



ANNO QUINQUAGESIMO

GEORGI III. REGIS.

Cap. 218.

An Act for disafforesting the Forest of *South* otherwise *East Bere* otherwise *Bier*, in the County of *Southampton*, and for inclosing the Open Commonable Lands within the said Forest.

[21st June 1810.]

WHEREAS the King's most Excellent Majesty, in right of His Crown, is seized to Himself, His Heirs and Successors, of the Forest of *South* otherwise *East Bere* otherwise *Bier*, in the County of *Southampton*, and also in His Demesne as of Fee of and in Two Districts or Divisions of Land there, commonly called *Purlieus* within the same; which Forest is of considerable Extent, and the Waste Lands within the same, exclusive of the inclosed Lands, are computed to contain about Eight thousand Acres, subject nevertheless to such Right of Common and other Rights as certain Persons called *Purlieu Owners*, and the Freeholders and Copyholders of Messuages, Lands, and Tenements situate and being within the several Parishes, Townships, Hamlets, or Places of *Soberton*, *Hambledon*, *Catherington*, *Blendworth*, *Bedhampton*, *Kingston*, *Portissaie* otherwise *Portsea*, *Farlington*, *Wymering*, *Widley*, *Southwick*, *West Burbunt*, *Portchester*, *Wicor*, and *Wickham*, in the said County of *Southampton*, or some of them, or the Tenants and Occupiers thereof for the Time being, are entitled to, within, upon, and over the said Forest: And whereas the said Forest is divided into Two Walks, one called *The East Walk*, and the other called *The West Walk*, within which are several smaller Districts or Divisions of Land, commonly called *Purlieus*, lying within the Regard of the said Forest, and appurtenant to Manors near and adjoining to the said Forest, besides the aforesaid Two Divisions belonging

[*Loc. & Per.*]

to His Majesty: And whereas His Majesty's said Demesne Lands consist of Three Parcels of Land, Two in the said East Walk, and One in the said West Walk, within the said Forest, and which do contain in the Whole, in Statute Measure, Nine hundred and twenty-nine Acres and Fifteen Perches, or thereabouts, together with the several Lodges and other Buildings and Erections in and upon the said several Pieces or Parcels of Land, called or known by the Names of *The West Lodge*, *The East or Creech Lodge*, and *Bulls Lodge*, and together also with all the Timber and other Trees, Wood, and Underwood upon the same Pieces or Parcels of Demesne Land; and His Majesty is also entitled to the first Right of Feed and Pasturage over the whole Regard of the said Forest for the Vert and Feed of His Majesty's Deer: And whereas *Thomas Thistlethwayte* Esquire is hereditary Warden of the said Forest, and in right thereof is entitled to certain Privileges and Patronage within and over the said Forest, to him, his Heirs and Assigns, so long as the same shall remain a Forest, upon certain Conditions expressed in the Grant of such Office: And whereas the said several other smaller Districts, called *Purlieus*, belong or are claimed to belong to the Right Reverend the Lord Bishop of *Winchester*, the Right Honourable Lord *Stawell*, the Right Honourable Lord Viscount *Powerscourt*, the Right Honourable the Earl of *Portsmouth*, the Warden and Scholars Clerks of *Saint Mary College of Winchester*, near *Winchester*, the said *Thomas Thistlethwayte*, the Reverend *Samuel Clarke Jervoise*, *Elizabeth Guitton* Widow, *Charles William Taylor* Esquire, *Sophia Leeke* Widow, *John Hornby* Esquire, *Paul Minchin* Esquire, *George Garnier* Esquire, *James Amyatt* Esquire, and other Persons, of different Extents and Proportions, as their own respective Demesne Estates, together with all the Timber and other Trees and Underwoods upon the same respectively; but subject to such Right of Feed for His Majesty's Deer, and to Common Rights as aforesaid: And whereas the Boundaries, Perambulation, or Regard of the said Forest extend over the said several Parishes, Townships, or Hamlets, or Part thereof, of *Soberton*, *Hambledon*, *Catherington*, *Blendworth*, *Bedhampton*, *Kingston*, *Portissaie* otherwise *Portsea*, *Farlington*, *Wymering*, *Widley*, *Southwick*, *West Burbunt*, *Portchester*, *Wicor*, and *Wickham*, or some of them: 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 Waste Lands of the said Forest were heretofore of great Value and Utility from the Timber and Underwood thereon, which of late Years have been very much injured, and in many Parts totally destroyed, and the Soil thereof, in its present uncultivated State, is but of small Value, either to His Majesty or to the other Persons interested therein, but from its Contiguity to His Majesty's Dock Yard of *Portsmouth*, if the said Forest were disafforested, and the Open Commonable Lands within the same were divided, allotted, and inclosed, and if the present Demesnes of the Crown and the Allotment to the Crown, as herein-after mentioned, were set apart for the Growth and Preservation of Wood and Timber, the same would be of great Benefit and Advantage to His Majesty and to the Public in general, as well as to the several Persons having Property and Rights in the said Forest: And whereas it hath been stipulated by and between the Right Honourable the Lords Commissioners of His Majesty's Treasury, with the Advice of the Surveyor General of His

Majesty's Woods, for and on behalf of His Majesty and the said *Thomas Thistlethwayte*, and the said several Persons called *Purlieu Owners*, that the Consideration to His Majesty and to the said Warden for disafforesting the said Forest, and Loss of Privileges and Patronage as aforesaid, and obtaining His said Majesty's Consent, and the Consent of the said Warden to the passing this Act for the Purposes aforesaid, should be as follows; (*videlicet*), all those Pieces or Parcels of Land within the West Walk, one Piece whereof being Part and Parcel of the District commonly called *The Purlieu* belonging to the Earl of *Portsmouth*, within the said Walk, containing One hundred Acres, abutting North on the said Demesne Lands of the Crown, within the said West Walk, South on the Allotment next hereinafter mentioned, East on the Land called *The Purlieu* of the Earl of *Portsmouth*, and West upon the said Demesne Lands of the Crown in Part, and in other Part on the same next hereinafter mentioned Allotment; one other Piece, containing One hundred and fifty Acres, being Part and Parcel of the Land called *The Purlieu* of the said *George Garnier*, abutting North in Part on the same Demesne Lands of the Crown, and in other Part on the said last-mentioned Allotment, South on the Land called *The Purlieu* of the said Lord Viscount *Powerscourt*, East on the Land called *The Purlieu* of the said Earl of *Portsmouth*, and West on the Land called *The Purlieu* of the said *George Garnier*; and also all those Pieces or Parcels of Land in the East Walk, One Piece whereof being Part and Parcel of the Land called *The Purlieu* belonging to the See of *Winchester*, in the said East Walk, containing Two hundred and thirty-five Acres and Thirty-seven Perches, abutting North and East on the said Land called *The Purlieu* belonging to the said See of *Winchester*, South on the Land called *The Purlieu* of the said *Thomas Thistlethwayte*, and West on the said Demesne Lands of the Crown in the said East Walk; One other Piece being Part and Parcel of the Land called *The Purlieu* of the said *Thomas Thistlethwayte* in the said East Walk, containing Fourteen Acres Three Roods and Three Perches, abutting North on the said Demesne Lands of the Crown, South on the Land called *The Purlieu* of the said *Thomas Thistlethwayte*, East on the said last-mentioned Allotment, and West on the Land called *The Purlieu* of the said *Thomas Thistlethwayte*; and all those Two Pieces or Parcels of Land in the said East Walk, One Piece whereof being Part and Parcel of and belonging to the Land called *The Purlieu* of the said See of *Winchester* in the said East Walk, containing Seventy-three Acres, and bounded as follows, on the North by the Land called *The Purlieu* of the said *John Hornby*, on the South by the Land called *The Purlieu* of the said *Thomas Thistlethwayte*, on the East by inclosed Lands at *Hiple*, and on the West in Part by the inclosed Lands of the said *Thomas Thistlethwayte*, and in other Part by the inclosed Lands of the said *John Hornby*, and the other Piece being Part and Parcel of the Land called *The Purlieu* of the said *John Hornby*, containing Twenty-seven Acres, bounded on the North by the Land called *The Purlieu* of the said *John Hornby*, South upon the said last-mentioned Allotment, East upon the said last-mentioned Land called *The Purlieu* of the See of *Winchester*, and West upon the Land called *The Purlieu* of the said *Thomas Thistlethwayte*; which said several Pieces or Parcels of Land contain together Six hundred Acres: But inasmuch, however, as the said Forest cannot be disafforested, nor the other Purposes before mentioned effected, without the Aid and Authority of Parliament, May it therefore please Your Majesty that it may be enacted; and

Commis-
sioners.

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 *Thomas Bainbridge* of *Guildford Street*, in the Parish of *Saint Pancras* in the County of *Middlesex*, Gentleman, *William Pearce* of *Craig's Court*, in the City and Liberty of *Westminster*, Gentleman, and *George Barnes* of *Andover*, in the County of *Hants*, Land Surveyor, and their Successors, to be nominated or appointed in manner herein-after mentioned, shall be and they are hereby appointed Commissioners for dividing, allotting, and inclosing all the Open Commonable Lands and Grounds within the said Forest, except the Six hundred Acres herein-before mentioned and described, and for carrying into Execution the several other Purposes of this Act, in such Manner as is herein-after provided or mentioned, and with such of the Powers, and subject to such of the Rules, Orders, Regulations, Restrictions, and Provisions contained in the said recited Act of the Forty-first Year of the Reign of His present Majesty as are not varied, altered, or otherwise provided for by this Act; and that all Acts, Matters, or Things authorized or necessary to be done and executed by the said Commissioners for effecting the Purposes aforesaid, may be done and executed by any Two of them, and the same shall be as valid and effectual as if such Acts, Matters, and Things had been done and executed by all the Commissioners herein nominated and appointed.

For appoint-
ing new Com-
missioners.

II. And be it further enacted, That in case the said *William Pearce*, or any Person to be nominated or appointed a Commissioner in his Room or Stead by virtue of this Act, shall die, refuse to act, or become incapable of acting as such Commissioner in the Execution of the said recited Act and this Act, then and in such Case it shall and may be lawful to and for the said Lord Bishop of *Winchester* for the Time being, and the Warden and Scholars Clerks of *Saint Mary College of Winchester*, near *Winchester*, and their Successors for the Time being, by any Writing under their Common Seals, within One Month after such Death, Refusal, or Incapacity as aforesaid shall be made known to them, by Notice in Writing, signed by any of the said Commissioners, to be left at the usual Place of Abode of the said Lord Bishop and at the said College, to nominate and appoint a proper Person (not interested in the said intended Division and Inclosure) to be a Commissioner in the Room or Stead of the said *William Pearce*, or of such other Person nominated or appointed in his Room or Stead so dying or refusing or becoming incapable to act as aforesaid, and so from Time to Time, as often as any Commissioner to be nominated and appointed by the said Lord Bishop and the said Warden and Scholars Clerks as aforesaid, shall die, refuse, neglect, or become incapable to act as such Commissioner in the Execution of the said recited Act and this Act; and in case the said *Thomas Bainbridge*, or any Person to be nominated and appointed a Commissioner in his Room or Stead, by virtue of this Act, shall die, refuse, neglect, or become incapable to act in the Execution of this Act and of the said recited Act, then and in every such Case it shall and may be lawful to and for the several Persons commonly called *Purlieu Owners*, interested in the Lands and Grounds to be divided, allotted, and inclosed by virtue of this Act, or the major Part of them (other than and except the Lord Bishop of *Winchester* for the Time being

being and the said Warden and Scholars Clerks), who shall attend by themselves or by their Agents or Proxies at a Meeting to be holden for that Purpose at the *Golden Lion* in *Southwick* aforesaid, (of which Meeting Fourteen Days Notice at the least, and of the Purpose thereof, shall be given by Advertisement, signed with the Name or Names of any One or more of the said Commissioners, in the *Salisbury, Portsmouth, and Winchester* Journals, if then published, and if not, then in some other Newspapers printed or circulated in the said County of *Southampton*;) to nominate, elect, and appoint by any Instrument in Writing under their Hands, or under the Hands of their Agents or Proxies, some fit and proper Person (not interested in the said Division and Inclosure) to be a Commissioner in the Room or Stead of the said *Thomas Bainbridge*, or of such other Person nominated and appointed in his Room or Stead, so dying or refusing or becoming incapable to act as aforesaid, and so from Time to Time as often as any Commissioner to be nominated and appointed by such Purlieu Owners shall die, refuse, or become incapable to act as such Commissioner in the Execution of the said recited Act and this Act; and in case the said *George Barnes*, or any Person to be nominated and appointed by virtue of this Act a Commissioner in his Room or Stead, shall die, or refuse to act, or become incapable of acting in the Execution of this and the said recited Act, then and in every such Case the major Part in Value (such Value to be ascertained according to the Land Tax Assessment for that Year) of the Owners and Proprietors of Land and Hereditaments within the said several and respective Parishes and Places entitled to any Right of Common in, over, or upon the said Commonable Lands and Grounds, (other than and except the said Lord Bishop of *Winchester*, and the said Warden and Scholars Clerks, and their Successors, and Persons commonly called *Purlieu Owners*, to whom other Powers of Nomination are herein-before given, and their respective Heirs, Successors, and Assigns,) who shall be present in Person, or by their respective Agents or Proxies duly authorized for such Purpose, at a Meeting to be holden for that Purpose, of which Meeting Fourteen Days Notice by Advertisement shall be given by any Five or more of such Owners and Proprietors in the *Salisbury, Portsmouth, and Winchester* Newspapers, if then published, and if not, then in some other Newspapers circulated in the said County of *Southampton*, 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 or Proxies aforesaid, a proper Person or Persons (not interested in the said Division and Inclosure) to be a Commissioner in the Room or Stead of the said *George Barnes*, or of such other Person to be nominated and appointed in the Room or Stead of him so dying, or refusing to act, or becoming incapable of acting as aforesaid, 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 and subscribing the Oath 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.

III. Provided always, and be it enacted, That if the said Lord Bishop of *Winchester*, and the said Warden and Scholars Clerks for the Time being, or the said Persons commonly called *Purlieu Owners*, or the said

If Purlieu Owners, &c. neglect to appoint new

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Proprietors

Commissioners within the prescribed Time, the acting Commissioners to make such Appointment.

Proprietors of Lands and Hereditaments, either or any of them respectively, shall make Default in nominating and appointing any new Commissioner, so directed to be nominated and appointed by him and them respectively as aforesaid, within the respective Times for that Purpose limited and in Manner aforesaid, then and in every such Case it shall and may be lawful to and for the surviving or remaining Commissioners or Commissioner, and they and he are and is hereby required from Time to Time, by Writing under their Hands or his Hand, within One Month next after the Expiration of such respective Times so allowed for nominating and appointing such new and succeeding Commissioners as aforesaid, to nominate and appoint a proper Person (not interested in the said Division and Inclosure) to be a Commissioner in the Room or Stead of every such Commissioner so dying, refusing or becoming incapable to act as aforesaid; and every Commissioner so nominated and appointed shall, after taking and subscribing the Oath 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.

Commissioners neglecting to attend Meetings considered as a Refusal to act.

IV. Provided also, and be it enacted, That if any of the said Commissioners hereby nominated shall refuse or neglect to attend at the first Meeting appointed to be holden for carrying this Act into Execution, and duly qualify himself by taking and subscribing the Oath prescribed in that Behalf, or if any of the said Commissioners shall at any Time after the said first Meeting wilfully absent himself from any Three following successive Meetings appointed to be holden by virtue of this Act, or having been absent from Two successive Meetings, shall not attend during the whole of the Third or next succeeding Meeting, such Meetings being known to him, either by his being present at the Appointment thereof, or Notice thereof in Writing having been given to him, or left at his last or usual Place of Abode, by the Clerk or Clerks to the said Commissioners, and such Commissioner not having been prevented by Sickness or other reasonable Cause, to be allowed by the other Commissioners, from attending or continuing 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 Act, at the first Meeting of the said Commissioners after his Nomination or Appointment, or shall thereafter wilfully absent himself from Three following successive Meetings to be holden by virtue of this Act, or having been absent from Two successive Meetings, shall not attend during the Whole of the Third or next succeeding Meeting, such Meetings being known to him, either by his being present at the Appointment thereof, or Notice thereof in Writing having been given to him, or left at his last or usual Place of Abode, by the Clerk or Clerks to the said Commissioners, and such Commissioner not being prevented by Sickness or other reasonable Cause, to be allowed by the other Commissioners, from attending or continuing at such Meetings; then and in every of such Cases such Absence or Non-attendance shall be deemed and taken to be a Refusal to act within the Intent and Meaning of this Act.

A Surveyor to be appointed.

V. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required,

as soon as conveniently may be after the passing of this Act, by Writing under their Hands and Seals, to nominate and appoint some fit and proper Person or Persons (not interested in the said intended Division and Inclosure) to be a Surveyor or Surveyors for the Purpose of viewing, surveying, and measuring the said Open Commonable Lands and Grounds, and such Surveyor or Surveyors is and are hereby accordingly authorized and directed, as soon as conveniently may be after such Nomination and Appointment, to view, survey, and measure the Buildings and Encroachments whatsoever made in and upon the same, and to describe and lay down the same by way of Map or Plan, whereon or in a Book of Reference to be annexed thereto shall be set forth the Number of Acres and Decimal Parts of an Acre of the said Purlieus or Open Commonable Lands and Grounds, and the several Buildings and Encroachments made thereon, and of what such Encroachments respectively consist, and the Names of the several Persons holding and enjoying the same; and that when and so soon as the said Surveyor or Surveyors shall have finished and completed the said Survey, Map, or Plan, he or they shall, by Notice in Writing under his or their Hand or Hands, apprize the said Commissioners thereof, and appoint a Time and Place for a Meeting with them, of which Fourteen Days previous Notice at the least shall be given unto each of the said Commissioners, at which Meeting the said Surveyor or Surveyors shall deliver unto the said Commissioners present at such Meeting his or their Survey and Plan and Book of Reference, and shall subscribe the same with his or their Name or Names in the Presence of the said Commissioners, who shall attest the same; and the said Surveyors shall take and subscribe the following Oath; (that is to say,)

Survey to be delivered to the Commissioners, and certified on Oath.

‘ I *A. B.* do swear, That by virtue and in pursuance of an Act of Parliament made in the Fiftieth Year of the Reign of King *George* the Third, intituled *An Act for disafforesting the Forest of South otherwise East Bere otherwise Bier, in the County of Southampton, and for inclosing the Open Commonable Lands within the said Forest*, I have taken a true and exact Admeasurement and Survey of Part of the Open Commonable Lands and Grounds directed by the said Act to be inclosed, and of all the Buildings and Encroachments whatsoever made in and upon the same, to the best of my Judgment and Ability; and that the Survey, Map, or Plan, and Book of Reference, whereunto I have now set my Hand, are and do contain a just and true Description, Survey, and Admeasurement and Account of such Part of the said Open Commonable Lands and Grounds, and of all the Buildings and Encroachments in and upon the same, with the Names of the several Persons holding and enjoying the same respectively, and that the same were made and taken by me according to the best of my Knowledge, Information, and Belief, and the true Intent and Meaning of the said Act, without Favour, Affection, or Partiality, to any Person or Persons: And I do further swear, that I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, execute the several other Trusts reposed in me as a Surveyor by virtue of the said Act, without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever. So help me GOD.’

Oath.

Which Oath it shall and may be lawful to and for any One or more of the said Commissioners to administer; and the said Oath when so taken shall be written on Parchment, and subscribed by the said Surveyor, and duly attested

attested by the said Commissioners under their Hands, and shall be inrolled with the Award to be made by the said Commissioners.

For electing new Surveyors in case of Death.

VI. Provided always, and be it enacted, That in case the said Surveyors so to be appointed as aforesaid, or either of them, or any other Surveyor or Surveyors to be appointed as herein-after mentioned, shall die, or refuse or neglect to act, or become incapable of acting in the Execution of the said recited Act and this Act, then and in every such Case it shall and may be lawful to and for the said Commissioners, by Writing under their Hands and Seals, to nominate and appoint some other fit and proper Person (not interested in the said Division and Inclosure) to be a Surveyor in the Room or Stead of every Surveyor so dying, refusing or neglecting to act, or becoming incapable of acting in the Execution of the said recited Act and this Act; and every Surveyor so nominated and appointed shall have the like Powers and Authorities, and shall be subject and liable to the like Rules, Regulations, and Restrictions, as if he had been originally appointed a Surveyor by virtue of this Act.

Survey to be made of all Messuages, Lands, &c. in respect whereof Right of Commonage is claimed.

VII. And be it further enacted, That as soon as conveniently may be the said Surveyor shall proceed to make an accurate Survey and Plan, as well of all Messuages, Cottages, and Scites thereof, as of all Lands and Grounds in whatsoever Manor, Parish, Township, Hamlet, or Place the same are situate, in respect whereof the Owners or Occupiers of the same respectively are entitled to a Right of Commonage upon the Open Commonable Lands and Grounds to be inclosed by virtue of this Act, or any Part thereof (save and except such Lands and Grounds as have been already surveyed and are hereafter directed not to be again surveyed or planned), and shall inquire and find out, and in and by the Survey and Plan thereof, and in a Book of Reference to the same, set forth a minute and exact Account of all and singular the Premises so surveyed, and the Quantity and Contents of each several Field, Inclosure, and Parcel of Land thereof, with the Names of all and every the Owners and Occupiers thereof respectively, thereby distinguishing such of the Premises as are of Freehold Tenure from such as are of Copyhold or Customary or Leasehold Tenures, and of what particular Manors or Lordships or Persons the said Copyhold or Customary or Leasehold Tenements are severally and respectively holden.

Proprietors producing approved Surveys, &c. already made, to be allowed for them.

VIII. And be it further enacted, That it shall and may be lawful for any Person or Persons having in his, her, or their Custody or Possession any actual Surveys, Maps or Plans of any of the Lands called *Purlieus*, or of any of the Lands or Grounds in respect whereof the Owners or Occupiers of the same are entitled to Rights of Common, to produce and deliver such Surveys, Maps and Plans to the said Commissioners at such Time or Times as they shall appoint for that Purpose; and the said Commissioners thereupon shall inquire, on the Oath as well of the Person or Persons producing and delivering such Surveys, Maps and Plans respectively, as of such other Person or Persons as they shall think fit, (which Oath the said Commissioners are hereby authorized to administer) into the Authenticity and Accuracy of every of such Survey, Map and Plan; and in all Cases where the said Commissioners shall be satisfied that such Surveys, Maps and Plans are authentic, and have been accurately made, and will answer the Purpose of a new Survey (but not otherwise) they the said Commissioners shall

shall deliver the same over to the said Surveyors, with Directions to insert and copy the same into the Surveys of the Lands called *Purlieus*, or of the Lands the Owners or Occupiers whereof are entitled to any Right of Common, instead of making a new Admeasurement and Plan of the Lands and Grounds so comprised and described in the Maps and Plans aforesaid; and that the said Commissioners shall allow, pay, and satisfy for such approved Surveys, to the Person or Persons to whom the same shall belong, such Sum and Sums of Money as the said Commissioners shall think proper, out of the Monies to be raised by them for the Purposes of this Act.

IX. And be it further enacted, That out of the Money which shall be raised for defraying the Expences of obtaining, passing, and executing this Act, the said Commissioners and Clerks to the said Commissioners who shall act in the Execution of the Trusts and Powers of this Act, shall be paid the Sum of Three Guineas each, for each Day he or they shall be attending in and about the Execution thereof, and in travelling to and from the Meetings necessary for that Purpose, the same to include and be in Satisfaction of all Costs and Expences in travelling and otherwise, which he or they shall be put to in executing the same; and that the Surveyors shall be paid and allowed for their Pains and Trouble such Sum or Sums of Money as the Commissioners shall think just and reasonable; and that every Proprietor, Attorney, and Agent, who shall attend the said Commissioners at any of their Meetings to be held in pursuance of this or the said recited Act, shall pay his own Expences at all such Meetings; and in such Cases as the Objection or Approbation of the Proprietors, of any Act, Matter, or Thing to be done or proposed to be done in pursuance of the said recited Act and this Act, is directed to be made and testified at any Meeting or Meetings, it shall be lawful for the Proprietors to attend such Meeting or Meetings by their respective Agents or Proxies, whose Acts or Votes shall be as effectual as if such Proprietors were present in Person.

Compen-
sation for
Commission-
ers, Clerks,
and Survey-
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X. And be it further enacted, That the First Meeting of the said Commissioners for putting this Act into Execution shall be held at the House known by the Sign of the *Golden Lion* at *Southwick* aforesaid, on the Second Day of *July* next, or as soon after as Circumstances will admit; and that the said Commissioners shall cause Notice in Writing to be affixed upon each of the principal outer Doors of the several Churches or Chapels of *Soberton, Hambleton, Catherington, Blendworth, Bedhampton, Kingston, Portissaie* otherwise *Portsea, Farlington, Wymering, Wydley, Southwick, West Burbunt, Portchester, Wicor, and Wickham*, and also a like Notice by Advertisement to be inserted in the *Salisbury, Portsmouth, and Winchester Journals*, if then published, and if not, then in some other Newspapers usually circulated in the said County, of the Time and Place of their first and every future Meeting (Meetings by Adjournment only excepted) for the Execution of the Powers hereby and by the said recited Act vested in them, Eight Days at least before the Times appointed for such respective Meetings; and in case only One of the said Commissioners shall meet at the Time and Place appointed for any Meeting, or to which any Meeting shall be adjourned, it shall be lawful for such Commissioner, and to and for the Clerk or Clerks to the said Commissioners, in case none of the said Commissioners shall attend, to adjourn the said Meeting to be holden on any future Day, not exceeding Twenty-one Days from the Day of Ad-

Meetings, and
Notices to be
given of the
same.

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journalment, at the same or some other convenient Place within Eight Miles of the said Forest, and the Commissioners or Clerk or Clerks making such Adjournment is and are hereby required to give timely Notice thereof to the absent Commissioners.

Other Notices
how to be
given.

XI. And be it further enacted, That all other Public Notices requisite or necessary to be given by the said Commissioners shall be given by Advertisement to be inserted in the said *Salisbury, Portsmouth, and Winchester Journals*, if then published, and if not, then in some other Newspapers usually circulated in the said County of *Southampton*.

For shorten-
ing Boundary
Fences.

XII. And be it further enacted, That if the said Commissioners shall deem it expedient or proper to shorten the Boundary Fences between the Lands and Grounds by this Act directed to be divided, allotted, and inclosed, in the said respective Parishes, Townships, Hamlets, or Places, and any Parish or Parishes adjoining thereto, or to make the same Boundary Fences regular, it shall be lawful for the said Commissioners (with the Consent in Writing under the Hand or Hands of the Lord or Lords of the Manor or Manors in which the Land is situate, and of the Owner or Owners of the said Land upon which any Fence or Fences shall or may be intended to be made) to set out the Boundary or Boundaries between the Lands by this Act directed to be divided, allotted, and inclosed, and any adjoining Parish or Parishes, in such Manner as they shall think proper for the Purposes aforesaid; and after such Boundary or Boundaries shall be so set out as aforesaid, the same shall be fenced by such Person or Persons, in such Manner, and at such Time or Times as the said Commissioners in and by their Award shall order and direct, and the same shall for ever thereafter, as between such Lord or Lords of Manors and Owner or Owners of Lands, be deemed and taken to be the Boundary or Boundaries between the said respective Parishes, Townships, Hamlets, or Places, and such adjoining Parish or Parishes; any Law, Custom, or Usage to the contrary thereof in anywise notwithstanding.

Claims of
Rights to be
produced.

XIII. Provided always, and be it enacted, That all Persons having or claiming any Estate or Interest in or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, shall, by themselves or their Agents, deliver their respective Claims in Writing to the said Commissioners, at a Meeting to be holden for that Purpose in Manner directed by the said recited Act of the Forty-first Year of the Reign of His present Majesty, of which Meeting Twenty-one Days Notice in Writing under the Hands of the said Commissioners, expressing the Purpose of such Meeting, shall be given in the Manner herein-before directed.

Power for
Commission-
ers to settle
Disputes.

XIV. And be it further enacted, That in case any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said intended Division and Inclosure, 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 and Inclosure, it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered, to examine into, hear, and determine the same respectively: Provided always, that nothing herein contained shall authorize the said Commissioners to determine the Title to any Messuages, Lands, Tene-
ments,

Commission-
ers not to

ments, or other Hereditaments whatsoever, but they shall assign and set out the several Allotments directed to be made unto the Person or Persons having the actual Seisin or Possession of the Messuages, Lands, Tenements, or Hereditaments, in right or respect whereof such Allotment shall be made.

determine
Title to
Estates.

XV. 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 of the said recited Act, see Cause to award any Costs, then and in such Case 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 either to the public Account for or towards the Expence occasioned in or relating to the investigating, settling, and determining of such Claim or Claims, if finally disallowed, or to the Party or Parties in whose Favour any Determination of the said Commissioners shall be made, by the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, whose Claim or Claims, Objection or Objections, shall be thereby disallowed or over-ruled; and in case the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, who shall be liable to pay such Costs and Charges, shall neglect or refuse to pay the same on Demand, 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, by Warrant under their Hands directed to any Person whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons, or Body or Bodies Politic, 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 Politic, Corporate, or Collegiate, whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Power to
assess Costs
relative to
disputed
Claims or Ob-
jections.

XVI. And be it further enacted, That in case any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, interested or claiming to be interested in the said intended Division and Allotments, shall be dissatisfied with any Determination of the said Commissioners touching or concerning any Claim or Claims of the Right to the Soil of the said Open Commonable Lands and Grounds, or any Part or Parts thereof, or of any Rights of Common or other Rights or Interests whatsoever, in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, or inclosed, or any Part or Parts thereof, then and in every such Case it shall be lawful for the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, so dissatisfied, to proceed to a Trial at Law of the Matter so determined by the said Commissioners, at the then next Assizes, or at the Assizes following the next, to be holden for the said County of *Southampton*; and for that Purpose the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who shall be so dissatisfied with the Determination of the said Commissioners, shall cause an Action to be brought upon a feigned Issue against the Person or Persons in whose Favour such Determination shall have been made, or against the said Commissioners, if the Subject of their Determination shall be of such a Nature as will affect the Persons in general interested in the said Open Commonable Lands

Allowing
Parties to try
their Rights
by an Issue at
Law.

Lands and Grounds, or within Three Calendar Months next after such Determination or Order of the said Commissioners shall be made; 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 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 binding, final, and conclusive upon all and every Person and Persons whomsoever, Body and Bodies Politic, 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 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 in which the said Commissioners shall be Defendants; the Costs and Charges payable by the said Commissioners in such Action or Actions shall be paid and discharged out of the Monies to be raised by them for the Purposes of this Act.

Or Determination of Commissioners to be final.

XVII. Provided always, and be it enacted, That the Determination of the said Commissioners touching such Claim or Claims of Right to the Soil of the said Open Commonable Lands and Grounds, or of any Rights of Common, or other Rights or Interests in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, shall (in case such Determination shall not be so objected to, or, being objected to, such Action or Actions at Law shall not be brought and proceeded in within the Time and in Manner herein for that Purpose mentioned) be final and conclusive upon all and every Person and Persons, Body and Bodies Politic, Corporate, and Collegiate.

In case of Death of Parties before Actions brought, the same to be carried on and defended in their Names.

XVIII. Provided always, 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 Action or Actions might have been brought if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time herein-before limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Bodies Politic, Corporate, or Collegiate, 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 or Clerks 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 and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein in the same Manner as if such Person or Persons had been actually living; and the Rights of all Parties

Parties shall be equally bound and concluded by the Event of such Action or Actions.

XIX. Provided also, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioners to determine any Right between any Parties contrary to the Possession of any of such Parties (except in Cases of Encroachment); 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 or recovered from such Person or Persons by Ejectment or other due Course of Law.

Persons in Possession not to be molested without due Course of Law.

XX. Provided always, and be it enacted, That no such Difference, Dispute, or Proceeding, touching the Title to any Lands, Tenements, or Hereditaments, shall impede or delay the said Commissioners in the Execution of this Act, but the Division or Inclosure hereby directed to be made shall be proceeded in notwithstanding any such Difference, Suit, or Proceeding; and the said Commissioners shall, by 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 and Grounds, and may be had and taken by the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who upon the Determination of such Difference or Suit shall be entitled to the same.

Trials not to suspend the Execution of the Powers of the Act.

XXI. Provided nevertheless, and be it enacted, That nothing herein contained shall extend to preclude the said Commissioners from adjudging and determining the Quantity and Value of the Land, in virtue whereof any Person or Persons shall be allowed to have a Right of Common upon the said Open and Commonable Lands and Grounds hereby directed to be divided, allotted, or inclosed, or any Part thereof, but the said Commissioners shall and they are hereby authorized to adjudge and determine the Quantity and Value of all and every such Lands respectively, and rate and estimate the same as to them shall seem just and reasonable, according to the real Value thereof for the Purposes of Husbandry, without Regard to any artificial or extraordinary Value arising from local, temporary, or other peculiar Advantages; and such their Judgment and Determination shall be binding and conclusive upon all Parties whomsoever: Provided also, that nothing herein contained shall extend to authorize the said Commissioners, or any of them, to consider any ancient Messuage or Building, or Scite thereof, in respect of which any Right of Common shall be allowed, at any more or greater Value than any other ancient Messuage or Building, or Scite thereof, but the said Commissioners shall rate and estimate all ancient Messuages and Buildings and Scites thereof at an equal Value one with another, and at such Value as they shall think most expedient.

Commissioners may adjudge the Quantity and Value of the Lands, &c. but all ancient Messuages to be considered of equal Value.

XXII. And be it further enacted, That if any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, shall consider himself, herself, or themselves prejudiced or aggrieved by the Determination of the said Commissioners, respecting the Limits or Boundaries of any Parish, Manor, Township, Hamlet, District, or Place upon the said Open and Commonable Lands and Grounds hereby directed to be divided, allotted, and inclosed, or of any Parish, Manor, Township, Hamlet, District, or Place

Allowing the Trial of Parochial Boundaries by an Issue at Law instead of Appeal to the Quarter Sessions.

[*Loc. & Per.*]

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adjoining

adjoining thereto, as the same shall be set out and ascertained by the said Commissioners, pursuant to the said recited Act of the Forty-first Year of the Reign of His present Majesty, and shall by Writing under their, his, or her Hands or Hand give Notice to the said Commissioners, within One Calendar Month next after such Determination, of his, her, or their Desire to have the same determined by an Issue at Law, instead of an Appeal to the Quarter Sessions, under the Provision of the last-recited Act, then and in such Case it shall be lawful for the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, so dissatisfied with such Determination, to have the same ascertained by Trial of an Issue at Law under the Provisions of this Act in case of any disputed Right or Claim.

No Turf to be taken away after passing of the Act under the Penalty of 5*l*.

XXIII. And be it further enacted, That if any Person or Persons shall dig, cut, or take away any of the Turf, Bushes, Underwood, or Soil of the Lands or Grounds to be inclosed by virtue of this Act, for any Use or Purpose whatsoever, or under any Right, Privilege, or Claim, or Pretence of Right, Privilege, or Claim whatsoever (other than and except the said Persons called *Purlieu Owners*, or Owners of Soil respectively, for the Purpose of digging or searching for and carrying away any Gravel or Stone for the Repair of Roads), then and in every such Case, on due Proof made before the said Commissioners on Oath, which Oath the said Commissioners are hereby empowered to administer, the said Commissioners shall and they are hereby required, by Warrant under their Hands and Seals, directed to any Person or Persons whomsoever, to cause any Sum or Sums of Money, not exceeding Five Pounds, to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so offending in the Premises, rendering the Overplus (if any), on Demand, to the Person or Persons whose Goods and Chattels shall be so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale; and the Money so to be levied as aforesaid shall be applied towards the Payment of the Costs, Charges, and Expences of obtaining and executing this Act.

Persons who have enjoyed Commonage for Twenty Years to be considered to have a Right of Common.

XXIV. And be it further enacted, That if any Person or Persons, being Owner or Owners of any Messuages, ancient Buildings, or Scites thereof, Lands or Tenements, in whatsoever Manor, Parish, Township, Hamlet, District, or Place the same are situate, the Owners or Occupiers whereof for the Time being have for Twenty Years last past had and actually enjoyed any Right or Rights of Common upon the said Open and Commonable Lands and Grounds to be divided, allotted, and inclosed by virtue of this Act, or any Part or Parts thereof respectively, for or in respect of such Messuages, ancient Buildings, Scites, Lands, or Tenements respectively (save and except any Right of Common by Vicinage), shall be deemed and taken to have in respect of such their Estates a Right of Common upon the said Open Commonable Lands and Grounds, or the Part or Parts thereof to which such Usage shall have extended, without shewing any other Title than such Usage, and be entitled to have an Allotment or Allotments of the same respectively, in the same Proportion as other Persons entitled to Common thereon respectively shall be entitled unto, regard being had to the particular yearly Value of their respective Estates, in respect whereof they have enjoyed or are entitled to such Right of Common: Provided nevertheless, that the Provision

vision last herein-before contained shall not anywise affect any Parishes, Hamlets, Places, or Persons having or claiming Right of Common on the said Open Commonable Lands and Grounds, or any Part thereof respectively, other than such as shall claim under such Provision, if they shall be able to support such Claim independent of such Enjoyment, in case the same shall happen to be objected to or contested.

XXV. And be it further enacted, That all Intakes or Encroachments made on the said Open Commonable Lands and Grounds (except His Majesty's said Land), within the respective Manors or Places in which the same are situate, and which have been made within the Space of Thirty Years now last past, and for which no Licence, Consent, or Grant shall have been obtained from the Lord or Lords of such respective Manors, or Persons called *Purlieu Owner* or *Purlieu Owners*, shall be deemed and considered Part and Parcel of the Lands and Grounds to be allotted or inclosed by virtue of this Act, as if the same were actually lying open and uninclosed. Encroachments to be allotable.

XXVI. And be it further enacted, That the said Commissioners shall and may turn or abate and stop up, or cause or order to be turned or abated and stop up, any ancient Carriage Road or Way, Roads or Ways, or any ancient Footway or Path, Footways or Paths, in, through, upon, or over any of the said old Inclosures within the said Parishes, Townships, Hamlets, or Places, where they shall judge it requisite or expedient, giving such Notice of a Day to be appointed by them to receive Objections as in the said recited Act of the Forty-first Year of the Reign of His present Majesty is directed and required in the Case of setting out the Roads and Ways therein mentioned, and observing the Directions of the said recited Act as to the obtaining the Concurrence and Order of Two Justices of the Peace previous thereto, and subject to an Appeal to the Quarter Sessions as in the said recited Act is mentioned. Power to turn and stop Roads.

XXVII. And be it further enacted, That the said Commissioners shall and they are hereby required, as soon as conveniently may be after setting out public Roads and Highways as by the said recited Act of the Forty-first Year of the Reign of His present Majesty is directed, to set out and allot unto and for the Surveyors of the Highways of the several Parishes, Townships, Hamlets, or Places within which the said Lands and Grounds hereby directed to be divided, allotted, and inclosed respectively lie, so much and such Part and Parts of the said Lands and Grounds to be divided, allotted, and inclosed, and in such Places as the said Commissioners shall think proper (other than and except His Majesty's said Lands and the said Six hundred Acres herein-after directed to be vested in and awarded to the King's Majesty, and to the said *Thomas Thistlethwayte* in Compensation of his Rights as Warden of the said Forest), for getting Stone, Gravel, or other Materials for the Repairs from Time to Time for ever of the public and private Roads and Highways within such respective Parishes, Townships, Hamlets, and Districts; and the Grass and Herbage arising therefrom shall be vested in such Persons as the said Commissioners shall allot the same unto. Allotments for Repairs of Roads.

XXVIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby empowered, to direct, Commissioners empowered to order,

turn Water-
courses.

order, and award all Streams of Water, Springs and Watercourses, within the Lands and Grounds hereby directed to be divided, allotted, and inclosed, to be carried and conveyed in such Courses and through such of the said Lands and Grounds so hereby intended to be divided, allotted, and inclosed, as they in their Discretion shall think necessary and proper for the Purposes aforesaid: Provided always, that no such Streams of Water, Springs or Watercourses, shall be diverted or turned without the Consent of the Person or Persons from and into whose Lands the same shall be carried or conveyed.

Land to be
sold for Pay-
ment of Ex-
pences.

XXIX. And be it further enacted, That the said Commissioners shall mark and set out such Part and Parts of the said Purlieus or Open Commonable Lands and Grounds hereby directed to be divided, allotted, and inclosed (other than and except His Majesty's said Lands, and the said Six hundred Acres so herein-after vested in and awarded to the King's Majesty, and to the said *Thomas Thistlethwayte* in Compensation of his Rights as Warden of the said Forest as aforesaid), as by the Sale thereof will in the Judgment of the said Commissioners raise a sufficient Sum of Money to defray and discharge all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, and of preparing and enrolling the Award to be made by the said Commissioners, and of surveying, admeasuring, planning, valuing, dividing, fencing, and allotting the Lands and Grounds to be divided, fenced, allotted, and inclosed by virtue of this Act, and of surveying, admeasuring, and planning such other Lands as shall by virtue of this Act be surveyed, measured and planned, and all the Charges of the said Commissioners, their Assessors, 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 same, and all the Expences of forming, completing, and repairing the public Carriage Roads and Highways, to be set out by the said Commissioners as aforesaid, and all other Expences of carrying this Act into Execution; and that it shall be lawful for the said Commissioners, as soon after the passing of this Act as they shall think proper, and so from Time to Time as often as they shall think necessary, to sell by public Sale by Auction, in the Manner and subject to the Directions and Regulations mentioned and prescribed in and by the said recited Act, unto any Person or Persons; such Part or Parts of the said Open Commonable Lands and Grounds hereby directed to be divided, allotted, and inclosed as they shall mark and set out and deem sufficient for the Purposes aforesaid; and the Purchase Money of the said Lands so to be sold as aforesaid shall be paid into the Hands of the said Commissioners, and the Receipt or Receipts of the said Commissioners for such Purchase Money shall be a sufficient Discharge to the Purchaser or Purchasers for the same; and immediately after such Receipt or Receipts shall be given to such Purchaser or Purchasers, the Allotments, Pieces, or Parcels of Land so purchased by him, her, or them, shall by virtue of this Act become vested in him, her, or them, and his, her, and their respective Heirs and Assigns, in absolute Fee Simple, and shall be inclosed and held in Severalty by the Purchaser or Purchasers thereof respectively, as his, her, or their private and absolute Property, and shall be allotted accordingly by the said Commissioners; and the said Purchase Money shall be applied in defraying such Charges and Expences as aforesaid.

XXX. And

XXX. And be it further enacted, That in case such Part or Parts of the said Open Commonable Lands and Grounds hereby directed to be sold as herein-before mentioned, shall be sold for more Money than will be required to defray such Costs, Charges, and Expences as aforesaid, then and in such Case such Surplus Money shall be divided and apportioned between the several Purlieu Owners, and other Persons interested in the Lands and Grounds hereby directed to be divided, allotted, and inclosed, (except the Surveyors of the Highways, in respect of their Allotments as Surveyors as aforesaid,) in such Shares as shall be in proportion to such their respective Property, Rights, and Interests; and the respective Shares of such of them as shall be Tenants in Fee Simple of their respective Allotments shall be paid to them respectively; and the Shares of such other Proprietors or Persons of and in such Surplus Money shall be applied and disposed of in Manner directed by the said recited Act of the Forty-first Year of the Reign of His present Majesty, in case any 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 Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the same Uses.

Surplus produced by Sales to be divided between Proprietors in Fee according to their Interests.

XXXI. And be it further enacted, That if any Person or Persons shall advance any Sum or Sums of Money for defraying the Expences of obtaining and passing this Act, or of carrying the same into Execution, every such Person shall be repaid the same, with Interest after the Rate of Five Pounds *per Centum per Annum*, out of the First Monies that shall be raised or received by the said Commissioners by virtue of this Act for defraying such Expences.

Money advanced to be repaid with Interest.

XXXII. Provided always, and be it enacted, That in case any of the Persons interested in the said intended Division and Inclosure shall be desirous of having the whole of their respective Shares and Allotments of the said Open Commonable Lands and Grounds hereby directed to be divided, allotted, and inclosed, set out and allotted to them without any Abatement for or in respect of the Sales herein-before directed for the Purposes aforesaid, and shall by themselves or Agents signify the same in Writing to the said Commissioners at the Time of delivering in their respective Claims as herein-before directed, or within such Time afterwards as shall be limited and prescribed by the said Commissioners, then and in every such Case the said Commissioners shall and they are hereby authorized and required to set out and allot to such Persons respectively all such Shares and Proportions of the said Open Commonable Lands and Grounds as they would have been severally entitled to under and by virtue of this Act, in case no Provision had been hereby made for Sale of any Part of the same Lands or Grounds, and without any Deduction or Abatement whatsoever on that Account, and to adjust and settle what Sum and Sums of Money ought to be borne and paid by such several Persons, their Heirs or Assigns, for or in respect of their several and respective proportionable Charges and Expences of carrying this Act into Execution; the same to be paid and recovered in such and the same Manner and under such and the same Powers and Authorities as herein-after provided in respect to any Deficiency in the Monies to arise by Sale as aforesaid: Provided nevertheless, that nothing herein contained shall give to the said Commissioners any Power to charge

Persons desirous of paying in Money to be exempt from the Operations of the Power of Sale.

such Persons interested as aforesaid with any Part of the Expences attending or occasioned by the Sales herein-before directed.

Surplus Expences of the Act to be raised by Rate.

XXXIII. And be it further enacted, That in case the Monies to be raised by such Sale as aforesaid shall not be sufficient to pay and defray all the Costs, Charges, and Expences as aforesaid, then the Deficiency shall be borne and paid by the several Persons commonly called Purlieu Owners, or Persons interested in the said intended Division and Inclosure, (except the Lord Bishop of *Winchester* and the said Warden and Scholars Clerks of *Saint Mary College of Winchester*, near *Winchester*, and their respective Successors, and also except the Surveyors of Highways in respect of the Allotments hereby directed to be made to them as Surveyors) in such Parts, Shares, and Proportions, and shall be paid to such Person or Persons, and at such Times and Manner as the said Commissioners shall in and by their said Award, or by any other Writing or Writings under their Hands, either previous to or after the Execution of their said Award, order, direct, and appoint, according to the Value of their respective Allotments in the said Open Commonable Lands or Grounds; and the said Commissioners are hereby authorized and required from Time to Time, and as often as they shall deem it necessary and proper, either before or after the Execution of their said Award, to raise the Amount of such Deficiency by a Rate or Rates accordingly; and in case any such Persons called Purlieu Owner or Owners, or other Person or Persons interested as aforesaid, shall refuse or neglect to pay his, her, or their Share, Part, or Proportion of such Costs, Charges, and Expences, according to such Order, Direction, and Appointment as aforesaid, then and in such Case the same shall and may be levied and recovered in Manner directed by the said recited Act.

Allotments to the King.

XXXIV. And be it further enacted, That from and after the passing of this Act there shall be vested in His Majesty, His Heirs and Successors, as His and Their own proper Demesne Lands and Estates, all and singular the said Lands herein-before mentioned to be His Majesty's Demesne Lands, consisting of Three Parcels of Land situate and being in the East Walk and West Walk aforesaid, and containing in the whole Nine hundred and twenty-nine Acres and Fifteen Perches or thereabouts, and now distinguished from the other or remaining Lands, and also so much and such Part and Parts of the said Open and Commonable Lands and Grounds herein-before described, containing in the whole Six hundred Acres, and mentioned to be stipulated between the Right Honourable the Lords Commissioners of His Majesty's Treasury and the said *Thomas Thistlethwayte* and the said several Persons called Purlieu Owners, as the Consideration to His Majesty and to the said Warden for disafforesting the said Forest and Loss of Privilege and Patronage as aforesaid, as shall be awarded to the King's Majesty, His Heirs and Successors, by *John Vernon* of *Bedford Square*, in the County of *Middlesex*, Esquire, *Nathaniel Kent* of *Craigs Court*, in the City and Liberty of *Westminster*, Gentleman, and *Abraham Purshouse Driver* of the *Kent Road*, Land Surveyor, their Umpire, or any Two of them, the Persons elected and chosen to arbitrate between His Majesty, His Heirs and Successors, and the said *Thomas Thistlethwayte*, together with all and singular Erections, Buildings, Timber Trees, Wood, and Underwood standing and being thereon respectively; and which said

Lands and Hereditaments shall, from and after the passing of this Act, become and remain the exclusive and absolute Property of the King's Majesty, His Heirs and Successors, freed, exonerated, and for ever discharged of and from all Rights of Common, Pasture, and Turbary, Common of Estovers, and other Rights of what Nature or Kind soever, of all and singular the Persons called Purliou Owners, Freeholders, Copyholders, Lessees, Tenants, and Inhabitants of the said several Parishes, Townships, Hamlets, or Places of *Soberton, Hambledon, Gatherington, Blendworth, Bedhampton, Kingston, Portissaie* otherwise *Portsea, Farlington, Wymering, Widley, Southwick, West Burbunt, Portchester, Wicor, and Wickham*, and every of them, their Heirs, Successors, and Assigns, and shall be made and kept by and under the Direction and Care of His Majesty's Surveyor General of Woods for the Time being, under the Order and Controul of the Lords of the Treasury, as Nurseries for Wood and Timber only, and for no other Use, Intent, or Purpose whatsoever.

XXXV. And be it further enacted, That the said Commissioners shall and they are hereby required to set out such and so many private Roads and Ways as shall be necessary for giving to His Majesty, His Heirs, Successors, and Assigns, and His Surveyor General of His Woods, and the Deputy Clerks and Servants of such Surveyor General, convenient Access to the same Allotments and to His said Lands.

Commissioners to set out Roads to give convenient Access to His Majesty's Allotments.

XXXVI. And be it further enacted, That from and after the passing of this Act, there shall be vested in the said *Thomas Thistlethwayte*, his Heirs and Assigns (exclusive of any other Allotment or Compensation to be made to him by virtue of this Act as Owner of the Soil, or for Commonage in respect of any Messuages, Cottages, Scites, Lands, or Tenements in his Possession or Occupation, or his Tenants or Lessees), so much and such Part or Parts, being the Rest and Residue of the said Open and Commonable Lands and Grounds herein-before described, containing in the Whole Six hundred Acres as aforesaid, and mentioned to be stipulated between the said Lords Commissioners of His Majesty's Treasury and the said *Thomas Thistlethwayte*, and the said several Persons called Purliou Owners, as such Consideration as aforesaid, in lieu of and as a Compensation to the said *Thomas Thistlethwayte* for his Loss of Privilege and Patronage as such Warden of the said Forest upon disafforesting the same, as shall be awarded to the said *Thomas Thistlethwayte*, his Heirs or Assigns, by the said *John Vernon, Nathaniel Kent, and Abraham Pursbouse Driver*, or any Two of them; and the same shall be for ever held and enjoyed in Severalty by the said *Thomas Thistlethwayte*, his Heirs and Assigns, freed, exempt, and absolutely discharged of and from all Manner of Right of Common whatsoever.

Allotment to Mr. Thistlethwayte in Compensation of his Rights as Warden of the Forest.

XXXVII. And be it further enacted, That the Award of the said *John Vernon, Nathaniel Kent, and Abraham Pursbouse Driver*, be inrolled in the Office of the Auditor of the Land Revenue, there to remain on Record, and shall afterwards be filed and preserved amongst the Muniments of the Office of the Surveyor General of His Majesty's Woods and Forests, such Award or the Inrolment thereof to be produced, read, and received in Evidence on all Occasions where any Question, Doubt, or Controversy may arise relating to or affecting the Rights and Interests of His Majesty, His Heirs or Successors, or of the said *Thomas Thistlethwayte*, his Heirs
and

and Assigns, in respect of the Parts and Proportions of the said Six hundred Acres of Open or Commonable Lands and Grounds herein-before mentioned and described, and vested in them respectively under and by virtue of this Act.

Apportioning the several Portions to bear an equal Share in the King's Allotment and in Mr. Thistlethwayte's, for disafforesting the Forest.

XXXVIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized, empowered, and directed to sever from the Lands called Purlieus of each Person called Purlieu Owner whose Lands, shall not have contributed to the said Six hundred Acres herein-before directed to be awarded to the King's Majesty and the said *Thomas Thistlethwayte*, as such Consideration as aforesaid, so much and such Part or Parts of his, her, or their Land or Lands respectively, or otherwise make such a Compensation as will be a proportionate Consideration to and as much as such Person Purlieu Owner ought in the Judgment of the said Commissioners to bear and contribute towards making good unto the said other Persons called Purlieu Owners out of whose Lands called Purlieus such Six hundred Acres shall be so taken and made to the King's Majesty, His Heirs and Successors, and to the said *Thomas Thistlethwayte*, his Heirs and Assigns respectively, as aforesaid; and that it shall and may be lawful for the said Commissioners to set out and allot the same in like Manner as if the same Six hundred Acres had originally been taken in equal Shares from every Division of Land called Purlieu within the said Forest, in order to do equal Justice to all the Owners of such Lands.

Lands to be appropriated for building of Chapels.

XXXIX. And be it further enacted, That as soon as conveniently may be after the Survey and Value of the said Forest shall have been completed, it shall and may be lawful to and for the said Commissioners and they are hereby authorized and required to separate and set apart such Pieces or Parcels of the said Lands and Grounds hereby directed to be divided, allotted, and inclosed, and in such Place or Places in the same as they shall think proper (other than and except His Majesty's said Lands and the said Six hundred Acres so directed to be awarded to the King's Majesty and the said *Thomas Thistlethwayte* as aforesaid), as shall in the Judgment of the said Commissioners (Quantity, Quality, and Situation considered) be equal in Value to Ten Acres, at the Average Value of the same Lands and Grounds, and to allot and award the said Ten Acres unto and for the said Lord Bishop of *Winchester*, and the said Warden and Scholars Clerks for the Time being, *Thomas Thistlethwayte* Esquire, and *George Garnier* Esquire, to be respectively held and enjoyed by the respective Persons aforesaid, and their Successors and Heirs, as Freehold in Fee, for the Use and Benefit of such Person and Persons as may be duly appointed to serve as Minister or Ministers of any Chapel or Chapels which may hereafter be built, consecrated, and set apart for the public Worship of Almighty God, according to the Laws Ecclesiastical of this Realm, within the said Forest, for the Use of such Person and Persons as may from Time to Time inhabit Houses upon the said Forest; and the Nomination and Appointment of the Minister or Ministers to such Chapel or Chapels shall be and is hereby vested in the said Lord Bishop of *Winchester*, and the said Warden and Scholars Clerks and their Successors for the Time being, such Nomination and Appointment to be made by them alternately, the first Nomination and Appointment to be made by the said Lord Bishop of *Winchester*,
and

and his Successors for the Time being; and until a Chapel or Chapels shall be so built and consecrated, and a Minister or Ministers thereof duly appointed and licensed by the said Lord Bishop, the Rents, Issues, and Profits of such Pieces or Parcels of Land as aforesaid shall be, by the said respective Trustees thereof, placed out at Interest on Government Securities, and the Principal and Interest Monies arising or to arise from such Rents and Profits shall accumulate and be applied towards discharging the Expences of building any Chapel or Chapels, and House or Houses which may hereafter be erected and built within the said Forest for the Residence of the officiating Minister or Ministers of such Chapel or Chapels, and for the increasing of the Stipend or Stipends of any Minister or Ministers who may be so nominated and appointed to officiate in such Chapel or Chapels as aforesaid, or purchasing Lands for his or their Use as Glebe.

XL. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required, in the next Place, to set out and allot unto and for each and every Person called Purlieu Owner (other than and except the King's Majesty, His Heirs and Successors,) who shall appear to be entitled to the Soil of any Part of the said Open and Commonable Lands and Grounds hereby directed to be divided, allotted, and inclosed, (exclusive of any other Allotments or Compensation to be made to him, her, or them respectively, by virtue of this Act, for Commonage, in respect of any Messuages, Cottages, Scites, Lands, or Tenements in his, her, or their respective Possessions or Occupations, or his, her, or their respective Tenants or Lessees,) so much and such Part and Parts of the Lands and Grounds to be inclosed within his, her, or their respective Portions of Soil as they the said Commissioners shall adjudge to be equal in Value to One-third Part of the same respectively, prior to any Allotment being made thereout as aforesaid, in lieu of and as a full Compensation for all Right of Soil of such Person called Purlieu Owner or Owners in or to the said Lands and Grounds hereby directed to be divided, allotted, and inclosed, due regard being had by the said Commissioners to the Quantity, Quality, and Situation of such Allotments; and such respective Third Parts shall be for ever held and enjoyed in Severalty by the said several and respective Persons or Purlieu Owners, and Owners of the Soil, and their respective Heirs and Assigns, freed, exempt, and absolutely discharged of and from all Manner of Rights of Common whatsoever.

Allotments to Purlieu Owner and Owners of Soil.

XLI. And whereas the Six hundred Acres of Land hereby vested in His Majesty, being taken out of different Parishes, the Persons entitled to the Tithes of such Parishes may be injured thereby; be it therefore enacted, That out of the said Open and Commonable Lands hereby directed to be divided and inclosed, Allotments shall be made to the Persons entitled to the Tithes of such Parishes of so much Land as shall be, in the Judgment of the said Commissioners, a full Compensation for such Injury.

Allotments to be made in Compensation for the Lands vested in His Majesty.

XLII. And be it further enacted, That the said Commissioners shall and they are hereby required in the next Place to set out and allot the Residue of the said Open Commonable Lands and Grounds respectively to and amongst all and every the Persons entitled to Commonage in, over, or upon the same respectively, or any Part or Parts thereof respectively, (other than and except the King's Majesty, His Heirs and Successors,) in proportion to the real Value of their several and respective Messuages or Cottages, Lands

The Residue to be allotted to Persons entitled to Commonage.

and Tenements, in respect whereof they are entitled to such Right of Common, and to the Part or Parts of the Lands to be inclosed in, over, or upon which their respective Rights of Common shall extend, due regard being had, in settling the Quantum of each Allotment, to the Quality and Situation of the Land to be comprised therein; and shall also set out and award every Person's Allotment as near to his Messuage or Messuages, Cottages, Scites, Lands and Tenements in respect whereof he is or shall be entitled to Right of Common, as conveniently may be.

Right to
Tithes not to
be prejudiced.

XLIII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend so as to prejudice, lessen, or defeat the Right, Title, or Interest of the several Rectors, Vicars, and Lay Impropriators for the Time being of the said several and respective Parishes, Townships, Hamlets or Places of *Soberton, Hambleton, Cathering-ton, Blendworth, Bedhampton, Kingston, Portissaie* otherwise *Portsea, Farlington, Wymering, Wydley, Southwick, West Burbunt, Portchester, Wicor,* and *Wickham*, or any of them, or any other Person or Persons whomsoever, in or to any Tithes, Great or Small, arising or renewing out of or payable for or in respect of any Lands, Tenements, or Hereditaments within the same several Parishes, Townships, Hamlets, or Places respectively; but that such Great and Small Tithes shall be paid and payable at all Times hereafter in such and the same Manner as they would have been in case this Act had not been made.

After Allot-
ments made
Rights of
Common to
cease.

XLIV. And be it further enacted, That immediately after all the Allotments to be made in pursuance of this Act shall by order of the said Commissioners be marked or staked out, all the several Shares or Allotments to be set out as aforesaid shall be and be deemed and taken to be in lieu of and in full Compensation, Satisfaction, and Discharge of all Rights of Common whatsoever which the said Purlieu Owners and other the Proprietors or any of them could or might have had or been entitled to, in, over, and upon the said Forest and other the said Commonable Lands and Grounds, or any Part or Parts thereof respectively; and from that Time all Right of Common whatsoever in or upon the said Forest and Open Commonable Lands and Grounds, shall cease and be for ever annulled, abolished, and extinguished: Provided nevertheless, that it shall be lawful for the said Commissioners at any Time before the Execution of their said Award, by Notice in Writing under their Hands to be affixed upon the principal Doors of the several Churches or Chapels to each Parish, Township, Hamlet, or Place entitled to Right of Common upon the said Open Commonable Lands and Grounds, to order and direct all or any Part of the Rights of Common in or over the said Open and Commonable Lands and Grounds, or any Part or Parts thereof, to be extinguished, or the Exercise thereof 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 Exercise thereof to be suspended as aforesaid, shall from the Time mentioned in such Writing cease, determine, and be extinguished, or the Exercise thereof shall be suspended accordingly; any Law, Usage, or Custom to the contrary thereof in anywise notwithstanding.

Rights of
Common may
be suspended
or extinguish-
ed before the
Execution of
the Award.

Owners of
Common
Rights may

XLV. And be it further enacted, That if any of the several Owners of ancient Messuages, Cottages, Scites or Homesteads, Lands, Tenements,

or Hereditaments, shall be desirous that their respective Shares in the said Open Commonable Lands and Grounds so directed to be divided, allotted, and inclosed as aforesaid, in respect of their Common Rights belonging to such Messuages, Cottages, Scites or Homesteads, Lands, Tenements, or Hereditaments, should be allotted together in one or more Parcel or Parcels, and shall express such their Desire in Writing to the said Commissioners, at such Time as the said Commissioners shall limit and appoint, then and in such Case the said Commissioners shall and they are hereby required to set out the several Parcels of Land to be allotted to such several Persons in One Allotment, and such Allotments shall be used and enjoyed by the several Proprietors thereof in such Manner and under such Regulations as the said Commissioners shall in that Behalf direct and appoint in their said Award.

have their
Allotments
laid together.

XLVI. And be it further enacted, That when and so soon as the said Commissioners shall have ascertained the respective Rights of the Persons interested in the said intended Inclosure, and also the respective Shares and Proportions by them proposed to be allotted to such Persons respectively in lieu thereof, they the said Commissioners shall give Notice in Manner aforesaid of the Day or Days, and Place where all Persons interested may peruse a Schedule of such intended Allotments, and inspect the Map or Plan whereon the same shall be delineated, and may have and receive a Copy of such Schedule so far as the same relates to each Person respectively; and as some Persons may, upon Perusal of the said Schedule, and Inspection of such Map or Plan, be dissatisfied with their intended Allotments, the said Commissioners shall give Notice of One Meeting at least, to be held by them for hearing Complaints and Objections against such intended Allotments, and for hearing and determining all such Objections, and their Determinations in the Premises, as to Quantity and Situation, shall be binding, final, and conclusive upon all Parties.

Allotments to
be delineated
in a Plan, and
shown to the
Proprietors.

XLVII. Provided always, and be it enacted, That if any of the Persons called *Purlieu Owners*, or other Persons interested in the said Division and Inclosure, hath sold or shall at any Time hereafter, and before the Execution of the said Award, sell his, her, or their Right, Interest, or Property in, over, and upon the said Commonable Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, to any other Person or Persons, then it shall be lawful for the said Commissioners, and they are hereby authorized and required, on Application made to them for that Purpose by Writing under the Hands of the contracting Parties, to make an Allotment of Land unto the Vendee or Purchaser in such Sale, or to his or her Heirs or Assigns, for or in respect of such Right, Interest, and Property sold; and every such Vendee or Purchaser, and his and her Heirs and Assigns, shall and may, after the Completion of such Sale, hold the Land and Ground so to be allotted to him, her, or them as aforesaid, in the same Manner, pursuant to the Terms of such Sale, to all Intents and Purposes, as the Vendor in every such Sale might, could, or ought to have held and enjoyed the same in case such Sale had not been made, or such Right, Interest, or Property had been vested in such Vendee at the Time of making such Sale as aforesaid.

For Sale of
Allotments
before the
Execution of
the Award.

XLVIII. And

The Lords Commissioners of His Majesty's Treasury empowered to purchase Lands.

XLVIII. And be it further enacted, That it shall and may be lawful for the Lords Commissioners of His Majesty's Treasury, on Behalf of His Majesty, to agree with and to purchase from any of the other Persons called *Purlieu Owners*, or any other Person or Persons who shall be entitled to any Allotments of Land under this Act, all or any Part of their respective Lands, or the additional Allotments to be made to them under this Act, for the Use of the same to His Majesty, His Heirs and Successors, in his and their Right as of Fee; such Lands so purchased to be inclosed and appropriated, in the same Manner as His Majesty's Lands and Allotments under this Act, to the Growth and Preservation of Timber.

Allotments to be fenced.

XLIX. And be it further enacted, That the several Outermost or Ring Fences of the several Pieces or Parcels of Land to be allotted to the Lord Bishop of *Winchester*, and to the said Warden and Scholars Clerks of *Saint Mary College of Winchester*, near *Winchester*, and their respective Successors, and to the several Rectors and Vicars or other Ministers of the said several Parishes, having Rights of Common in respect of their several Glebe Lands, and their Successors, shall be properly planted with good Quicksets and guarded on each Side with a double Row of Oak, Ash, or Elm Posts and Rails, and a sufficient Ditch on each Side shall be made in such Manner as the said Commissioners shall direct and appoint, without any Deduction or Deductions from such Allotment or Allotments, so to be made to the said several Persons entitled thereto, their respective Successors or Assigns, or any of them, on account of such Expences; and all such Fences, or such Part or Parts thereof as the said Commissioners shall direct, shall for ever after the making thereof be kept in Repair by the Person or Persons who for the Time being shall be entitled to such Allotment or Allotments; and all Fences in pursuance of this Act to be made for dividing and inclosing the Residue of the said Open and Commonable Lands and Grounds shall be made, and at all Times for ever thereafter repaired and maintained by and at the Expence of the Proprietors interested in such Residue, in such Parts and Proportions, and within such Time and in such Manner as the said Commissioners shall in and by their Award direct or appoint.

His Majesty's Rights in regard to Deer to remain until such Time as the Commissioners shall appoint.

L. And be it further enacted and declared, That His Majesty's Rights of Forest, within and over the said Forest of *South* otherwise *East Bere* otherwise *Bier*, shall remain and continue vested in His Majesty, His Heirs and Successors; and that all the Laws and Statutes of this Realm now in Force for the Protection of Deer, and for punishing Persons guilty of any Offences in Breach of such Laws, shall remain and continue in Force and Effect for the Protection of His Majesty's Deer within the Regard of the said Forest, and for the Punishment of Offenders therein, until such Times as the said Commissioners shall appoint, any thing in this Act contained to the contrary thereof in anywise notwithstanding: Provided always, that in case any Allotment or Allotments of the said Open Commonable Lands and Grounds so to be allotted, divided, and inclosed as aforesaid, shall be actually inclosed, and the Fences thereof completed, before the First Day of *June* in the Year of our Lord One thousand eight hundred and fifteen, then and in every such Case it shall be lawful for the Owner of any Allotment to hunt and kill any Deer within

within such Allotment, without being subject to any Pain, Penalty, or Punishment for so doing.

LI. And be it further enacted, That from and after the said First Day of *June* One thousand eight hundred and fifteen, all Right of Soil and Game of Deer, and all other Forestial Rights and Privileges whatsoever of the King's Majesty, His Heirs and Successors, and His or Their Lessee or Lessees, and of all other Persons whomsoever, within, upon, and over the said Forest of *South* otherwise *East Bere* otherwise *Bier*, or the regard thereof, shall cease, determine, and be for ever extinguished; and the whole of the said Forest shall be disafforested to all Intents and Purposes whatsoever.

The Forest
disafforested.

LII. And be it further enacted, That the said Commissioners shall and they are hereby required to value all Timber of every Description whatsoever, and all Underwood, Bushes, Hollies, and Thorns, Heritors and Standils, which shall be standing or growing upon the said Six hundred Acres which shall be so awarded to the King's Majesty, His Heirs and Successors, and the said *Thomas Thistlethwayte*, his Heirs and Assigns respectively as aforesaid, and also upon all the other Parts of the said Open Commonable Lands and Grounds so to be divided, allotted, and inclosed as aforesaid, except His Majesty's said Lands which shall be taken from the present or former Owners thereof and transferred to or allotted to any other Person or Persons at the Time of such allotting and dividing as aforesaid; and to direct under their Hands what Sum or Sums of Money shall be paid, and by whom, to the Person or Persons who shall be entitled thereto, his, her, or their Heirs or Assigns, or his, her, or their Lessees or Tenants, for the Timber, Underwood and Bushes, Hollies and Thorns, Heritors and Standils, which shall be standing and growing on any Part or Parts of the said Six hundred Acres so to be awarded to the King's Majesty, His Heirs and Successors, and to the said *Thomas Thistlethwayte*, his Heirs and Assigns, or any of the Lands so to be transferred or allotted to any other Person as aforesaid; and to call upon the Lords Commissioners of His Majesty's Treasury for Payment of the Amount of so much thereof as shall be the Value of the same upon such Part or Parts of the said Six hundred Acres as shall be so awarded to the King's Majesty, His Heirs and Successors, and who are hereby authorized and directed to pay the same; and in case any Person or Persons shall make Default in Payment of any such Sum or Sums of Money at any Time or Times appointed by the said Commissioners for the Payment thereof (except such Part thereof so hereby provided for and directed as aforesaid), then it shall be lawful for the said Commissioners, by any Warrant or Warrants under their Hands and Seals, to cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons liable to pay the same, together with the Costs and Charges of such Distress and Sale, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels: Provided always, that in case any Person or Persons on whose Allotment or Allotments any such Timber or other Trees shall be standing or growing as aforesaid, shall not be willing to purchase the same, or shall not pay the Money so directed to be paid for the same at such Time as aforesaid, then and in such Case it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, as well as the Purchasers of such Timber, with Horses, Cattle, and Carriages to enter into and

Commission-
ers to value
Timber.

upon the Lands and Grounds whereon such Timber or other Trees shall be standing and growing, and to cut down and carry away the same, and the Money arising by such Sale shall, after deducting the necessary Charges of cutting down and felling the said Timber, be applied and disposed of in the same Manner as is before directed in case the said Timber had been paid for as aforesaid.

Application
of the Monies
payable to the
Bishop of
Winchester
arising from
Timber.

LIII. Provided always, and be it further enacted, That it shall and may be lawful to and for the Lord Bishop of *Winchester*, and his Successors, from Time to Time to pay and apply all or any Part of the Money which shall or may be paid to or received by him or them, or which he or they may be entitled to in Right of the See of *Winchester*, as the Value of and for any Timber, Underwood, Bushes, Hollies, Thorns, Heritors, and Standils, which shall be purchased or taken from him and them, and conveyed, transferred, or allotted to the King's Majesty, or the said *Thomas Thistlethwayte*, or any other Person or Persons, under and by virtue of this Act, in the Purchase of the Land Tax or Discharge of any Debt or Debts, or other Incumbrances or Part thereof, affecting any Lands, Tenements, or Hereditaments belonging to the See of *Winchester*, or in the Purchase of the Land Tax affecting any Living or Livings in the Patronage of the said See of *Winchester*.

Application
of other
Monies.

LIV. Provided always, and be it further enacted, That the Monies to be received by all other the Purlieu Owners (other than and except the Lord Bishop of *Winchester* and his Successors for the Time being) for any Timber, Underwood, Bushes, Hollies, Thorns, Heritors, and Standils, pursuant to the Clause for the Valuation thereof as herein-before is mentioned, shall be paid for as follows; *videlicet*, the respective Shares of such of them as shall be Tenants in Fee Simple of and beneficially interested in their respective Allotments shall be paid to them respectively, and the respective Shares of such of them as shall be Trustees for Sale of the Lands in respect of which their Allotments shall be made and of the Timber and other Trees and Underwood thereon, with Power to give sufficient Receipts and Discharges for the Monies to arise by Sale of such Timber and other Trees, and Underwood, shall be paid to such Trustees respectively, and the Shares of such other Proprietors or Persons of and in such Surplus Money shall be applied and disposed of in manner directed by the said recited Act of the Forty-first Year of the Reign of His present Majesty, in case any 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 Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the same Uses.

LV. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend so as to restrain or prevent any Persons called *Purlieu Owner* or *Purlieu Owners*, prior to any Allotment or Allotments being made to him, her, or them by virtue of this Act, from selling or cutting down any Timber, Underwood, Bushes, Hollies, Thorns, Heritors, and Standils which shall be standing, growing, or being on the Land called Purlieu or respective Purlieus of each of such Owner or Owners, and of carrying away, selling, or disposing of the same in such and the like Manner in all respects as he, she, or they could or might have done in case this Act had not been made.

LVI. And

LVI. 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, in whatsoever Parishes, Townships, Hamlets, or Places the same are situate, the Owners whereof are entitled in right or in respect of the same to any Right of Common upon the said Open Commonable Lands and Grounds, or any Part thereof, in lieu of and in exchange for any other Lands, Tenements, and Hereditaments whatsoever, within any of the Parishes, Townships, Hamlets, or Places in which the said Open Commonable Lands or Grounds respectively lie or are situate, or which are entitled to Right of Common as aforesaid, 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, or some other Deed or Deeds, Instrument or Instruments, in Writing under their Hands and Seals, 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 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, 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 Politic, 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, or other Ordinary of the Ecclesiastical Jurisdiction in which such Lands, Tenements, or Hereditaments so to be exchanged shall lie or be situate.

Commissioners to allot in Exchange.

LVII. 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 of the Forty-first Year of His present Majesty's Reign, or either of them contained, shall be paid and borne by the several Persons, Bodies Politic, 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.

LVIII. Provided always, and be it enacted, That all and every the Allotments to be made in pursuance of this Act for or in respect of any Freehold Estates shall be deemed and taken to be and held and enjoyed as Freehold Estates (subject nevertheless to the Seigniorial Rights of the Lords of the respective Manors in which the same are situate), and all and every the Allotments to be made for or in respect of any Copyhold or Customary Estates, held of any Manor or Manors in which the Lands

Allotments to remain of the same Tenure.

and

and Grounds to be inclosed by virtue of this Act respectively lie or are situate, shall be deemed and taken to be as Copyhold or Customary Estates, and shall be held of the Lords of the Fee thereof, under the same Rents and by the same Customs and Services as the Copyhold or Customary Lands and Hereditaments for which they were so allotted are or ought to have been held, and shall pass by the like Surrenders as the Copyhold or Customary Lands and Hereditaments in respect whereof such Allotments shall be made now do pass.

Power for
enfranchising
Copyholds.

LIX. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered, with the Consent of the respective Lord or Lords of the Manor or Manors of whom any Messuages, Cottages, Lands, or Tenements in the said several and respective Parishes, Townships, Hamlets, or Places of *Soberton, Hambledon, Catherington, Blendworth, Bedhampton, Kingston, Portissaie* otherwise *Portsea, Farlington, Wymering, Widley, Southwick, West Burbunt, Portchester, Wicor, and Wickham*, or any of them, are or shall be holden by Copy of Court Roll, and of the Customary Tenant or Tenants by whom any such Messuages, Cottages, Lands, or Tenements shall be respectively holden, in and by the Award of the said Commissioners, or by any other Writing or Writings to be signed and sealed by the said Commissioners, and by such Lord or Lords, and Tenant or Tenants respectively, or by the Husbands, Trustees, or Guardians, Committees or Attornies of and for any such Tenants, being Femes Covert, Minors, Lunatics, beyond the Seas, or under any other Disability or Incapacity (or under the Common Seal of any of them, being a Body or Bodies Politic, Corporate, or Collegiate), at any Time within Twelve Calendar Months after the Date of the Commissioners Award, to declare any such Copyhold or Customary Messuages, Cottages, Lands, or Tenements to be enfranchised, and the Tenures by which the same are holden, and the Fines, Heriots, and other Services incident thereto, to be discharged and extinguished; and that the same Messuages, Cottages, Lands, or Tenements, or any Part or Parts thereof respectively, shall thenceforth be holden of the Lord or Lords of the same Manor or respective Manors, either by the Rents which shall have been theretofore paid or payable in respect thereof, or by any lesser Rent or Rents to be in such Writing or Writings ascertained and declared, or without Rent; and in lieu of and Compensation for every such Enfranchisement to award to the respective Lord or Lords of the same Manor or Manors such Sum or Sums of Money to be applied in the Manner hereafter directed, or to assign and set out to and for such Lord or Lords respectively such Compensation, by and out of any of the Lands and Tenements hereby directed to be divided, allotted, and inclosed, as shall in the Judgment of the said Commissioners be an Equivalent and Satisfaction for the customary Payments, Burthens, and Services to which such Copyhold Messuages, Cottages, Lands, or Tenements respectively shall have been subject or liable; and the Lord or Lords for the Time being of the Manor to whom any such ancient Rent shall be reserved and contained, or any lesser Rent assigned, shall have the like Powers and Remedies for the Recovery of such Rents respectively as by the Laws of this Realm are given for the Recovery of Rents Seck, Rents of Assize and Chief Rents; and from and after any such Declaration shall be made and executed, and such Sum of Money or other Compensation shall be paid or assigned in exchange for such Copyhold Tenure, the Lands and Tenements in every such Declaration comprised and thereby expressed to be enfranchised shall be held, possessed, and enjoyed,

enjoyed by the Owner or Owners thereof paying or making such Compensation, their respective Heirs or Assigns, or other Persons claiming in Reversion or Remainder of the Lord or Lords of such Manors respectively, in free and common Soccage, discharged of the Tenure by Copy of Court Roll, and of all Service and Duties incident to such Tenure, and of all other Services and Payments except the Rent or Rents which may be continued or reserved to such Lord or Lords in respect thereof; and the Lands or other Hereditaments so to be assigned to such Lord or Lords shall be by him or them, and by his or their Heirs, Successors, or Assigns, or by the Person or Persons who shall be entitled in Reversion or Remainder to such Manor or Manors respectively, held and enjoyed in Compensation for the Tenure so to be extinguished, for such and the like Estates, and upon and for such Uses, Trusts, Intents, and Purposes, as the Manor or Manors of which the Copyhold Hereditaments so enfranchised shall be holden shall at the Time of every such Enfranchisement stand settled and limited.

LX. Provided always, and be it further enacted, That the Money to be received for the Enfranchisement of any Copyhold Lands or Tenements in pursuance of this Act shall be paid to the Lord or Lords of the Manor or Manors respectively of whom the Copyhold Hereditaments so to be enfranchised shall at the Time of the Enfranchisement thereof be holden, where such Lord or Lords shall be seized of such Manor or Manors in Fee Simple; and in all other Cases the Money to be received for such Enfranchisement shall be paid and applied in Manner directed by the said recited Act of the Forty-first Year of the Reign of His present Majesty, with respect to the Money to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of Lands, Tenements, or Hereditaments, to be settled to the same Uses.

Appropriation of the Money.

LXI. Provided always, and be it enacted, That nothing herein contained shall extend or be construed, adjudged, deemed, or taken to revoke, annul, or make void any Settlement, Deed, Will, or Lease whatsoever, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Rent, Service, Debt, Charge, or Incumbrance in, out of, upon, or over, or affecting the said Purlieus, or upon the Commonable Lands and Grounds so to be divided, allotted, and inclosed or exchanged by virtue of the said recited Act of the Forty-first Year of the Reign of His present Majesty or of this Act, or any Part or Parcel thereof; but that the several Allotments so to be allotted or given in exchange upon such Division or Inclosure thereof to the several Purlieu Owners and Proprietors respectively, shall, immediately after such Allotments or Exchanges shall be made and set out, be, remain, and enure, and be held and enjoyed, and the several Persons to whom the same shall be so allotted or exchanged as aforesaid shall, from the signing the said Award, stand, be seised, and possessed thereof respectively to such and the same Estates, and with such and the same Powers and Authorities for making Leases thereof or otherwise, and subject to such and the same Wills, Limitations, Conditions, Settlements, Trusts, Provisoes, Remainders, Reversions, Debts, Charges, and Incumbrances (Right of Common, and Common of Pasturage as aforesaid, and such other Exceptions and Provisions as are herein made, only excepted), as the said several Purlieus, Lands, and Hereditaments, in respect or in lieu thereof,

Wills and Settlements not to be affected.

[*Loc. & Per.*]

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thereof,

thereof, or in right whereof such Allotments were and are to be made to them, respectively stood severally limited or subject and liable unto at the Time of making such Allotments respectively, or signing the said Award.

For vacating
Leases at
Rack Rent.

LXII. Provided always, and be it further enacted, That all the Allotments of Land to be made of the said Forest by virtue of this Act, in respect of any Messuages, Houses, or Lands held by Lease or Leases at Rack Rent, or for which Leases no Fines are expressed therein to have been paid to the Grantors or Lessors as the Considerations for the same, shall be allotted to and held by the several Owners and Proprietors of such Messuages, Houses, and Lands, freed and discharged from all Right or Claim of such respective Lessees to, in, or upon the said Allotments or any Part thereof, to be derived under or by virtue of such Leases; and in case any of such Lessees shall think himself, herself, or themselves aggrieved thereby, and such Lessors and Lessees shall not settle the same to their mutual Satisfaction, then and in every such Case it shall and may be lawful to and for the said Commissioners, on Application to them made by either Party, to take the Matters in question into their Consideration, and by their Order to make unto every such Lessee for his, her, and their Loss of Commonage, or other Losses by means of the said Division, such a fair and adequate Allowance and Compensation, either in Money to be paid down, or by Way of Abatement or Reduction in the Rack Rents by such Leases reserved, as the said Commissioners shall think just and equitable.

Tenants for
Life may
grant Leases
for any Num-
ber of Years
not exceeding
Twenty-one.

LXIII. Provided always, and be it further enacted, That the Lord Bishop of *Winchester* for the Time being and his Successors, and also the said Warden and Scholars Clerks of *Saint Mary College of Winchester*, near *Winchester*, and their Successors, shall have full Power and Authority from Time to Time to grant any Lease or Leases of all or any Part of the Allotment and Allotments herein directed to be made to him and them, either for Three Lives or for Twenty-one Years, in such Manner and Form in all respects as the said Lord Bishop of *Winchester*, and his Predecessors, and the said Warden and Scholars Clerks of *Saint Mary College of Winchester*, near *Winchester*, and their Predecessors, are enabled to lease their Lands and Estates within the said County of *Southampton*.

For prevent-
ing Quicksets
from being
damaged by
Sheep.

LXIV. And be it further enacted, That no Sheep or Lambs shall be kept in any of the new Inclosures to be made by virtue of this Act during the Space of Ten Years from the Execution of the said Award, unless the Person or Persons keeping such Sheep or Lambs shall and do, at his, her, or their own Expence, fence or guard his, her, or their Neighbours Quicksets adjoining the Inclosures wherein such Sheep or Lambs shall be kept, so as to prevent any Damage being done to such Quicksets by such Sheep or Lambs; and it shall not be lawful for any Person or Persons to turn or put, or cause to be turned or put, any Sheep, Lambs, Horses, Asses, or other Beasts or Cattle into any of the Ways, Lanes, or Roads on either Side of which any newly-planted Fence shall be growing.

Satisfaction
to be made
for unequal
Share of
Boundary
Fences.

LXV. Provided always, and be it further enacted, That if owing to the Situation or other Circumstances of any Allotment or Allotments it shall happen that the Proprietor or Proprietors thereof shall not have a proportionable

proportionable Share of Boundary Fencing thereto, it shall be lawful for the said Commissioners, where they shall judge reasonable, to ascertain and appoint any Sum or Sums of Money to be contributed and paid by such Proprietor or Proprietors towards the Expence of the Boundary Fencing of such other or others of the said Proprietors who may happen to have too great a Proportion thereof, in order that the Expences of the said Boundary Fencing may be brought as near as may be to a just and equal Proportion, (regard being had to the necessary Subdivision Fences within the respective Allotments); and the Money so to be ascertained and applied shall be levied and recovered in the same Manner as the Expences of executing this Act in case of a Deficiency from the Sale of Land, herein-before directed to be levied and recovered: Provided always, that it shall and may be lawful for the said Commissioners, at any Time before executing their final Award, to make any Alterations in the Allotments and Fences which they may have set out and ordered, or in any private Roads laid, or to be laid over, or to such Allotments as they shall think right and expedient; and in case any Person or Persons be injured by such Alterations, on account of any Expences he or they may have been at, the said Commissioners shall ascertain and determine what Recompence shall be made to him, her, or them, and shall direct by whom and in what Manner such Recompence shall be made.

LXVI. And be it further enacted, That the Award to be made by the said Commissioners, when inrolled in Manner directed by the said recited Act of the Forty-first Year of the Reign of His present Majesty, shall be deposited and left with the Clerk of the Peace for the said County of *Southampton*, where the same shall and may be inspected and perused, at all seasonable Times in the Day-time for ever hereafter, by any Person or Persons whomsoever, paying the Sum of One Shilling and no more to the said Clerk of the Peace or his Deputy for every such Inspection and Perusal.

LXVII. 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 passing thereof) the said Commissioners shall and they are hereby required to make a true and just Statement or Account of any Sums of Money by them or any of them received and expended, or due to them for their own Trouble and Expences in the Execution of this Act; and such Statement or Account when so made (together with the Vouchers relating thereto) shall be by them, if required, laid before Two of His Majesty's Justices of the Peace for the said County of *Southampton* (not interested in the said intended Division and Inclosure) to be by them examined and balanced (such Justices being hereby authorized to take or call such Aid and Assistance in such Examination as they shall think fit, and to charge the incidental Expences), and the Balance shall be by such Justices stated in the Books of Account to be kept in the Office of the Clerks to the said Commissioners; and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in the Law, unless allowed by Two Justices of the Peace as aforesaid.

Account to be examined and balanced by Two Magistrates annually.

LXVIII. And whereas some of the Land Owners and Proprietors interested in the said Open Commonable Lands and Grounds hereby directed to be divided, allotted, and inclosed, may have Occasion to borrow Money

Tenants for Life, &c. empowered to borrow Money.

to defray their respective Shares and Proportions of the Charges and Expences of obtaining and carrying this Act into Execution; be it therefore enacted, That it shall and may be lawful to and for the Land Owners and Proprietors, and of all other Persons whomsoever interested in such Lands and Grounds, being a Tenant or Tenants for Life or Lives, or in Fee Tail, General or Special, or by the Courtesy of *England*, or Lessee or Lessees for any Life or Lives, or for Years determinable on any Life or Lives, and also to and for the Husbands, Guardians, Trustees, and Committees of any of the said Owners or Proprietors being under Coverture, Minors, Idiots, Lunatics, or beyond the Seas, or labouring under any other Disability whatsoever, and also to and for all Persons acting as Guardians, Trustees, or Committees of any Owners or Proprietors being under any Disability or Incapacity whatsoever, whether such Owners or Proprietors respectively be Tenants for Life, with or without Impeachment of Waste, Tenants in Fee Tail, General or Special, or Tenants by the Courtesy of *England*, or Lessee or Lessees for any Life or Lives, for Years determinable on any Life or Lives, (other than and except the Lord Bishop of *Winchester*, and the Warden and Scholars Clerks of *Saint Mary College of Winchester*, near *Winchester*, and their respective Successors, and other than and except the Surveyors of the Highways of the said respective Parishes, for or in respect of any Allotment or Allotments made to them as Surveyors as aforesaid), by any Deed or Deeds, Writing or Writings, under their respective Hands and Seals, to be duly executed and attested by Two or more credible Witnesses, to charge the Freehold Part, and by Surrender or Surrenders duly passed, according to the Custom or Customs of the Manor whereof the same is, are, or shall be holden, to charge the Copyhold Part of such Lands and Grounds as shall be allotted to such Owners and Proprietors respectively, with any Sum or Sums of Money, not exceeding Five Pounds for each and every Acre thereof, for defraying their respective Proportions of the Charges and Expences of obtaining and executing this Act, and of enclosing and subdividing their respective Allotments, as the said Commissioners shall think proper for such Purpose; the same to be paid for by such Person or Persons, and to be applied for the Purposes aforesaid in such Manner as the said Commissioners shall direct and appoint; and for securing the Repayment of such Sum and Sums of Money, with Interest for the same, to grant, lease, demise, mortgage, surrender, or otherwise subject their said respective Allotments or any Part thereof, unto any Person or Persons who shall advance and lend such Sum or Sums of Money respectively, his, her, or their Heirs, Executors, Administrators, or Assigns, for any Term or Number of Years as to the Freehold Part thereof, and for such Estate, Term, or Interest as to the Copyhold Part thereof as shall be conformable to the Custom of the respective Manors, so that any such Grant, Lease, Mortgage, Demise, Surrender, or Security be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered when such Sum or Sums of Money thereby to be secured and the Interest thereof shall be fully paid and satisfied; and so that in every such Grant, Lease, Mortgage, Demise, Surrender, or Security which shall be made by any Person or Persons interested in or entitled unto the Premises for the Term of their natural Life only, or by his, her, or their Guardian or Guardians, Trustee or Trustees, Committee or Committees, there be contained a Proviso or Covenant that the Owner or Proprietor of the said Premises shall duly pay and keep down the Interest of any Sum or Sums of Money

to

to be thereby secured during their respective Lives; and no Person afterwards becoming seised or possessed of the said Premises shall be liable to the Payment of any further or larger Arrear of Interest than for One Year preceding the Time at which the Title to such Possession shall have commenced; and every such Grant, Lease, Mortgage, Demise, Surrender, or Security of the said Premises shall be good, valid, and effectual in the Law for the Purposes thereby intended.

LXIX. 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 (other than and except such Orders and Determinations as are by the said recited Act made in the Forty-first Year of the Reign of His present Majesty, or by this Act directed to be made final or conclusive, and save and except in such Cases wherein an Issue at Law shall be tried as herein-before directed), then and in every such Case he, she, or they may appeal to the General Quarter Sessions of the Peace which shall be held for the said County of *Southampton* within Six Calendar Months next after such Cause of Complaint shall have arisen, on giving to the said Commissioners Twenty-one Days previous Notice of such Appeal; and the Justices of the said Quarter Sessions are hereby required to hear and determine the Matters of every such Complaint, and make such Order therein, and to award such Costs as to them shall seem reasonable, and by their Warrant to levy the Costs which shall be so 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) to the Owner or Owners after deducting the reasonable Charges; which Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed by Certiorari, or any Writ or Writs whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere.

Parties
aggrieved
may appeal
to the Gene-
ral Quarter
Sessions.

LXX. And be it further enacted, That nothing herein contained shall prejudice, lessen, or defeat the Right, Title, or Interest of the said several Purlieu Owners, or of any other Person or Persons who shall or may be respectively for the Time being Lord or Lords of any Honor or Honors, Manor or Manors, Lordship or Lordships, Jurisdiction or Jurisdictions, or reputed Honor, Manor, Lordship, or Jurisdiction, within the Limits whereof the said Purlieus or Open Commonable Lands and Grounds hereby directed to be inclosed, or any Part thereof respectively, are comprised, of, in, or to any Seignories, Royalties, Fisheries, Free Warrens, Manorial Rights, Ecclesiastical Rights, and other Rights, Customs, and Services incident or belonging to such Honors, Manors, Lordships, or Jurisdictions, or any of them; but that the said Lords herein-before particularly named, and such other Lord or Lords for the Time being, shall and may at all Times hereafter hold and enjoy the same, and all Rents and Services, Courts and Visitations, Perquisites and Profits of Courts and Visitations, Fines, Free Warrens, Franchises, Waifs, Estrays, Deodands, Escheats, and all other Royalties, Privileges, Pre-eminences, and Appurtenances to such Honors, Manors, Lordships, or Jurisdictions respectively incident, belonging, appending, or appertaining, (except the Right of the Soil of the said Purlieus or Open Commonable Lands and Grounds, and other the Forestial and Common Rights for which Compensation is herein-before directed to be made,)

Saving of
Rights of
Lords of the
Manor.

in as full, ample, and beneficial Manner as they respectively could or might have held and enjoyed the same in case this Act had not been made.

Lord Bishop of Winchester and the Warden and Scholars of Winchester College exempted from Costs, &c.

LXXI. Provided always, and be it further enacted, That nothing herein contained shall extend or anywise be construed to extend so as to charge or make chargeable the Lord Bishop of *Winchester* or his Successors, or the Warden and Scholars Clerks of *Saint Mary College of Winchester*, near *Winchester*, or their Successors, or any of them, with the Payment of any of the Costs, Charges, and Expences which shall be occasioned or incurred by reason or means of any Disputes or Differences, or of any Trials at Law touching or concerning any Claim or Claims to the Right of the Soil or of any Rights of Common or other Rights and Interests in, over, or upon the Lands or Grounds hereby directed to be divided, allotted, and inclosed, or any Part or Parts thereof; but that the several and respective Shares and Proportions of the said Lord Bishop of *Winchester*, and Warden and Scholars Clerks of *Saint Mary College of Winchester*, near *Winchester*, and their respective Successors, of all such Costs, Charges, and Expences, shall be paid by the said Commissioners out of the Monies directed to be raised by virtue of this Act; and that the said Lord Bishop of *Winchester*, and the said Warden and Scholars Clerks of *Saint Mary College of Winchester*, near *Winchester*, and their respective Successors, shall be and they are hereby severally and respectively indemnified from all such Costs, Charges, and Expences accordingly.

LXXII. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend so as to exempt the King's Majesty, His Heirs and Successors, from the Payment of a due and just Proportion of all the Costs, Charges and Expences attending any such Disputes, Differences, or Trials at Law which may be had, brought, or instituted against the said Lord Bishop of *Winchester*, and Warden and Scholars Clerks of *Saint Mary College of Winchester*, near *Winchester*, and their respective Successors, touching the aforesaid Claims; but the said Commissioners shall and they are hereby authorized and required to adjust and settle all such Costs, Charges, and Expences, so and in such Manner as that each and every Person interested in the said Division and Inclosure may pay and bear his, her, and their due and just Proportion thereof, (other than except the said Lord Bishop of *Winchester*, and the said Warden and Scholars Clerks of *Saint Mary College of Winchester*, near *Winchester*).

This Act not to affect the Right of James Tooker, Esq. as to Woodcrofts.

LXXIII. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend so as to prejudice, lessen, defeat, or alter the Right, Title, or Interest of *James Tooker Esquire*, in and to a certain Piece or Parcel of Land called *Woodcrofts*, in the said County of *Southampton*, Part of the Manor of *Hinton Daubney* in the said County; but that the same shall remain subject to the same Rights and Privileges in all respects as if this Act had not been made: Provided nevertheless, that the said Piece or Parcel of Land called *Woodcrofts* be not within the Regard or Bounds of the said Forest intended to be hereby inclosed.

General Saving.

LXXIV. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all Bodies Politic, Corporate, or Collegiate, and their Successors, and to all and every Person and Persons whomsoever, his

and their Heirs, Executors, Administrators, and Assigns, all such Estate, Right, Title, Interest, Claim, and Demand whatsoever, (other than and except such as is and are hereby expressed, meant, and intended to be barred, destroyed, or extinguished,) as they, every or any of them, had or enjoyed in, to, or out of the said Forest and Open Commonable Lands and Grounds, as they, every or any of them, now have or hath or could have had and enjoyed therein in case this Act had not been made.

LXXV. 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.

To be printed
by the King's
Printer:

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1827.

