



ANNO QUINQUAGESIMO QUARTO

# GEORGIUM III. REGIS.

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## *Cap. 155.*

An Act for allotting Lands in the Parishes of *Broad Chalke* and *Chilmark*, in the County of *Wilts.*

[17th June 1814.]

**W**HEREAS there are within the several Parishes and Manors of *Broad Chalke* and *Chilmark*, in the County of *Wilts*, several Open and Common Fields and Downs, Common Pastures, Wastes, or other Commonable Lands and Grounds, containing together, by Estimation, Three thousand five hundred and seventy-seven Acres or thereabouts: And whereas the Right Honourable *George* Earl of *Pembroke* and *Montgomery* is Lord of the Manor of *Broad Chalke* aforesaid, and the Worshipful the Provost and Scholars of the *King's College* of our Blessed Lady and *Saint Nicholas* in *Cambridge*, are Lords of the Manor of *Chalke Prebend*, within the said Manor of *Broad Chalke*, and hold or claim to hold Courts Baron within the same: And whereas the said *George* Earl of *Pembroke* and *Montgomery* is Lord of the Manor of *Chilmark* aforesaid, and as such is entitled to the Soil of the Waste Lands within the said Manor of *Chilmark*: And whereas the said Earl, the said Provost and Scholars of the *King's College* of our Blessed Lady and *Saint Nicholas*, in *Cambridge*, *George Young*, *Thomas King*, *George Randell*, *Cornelius Gould*, *Henry King*, *William Dalley*, *James Flower*, and divers other Per-

[*Loc. & Per.*]

32 A

sons



sons are the Owners or Proprietors of or interested in the said Open and Common Fields and Downs, Common Pastures, Wastes, or other Commonable Lands and Grounds within the said several Parishes and Manors of *Broad Chalke* and *Chilmark*: And whereas by reason of the Rights of Common in, over, and upon the said Open and Common Lands and Grounds, and the intermixed State of the Property belonging to the respective Proprietors thereof, the said Open and Common Lands and Grounds are not capable of being cultivated in the most profitable Manner; and it would be highly beneficial and advantageous to the said Proprietors and Persons interested therein, and in the said Common Pastures, Wastes and other Commonable Lands and Grounds, if the same were divided, and specific Shares thereof allotted to them in Severalty, in lieu of their respective Rights and Interests therein, and certain Parts thereof inclosed; but the several beneficial Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: And whereas an Act passed in the Forty-first Year of the Reign of His present Majesty, intituled *An Act for consolidating in one Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: 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 Seagrim* of *Wilton*, in the County of *Wilts*, Gentleman, and *John Rogers* of *Burcomb*, in the said County of *Wilts*, Gentleman, shall be and they are hereby appointed Commissioners for setting out and dividing and allotting the said Open Common Fields and Downs, Common Pastures, Wastes, and other Commonable Lands and Grounds within the said several Parishes and Manors of *Broad Chalke* and *Chilmark*, and for carrying the several other Purposes of this Act into Execution, with such Powers, and under such Rules and Directions as are herein-after particularly mentioned; and also with such of the Powers and subject to such of the Rules and Directions contained in the said Act of the Forty-first Year of the Reign of His present Majesty as are not controuled by, repugnant to, or otherwise provided for by any of the Clauses, Provisions, or Regulations contained in this Act.

Commissioners appointed.

Appointing Umpire.

II. And for obviating the Delays and Inconveniencies which might arise by any Difference of Opinion between the said Commissioners, touching any of the Matters and Things to be done in pursuance of this Act, be it further enacted, That *Christopher Ingram* of *Chitterne*, in the said County of *Wilts*, Gentleman, shall be, and he is hereby appointed to act as an Umpire concerning the Premises; and in case of any such Difference of Opinion between the said Commissioners as aforesaid, the same shall be referred to and determined by the said *Christopher Ingram*, whose Judgment and Determination therein shall be deemed and taken to be the Judgment and Determination of the said Commissioners.

Power to appoint new Commissioners and Umpire.

III. And be it further enacted, That in case the said *John Seagrim* shall die or refuse to act, or become incapable of acting as a Commissioner for the Purposes of this Act, before all the Powers, Authorities and Trusts hereby reposed in the said Commissioners shall be fully executed and performed,



formed, then and in that Case the surviving or continuing Commissioner shall, within Twenty-one Days next after such Death, Refusal or Incapacity of the said *John Seagrim* to act, give Notice thereof, in Writing, to the Lord or Lords of the said several Manors of *Broad Chalke* and *Chilmark* respectively, within Two Calendar Months next after such Notice being given, shall, by Writing under his or their Hand and Seal, or Hands and Seals, nominate and appoint one other fit and proper Person, not interested in the Premises, to be a Commissioner in the Place of the said *John Seagrim*; and if any Commissioner or Commissioners, who shall be appointed in the Place of the said *John Seagrim*, shall die, refuse to act, or become incapable of acting as aforesaid, such future Vacancies shall be filled up in like Manner by the Lord or Lords of his said Manors for the Time being respectively; and in case the said *John Rogers* and *Christopher Ingram*, or either of them, shall die, refuse to act, or become incapable of acting as a Commissioner or Umpire in the Execution of this Act, before all the Powers, Authorities and Trusts hereby reposed in the said Commissioners shall be fully executed and performed, then and in such Case the surviving or remaining Commissioner shall, within Twenty-one Days next after such Death, Refusal, or Incapacity of the said *John Rogers* and *Christopher Ingram*, or either of them, to act as aforesaid, give Notice thereof in *The Salisbury and Winchester Journal*, and also in the Parish Churches of *Broad Chalke* and *Chilmark* aforesaid, upon some *Sunday* immediately after Divine Service, and by Notice in Writing, to be on such *Sunday* affixed on the principal or outer Doors of the said Parish Churches respectively; and in such Notice the surviving or remaining Commissioner shall appoint a Day, at least Ten Days after such Notice shall be given, for the Owners or Proprietors of Lands and Grounds hereby directed to be divided and allotted, to meet at some Place within the said Parishes of *Broad Chalke* and *Chilmark*, or one of them, or within the Distance of Eight Miles from the said Parish of *Broad Chalke*, for the Appointment of another Person not interested in the Premises, to be a Commissioner or Umpire in the Place and Stead of the said *John Rogers* and *Christopher Ingram*, or such of them as shall so happen to die, refuse to act or become incapable of acting as aforesaid; and the Majority in Value, according to the Land Tax Assessment, of the Owners or Proprietors of Lands and Grounds hereby directed to be divided and allotted (except the said *George Earl of Pembroke* and *Montgomery*, and the Lord or Lords for the Time being of the said Manors of *Broad Chalke* and *Chilmark*, who shall by themselves or by their respective Attornies or Agents, duly authorized in Writing under their respective Hands, attend such Meeting), shall and may, by Writing under their Hands, appoint another fit and proper Person, not interested in the Premises, to be a Commissioner or Umpire in the Place of the said *John Rogers* and *Christopher Ingram*, or such of them as shall so happen to die, refuse to act, or become incapable of acting as aforesaid; and if any Commissioner or Commissioners, or Umpire or Umpires, who shall be appointed in the Place of the said *John Rogers* and *Christopher Ingram*, shall die, refuse to act, or become incapable of acting as aforesaid, such future Vacancies shall be filled up in like Manner by such Majority in Value of the said Owners or Proprietors (except the said *George Earl of Pembroke* and *Montgomery*, and the Lord or Lords for the Time being of his said several Manors of *Broad Chalke* and *Chilmark*); and if any



Commissioner shall neglect to attend Three successive Meetings of the said Commissioners, unless prevented by Sickness, such Neglect shall be deemed and taken to be a Refusal to act in the Execution of this Act; and if any of the Vacancies in the Commission or Umpirage aforesaid shall not be filled up in the Manner herein-before directed, within the Space of Two Calendar Months next after such Notice or Notices shall have been given as aforesaid, then and in such respective Cases it shall be lawful for the surviving or remaining Commissioner for the Time being, by Writing under his Hand, to nominate and appoint One other fit and proper Person, not interested in the Premises, to be a Commissioner or Umpire for supplying such Vacancy, and so from Time to Time as often as there shall be Occasion; and every Person who shall be nominated and appointed a Commissioner or Umpire in Manner aforesaid, shall have the like Powers and Authorities in the Execution of this Act, as the Commissioner or Umpire in whose Place he shall succeed was vested with, and as fully and effectually as if he had been appointed a Commissioner or Umpire in and by this Act; and every Appointment of a new Commissioner or Umpire shall be enrolled at the same Time and at the same Place as the Award or Instrument of the said Commissioners.

Clerk and  
Surveyor to  
be appointed.

IV. And be it further enacted, That it shall be lawful for the said Commissioners, by Writing under their Hands, to appoint One or more fit and proper Person or Persons, not interested in the Premises, to be their Clerk or Clerks; and One other such fit and proper Person or Persons to be the Surveyor or Surveyors, for the Purposes of this Act, for and during the Will and Pleasure of the said Commissioners, and on any future Vacancy in like Manner to appoint some other such fit and proper Person or Persons to be such Clerk or Clerks, Surveyor or Surveyors, and so from Time to Time as often as there shall be Occasion.

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

Umpire and  
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 Umpire [or, as Surveyor, *as the Case may be*] by virtue of an Act passed in the Fifty-fourth 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, Judgment, and Ability, without Favour or Affection, Prejudice or Malice, to any Person or Persons whomsoever.  
‘ So help me GOD.’

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

Commis-  
sioners'  
Meetings.

VI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby required to cause a Notice in Writing under their Hands, specifying the Time and Place of their First Meeting for executing this Act, to be affixed on the principal Door of each



each of the said Parish Churches of *Broad Chalke* and *Chilmark* aforesaid, on some *Sunday*, Seven Days at least before such Meeting, and also to cause the like Notice to be given of every subsequent Meeting for the like Purpose (Meetings by Adjournment only excepted), and it shall be lawful for the said Commissioners to adjourn their Meetings from Time to Time, as they shall see Occasion, for the Execution of this Act; and if only One Commissioner shall be present at any Meeting, it shall be lawful for him to adjourn such Meeting from Time to Time, until both the Commissioners shall be present, and the Commissioner making such Adjournment is hereby required forthwith to give Notice thereof to the absent Commissioners; and in case neither of the said Commissioners shall appear at any Meeting or Adjourned Meeting, then the Clerk to the said Commissioners shall and may adjourn the said Meeting to, and appoint the said Commissioners to meet at the Place where the last Meeting was appointed to be held, within Twenty-eight Days after the Day on which such last Meeting or Adjourned Meeting was appointed to be held, and shall, and he is hereby required forthwith to give Notice of such Adjournment to the said Commissioners, and all the Meetings of the said Commissioners shall be held at some Place within the said Parishes of *Broad Chalke* and *Chilmark*, or one of them, or within the Distance of Eight Miles from the Boundary of the said Parish of *Broad Chalke*.

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

How Notices  
to be given.

VIII. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties that now are, or shall, before the making of the Award herein-after mentioned, be interested in the said intended Division and Allotments, or any of them, touching or concerning the respective Rights and Interests which they or any of them shall claim in the Lands and Grounds hereby intended to be divided and allotted, or touching or concerning any other Rights or Interests, Matters or Things relating to the said intended Division and Allotment, it shall be lawful for the said Commissioners and Umpire respectively, and they respectively are hereby authorized and empowered by Examination of Witnesses upon Oath, which the said Commissioners and Umpire respectively are hereby authorized and empowered to administer, or upon View or other satisfactory Evidence to hear and determine the same; provided, that nothing herein contained shall authorize the said Commissioners or Umpire to determine any Dispute or Difference which may arise touching or concerning the Title of any Person or Persons to any Lands, Tenements, or Hereditaments whatsoever; nor to determine any Right between any Parties contrary to the Possession of any such Parties; but in case the said Commissioners or Umpire shall be of Opinion against the Right of the Person or Persons so in Possession, they or he shall forbear to make any Determination thereupon until the Possession shall have been taken from such Person or Persons by Ejectment or other due Course of Law.

Commission-  
ers to de-  
termine  
Differences.

[*Loc. & Per.*]

32 B.

IX. And



May award  
Costs.

IX. And be it further enacted, That in case the said Commissioners and Umpire shall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections to be delivered to them in pursuance of this Act, and the said Act of the Forty-first Year of the Reign of His present Majesty, see Cause to award any Costs, it shall be lawful for the said Commissioners and Umpire respectively, and they respectively are hereby empowered, upon Application made to them respectively for that Purpose, to settle, assess, and award such Costs and Charges as they respectively shall think reasonable to be paid to the Party or Parties in whose Favour any Determination of the said Commissioners or Umpire shall be made by the Person or Persons whose Claim or Claims, Objection or Objections shall be thereby disallowed or over-ruled; and in case the Person or Persons who shall be liable to pay such Costs and Charges shall neglect or refuse to pay the same on Demand, then and in such Case it shall be lawful for the said Commissioners and Umpire respectively, and they respectively are hereby authorized and required, by Warrant under their Hands and Seals directed to any Person or Persons whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Power to try  
disputed  
Claims at  
Law.

X. Provided always, and be it further enacted, That if any Person or Persons making any Claim or Claims to any Lands or Hereditaments intended to be divided or affected by this Act, or any Rights of Common, or other Rights or Interests therein, or any Part or Parts thereof, or, objecting to any such Claim or Claims, shall be dissatisfied with the Determination of the said Commissioners or Umpire, and shall be desirous of having such Claim or Claims, Rights or Interests respectively tried at Law; and the Person or Persons so desirous of having the same tried at Law shall, by himself, herself, or themselves, or his, her, or their respective Stewards, Receivers, Attornies, or Agents give, or cause to be given, Notice thereof in Writing to the said Commissioners within Two Calendar Months next after such Determination shall have been so made by the said Commissioners or Umpire (of which Notice the said Commissioners or Umpire are hereby required, immediately on Receipt thereof, or as soon after as conveniently may be, to give Information to the other Party or Parties interested, or his, her, or their respective Stewards, Receivers, Attornies, or Agents, by Writing under their respective Hands, to be delivered to or left at the usual Place of Abode of such Party or Parties, Stewards, Receivers, Attornies or Agents as aforesaid), then, but not afterwards or otherwise, it shall be lawful for the Person or Persons giving such Notice as aforesaid, their respective Heirs, Successors, or Assigns, and he, she, or they is and are hereby required to proceed to a Trial or Trials of the same in a feigned Action or Actions for that Purpose, to be commenced in any of His Majesty's Courts of Record at *Westminster*, by the Person or Persons giving such Notice as aforesaid against any Person or Persons interested in the said Division and Allotments who shall make such disputed Claim or Claims, Objection or Objections, within Two Calendar Months next after such Notice shall be given to the said Commissioners

as



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

XI. Provided always, 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; and 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, Bodies Politic or Corporate, who might have brought such Action or Actions against the Person so dying, to bring the same within the Time

Actions not  
to abate by  
Death of  
Parties.



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

To suspend  
or extinguish  
Common  
Rights.

XII. And be it further enacted, That it shall be lawful for the said Commissioners, at any Time when they in their Judgment shall think it necessary or convenient, by Writing under their Hands, to be affixed on the principal Doors of the Parish Churches of *Broad Chalke* and *Chilmark* aforesaid respectively, to suspend or totally extinguish all or any of the Rights of Common, in, upon, or over all or any of the said Lands or Grounds hereby directed to be divided and allotted; and that, from and immediately after the Expiration of the Time or Times in such Notice or Notices to be expressed for that Purpose, such Rights of Common shall cease, and be extinguished or suspended as the said Notice or Notices shall specify or direct; and if after such Extinguishment or Suspension, any Proprietor or Proprietors, Occupier or Occupiers, shall permit his, her, or their Cattle, Sheep, or other Stock, to depasture, feed, or go upon any of the said Lands or Grounds, as to which such Common Rights shall be extinguished or suspended, it shall and may be lawful to and for any other Proprietor or Proprietors, Occupier or Occupiers, to distrain all or any of such Cattle, Sheep, or other Stock, and impound the same, until the Person or Persons so offending shall pay unto the Person or Persons so distraining such Sum or Sums of Money as the said Commissioners shall direct, not exceeding for any one Offence the Sum of Five Pounds; and in case the same shall not be paid within such Time as the said Commissioners shall appoint, then the said Commissioners shall cause the said Cattle, Sheep, or other Stock so distrained, or such Part thereof as they shall think necessary, to be sold, for raising and paying such Sum or Sums of Money, together with the Costs and Charges attending such Distress and Sale, rendering the Overplus, if any, to the Owner or Owners thereof.

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

XIII. And be it further enacted, That all Inclosures and Encroachments which shall have been taken in and made from the said Lands and Grounds hereby directed to be divided and allotted, (save and except such as have been peaceably and quietly enjoyed for the Space of Twenty Years last past, or upwards, without any Interruption or Payment of any Acknowledgment for the same), shall be deemed Part and Parcel of the said Lands and Grounds to be divided and allotted in pursuance of this Act; and in case



case any Difference or Dispute shall arise touching any such Inclosures or Encroachments being deemed Part or Parcel of the said Lands and Grounds so to be divided and allotted, such Differences and Disputes shall be examined into and determined by the said Commissioners or Umpire.

XIV. And be it further enacted, That in order to straighten and shorten the Boundaries between the Lands within the said Parishes and Manors, or any of them, by this Act directed to be divided and allotted, and other Lands in any adjoining Parish or Parishes, Manor or Manors, it shall be lawful for the said Commissioners, with such Consent as herein-after mentioned, to straighten or shorten such Boundaries as aforesaid, or any of them, or any Part or Parts thereof, and to set out and ascertain such Boundaries for the Purpose aforesaid as the said Commissioners shall judge proper; and after such new Boundaries shall be set out and ascertained as aforesaid, the Boundary Fences shall be made by such Person or Persons in such Manner and at such Time or Times as the said Commissioners shall order and direct, and such Boundaries shall accordingly for ever thereafter be deemed and taken to be the Boundaries between such Parishes and Manors respectively; provided that no such Boundary shall be set out or made in pursuance of this Act, without the previous Consent of the Lord or Lords of the Manor or Manors, or Owner or Owners of the Soil liable to be affected thereby, or the major Part in Value (such Value to be ascertained according to the Land Tax Assessment for the then current Year) of such Lords and Owners, and also of the Owner or Owners of the Lands upon which any new Boundary Fence is intended to be made, for that Purpose first had and obtained.

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

[*Loc. & Per.*]

32 C

courses



courses within the said Lands and Grounds hereby directed to be divided and allotted, to be carried, diverted, and turned in such Courses, and through and across such Parts of the Lands and Grounds hereby directed to be divided and allotted, as the said Commissioners shall in their Discretion judge proper for watering the several Allotments to be made by virtue of this Act; provided that such Streams, Springs, and Watercourses be not diverted or turned without the Consent in Writing of the respective Person or Persons from or out of whose Lands the same shall be diverted or turned, and of the Person or Persons through or into whose Lands the same shall be turned.

Power to  
turn and stop  
Roads.

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 Foot Way or Path, Foot Ways or Paths in, through, over, or upon any of the Lands or Grounds within the said Parishes of *Broad Chalke* and *Chilmark* aforesaid, where they shall judge it requisite or expedient, giving such Notice of a Day to be appointed by them to receive Objections thereto, as in the said Act of the Forty-first Year of the Reign of His present Majesty is directed and required in the Case of setting out the Roads and Ways therein mentioned, and obtaining the Concurrence of Two Justices of the Peace previous thereto, and subject to an Appeal to the Quarter Sessions, as in the said Act is directed or mentioned.

Commissioners to set out  
Stone and  
Gravel Pits,  
&c.

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

Allotment of  
Residue.

XVIII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to set out, allot, and award all the Residue and Remainder of the said Open and Common Fields and Downs, Common Pastures, Wastes, and other Commonable Lands and Grounds, hereby directed or intended to be divided and allotted unto, for, or among the said *George Earl of Pembroke* and *Montgomery*, and the several other Proprietors thereof, and other Persons interested therein, their respective Heirs, Successors or Assigns, or the Person or Persons seized of their respective Estates for the Time being, in such Quantities,  
8  
Parts,



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

XIX. And whereas it may not be convenient or advantageous for all the Proprietors to whom Allotments shall be made by virtue of this Act to fence their respective Allotments within any particular Time to be limited by this Act, but that such Allotments should be inclosed and fenced at such future Time or Times as should be convenient to the Proprietors thereof respectively; be it therefore further enacted, That it shall be lawful for the said Commissioners, and they are hereby required to appoint what Part or Proportion of the Boundary Fences of the respective Allotments shall be made, maintained, and repaired by the Proprietor or Proprietors for the Time being of each and every Allotment, to be set out by virtue of this Act, and to direct how and in what Manner such Fences shall be made; and the Part and Proportion of Boundary Fences allotted, to be made by the Proprietor or Proprietors of each Allotment, shall be expressed in the Award, and shall also be delineated or described in the Map or Plan to be annexed to the said Award; and it shall be lawful for the Proprietor or Proprietors of any Allotment, who shall be desirous to inclose the same, and who shall have made his, her, or their own Part or Proportion of the Boundary Fences thereof, by Notice in Writing under his, her, or their Hand or Hands, to be delivered to the Proprietor or Proprietors of the adjoining Allotment or Allotments liable to make any other Part or Proportion of the said Boundary Fences, or to be left at his, her, or their respective Dwelling or Place of Abode, or delivered to the Tenant of the Premises, to require such last-mentioned Proprietor or Proprietors, to make his, her, or their Part or Proportion of the Boundary Fences of the Allotment or Allotments so intended to be inclosed, according to the Directions of the said Commissioners, and within the Space of Three Calendar Months next after such Notice shall have been delivered or left as aforesaid; and if such Proprietor or Proprietors shall refuse or neglect to make his, her, or their Part or Proportion of the Boundary Fences of such last mentioned Allotments, according to such Notice and Requisition, it shall be lawful for the Proprietor or Proprietors giving such Notice to make the Fence or Fences of the Person or Persons so refusing or neglecting as aforesaid, and to recover all the reasonable Expences which he, she, or they shall incur in making such last mentioned Fences of the Person or Persons so refusing or neglecting as aforesaid, by Action at Law in any of His Majesty's Courts of Record at *Westminster*, with full Costs of Suit: Provided always, that no Person or Proprietor shall be liable to make any more or other Boundary Fence or Fences, than such Person or Proprietor shall be required to do and make by the said Commissioners' Award.

For fencing  
Allotments of  
Proprietors.

XX. And



Small Allotments to be laid together.

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

Separate Allotments to be made for Lands held by different Tenures or Titles.

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



shall have so requested the said Commissioners as aforesaid, his, her, or their Executors or Administrators.

XXII. And be it further enacted, That it shall and may be lawful to Exchanges  
and for the said Commissioners to set out, allot, and award any Lands, Tenements or Hereditaments within the respective Parishes of *Broad Chalke* and *Chilmark* aforesaid, or either of them, in lieu of and in Exchange for any other Lands, Tenements, or Hereditaments within the same Parishes, or either of them, or within any adjoining Parish, or Township or Place, so as all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioners, and be made with the Consent of the respective Owners or Proprietors 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, Corporation Aggregate or Sole, or a Tenant and Tenants for Life, or in Fee Tail General or Special, with the Consent of the Lessors and Lessees of any Lands or Hereditaments held by any Lease for any Life or Lives, 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 Owners or Proprietors as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Females Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself or herself (such Consent to be testified in Writing under the Common Seal of any Corporation Aggregate, and under the Hands of the other consenting Parties respectively); and that all and every such Exchange and Exchanges so to be made, shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Messuages, Lands, Tenements, or Hereditaments, new Allotments or old Inclosures, held in Right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent of the Patron thereof, and of the Bishop of the Diocese for the Time being, respectively testified as aforesaid; and provided always, that all Costs, Charges and Expences attending the making and completing of any Exchanges and Partitions shall be paid and borne by the several Persons making such Exchanges or Partitions, distinct and apart from the other Expences attending the Execution of this Act, in such Manner and in such Proportions as the said Commissioners shall, by Writing under their Hands, order and direct.

XXIII. And be it further enacted, That it shall and may be lawful to Satisfaction  
for a Modus  
or Composition  
for certain  
Tithes.  
and for the said Commissioners, at the Request and with the Consent of the said *George* Earl of *Pembroke* and *Montgomery*, his Heirs or Assigns, and also of the said Provost and Scholars of *King's College, Cambridge*, and their Successors (such Consent to be testified in Manner aforesaid), to set out, allot, and award unto and for the said Provost and Scholars, and their Successors, so much and such convenient Part or Parts of the several Freehold Estates, Farms and Lands belonging to the said Earl, situate in the said Parish of *Broad Chalke*, called *Chalke Manor Farm* and *Knowle Farm*, and now in the Occupations of *Mary Good* and *William Rixon*,  
[Loc. & Per.] 32 D or



or either of them, or of the Allotments to be made and set out in virtue of this Act, for or in respect of such Estates, Farms, and Lands respectively, or either of them, as in the Judgment of the said Commissioners shall be a full Equivalent, Compensation, and Satisfaction for Six Ridges of Wheat, which the said Provost and Scholars are entitled to take in One Piece from either of the said Farms, at their Pleasure, in every Year, and One Acre of Wood which the said Provost and Scholars are entitled to take annually in the Coppices and Woods of the said Earl, in the Parish of *Bower Chalke* in the said County, as a Modus or Composition for the Tythes of the said several Estates, Farms, and Lands respectively; and from and after such last-mentioned Allotment or Allotments shall be so set out and allotted, such Modus or Composition for the Tythes of the said several Estates, Farms, and Lands respectively, in respect whereof such Allotment or Allotments shall be made, shall cease and be for ever extinguished.

For determining Leases at Rack Rent.

XXIV. And be it further enacted, That all or any Lease or Leases, or any Agreement or Agreements for Leases at Rack Rent, or from Year to Year now subsisting, on or respecting any of the Lands and Grounds to be divided and allotted pursuant to this Act, or of any Messuages, Buildings, Homesteads, Gardens, Orchards, or old inclosed Lands, held with the same, or which shall be exchanged by virtue hereof, shall, in case the said Commissioners shall think it proper and reasonable, cease, determine, and be utterly void, at such Time, in such Manner and Form, and with such Addition or Abatement of Rent or other Satisfaction, as the said Commissioners shall, by Writing under their Hands, order and appoint, and that the Lessors or Owners of the Lands, Tenements, and Hereditaments comprized in such Leases or Agreements, shall pay or receive such Sum or Sums of Money, or make or receive such Satisfaction to or from their Lessees or Tenants respectively, as the said Commissioners shall judge to be a proper Equivalent for vacating such Leases or Agreements, and they are hereby authorized and required to order and direct such Payments and Satisfactions to be made accordingly: Provided always, that if there shall be any such Lease or Leases of Lands as aforesaid, Part of which shall be in either of the said Parishes, and Part in any adjoining Parish or Place, all and every such Lease or Leases may be vacated; but where any Lands shall have been taken in Exchange, which Lands shall be under Lease, and wholly situate in any adjoining Parish or Place, such last-mentioned Lease shall not be vacated.

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

XXV. And be it further enacted, That all and singular the several Lands, Tenements, and Hereditaments which shall be respectively allotted or exchanged by virtue of this Act, or the said Act of the Forty-first Year of the Reign of His present Majesty, shall, immediately after such Allotments and Exchanges respectively shall be made, vest in, and go and remain to such and the same Persons respectively, for such and the same Estates and Interests respectively, and to, for, upon, with, under, and subject to such and the same Uses, Trusts, Intents, Purposes, Powers, Provisoes, Conditions, Charges, Incumbrances, Limitations, Remainders, Reversions, and Dispositions by Will or otherwise, as the Lands, Grounds, Tenements,



Tenements, Rights, and Hereditaments whatsoever in lieu of which such Allotments were made, or such Lands or Hereditaments received in Exchange respectively, were vested in, to, for, or upon, with, under, and subject to immediately before such Allotments and Exchanges were respectively made, or would have been vested in and gone and remained to, in case such Allotments and Exchanges respectively, or this Act, had not been made; and nothing herein contained shall extend or be construed to extend, to revoke, annul, make void, or alter any Will, Codicil, Settlement, Jointure, Dower, Portion, Debt, Mortgage, Charge, or Incumbrance affecting any of the Lands, Grounds, or Hereditaments intended to be divided or allotted as aforesaid, or which shall be exchanged as aforesaid, further or otherwise than by substituting the Lands, Grounds, Tenements, or Hereditaments so to be allotted or received in Exchange for and instead of the Lands, Grounds, Tenements, Rights, and Hereditaments, in lieu of which the same shall be so allotted or received in Exchange.

XXVI. And be it further enacted, That it shall be lawful for any Person or Persons who shall be entitled to any Allotment or Allotments under or by virtue of this Act, to give, grant, bargain, sell, demise, surrender, mortgage, limit, convey, and assure the same for all or any Part of his, her, or their Estate or Interest therein, or Right thereto, at any Time before the Execution of the Award of the said Commissioners, and every such Gift, Grant, Bargain, Sale, Demise, Surrender, Mortgage, Limitation, Conveyance, and Assurance, shall be of the same Force and Validity as if made after the Execution of the said Award; and also that it shall be lawful for any of the Owners of any Common Rights upon the Lands hereby directed to be divided and allotted, to sell and dispose of the same, or of 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 they, he, or she are or is entitled to the same, in the same Manner as they, he, or she might have done at any Time after the Execution of the said Award.

Allotments may be sold before the Award and Common Rights separately,

XXVII. And be it further enacted, That in the mean Time, and until such Allotments shall be made as aforesaid, all the Lands and Grounds, hereby directed to be divided and allotted, shall, by the Occupiers thereof respectively, be stocked with such Cattle and Sheep, and sowed with such Kinds of Grain and Seeds, and be manured, cultivated, and kept in such Course and Order of Husbandry, as the said Commissioners shall by any Writing or Writings under their respective Hands direct, any Usage or Custom to the contrary notwithstanding; and no Pasture or fresh Ground hereby directed to be divided or allotted, shall be ploughed, broken up, or converted into Tillage; and in case the Orders of the said Commissioners respecting the Course of Husbandry shall not have been fully complied with, or in case the late Occupier of any Allotment shall have neglected to manure, properly cultivate, or lay down the said Allotment, or shall have before the Time so fully or improperly cropped the same, that the same is exhausted or in Course to lie fallow, or if by any other Means it shall happen that any of the Proprietors, Owners, or Occupiers of the new Allotments are deprived of a due Share or Proportion

Commissioners to regulate Course of Husbandry until Inclosure.



portion of Land, in proper Order and Condition for the ensuing Wheat Crop, or shall receive any other Detriment or Injury, then, and in any of the said Cases, it shall be lawful for the said Commissioners, and they are hereby empowered, by Writing under their Hands, to order, direct, and appoint that every Proprietor, Owner, or Occupier who shall not have his, her, or their proper Quantity or Proportion of the Allotment to be made by virtue of this Act, in good Order, and in Course for an ensuing Wheat Crop, or who shall receive any Detriment or Injury whatsoever, in consequence of any Thing done or omitted to be done in pursuance of this Act, shall have and receive such pecuniary or other Compensation from such of the other Proprietors, Owners, or Occupiers, as the said Commissioners shall adjudge to be equitable and proper; and that the said Commissioners shall and may in all such Cases set out, specify, regulate and appoint in what Manner, Quantities and Proportions, and by what Persons such new Allotments, or any Part thereof, shall be manured, sown, occupied and enjoyed so as to be most beneficial to each and every Proprietor, for One Year next after such Allotment shall have been made, any Thing herein contained to the contrary notwithstanding.

Allowances  
to Commis-  
sioners, &c.

XXVIII. And be it further enacted, That each of the Commissioners and Umpires, acting in the Execution of the Trusts and Powers hereby vested in them, shall be allowed and paid, in Satisfaction for their Trouble and Expences, the Sum of Three Pounds and Three Shillings, and no more, for each and 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 that the Clerk to the said Commissioners and Umpires shall be allowed and paid, in Satisfaction for his Trouble and Expences, such Sum not exceeding Three Pounds Three Shillings, as the Commissioners or Umpires shall direct, for each and every Day on which he shall be employed in travelling to, attending on, or returning from such Meetings; and the said Commissioners, Umpires 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 each of the Meetings of the said Commissioners or Umpires.

Expences of  
the Act.

XXIX. And be it further enacted, That all the Costs, Charges and Expences of soliciting and passing this Act, and of surveying, admeasuring and valuing of the said Lands and Grounds hereby directed to be divided and allotted, and of dividing and allotting the same, and of forming and making the public Roads, public or common Drains, Sewers, Watercourses, Watering Places for Cattle, Wells, Bridges, Hatches, and other Conveniences, which shall be set out by virtue of this Act, and of preparing and inrolling the said Award, and all other the Costs, Charges, and Expences of the said Commissioners, Umpire and Surveyor, and of the several Persons employed by the said Commissioners, either before or after the Execution of the said Award, in, about or concerning the Execution of this Act, and not herein otherwise directed to be paid, shall be paid, borne, and defrayed by all the Owners of, or Persons interested in, the same Lands and Grounds, (except the said Provost and Scholars of *King's College, Cambridge*, and their Successors,



cessors, and the Vicar of *Broad Chalke* and Rector of *Chilmark* respectively, for the Time being, in respect only of such Allotments as may be made or set out to them respectively for College or Glebe Lands), in Proportion as near as may be to their respective Estates and Interests, due regard being had to the Expences occasioned by each Person's Estates, and also to the Value and Improvement thereof; and the Shares and Proportions of the said Costs, Charges and Expences to be borne by the said respective Owners and Persons interested, shall be settled and ascertained by the said Commissioners, and shall be paid to such Person or Persons, at such Time or Times, either before or after the Execution of the said Award, as the said Commissioners shall direct or appoint, by Writing under their Hands, affixed on the principal Doors of the Parish Churches of *Broad Chalke* and *Chilmark* aforesaid; and in case any Person or Persons shall refuse or neglect to pay his, her, or their Share or Proportion of the said Costs, Charges, and Expences, according to such Direction or Appointment as aforesaid, the said Commissioners shall and may raise and levy the same by such Remedies, Ways, and Means as are provided or mentioned in and by the said Act of the Forty-first Year of the Reign of His present Majesty: Provided always, that the several Shares of the Charges and Expences aforesaid, in respect of the several Lands and Tenements, within the said several Parishes and Manors held by Copy of Court Roll or Lease, for One or more Life or Lives, or for Years determinable on the Death of One or more Life or Lives, under the said *George* Earl of *Pembroke* and *Montgomery*, shall be paid, borne, and defrayed by the said Earl, or the Person or Persons for the Time being entitled to his said Estates; and the respective Lessees and Copyholders or Customary Tenants of the said Lands and Tenements, so held under the said *George* Earl of *Pembroke* and *Montgomery*, shall respectively pay to him the said Earl, and the Person and Persons for the Time being entitled to his said Estates, after the Rate of Five Pounds *per Centum per Annum*, for all the Monies so paid by him or them by virtue of this Act; the Amount of which Payments shall, upon the Application of either of the Parties, be settled and ascertained by the said Commissioners; and such Interest, after the Rate aforesaid, shall commence at such Time as the said Commissioners shall, in and by their said Award, or any Writing under their Hands, direct and appoint, and shall from thenceforth be added to and accounted Part of the several and respective reserved Rents, to be paid from Time to Time for such Lands, Grounds, and Premises respectively, and shall be recoverable by Distress or otherwise, in like Manner as Rents in Arrear are recoverable by Law in *England*.

XXX. And be it further enacted, That it shall be lawful for the respective Proprietors and Persons seised or entitled for any Life or Lives or Years determinable on any Life or Lives, or for any Estate of Inheritance of or to any Lands, Tenements, or Hereditaments hereby directed or authorized to be divided or allotted, or any Lands, Tenements, or Hereditaments, which shall be allotted or exchanged in pursuance of this Act, and for the Husbands, Guardians, Trustees, Committees, or Attornies of any such Proprietors, being Females Covert, Lunatics, beyond the Seas, or under any other legal Disability or Incapacity of acting for themselves (except the said Provost and Scholars,

Power to  
borrow  
Money.

[*Loc. & Per.*]

32 E

and



and the said Vicar of *Broad Chalke* and Rector of *Chilmark* respectively for the Time being), at any Times either before or after the Execution of the said Award, with the Consent of the Commissioners in Writing under their Hands, to charge such respective Lands, Tenements, Hereditaments, and Allotments as aforesaid, or any of them, or any Part or Parts thereof respectively, with any Sum or Sums of Money not exceeding Five Pounds *per Acre*, which shall appear to the Satisfaction of the Commissioners to have been paid, laid out, and expended by them the said Proprietors respectively, or by their respective Direction, for inclosing, ditching, hedging, and fencing their respective Allotments as aforesaid, and for their respective Proportions of the Expences of passing this Act, and carrying the same into Execution, with lawful Interest for such Sum or Sums of Money, and for the better securing the Payment of such Sum or Sums of Money with Interest, to convey in the Way of Mortgage, without Impeachment of Waste, such respective Lands, Tenements, Hereditaments and Allotments as aforesaid, or any of them, or any Part or Parts thereof, to the Person or Persons who shall respectively lay out and expend such Sum or Sums of Money, or so cause the same to be laid out and expended, or to such Person or Persons as he, she, or they, or his, her, or their Executors or Administrators, shall respectively appoint, so as every such Conveyance by way of Mortgage as aforesaid be made with a Proviso, that no Person in Remainder or Reversion who shall become entitled in Possession to the Hereditaments and Premises therein comprized, shall be liable to pay any further or larger Arrear of Interest on the Money so secured than for Six Calendar Months preceding the Time at which the Title to such Possession shall have commenced; and every such Conveyance by way of Mortgage, as shall be made in pursuance of this Act, either before or after the Execution of the said Award, shall be good, valid, and effectual in the Law for the Purposes thereby intended.

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

XXXI. 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 the Part or Proportion of the Expences of passing and executing this Act, and of the other Expences last above mentioned which ought to be paid in respect of such Allotment or Allotments, and the Land so deducted shall be allotted to or amongst the Proprietor or Proprietors who shall pay the same Expences, in Proportion to the Sums they shall respectively pay or contribute thereto, but under the Restrictions however that no such Deduction shall be made by the said Commissioners without the previous Consent in Writing of the respective Proprietors or Persons seized or entitled for Life, or any Term or Terms determinable on Lives, or for any greater Estate of or to such Allotment or Allotments, or of the Husbands, Guardians, Trustees, Committees, or Attornies of any such Proprietors, being Femes Covert, Infants, Lunatics, beyond the Seas, or under any other legal Disability or Incapacity of acting for themselves; provided that it shall be lawful to and for the said Commissioners and they are hereby required, upon any such Request as aforesaid, and upon Payment by the  
Person



Person or Persons making such Request of his, her, or their full Proportion of such Costs and Expences, to allot to the Person or Persons respectively by whom or on whose Behalf such Request and Payment shall be made, his, her, or their Heirs and Assigns, the Land which shall have been so deducted, and the Person or Persons respectively to whom any such Allotment shall be made and awarded shall be and become seised thereof for an absolute Estate in Fee Simple, freed and discharged from all former Titles, Charges, and Incumbrances, provided the Value of the Lands so to be deducted from any Allotment or Allotments shall not, in any Case, exceed in Value, according to the Opinion and Judgment of the said Commissioners, the Rate of Five Pounds for every Acre of the Land which shall be allotted to the Person or Persons making such Request.

XXXII. Provided always, and it is further enacted, That it shall not be lawful to raise by such Sale or Sales as aforesaid, any further or greater Sum of Money than the Person or Persons (Part of whose Allotment shall be sold as aforesaid) would have been empowered or authorized to borrow or charge upon his, her, or their Allotment or Allotments, under or by virtue of the said recited Act or this Act; nor shall it be lawful for the Person or Persons from whose Allotment Land shall be deducted as aforesaid, to charge his, her, or their Allotment or Allotments by virtue of the said recited Act or this Act, with any Money towards the Payment of such Expences, unless the Money to arise by such Sale shall not amount to the Sum of Five Pounds *per* Acre of such Allotment or Allotments; and then and in such Case it shall be lawful for such Person or Persons to charge his, her, or their Allotment or Allotments, or to raise by Mortgage thereof, or by such other Ways and Means as mentioned in the said recited Act or this Act, the Remainder of such Money for the Payment of the Expences of obtaining and executing this Act, so as that the whole Sum to be raised by virtue of this Act shall not exceed the Sum of Five Pounds *per* Acre, according to the Number of Acres contained in such Allotment or Allotments.

Restrictions  
as to borrow-  
ing Money,  
&c.

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

Commissioners  
Accounts

XXXIV. And



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

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

Award to be deposited.

XXXV. And be it further enacted, That the General Award to be made by the said Commissioners pursuant to the said Act, together with the Map or Plan thereto annexed, of the Forty-first Year of the Reign of His present Majesty, shall be inrolled with the Clerk of the Peace for the County of *Wilts*, within Twelve Calendar Months after the Execution thereof by the said Commissioners, or so soon after as conveniently may be; and the said original Award, and such Plans or Surveys as may be annexed thereto, shall be deposited in the Parish Church of *Broad Chalke* aforesaid, to the end that recourse may be had thereto, by any Person or Persons interested in the said Division and Allotments, which said Award and Plans, and every other Award and Instrument to be lodged with the said Award, shall and may be inspected at all reasonable Times, upon reasonable Notice given by the Party requiring such Inspection, and upon Payment for every such Inspection of the Sum of One Shilling to the Person having the Custody thereof respectively; and the said Commissioners shall, as soon after the Execution and Inrolment of the said Award as conveniently may be, make or cause to be made a fair Copy of the same on Parchment, for the Use of the Proprietors and Occupiers of Land at *Chilmark* aforesaid; and such Copy shall be lodged or deposited in the Parish Church of *Chilmark* aforesaid.

Power of Appeal to the Quarter Sessions.

XXXVI. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved, by any Thing done in pursuance of the said Act of the Forty-first Year of the Reign of His present Majesty, or of this Act (except as to such Claims, Matters, and Things as are herein-before authorized to be tried and determined by the Verdict of a Jury, or as to which the Determination of the said Commissioners is by the said Act of the Forty-first of His present Majesty, or by this Act, directed to be final and conclusive), he, she, or they may appeal to any General Quarter Sessions of the Peace which shall be held in and for the said County of *Wilts*, within Three Calendar Months next after the Cause of Complaint shall have arisen, giving Notice, in Writing, of every such Appeal to the Clerk to the said Commissioners, expressing the Cause of Complaint, and affixing the like Notice upon the principal Doors of the Parish Churches of *Broad Chalke* and *Chilmark* aforesaid, Twenty-eight Days at least before such General Quarter Sessions; and the Justices of the Peace assembled at such General Quarter Sessions, or at any subsequent General Quarter Sessions to which the said Justices shall adjourn any such Appeal, either for the Want of such Notice having been given as aforesaid, or for any other Cause which to the said Justices shall seem a sufficient Cause to adjourn such Appeal, are hereby authorized to hear and determine the same,



and to make such Order therein, and to award such Damages and Costs as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Damages and Costs which shall be so awarded, by Distress and Sale of the Goods and Chattels of the Party or Parties awarded to pay the same, rendering the Overplus (if any) upon Demand to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of every such Distress and Sale; and the Order and Determination of the said Justices upon such Appeal shall be final and conclusive to all Parties concerned, and shall not be removed or removable by *Certiorari*, or any Process or Writ whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; but in case any such Appeal shall appear to the said Justices to be frivolous, vexatious, or without Foundation, then such Justices shall award such Costs to be paid by the Appellant or Appellants, as to them in their Discretion shall seem reasonable, which Costs shall and may be levied in Manner aforesaid.

XXXVII. Provided always, and be it further enacted, That nothing in this Act contained shall prejudice, lessen or defeat the Right, Title or Interest of any Lord or Lady of any Manor or reputed Manor, Lordship, Seigniorie or Royalty, or of any Ranger, Keeper or Owner of any Chase, Purlieu, Walk, District, or Liberty, wherein the said Lands and Grounds are situate, or any Part of the same; but every such Lord and Lady, Ranger, Keeper, and Owner for the Time being, shall and may at all Times hereafter have, hold, and enjoy all Rents, Services, Courts Perquisites, and Profits of Courts, and all other Rights, Royalties, Jurisdictions, Pre-eminences, and Privileges whatsoever, to the said several Manors, Lordships, Seigniories, Royalties, Chases, Purlieus, Walks, Districts, and Liberties belonging, (other than and except such Rights for which Compensation shall be made by virtue of this Act), in as full, ample, and beneficial a Manner, as he or they could or might have held and enjoyed the same, in case this Act had not been made.

Saving the Rights of the Lords of Manors, &c.

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

General Saving.



Act to be  
printed by  
the King's  
Printers.

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

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