ANNO QUINQUAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 148.

An Act for incloſing Lands in the Pariſh of *Downton* in the County of *Wilts*.

[3d *June* 1813.]

WHEREAS there are within the Tithing of *Eaſt Downton*, and the Manor of *Hamptworth* in the Pariſh of *Downton*, in the County of *Wilts*, divers Commons, Waſte Lands, and Commonable Places: And whereas the Right Reverend *Brownlow*, Lord Biſhop of *Wincheſter*, is Lord of the Manor of *Downton*, in which the ſaid Tithing of *Eaſt Downton* is ſituate, except a certain Part of the ſaid Tithing of *Eaſt Downton* ſituate in the Manor of *Hamptworth*; and Sir *Philip Hales* Baronet is Leſſee for Lives under the ſaid Biſhop, and Fermor thereof in Truſt for the Right Honourable *Jacob* Earl of *Radnor*: And whereas the Warden and Scholars, Clerks of *Saint Mary's* College *Wincheſter*, near *Wincheſter* in the County of *Southampton*, are Patrons of the Impropriate Rectory and Vicarage of *Downton* aforeſaid; and the Reverend *Thomas Lear* is Vicar of the ſaid Vicarage: And whereas *Robert Eden Duncombe Shafto* Eſquire is Lord of the ſaid Manor of *Hamptworth*, Part of which is ſituate within the ſaid Pariſh of *Downton*: And whereas the ſaid Biſhop and his Leſſee, and the ſaid *Robert Eden Duncombe Shafto*, and his and their reſpective Tenants, and divers other Perſons, Owners or Occupiers of Farms, Lands, Meſſuages, and Premiſes, ſituate, lying, and being in the ſaid Tithing of *Eaſt Downton* and the ſaid Manor of *Hamptworth*, and alſo divers other Perſons not within

the said Tithing, have or claim to have Right of Common in and upon the said Commons and Commonable Places in the said Tithing of *East Downton* and the said Manor of *Hamptworth*: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled
41 G. 3. *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas the said Commons, Waste Lands, and Commonable Places, are fed in Common; and the same in their present State are subject to Encroachments and Trespasses, and incapable of much Improvement, but if they were divided amongst the several Persons interested therein, and specific Parts thereof allotted to them, according to their several and respective Rights and Interests, and such Allotments inclosed and held in Severalty, it would tend greatly to the Advantage of all Parties concerned, and be of public Utility; but such Division, Allotment, and Inclosure, cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by
Commissioners. the Authority of the same, That *John Davis* of *Bloxham*, in the County of *Oxford*, and *George Barnes* of *Andover*, in the County of *Southampton*, Gentlemen, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Commissioners for dividing, allotting, and inclosing the said Commons, Waste Lands, and Commonable Places, pursuant and according to the Powers, Regulations, and Directions contained in this Act, and to such of the Powers and Provisions contained in the said recited Act, as are not hereby varied or altered: Provided always, that nothing herein contained shall extend to, or be construed to extend to or affect, a certain Part of the said Tithing of *East Downton* called *The Franchises*.

Appointment of new Commissioners. II. And be it further enacted, That if the said *John Davis*, or any future Commissioner to be appointed in his Stead, shall die, or refuse to qualify himself in Manner by the said recited Act directed, or become incapable of acting for the Space of Forty Days, when Occasion shall require his or their Attendance for carrying this Act into Execution, then and in such Case it shall be lawful for the said Bishop of *Winchester* for the Time being, or his Lessee of the said Manor, or Fermor, by any Writing under their or his Hands or Hand, to appoint another Commissioner (not interested in the said Division and Inclosure) to be a new Commissioner in the Room and Place of the said *John Davis*, or of any future Commissioner to be appointed in his Stead as aforesaid; and in case the said *George Barnes*, or any future Commissioner to be appointed in his Stead, shall in like Manner die or refuse to qualify himself, or become incapable of acting for the Space of Forty Days as aforesaid, then the Majority in Value (to be ascertained by the Land Tax Assessment) of the several Owners or Proprietors of Messuages, Lands, and Tenements for the Time being, who shall be interested in the said Commons, Waste Lands, and Commonable Places, (except the Lord of the said Manor and his said Lessee or Fermor,) shall, at a Vestry to be held in the Church, Chancel, or Vestry Room of the Parish Church of *Downton*, of which Fourteen Days Notice in Writing, under the Hands of any Five or more of the said Owners and Proprietors, shall be affixed on the Door

of the ſaid Pariſh Church, appoint a new Commiſſioner (not intereſted in the ſaid Diviſion and Incloſure) in the Room and Place of the ſaid *George Barnes* and his Succeſſors, and ſo reſpectively from Time to Time as Occaſion may require; in which Appointment it ſhall be lawful for any of the ſaid Proprietors to vote by his or her reſpective Agents or Proxies duly authoriſed for that Purpoſe.

In caſe the Parties do not nominate in Time, the other Commiſſioner may.

III. And be it further enacted, That if a new Commiſſioner ſhall not be appointed by the Perſon or Perſons, Party or Parties herein-before authoriſed ſo to do, within Sixty Days after ſuch Vacancy ſhall happen as aforeſaid, and Notice thereof given, then it ſhall be lawful for the ſurviving or remaining Commiſſioner, and he is hereby required, within Fourteen Days after the Expiration of the Time hereby allowed to the ſaid Parties reſpectively for naming a new Commiſſioner, by Writing under his Hand, at any Meeting or Attendance of ſuch ſurviving or remaining Commiſſioner, (of the Time and Place whereof Fourteen Days previous Notice ſhall have been given on the Church Door of the ſaid Pariſh, upon ſome *Sunday* immediately after Divine Service,) to elect and chooſe a proper Perſon (not intereſted in the ſaid Diviſion and Incloſure) to be a Commiſſioner in the Place and Stead of ſuch Commiſſioner ſo dying, refuſing, or becoming incapable of acting as aforeſaid, and ſo from Time to Time as often as the like Caſe ſhall happen; and every ſuch Commiſſioner ſo appointed ſhall have the ſame Powers and Authorities, for carrying into Execution the Purpoſes of this Act and the ſaid recited Act, as if he had been appointed by this Act; and the ſurviving or remaining Commiſſioner ſhall give Notice of every ſuch Appointment by him, in Writing under his Hand, to be affixed on the Church Door of the ſaid Pariſh.

Umpire appointed.

IV. And be it further enacted, That *John Seagrim* of *Wilton*, in the County of *Wilts*, Gentleman, ſhall be and he is hereby appointed an Umpire to act between the ſaid Commiſſioners, if Occaſion ſhall require; and if the ſaid Commiſſioners hereby appointed, or their Succeſſors, ſhall differ or diſagree in their Opinion, touching or concerning any of the Matters or Things to be by them done and performed in purſuance of this Act or the ſaid recited Act, then and in every ſuch Caſe they the ſaid Commiſſioners ſhall and they are hereby required to refer the Matter thereof to the ſaid *John Seagrim*, and the Judgment and Determination of the ſaid *John Seagrim* ſhall be deemed and conſidered to be the Judgment and Determination of the ſaid Commiſſioners; and in caſe the ſaid *John Seagrim* ſhall die, refuſe or neglect to act, or become incapable of acting, it ſhall and may be lawful for the major Part in Value (to be aſcertained as aforeſaid) of the Owners or Proprietors of the ſeveral Meſſuages, Lands, and Tenements for the Time being, who ſhall be intereſted in the ſaid Commons, Waſte Lands, and Commonable Places, (except the Lord of the ſaid Manor and his Leſſee or Fermor,) at a Meeting to be held in the Church, Chancel, or Veſtry Room of the Pariſh Church of *Downton* aforeſaid, (of which Fourteen Days Notice in Writing under the Hands of any Five or more of the ſaid Owners and Proprietors, to be affixed on the Door of the ſaid Pariſh Church,) of which Notice ſhall be given to the Clerk of the ſaid Commiſſioners, (who purſuant thereto is hereby required to attend ſuch Meeting,) to nominate Two Perſons, not intereſted in the ſaid Diviſion and Incloſure, (at which

To appoint a new Umpire in caſe of Death.

Meeting

Meeting it ſhall be lawful for the ſaid Owners and Proprietors to vote by their reſpective Agents or Proxies, duly authoriſed for that Purpoſe,) the Names, of which ſaid Two Perſons ſhall be given and delivered, under the Hands of the Perſons making ſuch Nomination, to the ſaid Clerk; who ſhall and he is hereby required, within Ten Days from the Date thereof, to deliver the ſame to the ſaid Biſhop, or his Leſſee or Fermor, who are or is hereby empowered to elect and appoint One of the ſaid Perſons ſo nominated, and the Perſon ſo elected and appointed ſhall be and he is hereby declared to be the Umpire in the Room and Stead of the ſaid *John Seagrim*: Provided always, that ſuch Election and Appointment to be made by the ſaid Biſhop, or his Leſſee or Fermor, ſhall be ſo made within Fourteen Days after ſuch Nomination ſhall have been delivered to him or them as aforeſaid, and ſo from Time to Time as often as any Vacancy, Refuſal, or Incapacity of an Umpire ſhall happen: Provided alſo, that if a new Umpire ſhall not be nominated, elected, and appointed by the Perſons or Party herein-before authoriſed ſo to do, within Sixty Days after ſuch Vacancy ſhall happen, and Notice thereof given as aforeſaid, then it ſhall be lawful for the ſaid Commiſſioners, and they are hereby required, within Fourteen Days after the Expiration of the Time hereby allowed to the ſaid Parties reſpectively for naming an Umpire, by Writing under their Hands, at any Meeting of the ſaid Commiſſioners, of the Time and Place whereof Fourteen Days previous Notice ſhall have been given on the Door of the ſaid Pariſh Church upon ſome *Sunday* immediately after Divine Service, to elect and chooſe a proper Perſon (not intereſted in the ſaid Diviſion and Incloſure) to be an Umpire in the Place and Stead of ſuch Umpire ſo dying, refuſing, or becoming incapable of acting as aforeſaid, and ſo from Time to Time when and as often as the like Caſe may happen; and the ſaid Commiſſioners ſhall give Notice of every ſuch Appointment by Writing under their Hands, to be affixed on the Church Door of the ſaid Pariſh; and ſuch Umpire ſo to be appointed as aforeſaid, ſhall have the like Powers and Authorities to act in the determining the Matter of any Diſagreement or Diſagreements in Opinion of the ſaid Commiſſioners as if he had been named and appointed in and by this Act; all of which ſaid Writings appointing a new Commiſſioner, or ſuch Umpire, ſhall be annexed to and inrolled with the Award of the ſaid Commiſſioners.

Umpire to be ſworn.

V. Provided always, and be it further enacted, That the ſaid *John Seagrim*, and his Succeſſors to be appointed in Manner aforeſaid, ſhall, before he is capable of acting as a Third Commiſſioner or Umpire in the Execution of this or the ſaid recited Act, take and ſubſcribe the Oath or Affirmation following; (that is to ſay,)

The Oath.

'I do ſwear, [*or*, being one of the People called *Quakers*, 'do ſolemnly affirm,] That I will faithfully, impartially, and honeſtly, 'according to the beſt of my Skill and Ability, execute and perform the 'ſeveral Truſts, Powers, and Authorities veſted and repoſed in me as 'Third Commiſſioner or Umpire, by virtue of *An Act for incloſing Lands 'in the Pariſh of* Downton, *in the County of* Wilts, according to Equity 'and good Conſcience, and without Favour or Affection, Prejudice or 'Partiality, to any Perſon or Perſons whomſoever.

'So help me GOD.'

Which Oath or Affirmation it ſhall be lawful for the ſaid Commiſſioners, or

or either of them, to adminiſter to the ſaid *John Seagrim*, or his Succeſſors to be appointed in Manner aforeſaid; and the ſaid Oath or Affirmation ſo taken and ſubſcribed ſhall be annexed to and inrolled with the Award of the ſaid Commiſſioners, and a Copy of the Inrolment thereof ſhall be admitted as legal Evidence.

Surveyor appointed

VI. And be it further enacted, That *William Tubb* of *Fiſherton Anger*, in the County of *Wilts*, ſhall be and he is hereby appointed Surveyor for the Purpoſes of this Act, and in caſe of his Death, Refuſal, or Incapacity to act whilſt the Powers of this or the ſaid recited Act are carrying into Execution, then the ſaid Commiſſioners ſhall and they are hereby authoriſed to appoint another Surveyor in the room of the ſaid *William Tubb*, and ſo in like Manner when any Vacancy ſhall happen in Manner aforeſaid; and the ſaid *William Tubb*, and his Succeſſors to be appointed as aforeſaid, ſhall make a Survey, Plan, and Admeaſurement of the Lands and Grounds by this Act directed to be divided, allotted, and incloſed, and of any other Lands the ſaid Commiſſioners ſhall think proper to direct him to ſurvey for the Purpoſe of this Act, and purſuant to the Directions of the ſaid recited Act, and produce the ſame to the ſaid Commiſſioners at their Second Meeting to be holden by them under this Act, and verify the ſame on Oath, as alſo any ſubſequent or other Plans and Admeaſurements he the ſaid *William Tubb*, or his Succeſſors to be appointed in Manner aforeſaid, ſhall make by Order of the ſaid Commiſſioners for the Purpoſe of this or the ſaid recited Act, which Oath any One of the ſaid Commiſſioners is hereby authorized to adminiſter.

Notice of Commiſſioners Meeting.

VII. And be it further enacted, That the ſaid Commiſſioners ſhall and are hereby required to cauſe Notice in Writing, of their Firſt and every other Meeting in the Execution of this Act, to be inſerted in the weekly Journal publiſhed at *Saliſbury* aforeſaid, or in ſome other Paper circulated in the County of *Wilts*, Eight Days at leaſt before every ſuch Meeting (Meetings by Adjournment only excepted); and if at any Meeting appointed to be holden by the ſaid Commiſſioners as aforeſaid only One of the ſaid Commiſſioners ſhall attend, then ſuch Commiſſioner ſhall and may adjourn ſuch Meeting to ſuch Time as he ſhall think proper, not exceeding Sixty Days from the Day of ſuch Adjournment; and in caſe neither of the ſaid Commiſſioners ſhall attend at ſuch Meeting, then the Clerk to be appointed by the ſaid Commiſſioners under this Act ſhall and may adjourn ſuch Meeting, not exceeding Forty Days from the Time of Adjournment, to the Place where ſuch appointed Meeting was to be held, giving Notice in Writing to the ſaid Commiſſioners, or leaving the ſame at their Houſes or uſual Places of Abode; and all ſuch Meetings, as well by Adjournment as otherwiſe, ſhall be held at *Downton* aforeſaid, or within Eight Miles thereof.

Other Notices how to be given.

VIII. Provided always, and be it further enacted, That all other Notices requiſite and neceſſary to be made and given by the ſaid Commiſſioners ſhall be ſo made and given by Writing, to be affixed on the Church Door of the Pariſh Church of *Downton* aforeſaid, and by Advertiſement in the Journal publiſhed at *Saliſbury*, or ſome other Newſpaper circulated in the County of *Wilts*.

Commiſſioners to determine Diſputes.

IX. And be it further enacted, That if any Diſpute or Difference ſhall, before the making of the Award of the ſaid Commiſſioners, ariſe between any

any of the Proprietors of or Perſons intereſted or claiming to be intereſted in the ſaid Diviſion and Incloſure hereby authoriſed and directed to be made, touching or concerning the reſpective Shares, Rights or Proportions, which any Perſon or Perſons hath or have, or ſhall or may claim to have, of, in, or to the ſaid Lands and Grounds, then the ſaid Commiſſioners ſhall and they are hereby empowered and required to hear, enquire into, and determine all ſuch Diſputes and Differences, and all Claims and Objections which ſhall be thereupon raiſed and brought forward to the ſaid Commiſſioners; Provided always, that nothing in this Act contained ſhall authoriſe the ſaid Commiſſioners or Umpire to determine the Title to any Meſſuages, Cottages, Lands, Tenements, or Hereditaments whatſoever, except as to Encroachments as herein-after mentioned.

Commiſſioners to aſſeſs Coſts.

X. And be it further enacted, That in caſe the ſaid Commiſſioners ſhall, upon the Determination of any Claim or Claims, Objection or Objections, to be delivered to them in purſuance of the ſaid recited Act or of this Act, ſee cauſe to award any Coſts, it ſhall be lawful for the ſaid Commiſſioners and they are hereby empowered and required, upon Application made to them for that Purpoſe, to ſettle, aſſeſs, and award ſuch Coſts and Charges as they ſhall think reaſonable, to be paid to the Party or Parties in whoſe Favour any Determination of the ſaid Commiſſioners ſhall be made, by the Perſon or Perſons, or Body or Bodies Politic, Corporate or Collegiate, whoſe Claim or Claims, Objection or Objections, ſhall be or have been diſallowed or over-ruled, or againſt whom the ſaid Commiſſioners ſhall have determined as aforeſaid; and in caſe the Perſon or Perſons, or Body or Bodies Politic, Corporate or Collegiate, who ſhall be liable to pay ſuch Coſts or Charges, ſhall neglect or refuſe to pay the ſame on Demand, it ſhall be lawful for the ſaid Commiſſioners and they are hereby authoriſed and empowered, by Warrant under their Hands and Seals, directed to any Perſon or Perſons whomſoever, to cauſe ſuch Coſts and Charges to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons, or of the Body or Bodies Politic, Corporate or Collegiate, ſo neglecting or refuſing to pay the ſame Coſts and Charges, 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 diſtrained and ſold, after deducting the Coſts and Charges attending ſuch Diſtreſs and Sale.

Power to try Rights by an Iſſue at Law.

XI. Provided always, and be it further enacted, That in caſe any Perſon or Perſons, or any Body or Bodies Politic, Corporate or Collegiate, who ſhall deliver to the ſaid Commiſſioners any Claim in Writing of any Right or Intereſt in, upon, or over the Lands or Grounds hereby directed to be divided and incloſed, or in, upon, or over any Part thereof, or who ſhall deliver to the ſaid Commiſſioners any Objection in Writing to any ſuch Claim, or any other Perſon or Perſons, or Body or Bodies Politic, Corporate or Collegiate, ſhall be diſſatisfied with any Determination of the ſaid Commiſſioners or Umpire, touching or concerning any ſuch Claim or Objection, or ſhall be deſirous of having the Claim or Objection decided by the Verdict of a Jury, and ſhall, within Two Calendar Months next after ſuch Determination, cauſe Notice in Writing of ſuch Diſſatisfaction or Deſire to be delivered to ſuch Commiſſioners, or

or left at their last or usual Place of Abode, it shall be lawful for such Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, having given such Notice as aforesaid, to proceed to a Trial at Law of the Matter so determined by the said Commissioners or Umpire, at the next or Second Assizes to be held for the said County of *Wilts*, and for that Purpose the Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, having given such Notice as aforesaid, shall, within Three Calendar Months after such Determination, cause an Action to be commenced in one of His Majesty's Courts of Record at *Westminster*, upon a feigned Issue, against the Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, in whose Favour such Determination shall have been 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, Interest or Interests thereby insisted upon, may be tried and determined (such Issue or Issues to be settled by the proper Officer of the Court in which such Action or Actions shall be commenced, in case the Parties shall disagree about the same); and all Proceedings in such Action or Actions shall be subject to the Rules or Orders of the Court in which such Action or Actions shall be brought; and the Verdict or Verdicts which shall be given upon the Trial of such Action or Actions shall be final, binding, and conclusive upon all and every Person or Persons, and Body or 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 said Court to do in case the said Court shall think proper; and that after such Verdict or Verdicts shall be obtained, and not set aside by the Court, the said Commissioners shall and they are hereby required to act in conformity thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials: Provided always, that if no such Notice shall be given, or if any such Notice shall be given, and such Action at Law shall not be commenced as aforesaid, or if any such Action shall be commenced, and the Plaintiff or Plaintiffs therein shall not proceed to Trial within the Time herein-before limited for that Purpose, that then and in every such Case the Determination of the said Commissioners or Umpire shall be final, binding, and conclusive to all Intents and Purposes whatsoever: Provided further, that no such Action, Verdict, or new Trial, shall impede or delay the said Commissioners in the Execution of the Powers hereby vested in them, but the Division and Inclosure hereby directed to be made shall be proceeded in, in such and the same Manner as if no such Action or Suit were pending: Provided also, that if any of the Parties in any such Action to be brought or commenced as aforesaid shall die before the Determination thereof, such Action shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened.

Inclosure to be proceeded in notwithstanding such Trials.

Death of Parties not to stay Proceedings.

XII. 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 such Action or Actions might have been brought if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time herein-

Proviso in case of Death of Parties before Actions brought.

before limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Body or Bodies Politic or Corporate, who might have brought such Action or Actions against the Person or Persons so dying, to bring the same, within the Time so limited as aforesaid, against such Person or Persons as if actually living, and to serve the Clerk of 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 shall be equally bound and concluded by the Event of such Action or Actions.

Right of Possession of Persons not to be determined by Commissioners.

XIII. 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 such Parties (except in Cases of Encroachments made within the Period of Twenty Years as herein-before mentioned); but in case the said Commissioners shall be of opinion against the Right of the Person or Persons so in Possession, they shall forbear to make any Determination thereupon, until the Possession shall have been given up or recovered from such Person or Persons by Ejectment or other due Course of Law.

Rights of Common, and other Rights to cease.

XIV. And be it further enacted, That it shall be lawful for the said Commissioners, at any Time or Times before the Execution of their Award, by Writing under their Hands to be affixed on the Door of the Parish Church of *Downton* aforesaid, to order and direct all or any Parts of the Ways, Rights of Common, and all other Rights whatsoever, in, over, and upon the Lands and Grounds hereby directed to be divided and inclosed, or any Part thereof, to be extinguished, or the Exercise thereof to be suspended for and during such Time or Times, and in such Manner as shall be expressed in such Writing; and all such Ways, Rights of Common, and all other Rights as the said Commissioners shall, by Writing, order to be extinguished, or the Exercise thereof suspended as aforesaid, shall from the Time of affixing such Notice for that Purpose, cease and determine and be extinguished, or the Exercise thereof suspended, any Law, Usage, or Custom to the contrary notwithstanding; and all and every Person or Persons who before the passing of this Act, by the Custom of the said Manor of *Downton*, paid or contributed any customary Payments or Compositions, or was or were liable to do personal or customary Labour, to or for the Tenants or Farmers of the Lords of the Manors in which the said Lands are situate, in lieu of Harvest or customary Work, for and in respect of their several Estates and Lands as the same were held in Tenantry before the passing of this Act, shall from and after the Execution of the said Award be exonerated, freed and discharged therefrom, and from every Part thereof; and the said Payments, Compositions and Labour, shall cease and become extinguished, any Law or Usage to the contrary notwithstanding.

Encroachments.

XV. And be it further enacted, That the said Commissioners in ascertaining, setting out, determining and fixing, in Manner directed by the said

ſaid recited Act, the Boundaries of the ſaid Pariſh, ſo far as the Lands and Grounds intended to be divided, allotted, and incloſed are the Boundaries thereof, ſhall enquire and determine what Encroachments by Buildings, Incloſures, or otherwiſe, have been made on the ſaid Commons, Waſte Lands, and Commonable Places by this Act intended to be divided, allotted, and incloſed, and all Encroachments made upon or from any Part thereof, (except ſuch Part or Parts thereof as has or have been enjoyed in Severalty for Twenty Years laſt paſt, without Interruption or Payment of Rent, or at any Time granted by Leaſe or Copy by the Lord of the ſaid Manor, which Poſſeſſion or Grant is hereby declared to be a ſufficient Title to the excepted Premiſes,) ſhall be deemed Part and Parcel of the Lands hereby directed to be divided and allotted, and ſhall be divided, allotted, and incloſed accordingly: Provided nevertheleſs, that all ſuch Encroachments ſhall be allotted to the Perſon or Perſons who ſhall, at the Time of making the Allotments, be in Poſſeſſion of ſuch Encroachments, or in Receipt of the Rents and Profits thereof, as the Whole, if ſufficient for that Purpoſe, or if not, then in Part of the Share or Allotment of the Lands and Grounds hereby directed to be divided, allotted, and incloſed, to which ſuch Perſon or Perſons will be entitled by virtue of this Act, and which, in making ſuch Allotment, ſhall be eſtimated according to the Value of the Land or Ground ſo taken or encroached upon, and without conſidering the Value of any Erections, Buildings, or Plantations thereon; and if the Perſon or Perſons who ſhall be in Poſſeſſion of ſuch Encroachments, or in Receipt of the Rents and Profits thereof, ſhall be entitled to no Allotment, or to an Allotment not equal to the Value of ſuch Encroachments, but ſhall be willing to purchaſe the ſame, then the ſaid Commiſſioners ſhall aſcertain the Price thereof, or of ſuch Part as ſhall exceed the Value of the Allotment to ſuch Poſſeſſor or Poſſeſſors thereof, in reſpect of his or their other Property, on aſcertaining of which Value the ſaid Commiſſioners ſhall not eſtimate the Buildings, Plantations, or other Improvements thereon; and upon ſuch Perſon or Perſons paying ſuch Price thereof to the ſaid Commiſſioners, at ſuch Time or Times as they ſhall for that Purpoſe appoint, the ſaid Commiſſioners ſhall give and ſign their Receipt or Receipts, and every ſuch Encroachment, or ſuch Part thereof as ſhall be ſo purchaſed, ſhall thereupon be allotted to ſuch Purchaſer or Purchaſers thereof, and his and their reſpective Heirs and Aſſigns in Fee Simple; but if the Perſon or Perſons who ſhall be in Poſſeſſion of or entitled to the Rents and Profits of ſuch Encroachment or Encroachments ſhall not be willing to purchaſe the ſame, or ſo much thereof as ſhall be offered for Sale as aforeſaid, on the Terms aforeſaid, then the ſaid Commiſſioners ſhall ſell the ſame in the Way they are herein-after directed to ſell Lands for Payment of the Expences of this Act; and the Monies ariſing by Sale thereof ſhall be applied in the ſame Way as the Monies ariſing from ſuch Sale are herein-after directed to be applied: Provided alſo, that the ſaid Commiſſioners ſhall and they are hereby authoriſed, inſtead of ſelling the ſaid laſt-mentioned Land in Manner herein-before mentioned, to ſet out, allot, and award the ſame to any poor Perſon or Perſons who ſhall be entitled to any of the Lands and Grounds hereby directed to be divided and incloſed, as Compenſation for his or their Right of Turbary as herein-after directed, and to order and direct in and by their Award by whom and in what Manner the Fences of ſuch Allotment and Allotments ſhall be made and from Time to Time kept in Repair: Provided alſo, that all Encroachments made upon the

ſaid Lands and Grounds, within the Space of One Year immediately preceding the paſſing of this Act, ſhall be thrown open without any Recompence whatſoever to be made to the Poſſeſſor or Poſſeſſors thereof; and if any Queſtion or Diſpute ſhall ariſe touching ſuch Encroachments, or which of them ſhall be ſo deemed to be Part and Parcel of the ſaid Lands and Grounds to be divided, allotted, and incloſed reſpectively, ſuch Diſputes ſhall be referred to the Determination of the ſaid Commiſſioners.

Commiſſioners may ſtop up or alter Roads.

XVI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and empowered to ſtop up and to direct to be diſcontinued, altered or varied, any public Road or Roads, Footpath or Footpaths, over or through any Part or Parts of the Lands or Grounds incloſed or unincloſed, or ſeveral Lands in the ſaid Pariſh, or by this Act intended to be divided and incloſed, which to the ſaid Commiſſioners ſhall appear uſeleſs or unneceſſary, ſo as to make the ſame more convenient to the Public in general than the preſent Roads now are: Provided always, that ſuch Order ſo to be made ſhall be approved of by Two Juſtices of the Peace acting in and for the Diviſion in which the ſaid Road and Roads, Footpath and Footpaths ſhall be ſituated, under their Hands and Seals, and be ſubject to appeal to the Quarter Seſſions of the Peace as in the ſaid recited Act is expreſſed: Provided alſo, that none of the preſent Roads or public Highways within the ſaid Pariſh ſhall be ſhut or ſtopped up or diſcontinued, until the ſeveral Roads intended to remain or be the public Roads or Highways within the ſaid Pariſh, ſhall be ſet out according to the Directions of the ſaid recited Act, and ſhall be properly formed and made ſafe and convenient for Horſes, Cattle, and Carriages: Provided further, that it ſhall not be lawful for the Surveyor or Surveyors of Roads to be appointed by the ſaid Commiſſioners, under the Power contained in the ſaid recited Act, to put into Repair, by or out of the Money to be raiſed by virtue of this Act, any old or preſent public Roads or Highways there made previouſly to the paſſing of this Act, which ſhall be ſet out or appointed by the ſaid Commiſſioners to remain or be in future public Roads or Highways within the ſaid Pariſh, or any Part or Parts which ſhall be ſo ſet out or appointed of ſuch public Roads or Highways, but that all ſuch old or preſent public Roads or Highways, made previouſly to the paſſing of this Act, as ſhall be ſo ſet out and appointed, and every Part which ſhall be ſo ſet out and appointed of the ſame public Roads or Highways, ſhall be firſt put into Repair by ſuch Perſons, and in like Manner as ſuch Roads or Highways are or ought by Law to be afterwards ſupported and kept in Repair: Provided always, that all Roads both public and private, that ſhall be ſet out or varied by the ſaid Commiſſioners, ſhall be marked, ſtaked, and ſet out on the ſaid Lands by and under the immediate perſonal Inſpection and Direction of the ſaid Commiſſioners, and not otherwiſe.

No Cattle to be turned in the Roads, until Fifteen Years after the Execution of the Award.

XVII. And be it further enacted, That if any Perſon or Perſons ſhall, from and after the ſtaking out of the Roads as directed by the ſaid recited Act, put or cauſe to be put, or knowingly ſuffer to be turned or put, any of his, her, or their Sheep or Lambs, Horſes, Aſſes, horned Cattle, Pigs or Geeſe, into any of the Roads to be ſet out at any Time within Fifteen Years next after the making and executing of the Award of the ſaid Commiſſioners, it ſhall and may be lawful to and for the Perſon or

Perſons, whoſe Hedges, Fences, Crops, Herbage or Ground, ſhall or may be damaged thereby, or any other Perſon or Perſons, to impound the ſame, and that the Graſs and Herbage growing or renewing on any of the Roads or Ways to be ſet out within the ſaid Tithing and Manor reſpectively ſhall be veſted in the ſaid Surveyor or Surveyors reſpectively, and ſhall by him and them be publicly let to the beſt Bidder or Bidders on *Eaſter Monday* in each Year, for the Purpoſe of mowing only, for the Term of Fifteen Years from the Execution of the ſaid Award, and for ever afterwards, for Mowing or Paſturage, as ſuch Surveyor or Surveyors ſhall think expedient; and the Rents and Profits thereof ſhall be applied for the Repair of the Highways within the ſaid Tithing, and ſhall be accounted for by the ſaid Surveyor or Surveyors of the Highways within the ſaid Tithing and Manor reſpectively, in the ſame Manner as he or they is or are accountable for other Money that ſhall or may come to his or their Hand or Hands as Surveyor or Surveyors of the Highways, and ſhall be ſubject and liable to the like Penalties for Neglect thereof.

Power to enter adjoining Lands to ſcour Ditches, &c.

XVIII. And be it further enacted, That it ſhall be lawful for the Owners, Proprietors, or Occupiers of the ſeveral new Allotments to be made in purſuance of this Act, and their reſpective Servants and Labourers, to enter into and upon any Land and Ground within the ſaid Pariſh next adjoining to their reſpective Allotments, from Time to Time and at all reaſonable Times between the Firſt Day of *November* and the Firſt Day of *May* in each Year after ſuch their Allotment ſhall be made and fenced in by virtue hereof, for the Purpoſe of cleanſing and ſcouring out the Ditches and Drains belonging to the ſaid Allotments which ſhall or may be dug or made next to or border upon ſuch adjoining Grounds; and alſo that it ſhall and may be lawful to and for the Owner, Proprietor, or Occupier of ſuch new Allotments, or of any other Lands already incloſed within the ſaid Pariſh from the Time of ſtaking out the ſeveral Allotments hereby directed to be made, to ſet up and place from Time to Time, and at all Times thereafter to continue and maintain, Poſts and Rails acroſs the Ditch or Ditches of ſuch his, her, or their Allotment or Allotments, or other Land already incloſed, in and upon the Bank and Banks next adjoining to ſuch his, her, or their Allotment or Allotments or other Lands already incloſed, without being deemed a Treſpaſſer or Treſpaſſers for ſo doing, or liable to make good any Damage for the ſame.

Freeboards (if any) to be determined by Commiſſioners.

XIX. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authoriſed and empowered to receive, hear, and determine all Claims of Freeboard on the ſaid intended Diviſion and Incloſure, and if any ſuch Claim ſhall be fully eſtabliſhed by ſufficient Proof to the Satisfaction of the ſaid Commiſſioners, they are hereby authoriſed and empowered to ſet out and allot One or more Plot or Plots, Allotment or Allotments of Land in lieu of any ſuch Freeboard or Freeboards ſo eſtabliſhed, and ſuch Plot or Plots, Allotment or Allotments, ſhall for ever thereafter reſpectively be deemed to be within and Part of ſuch Pariſh as the ſaid Commiſſioners in and by their Award ſhall adjudge and determine.

Proprietors may ſurrender old Incloſures, in

XX. And be it further enacted, That if any Proprietors of old incloſed Lands within the ſaid Pariſh ſhall be deſirous of ſurrendering the ſame to

order to have them allotted to others.

to the Power of the ſaid Commiſſioners, in order that the ſame may be awarded and compenſated by other Lands by virtue of this Act, and ſhall give Notice under their, his, or her Hands or Hand in Writing to the ſaid Commiſſioners, at their Firſt or Second Meeting to be held for the Purpoſes of this Act, then ſuch old Incloſures ſhall be deemed and taken as Part of the Lands and Grounds to be divided and incloſed by virtue of this Act, and ſhall be allotted and awarded accordingly: Provided always, that nothing herein contained ſhall prevent the ſaid Commiſſioners, if they think fit, from awarding the ſame again to the former Proprietor or Proprietors thereof.

Allotment for Gravel Pits, &c. for repairing Roads, and for public Watering Places, and Manure.

XXI. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required (after ſetting out the public Roads directed by the ſaid recited Act) to ſet out, allot, and award ſuch ſeveral Plots or Pieces of Land or Ground within the ſaid Tithings, Part of the ſaid Lands hereby directed to be divided and incloſed, in ſuch convenient Places as they ſhall think proper, for the Purpoſe of public Watering Places for Cattle, and for getting Stone, Sand, Gravel, Chalk, or other Materials for repairing the Highways and Roads to be ſet out and made in, over, and upon the Lands and Grounds hereby intended to be divided, allotted, and incloſed, or any other Roads within the ſaid Pariſh, for the Uſe of the Inhabitants thereof; and alſo for the Purpoſe of manuring the Lands and Grounds reſpectively, and for repairing the public Bridges in the ſaid Pariſh of *Downton*, and the Dams, Banks, and Hatchways belonging thereto, and ſhall order and direct by whom and at whoſe Expence, and in what Manner the ſame ſhall be fenced, uſed, and enjoyed, and from Time to Time kept in Repair, and in what Manner the Herbage and Produce thereof ſhall be applied.

Allotments for Turbary.

XXII. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required, as a Compenſation and full Satisfaction for all Claims of Turbary only, to ſet out, allot, and award to the Proprietor of each and every Tenement having Right of Common in reſpect thereof, ſuch Part or Parts of the Lands and Grounds hereby directed to be divided and incloſed, as will, in the Judgment of the ſaid Commiſſioners upon the laying thereof in Severalty, (but without any other Improvement,) be of the annual Value of Ten Shillings; and alſo further ſet out, allot, and award to the Owner of each and every ſuch Tenement, containing not more than Sixty Perches, ſo much of the ſaid Lands as will, in the Judgment of the ſaid Commiſſioners, upon the laying thereof in Severalty, but without any other Improvement, be Double the Value of the ſaid Tenement laſt deſcribed, excluſive of Buildings; ſuch Allotment or Allotments to be as contiguous to the ſaid Tenements reſpectively as conveniently may be; the Ring Fences of which ſaid ſeveral Allotments ſhall be made, and the Coſts and Charges thereof paid by and out of the general Expences of this Act: Provided always, that any Encroachment made in the laſt Twenty Years by any Proprietor of ſuch Tenement, or an adequate Part thereof, ſhall, in the firſt Inſtance, be allotted as ſuch Compenſation in the Whole or in Part thereof, as the Caſe may require.

Allotment for Manorial Rights.

XXIII. And be it further enacted, That the ſaid Commiſſioners ſhall, in the next Place, ſet out, allot, and award, unto and for the ſaid Biſhop and

and his Leſſee or Fermor, as Lord of the ſaid Manor of *Downton*, One or more Allotment or Allotments of the Lands and Grounds hereby intended to be divided and incloſed, ſituate and lying within the ſaid Manor of *Downton*, as ſhall, in the Judgment of the ſaid Commiſſioners, be equal in Value to One-ſixteenth Part of the Waſte Lands and Grounds by this Act intended to be divided and incloſed, ſituate and lying within the ſaid Manor of *Downton*, in lieu of and as a Compenſation for the Right and Intereſt of the ſaid Biſhop and his Leſſee or Fermor, as Lord of the Manor of *Downton* aforeſaid, in and to the Soil thereof.

Allotment for Manorial Rights to the Lord of the Manor of Hampt-worth.

XXIV. And be it further enacted, That the ſaid Commiſſioners ſhall, in the next Place, ſet out, allot, and award, unto and for the ſaid *Robert Eden Duncombe Shafto*, his Heirs and Aſſigns, One or more Allotment or Allotments of the Lands and Grounds hereby intended to be divided and incloſed, ſituate and lying within the ſaid Manor of *Hamptworth*, as ſhall, in the Judgment of the ſaid Commiſſioners, be equal in Value to One-ſixteenth of ſuch Waſte Lands and Grounds by this Act intended to be divided and incloſed, as are ſituate and lying within the ſaid Manor of *Hamptworth*, in lieu of and as a Compenſation for the Right and Intereſt of the ſaid *Robert Eden Duncombe Shafto*, as Lord of the ſaid Manor of *Hamptworth*, in and to the Soil thereof.

Allotment to the Rector, in lieu of Rights of Common of Glebe Lands.

XXV. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required, in the next Place, to ſet out, allot, and award, unto and for the ſaid Warden and Scholars, as Rectors as aforeſaid, and their Leſſee the ſaid *Jacob* Earl of *Radnor*, and any Under Leſſee of the ſaid Earl, and alſo to the ſaid Vicar reſpectively, One or more Plot or Plots, Allotment or Allotments of the Lands and Grounds hereby directed to be divided and incloſed, as ſhall, in the Judgment of the ſaid Commiſſioners, be equal in Value to their Rights of Common, in reſpect of their Glebe Lands, in, over, and upon the ſaid Lands and Grounds hereby directed to be divided and incloſed.

Lands to be ſold to pay Expences.

XXVI. And be it further enacted, That the ſaid Commiſſioners ſhall from Time to Time ſet out and allot ſuch Part or Parts and Parcels of the ſaid Commons, Downs, Common Fields, Waſte Lands and Commonable Places, as they ſhall judge ſufficient in Value when ſold, to defray the neceſſary Charges and Expences attending the applying for and obtaining this Act, and carrying the ſame and the ſaid recited Act into Effect, and of ſurveying, meaſuring, mapping, planning, valuing, dividing, and allotting the ſame, and of incloſing and fencing the ſaid Glebe Allotments herein-before directed to be made, and of ſcouring, widening, and repairing all ſuch ancient Bridges, Brooks, Ditches, and Watercourſes, as the ſaid Commiſſioners ſhall deem neceſſary, and alſo the Coſts, Charges, and Expences of firſt forming and making ſuch public and private Roads as are directed to be made by the ſaid recited Act, except ſuch as are herein-before directed not to be put in Repair by the Surveyor to be appointed under this Act; and alſo of preparing, executing and inrolling the Award, with a Map annexed, and all other neceſſary Charges and Expences ariſing and accruing in the Courſe of carrying the Powers herein, and in the ſaid recited Act contained, into full and complete Execution and Effect; and ſhall expoſe the ſaid Allotment or Allotments to public Sale by Auction, in Manner and ſubject to

the Directions and Regulations mentioned in the ſaid recited Act; and the ſaid Commiſſioners ſhall, on Payment of the Purchaſe Money for ſuch Allotment or Allotments ſo to be ſold for the Purpoſes aforeſaid, by Indentures under their Hands and Seals, to be by them executed in the Preſence of and atteſted by Two or more credible Witneſſes, convey, aſſure, and confirm, by Way of Leaſe and Releaſe, the ſame Allotment or Allotments unto and to the Uſe of the Purchaſer or Purchaſers thereof, his, her, or their Heirs and Aſſigns for ever, or unto ſuch Perſon or Perſons, for ſuch Uſe or Uſes, upon ſuch Truſt or Truſts, and for ſuch Limitation or Limitations, as ſuch Purchaſer or Purchaſers ſhall direct or appoint, ſuch Direction or Appointment to be in Writing, under his, her, or their Hands and Seals reſpectively: Provided always, that nothing herein contained ſhall enable the ſaid Commiſſioners to ſet out and allot any Part of the Lands to be ſold in Manner aforeſaid, within the Diſtance of Forty Perches of any Meſſuage or Tenement belonging to any Proprietor or Proprietors, who by virtue of this or the ſaid recited Act ſhall be entitled to and have an Allotment or Allotments of Land made to him, her or them, amounting to Five Acres or more.

Application of Surplus Money.

XXVII. And be it further enacted, That in caſe any Part or Parts of the ſaid Lands or Grounds ſhall be ſold for more Money than will be required to defray ſuch Expences and Charges aforeſaid, then and in ſuch Caſe ſuch Surplus Money ſhall be divided and apportioned between the ſeveral Proprietors of the Lands hereby directed to be divided and incloſed, according to their ſeveral and reſpective Intereſts therein, and the Shares of ſuch of them as ſhall be Tenants in Fee Simple ſhall be paid to them reſpectively, and the Shares of the other Proprietors (except the Proprietors of Allotments for Turbary, and the ſaid Warden and Scholars, and their Leſſees, in reſpect of their Glebe Allotments) ſhall be paid into the Bank of *England*, in Manner directed by the ſaid recited Act with reſpect to Money thereby directed to be paid into the Bank for the Purchaſe or Exchange of Lands, Tenements or Hereditaments, or of any Timber or Wood growing thereon, and which Sum of Money is by the ſaid recited Act directed to be laid out in the Purchaſe of other Lands, Tenements or Hereditaments, to be ſettled to the ſame Uſes.

Allotment to Truſtees to erect a Poorhouſe.

XXVIII. And be it further enacted, That the ſaid Commiſſioners ſhall, in the next Place, ſet out, allot and award, unto and for the Right Honourable *Jacob* Earl of *Radnor*, the Reverend *Thomas Lear*, the Reverend *Charles Shuckburgh*, *John Bayly* Eſquire, and *James Bayly*, in Truſt for the ſaid Pariſh of *Downton*, One Allotment or Plot of Land, not exceeding Eight Acres, ſituate on that Part of the Commonable Lands in the ſaid Tithing of *Eaſt Downton*, called *Paccomb Common*, which ſaid Allotment ſhall, according to the Directions of the ſaid Commiſſioners, be properly fenced and kept in Repair by the Churchwardens and Overſeers of the ſaid Pariſh of *Downton* for the Time being, and on which the ſaid Churchwardens and Overſeers for the Time being may, (ſhould it be deemed expedient by the Inhabitants of the ſaid Tithing,) within the Space of Four Years from the paſſing of this Act, erect and build a good ſubſtantial Stone or Brick and Tile Meſſuage or Tenement, and Offices, to be uſed as a Poorhouſe or Workhouſe for the ſaid Pariſh of *Downton*.

Allotment of the Reſidue.

XXIX. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authoriſed and required, in the next Place, to ſet out, allot and award, all the Reſidue and Remainder of the ſaid Lands and Grounds by this Act directed to be divided and incloſed, and alſo ſuch old Incloſures that may be given up to be allotted as herein-before mentioned, unto the ſeveral Perſons who are or ſhall or may be Owners or Proprietors thereof, whether Freeholders or Copyholders, and the Perſons entitled to, or having Rights of Common or other Rights and Intereſts therein and thereon, in ſuch Shares, Quantities and Proportions, and in ſuch Manner as the ſaid Commiſſioners ſhall adjudge and determine to be a fair, juſt, and reaſonable Compenſation for their ſeveral and reſpective Shares, Properties, Rights of Common, and other Rights and Intereſts of, in, to, and over the ſame Lands and Grounds.

Fencing Allotments.

XXX. And be it further enacted, That the ſaid ſeveral Allotments by the ſaid Commiſſioners to be ſet out, allotted, and awarded in reſpect of the Glebe Lands as aforeſaid, ſhall be ring-fenced with good and ſubſtantial Fences, all which ſhall be planted with good Hawthorn Quickſets, guarded on each Side with good Oak Poſts, and double Oak or Aſh Rails, and ſufficient Ditches; and where ſuch Fences are againſt any public Roads or unincloſed Lands, then ſuch Fences ſhall be made with Three Rails, and there alſo ſhall be a Gate hung with Oak Poſts to each Allotment, and the ſame ſhall, for the Space of Seven Years after the Acceptance of ſuch Allotments reſpectively, be weeded and kept in Repair from Damage by Cattle, or otherwiſe the Coſts and Charges of which ſaid fencing, mounding, and keeping in Repair, ſhall be conſidered as Part of the general Expences of carrying this Act into Execution, and be borne and defrayed accordingly by and out of the Money ariſing by the Sale of the Lands herein-after directed to be ſold for the Purpoſes of this and the ſaid recited Act; and from and after the End of the ſaid Term of Seven Years, the ſaid Fences ſhall be kept in Repair by and at the Coſts and Charges of the ſaid Warden and Scholars and their Leſſees for the Time being.

How other Allotments are to be feneed.

XXXI. And be it further enacted, That all the ſeveral other Allotments which ſhall be made and ſet out by virtue of this Act ſhall be incloſed and fenced, and the Fences thereof made, and for ever thereafter maintained, by ſuch Perſons and in ſuch Manner as the ſaid Commiſſioners, by any Writing or Writings under their Hands, or by their Award, ſhall order, direct, and appoint; and that convenient Gaps and Openings ſhall be left in the ſaid Fences and Incloſures for the Purpoſes of Cattle, Carts, and Carriages paſſing through the ſame, for ſuch Space of Time not exceeding Twelve Calendar Months, as the ſaid Commiſſioners ſhall direct: Provided always, that nothing herein contained ſhall extend or be conſtrued to extend ſo as to charge or make chargeable the Biſhop of *Wincheſter*, or his Succeſſors, with the Payment of any of the Coſts, Charges, and Expences which ſhall be incurred or occaſioned by incloſing or ring-fencing any Allotment or Allotments to be made by virtue of this Act.

Satisfaction for unequal fencing.

XXXII. And be it further enacted, That if from the Nature or Neceſſity of Situation, or from any other Circumſtances, it ſhall happen that One or more of the ſaid Proprietors ſhall not have an equal or proportionate Share

Share of Boundary or other Fencing allotted to him, her, or them on the ſaid intended Incloſure, it ſhall be lawful for the ſaid Commiſſioners, where they ſhall judge it neceſſary and reaſonable, to award, aſcertain, order, and appoint a Sum or Sums of Money to be paid or contributed by ſuch Proprietor or Proprietors reſpectively, towards making the ſaid Fences of the Allotments of ſuch other of the Proprietor or Proprietors who ſhall or may have a greater Proportion of the Fencing allotted to him, her, or them by virtue of this Act, the ſame Sum to be ſettled by the ſaid Commiſſioners in ſuch Manner as they ſhall think proper; and the Money ſo ordered, directed, and appointed to be paid, ſhall be raiſed and recovered in ſuch and the ſame Manner as the Expences of this Act (not payable out of Money raiſed by Sale of Land) are herein ordered and directed to be levied and recovered.

Penalty on Perſons neglecting to keep Fences, &c. in Repair.

XXXIII. And be it further enacted, That in caſe any Perſon or Perſons by whom any Roads, Hedges, Fences, Banks, Ditches, Drains, Watercourſes, Sewers, Bridges, Gates, Stiles, or other Works and Improvements ſhall be ordered and directed by the ſaid Commiſſioners to be maintained, cleanſed, and kept in Repair, or his, her, or their Tenant or Tenants ſhall neglect or refuſe to maintain, cleanſe, and keep in Repair the ſame or any Part thereof, for the Space of Twenty-one Days after Notice given by the Perſon or Perſons aggrieved of any Default therein, then and in every ſuch Caſe it ſhall be lawful for the Perſon or Perſons who ſhall be damaged or aggrieved thereby to make Complaint thereof upon Oath or Affirmation before any One Juſtice of the Peace acting in and for the Diviſion in which the ſaid Pariſh of *Downton* is ſituate, (not intereſted in the Matter in Queſtion,) who is hereby authoriſed and required to adminiſter ſuch Oath or Affirmation, and to hear and determine the Matter of every ſuch Complaint in a ſummary Way, and for that Purpoſe to ſummon the Party or Parties ſo accuſed, or upon his, her, or their Neglect or Refuſal to appear, (except for ſome reaſonable Excuſe,) to examine Witneſſes upon Oath or Affirmation, and thereupon to give Judgment accordingly, and condemn the Party or Parties accuſed in ſuch Penalty or Penalties, Sum or Sums of Money, from Time to Time, not exceeding at any one Time the Sum of Five Pounds, as the ſaid Juſtice ſhall think juſt and reaſonable, and thereupon iſſue a Warrant under his Hand and Seal to cauſe ſuch Penalty or Penalties to be levied by Diſtreſs and Sale of the Goods and Chattels of the Offender or Offenders together with reaſonable Coſts, returning the Overplus (if any) on Demand to the Owner or Owners of ſuch Goods and Chattels; which Penalty or Penalties, Sum or Sums of Money, when ſo recovered, ſhall be paid to the Perſon or Perſons ſo damaged or aggrieved as aforeſaid.

Proprietors may pay Expences in Money, and have an Increaſe of Allotment, if they chooſe ſo to do.

XXXIV. Provided always, and be it further enacted, That in caſe any of the Owners or Proprietors of Lands, Tenements or Hereditaments, intereſted in the ſaid Diviſion and Incloſure, ſhall be deſirous of paying his, her, or their Quota or Share of the Expences of obtaining and paſſing this Act, and of carrying the ſame and the ſaid recited Act into Execution and Effect, and of the other Expences herein directed to be paid and conſidered as general Expences, and ſuch Owners or Proprietors reſpectively ſhall at the Firſt or Second Meeting of the ſaid Commiſſioners give Notice in Writing of ſuch his, her, or their Intention, under

their

their reſpective Hands, to be delivered to the ſaid Commiſſioners at ſuch Firſt or Second Meeting, then and in every ſuch Caſe the Share or Shares of ſuch Perſon or Perſons of and concerning all ſuch Coſts, Charges and Expences, ſhall be aſcertained and ſettled by the ſaid Commiſſioners after the Manner of an equal Pound Rate, according to the Value of the reſpective Lands or Grounds each Perſon ſhall have allotted to him or her by virtue of this Act, to be paid in ſuch Proportion or Proportions, at ſuch Time or Times, in ſuch Manner, and to ſuch Perſon or Perſons, as the ſaid Commiſſioners ſhall by any Writing under their Hands, to be affixed on the Door of the Pariſh Church of *Downton* aforeſaid, at leaſt Twenty-one Days before the Day of Payment thereof, order and direct, and ſuch Perſon or Perſons ſo electing to pay in Money ſhall have a proportional Increaſe of his, her, or their Allotment or Allotments accordingly; and in caſe any or either of the Perſons aforeſaid ſhall neglect or refuſe to pay his, her, or their Share or Shares of ſuch Charges or Expences, or any Part thereof, to the Perſon or Perſons who ſhall be appointed to receive the ſame, within the Time to be limited by the ſaid Commiſſioners as aforeſaid, then and in ſuch Caſe the ſaid Commiſſioners ſhall cauſe the ſame to be levied and recovered in Manner directed by the ſaid recited Act.

Scheme of Allotments to be marked upon a Plan, and ſhown to Proprietors.

XXXV. And be it further enacted, That when and as ſoon as the ſaid Commiſſioners ſhall have aſcertained the reſpective Rights and Intereſts of the reſpective Proprietors in the Lands and Grounds to be divided, allotted, and incloſed by virtue of this Act and the ſaid recited Act, and alſo the reſpective Shares and Proportions by them propoſed to be allotted to ſuch Proprietors reſpectively, for or in reſpect of ſuch Rights and Intereſts, they the ſaid Commiſſioners ſhall give Notice of ſome convenient Time and Place when and where the ſaid Proprietors may be informed of ſuch propoſed Allotments, and may ſee the Plan thereof ſet out and delineated upon a Map thereof to be produced to ſuch Proprietors for their Inſpection; and as ſome of thoſe Proprietors may upon Inſpection of ſuch Map be diſſatisfied with the propoſed Allotments, the ſaid Commiſſioners ſhall at ſuch Time and Place as laſt aforeſaid, or at ſome other Time and Place to be appointed for that Purpoſe, receive a Statement in Writing of the Objections againſt ſuch propoſed Allotments, and ſhall forthwith, or as ſoon after as conveniently may be, determine the ſame, and their Determination ſhall be final and concluſive.

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

XXXVI. And be it further enacted, That all the Lands and Grounds which ſhall be allotted by virtue of the ſaid recited Act or this Act reſpectively to any Perſon or Perſons, or Body or Bodies Politic, Corporate or Collegiate, for or in lieu or in reſpect of any Meſſuages, Cottages, or Lands holden by Copy of Court Roll of any Manor or Manors, or for or in lieu or in reſpect of any Leaſehold Meſſuages, Lands or Tenements, or for or in reſpect of any Common or other Right or Intereſt appurtenant or appendant to any ſuch Copyhold or Leaſehold Premiſes, ſhall, from and for ever after the Execution of the ſaid Award, be deemed and taken to be Copyhold or Leaſehold reſpectively, and ſhall be held as ſuch by and under the ſame Tenure, Rents, Payments, Fines, Cuſtoms and Services, as the Copyhold or Leaſehold Meſſuages, Cottages and Lands reſpectively, for or in lieu or in reſpect whereof ſuch Allotments ſhall be made, are now holden; and that all and every Perſon or Perſons to whom any

any such Copyhold Lands or Grounds shall be allotted as aforesaid shall, within Six Calendar Months next after the Execution of the said Award, be admitted Tenant or Tenants to the same without paying any Fine or other Charge to the Lord or Lords, Lady or Ladies, or to the Steward of the said Manor (save and except for the Stamp Duties, and Parchment requisite to be used for the Copies of such Admissions respectively, and such reasonable Fees to the Steward of the said Manor as the said Commissioners shall by their Award order and direct); but in case the Person or Persons to whom such Lands or Grounds shall be allotted shall die, or alienate by Sale, without Admission, within Six Calendar Months, then the customary Fines, Fees, and other Payments, shall be due and payable on the Admission or Admissions of the Person or Persons then entitled to such Lands and Premises; and after every such first Admission, the Copyhold Lands and Premises which shall have been so allotted as aforesaid shall at all Times be holden under and subject to the same Tenure, Fines, and other Payments, as the present Copyhold Messuages, Cottages, or Lands, in respect whereof such Lands or Grounds so allotted are now respectively holden under and subject to; and the said Commissioners are hereby required to determine and describe, and abut in and by their said Award, and in and by the Map or Plan to be thereto annexed, all the Lands and Grounds so allotted, which are to be and remain Copyhold or Leasehold; and all other Lands and Grounds to be allotted in pursuance of the said recited Act or this Act (except what shall be so ascertained by the said Commissioners in their said Award to be Copyhold or Leasehold) shall from thenceforth be deemed, taken, and enjoyed as Freehold Lands and Grounds respectively, subject to such Free Rents and Services or other reserved Rents as are now payable out of the respective Premises, for or in respect whereof the same Lands and Grounds respectively shall or may have been so allotted.

Allowing Exchanges to be made.

XXXVII. And be it further enacted, That it shall be lawful for the said Commissioners to set out, allot, and award any Messuages, Buildings, Lands, Tenements, Inclosures, new Allotments or Hereditaments within the said Tithing and Manor, or either of them, in lieu of and in Exchange for any other Messuages, Buildings, Lands, Tenements, Inclosures, new Allotments or Hereditaments within the said Tithing and Manor respectively, or within any adjoining Tithing, Parish, Hamlet, Township or Place, provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioners, and be made with the previous Consent of the Owner or Owners, Proprietor or Proprietors of the Messuages, Buildings, Lands, Tenements or Hereditaments which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors shall be seised or possessed in his, her, or their natural Capacity or Capacities as Tenant or Tenants in Fee Simple, in Fee Tail General or Special, or for Life, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, or be a Body or Bodies Politic, Corporate or Collegiate, or with the previous Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Owner or Owners, Proprietor or Proprietors so seised or possessed as aforesaid, who at the Time of making or proposing such Exchange or Exchanges shall be respectively Infants, Femes Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for

for himself, herself, or themselves respectively, such Consent to be testified in Writing under the Common Seal of the Body Politic, Corporate or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every such Exchange and Exchanges shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made under this or the said recited Act of any Lands, Tenements or Hereditaments, held in right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent in Writing of the Bishop of the Diocese in which such Lands, Tenements, or Hereditaments so to be exchanged shall lie and be situate, and of the Patron of such Church, Chapel, or other Ecclesiastical Benefice for the Time being respectively.

For Payment of Expences of Exchanges and Partitions.

XXXVIII. And be it further enacted, That all the Costs, Charges, and Expences attending the making and completing any Exchange or Partition as herein-before mentioned, or any Agreement relating thereto, which shall be made under or by virtue of the said recited Act or this Act, shall be borne and defrayed by the several Parties making or interested in any such Exchange or Partition, in such Manner and in such Proportions as the said Commissioners shall by their said Award, or by any previous or subsequent Writing under their Hands, to be affixed on the Church Door of *Downton* aforesaid, order and direct.

Leases and other Agreements to be void on making Tenants Satisfaction.

XXXIX. And be it further enacted, That all Leases and other Agreements at Rack Rent which are now subsisting, or relate to the Lands and Grounds hereby intended to be divided and inclosed, either alone or together with any other Messuages, Lands, Tenements or Hereditaments, in any adjoining Tithing or Parish or Parishes, shall, so far only as such Leases or Agreements relate to or affect any of the Lands or Grounds to be divided, allotted, or exchanged under this or the said recited Act respectively, cease, determine, and be void, at such Time or Times as the said Commissioners, by any Notice under their Hands, to be affixed on the Church Door of the said Parish of *Downton*, or by their Award, shall direct or order; and the respective Tenants or Lessees of the same Premises shall receive from the respective Owners and Proprietors thereof such Sums of Money as the said Commissioners shall ascertain as reasonable to be paid to such Tenant or Tenants as an Equivalent for the same; and if the Money so to be ascertained as aforesaid shall not be paid to the Person or Persons entitled to receive the same, within Ten Days after Demand thereof, it shall be lawful for the said Commissioners and they are hereby required to raise and levy the same for the Use and Benefit of the Person or Persons entitled thereto, by such Ways and Means as any of the Costs, Charges, and Expences of obtaining and executing this Act, or any Part thereof, can or may be raised and levied by this Act or the said recited Act: Provided always, that if there shall be any Lease of Lands, Part of which shall lie in either of the said Tithings, and Part in any adjoining Tithing or Parish, all and every such Lease and Leases upon Rack Rent now subsisting may be vacated; but where any Land shall have been taken in Exchange, which Land shall be under Lease, and wholly situate in an adjoining Tithing or Parish, the Lease of such last-mentioned Land shall not be vacated.

Settlements not to be prejudiced.

XL. And be it further enacted, That nothing in this or the said recited Act contained shall extend or be construed or adjudged to extend to revoke,

voke, make void, annul or alter any Settlement, Deed, Will or Leaſe, (except Leaſes or Agreements at Rack Rent,) or to prejudice any Perſon having any Right or Claim of Dower, Jointure, Annuity, Rent, Debt, Charge or Incumbrance whatſoever, in, out of, upon, or affecting any of the Lands and Grounds hereby directed to be divided, allotted, and incloſed, or which ſhall be exchanged or aſſigned in Compenſation for any other Eſtate or Right in purſuance of this Act, but as well the Lands allotted as the Tenements or other Hereditaments which ſhall be aſſigned in Exchange, or in Compenſation for any other Eſtate or Right, ſhall immediately after ſuch Allotment, Exchange or Aſſignment is made, remain and enure to the ſeveral Perſons to whom the ſame ſhall be allotted, aſſigned, or given in Exchange as aforeſaid, who ſhall from thenceforth ſtand and be ſeiſed and poſſeſſed thereof reſpectively, ſubject and liable to ſuch and the ſame Wills, Settlements, Limitations and Remainders, Conditions, Charges and Incumbrances, as the ſaid ſeveral Lands, Tenements and Hereditaments, in reſpect whereof ſuch Allotment, Aſſignments and Exchange, ſhall have been made, ſhould and would have ſtood ſeverally limited, ſettled, veſted, or ſubject or liable to, or been held in caſe the ſame had not been allotted, aſſigned or exchanged, or this Act had not been paſſed.

How Lands are to be ſtocked; and that no Turf, &c. ſhall be cut till Allotments made.

XLI. And be it further enacted, That as ſoon after the paſſing of this Act as conveniently may be, the ſaid Commiſſioners ſhall by one or more Writing or Writings under their Hands, to be affixed on the Door of the ſaid Pariſh Church, order and direct by whom and in what Manner the ſaid Lands and Grounds hereby directed to be divided and incloſed ſhall be ſtocked, and by whom and what Courſe of Huſbandry ſhall be uſed on ſuch of the ſaid Lands and Grounds hereby directed to be divided and incloſed as are in Courſe of Huſbandry, and alſo by the laying down, ploughing, ſowing with Graſs Seeds, fallowing, and tilling thereof, and alſo ſettle, adjudge, and determine what Portion of Manure ſhall belong to the Landlords and Tenants reſpectively, in ſuch Caſes where the Tenant is entitled by Agreement to the Manure ariſing from the Lands in his Occupation; and no Perſon or Perſons whomſoever ſhall cut, dig, grave, pare, ſubvert, take or carry away, any Turfs, Flacks, Peat, Sod, Furze, Gorſe, Thorns or Buſhes, on any Part of the Soil or Surface in, upon, and from the ſaid Lands and Grounds ſo long as the ſame ſhall lay open and unincloſed; nor make or burn any Mound or Mounds of Earth or Soil, mix any Earth or Soil with Lime, or other Thing upon the ſaid Lands and Grounds, or any Part thereof; nor ſhall plough up or till any of the Lands and Grounds which have not been uſed in Tillage, until the ſaid Commiſſioners ſhall have divided and ſet out the ſame, without the Leave or Licence of the ſaid Commiſſioners, in Writing under their Hands, firſt had and obtained; and in caſe any of the Proprietors, Owners or Occupiers of the ſaid Lands and Grounds hereby directed to be divided and incloſed, ſhall act contrary to the ſaid Notice, or in any of the Matters or Things as aforeſaid, then the Commiſſioners ſhall and may ſet and impoſe ſuch pecuniary Penalties and Forfeitures, not exceeding Five Pounds, on every Perſon or Perſons ſo offending as they ſhall think proper; and ſuch Penalties and Forfeitures ſhall be recovered and recoverable in Manner directed by the ſaid recited Act, and paid to ſuch Perſon and Perſons, and in ſuch Sums and Proportions, as they the ſaid Commiſſioners ſhall think entitled thereto, or otherwiſe

wise it shall be lawful for the said Commissioners to apply the same towards paying and defraying the Costs, Charges, and Expences of obtaining and passing this Act.

No Sheep or Cattle, &c. to be kept within Twelve Years after the Execution of the Award, unless the adjoining Quickfets are guarded.

XLII. And be it further enacted, That no Sheep, Lambs, Horses, Asses, horned Cattle, Pigs or Geese, shall be depastured in any of the said new Inclosures during the Space of Twelve Years, to be computed from the Day of the Execution of the Award of the said Commissioners, unless the Persons respectively so depasturing or keeping such Sheep or Lambs, Horses, Asses, horned Cattle, Pigs, or Geese therein, do at their own Charge respectively, well and effectually guard and fence the Quickfets or new Fences on the Persons Allotment adjoining to such Inclosures respectively, in which Sheep or Lambs, Horses, Asses, horned Cattle, Pigs or Geese, shall be depastured or kept as aforesaid, so as to prevent any Damage or Injury being done to such Quickfets or new Fences by any such Sheep or Lambs, Horses, Asses, horned Cattle, Pigs, and Geese.

Commissioners to ascertain Expences on each Tithing.

XLIII. Provided always, and be it further enacted, That the said Commissioners shall and they are hereby required to settle and ascertain, as near as can be, the Expence, Costs, and Charges of obtaining, passing, and carrying into Execution this Act, on the said Tithing of *East Dowinton* and Manor of *Hamptworth* respectively.

Commissioners and Umpires Allowance.

XLIV. And be it further enacted, That the said Commissioners and Umpire who shall act in the Execution of this Act shall be paid and allowed the Sum of Three Pounds Three Shillings each, and no more, for every Day on which they shall attend in the Execution of this Act, or be engaged in going to or returning from any Meeting under the same; which Sum of Three Pounds Three Shillings *per Diem* shall include and be in Satisfaction of and for all Charges and Expences incurred by them in going to, attending at, and returning from such Meeting or Meetings respectively.

Proprietors and Agents to pay their own Expences.

XLV. And be it further enacted, That the said Proprietors, their Attornies and Agents, shall pay their own Expences when any of them shall attend the said Commissioners at any of the Meetings to be held in pursuance of the said recited Act or this Act.

Persons paying Money on account of this Act to be reimbursed with Interest.

XLVI. And be it further enacted, That if any of the Proprietors or Persons interested in the Lands or Grounds hereby intended to be divided, allotted, and inclosed, or any other Person or Persons, shall advance and pay any Money in the Discharge of the Fees and other Expences of obtaining and executing the said Act, the Money so paid and advanced shall be repaid and satisfied by the Direction of the said Commissioners, together with lawful Interest for the same.

Commissioners to lay their Accounts before a Justice once in every Year.

XLVII. And be it further enacted, That Once at least in every Year during the Execution of this Act, (such Year to be computed from the Day of passing this Act,) the said Commissioners shall and they are hereby required to make a true and just Statement or Account of all Monies by them received and expended, and due to them for their own

Trouble and Expence in the Execution of this Act; and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by them laid before One of His Majesty's Justices of the Peace for the said County of *Wilts*, not interested in the said Inclosure, to be by him examined and balanced, and such Balance shall be by such Justice stated in the Book of Accounts to be kept in the Office of the Clerk of the said Commissioners; and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed by such Justice.

Award to be deposited.

XLVIII. 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, and with a Map annexed, shall be deposited in the Parish Church of *Downton* aforesaid; and that the said Commissioners shall and may at any Time or Times previous to such Enrolment, (but not afterwards,) upon the Request and at the Costs and Charges of any Person or Persons interested in the said Inclosure, cause a true Copy or Copies of the Whole, or of so much of the said intended Award as relates to the Allotment or Allotments, or Interest of the Party or Parties requesting the same, to be made out and taken from the said Award, and to be fairly written upon Parchment or Paper, and such Copy or Copies, being certified under the Hands of the said Commissioners, shall be admitted in all Courts whatsoever as legal Evidence concerning the Matters and Things therein contained.

Allowing an Appeal to the Quarter Sessions.

XLIX. 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 the said recited Act or this Act, then and in every such Case (except in such Cases where the Orders and Determinations of the said Commissioners are by the said recited Act or this Act directed to be binding, final and conclusive, and except in such Cases where an Issue at Law shall be tried as herein-before mentioned) it shall and may be lawful to and for such Person or Persons, at any Time within Four Calendar Months next after the Execution of the said Award, to appear before any Justice of the Peace acting in and for the said County of *Wilts*, and enter into Recognizance with Two sufficient Securities in the Penalty of Forty Pounds (which Recognizance the said Justice is hereby empowered and required to take, subscribe, and transmit to the Clerk of the Peace of the said County, within Five Days after the taking thereof, who is hereby required to inroll the said Recognizance among the Records of the said County, and officially to take Notice thereof, and issue Process at the Request of any of the Parties) to compel any Person or Persons to attend the Hearing of the said Appeal and give Evidence, that he, she, or they will, before the said then next General Sessions, give or cause to be given Fourteen Days Notice in Writing to the Commissioners named in or acting under and by virtue of this Act, of his, her, or their Intention to enter and try an Appeal at the then next General Quarter Sessions of the Peace for the said County of *Wilts*, against such Award as shall be made as aforesaid, specifying in such Notice that Part of the said Award, Order or Determination, with or by which he, she, or they find himself, herself, or themselves aggrieved; and also that the said Party or Parties appealing will pay such Costs as the said Justices shall

think proper and reaſonable, and order and direct to be paid to the ſaid Commiſſioners, or other Perſons attending the ſaid Quarter Seſſions at the Inſtance of the ſaid Appellant or Appellants, and will not depart the Court without Leave; then the ſaid Juſtices in the ſaid General Court of Quarter Seſſions ſhall and they are hereby required to hear the Matter of every ſuch Appeal, and award ſuch Coſts, and make ſuch Order and Determination, as to them in their Diſcretion ſhall ſeem reaſonable, and by their Order or 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 of ſuch Goods and Chattels, after deducting the reaſonable Charges of ſuch Diſtreſs and Sale, which Determination or Order of the ſaid Juſtices ſhall be final, binding, and concluſive to all Perſons therein concerned.

Not to prejudice the Lords Rights.

L. Provided always, and be it further enacted, That nothing in this Act contained ſhall be conſtrued or adjudged to defeat, leſſen, or prejudice the Right, Title, or Intereſt of the ſaid Lord of the ſaid Manor of *Downton*, or his Leſſee or Fermor for the Time being, or the Lord of the ſaid Manor of *Hamptworth*, or either of them, of, in, or to the Seigniories, Royalties, Franchiſes, and Liberties incident and belonging to the ſaid Manors reſpectively; but the ſaid Lords ſhall at all Times for ever hereafter have, hold, take and enjoy all Rents, Fines, Suits and Services to or at the Lord's Courts, Perquiſites and Profits of Courts, Suits and Services to the Lord's Mill, Piſcaries, Fiſhings, Hunting, Hawking and Fowling, and all Beaſts and Birds conſidered as Game, Goods and Chattels of Felons and Fugitives, Felons of themſelves, and put in Exigent, Deodands, Waifs, Eſtrays, Forfeitures, Eſcheats, and all other Royalties, Liberties, Privileges, Franchiſes, Pre-eminences, Juriſdictions, and Appurtenances whatſoever, (except ſuch as are expreſsly taken away by this Act,) in the ſame and as full, ample, and beneficial Manner, to all Intents and Purpoſes, as they are now held, taken, and enjoyed, or have been anciently or heretofore uſed, exerciſed, and enjoyed, by the preſent or any former Lord or Lords of the ſaid Manors, or as they, or any of them, might or could have held and uſed, exerciſed, received, taken or enjoyed the ſame, in caſe this Act or the ſaid recited Act had not been paſſed.

General Saving.

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

LII. And

Act to be printed by the King's Printers.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1813.