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For dividing, allotting and inclosing Lands in the  
Parish of *Dinton*, in the County of *Wilts*.

[ROYAL ASSENT, JUNE 24, 1822.]

**W**HEREAS there are within the parish of *Dinton*, with the Preamble.  
Chapelry of *Teffont Magna*, in the county of *Wilts*, divers open  
common fields, common meadows, common downs and other com-  
monable lands and grounds :

And whereas The Right Honorable *George Augustus* Earl of  
*Pembroke* and *Montgomery* is lord of the manor of *Dinton* and *Teffont*,  
otherwise *Teffont Magna*, in the parish of *Dinton* aforesaid :

And whereas the said *George Augustus* Earl of *Pembroke* and *Mont-*  
*gomery*, *William Wyndham*, Esquire, and divers other persons respec-  
tively, are owners of messuages, lands and tenements within the said  
parish, and proprietors of, or interested in, the said lands and grounds :

And whereas the President and Scholars of *Magdalen College* in the  
University of *Oxford* are patrons of the rectory of *Dinton* aforesaid,  
with the Chapel of *Teffont Magna* annexed, and the Reverend *Henry*  
*Linton*, Doctor of Divinity, is the present vicar or incumbent thereof,  
and as such is entitled to certain glebe lands to the said rectory  
belonging :

And whereas it would be of great benefit and advantage to the  
several persons interested in the said lands and grounds if the same  
were divided, and specific parts and shares thereof allotted to the  
several proprietors and other persons interested, agreeably to their  
several and respective estates, rights and interests therein, in order

No. 6.

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that

that such allotments may be inclosed and held in severalty ; but such beneficial purpose cannot be effected without the aid and authority of Parliament :

And whereas an Act passed in the forty-first year of the reign of his late Majesty 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 :”

2d Geo. IV.  
cap. 23.

And whereas another Act was passed in the second year of the reign of his present Majesty King *George* the Fourth, intituled “ An “ Act to amend the Law respecting the inclosing of open Fields, “ Pastures, Moors, Commons, and Waste Lands in *England* :”

May it therefore please Your MAJESTY,

Commission-  
ers appoint-  
ed.

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, that *John Charlton* of *Stourton*, in the county of *Wilts*, gentleman, and *John Seagrim* of the borough of *Wilton*, in the same county, gentleman, shall be and they are hereby appointed Commissioners for dividing and allotting all the open common fields, common meadows, common downs and other commonable lands and grounds in the parish of *Dinton* aforesaid, and for carrying this Act into execution, subject to such of the powers, authorities, directions, regulations, restrictions and provisions, contained in the said recited Acts as are not altered, varied or otherwise provided for by this Act.

Appoint-  
ment of new  
Commission-  
ers on vacan-  
cies.

And be it further enacted, That in case the said *John Charlton*, or any Commissioner to be appointed in his place as hereinafter is mentioned, shall refuse to act, or if he shall, before the powers and trusts reposed in the said Commissioners shall have been fully executed, die, neglect or refuse to act, or become incapable of acting as a Commissioner, it shall be lawful for the major part in value (such value to be ascertained by the surviving or continuing Commissioner for the time being) of the several persons interested in the said lands and grounds to be divided and allotted by virtue of this Act (except the lord or lords for the time being of the manor of *Dinton* and *Teffont*, otherwise *Teffont Magna* aforesaid), who shall by themselves

or their respective agents attend the meeting or meetings to be appointed for that purpose (of which meeting and the intent thereof notice shall be given by any two or more persons so interested as aforesaid, at least ten days previous to such meeting, by affixing such notice on the door of the parish church of *Dinton* aforesaid, and by inserting the same in the newspaper called the *Salisbury and Winchester Journal*, if then published, and if not, then in some other newspaper usually circulated in the said county of *Wilts*) by writing under their respective hands from time to time to appoint some other fit person (not interested in the said division) to be a Commissioner in the place of the said *John Charlton*, and so from time to time as often as any vacancy shall happen by the like death, neglect, refusal, or incapacity of any Commissioner to be appointed in the place of the said *John Charlton* as aforesaid; and if the said *John Seagrim*, or any Commissioner to be appointed in his place as hereinafter is mentioned, shall refuse to act, or if he shall before the powers and trusts reposed in the said Commissioners shall have been fully executed die, neglect, or become incapable of acting as a Commissioner, it shall be lawful for the lord or lords of the said manor of *Dinton* and *Teffont*, otherwise *Teffont Magna*, for the time being, by writing under his or their respective hand or hands, to appoint some other fit person (not interested in the said division) to be a Commissioner in the place of the said *John Seagrim*, and so from time to time, as often as any vacancy in the commission shall happen by the like death, neglect, refusal, or incapacity of any Commissioner, to be appointed in the place of the said *John Seagrim* as last aforesaid; and every person who shall be nominated and appointed a Commissioner as aforesaid shall, after taking the oath in that behalf prescribed by the said first recited Act, have such and the like powers and authorities in all respects 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 originally nominated and appointed a Commissioner in and by this Act.

Provided always, and be it enacted, That if either of the said Commissioners hereby appointed, shall refuse or neglect to attend at the first meeting appointed to be holden for carrying this Act into execution, and duly qualify himself by taking and subscribing the oath prescribed in that behalf; or if either of the said Commissioners shall, at any time after the said first meeting, wilfully absent himself from any three following successive meetings appointed to be holden

Commissioners neglecting to attend meetings, to be considered as a refusal to act.

by

by virtue of this Act, or having been absent from two successive meetings, shall not attend during the whole of the third or next succeeding meeting, such meetings being known to him either by his being present at the appointment thereof, or notice thereof in writing under the hand or hands of the clerk to the said Commissioners, or of any three or more of the persons interested in the said lands and grounds to be divided and allotted by virtue of this Act, having been delivered to the said Commissioner, or left at his usual place of abode, and such Commissioner not having been prevented by sickness, or other reasonable cause, to be allowed by the other Commissioner, from attending or continuing at such meetings or meeting; or if any person who shall hereafter be nominated and appointed a Commissioner, as by this Act is directed, shall not attend and qualify himself to act as a Commissioner in the execution of this Act, at the first meeting of the said Commissioners, after his nomination or appointment, or shall thereafter wilfully absent himself from three following successive meetings, to be holden by virtue of this Act, or having been absent from two successive meetings, shall not attend during the whole of the third or next succeeding meeting, such meetings being known to him either by his being present at the appointment thereof, or notice thereof in writing under the hand or hands of the clerk to the said Commissioners, or of any three or more of the persons interested in the said lands and grounds, having been delivered to the said Commissioner, or left at his usual place of abode, and such Commissioner not being prevented by sickness, or other reasonable cause to be allowed by the other Commissioner, from attending or continuing at such meetings or meeting, then, and in every of such cases, such absence or non-attendance shall be deemed and taken to be a refusal to act within the intent and meaning of this Act.

Umpire.

And for the purpose of settling and determining any difference or dispute which may arise between the Commissioners, touching or concerning any of the matters or things to be by them determined and performed, or executed in pursuance of the said recited Acts or of this Act, Be it further enacted, that the said Commissioners shall, and they are hereby authorized and required, at the first meeting to be held by them, for the putting this Act into execution, by writing under their hands, to choose, nominate and appoint some proper and skilful person, (not interested in the said division,) who shall be willing, and consent to act as an umpire; and if the said Commissioners cannot agree in the choice of a person to act as umpire, then the vicar for the time being of the parish of *Dinton* aforesaid, shall, and he is hereby



hereby authorized, by writing under his hand, to choose, nominate and appoint some such fit and skilful person, (not interested as aforesaid,) who shall be willing and consent to act as umpire, which umpire so to be chosen, nominated and appointed, is hereby authorized and required to hear and determine every such difference or dispute as may arise between the Commissioners touching any act, matter or thing relating to the said division, allotment and inclosure, or any of the purposes of the said recited Acts or this Act; and the judgment and determination of the said umpire therein shall be deemed and considered to be the judgment and determination of the Commissioners, and shall be final and conclusive upon the Commissioners, and upon all other persons concerned in the said division, allotment and inclosure, so far as the judgment and acts of the Commissioners are by the said acts, or either of them, made final and conclusive.

And be it further enacted, That if the umpire so to be appointed as aforesaid, or any future umpire to be appointed as hereinafter is mentioned, shall neglect or refuse to act under this Act, or shall die or become incapable of acting before the powers and trusts reposed in the said Commissioners shall have been fully executed, then the said Commissioners shall, before they proceed further in the execution of this Act, and they are hereby authorized, by writing under their hands, to appoint some other fit person (not interested in the said division) to be an umpire in the place of the umpire so neglecting or refusing to act, or dying, or becoming incapable of acting; and if the Commissioners cannot agree in the choice of a person to supply the place of an umpire on any such vacancy, then the vicar for the time being of the parish of *Dinton* aforesaid, shall and he is hereby authorized, by writing under his hand, to appoint some such fit person to be an umpire in the place of the umpire so neglecting or refusing to act, or dying or becoming incapable of acting; and every umpire to be appointed in the manner hereinbefore directed, in the place of the umpire so neglecting or refusing to act, or dying or becoming incapable of acting, shall have the like powers and authorities as are by this Act vested in the umpire hereby directed to be first appointed.

Appoint-  
ment of  
umpire on  
vacancies.

Provided also and be it enacted, That no person shall be capable of acting in the execution of this Act as umpire, until he shall have taken and subscribed an oath in the form following, that is to say:

“ I, *A. B.* do swear that I will faithfully, impartially  
 “ and honestly, according to the best of my skill and ability,  
 No. 6. B “ execute

Oath of  
umpire.

“ execute and perform the trusts, powers and authorities vested  
 “ and reposed in me as umpire, by virtue of an Act passed in  
 “ the third year of the reign of his Majesty King *George* the  
 “ Fourth, intituled [*here set forth the title of this Act*] according  
 “ to equity and good conscience, and without favour or affec-  
 “ tion, prejudice or partiality to any person or persons whom-  
 “ soever.

“ So help me *GOD*.”

Which oath it shall be lawful to and for the said Commissioners, or either of them, to administer, and they are hereby required to administer the same, and such oath so taken and subscribed by such umpire, with a duplicate thereof, shall be annexed to and enrolled with the general award of the said Commissioners.

Commissioners to give notice of meetings.

And be it further enacted, That the said Commissioners shall, and they are hereby directed to cause public notice to be given of the time and place of their first and every other meeting for the execution of this Act, at least eight days before any such meeting shall be holden (meetings by adjournment excepted); and that the said Commissioners may, and they are hereby authorized to adjourn any such meeting from time to time, and place to place, as they shall see occasion; and in case both the said Commissioners shall not meet at the time and place appointed for any such meeting, or to which any such meeting shall be adjourned, it shall be lawful for the Commissioner present at such time and place, or if no Commissioner shall attend, for the clerk to the said Commissioners, to adjourn such meeting to any future day, not exceeding twenty-eight days from the day of adjournment, to be holden at the same or any other convenient place, and so from time to time until both the said Commissioners shall meet, and the Commissioner or clerk making such adjournment is hereby required to give notice thereof to the absent Commissioner or Commissioners; provided that all meetings for putting this Act into execution shall be held within the parish of *Dinton* aforesaid, or within eight miles thereof.

One Commissioner or clerk may adjourn.

In what manner notices to be given.

And be it further enacted, That all notices required by the said first recited Act, to be given by the said Commissioners, and the notices hereby required to be by them given of their meetings for the execution of this Act, shall be given by writing, to be affixed on the door of the parish church of *Dinton* aforesaid, and by advertisement in some newspaper usually circulated in the said county of *Wilts*.

No. 6.

And

And be it further enacted, That if any dispute or difference shall arise between any of the parties interested, or claiming to be interested in the lands and grounds hereby directed to be divided and allotted, touching or concerning the respective shares and proportions which they or any of them shall have, or claim to have therein, or touching or concerning any other claims or objections, rights or interests relating to the said division and inclosure, it shall and may be lawful to and for the said Commissioners, and they are hereby respectively authorized and required, upon proper and sufficient inquiry and evidence, to examine into, hear and determine the same; provided that nothing herein contained shall authorize the said Commissioners to determine the title to any 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 case of encroachments within twenty years, as are hereinafter mentioned; but in case the said Commissioners shall be of opinion against the right of the person or persons so in possession, they respectively shall forbear to make any determination thereupon, until the possession shall have been duly taken from such person or persons by ejectment or other due course of law.

Commissioners to determine differences;

but not titles nor rights contrary to possession.

And be it further enacted, That in case the said Commissioners or umpire shall upon the hearing and determination of any claim or claims, objection or objections, to be delivered to the Commissioners in pursuance of the said first recited Act, or of this Act, see cause to award any costs, it shall and may be lawful to and for the said Commissioners and umpire, and they and he are and is hereby empowered upon application made to them or him respectively for that purpose, to settle, assess and award such costs and charges, as they or he respectively shall think reasonable, to be paid to the party or parties in whose favour any determination of the said Commissioners or umpire respectively shall be made, by the person or persons, body or bodies politic or corporate, whose claim or claims, objection or objections shall be thereby disallowed or overruled; and in case the person or persons, body or bodies politic or corporate, who shall be liable to pay such costs and charges, shall neglect or refuse to pay the same on demand, then and in such case it shall and may be lawful to and for the said Commissioners and umpire respectively, and they and he are and is hereby respectively authorized and required, by warrant under their or his hands and seals, or hand and seal respectively directed to any person whomsoever, to cause such costs and charges to be levied by distress and sale of the goods and chattels of the person or persons,

Power to award costs.

persons, body or bodies politic or corporate, so neglecting or refusing to pay the same, rendering the overplus (if any) upon demand to the person or persons, body or bodies politic or corporate, whose goods and chattels shall have been so distrained and sold, after deducting the costs and charges attending such distress and sale.

Persons dissatisfied with Commissioners' determination may try their rights at law.

Provided always and be it further enacted, That in case any person or persons, body or bodies politic or corporate interested or claiming to be interested in the said intended division or allotment, shall be dissatisfied with any determination of the Commissioners or umpire touching or concerning any claim or claims of common or other rights or interests in, over or upon or out of the lands or grounds hereby intended to be divided or allotted, or any part or parts thereof, or any objection or objections to such claim or claims, it shall be lawful for the person or persons, body or bodies politic or corporate so dissatisfied to cause an action to be brought upon a feigned issue against the person or persons, body or bodies politic or corporate, in whose favour any such determination shall have been made, within three calendar months next, after the determination of the said Commissioners or umpire shall have been notified in writing to the party or parties against whom such determination shall have been so made, or to his, her or their known agent or attorney, and thereupon ~~the person or persons, body or bodies politic or corporate~~ so dissatisfied shall proceed to a trial at law at the then next or the following assizes to be holden for the said county of *Wilts* after such action or actions shall have been commenced, and the defendant or defendants in such action or actions shall, and he, she or they is and are hereby required to name an attorney or attorneys who shall appear thereto, or file common bail and accept of one or more issue or issues whereby such claim or claims, and the right or rights thereby insisted on may be tried and determined (such issue or issues to be settled by the proper officer of the court in which 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, body and bodies politic or corporate 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, and that 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 thereby determined

mined according to the event of such trial or trials : Provided always, that if no such action at law shall be commenced as aforesaid, or if any such action shall be commenced, and the plaintiff or plaintiffs therein shall not proceed to trial within the time hereinbefore limited for that purpose, then the determination of the said Commissioners shall be binding, final and conclusive to all intents and purposes whatsoever.

Provided always and be it enacted, That if any of the parties in any action or actions to be brought and prosecuted in pursuance of this Act, shall die pending the same, such action or actions shall not abate by reason thereof, but may be proceeded in as if no such death had happened ; and if any person or persons, in whose favor any such determination as aforesaid shall have been made, and against whom any such action or actions might have been brought, if living, shall die before any action or actions shall have been brought, and before the expiration of the time hereinbefore limited for bringing such action or actions, 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 said Commissioners with notice of such action or actions, in the same manner as the party or parties might have been served therewith if living ; and it shall be incumbent on the heir or heirs, or other person or persons who shall claim the benefit of such determination as aforesaid, to appear and defend such action or actions, in the name or names of the person or persons so dead, and proceedings shall be had therein in the same manner as if such person or persons had been actually living ; and the rights of all parties shall be equally bound and concluded by the event of such action or actions.

Actions not to abate by the death of a party.

Allowing actions to be brought after the death of parties.

Provided always and be it enacted, That no such difference, dispute or proceeding, touching the title to any lands, tenements or hereditaments, shall impede or delay the said Commissioners in the execution of this Act; but the division, allotment and inclosure hereby directed to be made, shall be proceeded in notwithstanding any such difference, dispute or proceeding.

Trials not to suspend the execution of the powers of the Act.

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,

Commissioners may extinguish or suspend rights of common.

hands, to be affixed on the door of the parish church of *Dinton* aforesaid, on some *Sunday* before, and there to remain until after divine service, to order the right of common in, upon and over the lands and grounds hereby directed to be divided and allotted, or any of them, to be extinguished either in whole or in part, or to be suspended, and from and after the time to be mentioned in and fixed by any such notice, all such right of common as shall thereby be directed to be extinguished or suspended, shall cease and be extinguished; or shall be suspended according to, and as shall be expressed in, and directed by, such notice.

Encroachments.

And be it further enacted, That all inclosures and encroachments which shall have been taken in and made from the said lands and grounds hereby directed to be divided and allotted (save and except such as have been peaceably and quietly enjoyed for the space of twenty years last past or upwards, before the passing of this Act, without any interruption or payment of any acknowledgment), shall be deemed part and parcel of the lands and grounds to be divided and allotted in pursuance of this Act; and in case any difference or dispute shall arise touching any such inclosures or encroachments being deemed part or parcel of the said lands and grounds so to be divided and inclosed, such differences and disputes shall be examined into and determined by the said Commissioners.

Road to be set out from the glebe lands.

And be it further enacted, That the said Commissioners shall, and they are hereby authorized and empowered to set out and allot unto and for the impropiators and vicar of *Dinton* aforesaid for the time being, and their lessees, a road or drift-way, to and from the glebelands belonging to the said vicarage, through and over certain lands belonging to the said *George Augustus* Earl of *Pembroke* and *Montgomery*, in the parish of *Dinton* aforesaid, in the several possessions of *Samuel Jesse*, *Joel Doughty* and *William King*, into a certain road within the said parish, (which branches out of the highway leading from *Salisbury* to *Hinton*) at or near a certain barn belonging to the said Earl, in the possession of *Walter Bailey*.

Allotment to the vicar for his glebe lands.

And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required to set out and allot unto and for the vicar of *Dinton* aforesaid and his successors, in lieu of his glebe lands in the said common fields and right of common thereunto belonging, such plot or plots, parcel or parcels of the lands and grounds by this Act authorized to be divided and allotted, as shall in

the judgment of the said Commissioners be a full equivalent and compensation for such glebe lands, and all right of common thereunto belonging.

And be it further enacted, That the said Commissioners shall divide, assign, set out, and allot all the lands and grounds by this Act directed to be divided and allotted unto and amongst all and every person and persons, body and bodies politic, corporate or collegiate, having any right or interest in, to, over or upon the said lands and grounds, in such shares and proportions as the said Commissioners shall adjudge and determine, to be proportionate to the value of, and a full compensation and satisfaction to him, her or them respectively, for his, her or their respective rights and interests in, to, over and upon the same lands and grounds. Allotments to proprietors.

Provided always and be it further enacted, That in case any person or persons, body or bodies politic, corporate or collegiate, corporations aggregate or sole, or other proprietor or proprietors, shall, prior to the passing of this Act, have inclosed any part of the lands and grounds hereby directed to be divided and allotted, then it shall be lawful for the said Commissioners, and they are hereby authorized and required to allot and award to such person or persons, body or bodies, corporation or corporations, or other proprietor or proprietors as aforesaid, all such lands as and for his, her or their proportion and allotment of the lands and grounds hereby directed to be divided and allotted, and such further share or proportion of the said lands (if any) as in the judgment of the said Commissioners, such person or persons, body or bodies, corporation or corporations, or other proprietor or proprietors as aforesaid, shall be entitled to by virtue of this Act; but if the said Commissioners shall be of opinion that such person or persons, body or bodies, corporation or corporations, or other proprietor or proprietors as aforesaid, is not, or are not entitled to so large a share or proportion of the said lands and grounds, as the whole of the lands and grounds so previously inclosed as aforesaid, then the said Commissioners shall make such deduction therefrom as may be necessary to reduce the same, to his, her or their due share or proportion of the lands and grounds hereby directed to be divided and allotted, according to his, her or their rights and interests therein, so as such reduction be made with as little injury and inconvenience in regard to situation, and in all other respects as circumstances will admit. Lands already inclosed how to be allotted.

And whereas it would tend to facilitate the general plan or scheme Inclosed of lands to be



allotted in  
certain cases.

of division and arrangement of the lands and grounds hereby directed to be divided and allotted, if the old enclosed or other lands or grounds not hereby directed to be divided and allotted were in certain cases made allottable: Be it therefore further enacted, that it shall be lawful for the said Commissioners, at the request and by and with the consent of the owner or owners thereof, in such cases as they shall deem it expedient, to allot any old enclosed or other lands or grounds, not hereby directed to be divided; and if the owner or owners of such old enclosed or other lands or grounds be entitled to an allotment under this Act, by reason of his property or interest in the lands and grounds hereby directed to be divided and allotted, to increase the allotment or allotments of such proprietor or proprietors, to an extent proportionate to the value of the lands so to be allotted; and in case such proprietor or proprietors shall not be entitled as aforesaid to any allotment or allotments in the lands and grounds hereby directed to be divided and allotted, then the said Commissioners shall and they are hereby authorized and required to allot unto him, her, or them, such part of the said lands and grounds hereby directed to be divided and allotted, as shall be equal in value to and a fair compensation for the land or ground to be allotted as aforesaid.

Parts of  
lands may  
be ordered  
to be depas-  
tured in  
common.

Provided always and be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered upon request to them made by any two or more of the several persons interested in the lands and grounds to be divided and allotted by this Act, by writing under their hands and upon a view and consideration of the premises, to award, order and direct that such part or parts of the said lands and grounds as the Commissioners shall think proper and necessary shall hereafter be cultivated, fed and depastured in common: and the said Commissioners shall and they are hereby authorized and empowered to direct that all such part or parts of the said lands and grounds as shall be by them so ordered to be cultivated, fed and depastured in common as aforesaid, shall be cultivated, fed, depastured and enjoyed in such course of husbandry as the said Commissioners shall deem to be the best improved course of husbandry that the respective soils and situations are capable of, and the same shall be opened, broke, stocked and depastured, and also shall be shut up or unstocked on such days and at such times respectively as the said Commissioners shall direct or appoint; and also that the same shall be stocked and depastured with such sort and number of neat cattle, sheep or other stock for the share and proportion of each proprietor or occupier respectively

tively as the said Commissioners shall judge most equitable and beneficial for the whole and for the several proprietors interested therein.

And be it further enacted, That the allotment to be made to the said vicar of *Dinton*, for his glebe lands and right of common as hereinbefore directed, shall be inclosed and fenced on all such parts as shall not be directed to be fenced by any of the other proprietors, and as shall not adjoin upon any ancient inclosure, brook or watercourse, which may be of itself a sufficient fence with quicksets and ditches, with proper oak posts, and three rails of oak, ash or elm, or other durable wood, on each side of such quicksets, the expences whereof, and also of maintaining, preserving and repairing the said ditches, quicksets and fences, for the space of five years after the same shall have been planted and made, shall be borne and defrayed by the owners and proprietors of the lands and grounds hereby directed to be divided, allotted and inclosed, in such parts and proportions as the said Commissioners shall order or direct.

For fencing the vicar's allotment.

And be it further enacted, That all and every person and persons, body or bodies politic, corporate or collegiate, corporation or corporations aggregate or sole, or other proprietor or proprietors (except the said vicar of *Dinton*) to or for whom any allotment or allotments of any part or parts of the said common fields, common meadows and other commonable lands hereby directed to be divided, allotted and inclosed, shall be made under and by virtue of this Act, shall respectively at his her and their own expence, fence in and inclose the same in such manner and within such time as the said Commissioners shall in and by their respective general awards or any other writing under their hands direct and appoint.

Allotments to be fenced.

And be it further enacted, That it shall be lawful for any person or persons who shall be entitled to any allotment or allotments under or by virtue of this Act to give, grant, bargain, sell, demise, mortgage, limit, convey and assure the same, for all or any part of his, her or their estate or interest therein or right thereto, at any time before the execution of the respective general awards of the said Commissioners; and every such gift, grant, bargain, sale, demise, mortgage, limitation, conveyance and assurance shall be of the same force and validity as if made after the execution of the said award.

Proprietors may sell their allotments before the execution of the award.

And be it further enacted, That it shall be lawful for the vicar of *Dinton* to grant leases of the

Power to the vicar to grant leases.

the said parish of *Dinton* for the time being, by indenture or indentures under his hand and seal, with the consent and approbation of the bishop of the diocese and the patrons of the said vicarage, to lease or demise all or any part or parts of the allotment or allotments to be allotted to such vicar in right of his said vicarage, by virtue of this Act, to any person or persons whomsoever, for any term not exceeding twenty-one years, to commence within twelve calendar months from the passing of this Act, so that there be thereby reserved and made payable, by four equal quarterly payments to such vicar, the best and most improved rent or rents that can be reasonably gotten for the same, without taking any fine, foregift, premium, sum of money, or other consideration, for granting any such lease, and so that no such lessee, by any such lease or demise, be made dispunishable for waste by any express words to be therein contained, and so that there be inserted in every such lease power of re-entry on non-payment of the rent or rents to be thereby reserved, within a reasonable time, to be therein limited after the same shall become due, and so that a counterpart of such lease be duly excuted by the lessee or lessees to whom such lease shall be so made as aforesaid, and every such lease shall be valid and effectual, any law, usage, or any thing in the said recited Acts to the contrary notwithstanding: Provided always, that whenever any lease or leases so to be granted by any such vicar, shall by any means become forfeited or void, or be surrendered before the expiration by effluxion of time of the term or terms thereby granted, then and in such case, and as often as the same shall so happen, it shall and may be lawful for the vicar for the time being of the said vicarage, by and with such consent and approbation as hereinbefore mentioned, to grant a new lease of the lands so demised, for such term or terms of years as shall at the time or times of such avoidance be then to come and unexpired of the original lease or leases, subject nevertheless to the provisions and conditions contained in such original lease or leases, and then remaining unperformed and capable of having effect.

Lands held by different tenures by the same proprietors, to be distinguished.

And be it further enacted, That where any person or persons shall be seised or possessed of lands or other hereditaments in the said parish of *Dinton*, held by different tenures or for or by or under different estates or titles, the said Commissioners shall and they are hereby authorized and required, upon the request of the persons so seised or possessed respectively, to enquire into and ascertain and determine, by the examination of witnesses on oath or other sufficient evidence, the respective lands or other 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 allotted 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 parish held by such several tenures, and for, by or under such different estates or titles, and all the lands and other hereditaments to be so ascertained, distinguished and set out, shall be declared, set forth and described in the general award of the said Commissioners.

And be it further enacted, That where the proprietor or proprietors of any allotment, land or other hereditaments in the said parish of *Dinton* shall hold his, her or their respective lands and hereditaments by different tenures, or by or under different estates or titles, and where from want of the necessary information before the said Commissioners, or from any other cause, the general award of the said Commissioners shall have omitted to distinguish the lands or other hereditaments holden by such several tenures, or for, by or under such different estates or titles, or to set out and award several and distinct allotments for any such respective lands or other hereditaments as hereinbefore is required, it shall be lawful for the said Commissioners, and they are hereby authorized at any time and from time to time within 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 lands or other hereditaments, to do all such acts as shall be necessary for supplying any such omission; and for that purpose to examine witnesses, and to proceed as if their award had not been made, and by any deed or instrument under their hands and seals to distinguish, ascertain and set out the lands and hereditaments held by different tenures, or for, by or under different estates or titles respectively, in the same manner as they are hereby authorized and required to do in cases where such lands and hereditaments are directed to be ascertained, distinguished and set out by their general award; and every such separate instrument shall be enrolled in the same place as the general award shall be enrolled, and evidence thereof shall be given in the same manner as by the said first recited Act and this Act, or either of them respectively, is directed concerning the said general award of the said Commissioners; and all the expences which shall be reasonably incurred in or about any such subsequent inquiry and separate instrument as aforesaid shall be paid

Lands held by different tenures or titles, omitted to be distinguished by the award, may be afterwards distinguished by a separate instrument.

by

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.

Exchanges.

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, within the said parish of *Dinton*, in lieu of, and in exchange for any other lands, tenements, or hereditaments, in the same parish, or within any adjoining parish, township or place, so that every such exchange be ascertained, specified, and declared in the general 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, fee tail, general or special, or by the curtesy of *England*, or for any life or lives, or for years determinable upon any life or lives, and also by and with the consent of the lessor or lessors of any leasehold hereditaments, and not otherwise, or with the consent of the guardians trustees, feoffees for charitable or other uses, husbands, committees, or attornies of or for any such proprietors as aforesaid, who at the time of making such exchanges shall be respectively infants, femes 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 consents to be respectively testified by writing under the hands of the consenting parties, or under the seals of any of them, being corporations aggregate; and every such exchange so to be made shall be for ever good, valid, and effectual in the law to all intents and purposes whatsoever: Provided, that no such 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 the lord bishop of the diocese in which such benefice shall be situate, and that no such exchange shall be made of copyhold lands or tenements, without the consent of the lord or lords of the manor or manors whereof the same shall be holden: Provided also, that every person or persons 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 or tenants of the copyhold lands or tenements so allotted.

Commissioners may vacate leases, or direct increase of rent.

And be it further enacted, That it shall be lawful for the said Commissioners, if they in their discretion shall so think fit, to determine all and every or any lease or leases, agreement or agreements at rack rent

rent now subsisting for any term of years or from year to year, or at will, of any part or parts of the lands and grounds hereby directed to be divided and allotted, or of the rights of common belonging thereto, and of all or any part of the lands and hereditaments within the parish of *Dinton* aforesaid which shall be exchanged by virtue of this Act, as to the whole or any part of the premises comprized in any such lease or leases, agreement or agreements, at such time or times as the said Commissioners shall direct; and it shall be lawful for the said Commissioners to adjudge and determine what satisfaction shall be made by the respective lessors or landlords to the lessees or tenants respectively for the determination of their interests in such lands or hereditaments either by the payment of a gross sum, or (where other lands or hereditaments are or shall be comprized in the same) by a reduction and apportionment of the rent to be paid during the remainder of the term for the residue of the premises in such lease or demise comprized, and every such lease and demise shall, upon the compliance of the lessor with the direction and order of the said Commissioners for the determination thereof, and not otherwise, cease and determine accordingly: Provided always, that if there shall be any such lease or leases of lands, part of which shall lie in the said parish of *Dinton*, and part in any adjoining parish or place, all and every such lease or leases may be vacated; but where any lands shall have been taken in exchange, which lands shall be under lease, and wholly situate in any adjoining parish or place, the lease of such last-mentioned lands shall not be vacated: Provided also, that in all cases wherein the said Commissioners shall not determine any such leases or agreements as aforesaid, the tenants shall hold and enjoy such lands and grounds as shall be allotted in lieu of their former lands and rights of common respectively for and during the residue of their respective holdings, upon paying such further advanced rents to the lessors or landlords thereof as the said Commissioners shall think reasonable between landlord and tenant, and by writing under their hands direct or appoint, and which said advanced rents shall be paid and may be recovered at such times in such manner and by such remedies, ways and means as the rents originally reserved would or might have been payable or recoverable in case this Act had not passed.

Provided always and be it further enacted and declared, That nothing in this Act contained shall extend or be construed or adjudged to extend, to revoke, make void, annul, or alter any settlement, deed, will, or lease, or to prejudice any person having any

No. 6. E right

Settlements, &c. not to be affected, or wills revoked.



Allotments and exchanged lands to remain to the same uses.

right or claim of dower, jointure, annuity, rent, debt, charge, or incumbrance whatsoever, in, out of, upon, or affecting any of the lands, tenements or hereditaments hereby directed to be divided and allotted, or which shall be exchanged, or assigned on any partition or in compensation for any other estate or right in pursuance of this Act respectively, but that as well the lands allotted as the tenements and other hereditaments which shall be assigned in exchange of, or on partition, or in compensation for any other estate or right by virtue of this Act, shall immediately after such allotment, exchange, partition or assignment remain and enure, and the several persons to whom the same shall be allotted, assigned, or given in exchange or on partition as aforesaid, shall thenceforth stand and be seised and possessed thereof respectively, to, for and upon such and the same uses, estates, intents, trusts and purposes respectively, and subject and liable to such and the same wills, settlements, limitations and remainders, conditions, charges and incumbrances, in all respects as the several lands, tenements and hereditaments, in respect whereof such allotments, exchanges, partitions and assignments shall have been made, should or would have stood severally limited, settled, vested, or subject or liable to, or been held by, in case the same had not been allotted, exchanged, parted or assigned as aforesaid, and this Act had not been made, save and except such leases and tenancies at rack rent, as shall become void by virtue of this Act, and except where any other of the provisions of this Act are to the contrary, and subject nevertheless to all such mortgages and sales as shall be made by authority of this Act, or of the said first recited Act.

Course of husbandry until inclosure.

And be it further enacted, That in the meantime, and until such division and allotment shall be made as aforesaid, the lands and grounds hereby directed to be divided and allotted, shall be stocked with such beasts and cattle only, and cropped with such sorts of corn, grain, pulse, turnips or grass-seeds, and in such proportions, and for and during such periods of time as the said Commissioners shall from time to time, by any writing or writings under their hands in that behalf, order, direct, or appoint, any usage or custom to the contrary notwithstanding, of which said order and direction so to be made, twenty-eight days' notice at the least shall be given, by affixing the same to the door of the parish church aforesaid.

Money advanced to be repaid with interest.

And be it further enacted, That the 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 which, after the passing of this



this Act, shall be advanced or lent to the said Commissioners for carrying the same into execution, shall be paid, with lawful interest, to the person or persons who shall have advanced the same, his, her or their executors or administrators, out of the first money to be raised for defraying the expences of obtaining and executing this Act.

And be it further enacted, That the said Commissioners and the umpire acting in the execution of the trusts and powers hereby vested in them, shall each be allowed and paid in satisfaction for his trouble and expences the sum of three guineas, and no more, for every day on which he shall be employed in travelling to, attending in or returning from (but not exceeding one day in travelling to or returning from) so acting, and that the clerk to be employed by the said Commissioners shall be allowed and paid, in satisfaction for his trouble and expences, such sum not exceeding three guineas, as the Commissioners shall direct, for every day on which he shall be employed in travelling to, attending in, or returning from acting (but not exceeding one day in travelling to, or returning from so acting); and that at all meetings to be held in pursuance of this Act, the Commissioners, umpire and clerk, and every proprietor and other persons attending such meetings, shall pay their own expences.

Allowance of Commissioners, umpire and clerk.

And be it further enacted, That the costs and charges of, incident to, and attending the obtaining and passing of this Act, of dividing and allotting the lands and grounds hereby directed to be divided and allotted, and all other expences of carrying this Act into execution, shall be borne and defrayed by the said *George Augustus* Earl of *Pembroke* and *Montgomery* and *William Wyndham*, their respective heirs, executors and administrators, in equal shares and proportions, and shall be paid at such time and place, and to such person or persons as the said Commissioners shall, by any writing under their hands, direct or appoint, and the same shall and may be levied and recovered by the means and in the manner provided by the said first recited Act.

Expences of the Act.

And be it further enacted, That once in every year during the execution of this Act (such year to be computed from the day of passing of this Act) the said Commissioners shall, and they are hereby required to make a true and just statement or account of all sums of money by them received and expended, or due to them for their own trouble and expences in the execution of this Act, and such statement or account when so made, together with the vouchers relating thereto, shall be by them laid before any one of his Majesty's justices

Settling the Commissioners' accounts.

of the peace for the said county of *Wilts*, not interested in the said division and allotment, to be by him examined and balanced; and such balance shall be by such justice stated in the book of accounts to be kept in the office of the clerk to the said Commissioners, and no charge or item in such accounts shall be binding on the parties concerned, or valid in law, unless the same shall have been duly allowed by such justice.

Award to be deposited in the parish church.

And be it further enacted, That the general award to be made by the said Commissioners, when enrolled in the manner directed by the said first recited Act, shall, together with such plans and surveys as may be annexed thereto, be deposited in the parish church of *Dinton* aforesaid.

Appeal.

And be it further enacted, That if any person or persons shall think himself, herself or themselves aggrieved by any thing done by the said Commissioners in pursuance of the said first recited Act, or of this Act (other than and except such determinations of the Commissioners or umpire, as are by the same Act, or this Act, declared to be final, binding or conclusive, and except in cases where an issue at law may be tried, as hereinbefore is mentioned), then and in every such cases, he, she or they may appeal to any general quarter-sessions of the peace, to be holden for the said county of *Wilts*, within three calendar months next after the time when the cause of complaint shall have arisen, giving to the said Commissioners, or one of them, and to the party or parties concerned, notice in writing of such appeal, and of the matter thereof, within twenty-eight days after the cause of complaint shall have arisen; and fourteen days at the least, before such general quarter-sessions; 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 and damages, as to them in their discretion shall seem reasonable, and by their order or warrant to levy the costs and damages which shall be so 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) 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 every 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;

where ; but in case such appeal shall appear to the said justices to be frivolous, vexatious, or without foundation, then and in such case 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.

Provided always and be it further enacted, That nothing in this Act shall prejudice, lessen or defeat the right, title or interest of the lord or lords, lady or ladies of any manor or manors within the limits and jurisdiction whereof the lands and grounds hereby intended to be divided and inclosed are situate, of in or to the seignories, royalties, rights and services incident or belonging to such manor or manors ; but the lord or lords, lady or ladies of the said manor or manors shall and may from time to time, and at all times hereafter, hold, receive, take and enjoy all rents, fines, services and profits of courts and all other rights, royalties and privileges to such manor or manors respectively, incident, appendant, belonging or appertaining in as full, ample and beneficial manner, to all intents and purposes, as he, she or they might or ought to have held and enjoyed the same in case this Act had not been made.

Manorial rights reserved.

Saving always to the KING's Most Excellent MAJESTY, his heirs and successors, and to all and every other person and persons, bodies politic and corporate, and his, her and their heirs, successors, executors and administrators, and all persons claiming under or in remainder after them all such right, title or interest (other than and except such as is and are hereby meant and intended to be compensated for, barred and extinguished) as they, every or any of them could or ought to have had and enjoyed of, in, to or out of the lands and grounds hereby directed to be divided and allotted in case this Act had not been made.

General saving.

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.

Act to be printed by the King's printer.

**A C T**

FOR

**Dividing, allotting and inclosing  
Lands in the Parish of *Dinton* in the  
County of *Wills*,**

—  
**3 GEO. IV.  
Sess. 1822.**  
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[ROYAL ASSENT, JUNE 24, 1822.]

**ODDIE, ODDIE, AND FORSTER,**

*Carey Street,  
Lincoln's Inn Fields.*

**GEORGE BRAMWELL,**