



ANNO QUARTO

GULIELMI IV. REGIS.

Cap. 2.

An Act for inclosing Lands in the Parish of *Tisbury* in the County of *Wilts*, and for dividing the said Parish into Three Parishes. [22d *May* 1834.]

WHEREAS there are within the Parish of *Tisbury* in the County of *Wilts* divers Commonable and Waste Lands, and also divers ancient inclosed Lands, Grounds, and Homesteads, over a Part of which divers Persons have or claim to have Commonable or other Rights or Interests, and other Lands lying intermixed, which are not convenient to be held and enjoyed in their present State and Condition: And whereas the Right Honourable *James Everard* Lord *Arundell* of *Wardour* is or claims to be Lord of the Manor of *Tisbury* aforesaid, and Sir *Hyde Parker* Baronet is or claims to be Lord of the Manor of *West Hatch* within the said Parish and Manor of *Tisbury*, and the Dean and Chapter of the Cathedral Church of *Bristol* are or claim to be Lords or Lord of the Manor of *Tisbury* Parsonage within the said Parish and Manor of *Tisbury*: And whereas the said *James Everard* Lord *Arundell* of *Wardour*, *John Benett* Esquire, *John Farquhar Fraser*, *James Mortimer*, *James Morrison*, Esquires, *William Wyndham* Esquire, Sir *Hyde Parker* Baronet, and divers other Persons, are or claim to be Proprietors of old inclosed Homesteads, Messuages, Lands, and Tenements within the said Parish of *Tisbury*, and entitled to Rights of Common and other Rights in, over, and upon the Commonable and Waste and other Lands within the said Parish: And whereas it would be advantageous to the said Pro-

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prietors if the said Commonable and Waste Lands were inclosed, and if all Rights of Common and Commonable and other Rights or Interests in, upon, or over the same, and in, upon, or over the said ancient inclosed Lands, Grounds, and Homesteads, were extinguished, and if the same respectively and such intermixed Lands were divided and conveniently allotted to the several Proprietors and Persons interested therein: And whereas an Act was passed in the Forty-first Year of the Reign of King George the Third, 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 another Act was passed in the First and Second Years of the Reign of His late Majesty King George the Fourth, intituled *An Act to amend the Laws respecting the inclosing of Open Fields, Pastures, Moors, Commons, and Waste Lands in England*: And whereas the said Parish of *Tisbury* is very large (extending nearly Seven Miles in Length), and contains Two thousand three hundred Inhabitants or thereabouts, and is at present divided into Four Tithings, severally called *Tisbury, Staple, Chicksgrove, and Hatch*, and Three Overseers of the Poor are appointed for the said Tithings in manner following; (that is to say,) one Overseer for the said Tithing of *Tisbury*, one other Overseer for the said Tithings of *Staple* and *Chicksgrove*, and one other Overseer for the said Tithing of *Hatch*, and the Churchwardens are appointed for the whole of the said Parish; and the Administration and Conduct of the Parochial Affairs and Business of the said Parish have been attended with Difficulties and Inconvenience, which might be avoided and removed if the said Parish were divided into Three several Parishes independent of each other, except in regard to appointing Churchwardens and all Ecclesiastical Matters; but the several Purposes aforesaid 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 *James Combes* of *Tisbury* in the County of *Wilts*, Land Surveyor, *Oliver Stubbs* of *Hinton Saint George* in the County of *Somerset*, Land Surveyor, and *John Jefferys* of *Donhead Saint Andrew* in the said County of *Wilts*, Gentleman, and their Successors to be elected in manner herein-after mentioned, shall be and they are hereby appointed Commissioners for inclosing all the said Commonable and Waste Lands, and for extinguishing all Rights of Common and Commonable and other Rights or Interests in, upon, or over the same, and in, upon, or over the said ancient inclosed Lands, Grounds, and Homesteads, and for dividing and allotting the same respectively and such intermixed Lands unto and amongst the several Proprietors and Persons entitled thereto or interested therein respectively, and for carrying into execution all the Powers and Provisions of this Act respecting the same Inclosure, Extinguishment, Division, and Allotment, and also such of the Powers and Provisions of the said recited Acts as are not repugnant to the Powers and Provisions of this Act, subject nevertheless to such of the Regulations and Restrictions contained in the said recited Acts as are not otherwise provided for or controuled by the Directions or Provisions of this Act, and also for carrying into execution certain of the Directions and Provisions of this Act with regard to the Division of the said Parish of *Tisbury* into Three Parishes.

II. Provided always, and be it further enacted, That the said Commissioners and every Commissioner to be appointed as herein-after mentioned respectively shall and they are hereby respectively required, before proceeding to carry the Purposes of this Act into execution, to take and subscribe the Oath or Affirmation herein-after mentioned, as well as the Oath or Affirmation prescribed by the said first-recited Act; (that is to say,) Commissioners to take an Oath, &c.

I do swear [*or solemnly affirm*], That I will faithfully, impartially, and honestly do, perform, and execute the several Acts and Duties authorized or required to be done, performed, and executed by me as one of the Commissioners for carrying into execution an Act passed in the Fourth Year of the Reign of His Majesty King *William* the Fourth, intituled *An Act for inclosing Lands in the Parish of Tisbury in the County of Wilts, and for dividing the said Parish into Three Parishes.* So help me GOD. Oath.

[*Or, being a Quaker, omit the Words 'So help me God.'*]

And which Oath or Affirmation it shall be lawful for any other of the Commissioners for executing this Act who shall have previously taken and subscribed the Oath or Affirmation required by the said first-recited Act, or for any Justice of the Peace, to administer; and such Oath or Affirmation so taken shall be written upon Parchment and subscribed, and shall be annexed to and enrolled and deposited with the Award of the said Commissioners.

III. And be it further enacted, That in case the said Commissioners, or any or either of them, or any other Commissioner to be appointed in manner herein-after mentioned, shall, before all the Powers hereby vested in them shall be fully executed and performed, die, decline, refuse, or neglect to act for the Space of Two Calendar Months, or become incapable of acting or become disqualified to act as Commissioners or a Commissioner in the Execution of this Act, then and in every such Case the surviving Commissioners shall, before they shall proceed further in the Execution of this Act, and they are hereby authorized and required to appoint by Writing under their Hands some fit Person (not interested in the said Inclosure or Division) to be a Commissioner in the Place or Stead of the Commissioner so refusing or neglecting to be sworn or to act, or dying or becoming disqualified or incapable of acting; and if the Commissioners cannot agree in the Choice of a Person to supply the Place of a Commissioner on any such Vacancy, then each of such Commissioners is hereby required to set down in Writing the Name of such fit Person (not interested in the said Inclosure or Division) whom he shall propose to fill such Vacancy; and the Names so set down, being written on Paper of the same Size and Kind, and folded up in the same Form, or as nearly as may be to the same Size and Form, shall, at some Meeting of the Commissioners for the Execution of this Act of which due Notice shall have been given, be put together in a Box or Glass, from which some Person present at such Meeting shall publicly, and in the Presence of all Persons interested who shall then be present at such Meeting, draw out One of such Papers, and the Person whose Name shall be written on the Paper first drawn out shall be the Commissioner, and the said Commissioners are hereby required to certify by Writing under their Hands the Choice and Appointment of such new Commissioner accordingly; and every Commissioner to be appointed in any Manner herein- Appointment of new Commissioners in case of Death, &c. of One Commissioner.

herein-before described shall have the like Powers and Authorities for carrying this Act and the said recited Acts into execution, and shall be subject and liable to the like Rules, Regulations, and Restrictions, as if he had been named a Commissioner in and by this Act; provided that the Instrument or Certificate of the Appointment of every such new Commissioner shall be enrolled with the Award of the said Commissioners; and a Copy of such Instrument or Certificate, attested by the proper Officer of the Court where the same shall have been enrolled, shall be full and sufficient Evidence thereof.

Appoint-
ment of
Commission-
ers in other
Cases of
Vacancy.

IV. Provided always, and be it further enacted, That in case such Two remaining Commissioners as aforesaid shall, for the Space of Two Calendar Months after any such Death, Refusal, Neglect, or Incapacity shall happen or become known to them, make default in appointing a new Commissioner in manner aforesaid, or in case it shall happen that all the said Three Commissioners shall die, or refuse or neglect to act, or become incapable of acting, or disqualified, or in case any Two of the said Commissioners shall die, or refuse or neglect to act, or become incapable of acting, or disqualified, before any occurring Vacancy shall be supplied, then and in every such Case it shall be lawful for the major Part in Value (such Value to be ascertained by the Poor's Rates Assessment) of the Proprietors of Lands in the said Parish of *Tisbury* who, by themselves or their respective Agents duly authorized, shall be present at a Meeting to be convened for that Purpose, (of which Meeting Seven Days Notice at least shall be given by any Two or more of such Proprietors by Advertisement to be inserted in the *Salisbury and Winchester Journal*, or some other Newspaper usually circulated in the County of *Wilts*, and also by Writing to be affixed on One of the principal outer Doors of the Parish Church of *Tisbury* aforesaid,) by Writing under the Hands of such Proprietors or Agents, from Time to Time as often as there shall be Occasion, to appoint some other fit Person (or Persons, as the Case may require) to be a Commissioner or Commissioners in the Stead of the Commissioner or Commissioners so dying, refusing, declining, or neglecting to act, or becoming disqualified as aforesaid; and every Person who shall be appointed a Commissioner in manner aforesaid shall have the like Powers and Authorities for carrying this Act and the said recited Acts into execution as if he had been appointed a Commissioner in and by this Act; and every such Appointment shall be annexed to and enrolled with the Award of the said Commissioners.

Penalty on
Persons act-
ing if not
qualified.

V. And be it further enacted, That if any Person shall presume to act as a Commissioner in the Execution of this Act without first taking the Oath or Affirmation herein-before prescribed, or who shall not be qualified to act as a Commissioner of Inclosure according to the Provisions of the said recited Acts or this Act, or either of them, every such Person shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*.

What shall
be deemed a
Neglect of
Commis-
sioners.

VI. Provided always, and be it further enacted, That if any or either of the said Commissioners, or any future Commissioner to be elected or appointed by virtue of this Act, shall refuse or neglect to attend at the

First

First or Second Meeting appointed to be held for putting this Act into execution, and qualify himself or themselves in manner directed by the said recited Acts or this Act, (he or they having had Notice of such intended Meeting in Writing under the Hands or Hand of the other of such Commissioners or One of such Commissioners,) or if any or either of them shall at any Time after the said First or Second Meeting wilfully absent himself or themselves from any Two succeeding Meetings of such Commissioners (Notice in Writing being first given by the Clerk to the same Commissioners), and such Commissioner or Commissioners not being prevented by Sickness or other reasonable Cause, to be allowed by the Commissioners or Commissioner attending at such subsequent Meetings, or if any Commissioner or Commissioners to be hereafter elected or appointed in manner aforesaid shall not attend and qualify at the First or Second Meeting duly appointed to be held after such Election, or shall thereafter absent himself in manner aforesaid, after such Notice and without such Cause as last herein-before is mentioned, such Absence shall be deemed and taken to be a Refusal to act.

VII. And be it further enacted, That the said Commissioners may and they are hereby authorized and empowered to appoint some fit and proper Person to be their Surveyor, to assist them in carrying this Act and the said recited Acts into execution, and for making such Survey and Admeasurement of the Lands and Grounds within the said Parish of *Tisbury*, or any Part or Parts thereof, as in the Judgment of the said Commissioners shall be requisite and necessary for the Purposes of this Act; and in case any such Surveyor who may be appointed shall die, refuse, neglect, or become incapable to act, then and in every such Case, and when and so often as the same shall happen, the said Commissioners shall and may, if they shall think fit, appoint some other fit and proper Person in the Place and Stead of such Surveyor who shall die, refuse, neglect, or become incapable to act: Provided nevertheless, that it shall be lawful for the said Commissioners to adopt and make use of any Survey, Admeasurement, and Plan already made of the Lands and Grounds hereby directed or authorized to be inclosed, divided, and allotted, without causing a new Survey and Admeasurement to be made thereof, as authorized or allowed by the said first-recited Act, and out of the Money to be raised by virtue of this Act to make such Satisfaction to the Person or Persons producing such approved Map, Plan, or Survey as the said Commissioners shall think reasonable.

Appointment
of Surveyor.

VIII. Provided always, and be it further enacted, That no Person shall be capable of acting as Surveyor until he shall have taken and subscribed an Oath or Affirmation to the Effect following; (that is to say,)

Surveyor's
Oath.

‘ I *A. B.* do swear, [*or do solemnly affirm,*] That I will faithfully, impartially, and honestly do, execute, and perform the several Duties and Trusts reposed in me as a Surveyor under and by virtue of an Act passed in the Fourth Year of the Reign of King *William* the Fourth, intituled [*here set forth the Title of this Act*], according to the best of my Skill and Judgment, and according to Equity and good Conscience, and without Partiality, Favour, or Affection, Prejudice or Malice, to any Person or Persons whomsoever. So help me GOD.’

‘ [*Or, being a Quaker, omit the Words ‘So help me God,’*]’

[*Private.*]

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Which Oath or Affirmation it shall be lawful for the said Commissioners to administer, and they or One of them are or is hereby required to administer the same; and such Oath or Affirmation so taken shall be written upon Parchment, and subscribed by the Person taking the same, and shall be annexed to and deposited with the Award of the said Commissioners.

Clerk to be appointed by the Commissioners.

IX. And be it further enacted, That the Commissioners for executing this Act shall appoint some fit and proper Person to be their Clerk for the Purposes of this Act, and shall have Power from Time to Time to remove the Clerk so appointed, and appoint another in his Place.

Notice to be given of Meetings.

X. And be it further enacted, That the said Commissioners shall and they are hereby required to cause Notice to be published in the Newspaper called the *Salisbury and Winchester Journal*, or in some other Newspaper circulated in the said County of *Wilts*, of the Time and Place of their First and every subsequent Meeting for the Execution of this Act, at least Ten Days before every such Meeting shall be held (Meetings by Adjournment only excepted); and such Notice of every Meeting of the Commissioners shall be affixed Ten Days at least before the Day of such Meeting (except as aforesaid) on the principal outer Door of the Parish Church of *Tisbury*; and the said Commissioners shall and may adjourn such Meetings from Time to Time as they shall see Occasion for the Execution of this Act and the said recited Acts: Provided always, that all Meetings of the said Commissioners shall be held at some convenient Place in the said Parish of *Tisbury*.

Other Notices how to be given.

XI. Provided always, and be it further enacted, That all other Notices necessary or requisite to be given by the said Commissioners (except in Cases where such Notice is directed to be given otherwise in and by this Act) shall be given by Advertisement to be inserted in the said Newspaper called the *Salisbury and Winchester Journal*, or in some other Newspaper circulated in the said County of *Wilts*, and also by Notices to be respectively affixed as herein-before directed.

Allowance to Commissioners, Clerks, and Surveyors.

XII. And be it further enacted, That out of the Money which shall be raised for defraying the Expences of obtaining and passing and executing this Act each and every Person hereby appointed or who shall act as a Commissioner in the Execution of the Trusts and Powers of this Act, or any of them, shall be paid the Sum of Three Pounds and Three Shillings each, and no more, for each and every Day he or they shall be attending in or about the Execution thereof, and in travelling to and from the Meetings necessary for that Purpose, the same to include and be in satisfaction of all the Costs and Expences in travelling and otherwise which he or they shall be put to in executing the same; and the Clerk to the said Commissioners shall be paid and allowed for each and every Day he shall in like Manner be attending or travelling such Sum as the said Commissioners or any Two of them shall think just and reasonable, not exceeding Three Pounds and Three Shillings a Day; and each of the Surveyors shall be paid and allowed for his Pains and Trouble such Sum or Sums of Money as the Commissioners shall think just and reasonable, not exceeding One Shilling and Sixpence *per* Acre for surveying, measuring, mapping, or planning the said Lands, or any Sum not exceeding Two Pounds and Two Shillings for each and every Day he shall be actually

actually and wholly employed, either in surveying, measuring, mapping, or planning, or otherwise in the Business of the said inclosing, dividing, and allotting; which said Sum of One Shilling and Sixpence *per* Acre, or Two Pounds and Two Shillings *per* Day, shall be in full Satisfaction for his Time and Trouble, and for all travelling and other Expences of every Description to be incurred by such Surveyor in and about the Execution of this Act; and every Proprietor, Attorney, and Agent who shall attend the said Commissioners at any of their Meetings to be held in pursuance of this Act shall pay his own Expences at all such Meetings.

XIII. And be it further enacted, That in Cases where the Objection or Approbation of the Proprietors to or of any Act, Matter, or Thing to be done in pursuance of the said recited Acts and this Act is directed to be made and testified at any Meeting or Meetings, it shall be lawful for the Proprietors to attend such Meeting or Meetings by their respective Agents or Proxies duly authorized in Writing under their respective Hands, whose Acts or Votes shall be as effectual as if such Proprietors were present in Person.

Proprietors
may attend
and consent
by Attorney.

XIV. And for regulating the Duration of all Meetings to be holden for the Purposes of this Act, be it enacted, That a Day shall be deemed to consist of Eight Hours in all Meetings to be held between the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September*, and of Six Hours between the Twenty-ninth Day of *September* and the Twenty-fifth Day of *March*; and any Meeting to be holden for the Purposes of this Act of a less Duration than Eight Hours or Six Hours (as the Case may be) shall be charged as only Half a Day, and the Commissioners or Clerk shall be paid accordingly; and Books shall be kept by the said Commissioners or their Clerk in which shall be entered the several Days on which the said Commissioners shall hold the Meetings, and at what Hour the said Commissioners and their Clerk were respectively present thereat, and at what Hour they respectively left the same; and such Book shall be signed by the said Commissioners and their Clerk at the Termination of each Meeting, and shall be open to the Inspection of every Person or Persons interested in the said Inclosure, or his, her, or their Agents or Attornies, during all the Meetings to be held in pursuance of this Act; and all such Persons shall and may take Copies of or Extracts from such Book without paying any thing for the same: Provided also, that it shall not be lawful for the said Commissioners to retain to or pay themselves or such Clerk, out of any Monies to be received by them or over which they may have any Controul in the Execution of this Act, any Sum or Sums of Money on account of the Allowance herein-before directed to be made to such Commissioners and Clerk respectively beyond One Third of such Allowance as they shall be respectively entitled to as aforesaid, until after the Expiration of Six Calendar Months from the Day of the Delivery of the Award herein-after directed to be made to the Clerk of the Peace as herein-after mentioned, or in case the Accounts of the said Commissioners shall be appealed against, then not until such Appeal shall have been heard and decided: Provided nevertheless, that in case of the Decease of the said Commissioners or either of them, or of the said Clerk, previous to the Execution of the said Award, the Commissioners for the Time being shall, after the Expiration of the Time allowed for Appeal against the Accounts herein-after directed to be made and stated, pay to the

Duration of
Meetings.

the-Executors or Administrators of such deceased Commissioner or Commissioners, or of such deceased Clerk or Clerks, such Sum of Money as shall appear by the said Accounts to be due thereon.

Claims to be delivered in at some Meeting appointed for the Purpose.

XV. And for preventing unnecessary Delay in the Execution of the Powers hereby given, be it further enacted, That all Bodies Politic, Corporate, or Collegiate, and all Persons claiming any Right or any Interest in or upon the Commons and Commonable and Waste Lands and Grounds in *Tisbury* respectively hereby intended to be divided, and inclosed, or exonerated from Commonable or other Rights, or in or upon any Lands, Gardens, Orchards, Homesteads, or old Inclosures respectively which may be divided or allotted under and by virtue of this Act, shall, by themselves, or his, her, or their respective Agent or Agents, produce his, her, or their respective Claims in Writing to the said Commissioners, distinguishing the Freehold from the Copyhold or Leasehold, or by whatsoever other Tenure the same is or are held, at some Meeting to be appointed by the said Commissioners for that Purpose, and leave the same with them.

Commissioners to settle Disputes.

XVI. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties who now are or before the Execution of the Award of the said Commissioners may become interested in the said Division and Inclosure, touching their respective Rights and Interests in the Lands and Grounds to be divided, allotted, and inclosed by virtue of this Act, or any other Matter or Thing relating to the respective Divisions and Inclosures hereby directed or authorized, it shall be lawful for the said Commissioners and they are hereby required, upon Examination of Witnesses on Oath, (which Oath the said Commissioners are hereby authorized to administer,) or any other proper Evidence, to inquire into, hear, and determine the same.

Commissioners not to determine Titles.

XVII. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Commissioners to determine any Difference or Dispute touching the Title to any Messuages, Lands, Tenements, or Hereditaments whatsoever, nor to determine any Right between any of the Parties interested in the said Lands and Grounds, contrary to the Possession of any such Parties, except in Cases of Encroachment within Twenty Years, as herein-after mentioned; but in case the said Commissioners shall be of opinion against the Right of the Person or Persons so in Possession, they shall forbear to make any Determination thereupon until the Possession shall have been given up by such Person or Persons, or shall be duly recovered from such Person or Persons by Ejectment or other due Course of Law.

Power to assess Costs.

XVIII. And be it further enacted, That in case the said Commissioners shall, upon hearing or determining of any Claim or Claims, Objection or Objections to be delivered to them in pursuance of the said recited Act of the Forty-first Year of the Reign of King *George* the Third or of this Act, see Cause to award any Costs, it shall be lawful for the said Commissioners and they are hereby empowered, upon Application made to them for that Purpose, to settle, assess, and award such Costs and Charges as they shall think reasonable to be paid to the Party or Parties in whose Favour any Determination of the said Commissioners shall be made by the

the Party or Parties whose Claim or Claims, Objection or Objections shall be thereby disallowed or over-ruled; and in case the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who shall be liable to pay such Costs and Charges, shall refuse or neglect to pay the same on Demand, then it shall be lawful for the Commissioners, and they are hereby authorized and required, by Warrant under their Hands and Seals directed to any Person or Persons whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, so neglecting or refusing to pay the same, rendering the Overplus (if any), on Demand, to the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale; and if there shall not be any Goods and Chattels whereby to levy the same, or in case the Party ordered to pay such Costs be a Body Politic, Corporate, or Collegiate, then and in either of the said Cases it shall be lawful for the Party or Parties in whose Favour such Costs shall be awarded to recover the same by Action or Actions of Debt or on the Case, in which Action or Actions it shall be sufficient for the Plaintiff to declare that the Defendant is indebted to him in the Sum specified in the Order of Adjudication made by the said Commissioners, and in consequence of such Order, without setting forth any other Proceedings under this Act.

XIX. Provided always, and be it further enacted, That in case any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, interested or claiming to be interested in the Division and Inclosure hereby directed, or either of them, shall be dissatisfied with any Determination of the Commissioners touching or concerning any Claim or Claims of Right of Common, or other Rights or Interests in, over, upon, or out of the said Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part or Parts thereof, or touching or concerning any Matter or Thing whatsoever relating to the said Division and Inclosure respectively, or either of them, not hereby otherwise provided for, then and in every such Case it shall be lawful for the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, so dissatisfied with any such Determination, to cause an Action to be brought in one of His Majesty's Courts of Record at *Westminster* upon a feigned Issue against the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, in whose Favour such Determination shall have been made, within Three Calendar Months next after the Determination of the said Commissioners shall have been notified in Writing to the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, against whom such Determination shall have been made, or to his or their known Agent or Attorney; and for that Purpose the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, so dissatisfied as aforesaid, shall proceed to a Trial at Law of the Matter so determined by the said Commissioners at the next or Second Assizes to be holden for the said County of *Wilts* after such Action or Actions shall have been so commenced; and the Defendant or Defendants in such Action or Actions shall, and he, she, and they is and are hereby required to name an Attorney or Attornies, who shall appear thereto, or file Common Bail, and accept One or more Issue or Issues, whereby such Claim or Claims, Objection or Objections, and the Right or Rights

Parties dissatisfied may try their Rights at Law.

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thereby

thereby insisted on, may be tried and determined (such Issue or Issues to be settled by the proper Officer of the Court in which such Action or Actions shall be commenced in case the Parties shall differ about the same); and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding, and conclusive upon all and every Person and Persons, Bodies and Body Politic, Corporate, and Collegiate whomsoever, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall be lawful for the Court to do, as is usual in other Cases; and after such Verdict or Verdicts 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, Interest or Interests thereby determined, according to the Event of such Trial or Trials: Provided always, that if no such Action at Law as aforesaid shall be commenced, and the Plaintiff or Plaintiffs therein shall not proceed to Trial within the Time and in manner herein-before mentioned, then the Determination of the said Commissioners shall be final, binding, and conclusive to all Intents and Purposes whatsoever.

Deaths of Parties not to abate Actions.

XX. Provided also, and be it further enacted, That if any of the Parties, Plaintiffs or Defendants, 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 might have been brought if living, shall die before any such Action shall have been brought, and before the Expiration of the Time herein-before limited for bringing the same, it shall be lawful for the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate respectively, who might have brought such Action 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 Commissioners, whose Determination such Action shall be intended to dispute, with Process for commencing such Action, in the same Manner as the Party or Parties so dying might have been served therewith if living; and it shall thereupon be incumbent on the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action 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 every such Action.

Suits respecting Titles not to impede the Execution of this Act.

XXI. And be it further enacted, That if any Suit or Suits shall be commenced or prosecuted touching or concerning the Title of any Person or Persons in or to any Messuages, Lands, Tenements, or Hereditaments, such Suit or Suits shall not impede, delay, or hinder the said Commissioners from proceeding in the Execution of the Powers vested in them by this Act or by the said recited Acts, but the said Inclosure, Division, and Allotments hereby directed, or such of them as such Suit or Suits shall relate to, and the Execution of this Act, shall be proceeded in notwithstanding such Suit or Suits; and the Allotment or Allotments to

which any such Suit or Suits shall relate may be had and taken by the Person or Persons who, upon the Determination of such Suit or Suits, shall become entitled to the same.

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

Deaths of Parties not to delay the Execution of this Act.

XXIII. And be it further enacted, That all Encroachments which at any Time within Twenty Years previous to the passing of this Act have been made upon the Lands and Grounds by this Act directed to be divided and inclosed shall be deemed Part of the Lands and Grounds to be divided and inclosed by virtue of this Act, and shall be divided and allotted therewith accordingly; and in case any Dispute or Difference shall arise touching any such Encroachments, or the Extent or Duration thereof, such Dispute or Disputes shall be determined by the said Commissioners.

Encroachments within Twenty Years to be deemed Part of the Land to be allotted.

XXIV. And be it further enacted, That if at any Time after Notice in Writing under the Hands of the said Commissioners shall have been given to or left at the Dwelling House or last known Place of Abode of the Person or any One or more of the Persons claiming to be entitled to, or being or claiming to be in Possession of or Receipt of the Rents and Profits of any such Encroachment or Inclosure so deemed to be Part or Parcel of the Lands and Grounds to be divided and allotted by virtue of this Act, or if the last Place of Abode of any such Person shall not be known, then after such Notice as aforesaid shall have been affixed on the principal outer Door of the Parish Church of *Tisbury* aforesaid to quit and deliver up the Possession of such Encroachment or Inclosure to the said Commissioners, or to any other Person or Persons by them authorized to take the Possession thereof, the Possession of such Encroachment or Inclosure, or any Part thereof, shall, contrary to the Intent and Meaning of such Notice, be detained or withheld by any Person or Persons whomsoever from the said Commissioners, or from the Person or Persons by them authorized to take the Possession thereof, or from the Person or Persons to whom the same shall be sold or allotted by the said Commissioners under the Provisions of this Act, or from his, her, or their Agent authorized to take the Possession thereof, it shall be lawful for the said Commissioners, or for any Person or Persons acting under their Authority, or for the Person or Persons to whom such Encroachment or Inclosure shall have been sold or allotted as aforesaid, or his, her, or their Agent, with the Assistance of some Constable or Constables, or other Peace Officer or Peace Officers (who is and are hereby required to be assisting

Power for Commissioners to obtain Possession of Encroachments, and Persons interrupting them to be subject to a Penalty.

assisting therein), to obtain and take the full and absolute Possession of every or any such Encroachment or Inclosure the Possession whereof shall be detained or withheld as aforesaid, and to remove and put out the Person or Persons in Possession of the same, and to take down, take up, remove, and carry away, and lay and leave at some convenient Distance, for the Use of the Owner or Owners thereof, all such Buildings, Fences, and other Erections, and the Materials thereof, and all such Goods and Chattels as shall then be on such Encroachment or Inclosure, doing as little Damage thereto as may be, but without being answerable for any involuntary or unavoidable Damage that may be done thereto; and if at any Time after such Notice as aforesaid any Person shall, contrary to the Intent and Meaning thereof, detain, withhold, take, or retain, or assist in detaining, withholding, taking, or retaining the Possession of any such Encroachment or Inclosure as aforesaid, or any Part thereof, or dig, cut, burn, or injure, or assist in digging, cutting, burning, or injuring, the same or any Part thereof, or in any Manner prevent or interrupt the said Commissioners, or any Person or Persons by them authorized to take Possession of the same, or the Person or Persons to whom the same shall have been sold or allotted by the said Commissioners as aforesaid, or his, her, or their Agent, from or in obtaining, taking, or retaining Possession thereof, or from or in the free and exclusive Enjoyment thereof, every Person so offending, and being thereof convicted before any Justice of the Peace for the said County of *Wilts* upon the Oath or Affirmation of One or more Witness or Witnesses (which Oath or Affirmation such Justice is hereby empowered to administer), shall forfeit and pay by way of Penalty any Sum of Money in the Discretion of such Justice not exceeding the Sum of Twenty Pounds; and such Justice shall and he is hereby empowered, by Warrant under his Hand and Seal directed to any Person or Persons whomsoever, to cause such Sum of Money (if not paid on Demand) to be levied by Distress and Sale of the Goods and Chattels of the Person so offending in the Premises, rendering the Overplus of the Money levied (if any), after satisfying the said Penalty and the Costs and Charges of such Distress and Sale, to the Owner or reputed Owner of such Goods and Chattels; and the said Penalty shall be paid to the said Commissioners, and applied by them towards the several Purposes of this Act; and in case any Person so offending, and liable to such Penalty as aforesaid, shall not have sufficient Goods and Chattels within the Jurisdiction of such Justice whereon or whereby the said Penalty and Costs and Charges can be levied as aforesaid, it shall be lawful for the said Justice to commit such Person to the House of Correction, there to remain for any Time in the Discretion of the said Justice not exceeding Six Calendar Months.

Power to
alter or stop
up Roads.

XXV. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, to stop up, discontinue, divert, or alter any Carriage Road, Bridleway, or Footpath passing or leading through or over any of the Lands or Grounds intended to be divided, allotted, and inclosed by virtue of this Act, or passing or leading through any of the ancient inclosed Lands within the said Parish of *Tisbury*, as to the said Commissioners shall seem meet; and the Soil of the Roads, Ways, and Paths so stopped up and discontinued shall be deemed and taken as Part of the Lands to be divided, allotted, and inclosed by virtue of this Act: Provided always, that no Carriage

Carriage Road, Bridleway, or Footpath, passing or leading through any of the said ancient inclosed Lands, shall be stopped up or discontinued, diverted or altered, without the Concurrence and Order of Two of His Majesty's Justices of the Peace of the said County of *Wilts* (not interested in the said Division and Inclosure), and which Order shall be subject to Appeal to the Quarter Sessions in manner directed by an Act passed in the Fifty-fifth Year of the Reign of King *George* the Third, intituled *An Act to amend an Act of the Thirteenth Year of His present Majesty, for the Amendment and Preservation of the public Highways, in so far as the same relates to Notice of Appeal against turning or diverting a public Highway, and to extend the Provisions of the same Act to the stopping up of unnecessary Roads*: Provided also, that the said Commissioners shall and they are hereby required to make an adequate Compensation to the Owner or Owners of any old inclosed Lands into, through, or over which any such Road, Way, or Path shall be diverted as aforesaid, either in Money (such Money to be considered as Part of the Expences of carrying this Act into execution) or by Allotment of Land, as the said Commissioners shall think proper, subject to the Powers of the said Act. 55 G.3. c. 68.

XXVI. And be it further enacted, That the said Commissioners shall and may and they are hereby authorized and empowered to widen (not exceeding the statutable Width) any of the public Roads or Highways, where they shall see it necessary, within the said Parish, and for that Purpose to take a sufficient Quantity of ancient inclosed Lands adjoining to such Roads, (the same not being a Yard, Garden, Orchard, Park, Paddock, Plantation, planted Walk, or Avenue to any House,) and to make adequate Compensation for the same in the same Manner as herein-before directed respecting the diverting of any Carriage Road, Bridleway, or Footpath, and also to make good and substantial Fences on each Side of all such widened public Roads and Highways for and in lieu of the Fences which shall be injured and destroyed by means of such widening. Power to widen Roads.

XXVII. And be it further enacted, That the Charges and Expences attending the stopping up, discontinuing, diverting, or widening of such Roads shall be raised and paid in such and the like Manner as the Expences of obtaining and executing this Act are directed to be raised. Expences of discontinuing or widening Roads.

XXVIII. And be it further enacted, That when and so soon as any of the public Roads to be set out by virtue of the said first-recited Act and this Act shall be made and completed it shall be lawful for any Two or more of His Majesty's Justices of the Peace for the said County of *Wilts*, if they shall think fit, from Time to Time to certify and declare, under their Hands and Seals, any of such public Carriage Roads so to be set out to be fully and sufficiently formed, repaired, and completed; and such Road or Roads, or so much thereof as shall in any such Certificate be described or certified, shall thenceforth be supported and kept in repair by such Persons and in like Manner as the public Roads within the same Parish are or ought to be by Law amended and kept in repair; and every such Certificate shall, at the General or Quarter Sessions of the Peace to be holden for the County of *Wilts* next after the Date thereof, be filed of Record by the Clerk of the Peace for the said County. Justices may certify Roads in part.

[*Private.*]

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XXIX. And

Ditches and
Drains to be
widened, &c.

XXIX. And be it further enacted, That the said Commissioners shall and may scour out, widen, deepen, and enlarge or alter the Course of and improve any of the ancient Ditches, Drains, Watercourses, Tunnels, and Bridges within the Parish of *Tisbury*, and also shall and may set out and appoint such new Ditches, Drains, Watercourses, Tunnels, Water-gates, Banks, and Bridges, to be made of such Depth, Width, and Extent, and in such Situation and Direction, as they the said Commissioners shall think proper, as well in, through, and over the Lands and Grounds hereby intended to be divided and inclosed, or other Lands or Grounds within the said Parish, making a proper Satisfaction to the Proprietors of any ancient Inclosures or Grounds not hereby authorized to be divided or inclosed, for the Value of the Ground to be used for the Purposes aforesaid, and for the Damages sustained thereby; and the Expence of executing such Drainage and other Works as aforesaid shall be charged upon and defrayed by the Proprietors of the Lands and Grounds thereby benefited in such Proportions as the said Commissioners shall direct; and the said Commissioners are hereby required in and by their Award to order and direct by whom, at whose Expence, at what Time, and in what Manner, the said Drains and other Works last hereinbefore mentioned shall be thereafter repaired, cleansed, scoured, and maintained: Provided always, that no Streams, Springs, or Watercourses shall be diverted or turned without the Consent in Writing of the respective Proprietors out of whose Lands the same shall be diverted and into whose Lands the same shall be turned.

Commis-
sioners to
appoint Time
for receiving
Applications
for Situa-
tions of Al-
lotments.

XXX. And be it further enacted, That the said Commissioners shall and they are hereby required to give Ten Days Notice of a Meeting for receiving Applications from the Owners and Proprietors of the Lands and Grounds hereby directed to be divided and allotted, touching the Situation in which they would respectively choose to have their Allotments set out and allotted.

Meetings for
objecting to
Allotments.

XXXI. And be it further enacted, That when and so often as the said Commissioners shall have ascertained the respective Rights and Interests of the said Proprietors in the Lands and Grounds to be divided and allotted by virtue of this Act, and also the respective Shares and Proportions by them proposed to be allotted to such Proprietors respectively in lieu thereof, the said Commissioners shall hold a Meeting at some convenient Time and Place when and where the Proprietors may be informed of such Allotments, and see the same set out and delineated upon a Map or Plan to be produced for their Inspection; and if any of the said Proprietors upon such Inspection be dissatisfied with the proposed Allotments the said Commissioners shall, at such Time and Place aforesaid, or at some other Time and Place to be appointed by them for that Purpose, receive Statements in Writing of the Complaints and Objections of any Proprietor or Proprietors against any such Allotment or Allotments, and shall forthwith, or so soon after as conveniently may be, determine the same; and such Determination shall be binding and conclusive on all Parties interested in such Allotment or Allotments.

Allotment
to Lords of
the Manor
of *Tisbury*

XXXII. And be it further enacted, That the said Commissioners shall and they are hereby required to set out, allot, and award unto and for the said *James Everard Lord Arundell of Wardour*, Lord of the said

Manor of *Tisbury*, or to the Lord or Lords of the same Manor for the Time being, and to and for the said Dean and Chapter of the said Cathedral Church of *Bristol*, Lords of the Manor of *Tisbury* Parsonage within the Parish and Manor of *Tisbury* aforesaid, or to the Lord or Lords of the same Manor for the Time being, such Parcel or Parcels of the Lands and Grounds hereby directed to be divided and inclosed as in the Judgment of the said Commissioners shall be a full Equivalent and Compensation for their respective Rights and Interests therein.

and *Tisbury*
Parsonage.

XXXIII. And be it further enacted, That after making such Allotments as herein-before directed to the Lord of the Manor of *Tisbury* and the Lords of the Manor of *Tisbury* Parsonage, and such other Allotments as may be necessary to be set out under the Provisions of the said recited Acts, the said Commissioners shall and they are hereby required to set out, divide, assign, and allot all the Residue and Remainder of the several Lands and Grounds by this Act directed or intended to be divided, allotted, and inclosed unto and amongst the several Body or Bodies Politic, Corporate, or Collegiate, and Persons entitled thereto or interested therein, in such Quantities, Parts, Shares, and Proportions, and in such Manner, as the said Commissioners shall adjudge and determine to be a just and proportionable Compensation and Satisfaction for their respective Lands, Grounds, Parts, Shares, Interests, Rights of Common, Commonable Rights, and other Interests and Property therein: Provided always, that the said Commissioners, in making such Division and Allotment, shall have a due Regard to the Quality as well as Quantity of the Lands and Grounds so to be divided and allotted, and to the Situation of the Houses, Buildings, Lands, Tenements, and Hereditaments of the several Parties and Persons unto and for whom the same shall be respectively set out and allotted, so that no undue Preference be given to any Person or Persons whomsoever, and that the several Allotments be made consistent with the convenient Partition of the whole.

Allotments
to other Pro-
prietors.

XXXIV. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby directed, in all Cases where any Lands or Grounds in the said Parish, whether Fields, Pastures, or inclosed Land, or otherwise, are subject to any Commonable or other Rights or Interests in, upon, or over the same, used or exercised or claimed by any Person or Persons, to make any Allotment or Allotments to such Person or Persons of any Part of such Fields, Pastures, or Lands, or of any Part of the Lands and Grounds allottable under this Act, in lieu of such Commonable or other Rights or Interests; and from and after the Delivery of such Allotment or Allotments, or other Period to be appointed by the said Commissioners, or from and after the Execution of the Award of the said Commissioners, all such Commonable and other Rights and Interests in lieu whereof any such Allotment or Allotments shall be made shall be and are hereby declared to be for ever extinguished.

Allotments
to be set out
in lieu of
Rights over
particular
Fields.

XXXV. And be it further enacted, That the several Allotments to be made in pursuance of this Act shall be inclosed and ring-fenced with Ditches and Quick-set Hedges, or other proper Mounds and Fences, by such of the Owners or Proprietors or Persons to whom the Allotments shall be made, or as the said Commissioners shall think proper and order or direct, so soon after the same are staked or marked out as conveniently

General
Allotments
how to be
fenced.

as

as may be, or within such Time and in such Manner as the said Commissioners shall direct or appoint; and the several Fences to be made as aforesaid shall be made and for ever afterwards repaired, supported, and maintained by or at the Expence of the several Proprietors of the Allotments to be set out by virtue of this Act, in such Shares and Proportions as the said Commissioners shall direct or appoint: Provided always, that in case, from Situation or other unavoidable Circumstances, it shall happen that any of the said Proprietors shall have more than an equal or proportional Share of Boundary Fences allotted to him, her, or them, it shall be lawful for the said Commissioners, if they shall think proper, to ascertain and appoint such Sum or Sums of Money to be paid to every such Proprietor towards making such Fences by such other or others of the said Proprietors who may have a less Proportion of Fencing according to the Value and Quantity of Land to be allotted to them respectively, or otherwise to make such Allowance on account of such Inequality to the Proprietor or Proprietors entitled thereto, out of the public or general Expences to be raised by virtue of this Act, as the said Commissioners shall think reasonable, in order that the Expences of the said Boundary Fences may be brought as near as may be to a just and equal Proportion.

Alterations may be made in the Allotments before the Award.

XXXVI. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners at any Time before the Execution of their Award to make any such Alterations in the Allotments or in the Fences which they may have set out and ordered, or in any of the Orders and Directions relating thereto, which they may have made in pursuance of this Act or the said recited Acts, as they may think right and expedient; and in case any Person or Persons shall be injured by any such Alteration on account of any Expences he, she, or they may have been at, or otherwise, the said Commissioners shall ascertain and determine what Recompence shall be made to him, her, or them for such Injury, and shall order and direct by whom and in what Manner such Recompence shall be made, to be levied and recovered, in case of Nonpayment, in the same Manner as the Costs and Charges of obtaining and executing this Act are directed to be levied.

Persons may sell their Common Rights, and Persons entitled to have Allotments may mortgage, &c. before Execution of Award.

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

to give, grant, bargain, sell, surrender, demise, mortgage, limit, appoint, convey, and assure the same Allotment or Allotments, or all or any Part of his, her, or their Estate or Interest therein or Right thereto, at any Time before the Execution of the said Award; and every such Gift, Grant, Bargain, Sale, Surrender, Demise, Mortgage, Limitation, Appointment, Conveyance, and Assurance shall be of the same Force and Validity as if the same had been made after the Execution of the said Award; and it shall be lawful for any Person or Persons entitled to any Allotment as aforesaid to sell, dispose of, and convey the Estate in right of which he, she, or they may be entitled to any such Allotment, separate and apart from and retaining to himself, herself, and themselves such Allotment, Common Right, and Interest; and the said Commissioners are hereby required to award such Allotment or Allotments accordingly.

XXXVIII. 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 convenient and proper, by Notice for that Purpose under their Hands to be affixed on the principal Door of the Parish Church of *Tisbury* aforesaid on some *Sunday* previous to Divine Service, to order the Rights of Common in, upon, and over the Lands and Grounds hereby directed or intended to be inclosed or divided and allotted, or any of them, to be extinguished, either in the whole or in part, or to be suspended; and from and after the Time or Times to be mentioned in and appointed by any such Notice all such Rights of Common as shall thereby be directed to be extinguished or suspended shall be extinguished or suspended according to such Notice.

Rights of Common may be extinguished or suspended.

XXXIX. And be it further enacted, That where any Person shall be seised or possessed of Lands or other Hereditaments held by different Tenures, or for, by, or under different Estates or Titles, the said Commissioners shall and they are hereby authorized and required, upon the Request in Writing of the Person so seised or possessed respectively, to inquire into, ascertain, and determine, by the Examination of Witnesses on Oath or by other sufficient Evidence, the respective Lands or Hereditaments held by such different Tenures, or for, by, or under such different Estates or Titles respectively, and to set out distinct Allotments of the Lands and Grounds hereby directed to be divided and inclosed in respect of the Lands or other Hereditaments held by such different Tenures, or for, by, or under such different Estates or Titles respectively; and the said Commissioners are hereby authorized and required, upon such Request as aforesaid, to distinguish, ascertain, and set out, by Metes and Bounds, the Buildings and old Inclosures in the said several Parishes held by such different Tenures, or for, by, or under such different Estates or Titles; and all the Lands and other Hereditaments so to be ascertained, distinguished, and set out shall be declared, set forth, and described in the Award of the said Commissioners.

Lands held by different Tenures, &c. to be distinguished.

XL. And be it further enacted, That where the Proprietor or Proprietors of any such Lands or other Hereditaments shall hold his, her, or their respective Lands or Hereditaments by different Tenures, or for, by, or under different Estates or Titles, and where, from Want of necessary Information before the said Commissioners, or from any other Cause, the Award of the said Commissioners shall have omitted to distinguish the

When such Lands are omitted to be distinguished by the Award they may be distinguished

[Private.]

Lands

by a separate Instrument.

Lands or other Hereditaments holden by such several Tenures, or for, by, or under such different Estates or Titles, or to set out and award several and distinct Allotments for any such respective Lands or other Hereditaments, as herein-before is required, it shall be lawful for the said Commissioners and they are hereby authorized, at any Time within Twelve Calendar Months after the Date and Execution of their General Award, upon Request in Writing to them made by the respective Proprietors of any such Allotments, Lands, or other Hereditaments, to do all such Acts as shall be necessary for supplying any such Omission, and for that Purpose to examine Witnesses, and to proceed and act as if their general Award had not been made, and by any Deed or Instrument under their Hands and Seals to distinguish, ascertain, and set out the Allotments, Lands, and Hereditaments held by such different Tenures, or for, by, or under such different Estates or Titles respectively, in the same Manner as they are hereby authorized and required to do in Cases where such Allotments, Lands, and Hereditaments are directed to be ascertained, distinguished, and set out by their Award; and every such separate Instrument shall be enrolled in the Place in which the Award shall be enrolled, and Evidence thereof shall be given in the same Manner as by the said recited Act of the Forty-first Year of the Reign of His Majesty King *George* the Third is directed concerning the Award of the said Commissioners; and all the Expences which shall be reasonably incurred in or about any such subsequent Inquiry or separate Instrument as aforesaid shall be paid by the Person or Persons who shall have requested the said Commissioners to make and execute the same, or by his, her, or their Heirs, Executors, or Administrators.

Allotments to be subject to the same Tenures, &c. as the Hereditaments in respect of which they are made.

XLI. And be it further enacted, That all such Lands and Grounds as shall by the Authority and in pursuance of this Act be allotted to any Person or Persons shall be held by such Person or Persons respectively under the same Tenures, Rents, Customs, and Services, and (in case of any Lands held of any Manor or Manors) of and as Parcel of the same Manor or Manors as the Lands and Hereditaments in respect of which such Allotments shall be made or given were respectively held and enjoyed by such Person or Persons as aforesaid before the passing of this Act, or would have been held and enjoyed in case this Act had not passed; and the several Allotments which shall be made by virtue of this Act in lieu of Rights of Common or other Rights in, over, or upon the said Commons and Waste Lands hereby directed to be divided, allotted, and inclosed, shall be held by the several Persons to whom the same shall be allotted to such and the same Uses, and subject to such and the same Charges, Liens, and Incumbrances, and under the same Tenures, Rents, Customs, and Services, and (as the Case may be) of the same Manor or Manors, as the Lands, Tenements, or Hereditaments were held in respect of which such Rights of Common or other Rights as aforesaid were exercised or enjoyed; any Law, Custom, or Usage to the contrary notwithstanding.

Commissioners may make Partitions.

XLII. And be it further enacted, That it shall and may be lawful for the said Commissioners to make Partition of any Lands, Tenements, new Allotments, or Hereditaments within the said Parish of *Tisbury* respectively held by any Persons as Coparceners, Joint Tenants, or Tenants in Common, so as every such Partition be made upon Application

cation from and with the Consent and Approbation of any One or more of the several Proprietors thereof, signified in Writing under his, her, or their Hand or Hands, or under the Hands respectively of the Husbands, Guardians, Trustees, Committees, or Attornies duly authorized of any of the said several Proprietors who may be under Coverture, Minors, Lunatics, or beyond Seas, or under any other legal Disability or Incapacity to act, and so as every such Partition be specified in the Award of the said Commissioners, or some other Instrument under their Hands and Seals; and every such Partition shall be good, valid, and effectual to all Intents and Purposes whatsoever.

XLIII. And be it further enacted, That from and immediately after the Allotments herein directed to be made shall be marked and staked out, and the said Commissioners shall have directed the same to be entered upon by the Persons respectively to or for whom the same shall be intended, all and every Leases and Lease and other Agreements and Agreement at Rack Rent subsisting of all or any Part or Parts of the said Lands hereby directed to be divided and inclosed, and of any Right of Common thereon, and of the Messuages or Tenements and Homesteads respectively belonging thereto, for any Term or Terms of Years not exceeding Twenty-one Years, save and except such Leases and Agreements as by the express Terms thereof are not to be void in case of an Allotment in Severalty or Inclosure, shall cease, determine, and be void as to all such Lands and Rights of Common respectively, but not as to any other Hereditaments comprised therein, such Compensation being paid to or allowed by the respective Landlords whose Leases or Agreements shall be so vacated as the said Commissioners shall by Writing under their Hands order and direct in that Behalf; and it shall be lawful for the said Commissioners and they are hereby authorized by Writing under their Hands to ascertain, direct, and appoint what Rent or Share or Proportion of Rent shall be paid by the several Tenants of the Lands to be inclosed by virtue of this Act, or the Rights of Common thereof in their respective Holdings, to their respective Landlords, from the Time of passing this Act until such Lands shall be marked and staked out, and be directed to be entered upon as aforesaid, and also to order and direct what Proportion and Amount of the whole Rent reserved upon such Lease or Leases, Agreement or Agreements, shall be paid by such Tenants from the Time of passing this Act to their respective Landlords for the Messuages, Homesteads, or ancient Inclosures comprised in such Lease or Leases, Agreement or Agreements, until the Expiration thereof, and which are not meant or intended to be made void as to such Messuages, Homesteads, or ancient Inclosures: Provided that no Lease or Agreement comprising Messuages, Homesteads, or ancient Inclosures only shall be made void by this Act.

Leases at
Rack Rent
to be void.

XLIV. Provided also, and be it further enacted, That nothing in this Act contained shall extend to set aside or make void any beneficial Lease or Leases from any Body or Bodies Politic, Corporate, or Collegiate, or any Person or Persons, of any Lands, Tenements, or Hereditaments in the said Parish, but the Person or Persons entitled to such beneficial Lease or Leases shall and may hold and enjoy his, her, and their several and respective Terms at and under the same Rents and Covenants as are specified in his, her, and their respective Leases from the same Body

Beneficial
Leases not to
be vacated.

or

or Bodies Politic, Corporate, or Collegiate, or other Person or Persons respectively.

Exchanges.

XLV. And be it further enacted, That it shall be lawful for the said Commissioners to set out, allot, and award any Lands, Tenements, or Hereditaments whatsoever within the said Parish of *Tisbury* in lieu of and in exchange for any other Lands, Tenements, or Hereditaments whatsoever within the said Parish, or within any adjoining Parish, Township, or Place; provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioners, and be made with the Consent of the respective Owners or Proprietors of the Lands, Tenements, or Hereditaments which shall be so exchanged, whether such Owners or Proprietors shall be Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or Tenants in Fee Simple, or for Life, or in Fee Tail, General or Special, or for One or more Life or Lives, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, by and with the Consent of the Lessor or Lessors of any such Lands, Tenements, or Hereditaments holden for Years determinable as aforesaid, and not otherwise, or with the Consent of the Guardians, Trustees, Feoffees, or Devisees for charitable or 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 respectively testified in Writing under the Common Seal of any such Body Politic, Corporate, or Collegiate, and under the Hands of the other consenting Parties); and all and every Exchange and Exchanges so to be made shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Lands, Tenements, or Hereditaments held in right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent, testified as aforesaid, of the Patron thereof, and of the Lord Bishop of the Diocese in which such Lands, Tenements, or Hereditaments so to be exchanged shall be situate: Provided also, that every Person to whom any Copyhold Lands or Tenements shall be allotted in Exchange shall, within Twelve Calendar Months next after the Execution of the said Award, be admitted Tenant of the Copyhold Lands or Tenements so allotted.

Expences of Exchanges.

XLVI. Provided always, and be it further enacted, That all Costs, Charges, and Expences attending the making of any such Exchanges and Partitions shall be paid and borne by the several Parties making such Exchanges and Partitions, in such Manner and in such Proportions as the said Commissioners shall by their Award, or other Writing under their Hands, order and direct, and shall be levied in manner by the said recited Act of the Forty-first Year of the Reign of King *George* the Third directed with respect to the Recovery of Penalties and Forfeitures.

Power to Commissioners to cause Copyholds to be enfranchised.

XLVII. Provided always, and be it further enacted, That in case any Person or Persons seised of or entitled to a beneficial Estate or Interest in Possession of and in any Lands or Tenements within the Parish of *Tisbury*, holden of the Manor of *Tisbury* Parsonage, or any other Manor, by Copyhold or Customary Tenure, (whether such Person or Persons shall

shall have the absolute or partial or qualified Estate or Interest,) or the Guardians, Committees, Trustees, or Husbands of such Persons being Infants, *non compos mentis*, Females Covert, or under any other Disability, shall be desirous of having such Copyhold or Customary Lands and Tenements enfranchised, then and in such Case it shall be lawful for the said Commissioners and they are hereby required, at the Request of the Person or Persons so seised of or entitled to a beneficial Interest in Possession as aforesaid, to direct the same Copyhold Lands or Tenements to be absolutely enfranchised, and all Rights of the Lord in, over, or upon the same to be extinguished, in consideration either of such Sum or Sums of Money to be paid by the Person or Persons so beneficially seised or entitled, and desiring to enfranchise as aforesaid, or for and in consideration of an Equivalent or Allotment of Land to be made to the Lord or Lords for the Time being of such Manor or Manors, and then and in such Case it shall be lawful for the Lord or Lords, Lady or Ladies of the Manor or Manors of which such Copyhold or Customary Lands or Tenements shall be holden, by any Deed or Deeds by him, her, or them sealed and delivered (and by and with the Direction or Authority in Writing of the said Commissioners), to declare such Copyhold or Customary Lands or Tenements to be from thenceforth absolutely and perpetually enfranchised and released; and every Enfranchisement so made shall be and is hereby made good and valid, notwithstanding any Want of Estate and Interest or Power to make the same in such Lord or Lords, Lady or Ladies; and the enfranchised Lands or Tenements shall be held in Free and Common Soccage, but shall still continue to be holden of the Manor or Manors of which the same shall be Parcel; and any Customary Rent or Rents payable for the same shall continue payable in the Nature of a Quit Rent or Quit Rents: Provided always, that the Particulars of all such Enfranchisements, and of the Consideration for the same, shall be specified in the Award of the Commissioners; and in every such Case an Entry of such Enfranchisement shall be made on the Rolls of the Manor or Manors of which the enfranchised Tenements be Parcel, under the Hands of the Lord or Lords, Lady or Ladies for the Time being, or of his, her, or their Steward or Stewards.

XLVIII. And be it further enacted, That the Consideration for the Enfranchisement of any such Copyhold or Customary Lands, Tenements, or Hereditaments as aforesaid shall be paid to the Lord or Lords, Lady or Ladies for the Time being of the said Manor, in case such Lord or Lords, Lady or Ladies shall be seised of the said Manor for an Estate in Fee Simple, but in case he, she, or they shall not be so seised, then such Money shall be paid and applied in the Manner herein-after directed with respect to Money to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the same Uses; and where the Consideration for any such Enfranchisement as aforesaid shall be an Allotment of Land, such allotted Land shall go and be held and enjoyed with the Manor of which such enfranchised Lands or Tenements shall be Parcel, and subject to the same Uses, Trusts, Limitations, Tithes, Charges, and Incumbrances as the said Manor.

Application
of Consideration
Money.

Where the
Consideration is Land,
it shall be
liable to the
same Uses,
&c. as the
Manor.

[Private.]

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XLIX. And

Incapacitated Persons may borrow Money for such Enfranchisements.

XLIX. And be it further enacted, That it shall be lawful for the respective Husbands, Guardians, Committees, and Attornies of the Owner or Owners for the Time being of any such Copyhold Lands, Tenements, or Hereditaments so to be enfranchised as aforesaid who shall be under Coverture, Minors, Lunatics, beyond the Seas, or under any legal Disability, or for any such Owner or Owners being entitled for a particular or limited Estate only, to charge the Lands, Tenements, or Hereditaments to which such Enfranchisement shall relate with the Monies to be paid as the Consideration for such Enfranchisement, and with Interest thereon, in the same Manner as is by this Act provided for enabling the like Parties respectively to create Charges for defraying the Costs of this Act and carrying the same into execution, and of ditching, draining, and fencing the Allotments to be made by virtue thereof.

Wills and Settlements not to be affected.

L. And be it further enacted, That nothing in this Act or in the said recited Acts contained shall extend or be construed 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, Portion, Debts, Charges, Rent, or Incumbrance out of, upon, or affecting any of the Lands, Tenements, or Hereditaments hereby directed to be divided, allotted, and inclosed, or which may be exchanged or assigned in compensation for any other Estate or Right, but as well the Lands allotted as the Lands, Tenements, or Hereditaments which shall be exchanged or taken in lieu of a Compensation for any other Estate or Right by virtue of this Act shall immediately afterwards remain and enure, and the several Persons to whom the same shall be so allotted or given shall be seised and possessed thereof respectively, to, for, and upon such Uses, Estates, Trusts, Intents, and Purposes, and subject to such and the same Wills, Settlements, Limitations, Remainders, Conditions, Charges, and Incumbrances, in all respects, as the several Lands, Tenements, Tithes, and other Hereditaments in respect whereof such Allotments shall have been made should or would have stood severally limited, settled, vested, or seised, subject or liable to, or been held by, in case the same had not been allotted, exchanged, or taken as aforesaid, or in case this Act had not been passed, subject nevertheless to all such Mortgages and Sales as shall be made by virtue of this Act or the said recited Acts.

Application of Compensation Money if amounting to 200*l*.

LI. And be it further enacted, That whenever any Sum of Money is, under the Provisions of the said recited Act of the Forty-first Year of the Reign of King *George* the Third or this Act, directed to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the same Uses, it shall be lawful for the said Commissioners out of such Sums to defray such

Proportion of the Expence of passing this Act, and carrying the same and the said recited Acts into execution, as shall (if any) be charged upon the Lands, Tenements, or Hereditaments of the Person or Persons, Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, Feoffee, Executor, Administrator, Husband, Guardian, Committee, or Trustee in possession of the Lands, Tenements, or Hereditaments so purchased or exchanged, or on which such Timber or Wood actually grew, and also the Expence of any permanent Improvements, such as building, subdividing, draining, or planting, and the like, which shall in the Judgment of the said Commissioners be proper to be made, and shall be made under their Direction, upon any Lands to be by virtue of this Act allotted to such Person or Persons, Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, Feoffee, Executor, Administrator, Husband, Guardian, Committee, or Trustee respectively; and in case the Surplus of such Money shall amount to or exceed the Sum of Two hundred Pounds, the same shall with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer at *Westminster*, to be placed to his Account there *ex parte* the Commissioners for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court; without Fee or Reward, and shall when so paid in there remain until the same shall, by Order of the said Court, made upon a Petition to be presented to the said Court in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, be applied, either in the Purchase or Redemption of the Land Tax, or in or towards the Payment or Discharge of any Debt or other Incumbrances affecting the said Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, or to, upon, or for the same or the like Uses, Trusts, Intents, or Purposes as the said Court of Exchequer shall authorize to be purchased or redeemed or paid or discharged, or such Part or Parts thereof as shall be necessary; or until the same shall, upon the like Application in a summary Way, be laid out, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, upon, and for such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the before-mentioned Lands, Tenements, or Hereditaments stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime and until such Order can be made the said Money may, by Order of the said Court upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or Government or Real Securities; and in the meantime, and until the said Bank Annuities or Government or Real Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce

1 G. 4. c. 35.

Produce of the said Consolidated or Reduced Bank Annuities, or Government or Real Securities, shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased, conveyed, or settled.

When less than 200*l.* and amounting to 20*l.*

LII. And be it further enacted, That in case the Surplus of such Money shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased or exchanged, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, Lunacy, or other Incapacity, with the Approbation of the said Commissioners, to be signified in Writing under their Hands, be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the Person or Persons who for the Time being would be entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, such Nomination to be approved of by the said Commissioners, and such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by them applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank of *England* in the Name of the said Accountant General, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

When under 20*l.*

LIII. And be it further enacted, That in case the Surplus of such Money shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased or exchanged for his, her, or their own Use and Benefit; or in case of Infancy, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

Certain Part of the Parish of Tisbury to be a separate Parish, and to be called the Parish of East Tisbury.

LIV. And be it further enacted, That such Part of the said Parish of *Tisbury* as is now bounded (commencing at *Lawn Water*) on the North-west by *Fonthill Gifford*, on the North and North-east by *Fonthill Bishop* and *Chilmark*, on the North-east by *Teffont Evias*, on the East and South-east by *Sutton Mandeville*, on the South by *Swallowcliff*, to the South-west Corner of *Popham Farm Common*; and from thence, in a Northern Direction, along the Side of the said Common, to the Wood known as the *Whitmarshes*; and from thence, in a Western Direction, along the Border of the said *Whitmarshes*, to the North-west Corner of *Castle Ditches*; and from thence, in a North-western Direction, to *Hareden Copse*; and from thence, in an East and North-west Direction, along the Border of the said *Hareden Copse* and *Quarry Copse*, to *Chambers's Mead*
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in the Parish of *Chilmark*; and from the North-west Corner of the said *Chambers's Mead*, in a Western Direction, along the Centre of the River *Nadder*, to the Flood Hatches at *Tisbury Mill*; and from thence, in a North-western Direction, along the Centre of the said River *Nadder*, to the Place where it is joined by the *Fonhill* River; and from thence, along the Centre of the said *Fonhill* River, to *Great Bridge*; and from thence, in a Western Direction, along the Centre of the Road, through *Course Street*, *Farrier's* or *Cuff's Lane*, to *Tisbury Cross*; and from thence, in a Southern Direction, along the Centre of the Road through *Tisbury Street*, and by the Vicarage, to the Bridge at a Place called *Tuckingmill*; and from thence, in a North-western Direction, along the Centre of the River called *Oddford Water*, till it joins the Parish of *Fonhill Gifford* at *Lawn Water* aforesaid, as such Boundaries are particularly delineated or described in the Map or Plan of the said Parish of *East Tisbury* herein-after directed to be prepared, containing in the whole Two thousand five hundred and eighty-four Acres, or thereabouts, together with all Streams, Brooks, Drains, Roads, and Ways within the same Bounds or Limits, and all Manors, Seignories, Tenements, and Hereditaments within the same, shall, upon and from and after the Twenty-fifth Day of *March* One thousand eight hundred and thirty-five, be a separate Parish of itself for all parochial Purposes (except as herein-after mentioned), and shall be called by the Name of *East Tisbury*; and such Parish shall be and be deemed to be within the Diocese and Jurisdiction of the Lord Bishop of *Salisbury*.

LV. And be it further enacted, That such Part of the said Parish of *Tisbury* as is now bounded (commencing at *Lawn Water*) on the North and North-east by *Fonhill Gifford*, on the West and North-east by *Knogle*, on the West by *Sedghill*, on the South by *Semley*, to the Place where the *Sem* River joins the River *Nadder*; and from thence, in a North-eastern Direction, along the Centre of the River *Nadder* to the Place where it forms a Junction with the River called *Oddford Water*; and from thence, in a North-western Direction, along the Centre of the said River *Oddford Water*, until it joins the Parish of *Fonhill Gifford* at *Lawn Water* aforesaid; as such Boundaries are particularly delineated or described in the Map or Plan of the said Parish of *West Tisbury* herein-after directed to be prepared, containing in the whole Two thousand seven hundred and eighty-two Acres or thereabouts, together with all Streams, Brooks, Drains, Roads, and Ways within the same Bounds or Limits, and all Manors, Seignories, Tenements, and Hereditaments within the same, shall, upon and from and after the Twenty-fifth Day of *March* One thousand eight hundred and thirty-five, be a separate Parish of itself for all parochial Purposes (except as herein-after mentioned), and shall be called by the Name of *West Tisbury*; and such Parish shall be and be deemed to be within the Diocese and Jurisdiction of the Lord Bishop of *Salisbury*.

Certain Part of the Parish of *Tisbury* to be a separate Parish, and to be called the Parish of *West Tisbury*.

LVI. And be it further enacted, That such Part of the said Parish of *Tisbury* as is now bounded (commencing at the River *Nadder*) at the Junction of the Rivers *Sem* and *Don*, on the West by *Semley*, on the South-west, South, and South-east by *Donhead Saint Andrew*, *Ansty*, and *Swallowcliff*, to the South-west Corner of *Popham Farm Common*; and from thence, in a Northern Direction, along the Side of the said Common, to the Wood known as the *Whitmarshes*; and from thence, in a Western Direction, along the Border of the said *Whitmarshes*, to the North-west

Certain Part of the Parish of *Tisbury* to be a separate Parish, and to be called the Parish of *Wardour*.

[Private.]

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Corner of *Castle Ditches*; and from thence, in a North-western Direction, to *Hareden Copse*; and from thence, in an East and North-west Direction, along the Border of the said *Hareden Copse* and *Quarry Copse*, to *Chambers's Mead* in the Parish of *Chilmark*; and from the North-west Corner of the said *Chambers's Mead*, in a Western Direction, along the Centre of the River *Madder*, to the Flood Hatches at *Tisbury Mill*; and from thence, in a North-western Direction, along the Centre of the River *Nadder*, to the Place where it is joined by the *Fontbill* River; and from thence, along the Centre of the said *Fontbill* River, to *Great Bridge*; and from thence, in a Western Direction, along the Centre of the Road through *Course Street*, *Farrier's* or *Cuff's Lane*, to *Tisbury Cross*; and from thence, in a Southern Direction, along the Centre of the Road through *Tisbury Street*, and by the Vicarage, to the Bridge at a Place called *Tuckingmill*; and from thence, by a South-eastern Direction, along the Centre of the River called *Oddford Water*, till it joins the River *Nadder*; and from thence, in a South-eastern, South, and South-western Direction, along the Centre of the said River *Nadder*, until it joins the Parish of *Semley* at the River *Don* aforesaid, as such Boundaries are particularly delineated or described in the Map or Plan of the said Parish of *Wardour* herein-after directed to be prepared, containing in the whole Two thousand and sixty-four Acres or thereabouts, together with all Streams, Brooks, Drains, Roads, and Ways within the same Bounds or Limits, and all Manors, Seignories, Tenements, and Hereditaments within the same, shall, upon and from and after the Twenty-fifth Day of *March* One thousand eight hundred and thirty-five, be a separate Parish of itself for all parochial Purposes (except as herein-after mentioned), and shall be called by the Name of *Wardour*; and such Parish shall be and be deemed to be within the Diocese and Jurisdiction of the Lord Bishop of *Salisbury*.

Tisbury to cease to be one Parish, except for certain Purposes.

LVII. And be it further enacted, That upon and from and after the said Twenty-fifth Day of *March* One thousand eight hundred and thirty-five the said Parish of *Tisbury* shall cease to be or to be deemed or considered to be one Parish, except for the Election or Appointment of Churchwardens and all Ecclesiastical Purposes; but the same, so divided into the said Three Parishes of *East Tisbury*, *West Tisbury*, and *Wardour*, shall be and continue one Parish as heretofore for the Election or Appointment and Authority of Churchwardens and for all Ecclesiastical Purposes.

Map of the Parishes to be made and deposited with the Clerk of the Peace.

LVIII. And be it further enacted, That a Map or Plan of the several Parts of the said Parish of *Tisbury* herein-before divided into Three several Parishes shall be made; and the several Boundaries of, the Number of Acres in, and the Extent of each and every of the said Three Parishes of *East Tisbury*, *West Tisbury*, and *Wardour*, shall be delineated and set forth upon such Map or Plan; and such Map or Plan shall be certified by the Right Honourable the Speaker of the House of Commons; and such Map or Plan so certified shall, on or before the said Twenty-fifth Day of *March* One thousand eight hundred and thirty-five, be deposited with the Clerk of the Peace for the County of *Wilts*, and shall be by such Clerk of the Peace kept amongst the Records of the said County; and all Persons shall have Liberty to inspect and examine the said Map or Plan on paying to the said Clerk of the Peace One Shilling for such Inspection; and the same Map or Plan so certified shall be and is hereby declared to be good Evidence in all Courts of Law and elsewhere, and before all

Judges, Justices, and others, of the Boundaries or Number of Acres in and Extent of the said Three Parishes of *East Tisbury*, *West Tisbury*, and *Wardour*.

LIX. And be it further enacted, That the Appointment and Duties or Liabilities of the Churchwardens of the said Parish of *Tisbury* shall not be disturbed by the Division of the said Parish into such Three new Parishes, but that from and after the said Twenty-fifth Day of *March* One thousand eight hundred and thirty-five the Churchwardens for the Time being of the said Parish of *Tisbury*, being appointed as heretofore, shall have Power to perform all the Duties of Churchwardens in the said Three several Parishes of *East Tisbury*, *West Tisbury*, and *Wardour*, in the same Manner as they might have performed such Duties in the said Parish of *Tisbury* if this Act had not been passed, or as if the said Three several Parishes were one Parish, and shall be deemed to be Churchwardens of the said Parish of *East Tisbury*, and also to be Churchwardens of the said Parish of *West Tisbury*, and also to be Churchwardens of the said Parish of *Wardour*, for all Purposes relating to the Poor and Poor's Rates in the said Three respective Parishes, and shall have, use, and exercise the same Powers and Authorities in respect thereof therein respectively as any other Churchwardens have or may use or exercise in any other Parish in *England*.

Appointment and Duties of Churchwardens not to be disturbed.

LX. And be it further enacted, That the several and respective Persons who on the said Twenty-fifth Day of *March* One thousand eight hundred and thirty-five shall be serving the respective Offices of Overseers of the Poor, Tithingmen, Surveyors of the Highways, and Haywardens of and for the said Parish of *Tisbury*, shall be Overseers of the Poor, Tithingmen, Surveyors, and Haywardens of each and every of the said respective Three new Parishes, until the respective Days, after the said Twenty-fifth Day of *March*, on which the first Appointment of Persons to fill such several Offices of Overseers, Tithingmen, Surveyors, and Haywardens, according to Law or Usage in other Parishes in *England*, take place; and such respective Overseers, Tithingmen, Surveyors, and Haywardens shall have and exercise within each of the said Three new Parishes the like Rights, Powers, Privileges, and Authorities as Overseers of the Poor, Tithingmen, Surveyors, and Haywardens now legally have and exercise in the said Parish of *Tisbury*, and shall be and continue subject and liable, during the Continuance of such their respective Offices, to the Performance of their Duties respectively, and to all the same Regulations and Liabilities as the Overseers of the Poor, Tithingmen, Surveyors, and Haywardens of any Parish in *England* now are subject or liable to.

Present Overseers, Surveyors, and Haywardens of *Tisbury* to act in the new Parishes until Successors are appointed under this Act.

LXI. And be it further enacted, That the Inhabitants and Occupiers of Lands, Tenements, and Hereditaments within the said Parish of *East Tisbury*, the Inhabitants and Occupiers of Lands, Tenements, and Hereditaments within the said Parish of *West Tisbury*, and the Inhabitants and Occupiers of Lands, Tenements, and Hereditaments within the said Parish of *Wardour*, qualified to act and vote in Vestry, shall within the said respective Parishes have the same or the like Rights to assemble and act in Vestry for the Regulation of the Affairs of such respective Parishes, and shall in all such respective Vestry Meetings have Rights to vote in the same Manner, and have in all other respects the same or the like Rights,

Inhabitants of each new Parish may hold Vestries, &c.

Rights, Privileges, and Immunities as Vestrymen have or are entitled to by Law in any Parish in *England*.

Inhabitants of each new Parish to appoint Two Overseers for such Parish.

LXII. And be it further enacted, That the Inhabitants and Occupiers of Lands, Tenements, and Hereditaments within the said Parish of *East Tisbury*, the Inhabitants and Occupiers of Lands, Tenements, and Hereditaments within the said Parish of *West Tisbury*, and the Inhabitants and Occupiers of Lands, Tenements, and Hereditaments within the said Parish of *Wardour* respectively, and being respectively qualified as aforesaid, shall and they are hereby required to assemble in Vestry of their respective Parishes on the usual Day for the Election of Overseers which shall first happen after the said Twenty-fifth Day of *March* One thousand eight hundred and thirty-five, and from Time to Time for ever afterwards as Occasion shall require, and shall at such their respective Vestries and they are hereby required to elect and make out Lists of Persons in their respective Parishes qualified to fill the Office of Overseer of the Poor; and such Lists shall be laid before Justices, according to the Practice on the Election of Overseers in other Parishes in *England*; and thereupon Two Inhabitants of the said Parish of *East Tisbury* shall be appointed Overseers of the Poor of the said Parish, Two Inhabitants of the said Parish of *West Tisbury* shall be appointed Overseers of the Poor of the said last-mentioned Parish, and Two Inhabitants of the said Parish of *Wardour* shall be appointed Overseers of the Poor of the said Parish of *Wardour*, in such and the same Manner as Overseers of the Poor in any other Parish in *England* are appointed; and the respective Persons who shall be so from Time to Time appointed such Overseers for the said respective Parishes shall respectively have and be invested with the like Rights, Powers, Privileges, and Authorities within such Parish in or for which they shall be so elected and appointed Overseers respectively as any Overseers of the Poor in *England* have or are invested with by Law, and shall be subject and liable to the Performance of all the same Duties and to all the same Regulations and Liabilities as any Overseers of the Poor in *England* are or may be subject or liable to by Law.

One Tithingman and one Haywarden to be appointed in each new Parish.

LXIII. And be it further enacted, That the Inhabitants and Occupiers of Lands, Tenements, and Hereditaments within the said Parish of *East Tisbury*, the Inhabitants and Occupiers of Lands, Tenements, and Hereditaments within the said Parish of *West Tisbury*, and the Inhabitants and Occupiers of Lands, Tenements, and Hereditaments within the said Parish of *Wardour* respectively, shall and they are hereby required to assemble in Vestry on the First *Monday* in *October* in every Year, and shall and they are hereby required at such their respective Vestries to nominate and appoint one Inhabitant of the said Parish of *East Tisbury* to be Tithingman of the said Parish, and one other such Inhabitant to be Haywarden of the said Parish, one Inhabitant of the said Parish of *West Tisbury* to be Tithingman of the said last-mentioned Parish, and one other such Inhabitant to be Haywarden of the said last-mentioned Parish, one Inhabitant of the said Parish of *Wardour* to be Tithingman of the said Parish of *Wardour*, and one other such Inhabitant to be Haywarden of the said Parish of *Wardour* for the Year ensuing; and such Persons respectively so to be nominated and appointed Tithingmen and Haywardens shall and they are hereby required, within Ten Days after every such Nomination and Appointment, to appear before some Justice of the Peace for the said County

County of *Wilts*, and then and there be duly sworn to the due Execution of such their respective Offices; and the Justice or Justices before whom such Persons respectively shall so appear shall and he and they is and are hereby empowered and required to administer an Oath to such Persons respectively accordingly, and such Persons respectively shall be and are hereby declared to be subject and liable to the same Fines and Penalties for Neglect of Duty as other Tithingmen and Haywardens are by Law subject and liable to.

LXIV. And be it further enacted, That Surveyors of the Highways of the said Parishes of *East Tisbury*, *West Tisbury*, and *Wardour* respectively shall be appointed in like Manner, and have the like Powers, and be subject to the same Liabilities, as Surveyors of the Highways in any Parish in *England*.

Surveyors in each new Parish how to be appointed.

LXV. And be it further enacted, That all the general public Laws and Statutes in force or hereafter to be made concerning or relating to or for the Relief and Employment of poor People in *England* shall be executed and put in force within each and every of the said Three Parishes of *East Tisbury*, *West Tisbury*, and *Wardour* respectively, in like Manner as such Laws and Statutes are or may be executed and put in force in any Parish in *England*; and all Inhabitants of and Occupiers of Lands, Tenements, and Hereditaments within the said Parishes of *East Tisbury*, *West Tisbury*, and *Wardour* respectively are hereby declared to be subject and amenable to such Laws and Statutes.

Parishes to be subject to general Laws relating to the Relief of the Poor.

LXVI. And be it further enacted, That from and after the said Twenty-fifth Day of *March* One thousand eight hundred and thirty-five the Inhabitants and Occupiers of Lands, Tenements, and Hereditaments in all the said Three Parishes of *East Tisbury*, *West Tisbury*, and *Wardour* respectively shall be liable to maintain and support the poor People in their respective Parishes, and shall be liable and chargeable to all Payments, Charges, Expences, and Orders in respect of the Maintenance of the Poor in the Parish where he, she, or they inhabit or occupy Lands, Tenements, or Hereditaments, in like Manner and Form as Inhabitants and Occupiers of Lands, Tenements, and Hereditaments within any Parish in *England* are by any general Law or Statute liable and chargeable for or towards the Maintenance and Support of poor People in any Parish in *England*.

Inhabitants of each Parish to support their own Poor.

LXVII. And whereas it might happen that by the Division of the said Parish of *Tisbury* into Three Parishes as aforesaid the Inhabitants of One or more of such new Parishes might become chargeable with the Payment of a larger Proportion of the Poor's Rates of the said Parish of *Tisbury* than they are now chargeable with or ought to bear; therefore, in order that the Inhabitants of the said Three new Parishes may be charged with an equitable Proportion of such Poor's Rates, be it further enacted, That the said Commissioners shall and they are hereby required, as soon as conveniently may be after the passing of this Act, by such Ways and Means as they shall think proper, to ascertain the Number of the Inhabitants of each of the said Three new Parishes, and to make separate Lists thereof, and also to ascertain the annual Value of all Lands, Houses, and rateable Property in each of such new Parishes, and to set forth the

For equalizing the Charge to be borne by each new Parish of the whole Poor's Rates now raised in the Parish of *Tisbury*, Lists of the Inhabitants to be made and the Value of the Property ascertained.

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respective

respective Amounts in such respective Lists ; and the said Commissioners shall, by reference to the Parish Books, or by such other Ways and Means as they shall deem expedient, ascertain which of the said Inhabitants are actually chargeable to the Poor's Rates of the said Parish of *Tisbury*, and which of them are so circumstanced as to be likely to become so chargeable, and shall make separate Lists of the Names of such Persons in such respective Classes ; and in case it shall be found that the respective Amounts of the total annual Value of such rateable Property in each such respective new Parish are disproportionate, and that an equal Division amongst the said Three new Parishes of the Charge of maintaining such Persons as shall be actually chargeable to the Poor's Rates of the said Parish of *Tisbury*, and who shall be likely to become so as aforesaid, would be inequitable, then the said Commissioners shall and they are hereby authorized and required to ascertain, and in Writing under their Hands to declare, what Proportion of the Poor's Rates of the whole Parish of *Tisbury* ought equitably to be paid by the Inhabitants of the said respective new Parishes according to the respective total Amounts of the Value of the rateable Property therein, and for the Relief of how many and which of such Persons the Proportion of such Rates so to be declared chargeable on the Inhabitants of each of such new Parishes shall be paid and applied ; and when such Lists and Ascertainments and Writing shall be made and completed the same shall be laid before Two Justices of the Peace having Jurisdiction in the Division of *Hindon* in the County of *Wilts*, and such Justices shall and they are hereby required to examine and inquire (by Examination of Evidence and Witnesses, or otherwise, as they shall think proper,) into the Accuracy and Merits thereof, and may make such Alterations, or order such Alterations to be made therein, as they shall find necessary or expedient (if any) ; and when such Justices shall be satisfied respecting the Accuracy and Merits of such Apportionment, and that the same will be equitable, they shall allow and sign the same Lists, Ascertainments, and written Declaration, and thereupon the same shall be binding on all Persons paying or receiving Relief from such Rates and Assessments, and thereupon the Justices of the Peace for the said County shall collectively and severally have and exercise all and every the same Jurisdiction, Powers, and Authorities over the respective Poor so assigned to each such new Parish respectively as any Justices or Justice have or has or exercise, or may have or exercise, over the Poor of any other Parish in *England*.

Lists and Ascertainments to be lodged with the Clerk of the Peace.

LXVIII. And be it further enacted, That when the said Lists, Ascertainments, and Declaration shall be made, allowed, and signed as aforesaid, the same shall be delivered (and the said Commissioners are hereby required to deliver the same), within Fourteen Days after the signing thereof, to the Clerk of the Peace for the said County of *Wilts*, to be by him kept among the Records of the said County ; and such Lists, Ascertainments, and Declaration so deposited with the said Clerk of the Peace, or any true Copy thereof signed by the Clerk of the Peace of the said County for the Time being or his Deputy, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others ; and Copies or Extracts thereof shall be delivered to any Person or Persons who shall apply for such Copies or Extracts at the Rate of Sixpence for every One hundred Words of such Copies or Extracts ; and the same Lists, Ascertainments, and Declaration so delivered to the said Clerk of

the Peace shall and may be inspected at all reasonable Times by any Person or Persons desirous of inspecting the same, on Payment of a Fee of One Shilling for each Inspection.

LXIX. Provided always, and be it further enacted, That in case at any Time after the said Twenty-fifth Day of *March* One thousand eight hundred and thirty-five any Pauper or Paupers not included in the aforesaid Lists so made, allowed, and signed, and whose Place of legal Settlement cannot be ascertained, shall apply for Relief to any of the said Three Divisions of the said Parish of *Tisbury*, or be removed by virtue of any Order of Justices from any other Parish in *England* to the said Parish of *Tisbury*, then and in every such Case the Churchwardens and Overseers of either of the said Three new Parishes to whom such Pauper or Paupers shall apply or be delivered shall and they are hereby required forthwith to receive such Pauper or Paupers, and to relieve and maintain him, her, or them, as any other poor Person in such Parish shall be entitled to be relieved and maintained: Provided also, that in case at any Time or Times the Inhabitants of either of the said Three new Parishes shall feel themselves aggrieved thereby, then the Churchwardens and Overseers of such Parish so aggrieved may make Application to the Justices of the Peace for the Division of *Hindon* in the County of *Wilts* in Petty Sessions, and such Justices, after hearing the Parties on both Sides, shall and they are hereby required to make such Order in the Premises (as between the said Three Parishes of *East Tisbury*, *West Tisbury*, and *Wardour*,) as they shall think proper for or against the Removal of any such Pauper or Paupers; and in case such Justices in Petty Sessions shall order the Removal of any such Pauper or Paupers from the Parish so complaining to the other or others of the said Three Parishes, such Justices shall and they are hereby authorized, empowered, and required to order the Expenses of the Maintenance of such Pauper or Paupers so removed, incurred by the Parish from which such Pauper or Paupers shall have been so removed by them, to be repaid to such Parish by the Parish or Parishes to which such Pauper or Paupers shall be so removed, and every such poor Person shall be relieved and maintained by the Churchwardens and Overseers of the Parish to which such Pauper or Paupers shall stand assigned by virtue of such subsequent Order until such Pauper or Paupers shall be afterwards removed on Appeal from such subsequent Order of the Justices in Petty Sessions; and in case the Inhabitants of either of the said Three new Parishes shall feel aggrieved by any such Order of the Justices in Petty Sessions it shall be lawful for the Court of General or Quarter Sessions of the Peace for the said County of *Wilts*, on Application to them made by or on the Behalf of the Inhabitants of the Parish so feeling itself aggrieved (under the same Regulations and Process as are herein-after provided in Cases of Appeal), to make such Order in the Premises as they shall think fit, so that the same Three new Parishes respectively shall at all Times be chargeable with the Relief and Maintenance of no other Number of such poor Persons who may be hereafter removed as aforesaid than shall be in a due relative Proportion to the respective proportionate Numbers assigned to each such new Parish by virtue of the Lists, Ascertainments, and Declaration aforesaid, and to assign over to the other or others of such Parishes as the Case may require the Relief and Maintenance of such poor Persons, or any or either of them; and thereupon such poor Persons shall be relieved and

In case any poor Persons not named in the Lists shall apply for Relief to either of the Three new Parishes, they shall be maintained by such Parish until removed.

and maintained by such other Parish or Parishes according to any such Order of the said Court of General or Quarter Sessions.

In case of Removal of Paupers to Tisbury Parish, who are named in the Lists.

LXX. Provided also, and be it further enacted, That in case at any Time after the said Twenty-fifth Day of *March* One thousand eight hundred and thirty-five any Pauper or Paupers included in the aforesaid Lists so made, allowed, and signed shall be removed by virtue of any Order of Justices from any other Parish in *England* to the said Parish of *Tisbury*, then and in every such Case the Churchwardens and Overseers of either of the said Three new Parishes to whom such Pauper or Paupers shall be delivered shall (although it shall appear by such Lists that such Pauper or Paupers belongs or belong to another or others of such Parishes) and they are hereby required forthwith to receive such Pauper or Paupers, and to relieve and maintain him, her, or them as any other poor Person in such Parish shall be entitled to be relieved and maintained, until an Order of a Justice of the Peace for the Division of *Hindon* in the County of *Wilts* shall have been obtained for the Removal of such Pauper or Paupers to the Parish or Parishes to which he, she, or they shall belong according to such Lists, and which Order of Removal it shall be lawful for any such Justice of the Peace to make and grant; and such Justice of the Peace is hereby authorized and empowered to order the Expences of the Maintenance of the said Pauper or Paupers incurred by the Parish by which the said Pauper or Paupers shall have been maintained as aforesaid to be repaid to such Parish by the Parish to which such Pauper or Paupers shall be removed.

Rates for the Relief of the Poor in each new Parish how to be raised, &c.

LXXI. And be it further enacted, That all such Rates as shall be necessary to be raised for the Relief of the Poor of the said Parish of *East Tisbury*, or for the Relief of the Poor of the said Parish of *West Tisbury*, or for the Relief of the Poor of the said Parish of *Wardour* respectively, shall from Time to Time be imposed, assessed, raised, levied, and recovered within the said Three Parishes respectively by the Churchwardens of the said Parish of *Tisbury* and the Overseers of the Poor of the Parish in which the same shall be required to be raised, in such and the same Manner and by the same Ways and Means as Rates for the Relief of the Poor may be imposed, assessed, raised, levied, and recovered within any Parish in *England*, and shall be applied for the Relief of the Poor within the respective Parishes wherein the same shall be raised, and for such Purposes as such Rates are or shall be made applicable by Law, and to no other Use or Purpose whatsoever.

Commissioners to apportion Contribution to be made by each new Parish to the County Rates.

LXXII. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered and required, to ascertain the respective Proportions of the Contributions to be made by or out of the Rates to be raised within the said respective Parishes of *East Tisbury*, *West Tisbury*, and *Wardour*, which ought to be contributed and paid towards the County Rates for the said County of *Wilts*, and shall declare the same in their Award, or in some separate Instrument under their Hands and Seals, to be deposited with the Clerk of the Peace of the said County of *Wilts*, and such Proportions so ascertained and declared shall thenceforth be contributed to such County Rates by the said respective Parishes accordingly.

LXXIII. And

LXXIII. And be it further enacted, That all such other Parochial Rates as are or shall be required by Law to be raised shall from Time to Time be imposed, assessed, raised, levied, and recovered within the said Parishes of *East Tisbury*, *West Tisbury*, and *Wardour* respectively by such or the same Officers or Persons, and with such and the same Consents (where Consents are necessary), and by such and the same Ways and Means, as any such Rates are or may be imposed, assessed, raised, levied, and recovered in any Parish in *England*, and shall be applied and disposed of for the Uses and Purposes for which the same shall be raised, and for no other Use or Purpose whatsoever.

Other Parochial Rates how to be raised.

LXXIV. And be it further enacted, That such Debt or Debts, Sum or Sums of Money, as shall at the Time of the passing of this Act be due and owing from the said Parish of *Tisbury*, and charged upon the Poor's Rates payable in or within the said Parish, shall, as soon as conveniently may be after the passing of this Act, be divided and apportioned by the Commissioners into Three Parts as nearly proportioned as may be to the relative Value of the said Three new Parishes of *East Tisbury*, *West Tisbury*, and *Wardour* respectively; which said apportioned Sum shall be ascertained and set forth in the Award of the said Commissioners to be made as herein-after mentioned, and One of the same Sums shall be fixed and charged as a Debt upon each of the said Three new Parishes exclusively; and after such Division and Apportionment of such Debt or Debts, or Sum or Sums of Money as aforesaid, the apportioned Parts thereof which shall be so fixed and charged upon the said new Parishes respectively shall be and are hereby (as against all Persons, save and except the Creditor or Creditors to whom such Debt or Debts, Sum or Sums of Money, are or is or shall be due,) charged on the same respectively, and made payable out of the Poor's Rates to be imposed, assessed, levied, and raised in or within the said Three new Parishes respectively, in such Manner, with Interest at such Rate, and subject to such Conditions, Restrictions, and Regulations, as the whole of the said Debt or Debts, Sum or Sums of Money, would be chargeable upon and payable out of the Poor's Rates of and from the whole of the said Parish of *Tisbury* if the same had remained undivided; and each of the said new Parishes respectively shall (as against all Persons except the Creditor or Creditors entitled to such Debt or Debts, Sum or Sums of Money,) be exonerated from the Payment of any further or other Proportion or Part thereof than shall be so as aforesaid fixed and charged by the said Commissioners as and for the exclusive Portion of such Parish of the said Debt or Debts, Sum or Sums of Money.

Debts to be apportioned.

LXXV. And be it further enacted, That all the Costs, Charges, and Expences of applying for, obtaining, and passing this Act, and preparatory thereto, and of Surveys, Admeasurements, Maps, and Plans necessary for the Purposes of this Act, and all other the Costs, Charges, and Expences of carrying this Act into execution or incident thereto, shall be wholly paid and discharged before the said Twenty-fifth Day of *March* One thousand eight hundred and thirty-five; and the said Commissioners shall and they are hereby required from Time to Time, when it shall be necessary, to raise any Money for that Purpose, or for the Purpose of paying off any Sum or Sums of Money which shall be advanced or borrowed for such Purpose, to make a Rate or Rates, or Assessment or Assessments,

Expences of Act how to be defrayed.

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ments, under their Hands, upon the several Owners or Proprietors of and Parties and Persons interested in the Lands and Grounds hereby intended to be divided, allotted, and inclosed respectively, or, being Inhabitants and Occupiers of Lands, Tenements, or Hereditaments in the said Parish of *Tisbury*, (except the said Dean and Chapter; and except the Vicar of *Tisbury* aforesaid for the Time being,) in such Proportions as the said Commissioners shall ascertain, settle, adjust, and determine to be borne and paid by such respective Owners or Proprietors, Parties and Persons, and Inhabitants and Occupiers; and the said Rates or Assessments shall be paid at such Time and Place or Times and Places, and to such Person or Persons, as the said Commissioners shall appoint; and the same Rate or Rates, Assessment or Assessments, so made and signed, shall be binding and conclusive on all Parties thereby charged and made liable, and their several and respective Executors and Administrators; and in case any Person or Persons shall refuse or neglect to pay his, her, or their Share or Shares of such Rate or Rates, Assessment or Assessments as aforesaid, within such Time or Times, and to such Person or Persons, and at such Place or Places, as the said Commissioners shall appoint, then and in such Case the said Commissioners shall cause such Rate or Rates, as well in respect of the said Inclosure, Division, and Allotment of Lands and Grounds as of the Division of the said Parish of *Tisbury* into Three Parishes as aforesaid, to be levied and recovered in manner directed by the said recited Act of the Forty-first Year of the Reign of King *George* the Third for the Recovery of the Costs, Charges, and Expences of inclosing, dividing, and allotting any Waste Lands.

Monies may be recovered after Execution of Award.

LXXVI. Provided always, and be it further enacted and declared, That if at the Time of the Execution of the said Award there shall remain due from any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, any Sum or Sums of Money which shall have been rated or assessed, or adjudged or ordered or directed to be paid by virtue of this Act, it shall be lawful for the said Commissioners and they are hereby authorized and required to levy and raise the same in like Manner as they might or could have done before the Execution of their Award.

Tenants for Life may charge the Expences of Inclosure.

LXXVII. And be it further enacted, That it shall and may be lawful for any Tenant or Tenants for Life or Lives, or in Tail, of any Allotment or Allotments to be made by virtue and in pursuance of this Act, or of any of the ancient inclosed Lands which shall be exchanged by virtue or in pursuance of this Act, by any Deed or Deeds, Surrender or Surrenders in Writing, or by his, her, or their last Will and Testament, duly executed according to Law, to charge such Allotment or Allotments, or such ancient inclosed Lands respectively, with such Sum or Sums of Money as shall be appointed by the said Commissioners to be paid, and which shall have been paid accordingly by such Tenant or Tenants for Life or Lives, or in Tail, for his, her, or their Share or Proportion of the Expences of carrying all or any of the Purposes of this Act into execution, to be paid to such Person or Persons, and in such Manner, Share, and Proportion, as he, she, or they shall think fit, with Interest for the same, to commence from the Day of the Death of such Tenant or Tenants for Life or for Lives, or in Tail respectively; and every such Charge so to be made by any such Tenant or Tenants for Life or Lives,

or in Tail, shall be good, valid, and effectual in the Law for the Purpose thereby intended, notwithstanding any Settlement, Will, Trust, Demise, Mortgage, Use, Limitation, or Remainder whatsoever of or concerning the said Lands and Grounds, or any Part or Parts thereof, then in being, or capable of taking effect to the contrary.

LXXVIII. And be it further enacted, That it shall and may be lawful for the said Commissioners to borrow and take up at Interest of or from any Person or Persons willing to advance or lend the same such Sum and Sums of Money as shall from Time to Time be necessary for defraying the Charges and Expences of passing this Act and executing the same and the said recited Acts, and otherwise relating thereto, until the same shall be raised as herein-before mentioned; and the Monies which shall be so borrowed, and any Money which shall be advanced by any Person or Persons for the Purpose of defraying the Expence of applying for and obtaining this Act, or for carrying the same into execution, shall be repaid, with lawful Interest, to the Person or Persons who shall have advanced the same out of the first Monies which shall be raised by virtue of this Act for defraying such Expences.

Money advanced for the Purposes of this Act to be repaid with Interest.

LXXIX. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required, within Two Years from the passing of this Act, to make and publish their Award in Writing of and concerning the several Matters and Things directed to be done by them in pursuance of this Act, and to cause the same to be delivered within Fourteen Days after the making thereof to the Clerk of the Peace for the said County of *Wilts*, to be by him kept among the Records of the said County; and a Duplicate of the said Award, together with such Maps, Plans, Surveys, and other Documents as shall be necessary for the due Understanding thereof, shall be deposited in the Parish Church of *Tisbury* aforesaid for the Use of the Proprietors of Lands and Tenements and Persons interested in the said intended Division and Inclosure, to be referred to and inspected by them respectively from Time to Time as Occasion may require; and the said Award so to be deposited with and kept by the said Clerk of the Peace shall and may be inspected at all reasonable Times on Payment of a Fee of One Shilling for every such Inspection, and Copies or Extracts thereof shall be delivered to any Person or Persons who shall apply for such Copies or Extracts at the Rate of Sixpence for every One hundred Words of such Copies or Extracts.

Commissioners Award.

LXXX. And be it further enacted, That the said Commissioners shall not at any Time permit or suffer any just Claims or Demands upon them as such Commissioners to remain unpaid for a longer Period than Six Calendar Months, except such Sums as may from Time to Time be due and owing to the said Clerk or Clerks for Attendances at Meetings to be held in pursuance of this Act; and once at least in each and every Three Calendar Months during the Execution of this Act, to be computed from the Day of the passing thereof, the said Commissioners shall and they are hereby required to make a true and accurate Statement or Account of all Sums of Money by them received and expended or due to them or to their respective Clerks for their respective

Commissioners to account.

Trouble

Trouble or Expences in the Execution of this Act and the said recited Acts, and in such Statement or Account shall be particularly stated and specified the several Items and Articles for which each particular Sum has been paid or disbursed; and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by them laid before any One or more of His Majesty's Justices of the Peace (not interested in the Premises) acting for the said 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 Books of Account to be kept in the Office of the Clerk of the said Commissioners; and an Abstract of such Account so examined and balanced shall be from Time to Time, within Fourteen Days after the same shall have been so examined and balanced, published in the *Salisbury and Winchester Journal*, or some other Newspaper circulated in the County of *Wilts*; 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 or Justices, and until such Account or the Abstract thereof shall have been published in such Newspaper as aforesaid, subject nevertheless to the Power of Appeal herein-after contained.

Persons
aggrieved
may appeal
to Quarter
Sessions.

LXXXI. And be it further enacted, That if any Person, or any Body Politic, Corporate, or Collegiate, shall think himself, herself, or themselves aggrieved by any thing done by the said Commissioners in pursuance of this Act or the said recited Acts, (other than and except in Cases where the Orders and Determinations of the said Commissioners are by this Act directed to be final, binding, and conclusive, and except in Cases where an Issue at Law may be tried as herein-before mentioned,) or in case the Inhabitants of the said Three Parishes of *East Tisbury*, *West Tisbury*, and *Wardour*, or of any or either of such Parishes respectively, shall feel themselves aggrieved by the making out of the Lists, Ascertainments, and Declaration herein-before directed to be made, or by the Allowance of the same or any of them, or any Part or Parts thereof as aforesaid, or otherwise in relation thereto, or by reason of any Order of Removal of any Pauper or Paupers from any other Parish or Parishes in *England* to the said Parish of *Tisbury*, or by reason of any Determination of any Justice or Justices relating to any such Pauper or Paupers, or by reason of any Order of Removal made or granted under any of the Provisions herein-before contained, or by reason of being charged under any of the Provisions herein-before contained with the Relief or Maintenance of any Pauper or Paupers, or with the Payment of any Expences incurred in respect thereof or in relation thereto, or any undue Proportion of such Expences, then and in every such Case he, she, or they may appeal to any General or Quarter Sessions of the Peace to be held for the County of *Wilts*, or the County in which the Cause of Complaint shall have arisen, within Four Calendar Months next after the Cause of Complaint shall have arisen, giving, in Cases arising out of the Execution of this Act with regard to the said Division, Allotment, or Inclosure, to the said Commissioners and the Party or Parties concerned, and giving, in Cases arising out of the Division of the said Parish of *Tisbury* into Three Parishes, to the Churchwardens and Overseers of the Poor of the Parish or Parishes complained of, Notice in Writing of such Appeal and of the Matter thereof Ten Days at least before such General or Quarter Sessions, except with respect to the Accounts of the said Commissioners, which, notwithstanding the same

same shall have been examined, balanced, and published as aforesaid, may be appealed against at any Time within Six Calendar Months after the Day of the Execution of such Award respectively, on giving to the Commissioners such Notice as last aforesaid; and the Justices (not interested in the Premises) in such Sessions assembled are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein and to award such Costs as to them in their Discretion shall seem reasonable, and also to order and award the Costs and Charges of any such Appeal incurred by any One or more of such Three Parishes to be paid in such Proportions as the said Court shall think fit by the same Parish and by the others of such Parishes, and by their Order and Warrant to levy the Costs and Damages which shall be awarded by Distress and Sale of the Goods and Chattels of the Party or Parties made liable to pay the same, rendering the Overplus (if any), on Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale; and every Order and Determination of the said Justices upon any such Appeal shall be final and conclusive to all Parties concerned, and shall not be removed or removable by Certiorari, or any other Writ or Process 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 or vexatious or without Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants as to them in their Discretion shall seem reasonable, and such Costs shall be levied in manner last aforesaid.

LXXXII. Provided always, and be it further enacted, That (in all Cases relating to the Removal of any Pauper or Paupers from either of the said Three new Parishes to the other or others of such Parishes who after the said Twenty-fifth Day of *March* One thousand eight hundred and thirty-five shall gain a Settlement in either of the said Three Parishes of *East Tisbury, West Tisbury, or Wardour*), nothing herein-before contained shall extend or be construed to extend to direct or require any Court of General or Quarter Sessions of the Peace for the County of *Wilts*, or any Justice or Justices of the Peace for the Division of *Hindon* in the said County, to act upon or have Reference to the said Lists, Ascertainments, and Declaration, but that such Pauper or Paupers shall be so removed to his, her, or their last Place of legal Settlement according to Law; any thing herein-before contained to the contrary notwithstanding.

The Provi-
sion for the
Apportion-
ment of the
Number of
Paupers to be
maintained
by each new
Parish not
to extend to
Persons gain-
ing a Settle-
ment after
the Division
of the Parish.

LXXXIII. Provided always, and be it further enacted and declared, That nothing herein contained shall operate or be construed to alter or affect any Right or Interest of the Improprate Rectors or their Lessees as such Rectors or Lessees, or of the Vicar of the said Parish of *Tisbury* as such Vicar in or within the said Parish.

Rights of
Improprate
Rectors not
to be altered
or affected.

LXXXIV. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all Bodies Politic, Corporate, or Collegiate, and their Successors, and to all and every Person or Persons whomsoever, his and their Heirs, Executors, Administrators, and Assigns, all such Estate, Right, Title, Interest, Claim, and Demand whatsoever, other than and except such as are by this Act meant and intended to be transferred, destroyed, or extinguished, as he, they, every or any of them,

General
Saving.

[*Private.*]

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had

had or enjoyed before the passing of this Act, or could have had or enjoyed in case this Act had not been made.

Act to be
printed by
the King's
Printers.

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

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the King's most Excellent Majesty. 1834.