



ANNO QUINQUAGESIMO QUARTO

# GEORGI III. REGIS.

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## Cap. 159.

An Act for inclosing Lands in the Parish of *Durrington*, in the County of *Suffex*. [17th June 1814.]

**W**HEREAS there are within the Parish of *Durrington*, in the County of *Suffex*, divers Open or Common Fields, Open and Common Pastures or Sheep Downs, and Common Drove Ways, containing in the whole Four hundred and fifty-eight Acres or thereabouts, and also certain Waste Grounds: And whereas *Harry Newland* Esquire is Lord of the Manor of *Broadwater* with its Members; and as such Lord is Owner of and entitled to the Soil of the said Open and Common Pastures or Sheep Downs, Drove Ways, and Waste Grounds, or to some Part or Parts thereof: And whereas *Christopher Kell* and *Thomas Raddish* Clerk, as Devisees in Trust under the Will of *Henry Shelley* Esquire, deceased, *Thomas Busbby* Esquire, *James Pensfold*, *Mary Richardson* Widow, *Frances Richardson* Widow, and *William Westbrook Richardson* Esquire, *Thomas Parson*, *William Blunden*, *Henry Lindup*, the Dean and Chapter of the Cathedral Church of *Chichester*, in the said County of *Suffex*, *James Brookbanks*, and others, are seised of and entitled unto certain Portions of the said Open or Common Field Lands: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled *An Act for consolidating in one Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas the Lands of the said Proprietors in the said Open and Common Fields lie very much intermixed and dispersed in small Parcels, so as to render the Cultivation thereof very inconvenient; and the same, and also the said Common Pastures or Sheep Downs, Drove Ways, and Waste Grounds, are, in their present State, in-

[*Loc. & Per.*]

32 Z

capable

Commissioners appointed.

capable of any considerable Improvement; but if the same were divided, allotted, and set out unto and amongst the several Proprietors and Persons interested therein, according to their several and respective Rights and Interests, and the Allotments thereof inclosed, they might be much improved and rendered of greater Value; but such Division, Allotment, and Inclosure cannot be effected without the Aid and 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 *Caleb Rickman* of *Offham* near *Arundel*, in the County of *Suffex*, Gentleman, *Richard Knight* of *Offham*, near *Lewes*, in the said County of *Suffex*, Gentleman, and *Francis Gell* of *Appletham*, in the said County of *Suffex*, Gentleman, and their Successors, to be nominated and elected in Manner herein-after mentioned, shall be and they are hereby appointed Commissioners for the setting out, dividing, and allotting, laying in Severalty, and inclosing all the Open or Common Fields, or Common Field Lands, and also all the Open and Common Pastures or Sheep Downs, Drove Ways, and Waste Grounds within the said Parish of *Durrington*, and for carrying the several Purposes of this Act and the said recited Act into Execution (except such Parts of the said recited Act as are hereby varied or altered), and under and subject to such of the Rules, Orders, Directions, Restrictions and Provisions contained in the said recited Act, as are not controuled by or repugnant to the Powers and Provisions of this Act; and that all Acts, Matters, and Things hereby authorized and directed to be done by the said Commissioners may be done and executed by any Two of them; and all Acts and Proceedings so had or done in pursuance of this Act shall be as valid and effectual as if done and executed by all the said Commissioners; and it shall be lawful for the said Commissioners, or either of them, or for any Justice of the Peace for the said County of *Suffex*, to administer to the said Commissioners, or either of them, the Oath or Affirmation directed by the said recited Act to be taken by Commissioners.

Appointment of new Commissioners.

II. And be it further enacted, That in case the said *Caleb Rickman*, *Richard Knight*, and *Francis Gell*, or any or either of them, shall die, neglect, or refuse to act, or become incapable of acting as a Commissioner, the Proprietors as well Copyholders as Freeholders or Persons interested in the said Open or Common Field Lands, and Open and Common Pastures or Sheep Downs, Drove Ways and Waste Grounds, intended to be so divided and allotted, laid out in Severalty and inclosed, for or in respect of their several Estates situate within the said Parish of *Durrington*, or the major Part in annual Value of them, to be ascertained by the Land Tax Assessment, or of so many of them as shall be present by themselves or their Agents, at a Meeting to be held at *Durrington* aforesaid, or within Eight Miles thereof, to be convened by Notice to be given in the Manner herein-after mentioned, shall and may, within Sixty Days next after such Death, Neglect, Refusal, or Incapacity as last aforesaid, nominate and appoint a proper Person, not interested in the said Lands hereby intended to be divided and allotted as aforesaid, to be a Commissioner in the room of the said *Caleb Rickman*, or of the said *Richard Knight*, or of the said *Francis Gell*, as the Case may be; and in case of the Death, Neglect, Refusal or Incapacity as aforesaid, of any Person or Persons so nominated or appointed in the room of any Commissioner or Commissioners who shall die, neglect,

neglect or refuse to act, or become incapable of acting as aforesaid, the Majority in annual Value of the Proprietors or Persons interested as aforesaid, to be ascertained as aforesaid, shall from Time to Time as often as Occasion may require, in like Manner appoint another proper Person, not interested as aforesaid, to be a Commissioner in the room or stead of the Commissioner who shall die, neglect, or refuse to act, or become incapable of acting as aforesaid, according to the Regulation herein mentioned, as often as such Vacancy shall happen by Death, Neglect, Refusal, or Incapacity to act as aforesaid; but if the Proprietors or Persons interested as aforesaid shall refuse or neglect to make such Appointment or Appointments as aforesaid within the Time aforesaid, then and so often as the Case shall happen, the surviving or remaining Commissioner or Commissioners shall within Twenty Days next after the Expiration of the Time herein-before allowed for appointing a Commissioner or Commissioners in case of any Vacancy, or as soon after as Occasion may require, by Writing under his Hand and Seal, appoint another proper Person, not interested in the said Division and Allotment, to be a Commissioner in the room of such Commissioner so dying, neglecting, refusing, or becoming incapable to act as aforesaid.

III. And be it further enacted, That the said Commissioners shall, and they are hereby required to cause public Notice to be given in the Newspaper called *The Sussex Weekly Advertiser or Lewes Journal*; or in case that Newspaper shall not then be published, then in some other Newspaper circulated in the said County of *Sussex*, and also in Writing to be affixed to the principal outer Doors of the Parish Churches of *West Tarring* and *Broadwater*, and also on the front Door of the public Inn or Victualling House at *Durrington* aforesaid (if there should be any such Inn, and not otherwise), of the Time and Place of the First Meeting of the said Commissioners for executing the Powers vested in them by this Act and the said recited Act, at least Ten Days before such First Meeting; and also shall cause Ten Days Notice at the least to be given in Writing as aforesaid, of every subsequent Meeting of the like Purpose (Meetings by Adjournment excepted); and all the Meetings of the said Commissioners shall be held at some convenient Place within the said Parish of *Durrington*, or within Eight Miles of the said Parish: Provided always, that if at any Meeting to be held as aforesaid it shall happen that only One of the said Commissioners shall attend, such Commissioner may adjourn such Meeting to such Time within the Space of Twenty-one Days from the Day of Adjournment, and to such Place within the said Parish of *Durrington*, or within Eight Miles thereof, as he shall think most convenient, and shall give Notice thereof to the absent Commissioners; and in case neither of the said Commissioners shall be present at any such Meeting, then it shall be lawful for their Clerk to adjourn such Meeting, and appoint the same to be held at the same or any other Place within the said Parish, or within Eight Miles of the same, on any future Day, not exceeding Twenty-one Days from the Day of Adjournment, and shall give timely Notice thereof to the Commissioners.

Notice to be given of Commissioners Meetings.

IV. And be it further enacted, That all other Notices necessary or requisite to be made and given by the said Commissioners, shall be so made and given by Advertisement in the said Newspaper called *The Sussex Weekly Advertiser or Lewes Journal*, or in case that Newspaper shall not then be published, then in some other Newspaper usually circulated in the said County of *Sussex*,

Notices how to be given.

and also by affixing the same on the principal outer Doors of the said Parish Churches, and also on the front Door of the said Inn as aforesaid, provided there shall be any such Inn and not otherwise.

Proceedings  
to be entered  
in a Book.

V. And be it further enacted, That all Orders, Proceedings, and Determinations of the said Commissioners, at any of the Meetings to be held in pursuance of this Act, or the said recited Act, shall be entered in a Book or Books to be kept for that Purpose, and shall be signed by the Commissioners present at such Meetings, and being so signed shall be deemed and taken for Originals, and such Book and Books, all or any of them, may be read in Evidence in all or any Proceedings touching any Matter or Thing done in relation to or in pursuance of this Act, or the said recited Act.

Commissioners  
to determine  
Differences.

VI. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said intended Division and Allotment, or touching or concerning the respective Rights and Interests which they or any of them shall have or claim to have in the same, or touching or concerning any other Matter or Thing relating to the said Division or Allotment, it shall be lawful for the said Commissioners to hear and determine such Disputes and Differences.

Commissioners  
not to determine  
Titles  
nor molest  
Possession.

VII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioners to determine the Title to any Messuages, Cottages, Lands, Tenements, or Hereditaments whatsoever, nor to determine any Right between any Parties contrary to the Possession of any of such Parties (except in Cases of Encroachments made within the Period of Twenty Years); 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 recovered from such Person or Persons by Ejectment or other due Course of Law.

Commissioners  
may assess  
Costs.

VIII. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby empowered and required, upon Request made to them, to assess such Costs and Charges as they shall think reasonable, to be paid to the Party or Parties in whose Favour any Determination as aforesaid shall be made, by the Person or Persons whose Claim or Claims, Objection or Objections shall be thereby disallowed or over-ruled; and in case the Person or Persons who shall be liable to pay such Costs and Charges shall neglect or refuse to pay the same on Demand, it shall be lawful for the said Commissioners, and they are hereby authorized and required, by Warrant under their Hands and Seals, directed to any Person or Persons whomsoever, to cause such Costs and Charges, and the Expences attending such Distress and Sale, to be levied by Distress and Sale of the Goods and Chattels of such Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges of such Distress and Sale.

Persons dis-  
satisfied may  
try their  
Right at  
Law.

IX. And be it further enacted, That if any Person or Persons, Body or Bodies Politic or Corporate, interested or claiming to be interested in the said intended Division and Allotment, shall be dissatisfied with any Determination

nation of the said Commissioners, touching or concerning any Claim or Claims, or other Rights or Interests in, over, or upon the said Open or Common Field Lands, or the said Open and Common Pastures or Sheep Downs, Drove Ways and Waste Grounds hereby directed to be divided and allotted or any Part thereof, it shall be lawful for the Person or Persons, Body or Bodies Politic or Corporate, so dissatisfied, to proceed to a Trial at Law of the Matter so determined by the said Commissioners, at the then next or at the following Assizes to be holden for the said County of *Suffex*; and for that Purpose the Person or Persons, Body or Bodies Politic or Corporate, who shall be dissatisfied with the Determination of the said Commissioners, shall, upon giving Notice to the said Commissioners of his, her, or their Intention to bring such Action within Two Calendar Months after such Determination shall be made, cause an Action or Actions to be brought upon a feigned Issue, against the Person or Persons, Body or Bodies Politic or Corporate, in whose Favour such Determination shall have been made, within Three Calendar Months next after the Determination of the said Commissioners, shall be so made; and the Defendant or Defendants in such Action or Actions 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 and the Right or Rights thereby insisted on may be tried and determined, and such Issue or Issues shall be settled by the proper Officer of the Court wherein such Action or Actions shall be commenced, if the Party or Parties shall differ about the same; or in Default thereof the Plaintiff or Plaintiffs in such Action or Actions shall and may enter an Appearance or Appearances, or file Common Bail for such Defendant or Defendants, and proceed therein in the same Manner as if such Appearance had been entered, and Common Bail had been filed by such Defendant or Defendants; and the Verdict or Verdicts, which shall be given in the said Action or Actions, shall be final and conclusive upon all and every Persons and Person, Bodies and Body Politic and 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 or Trials to be had, which it shall be lawful for the Court to do, as is usual in other Cases; and after any Verdict or Verdicts shall be obtained, and final Judgment entered thereon, according to the Course of such Court, the said Commissioners shall and they are hereby required to conform thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials: Provided always, that the Determination of the said Commissioners touching such Claim or Claims to any Right or Rights, or Interest, in, over, or upon the said Open or Common Field Lands, or the said Open and Common Pastures or Sheep Downs, Drove Ways and Waste Grounds hereby directed to be divided and allotted, or any Part thereof, which shall not be objected to, or being objected to, the Party or Parties objecting not causing such Action or Actions at Law to be brought and proceeded in as aforesaid, shall be final and conclusive upon all Parties: Provided also, that no Difference or Suit touching the Matters aforesaid shall impede or delay the Commissioners in the Execution of the Powers vested in them by this Act, but the Division and Allotment hereby directed to be made shall be proceeded in notwithstanding such Differences or Suits; and that if any of the Parties in any Action to be brought in pursuance of this Act shall die pending the same, the Powers contained in this Act shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened.

In case of  
Death of  
Parties, Ac-  
tions may be  
carried on and  
defended in  
their Names.

X. Provided also, and be it further enacted, That if any Person or Persons in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time herein-before limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Body or Bodies Politic or Corporate, who might have brought such Action or Actions against the Person or Persons so dying, to bring the same within the Time so limited as aforesaid, against such Person or Persons as if actually living, and to serve the Clerk to the said Commissioners with Process for commencing such Action or Actions, in the same Manner as the Party or Parties might have been served therewith if living; and it shall thereupon be incumbent on the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear to and defend such Action or Actions, in the Name or Names of such Person or Persons so dead, and Proceedings shall be had thereon 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.

Death of  
Parties not to  
prevent the  
Execution  
of this Act.

XI. And be it further enacted, That if any Person or Persons interested in any Allotment or Compensation to be made pursuant to this Act and the said recited Act, shall die before the same is completed, the Powers and Authorities contained in this Act or the said recited Act shall not be thereby determined or suspended, but the Share or Shares in the Premises of the Person or Persons so dying shall be allotted or assigned to or for the Use of the Person or Persons who, by Descent, Will, or otherwise, would have otherwise been entitled to the same, in case such Allotment or Compensation had been completed previous to the Death of such Person or Persons; and the Person or Persons to whom such Share or Shares shall be so allotted or assigned, shall be liable to the Charges, Expences, Conditions and Contingencies of this Act; and it shall be lawful for the said Commissioners to execute all the Powers and Authorities hereby given, in such Manner as they might have done if no such Death had happened.

Commission-  
ers may stop  
up or alter  
Roads.

XII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered, by and with the Concurrence and Order of any Two Justices of the Peace for the said County of *Sussex*, to stop up, alter, or otherwise regulate any public or private Road or Roads, Footpath or Footpaths, or other Way or Ways within the said Parish of *Durrington*, and subject also to such Provisions, and under such Directions and Conditions as are contained in the said recited Act, respecting the stopping up any old or accustomed Way.

Allotment to  
Lord of the  
Manor of  
Broadwater.

XIII. And be it further enacted, That the said Commissioners shall in the first Place, and without any further Charge or Expence whatsoever, set out and allot, unto and for the Lord of the said Manor of *Broadwater* for the Time being, with its Members, so much and such Parts of the said Open and Common Pastures or Sheep Downs, or of the said Drove Ways and Waste Grounds hereby directed to be divided, allotted, and inclosed, as shall in their Judgment be equal in Value to One Fourteenth Part of such Open and Common Pastures or Sheep Downs, Drove Ways and Waste Grounds only, the Soil whereof belongeth to the Lord of the said Manor,

Manor, for and in lieu of and as a full Recompence and Satisfaction for his Right to the Soil of such Open and Common Pastures or Sheep Downs, Drove Ways and Waste Grounds.

XIV. And be it further enacted, That the said Commissioners shall, in the next Place, and they are hereby required to set out, ascertain and allot such Part or Parts of the said Open or Common Field Lands, or of the said Open and Common Pastures or Sheep Downs, Drove Ways, and Waste Grounds, as shall, in the Judgment of the said Commissioners, be fully sufficient, by Sale thereof, to defray and discharge all the Costs, Charges, and Expences attending the obtaining and passing this Act, and of surveying, admeasuring, planning, valuing, dividing, and allotting the said Open or Common Field Lands, and the said Open and Common Pastures or Sheep Downs, Drove Ways, and Waste Grounds, so to be divided and allotted by virtue thereof; and all the Charges of the said Commissioners and their Clerks, Assistants, and Servants, and all other necessary Expences of the several Persons to be employed by the said Commissioners in and about the Premises; and the said Commissioners shall sell such Part or Parts of such Lands or Grounds so to be set out as aforesaid for that Purpose, in the Manner and pursuant to the Directions mentioned and contained in the said recited Act; and the said Commissioners shall and they are hereby authorized (if required by the Purchaser or Purchasers of the Allotment or Allotments to be sold), upon Payment of the full Purchase Money for such Allotment or Allotments, by Deed under their Hands and Seals, to grant, release, and convey the same to the Purchaser or Purchasers thereof, his, her, or their Heirs or Assigns in Fee Simple, or to such Use or Uses as he, she or they shall direct or appoint; and the Receipt of the said Commissioners, or any Two of them, shall be sufficient Discharge to the Purchaser or Purchasers for the Payment of such Purchase Money, and such Purchaser or Purchasers shall not be liable to see to or to account for the Application or Misapplication of such Purchase Money, or any Part thereof; and the Purchase Money shall be applied by the said Commissioners in Payment and Discharge of such Costs, Charges, and Expences as hereinafter mentioned; and in case any Surplus shall remain, such Surplus shall be applied and disposed of in Manner herein-after mentioned.

Allotment  
for Sale to  
defray Ex-  
pences.

XV. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required in the next Place, to set out, divide, and allot all the Residue and Remainder of the said Open or Common Field Lands, and likewise of the said Open and Common Pastures or Sheep Downs, Drove Ways, and Waste Grounds hereby directed to be divided and allotted, unto and amongst the several Owners and Proprietors of the said Open or Common Field Lands, and the Persons having Rights over or interested in the said Common Pastures, Drove Ways, and Waste Grounds, other than the said Lord of the Manor of *Broadwater*, in respect to his Right of Soil, in such Quantities, Shares and Proportions, and in such Places as by the said Commissioners shall be adjudged and determined to be a fair, just, and reasonable Equivalent and Compensation for their several and respective Lands which they before held in the said Open or Common Field Lands, and for their respective Rights and Interests, except as aforesaid, in the said Open and Common Pastures or Sheep Downs, Drove Ways, and Waste Grounds, and to be best adapted to the enabling them to cultivate their respective Allotments to the greatest Advantage.

Allotments  
amongst the  
several Pro-  
prietors.

XVI. And

Allotments to  
be fenced by  
Proprietors.

XVI. And be it further enacted, That the several Allotments to be made by virtue of this Act shall be inclosed and fenced at the proper Costs and Charges of the respective Persons to whom the same shall be respectively allotted, in such Proportions and Manner, and within such Time or Times respectively as the said Commissioners shall by their said Award, or by any other Writing previous to the Execution thereof, order, direct or appoint; and that all such Fences shall at all Times thereafter be maintained and repaired by and at the Expence of the Owners or Occupiers for the Time being of the Lands and Grounds to which they shall be respectively allotted or directed to belong.

Rights sold  
before Execution of  
Award to be  
allotted to the  
Purchaser.

XVII. And be it further enacted, That if any Person or Persons hath or have sold, or shall at any Time before the said Commissioners shall have executed their Award, sell his, her, or their Right, Interest, or Property in, over, or upon the said Open or Common Field Lands, and Open and Common Pastures, or Sheep Downs, Drove Ways, and Waste Grounds, or any Part thereof (except the Copyholders in respect of their Copyhold Estates) to any other Person or Persons, then and in every such Case it shall be lawful for the said Commissioners, and they are hereby required upon the Request in Writing under the Hand or Hands of the Vendor or Vendors respectively, to make an Allotment or Allotments to the Vendee or Vendees, Purchaser or Purchasers in such Sales respectively, and to his, her, or their respective Heirs, Executors, Administrators and Assigns, for and in respect of such Right or Rights, Interest or Interests and Property so sold; and every such Vendee and Purchaser, and his and her Heirs or Executors, Administrators or Assigns, shall and may, from and after the Execution of the said Award, hold and enjoy the Lands so to be allotted to him, her, or them respectively as aforesaid, in the same Manner to all Intents and Purposes as the Vendor or Vendors in every such Sale might, could, or of Right 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 or Vendors respectively, at the Time of making the said Award as aforesaid; but subject nevertheless to all Incumbrances affecting the same, and to the Charges and Expences of the said Division or Allotment.

Allotments  
shall be of the  
same Tenure  
as the Lands  
for which  
they are  
allotted.

XVIII. And be it further enacted, That all and every the Allotments to be made to any Person or Persons by virtue of this Act, for or in right or in respect of any Freehold Lands, Tenements, or Hereditaments, shall from and after the Execution of the Award of the said Commissioners be deemed Freehold Lands, and be held under the same Rents and by the same Services, and in the same Manner, and comprized in or under the same Tenements, or Holdings, as the Freehold Lands, Tenements, or Hereditaments for or in right or in respect of which they shall be so allotted were before that Time held; and that all and every the Allotments to be made for or in right of or in respect of any Copyhold Lands, Tenements, or Hereditaments by virtue of this Act, shall from and after the Execution of the said Award be deemed and taken as and for Copyhold, and shall be held as such by Copy of Court Roll, at the Will of the Lord of the said Manor, and according to the Custom of the said Manor, and under and subject to the same Tenures, Rents, Payments, Fines, Customs and Services as the Copyhold Lands, Tenements, or Hereditaments respectively, for or in right or in respect whereof such Allotment shall be made,



made, were before that Time held, and as Part and Parcel thereof: Provided always, that all and every Persons or Person to whom any Copyhold Lands and Premises shall be allotted by virtue of this Act, or the said recited Act, shall, within Six Calendar Months next after the Execution of the said Award, be admitted Tenants or Tenant to the same without paying any Fine or other Charges to the Lord or Lords, Lady or Ladies, or to the Steward or Stewards of the said Manor or Manors (save and except the Stamp Duties and Parchment requisite to be used for the Copies of such Admissions respectively, and such reasonable Fees to the respective Steward or Stewards of the said Manor or Manors, as the said Commissioners shall by their Award order and direct); but in case any Person or Persons to whom such Lands and Premises shall be allotted, shall die without Admission within the said Six Calendar Months, then the Customary Fines, Fees, and other Payments shall be due and payable on the Admission of the Person or Persons entitled to such Lands and Premises; and after every such first Admission, the Copyhold Premises so to be allotted as aforesaid, shall at all Times be held under and subject to the same Tenures, Rents, Fines, and other Payments, and be comprized in or under the same Tenements or Holdings as the present Copyhold Messuages, Lands or Tenements, in respect whereof such Lands and Premises shall be allotted, are now holden under and subject to: Provided also, that the said Commissioners shall set out, allot and award, all and every the Allotments to be made by virtue of this Act, in right or in respect of the Copyhold Estates within the said Manor, unto the Persons who are respectively admitted or ought to be admitted Tenants to the said Copyhold Estates in right or in respect whereof the said Allotments shall be respectively made, at the Court of the Lord of the said Manor according to the Custom thereof.

XIX. 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 *Durrington* in lieu of and in Exchange for any other Lands, Tenements or Hereditaments within the said Parish, or within any adjoining Parish, Township, Hamlet, Manor, 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 Owner or Owners of such Lands, Tenements, or Hereditaments which shall be so exchanged, whether such Owner or Owners shall be a Body or Bodies Politic, Corporate, or Collegiate, or a Tenant or Tenants in Fee Simple, or for Life, or in Fee Tail General or Special, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, by and with the Consent of the Lessor or Lessors, and not otherwise, or with the Consent of the Guardians, Trustees, Feoffees 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 testified in Writing under the Common Seal of the Body Politic, Corporate, or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every such Exchanges and Exchange so to be made, shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever; and provided that no such Exchange shall be made of any Lands, Tenements, or Hereditaments held in Right of any Church, Chapel,

Power for  
Commis-  
sioners to  
make Ex-  
changes by  
Consent of  
Owners.

Chapel, or other Ecclesiastical Benefice, without the Consent testified as aforesaid of the Patron thereof, and of the Bishop of the Diocese in which such Lands, Tenements or Hereditaments so to be exchanged shall lie and be situate.

Expence of Exchanges to be paid by the Parties.

XX. Provided always, and be it further enacted, That all the Costs, Charges and Expences attending the making and completing of any Exchanges and Partitions, shall be paid, borne, and defrayed by the several Persons making such Exchanges and Partitions, in such Manner and in such Proportions, as the said Commissioners shall by their Award or other separate Deed or Instrument order and direct.

Lessees to pay additional Rents.

XXI. And be it further enacted, That it shall and may be lawful for the said Commissioners, by Writing under their Hands, to order and direct all and every or any Lessees or Tenants, Lessee or Tenant of any Messuages, Lands, Tenements, or Hereditaments within the said Parish of *Durrington*, holding under any Lease or Leases, or Agreement or Agreements at Rack Rent, to pay such additional Rent or Rents to the Lessors or Owners of the Lands, Tenements, and Hereditaments comprized in such Leases or Agreements respectively, for or on account of any Improvements to be made in pursuance of this Act, as they the said Commissioners in their Judgment shall think fair and reasonable; which additional Rent and Rents shall be payable from and at such Time and Times as shall be mentioned and appointed by the said Commissioners in the said Order, for and during the Remainder of the Term or Terms to come and unexpired therein, and shall be recoverable in the same Manner as the Rents reserved by the said Leases or Agreements or other Rents are by Law recoverable.

Act not to revoke Wills.

XXII. And be it further enacted, That nothing in this Act contained shall extend, or be construed, adjudged, or taken to extend, to revoke, make void, alter or annul any Will or Wills, Settlement or Settlements, Mortgage or Mortgages, or any Lease or Leases, Demises or Agreements at Rack Rent, other than in the Manner herein-before expressed, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Debt, Rent, Fee Farm Rent, Incumbrance or other Demand, out of, upon, or affecting any of the said Lands intended to be divided and allotted by virtue of this Act or the said recited Act, or any Part thereof, but that the several Lands, Tenements, and Hereditaments so to be divided and allotted as aforesaid, shall from thenceforth be, remain, and enure, and the several Persons to whom the same shall be so allotted as aforesaid shall stand and be seized thereof, to, for, and upon such and the same Use and Uses, Trust and Trusts, Estate and Estates, and subject to the same Wills, Settlements, Powers, Provisoos, Limitations, Remainders, Mortgages, Charges, Incumbrances and Demands, Lease or Leases, or Agreements at Rack Rent as aforesaid, as the several Lands, Tenements and Hereditaments for or in right or in respect whereof such Allotments shall be made as aforesaid, are or should or would have been subject to, other than as herein-before expressed, in case the same had remained undivided, or this Act had not been passed.

Commissioners to direct the Course of Husbandry.

XXIII. And be it further enacted, That in the mean Time and until the said Division and Allotment shall be made and perfected, all the said Open or Common Field Lands intended to be divided and allotted shall be

be sown by the respective Owner or Owners, Occupier or Occupiers thereof, with such Sort of Corn, Grain or Grass Seeds, and shall be kept, ordered, tilled, and continued in such Course of Husbandry, and be stocked with such Cattle only, as the said Commissioners, by any Writing or Writings under their Hands in that Behalf, shall award, order, direct, or appoint, any Usage or Custom of Stocking or Sowing to the contrary notwithstanding; and the Expences of such Tillage and Sowing with Corn, Grain, or Grass Seeds, and all such other Expences as shall be occasioned by any Order of the said Commissioners, shall be duly ascertained and apportioned by them upon the several Persons who shall in the Judgment of the said Commissioners be benefited thereby, in such Manner as the said Commissioners shall think reasonable; and shall, in Default of Payment, be recovered in like Manner as the Costs and Charges of passing this Act, and of carrying the same into Execution, are to be recovered.

XXIV. And be it further enacted, That the said Commissioners shall, and they are hereby empowered by Writing or Writings under their Hands, to ascertain and order what Recompence in Money shall be paid, and by whom, to any Occupier or Occupiers of any of the Lands by this Act intended to be divided and allotted, which shall be left planted or sown with Clover or other Grass Seeds, or which shall during the Summer preceding the making such Award have lain fallow, or have been folded or dunged, or which shall have been chalked, and from which no more than Two Crops shall have been taken, for the Profit and Advantage which any Person or Persons to whom the said Lands so planted, sown, fallowed, folded, dunged or chalked shall be allotted, will obtain thereby, and also for any Timber or Trees which may be standing or growing upon such Lands; and if such Recompence shall not be paid at the Time appointed by such Commissioners, then the said Commissioners shall and may by Warrant or Warrants, under their Hands and Seals, cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons requiring to make such Recompence as aforesaid, together with the Costs and Charges of every such Distress and Sale, rendering the Overplus (if any) upon Demand to the Owners of such Goods and Chattels.

Recompence  
for Lands  
planted or  
fallowed.

XXV. Provided always, and be it further enacted, That no Cattle, Horses, Cows, Asses, Pigs, Sheep or Lambs, shall be kept in any of the Allotments to be made by virtue of this Act, whereon any new Fences shall be raised, during the Space of Seven Years then next after the Execution of the said Award, unless the Person or Persons keeping the same shall first, at his, her, or their own Expence, make and maintain a sufficient Fence to guard and protect the young Fences belonging or adjoining to such Allotments respectively from being hurt or damaged by such Cattle, Horses, Cows, Asses, Pigs, Sheep or Lambs, whether such young Fences be made or set up by the Owner or Occupier of such Allotments aforesaid, or by the Owner or Occupier of the Allotment adjoining thereto; and in case any Person shall turn or keep any Cattle, Horses, Cows, Asses, Pigs, Sheep or Lambs in any such Allotment or Allotments, without raising and keeping up such Fences as aforesaid, it shall be lawful for the Owner or Owners, Occupier or Occupiers of any adjoining Allotment or Allotments, to enter into such Allotment or Allotments, when and where and so often as such Cattle, Horses, Cows, Asses, Pigs, Sheep or Lambs shall be so turned in or kept, and from Time to Time to take, drive away and impound the same as Damage Feasant.

Quicksets to  
be fenced.

XXVI. And

Expences of  
Act how  
paid.

XXVI. And be it further enacted, That all the Costs, Charges, and Expences attending the obtaining and passing of this Act, and of carrying the same and the said recited Act into Execution, (except the Expences of fencing the Allotments), shall be paid and discharged by the said Commissioners out of the Money to arise by Sale of Land as herein-before mentioned; and in case there shall be any Surplus of such Purchase Money, after defraying such Costs, Charges, and Expences as aforesaid, such Surplus shall be paid and distributed amongst the several Persons interested in the said Open or Common Field Lands, and the said Open and Common Pastures or Sheep Downs, Drove Ways, and Waste Grounds, other than and except the said Lord of the said Manor of *Broadwater* for the Time being, with its Members, in respect of his Right of Soil, in Proportion to their several and respective Rights and Interests therein; and such proportional Parts and Shares of such Surplus Money shall be paid to those Proprietors who are Tenants in Fee Simple of the Estates in Right of which they shall be entitled to such Surplus Money; but the Surplus Money to which any Proprietor not being Tenant in Fee Simple may be entitled, shall be applied and disposed of in the same Manner as directed by the said recited Act, with respect to any Money to be paid for the Purchase or Exchange of Lands, Tenements, and Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase or Exchange of other Lands, Tenements, or Hereditaments to be settled to the same Uses.

Deficiency to  
be raised by a  
Rate.

XXVII. Provided always, and be it further enacted, That in case the Purchase Money arising by such Sale shall not be sufficient to defray all the Costs, Charges, and Expences aforesaid, then the Deficiency shall be made up by the several Persons interested in the said Open or Common Field Lands, and the said Open and Common Pastures or Sheep Downs, Drove Ways and Waste Grounds hereby directed to be divided and inclosed (except the Lord of the said Manor of *Broadwater* for the Time being, with its Members), and shall be paid in such Shares and Proportions, within such Time, and to such Person or Persons as the said Commissioners shall direct, nominate, and appoint; and in case any Person herein-before made subject to the Payment of any Money towards the Charges and Expences as aforesaid, shall neglect or refuse to pay his or their Share or Proportion thereof within the Time to be appointed as aforesaid, or at any Time afterwards upon Demand, the same shall and may be levied and recovered in the Manner directed by the said recited Act.

Tenants for  
Life may  
charge their  
Allotments  
for Expences.

XXVIII. And be it further enacted, That it shall be lawful for the Husbands, Guardians, Trustees, Committees or Attornies of any of the Owners or Proprietors of any Lands, to be allotted by virtue of this Act, under Coverture, Minors, Lunatics, beyond the Seas, or any other Disability, and for any of the said Owners or Proprietors, being Tenants in Tail, or for Life or Lives, or Years determinable on a Life or Lives, or on any other Contingency, or otherwise interested in the said Lands, to charge such Allotments with any Sum or Sums of Money which shall be charged by the said Commissioners upon the same Lands, Tenements and Hereditaments, for and towards the Expences of making the said Allotments, in case the Money raised by Sale as aforesaid shall not be sufficient for that Purpose, and likewise with the Expences of fencing the respective Allotments, so as that the same shall not exceed Five Pounds for every Acre of such Allotments, and to grant, mortgage, surrender, lease or demise, or otherwise subject the Lands, Tenements, and Hereditaments so to be charged, unto such Person or Persons

sons who shall advance and lend the same respectively, his, her, or their Executors, Administrators and Assigns, for any Term or Number of Years; or in case any Person in Possession who shall or may be liable to and charged with any such Expences as aforesaid, or either of them, or enabled by this Act or the said recited Act to charge such Lands and Grounds with the same, shall choose to advance, pay, and discharge such Sum or Sums of Money, then it shall be lawful to and for the said Commissioners, by any Deed or Writing under their Hands and Seals, to be attested by Two or more credible Witnesses, in like Manner to grant, mortgage, surrender, lease, demise or otherwise subject the said Lands, Tenements, and Hereditaments to such Person or Persons respectively paying and discharging the same, his, her, or their Executors, Administrators, and Assigns, for any Term or Number of Years, to and for Payment of such Sum and Sums of Money so advanced, paid, and discharged by him, her, or them, with Interest for the same, to commence on the Termination of his, her, or their Right in the Premises, so that every such Grant, Mortgage, Surrender, Lease or Demise, be made with a Proviso or Condition to be void, or with an exprefs Trust to be surrendered or re-assigned when such Sum or Sums of Money thereby to be secured shall be fully paid and satisfied, and also with a Covenant to pay and keep down the Interest, so that no Person or Persons afterwards becoming possessed of or entitled to any such Lands, Tenements, or Hereditaments, shall be liable to pay any further or larger Arrear of Interest than for Six Calendar Months preceding the Time when the Title to such Possession shall have commenced, and that every such Charge, Grant, Mortgage, Surrender, Lease or Demise, shall be good, valid, and effectual in the Law.

XXIX. Provided always, and be it further enacted, That all the Money which shall be advanced by any Person or Persons for the Purpose of defraying the Expences of applying for and obtaining this Act, or for carrying the same and the said recited Act into Execution, shall be repaid with lawful Interest, to such Person or Persons, Body or Bodies Politic or Corporate, advancing or paying the same, out of the said first Monies to be raised by Sale or otherwise, under the Powers vested in the Commissioners for defraying the Expences of obtaining and executing this Act.

Money advanced to be repaid with Interest.

XXX. And be it further enacted, That each of the said Commissioners who shall act in the Execution of the Powers and Authorities vested in them by this Act, shall be paid the Sum of Three Pounds and Three Shillings and no more, for every Day he shall so act or travel for the Purpose of acting, or be returning Home from acting, in full Satisfaction for the Trouble and Expence which he shall be put unto in the Execution of the Powers and Authorities of this Act; and the Clerk to the said Commissioners shall be allowed and paid such Sum not exceeding Three Pounds Three Shilling *per* Day for every Day he shall be employed or travel in the Execution of this Act, as the said Commissioners shall think reasonable.

Allowance to Commissioners and Clerk.

XXXI. And be it further enacted, That out of the Money which shall be raised for defraying the Expences of obtaining and executing this Act, there shall be paid to such Surveyor or Surveyors as shall have been or shall be employed to make a Survey of the Lands intended to be divided, allotted, and inclosed, by virtue of this Act, or otherwise for the Purposes thereof, such Sum or Sums of Money as the said Commissioners shall judge

Surveyors Allowance.

to be a full Recompence and Satisfaction for his or their Trouble, and for all his or their Expences and Charges whatsoever, in attending the said Commissioners, and in surveying and admeasuring the said Lands, and in planning and staking out the several Allotments intended to be made in pursuance of this Act, and in making such Plans and Maps as may be required by virtue of this Act, or otherwise in the Execution thereof.

Accounts to  
be settled by  
Justices.

XXXII. And be it further enacted, That once at least in each and every Year during the Execution of this Act (such Year to be computed from the Day of the passing 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 or the said recited Act; and that such Statement or Account when so made, together with the Vouchers relating thereto, shall be by them laid before any One Justice of the Peace for the said County of *Suffex*, to be by him examined and balanced, and that 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.

XXIII. And be it further enacted, That the Award to be made by the said Commissioners, together with a correct Map or Plan of the said Lands so to be allotted, set out, and inclosed, shall, within Twelve Calendar Months after the Execution thereof by the said Commissioners, be enrolled and deposited with the Clerk of the Peace of the said County of *Suffex*, and that a Copy thereof signed by the said Clerk of the Peace or his Deputy shall be deposited in the Parish Church of *West Tarring* aforesaid; and that the said Copy, or any other Copy thereof, or of any Part thereof, signed by the Clerk of the Peace for the said County or his Deputy (for which Copy no more shall be paid than Sixpence *per* Sheet of Seventy-two Words each), shall from Time to Time and at all Times hereafter be admitted and allowed as legal Evidence in all Courts whatsoever.

Persons ag-  
grieved may  
appeal to the  
Quarter Ses-  
sions.

XXXIV. And be it further enacted, That if any Person or Persons, Body or Bodies Politic or Corporate, shall think himself, herself, or themselves aggrieved by any Thing done or omitted to be done, in pursuance of this Act or the said recited Act, then and in every such Case (except where the Orders and Determinations of the said Commissioners are by the said recited Act or this Act directed to be final and conclusive, and except in such Cases where an Issue at Law shall be tried, as herein-before directed) he, she, or they may appeal to any General Quarter Sessions of the Peace which shall be holden for the said County of *Suffex*, within the Western Division thereof, within Six Calendar Months next after such Cause of Complaint shall have arisen, on giving to the said Commissioners, or to the Party or Parties concerned, Fourteen Days Notice in Writing of such Appeal, and of the Matter thereof; and the Justices (not being interested in the Premises) at the said General Quarter Sessions within the Division aforesaid, are hereby required to hear and determine or adjourn the Matter of every such Appeal, and make such Orders therein, and to award such Costs and Damages as to them in their Discretion shall seem reasonable, and by their Warrant to levy the Costs and Damages which shall be so  
awarded,

awarded, by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) upon Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale; which Determination of the said Justices shall be final and conclusive on all Parties concerned, and shall not be removed by *Certiorari*, or any Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, 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 to be levied in Manner aforesaid.

XXXV. And be it further enacted, That nothing in this Act contained shall prejudice, lessen, or defeat the Right, Title, or Interest of the Lord of the said Manor of *Broadwater* with its Members for the Time being, of, in, or to the Seignories, Royalties, or other Manorial Rights of or belonging to the said Manor, but that the Lord for the Time being shall and may at all Times hereafter hold and enjoy all Courts Leet, Courts Baron, or Customary Courts, or other Courts, Perquisites, and Profits of Courts, Reversions, Rents, Services, Waifs, Estrays, and Forfeitures, and all Mines and Minerals within the Copyhold Lands, or the Allotments to be made in lieu or in respect thereof, as the same Lord may now be entitled to in the said Copyhold Lands by any Law or Laws now in being, with such and the same Powers of working and getting the same as the Lord is now entitled to, and all other Rights, Royalties, Jurisdictions, and Privileges to the same Manor incidental, appendant or appertaining, in as full, ample, and beneficial Manner, to all Intents and Purposes whatsoever, as he could, ought or might to have held and enjoyed the same before the passing of this Act, or in case the same had never been passed. Saving Manorial Rights.

XXXVI. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every Persons or Person, Bodies or Body Politic, Corporate or Collegiate, his, her, or their Successors, Executors, and Administrators, (other than and except the Person or Persons to whom or to whose Use and Benefit any Allotment or Allotments shall be made in pursuance of this Act, for or in respect of such Rights and Interests as are hereby meant to be barred, destroyed and extinguished, and all Persons respectively claiming under them, or in Reversion or Remainder after them) all such Estate, Right, Title, and Interest, as they, every, or any of them had or enjoyed, of, in, to, or out of the Lands and Grounds hereby directed to be divided and allotted before the passing of this Act, or could or ought to have had or enjoyed, in case this Act had not been passed. General Saving.

XXXVII. 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 King's Printer.

