompence and Compensation for the Right of such Lord in and for the Soil of the said Commons and Waste Grounds.

Allotment for the Right of Soil.

XXI. And be it further enacted, That the said Commissioner shall set out, allot, and award the Residue and Remainder of the said Commons and Waste Grounds hereby directed to be divided and inclosed, unto and amongst the several Owners and Persons who at the Time of such Allotment shall be interested therein, according and in

Allotments for Common Rights.

in Proportion to their several and respective Claims, Rights, and Interests in the same.

For fencing
Allotments.

XXII. And be it further enacted, That the said Commons and Waste Grounds hereby directed to be divided and allotted, shall be inclosed, hedged, ditched, and fenced by such Person or Persons, within such Time, and in such Manner as the said Commissioner shall in and by his Award order, direct, and appoint; and the Hedges, Ditches, Drains, and Fences which shall be made pursuant to the said Award shall at all Times thereafter be maintained and kept in Repair, and cleansed by such Person or Persons as the said Commissioner shall by his Award order and direct.

For leaving
Gaps.

XXIII. And be it further enacted, That convenient Gaps and Openings shall be left in the Fences and Inclosures to be made in pursuance of this Act, for the Space of Six Calendar Months next after the Execution of the said Award, for the Passage of Cattle, Carts, and Carriages in and through the same, unless the several Parties interested shall agree that the same shall sooner be fenced in and inclosed.

Commons and
Waste Lands
not to be
subject to
Tithes for
Three Years.

XXIV. And be it further enacted, That the Commons and Waste Grounds hereby directed to be divided and allotted shall during the Term of Three Years, to be computed from the Time of setting out the Allotments thereof, be subject only to the Payment of such Tithes, or of such Composition for the same as are now paid for, in respect of such Commons, Common Rights, or Waste Grounds, and not to any further or additional Tithes or Composition in consequence of such Lands being, during the said Term, converted into Tillage, or in any other Manner improved.

Allotments
to follow the
Tenures of
ancient
Estates.

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

Wills and
Settlements
not to be af-
fected, &c.

XXVI. And be it further enacted, That nothing in this Act contained shall extend or be construed or adjudged to extend to revoke, make void, alter, or annul any Will, or Settlement, or to prejudice any Person having any Right or Claim of Dower, Jointure, Annuity, Rent, Debt, Charge, Incumbrance, or Interest whatsoever in, out of, upon, or affecting any of the Lands, Tenements, or Hereditaments, Commons and Waste Grounds hereby intended to be divided, allotted, and inclosed, or which shall be exchanged or assigned in Compensation for any other Estate or Right, in pursuance of this or the said Act, of the Forty-first Year of the Reign of His present Majesty respectively; but as well the Lands allotted as the Tenements and other Hereditaments which shall be exchanged or assigned in Compensation for any other Estate or Right, shall immediately after such Allotment, Exchange, or Assignment is made, be vested, remain, and enure, and the several Persons to whom the same shall be allotted, assigned, or given in Exchange as aforesaid, shall thence-

forth stand and be seized thereof respectively, to, for, and upon such and the same Uses, Estates, Interests, Trusts, and Purposes respectively, and subject and liable to such and the same Wills, Settlements, Limitations and Remainders, Conditions, Charges and Incumbrances, as the several Lands, Tenements, and Hereditaments in respect of which such Allotments, Assignments, and Exchanges shall have been made, should or would have stood severally limited, settled, vested, or subject or liable to, or been held by, in case the same had not been allotted or exchanged, and this Act had not been made, (save and except such Rents and Services as shall have been compensated for and extinguished by virtue of this Act).

XXVII. And be it further enacted, That it shall and may be lawful to and for the said Commissioner to set out, allot, and award any Buildings, Lands, Tenements, or Hereditaments whatsoever within the said Parish of *Bromham*, in lieu of and in Exchange for any other Buildings, Lands, Tenements, or Hereditaments whatsoever within the said Parish of *Bromham*, or within any adjoining Parish, Hamlet, or Township: Provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioner, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Buildings, Lands, Tenements, or Hereditaments which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors shall be a Body or Bodies Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, or a Tenant or Tenants in Fee Simple, or for Life, or in Fee Tail General or Special, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for Charitable and other Uses, Husbands, Committees, or Attornies of or acting for any such Proprietors or Owners as aforesaid, who, at the Time of making such Exchange or Exchanges, shall be respectively Infants, Females Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself; such Consent to be testified in Writing under the Common Seal of the Body Politic, Corporate, or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every such Exchange or Exchanges so to be made shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Buildings, Lands, Tenements, or Hereditaments held in Right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent, testified as aforesaid, of the Patron thereof, and of the Lord Bishop of the Diocese in which such Lands, Tenements, or Hereditaments so to be exchanged shall lie or be situate.

Exchanges
to be made.

XXVIII. Provided always, and be it further enacted, That the Costs, Charges, or Expences attending the making of any Exchange or Exchanges, Partition or Partitions, Sale or Sales to be made by virtue of this or the said recited Act, shall be borne, paid, and defrayed by the several Persons making such Exchanges, Partitions, and Purchases, in such Shares and Proportions as the said Commissioner shall in and by his said Award, or by any Writing under his Hand, order and direct.

Expences of
Exchanges
and Partitions
to be borne
by the Per-
sons making
them.

Leases void
as to Allot-
ment of
Common.

XXIX. And be it further enacted, That all and every Lease and Leases, at rack or extended Rent, now subsisting of any Messuages, Lands, or Tenements within the said Parish of *Brombam*, or Agreements for such Lease or Leases, shall, as far as such Lease or Leases, or Agreements, affect or concern any Allotment or Allotments to be made of any Part of the said Commons or Waste Grounds, in respect of any such Messuages, Lands, or Tenements comprized in such Lease or Leases, or Agreements, be and the same is and are hereby declared to be null and void as to such Allotment or Allotments; and such Allotment or Allotments shall be made and assigned unto the Landlord or Landlords and not to the Tenant or Tenants, Lessee or Lessees, and such Allotment and Allotments shall be freed and discharged from all Right and Interest which may or otherwise might be claimed in or to the same by virtue of such Lease or Leases, or Agreements, and the Person or Persons to whom the Messuages, Lands, or Tenements comprized in such Lease or Leases, or Agreements, shall belong as Landlord or Landlords, shall make such Compensation to the Person or Persons entitled to the same, under such Lease or Leases, or Agreements, as the said Commissioner, upon Request in Writing made to him for that Purpose, shall by Writing under his Hand direct, for the Right of Common, or any other Rights or Interests in, over, or upon the said Commons or Waste Lands, or any Part thereof, appendant or appurtenant to such Messuage, Lands, or Tenements, and which shall be extinguished by this Act; and if any Person or Persons shall refuse or neglect to make any such Compensation to the Person or Persons entitled thereto, within Twenty-one Days after Demand made thereof, then and in such Case it shall and may be lawful to and for the said Commissioner, and he is hereby authorized and required to raise and levy the same for the Use and Benefit of the Person or Persons entitled thereto, by such Ways and Means as the Costs, Charges, and Expences of obtaining and executing this Act, or any Part thereof, can or may be raised and levied.

Expences.

XXX. And be it further enacted, That all the Charges and Expences incident to and attending the obtaining and passing of this Act, and of the surveying, planning, valuing, dividing, and allotting the Commons and Waste Grounds hereby directed to be divided and allotted, and of preparing and depositing the Award to be made by virtue of this Act, together with all other Charges and Expences arising and accruing in consequence of carrying this Act into Execution, or in anywise concerning the same, either before or after the Execution of the said Award, shall be paid, borne, and defrayed in such Shares, Parts, and Proportions as the said Commissioner shall ascertain and direct, and the same shall be raised wholly or in Part either by a Sale or Sales of Part of the said Commons and Waste Grounds, to be made in Manner prescribed by the said recited Act, or wholly or in Part, by a Rate or Rates to be made in Manner herein-after mentioned on the said respective Proprietors as the said Commissioner shall think most equitable and proper, and most suitable to the Interests of the respective Proprietors, or as the Proprietors shall respectively request and desire.

Directions as
to raising Ex-
pences, &c.

XXXI. And be it further enacted, That if the said Commissioner shall think proper to raise the aforesaid Charges and Expences, or any

Part or Proportion thereof, by a Rate or Rates as aforesaid, the same shall be paid, borne, and defrayed by such of the said several Persons to whom any Allotment shall be made in pursuance of this Act, as the said Commissioner shall direct or appoint, (other than and except the Rector of the Rectory of *Bromham* aforesaid, in respect of any Allotment or Allotments to be made to him as such Rector, and save and except the Surveyors of the Highways for the Time being, in respect of the Allotment or Allotments to be made to them as such Surveyors), in Proportion and according to the Quantity and Quality of their respective Allotments in the same Commons and Waste Grounds, and the several Owners and Persons interested therein respectively (except the said Rector) shall be rated and pay such Sum and Sums of Money towards the said Charges and Expences, or any Part or Proportion thereof, at such Time or Times, and Place, to such Person or Persons as the said Commissioner shall in and by his said Award, or by any other Writing to be by him signed, either before or after the Execution of the said Award, to be affixed on the principal Door of the said Parish Church at least Fourteen Days before the Time of such Payments, order and direct; and in case any Person or Persons shall refuse or neglect to pay his, her, or their Proportion of such Charges and Expences according to such Direction or Appointment as aforesaid, then and in such Case the same shall and may be recovered in the Manner directed in and by the said recited Act.

by a Rate or Rates.

XXXII. And be it further enacted, That in case any Person or Persons shall advance any Sum or Sums of Money for the Purpose of defraying the Expences of obtaining and passing this Act and of carrying the same into Execution, every such Person shall be repaid the same, together with lawful Interest, out of the first Monies that shall be raised for defraying such Expences under and by virtue of this Act.

Persons advancing Money to be paid out of the first Monies raised by this Act.

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 Day of the passing thereof) the said Commissioner shall, and he is hereby required to make a true and just Statement or Account of all Sums of Money by him received and expended, or due to him, for his own Trouble or Expences in the Execution of this Act; and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by him laid before One of His Majesty's Justices of the Peace for the said County of *Wilts*, to be by him examined and balanced, and such Balance shall be by such Justice stated in the Book of Accounts, to be kept in the Office of the Clerk to the said Commissioner, and no Charge or Item in such Account shall be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed by such Justice.

Commissioner to lay his Account before a Justice once in every Year.

XXXIV. And be it further enacted, That the Award to be made by the said Commissioner, when the same shall have been enrolled in Manner directed by the said recited Act, shall be deposited in the Church Chest of the Parish Church of *Bromham* aforesaid.

Award.

XXXV. And be it further enacted, That if any Person or Persons shall think him, her, or themselves aggrieved by any Thing done in pursuance

Appeal to the Quarter Sessions.

fuance of the said Act or this Act, then and in such Case (except as to such Claims, Matters, and Things as are herein-before directed or authorized to be tried, settled, or determined by the Verdict of a Jury, or where any of the Clauses or Provisions of the said recited Act or of this Act, shall express that the same shall be final and conclusive) he, she, or they may appeal to the next or next succeeding General Quarter Sessions of the Peace, which shall be held for the said County of *Wilts*, next after the Cause of the Complaint shall have arisen, giving Fourteen Days Notice of such Appeal to the said Commissioner; and the Justices at the said General Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and make such Orders therein, and award such Costs as to them in their Discretion shall seem reasonable; and by their Order or Warrant to levy the Costs which shall be so awarded, by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale; which Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever into any of His Majesty's Courts of Record at *Westminster*; provided that no such Appeal be made from any Act of the said Commissioner, after he has signed or deposited his Award as herein-before mentioned.

General
Saving.

XXXVI. Saving always to the King's most Excellent Majesty, His Heirs and Successors, the Lord or Lady of the said Manor of *Bromham* for the Time being, and to all and every other Person and Persons, Bodies Politic and Corporate, his, her, and their Heirs, Successors, Executors, and Administrators, all such Royalties and other Estate, Right, Title, and Interest (other than such as are meant and intended to be barred and destroyed by this Act) of, in, to, or in respect of the Commons and Waste Grounds to be divided, allotted, and awarded, by virtue of this Act, as he, they, and every of them might or could have had or enjoyed, in case this Act had not been made.

Act to be
printed.

XXXVII. 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.