



ANNO QUADRAGESIMO OCTAVO

# GEORGII III. REGIS.

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## *Cap. 36.*

An Act for inclosing Lands in the Parishes of *Thakeham*, *Sullington*, and *Shipley*, in the County of *Sussex*.  
[14th April 1808.]

**W**HEREAS there are within the several Parishes of *Thakeham*, *Sullington*, and *Shipley*, and within the Manor of *Thakeham* in the County of *Sussex*, divers uninclosed Commons and Waste Lands, containing by Admeasurement Two hundred and ninety-two Acres, Three Roods, and Thirty-eight Poles, or thereabouts, known by the several Names of *Heath Common*, *Green Hurst Common*, *Furze Common*, *Danehill Common*, and *Coolham Green*, Parcel of the Waste of the said Manor of *Thakeham*: And whereas the exact Boundaries of the said Three several Parishes over and across the said uninclosed Commons and Waste Lands are undefined and uncertain: And whereas *Henry Shelley* of *Lewes* in the said County Esquire, and *Charles Lamb* of *Higham* in the said County Esquire, and *Elizabeth* his Wife, are Lords and Lady of the said Manor of *Thakeham*, and as such Lords and Lady of the said Manor claim to be entitled to the Soil of the said uninclosed Commons and Waste Lands, and the Timber and Wood growing and standing thereon: And whereas the said *Henry Shelley* and *Charles Lamb*, and *Elizabeth* his Wife, the Right Honourable the Earl of *Egremont*, Sir *Byshe Shelly* Baronet, and several other Persons as Owners and Proprietors of certain Messuages, Lands, Tenements, and Hereditaments, lying within the Manor of *Thakeham*

[*Loc. & Per.*]

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aforesaid,

Commissioners.

aforesaid, are entitled to certain Rights of Common, in respect of the said several Messuages, Lands, Tenements, and Hereditaments, in, over, and upon the same Commons and Waste 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 said Commons and Waste Lands in their present open and uncultivated State yield only an inconsiderable Profit to the said Proprietors and Persons interested therein, and it would be of manifest Advantage to the said several Proprietors and Persons interested, if the said Commons and Waste Lands were divided and specifick Shares thereof allotted to the said several Persons according to their respective Rights and Interests; but as the same cannot be effected or carried into Execution 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* in the Parish of *Southstoke* in the said County Yeoman, and *Hugh Fuller* of *Buckingham Farm* in the Parish of *Old Shoreham* in the said County Yeoman, shall be and are hereby appointed Commissioners for setting out, dividing, and allotting the said uninclosed Commons and Waste Lands, and for putting this Act into Execution, in such Manner and subject to such Regulations as are hereinafter contained, and with such of the Powers, and subject to such of the Rules, Orders, Directions, Regulations, Restrictions, and Provisions contained in the said recited Act, as are not varied or altered by or repugnant to any of the Clauses, Provisions, or Regulations contained in this Act.

Election of new Commissioners.

II. And be it further enacted, That if either of the said Commissioners, or any Person to be nominated and appointed by virtue of this Act a Commissioner, shall die, refuse to act, or become incapable of acting in the Execution of this Act and the said recited Act, then and in every such Case it shall and may be lawful to and for the said *Henry Shelley*, *Charles Lamb*, and *Elizabeth* his Wife, or the Lord or Lords, Lady or Ladies of the said Manor for the Time being, with the Consent of the Majority in value of the Owners and Proprietors of Lands and Hereditaments lying within the aforesaid Parishes, and holden of the said Manor, such Consent to be in Writing and signed either by the said Owners and Proprietors, or by their Stewards or Agents, and he, she, and they is and are hereby required by Writing under his, her, or their Hand and Seal, or Hands and Seals, from Time to Time within Fourteen Days next after such Death, Refusal, or Incapacity shall be made known to him, her, or them, to nominate and appoint another Person (not interested in the said intended Division and Inclosure) to be a Commissioner in the Room or Stead of every such Commissioner so dying, refusing to act, or becoming incapable of acting, and so *toties quoties* as often as any Commissioner so nominated and appointed shall die or refuse to act, or become incapable of acting; and every Commissioner so to be nominated and appointed as aforesaid shall, after taking the Oath prescribed in that Behalf, have the like Power and Authority for carrying this and the said recited Act into Execution, and shall be subject and liable to the like Rules, Regulations, and Restrictions,



strictions, as if he had been originally nominated a Commissioner in and by this Act.

III. Provided always, and be it enacted, That in case the said *Henry Shelley, Charles Lamb, and Elizabeth* his Wife, or the Lord or Lords, Lady or Ladies of the said Manor for the Time being, with the Consent aforeaid, shall refuse or neglect from Time to Time to make such Nomination and Appointment of another Commissioner within the said Space of Fourteen Days after such Death, Refusal, or Incapacity, shall be made known to him, her, or them, then and in every such Case, the major Part in value (such Value to be ascertained according to the Rate or Assessment made for the Relief and Maintenance of the Poor of the said Parishes respectively for that Year) of the Owners and Proprietors of Lands and Hereditaments within the said Parishes respectively, and also lying within and holden of the said Manor, who shall be present in Person, or by their respective Agents and Proxies, duly authorized for such Purpose at a Meeting to be holden for that Purpose (of which Meeting Four Days Notice in Writing, signed by any Two or more of such Owners and Proprietors, shall be given by affixing the same on the Doors of the said respective Parish Churches, on some *Sunday* immediately before Divine Service), shall and they are hereby required to nominate and appoint, by any Writing under the Hands of the major Part in value of them the said Owners and Proprietors and Agents aforeaid, a proper Person or Persons (not interested in the said Division and Inclosure) to be a Commissioner or Commissioners in the Room or Stead of the Commissioner or Commissioners so dying or refusing to act, or becoming incapable of acting, and so from Time to Time as often as any such Case or Cases shall happen; and every Commissioner so to be nominated and appointed shall, after taking the Oath by the said recited Act prescribed in that Behalf, have the like Power and Authority for carrying the said recited Act and this Act into Execution, and shall be subject and liable to the like Rules, Regulations, and Restrictions, as if he had been originally nominated a Commissioner in and by this Act.

Proprietors  
to choose a  
Commissioner  
in case Lords  
neglect.

IV. Provided also, and be it enacted, That if either of the said Commissioners hereby appointed shall refuse or neglect to attend at the First Meeting directed to be holden for carrying this and the said recited Act into Execution, and duly qualify himself by taking the Oath by the said recited Act 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 Two following successive Meetings appointed to be holden by virtue of this Act, such Meetings being known to him either by his being present at the Appointment thereof, or Notice thereof in Writing having been given to him, or left at his last or usual Place of Abode by the Clerk to the said Commissioners, and such Commissioner not being prevented by Sickness or other reasonable Cause to be allowed by the other Commissioner from attending at such Meetings; or if any Commissioner to be nominated and appointed in Manner by this Act directed shall not attend and qualify himself to act as a Commissioner in the Execution of this and the said recited Act at the First Meeting after his Nomination and Appointment, such Meeting to be appointed by the surviving or remaining Commissioner for carrying this and the said recited Act into Execution, or shall thereafter wilfully absent himself from any Two following successive Meetings

Refusal or  
Neglect of  
Commission-  
ers to attend  
the Meetings  
to vacate Ap-  
pointment.



Meetings to be holden by virtue of this Act, such Meetings being known to him either by his being present at the Appointment thereof, or Notice thereof in Writing having been given to him, or left at his last or usual Place of Abode by the Clerk to the said Commissioners, and such Commissioner not being prevented by Sickneſs or other reaſonable Cauſe to be allowed by the other Commissioner from attending at ſuch Meetings, then and in every ſuch Caſe ſuch Abſence or Non-attendance, or other Default as aforeſaid, ſhall be deemed and taken to be a Refuſal to act within the Intent and Meaning of this Act.

In caſe of  
Difference  
between  
Commifſion-  
ers an Umpire  
to be choſen.

V. And for the Purpoſe of ſettling and determining any Difference or Differences, Diſpute or Diſputes, that may ariſe between the Commiſſioners, touching or conſecring any of the Matters and Things to be by them done and performed in purſuance of the ſaid recited Act or of this Act, be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required to chooſe, nominate, and appoint, by Writing under their Hands, ſome proper and ſkilful Perſon, not intereſted in the ſaid Allotment, Diviſion, or Incloſure, who ſhall be willing and conſent to act as Umpire, and ſo from Time to Time as often as any Perſon ſo nominated and appointed an Umpire ſhall die, reſuſe, or neglect to act, or becoming incapable of acting in the Execution of this Act, and ſuch Umpire is hereby authorized and required to hear and determine any ſuch Difference or Diſpute as may ariſe between the ſaid Commiſſioners, touching any Matter or Thing relating to the ſaid Diviſion, Allotment, and Incloſure, and the Judgement and Determination of the ſaid Umpire therein ſhall be deemed and conſidered to be the Judgement and Determination of the ſaid Commiſſioners, and ſhall be final and concluſive upon the ſaid Commiſſioners, and upon all other Perſons intereſted in or concerned in the ſaid Allotment, Diviſion, and Incloſure, ſo far as the Judgements and Determinations of the ſaid Commiſſioners are by the ſaid recited Act and this Act made final or concluſive: Provided always, that in caſe any ſuch Umpire ſhall neglect to ſettle and determine any ſuch Difference or Diſpute within Twenty-one Days after the ſame ſhall have been referred to him by the ſaid Commiſſioners, then and in ſuch Caſe ſuch Neglect ſhall be deemed and taken to be a Neglect to act within the Intent and Meaning of this Act.

Umpire to be  
ſworn.

VI. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting in the Execution of this Act as Umpire, until he ſhall have taken and ſubſcribed the Oath following; (that is to ſay),

Oath.

‘ I *A. B.* do ſwear [*or, being One of the People called Quakers, do ſolemnly affirm*] That I will faithfully, impartially, and honeſtly, according to the beſt of my Skill and Ability, execute and perform the Truſt, Power, and Authority repoſed in me as Umpire, by virtue of an Act made in the Forty-eighth Year of the Reign of King *George* the Third, intituled, [*here inſert the Title of this Act*] according to Equity and good Conſcience, and without Favour or Affection to any Perſon or Perſons whomſoever.

‘ So help me GOD.’

Which Oath or Affirmation it ſhall and may be lawful to and for the ſaid Commiſſioners to adminiſter, and ſuch Commiſſioners are hereby required to adminiſter the ſame; and ſuch Oath or Affirmation, when ſo taken and ſubſcribed



of subscribed by such Umpire, shall be annexed to and inrolled with the Award of the said Commissioners.

VII. And be it further enacted, That the said Commissioners shall cause Notice to be given of the Time and Place of their first and every other Meeting for executing the Powers of the said recited Act, and this Act, by Advertisement to be inserted in the Newspaper called the *Lewes and Brighthelmstone Journal* if then published, and if not, then in some other Newspaper published within the said County of *Sussex*, Ten Days at least before every such Meeting shall be had or held (Meetings by Adjournment only excepted), and all Meetings of the said Commissioners shall be holden within the said Manor of *Thakeham*, or within Eight Miles thereof; and in case both the said Commissioners shall not attend at the Time and Place appointed for any such Meeting, or to which such Meeting shall be adjourned as aforesaid, then and in every such Case it shall and may be lawful to and for the Commissioners who shall attend, and to and for the Clerk to the said Commissioners in case neither of the said Commissioners shall attend, to adjourn such Meeting to any future Day not exceeding Ten Days from the Day of such Adjournment, to be holden at the same Place or at some other Place within the Distance of Eight Miles from the said Manor of *Thakeham*, as to the Commissioner or Clerk making such Adjournment shall seem most convenient; and the said Commissioner or Clerk making such Adjournment is hereby required to give Notice to the absent Commissioner or Commissioners Six Days at the least before the Day appointed for such Meetings respectively.

Notice of Meetings, &c.

VIII. Provided always, and be it enacted, That all other Notices necessary to be given by the said Commissioners, in pursuance of the said recited Act or of this Act (unless otherwise particularly directed), shall be given by Advertisement to be inserted in the Newspaper called the *Lewes and Brighthelmstone Journal* if then published, or if not, then in some other Newspaper published within the said County of *Sussex*; or if no such Newspaper shall be published within the said County, then such Notices shall be published in the *London Gazette*.

Other Notices, how to be given.

IX. And be it further enacted, That in case any Dispute or Difference shall arise between any of the Person or Persons, or Body or Bodies Politick, Corporate or Collegiate, interested or claiming to be interested in the said Commons and Waste Grounds, or in any Part or Parts thereof, or in the said Divisions and Inclosure, or touching or concerning the respective Rights and Interests, Shares and Proportions which they or any of them shall have or claim to have, in, over, or upon the Lands and Grounds hereby intended to be divided, allotted, and inclosed, or touching or concerning any other Matter or Thing relating to the said Division and Allotments, it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required to examine into, hear, and determine the same: Provided always, that nothing herein contained shall authorize or empower the said Commissioners to determine the Title to any Messuages, Cottages, Lands, Tenements, or Hereditaments whatsoever.

Commissioners to determine Differences.

X. And be it further enacted, That in case the said Commissioners shall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections to be delivered to them in pursuance of this or the said

Commissioners to assess Costs.

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recited



recited Act, see cause to award any Costs, it shall and may be lawful to and for the said Commissioners, and they are hereby empowered, upon Application made to them for that Purpose, to settle, assess, and award such Costs and Charges as they shall think reasonable to be paid to the Party or Parties in whose Favour any Determination of the said Commissioners shall be made by the Person or Persons, Body or Bodies Politick, Corporate or Collegiate, whose Claim or Claims, Objection or Objections, shall be thereby disallowed or over-ruled; and in case the Person or Persons, Body or Bodies Politick, Corporate or Collegiate, who shall be subject and liable to pay such Costs and Charges, shall neglect and 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 they are hereby authorized and required by Warrant under their Hands, directed to any Person or Persons whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons, Body or Bodies Politick, Corporate or Collegiate, so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand to the Person or Persons, or Body or Bodies Politick, Corporate or Collegiate, whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Parties may  
try their  
Rights by an  
Issue at Law.

XI. And be it further enacted, That in case any Person or Persons, Body or Bodies Politick, Corporate or Collegiate, interested or claiming to be interested in the said intended Division and Allotments, shall be dissatisfied with any Determination of the said Commissioners or the said Umpire, touching or concerning any Claim or Claims of the Right to the Soil of the said Commons and Waste Grounds, or of any Rights of Common, or other Rights or Interests in, over, or upon the Lands or Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, then and in every such Case it shall and may be lawful to and for the Person or Persons, Body or Bodies Politick, Corporate or Collegiate, so dissatisfied, to proceed to a Trial at Law of all the Matters so determined by the said Commissioners or Umpire at the then next or at the following Assizes to be holden for the said County of *Sussex*; and for that Purpose the Person or Persons, Body or Bodies Politick, Corporate or Collegiate, who shall be dissatisfied with the Determination of the said Commissioners or Umpire, shall cause an Action to be brought upon a feigned Issue against the Person or Persons, Body or Bodies Politick, Corporate or Collegiate, in whose Favour such Determination shall have been made within Four Calendar Months next after such Determination of the said Commissioners or Umpire; and the Defendant or Defendants in such Action or Actions shall, and he, she, or they is and are hereby required to name an Attorney or Attornies who shall appear thereto, or file Common Bail, and accept One or more 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 or Officers of the Court in which the said Action or Actions shall be commenced, in case the Parties shall differ about the same); and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding, and conclusive upon all and every Person or Persons whomsoever, Body or Bodies Politick, Corporate or Collegiate, unless the Court wherein such Action or Actions shall be brought, shall set aside such Verdict or Verdicts and order a new Trial to be had therein, which it shall be lawful for the Court to do as is usual in other Cases; and after such Verdict or Verdicts shall be obtained and



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 according to the Event of such Trial or Trials: Provided always, that in case the Determination of the said Commissioners or Umpire, touching any Claim or Claims, or of any Rights of Common or other Interests in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, shall not be objected to, or being objected to, such Action or Actions at Law shall not be brought and proceeded in within the Time and in the Manner herein-before for that Purpose mentioned, such Determination shall be final and conclusive upon all Parties.

XII. Provided always, and be it enacted, That no such Difference, Suit, Action, or Proceeding as aforesaid, nor any Difference, Suit, Action, or Proceeding touching or concerning the Title to any Lands, Tenements, or Hereditaments, shall impede, delay, or hinder the said Commissioners from proceeding in the Execution of the Powers vested in them by the said recited Act and this Act, but the said Division and Allotment shall be proceeded in, notwithstanding such Differences, Suits, Actions, or Proceedings, and the said Commissioners shall, by Mere Stones or proper Marks and Bounds, set out the Lands and Grounds which shall be allotted in lieu of such litigated Property, so that the same may be distinguished from any other Lands or Grounds, and may be had and taken by the Person or Persons, Bodies Politick, Corporate or Collegiate, who, upon the Determination of such Difference or Suit, shall be entitled to the same: Provided always, that it shall be lawful for the Court, in which any Action commenced in pursuance of this Act shall be depending, upon sufficient Cause shewn, to put off the Trial of such Action, or to award a new Trial therein, although the Time herein-before limited for the Trial of such Action may be thereby exceeded.

ACTIONS not to impede Proceedings of Commissioners.

XIII. Provided always, and be it further 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 shall be proceeded in as if no such Event had happened.

ACTIONS not to abate by the Death of the Parties.

XIV. And, for the preventing all Disputes and Differences which may arise touching the Repairs of the publick Highways and Roads which shall be set out and appointed in pursuance of the said recited Act, be it further enacted, That the said Commissioners shall and they are hereby authorized and required to determine and adjudge what Part or Parts of the said Highways and Roads so to be set out and appointed shall or do belong to the said Parishes respectively, and the said Commissioners shall by their Award order and direct by which of such Parishes respectively such Highways and Roads shall be maintained, amended, and kept in Repair; and from and after the Execution of the Award of the said Commissioners, such respective publick Highways and Roads as shall be so determined and adjudged to belong to such Parishes respectively shall be maintained, amended, and kept in Repair by such Persons and in such Manner, as the other publick Highways and Roads within such Parishes respectively are by Law to be amended and kept in Repair.

Commissioners shall determine to what Parish Roads shall belong.

XV. And



Allotments  
for Sale to  
defray Ex-  
pences.

XV. And be it further enacted, That the said Commissioners shall allot, mark, and set out such Part or Parts of the said Commons and Waste Lands, as shall, in the Judgement of the said Commissioners, be fully sufficient by Sale thereof to defray and discharge all the Costs, Charges, and Expences preparatory and incident to and attending the obtaining and passing this Act, and of surveying, admeasuring, planning, valuing, dividing, fencing, and allotting the said Commons and Waste Lands, to be divided, allotted, and inclosed by virtue thereof, and all the Charges of the said Commissioners, and their Clerks, Assistants, and Servants, and all the other necessary Expences of the several Persons to be employed by the said Commissioners in and about the Premises, and all the Expences of forming, completing, and preparing the publick Carriage Roads, and Highways to be set out and appointed by the said Commissioners, and that the Costs and Charges thereof shall be raised and paid by Sale in the Manner and pursuant to the Directions mentioned and contained in the said recited Act of the said Allotments or Allotment to be marked and set out for that Purpose as aforesaid; and the said Commissioners shall and they are hereby authorized (if required by the Purchaser or Purchasers of the Allotment or Allotments which shall be so 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 Purchase Monies of the said Allotment and Allotments so sold shall be applied by the said Commissioners in defraying such Costs, Charges, and Expences, as aforesaid; and in Case there shall be any Surplus of such Purchase Monies after defraying such Costs, Charges, and Expences, the same shall be equally distributed amongst the several Persons interested in the said Commons and Waste Lands 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 any Money to be paid for the Purchase or Exchange of Lands, Tenements, or 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, is by the said recited Act directed to be applied and disposed of; but 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 Commons and Waste Lands hereby directed to be divided and inclosed, 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 such Charges and Expences as aforesaid shall neglect or refuse to pay his or her 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.



XVI. And be it further enacted, That the said Commissioners shall and they are hereby required in the next Place to set out, allot, and appoint in Severalty unto the said *Henry Shelley* Esquire, as One of the Lords of the Manor of *Thakeham* afore said, or to such Person or Persons as shall then be entitled to the said Manor, by, from or under him, his, her, or their Heirs or Assigns, One full Twenty-eighth Part in value of the said Commons and Waste Lands so to be divided and allotted (after deducting the publick Carriage Roads, Highways, common Watering Places, Drains, and Watercourses) in lieu of and as a full Compensation and Satisfaction for his, her, or their Rights and Interests to the Soil of the said Commons and Waste Lands so to be divided and allotted, and over and above, and exclusive of such Share and Allotment, Shares and Allotments of the said Commons and Waste Lands as shall be assigned and allotted to him, her, or them in respect of his, her, or their several Messuages, Lands, Tenements, and Hereditaments, having Right of Common in, over, or upon the said uninclosed Commons and Waste Lands.

Allotment of 1-28th Part of the uninclosed Commons and Waste Lands to Henry Shelley Esquire, Lord of the Manor in lieu of his Right for the Soil.

XVII. And be it further enacted, That the said Commissioners for the Time being shall and they are hereby required in the next Place, to set out, allot, and appoint in Severalty unto the said *Charles Lamb* Esquire and *Elizabeth* his Wife, as the other Lord and Lady of the Manor of *Thakeham* afore said, or to such Person or Persons as shall then be entitled to the said Manor, by, from or under them, him, her, or either of them, their, his, or her Heirs or Assigns, One other full Twenty-eighth Part in value of the said uninclosed Commons and Waste Lands so to be divided and allotted (after deducting the publick Carriage Roads, Highways, common Watering Places, Drains, and Watercourses) in lieu of and as a full Compensation and Satisfaction for his and her or their Rights and Interests to the Soil of the said Commons and Waste Lands so to be divided and allotted, and over and above, and exclusive of such Share and Allotment, Shares and Allotments of the said Commons and Waste Lands, as shall be assigned and allotted to him, her, or them in respect of his, her, or their several Messuages, Lands, Tenements, and Hereditaments having Right of Common in, over, or upon the said uninclosed Commons and Waste Lands.

Allotment of 1-28th Part of the said uninclosed Commons and Waste Lands to Charles Lamb and Elizabeth his Wife, Lord and Lady of the Manor, in lieu of their Right to the Soil.

XVIII. And be it further enacted, That the said Commissioners shall and they are hereby required in the next Place to set out and divide, assign, allot, and appoint the Residue of the said Commons and Waste Lands unto and amongst the said *Henry Shelley*, *Charles Lamb*, and *Elizabeth* his Wife, and the several Persons respectively interested therein, in such Shares and Proportions as the said Commissioners shall judge and determine to be a full Satisfaction and Compensation to him, her, or them respectively for his, her, and their respective Rights and Interest in, over, or upon the same.

Allotment of the Residue of the Commons and Waste Lands.

XIX. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to hinder or deprive the said *Henry Shelley*, and *Charles Lamb* and *Elizabeth* his Wife, as Lords and Lady of the said Manor, or those respectively claiming under or after them as Lords or Ladies of the said Manor, from cutting down, taking, and carrying away for the Space of Twelve Calendar Months from the passing of this Act, the Timber and Wood growing on such Parts of the

Reservation of Right to Henry Shelley and Charles Lamb and Elizabeth his Wife, as Lords and Lady of the Manor, to cut Timber.

[Loc. & Per.]

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faid uninclused Commons and Waste Lands as are hereby directed to be allotted to the said other Owners and Proprietors having Rights of Common in, over, and upon the said uninclused Commons and Waste Lands as aforesaid, in such Manner and Proportion as they might respectively have done in case this Act had not been passed; nor shall any Thing in this Act contained be construed to extend to deprive the said Proprietors to whom any Allotment or Allotments shall be made by virtue of this Act, from having or enjoying to their respective Uses and Benefit all such Bushes, Heath, and Furze as shall at the Time of making such Allotment or Allotments be growing thereon respectively.

Commissioners to allot and divide the conjunctive Property between the Lords and Lady in Severalty.

XX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or either of them, and they and he are and is hereby authorized and required, after taking into their or his Consideration the Value of the Cottages, Lands, and Tenements within the Manor of *Thakeham* aforesaid, which are granted for a Life or Lives, and for a Term or Terms of Years, and holden as well of the said *Henry Shelley* as of the said *Charles Lamb* and *Elizabeth* his Wife conjunctively, as Lords and Lady of the said Manor (the said Commissioners paying due regard not only to the Situation but also to the Repairs of the Buildings and the Quality of the Land respectively, and to the Quit Rents and other Dues payable in respect of the same, and each and every of them respectively, and also to all Advantages to the same, and each and every of them respectively, belonging or appertaining with the Life or Lives, Term or Terms of Years for which the same were granted or demised respectively, and which are yet in existence or yet to come and unexpired), to allot and divide the same as equally and as conveniently as may be, unto and between the said *Henry Shelley* and *Charles Lamb*, and *Elizabeth* his Wife, or the Lord or Lords, Lady or Ladies of the said Manor for the Time being in Severalty; and such Allotments when so made by the said Commissioners shall be inserted in their said Award, and the said Commissioners shall and they are hereby required in their said Award distinctly to set forth the Particulars of each and every of the said Cottages, Lands, and Tenements so to be allotted and divided between them the said *Henry Shelley* and *Charles Lamb* and *Elizabeth* his Wife, in Severalty as Lords and Lady of the said Manor, together with the Situation of each and every of them, and of whom from the Time of executing the said Award the same and each of them are respectively to be holden by the Grantees thereof respectively, and which of them respectively shall hereafter belong in Severalty to the said *Henry Shelley* as Lord of the said Manor, and which other of them respectively shall hereafter belong in Severalty to the said *Charles Lamb* and *Elizabeth* his Wife, as Lord and Lady of the said Manor, to the Intent that each of them the said *Henry Shelley* and *Charles Lamb* and *Elizabeth* his Wife respectively, and the respective Lords and Lady of the said Manor for the Time being, may hold the same in Severalty (subject nevertheless to such Grants for Life or Lives, Term or Terms of Years therein respectively as are yet unexpired), and receive, take, and enjoy the Whole of the Rents, Dues, Customs, Services, and Payments arising or accruing therefrom, or to be paid and performed in respect thereof respectively, to and for their own respective separate Use and Behoof in Severalty, freed and discharged from all Claims and Demands of the other or others of them.

XXI. And



XXI. And be it further enacted, That, from and immediately after the Execution of the said Award, the Grantee or Grantees of such Cottages, Lands, and Tenements, as shall be allotted and awarded to the said *Henry Shelley* as Lord of the said Manor as aforesaid, shall pay and perform unto the said *Henry Shelley* as Lord of the said Manor, the Whole of the Rents, Fines, Customs, and Services which are now due and payable, and which ought to be performed to the said *Henry Shelley* and *Charles Lamb* and *Elizabeth* his Wife, as Lords and Lady of the said Manor in respect thereof, freed and discharged from all Claims and Demands of the said *Charles Lamb* and *Elizabeth* his Wife, or either of them as Lord or Lady of the said Manor, and the Cottages, Lands, and Tenements so allotted and awarded to the said *Henry Shelley* as such Lord of the said Manor shall stand limited, settled, and assured to, for, and upon such and the same Estates, Uses, Trusts, Intents, and Purposes, as such Part of the said Manor holden by the said *Henry Shelley*, or by the Person or Persons who for the Time being shall be Lord or Lords, Lady or Ladies of such Part shall stand limited, settled, and assured, and be subject and liable to at the Time of making such Allotments.

Cottages to be held by *Henry Shelley* to the same Uses.

XXII. And be it further enacted, That, from and after the Execution of the said Award, the Grantee or Grantees of such Cottages, Lands, and Tenements, as shall be allotted and awarded to the said *Charles Lamb* and *Elizabeth* his Wife as Lord and Lady of the said Manor as aforesaid, shall pay and perform unto the said *Charles Lamb* and *Elizabeth* his Wife, as Lord and Lady of the said Manor, the Whole of the Rents, Fines, Customs, and Services which are now due and payable, and which ought to be performed to the said *Henry Shelley* and *Charles Lamb* and *Elizabeth* his Wife, as Lords and Lady of the said Manor in respect thereof, freed and discharged from all Claims and Demands of the said *Henry Shelley* as Lord of the said Manor, and the Cottages, Lands, and Tenements so allotted and awarded to the said *Charles Lamb* and *Elizabeth* his Wife as such Lord and Lady of the said Manor shall stand limited, settled, and assured to, for, and upon such and the same Estates, Uses, Trusts, Intents, and Purposes, as such Part of the said Manor holden by the said *Charles Lamb* and *Elizabeth* his Wife, or by the Person or Persons who for the Time being shall be Lord or Lords, Lady or Ladies of such Part, shall stand limited, settled, and assured, and be subject and liable to at the Time of making such Allotments.

Cottages to be held by *Charles Lamb* and *Elizabeth* his Wife to the same Uses.

XXIII. And be it further enacted, That the said Commissioners shall and they are hereby required (in case in the making such Allotments as last mentioned there shall happen to be any Difference in point of Value between such Allotments) to award what Sum or Sums of Money shall be paid by the One of such Lords or Ladies to the other of such Lords or Ladies as an equivalent Satisfaction and Compensation for such Difference in value in such Allotment or Allotments aforesaid; and such Sum or Sums of Money so to be awarded shall be ascertained, fixed, and determined by the said Commissioners, and shall be paid by the Lord or Lords of the said Manor for the Time being, so directed by the said Commissioners to pay the same at such Place or Places, Time or Times, as the said Commissioners shall appoint; and in case of Non-payment thereof in Manner aforesaid, such Sum or Sums of Money shall and may be levied and recovered from such Lord or Lords, Lady or Ladies for the Time being, so directed

In case of Difference in value of Allotments made by Commissioners to the Lords and Lady respectively, to be held in Severalty, an equivalent to be paid.



directed to pay the same by such Ways and Means as the Costs, Charges, and Expences of obtaining and executing this Act can or may be levied and recovered, and the Receipt or Receipts of the said Commissioners shall be a full and sufficient Discharge for all and every Sum and Sums of Money so to be paid to the said Commissioners as aforesaid; and such Sum and Sums of Money so received by the said Commissioners shall be by them paid to the Lord or Lords, Lady or Ladies of the said Manor to whom the same shall be due and payable, his, her, or their Heirs or Assigns, in case such Lord or Lords, Lady or Ladies shall be seised of such Manor in Fee Simple; and in case such Lord or Lords, Lady or Ladies shall not be seised thereof in Fee Simple, then and in such Case such Sum and Sums of Money shall be applied and disposed of by the said Commissioners in Manner directed by the said recited Act, whenever any Sum of Money is to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Sum of Money ought to be laid out in the Purchase of other Lands, Tenements, and Hereditaments, to be settled to the same Uses.

Allotments  
to Lessors to  
be held in-  
dependent of  
their Lessees.

XXIV. Provided always, and be it further enacted, That all Allotments to be set out and made by virtue of this Act, in respect of any Property granted or demised, or held by any Lease or Leases, Agreement or Agreements, for any Term or Number of Years not exceeding Twenty-one Years at Rack Rent, shall be allotted to the respective Lessors or Owners of such Property, and shall be held and enjoyed by them respectively, free from all Right, Title, and Interest of their respective Lessees or Tenants by virtue of or under such Leases or Agreements, and such respective Lessors or Owners shall make such Abatement or Abatements of the Rent or Rents reserved or made payable by such Lease or Leases, or Agreement or Agreements respectively, for or on Account of their taking such Allotments as the said Commissioners shall adjudge and determine to be just and reasonable, and shall in and by their Award, or any other Writing under their Hands, ascertain, direct, and appoint.

Encroach-  
ments to be  
allotted to  
Persons in  
Possession  
thereof if the  
same do not  
exceed their  
Allotment.

XXV. Provided always, and be it further enacted, That the said Commissioners shall and they are hereby required in all Cases where the same can be done without Prejudice or Inconvenience to the adjoining Messuages, Lands, Tenements, or Hereditaments, to assign and allot unto such Person or Persons, Body or Bodies Politick, Corporate or Collegiate, entitled and having Right of Common in, over, or upon the said uninclosed Commons and Waste Lands as are in Possession of any such Encroachment or Encroachments, herein-before directed to be deemed Part and Parcel of the said Commons and Waste Lands, all and every the Lands and Grounds comprized in such Encroachments respectively; and all Edifices and Buildings erected thereon for or in Part of their Allotment or Allotments which shall be made to them respectively by virtue of this Act, unless it shall happen that such respective Encroachments shall be greater, or more (Quantity and Quality considered) than the Allotment or Allotments would amount unto, which the said Person or Persons, Body or Bodies Politick, Corporate or Collegiate, in the Possession of such Encroachment or Encroachments respectively, would be entitled to, for, and in respect of their ancient Estates, in which case a proportionable Part of such Encroachment or Encroachments shall be deducted from the same respectively; and the



the said Commissioners are hereby directed and required, in their Valuation of such Encroachments for the Purposes aforesaid, to estimate the same according to their original Value when in an open State, without any Regard to the Improvements made therein, or to the Value of the Edifices and Buildings (if any) which are erected or built thereon.

XXVI. And be it further enacted, That if any Person shall, during the Space of Seven Years from the Execution of the said Award, keep or depasture, or permit to be kept or depastured any Sheep, Lambs, Cattle, Horses, Asses, or Mules in any Allotment or Allotments to be made in pursuance of this Act (unless he, she, or they shall first effectually fence and guard the adjoining Allotment or Allotments belonging to any Proprietor or Proprietors from any Injury or Damage to his, her, or their Quicksets, or other new made Hedges or Fences), then and in every such Case, every Person so offending upon Conviction thereof before any One of His Majesty's Justices of the Peace for the said County of *Sussex*, on the Oath or Oaths of One or more credible Witness or Witnesses (which Oath such Justice is hereby empowered to administer), shall forfeit and pay for every such Offence the Sum of Forty Shillings, to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so offending, by virtue of a Warrant under the Hand and Seal of such Justice at any Time within Two Calendar Months next after such Offence committed, rendering the Overplus (if any) upon Demand, after deducting the reasonable Charges of such Warrant, Distress, and Sale to the Person or Persons whose Goods and Chattels shall be so distrained and sold as aforesaid, and every such Penalty so to be levied shall be paid to the Person or Persons injured.

No Sheep, Lambs, Cattle, Horses, Asses, or Mules, to be kept in the Inclosure for Seven Years.

XXVII. And be it further enacted, That where the Proprietor or Proprietors of any Lands or Hereditaments in respect whereof any Allotment shall be made by virtue of this Act shall hold their respective Lands and Hereditaments by different Tenures for different Estates or under different Titles, and where from Want of the necessary Information before the said Commissioners, or from any other Cause, their Award shall have omitted the distinguishing and ascertaining of the Lands or other Hereditaments holden for each of such Estates, and under each of such Titles respectively, and the setting out and awarding of several and distinct Allotments for such respective Lands or other Hereditaments as herein-before is required; and after the making of the said Award, Request shall be made to the said Commissioners, by any Person or Persons interested by Writing under his, her, or their Hand or Hands, to have such Omission supplied by a separate Instrument, then and in every such Case the said Commissioners are hereby authorized to do every Thing necessary for supplying every such Omission, and so far as that Purpose shall require to examine Witnesses, and in every other Respect to proceed and act, as if the said Award had not been made; and when they shall have obtained what they shall think sufficient Information, they are hereby authorized by any Deed or Instrument under their Hands and Seals to distinguish and ascertain the Difference of Tenures, Estates, and Interest respectively, and to make distinct and several Allotments in respect of the same; and every such separate Deed or Instrument shall be inrolled in the same Place and in the same Manner, and Evidence thereof shall be given in the same Manner as by the said recited Act and this Act, or either of them respectively, is

Omissions of Commissioners in their Award with respect to Allotments made for Lands or Hereditaments under different Titles or Estates to be supplied by a separate Instrument if required.

[*Loc. & Per.*]

67

directed



directed concerning the said Award of the said Commissioners, and all Expences which shall be reasonably incurred in or about any such separate Deed or Instrument as aforesaid, shall be paid by the Person or Persons who shall have so requested the said Commissioners to make and execute the same, or by his, her, or their Heirs, Executors, or Administrators; and every such separate Deed or Instrument shall from and immediately after the due Execution thereof by the said Commissioners, and such Enrollment as aforesaid, have the same Effect, to all Intents and Purposes, as if the Contents thereof had been inserted and contained in the said Award, and the same shall after such Enrollment as aforesaid, be delivered unto the Person upon whose Request any such Omission have been so supplied, or to the Person or Persons to whom the Custody of the Deeds and Writings concerning the Title of the Premises in Question shall, in the Opinion of the said Commissioners for the Time being, belong.

For extin-  
guishing or  
suspending  
Rights of  
Common be-  
fore Execu-  
tion of  
Award.

XXVIII. And be it further enacted, That it shall and may be lawful to and for the Commissioners, and they are hereby required and authorized at any Time or Times before the Execution of their said Award by Notice in Writing under their Hands, to be affixed upon the principal Doors of the said respective Parish Churches, to order and direct all or any Part of the Rights of Common in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof to be extinguished, or the Exercise thereof to be suspended for and during such Time or Times as shall be expressed in such Writing; and all such Rights of Common as the said Commissioners shall by such Writing order and direct to be extinguished, or the Exercise thereof to be suspended as aforesaid, shall from the Time mentioned in such Writing affixed to the said Church Doors respectively cease, determine, and be extinguished, or the Exercise thereof shall be suspended accordingly; any Law, Usage, or Custom thereof to the contrary notwithstanding.

Power to  
sell before  
Award.

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

Allotments to  
be fenced at  
the Expence

XXX. And be it further enacted, That the several Allotments to be made by virtue of this Act shall be inclosed, hedged, ditched, and fenced by



by and at the Expence of such respective Proprietors, in such Manner and within such Time, and shall be from thenceforth kept in Repair in such Proportions as the said Commissioners shall in their said Award order and direct. of the Proprietors, and as the Commissioners shall direct.

XXXI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to set out, allot, and award any Lands, Tenements, or Hereditaments whatsoever within the said Parishes of *Thakeham, Sullington, and Shipley*, or any of them, in lieu of and in Exchange for any other Lands, Tenements, and Hereditaments whatsoever within the said Parishes, or any of them, or within any adjoining Parish, Hamlet, Township, or Place; provided that all such Exchanges be ascertained, specified, and declared in the said Award of the said Commissioners, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, or Hereditaments, which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors shall be a Body or Bodies Politick, Corporate or Collegiate, Corporation Aggregate or Sole, or a Tenant or Tenants in Fee Simple, or for Life, or in Fee Tail General or Special, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees, for charitable 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 Incapacity, 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 Politick, Corporate or Collegiate, and under the Hands of the other Parties consenting respectively; and all and every such Exchange and Exchanges so to be made shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Lands, Tenements, or Hereditaments held in Right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent testified as aforesaid of the Patron thereof, and of the Bishop of the Diocese in which such Lands, Tenements, or Hereditaments so to be exchanged shall lie or be situate. Exchanges may be made.

XXXII. Provided always, and be it enacted, That the Costs, Charges, and Expences attending the making and completing of all Exchanges and Partitions under the Powers and Authorities in this Act, and the said recited Act, or either of them contained, shall be paid and borne by the several Persons, Bodies Politick, Corporate or Collegiate, making such Exchanges or Partitions in such Manner and in such Proportions as the said Commissioners shall order and direct. Expences of Exchanges, how to be paid.

XXXIII. And be it further enacted, That all the Lands and Grounds which shall be allotted by virtue of this Act to any Person or Persons, for or in respect of any Messuages, Cottages, Lands, or Grounds holden of any Manor or Manors, by Copy of Court Roll, or for or in respect of any Leasehold Messuages, Lands, or Tenements, or for or in respect of any Right of Common, or any other Right or Interest, appendant or appurtenant to any such Copyhold or Leasehold Premises, shall, from and after the Execution of the said Award, be deemed and taken to be Copyhold. Allotment to be of the same Tenure as the Lands for which they are allotted.



hold or Leasehold respectively, and shall be held as such by and under the same Tenure, Rents, Payments, Fines, Customs, and Services as the Copyhold or Leasehold Messuages, Cottages, Lands, or Tenements respectively, for or in respect whereof such Allotments shall be made, are now or immediately before the Execution of the said Award shall be holden respectively; and all and every Person or Persons to whom such Copyhold Lands and Premises shall be allotted as aforesaid shall, within Six Calendar Months next after the Execution of the said Award, be admitted Tenant or Tenants to the same, without paying any Fine or Charge to the Lord or Lords, Lady or Ladies, or to the Steward or Stewards of the said Manor (save and except for 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 as the said Commissioners by their said Award shall 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 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 Admittance, the Copyhold Lands and Premises so to be allotted as aforesaid shall at all Times thereafter be held under and subject to the same Tenure, Fines, and other Payments as the present Copyhold Messuages, Cottages, Lands, or Tenements in respect whereof such Lands and Premises shall be allotted are now held under and subject to; and the said Commissioners shall and they are hereby required to determine, abutt, and describe in and by their said Award, and in and by the Map or Plan to be thereunto annexed, all the Houses, Buildings, Lands, and Tenements within the said Manor, which are to be and remain Copyhold or Leasehold, and to state and specify of what Lord or Lords, Lady or Ladies, the same are respectively to be holden.

Wills and  
Settlements  
not to be  
affected.

XXXIV. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to revoke, make void, alter, or annul any Will or Settlement, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Debt, or Incumbrance out of, upon, or affecting any of the Lands, Tenements, and Hereditaments, to be divided, allotted, or exchanged by virtue of this Act, or any Part thereof, but that each and every Proprietor shall stand and be seised of the several Lands, Tenements, and Hereditaments to be allotted to or exchanged with him or her as aforesaid, to such and the same Uses, and for such and the same Estates, and subject to such and the same Wills, Jointures, Rents, and Charges, and no other, as the Lands, Tenements, and Hereditaments, whereof such Proprietor was seised or possessed at or immediately before the Execution of the Award to be made by the said Commissioners, or for which or in respect whereof such Allotments or Exchanges shall be made, would have been subject to be charged with or affected by in case this Act had not been made.

Commis-  
sioners to pay  
their own  
Expences.

XXXV. And be it further enacted, That the said Commissioners for the Time being shall, at all and every of their Attendances or Meetings for putting this Act into Execution, severally and respectively pay and discharge their own Expences, and that when and as soon as the said intended Division and other Purposes of this Act shall be finished and completed,



completed, and the said Commissioners shall have executed their said Award, the said Commissioners shall be paid and allowed each of them the Sum of Three Pounds and Three Shillings for each and every Day upon which he or they shall have attended a Meeting or transacted Business in, or for putting this Act into Execution.

XXXVI. And be it further enacted, That the Award by the said recited Act directed to be made by the said Commissioners, and such Map or Plan of the said Parishes of *Thakeham*, *Sullington*, and *Shipley*, annexed thereto, shall be inrolled according to the Directions of the said recited Act; and the said original Award shall be deposited in the Parish Church of *Thakeham*, and Two Copies thereof, signed and attested by the said Commissioners shall be made, One whereof shall be deposited and kept in the Parish Church of *Sullington* aforesaid, the other thereof in the Parish Church of *Shipley* aforesaid; and the said Award, and the said Copies thereof, with the said Maps and Plans and every other Copy of the said Award, or of any Part thereof, attested by the said Commissioners, or any Copy of such Copy so deposited with the Clerk of the Peace as aforesaid, or of any Part or Parts thereof, attested by the said Clerk of the Peace or his Deputy, for which Copy no more shall be paid than Three-pence *per* Sheet, each Sheet containing Seventy-two Words, shall from Time to Time and at all Times hereafter be admitted and allowed as legal Evidence of the Matters and Things therein contained in all Courts whatsoever.

Award to be deposited.

XXXVII. And be it further enacted, That Once at least in every Year during the Execution of this Act (which Year to be computed from the Day of the passing thereof) the said Commissioners shall and they are hereby required to make a true and just Statement and Account of all Sums of Money by them received and expended, or due to them for their Trouble and Expences in the Execution of this Act; and such Statement and Account when so made, together with the Vouchers relating thereto, shall be by them laid before any One of His Majesty's Justices of the Peace for the said County of *Suffex*, not interested in the said Division and Allotments, to be by him examined and balanced, and such Balance shall be by such Justice stated in the Book of Accounts, to be kept at 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.

Commissioners to lay their Accounts before a Justice to be audited.

XXXVIII. And be it further enacted, That if any Person or Persons shall advance or pay any Sum or Sums of Money for the Purpose of defraying all or any of the Expences of applying for and obtaining this Act, and of carrying the same into Execution, all such Persons shall be fully repaid the same, together with Interest thereon, after the Rate of Five Pounds for One hundred Pounds for a Year, out of the first Money which shall be raised for the Purposes of this Act, such Interest to be computed from the Time or respective Times of advancing or paying the said Sum or Sums of Money to the Time or respective Times of the Re-payment thereof.

Money which may be advanced for obtaining or executing this Act to be repaid in the first Place with Interest.

XXXIX. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act, or the said recited Act (other than and except such Orders and Determinations of the said Commissioners or Umpires as are

Power to appeal.

[*Loc. & Per.*]

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by



by the said recited Act or this Act declared to be final and conclusive, and except in such Cases wherein an Issue at Law shall be tried as herein mentioned), then and in every such Case he, she, or they may appeal to the General Quarter Sessions of the Peace, which shall be holden for the Western Division of the said County of *Sussex*; within Three Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioners, or either of them; and to the Party or Parties, Fourteen Days Notice of such Appeal and of the Matter thereof; and the Justices of the Peace assembled at such General Quarter Sessions (not interested in the Premises), or at any Adjournment thereof, are hereby authorized to hear and determine the Matter of every such Appeal, and to make such Order therein, and award such Damages and Costs 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 liable or required 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 the Determination of the said Justices 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*; but in case such Appeal shall appear to the said Justices frivolous, vexatious, or without Foundation, then and in every such Case the said Justices shall award such Costs to be paid by the Appellant or Appellants as to them the said Justices in their Discretion shall seem reasonable, and such Costs shall be levied in Manner last aforesaid.

For saving  
the Lords  
and Ladies  
Rights as to  
Mines, Mi-  
nerals, &c.

Saving Mano-  
rial Rights.

XL. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend so as to defeat, lessen, or prejudice the Rights or Interests of the said *Henry Shelley* and *Charles Lamb*, and *Elizabeth* his Wife, or any or either of them, or of any other Person or Persons as Lord or Lords, Lady or Ladies for the Time being of the Manor aforesaid, in or to any Mines, Ores, Minerals, Stone, Rock, or Coal in or under the said Commons and Waste Lands, or any Part thereof; but that the said *Henry Shelley* and *Charles Lamb*, and *Elizabeth* his Wife, and the Lord or Lords, Lady or Ladies for the Time being of the said Manor respectively, and their respective Lessees and Grantees, Agents, Servants, and Workmen may search for, work, dig, draw, raise, lodge, and carry away all Mines, Ores, Minerals, Stone, Rock, and Coal, as fully, freely, and effectually, as if this Act had not been passed, making reasonable Satisfaction and Recompence from Time to Time to the Person or Persons possessed of the Lands and Grounds for all Damage or Spoil that shall be done thereto or to any Part thereof, by searching for, working, digging, drawing, raising, lodging, and carrying away the said Mines, Ores, Minerals, Stone, Rock, and Coal, or any of them; and nothing in this Act contained shall extend or be construed to extend so as to lessen, prejudice, or defeat, the Right, Title, or Interest of the said *Henry Shelley* and *Charles Lamb*, and *Elizabeth* his Wife, or any or either of them, or any other Person or Persons as Lord or Lords, Lady or Ladies of the Manor aforesaid, within the Jurisdiction or Limits whereof the Lands and Grounds hereby directed to be divided, allotted, and inclosed are situate, lying, and being, of, in, or to the Seigniories, Rights, and Royalties, Franchises and Jurisdictions incident or belonging to such Manor



Manor (other and except such as are meant or intended to be barred and destroyed by this Act), but the same shall remain in as full, large, ample, and beneficial Manner, to all Intents and Purposes, as they, he, she, or any of them might, could, or ought to have held and enjoyed the same before the passing of this Act, or in case the same had never been made.

XLI. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every Person or Persons, Bodies Corporate, Politick and Collegiate, his, her, and their Heirs, Successors, Executors, Administrators, and Assigns, all such Right, Title, Estate, and Interest (other than and except such as are meant and intended to be barred by this Act), as they, every, or any of them had and enjoyed, or were entitled unto, of, in, to, or out of the said Commons and Waste Lands, or any Part thereof, before the passing of this Act, or could or might have had or enjoyed before the passing of this Act, or in case this Act had not been made.

General  
Saving of  
Rights.

XLII. And be it further enacted, That this Act shall be printed by the Printer to the King's most Excellent Majesty, and a Copy thereof so printed shall be admitted as Evidence thereof by all Judges, Justices, and others.

Publick Act.

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LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,  
Printers to the King's most Excellent Majesty. 1808.



