ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 112.

An Act for allotting Lands in the Pariſh of *Telleſcomb* otherwiſe *Telſcombe*, in the County of *Suſſex*.

[18th *May* 1810.]

WHEREAS there are within the Pariſh of *Telleſcomb* otherwiſe *Telſcombe* in the County of *Suſſex*, divers Open or Common Fields, containing in the whole Four hundred and fifty-four Acres Three Roods and Two Perches, the Lands wherein belonging to different Proprietors lie diſperſed in very ſmall Parcels and greatly intermixed with each other; and there are alſo within the ſaid Pariſh certain Open and Common Paſtures, or Sheep Downs and Common Drove Ways, containing in the Whole Two hundred and thirty-ſix Acres Two Roods and Thirty-five Perches, whereupon or wherein divers Rights of Common of Paſture, Common of Eſtovers, and other Rights, Privileges, Eaſements and Commodities are appurtenant to the ſaid Open and Common Field Lands, or to ſome Parts or Portions thereof: And whereas *Henry Shelley* Eſquire is Lord of the Manor of *Telleſcomb* otherwiſe *Telſcombe* aforeſaid, and is entitled to the Freehold and Inheritance of the ſeveral Copyhold Tenements holden of the ſame Manor as Part and Parcel of the ſame: And whereas *Richard Hobden*, of *Telleſcomb*, otherwiſe *Telſcombe* aforeſaid, Yeoman, *Richard Hurly*, of *Iford* in the ſaid County, Gentleman, and *Mary* his Wife, or One of them, *Elizabeth Shergold*, of *Brighthelmſtone* in the ſaid County, Widow, *Thomas Rogers*, of *Kingſton* near *Lewes* in the ſaid County, Gentleman, and others, Copyholders of the ſaid Manor, are ſeiſed of and entitled to certain Portions of the ſaid Open or Common Field Lands, which they reſpectively hold by Copy of Court Roll as Copyholders of Inheritance of the ſaid Manor: And whereas the Reverend *James Hutchins* as Rector of the Rectory and Pariſh Church of *Telleſcomb* otherwiſe *Telſcombe*, and in Right of his ſaid Church, is ſeiſed

of and entitled to a certain other Portion of the ſaid Open or Common Field Lands as Part and Parcel of the Glebe belonging to the ſaid Rectory, and the Reſidue thereof which were formerly Demeſne Lands belonging to the ſaid Manor of *Telleſcomb* otherwiſe *Telſcombe*, are the Property of the Truſtees of the Eſtate of *Henry Smith* Eſquire, deceaſed, who are ſeiſed of and entitled to the ſame in Fee Simple upon certain charitable Truſts to which the ſame ate appropriated: And whereas an Act was paſſed in the Forty-firſt Year of the Reign of His preſent Majeſty, intituled, *An Act for conſolidating in One Act certain Proviſions uſually inſerted in Acts of Incloſure, and for facilitating the Mode of proving the ſeveral Facts uſually required on the paſſing of ſuch Acts*: And whereas the Lands in the ſaid Open and Common Fields lie very much intermixed and diſperſed in ſmall Parcels ſo as to render the Cultivation thereof very inconvenient, and the ſame in their preſent State are incapable of any conſiderable Improvement, but if the ſame were divided, allotted and ſet out anew unto and amongſt the ſeveral Proprietors and Perſons intereſted therein, according to their ſeveral and reſpective Rights and Intereſts, they might be much improved and rendered of greater Value; but ſuch Diviſion, Allotment and ſetting out cannot be effected without the Aid and Authority of Parliament; May it therefore pleaſe Your Majeſty, That it may be enacted, and be it enacted by the King's Moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That *John Ellman*, of *Glynd* in the County of *Suſſex*, Gentleman, and *Richard Knight*, of *Offham* in the County of *Suſſex*, Gentleman, and their Succeſſors, to be nominated and elected in Manner hereinafter mentioned, ſhall be and they are hereby appointed Commiſſioners for the ſetting out, dividing and allotting anew the ſaid Open or Common Fields or Common Field Lands within the ſaid Pariſh of *Telleſcomb*, otherwiſe *Telſcombe*, and for the Purpoſe of this Act and carrying the ſame into Execution, in the Manner and ſubject to the Rules, Orders and Directions contained in the ſaid recited Act, except in ſuch Caſes where the ſame are hereby altered or varied.

Advantages of Diviſion and Allotment.

Commiſſioners appointed.

II. Provided always, and be it further enacted, That whenever the ſaid Commiſſioners ſhall differ or diſagree in Opinion touching or concerning any Matter or Thing to be by them done and performed in purſuance and by virtue of this or the ſaid recited Act, then, and in every ſuch Caſe, it ſhall be lawful for the ſaid Commiſſioners or either of them, with all convenient Speed after ſuch Diſagreement or Difference in Opinion ſhall happen, to refer the Matter thereof to *Thomas Tourle* of *Landport*, near *Lewes* in the County of *Suſſex*, Eſquire, and his Succeſſors, to be elected in Manner hereinafter mentioned, who ſhall be and is hereby appointed Umpire for ſettling and determining ſuch Difference or Diſagreement between the ſaid Commiſſioners; and the Determination of ſuch Umpire in the Premiſes ſhall be binding and concluſive unto and upon all Parties ſo far as the Determination of the ſaid Commiſſioners is binding and concluſive; and that all Acts, Matters and Things authorized or neceſſary to be done and executed by the ſaid Commiſſioners for effecting the Purpoſes aforeſaid, may, in caſe of any Difference or Diſagreement between them, be done and executed by any One of them jointly with the ſaid Umpire hereinbefore named, and the ſame ſhall be as valid and effectual

Umpire appointed.

to

to all Intents and Purpoſes as if the ſame Acts, Matters and Thing, had been done and executed by both the ſaid Commiſſioners firſt herein nominated and appointed.

Appointment of new Commiſſioners.

III. And be it further enacted, That in caſe the ſaid *John Ellman* ſhall die, neglect or refuſe to act, or become incapable of acting as a Commiſſioner by virtue of this Act, the ſaid *Henry Shelley*, or the Lord of the ſaid Manor for the Time being, ſhall and may, within the Space of Sixty Days from the Time of ſuch Death, Neglect, Refuſal or Incapacity, nominate and appoint another Commiſſioner in the Room of the ſaid *John Ellman*; and in caſe the ſaid *Richard Knight* ſhall die, neglect or refuſe to act, or become incapable of acting as a Commiſſioner, the ſaid *James Hutchins* or the Rector for the Time being, and others the Proprietors as well Copyholders as Freeholders or Perſons intereſted in the ſaid Open or Common Field Lands intended to be divided and allotted, for or in reſpect of their ſeveral Eſtates ſituate within the ſaid Pariſh of *Telleſcomb* otherwiſe *Telſcombe*, excluſive of the Lord of the ſaid Manor, or the major Part in annual Value of them, or ſo many of them as ſhall be preſent by themſelves or their Agents at a Meeting to be held at *Telleſcomb* otherwiſe *Telſcombe* aforeſaid, or within Eight Miles thereof, to be convened by Notice to be given by the ſurviving or acting Commiſſioner in the Manner hereinafter mentioned, ſhall and may, within Twenty-one Days next after ſuch Death, Neglect, Refuſal or Incapacity as laſt aforeſaid, nominate and appoint a proper Perſon, not intereſted in the ſaid Lands hereby intended to be divided and allotted, to be a Commiſſioner in the Room of the ſaid *Richard Knight*; and in caſe of the Death, Neglect, Refuſal or Incapacity as aforeſaid of any Perſon or Perſons ſo nominated and appointed in the Room of any Commiſſioner or Commiſſioners who ſhall die, neglect or refuſe to act, or become incapable of acting as aforeſaid, the ſaid *Henry Shelley* or the Lord of the ſaid Manor for the Time being, and the ſaid *James Hutchins* or the Rector for the Time being, and others the Proprietors or Perſons aforeſaid, ſhall in like Manner appoint another Commiſſioner or other Commiſſioners in his or their Room, according to the Regulations hereinbefore mentioned, as often as any ſuch Vacancy ſhall happen by Death, Neglect, Refuſal or Incapacity to act as aforeſaid; but if the ſaid *Henry Shelley* or the Lord of the ſaid Manor for the Time being, or the ſaid *James Hutchins* or the Rector for the Time being, and others the ſaid Proprietors or Perſons aforeſaid, ſhall refuſe or neglect to make ſuch Appointment or Appointments as aforeſaid within the reſpective Times aforeſaid, then and ſo often as the caſe ſhall happen, the ſurviving or remaining Commiſſioner ſhall, within Twenty-one Days after the Expiration of the reſpective Times hereinbefore allowed for appointing a Commiſſioner or Commiſſioners in caſe of any Vacancy, or as ſoon after as Occaſion may require, by Writing under his Hand and Seal, appoint another Commiſſioner, not intereſted in the ſaid Diviſion and Allotment, in the Room of ſuch Commiſſioner ſo dying, neglecting, refuſing or becoming incapable to act as aforeſaid; and in caſe the ſaid *Thomas Tourle* ſhall die, refuſe or become incapable to act as Umpire, or ſhall, for the Space of One Calendar Month after Reference to him of any Matter in Diſpute, wilfully neglect to act in the Execution of his Office, then, and in every ſuch Caſe, the ſaid *John Ellman* and *Richard Knight*, or the Commiſſioners for the Time being, ſhall, and they are hereby required, from Time to Time, by Writing under their Hands, within

within Two Calendar Months next after such Death, Refusal or Incapacity, to elect or appoint a new Umpire, not interested in the said Division or Allotment, in the Room of the said *Thomas Tourle*, and so from Time to Time, in case of the Death, Refusal to act, or Incapacity or Neglect of the Umpire appointed in the Room of the said *Thomas Tourle*, and every such new Commissioner and Umpire so to be nominated and appointed as aforesaid, shall, from and immediately after his Appointment, have such and the like Powers and Authorities for putting this and the said recited Act in Execution, and be under and subject to the like Rules and Regula ons as if they had been nominated and appointed a Commissioner and Umpire in this Act.

Umpire to take an Oath.

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

Oath.

'I do swear, That I will faithfully, impartially and honestly, according to 'the best of my Skill and Judgment, execute and perform the several 'Powers and Authorities vested and reposed in me as an Umpire, by 'virtue of an Act passed in the Fiftieth Year of the Reign of His Ma-'jesty King *George* the Third, intituled, An Act, &c. [*here insert the 'Title of this Act*] according to Equity and good Conscience, and with-'out Favour or Affection, Prejudice or Partiality, to any Person or Per-'sons whomsoever. 'So help me God.'

Which Oath it shall be lawful for the said Commissioners, or either of them, to administer; and the said Oath so taken and subscribed by such Umpire 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.

Notice to be given of the Commissioners' Meetings.

V. And be it further enacted, That the said Commissioners shall, and they are hereby required to cause a public Notice to be given in the Newspaper called *The Sussex Weekly Advertiser or Lewes Journal*, or in some other Newspaper circulated in the said County of *Sussex*, and also in Writing to be affixed to the principal outer Door of the Parish Church of *Telleſcomb* otherwise *Telscombe* aforesaid, of the Time and Place of the First Meeting of the said Commissioners for executing the Powers vested in them by this and the said recited Act, at least Ten Days before such Meeting, and also shall cause Ten Days' Notice at least to be given in Writing to be affixed on the principal outer Door of the aforesaid Church of every subsequent Meeting for the like Purposes (Meetings by Adjournment only excepted); and all the Meetings of the said Commissioners shall be held at some convenient Place within the said Parish of *Telleſcomb* otherwise *Telscombe*, or within Eight Miles of the Parish Church of the said Parish: Provided always, that if at any Meeting to be held as aforesaid it shall happen that only One of the said Commissioners shall attend, such Commissioner may adjourn such Meeting to such Time within the Space of Twenty-one Days from the Day of Adjournment, and to such Place within the said Parish of *Telleſcomb* otherwise *Telscombe*, or within Eight Miles thereof, as he shall think most convenient, and shall give Notice thereof to the absent Commissioner; and in case neither of the said Commissioners

One Commissioner may adjourn the Meeting.

In case neither of the

missioners shall be present at such Meeting, it shall be lawful for their Clerk to adjourn such Meeting, and appoint the same to be held at the same or any other Place within the said Parish, or within Eight Miles of the Parish Church of the said Parish, on any future Day, not exceeding Twenty one Days from the Day of Adjournment, and shall give timely Notice thereof to the Commissioners.

Commissioners shall attend, the Clerk may adjourn.

VI. And be it further enacted, That all other Notices necessary or requisite to be made and given by the said Commissioners shall be made and given by Advertisement in the said Newspaper, or in some other Newspaper circulated in the said County of *Sussex*, and also by affixing the same on the principal outer Door of the said Parish Church of *Telescomb* otherwise *Telscombe* aforesaid.

Other Notices how to be given.

VII. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said Division and Allotment, touching or concerning the respective Rights and Interests which they or any of them shall have or claim to have in the same, or touching or concerning any other Matter or Thing relating to the said Division or Allotment, it shall be lawful for the said Commissioners to hear and determine such Disputes and Differences: Provided always, that nothing in this Act contained shall authorize the said Commissioners to determine the Title to any Messuages, Cottages, Lands, Tenements or Hereditaments whatsoever.

Commissioners to determine Differences.

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

Commissioners may assess Costs.

IX. Provided always, and be it further enacted, That if any Person or Persons, Body or Bodies Politick or Corporate, interested or claiming to be interested in the said intended Division and Allotment, shall be dissatisfied with any Determination of the said Commissioners touching or concerning any Claim or Claims or other Rights or Interests in, over or upon the Lands hereby directed to be divided and allotted, or any Part thereof, it shall be lawful for the Person or Persons, Body or Bodies Politick or Corporate so dissatisfied, to proceed to a Trial at Law of the Matter so determined by the said Commissioners, at the then next or the following Assizes to be holden for the County of *Sussex*; and for that Purpose the Person or Persons, Body or Bodies Politick or Corporate who shall be dissatisfied with

Parties dissatisfied with Determination of Commissioners to try their Right by an Issue at Law.

the Determination of the ſaid Commiſſioners, ſhall, upon giving Notice to the ſaid Commiſſioners of his, her or their Intention to bring ſuch Action, within Two Calendar Months after ſuch Determination ſhall be made, cauſe an Action or Actions to be brought upon a feigned Iſſue againſt the Perſon or Perſons, Body or Bodies Politick or Corporate in whoſe Favour ſuch Determination ſhall have been made, within Three Calendar Months next after the Determination of the ſaid Commiſſioners ſhall be ſo made; and the Defendant or Defendants in ſuch Action or Actions is and are hereby required to name an Attorney or Attornies who ſhall appear thereto or file common Bail, and accept One or more Iſſue or Iſſues, whereby ſuch Claim or Claims and the Right or Rights thereby inſiſted on may be properly tried and determined (ſuch Iſſue or Iſſues to be ſettled by the proper Officers of the Court wherein ſuch Action or Actions ſhall be commenced if the Party or Parties ſhall differ about the ſame) or in default thereof the Plaintiff or Plaintiffs in ſuch Action or Actions ſhall and may enter an Appearance or Appearances or file common Bail for ſuch Defendant or Defendants, and proceed therein in the ſame Manner as if ſuch Appearance or Appearances or common Bail had been filed by ſuch Defendant or Defendants, and the Verdict or Verdicts which ſhall be given in the ſaid Action or Actions ſhall be final and concluſive upon all and every Perſon or Perſons, Body and Bodies Politick and Corporate whomſoever, unleſs the Court wherein ſuch Action or Actions ſhall be brought ſhall ſet aſide ſuch Verdict or Verdicts and order a new Trial or Trials to be had, which it ſhall be lawful for the Court to do as is uſual in other Caſes; and after any Verdict or Verdicts ſhall have been obtained, and final Judgment entered thereon according to the Courſe of ſuch Court, the ſaid Commiſſioners ſhall and they are hereby required to conform thereto, and to allow or diſallow the Claim or Claims thereby determined according to the Event of ſuch Trial: Provided always, that the Determination of the ſaid Commiſſioners touching ſuch Claim or Claims to any Right or Rights or Intereſts in, over or upon the Lands hereby directed to be divided and allotted or any Part thereof, which ſhall not be objected to, or being objected to, the Party or Parties objecting not cauſing ſuch Action or Actions at Law to be brought and proceeded in as aforeſaid ſhall be final and concluſive upon all Parties: Provided alſo, that no Difference or Suit touching the Matters aforeſaid, ſhall impede or delay the Commiſſioners in the Execution of the Powers veſted in them by this Act, but the Diviſion and Allotment hereby directed to be made ſhall be proceeded in notwithſtanding ſuch Differences or Suits: Provided alſo, that if any of the Parties in any Action to be brought in purſuance of this Act ſhall die pending the ſame, ſuch Action ſhall not abate by reaſon thereof but ſhall be proceeded in as if no ſuch Event had happened.

Suits not to impede the Diviſion.

Death of Parties not to abate Proceedings.

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

X. 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 hereinbefore limited for bringing ſuch Action or Actions, it ſhall be lawful for the Perſon or Perſons, Body or Bodies Politick or Corporate, who might have brought ſuch Action or Actions againſt the Perſon or Perſons ſo dying, to bring the ſame within the Time ſo limited as aforeſaid againſt ſuch Perſon or Perſons as if actually living, and to ſerve the Clerk to the ſaid Commiſſioners

missioners with Process for commencing such Action or Actions, in the same Manner as the Party or Parties might have been served therewith if living, and it shall thereupon be incumbent on the Heir or Heirs or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear to defend such Action or Actions in the Name or Names of such 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 such Parties shall be equally bound and concluded by the Event of such Action or Actions.

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

XI. 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 Encroachment made within the Period of Twenty Years); but in case the said Commissioners shall be of Opinion against the Right of the Person or Persons so in Possession, they shall forbear to make any Determination thereupon until the Possession shall have been delivered up by or recovered from such Person or Persons by Ejectment or other due course of Law.

Allotments amongst the several Proprietors.

XII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to set out, divide and allot all the said Open and Common Fields or Common Field Lands hereby directed to be divided and allotted, unto and amongst the several Owners and Proprie ors thereof and Persons interested therein, in such Quantities, Shares and Proportions and in such Places as by the said Commissioners shall be adjudged and determined to be a fair, just and reasonable Equivalent and Compensation for their several and respective Lands which they before held in the said Open or Common Fields, and for their respective Rights and Interests therein, and to be best adapted to the enabling them to cultivate their respective Allotments to the greatest Advantage.

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

XIII. Provided always, and be it further enacted, That all and every the Allotments to be made to the Owners and Proprietors of the Estates within the said Parish, in right or in respect of any Freehold Lands, Tenements or Hereditaments by virtue of this Act, shall from and after the Execution of the Award of the said Commissioners be deemed as Freehold Lands, and held under the same Rents and by the same Services and in the same Manner as the Freehold Lands, Tenements or Hereditaments in respect of which they shall be so allotted were before that Time held, and that all and every the Allotments to be made in Right of or in respect of any Copyhold Lands, Tenements or Hereditaments by virtue of this Act, shall from and after the Execution of the said Award be deemed and taken as and for Copyhold, and shall be held as such by Copy of Court Roll at the Will of the Lord of the said Manor, and according to the Custom of the said Manor, and under and subject to the same Tenures, Rents, Payments, Fines, Customs and Services as the Copyhold Lands, Tenements or Hereditaments respectively for or in lieu or in respect whereof such Allotments shall be made were before that time held, and as Part and Parcel thereof; and that all and every such Allotments, whether Freehold or Copyhold, shall entitle the Owners and Occupiers thereof to such and the same (but to no other) Rights of Common of Estovers and other Rights, Privileges, Easements and Commodities whatsoever to which they were before

before entitled, in the Right of or as annexed to their respective Estates of and in the Lands, Tenements or Hereditaments for or in lieu or in respect of which such Allotments shall be made, according to the Nature or Tenure of such Estates respectively (except that the said Commissioners shall have Power to lessen or alter the extra Right of Sheep Pasture, for Pigeon House, Ewes and for extra Foldage, at present enjoyed by the said Trustees of the Estates of the said *Henry Smith*, if they shall find it convenient so to do for the Purpose of equality of division of the said Open and Common Field Lands); and the Quantities in Acres, Roods and Perches of such Copyhold Allotments respectively, with their respective Boundaries and Abuttals, shall be described and distinguished from each other, and also from the Freehold Allotments, by the said Commissioners in their Survey, Map or Award.

Allotments in respect of Copyhold to be made to Persons admitted or having a Right of Admission.

XIV. Provided always, and be it further enacted, That the said Commissioners shall set out, allot and award all and every the Allotments to be made by virtue of this Act, in Right or in respect of the Copyhold Estates within the said Manor, unto the Persons who are respectively admitted or ought to be admitted Tenants to the said Copyhold Estates, in right or in respect whereof the said Allotments shall be respectively made at the Courts of the Lord of the said Manor according to the Custom thereof.

This Act not to revoke Wills, &c.

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

Persons selling Rights before the Execution of the Award, Commissioners to allot to the Purchasers.

XVI. Provided always, and be it further enacted, That if any Person or Persons hath or have sold or contracted or agreed to sell, or shall at any Time before the said Commissioners shall have executed their Award, sell or contract or agree to sell his, her or their Right, Interest, or Property in, over or upon the said Open or Common Field Lands or any Part thereof (except the Copyholders in respect of their Copyhold Estates) to any other Person or Persons, then and in every such Case it shall be lawful for the said Commissioners, and they are hereby required, upon the Request in Writing under the Hand or Hands of the Vendor or Vendors respectively, to make an Allotment or Allotments of Land unto the Vendee

or

or Vendees, Purchaſer or Purchaſers in ſuch Sales, Contracts or Agreements reſpectively, and to his, her, or their reſpective Heirs, Executors Adminiſtrators and Aſſigns for and in reſpect of ſuch Right or Rights, Intereſt or Intereſts and Property ſo ſold or contracted and agreed to be ſold as aforeſaid; and every ſuch Vendee and Purchaſer, and his and her Heirs or Executors, Adminiſtrators or Aſſigns ſhall and may, from and after the Execution of the ſaid Award, hold and enjoy the Lands ſo to be allotted to him, her or them reſpectively as aforeſaid, in the ſame Manner to all Intents and Purpoſes as the Vendor or Vendors in every ſuch Sale, Contract or Agreement might, could or of Right ought to have held and enjoyed the ſame, in caſe ſuch Sale, Contract or Agreement had not been made, or ſuch Right, Intereſt or Property had been veſted in ſuch Vendor or Vendors reſpectively at the Time of making the ſaid Award as aforeſaid, but ſubject nevertheleſs to all Incumbrances affecting the ſame, and to the Charges and Expences of the ſaid Diviſion and Allotment.

Recompence for Lands planted or fallowed.

XVII. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby empowered by Writing or Writings under their Hands, to aſcertain and order what Recompence in Money ſhall be paid, and by whom, to any Occupier or Occupiers of any of the Lands by this Act intended to be divided and allotted, which ſhall be left planted or ſown with Clover or other Graſs Seeds, or which ſhall during the Summer preceding the making of ſuch Award have lain Fallow or have been folded or dunged for the Profit and Advantage which any Perſon or Perſons to whom the ſaid Lands ſo planted, ſown, fallowed, folded or dunged ſhall be allotted will obtain thereby; and if ſuch Recompence ſhall not be paid at the Time appointed by ſuch Commiſſioners, then the ſaid Commiſſioners ſhall and may, by Warrant or Warrants under their Hands and Seals, cauſe the ſame to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons required to make ſuch Recompence as aforeſaid, together with the Coſts and Charges of every ſuch Diſtreſs and Sale, rendering the Overplus (if any) upon Demand to the Owners of ſuch Goods and Chattels.

Commiſſioners to direct the Courſe of Huſbandry until Diviſion and Allotment made.

XVIII. And be it further enacted, That in the meantime and until the ſaid Diviſion and Allotment ſhall be made and perfected, all the ſaid Open or Common Field Lands intended to be divided and allotted ſhall be ſown by the reſpective Owner or Owners, Occupier or Occupiers thereof with ſuch ſort of Corn, Grain or Graſs Seeds, and ſhall be kept, ordered, tilled and continued in ſuch Courſe of Huſbandry, and be ſtocked with ſuch Cattle only as the ſaid Commiſſioners by any Writing or Writings under their Hands in that behalf ſhall award, order, direct or appoint, any Uſage or Cuſtom of ſtocking or ſowing to the contrary notwithſtanding; the Expences of ſuch tillage and ſowing with Corn, Grain or Graſs Seeds, and all ſuch other Expences as ſhall be occaſioned by any Order of the ſaid Commiſſioners, ſhall be duly aſcertained and apportioned by them upon the ſeveral Perſons who ſhall in the judgment of the ſaid Commiſſioners be benefited thereby, in ſuch Manner as the ſaid Commiſſioners ſhall think reaſonable, and ſhall in default of Payment be recovered in like Manner as the Coſts and Charges of paſſing this Act and of carrying the ſame into Execution are to be recovered.

For making Exchanges.

XIX. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners to ſet out, allot and award any Lands, Tenements or Hereditaments whatſoever within the ſaid Pariſh of *Telleſcomb* otherwiſe *Telſcombe*, in lieu of and in exchange for any other Lands, Tenements, and Hereditaments whatſoever within the ſaid Pariſh or within any adjoining Pariſh, Townſhip, Hamlet or Place; provided that all ſuch Exchanges be aſcertained, ſpecified and declared in the Award of the ſaid Commiſſioners, and be made with the Conſent of the Owner or Owners of the Lands, Tenements or Hereditaments which ſhall be ſo exchanged, whether ſuch Owner or Owners ſhall be a Body or Bodies Politick, 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, Femes Covert, Lunatics or under any other legal Diſability, or who ſhall be beyond the Seas or otherwiſe diſabled to act for themſelves, himſelf or herſelf, ſuch Conſent to be teſtified in Writing under the common Seal of the Body Politick, Corporate or Collegiate, and under the Hands of the other conſenting Parties reſpectively; and all and every ſuch Exchange and Exchanges ſo to be made ſhall be good, valid and effectual in Law to all Intents and Purpoſes whatſoever: Provided always nevertheleſs, that no ſuch Exchange ſhall be made of any Lands, Tenements or Hereditaments held in Right of any Church, Chapel or other Eccleſiaſtical Benefice, without the Conſent teſtified as aforeſaid of the Patron thereof, and of the Lord Biſhop of the Dioceſe in which ſuch Lands, Tenements or Hereditaments ſo to be exchanged ſhall lie and be ſituate.

Expences of Exchanges and Partitions by whom to be paid.

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

Award to be depoſited.

XXI. And be it further enacted, That the Award to be made by the ſaid Commiſſioners ſhall be inrolled in Manner directed by the ſaid recited Act, and that a Copy thereof ſhall be depoſited in the Pariſh Church of *Telleſcomb* otherwiſe *Telſcombe* aforeſaid.

Commiſſioners Allowance, and for paying Expences of paſſing and executing this Act.

XXII. And be it further enacted, That each of the ſaid Commiſſioners who ſhall act in the Execution of the Powers and Authorities veſted in them by this Act, and alſo their Clerk, ſhall be paid the Sum of Three Pounds and Three Shillings for every Day he ſhall ſo act or travel for the Purpoſe of acting or be returning home from acting, in full Satisfaction for the Trouble and Expence which he ſhall be put unto in the Execution of the ſaid Powers and Authorities; and that the ſame, together with all Coſts, Charges and Expences of applying for, obtaining and paſſing this Act, and the Coſts and Charges of ſurveying, meaſuring, planning, ſetting out, dividing, valuing and allotting the Lands ſo intended to be ſet out,

out, divided and allotted, and of preparing, executing and inrolling the Award of the ſaid Commiſſioners, and other neceſſary Charges and Expences of the ſaid Commiſſioners, and all other neceſſary Expences about and concerning the Premiſes, either before or after the Execution of the ſaid Award, ſhall from Time to Time be borne, paid and defrayed by, and at the Expence of the ſaid Proprietors, in proportion to the annual Value of the Lands to be allotted to them reſpectively under this Act; and in caſe any Perſon hereinbefore made ſubject to the Payment of any Money towards ſuch Coſts, Charges and Expences as aforeſaid, ſhall refuſe or neglect to pay his or her Share or Proportion thereof within the Time to be appointed as aforeſaid, or at any Time after upon Demand, the ſame ſhall and may be levied and recovered in the Manner directed by the ſaid recited Act.

Proprietors or others advancing Money towards defraying the Expences of obtaining this Act, to be paid firſt with Intereſt.

XXIII. Provided always, and be it further enacted, That all the Money which ſhall be advanced by any Perſon or Perſons for the Purpoſe of defraying the Expences of applying for and obtaining this Act, or for carrying the ſame into Execution, ſhall be repaid with lawful Intereſt to ſuch Perſon or Perſons, Body or Bodies Politick or Corporate advancing or paying the ſame, out of the firſt Monies to be raiſed for defraying the Expences of obtaining and executing this Act.

Power to borrow Money.

XXIV. And be it further enacted, That it ſhall be lawful for the Huſbands, Guardians, Truſtees, Committees or Attornies of any of the Owners or Proprietors of any Lands to be allotted and ſet out by virtue of this Act, being under Coverture, Minors, Lunaticks, beyond the Seas or under any other Diſability, and for any of the ſaid Owners and Proprietors being Tenants in Tail or for Life or Lives, or Years determinable on a Life or Lives, or on any other Contingency, or otherwiſe intereſted in the ſaid Lands, to charge ſuch Allotments and Premiſes with ſuch Sum or Sums of Money as the ſaid Commiſſioners ſhall by their Award or by Writing under their Hands, either before or after the Execution of ſuch Award, adjudge neceſſary to pay and defray the ſaid reſpective Shares of the Charges and Expences incident to and attending the obtaining this Act and carrying the ſame into Execution, and of charging the ſaid Lands as aforeſaid, ſo that the ſame ſhall not exceed Five Pounds for every Acre of ſuch Allotments; and to grant, mortgage, ſurrender, leaſe or demiſe, or otherwiſe ſubject the Lands, Tenements and Hereditaments ſo to be charged, unto ſuch Perſon or Perſons who ſhall advance and lend the ſame reſpectively, his, her or their Executors, Adminiſtrators and Aſſigns, for any Term or Number of Years; or in caſe any Perſon in Poſſeſſion who ſhall or may be liable to and charged with a Share of the Expences as aforeſaid, or be enabled by this Act to charge ſuch Lands, Tenements or Hereditaments with the ſame, ſhall chooſe to advance, pay, and diſcharge ſuch Sum or Sums of Money, then it ſhall be lawful for the ſaid Commiſſioners by any Deed or Writing under their Hands and Seals, to be atteſted by Two or more credible Witneſſes, in like Manner to grant, mortgage, ſurrender, leaſe, demiſe or otherwiſe ſubject the ſaid Lands, Tenements and Hereditaments to ſuch Perſon or Perſons reſpectively paying and diſcharging the ſame, his, her or their Executors, Adminiſtrators and Aſſigns, for any Term or Number of Years, to and for the Payment of ſuch Sum and Sums of Money ſo advanced, paid and diſcharged by him, her or them, with Intereſt for the ſame,

ſame to commence on the Termination of his, her or their Right in the Premiſes; ſo that every ſuch Grant, Mortgage, Surrender, Leaſe or Demiſe be made with a Proviſo or Condition to be void, or with an expreſs Truſt to be ſurrendered or re-aſſigned when ſuch Sum or Sums of Money thereby to be ſecured ſhall be fully paid and ſatisfied, and alſo with a Covenant to pay and keep down the Intereſt, ſo that no Perſon or Perſons afterwards becoming poſſeſſed of or entitled to any ſuch Lands, Tenements or Hereditaments, ſhall be liable to pay any further or larger Arrear of Intereſt than for Six Calendar Months preceding the Time when the Title to ſuch Poſſeſſion ſhall have commenced; and that every ſuch Charge, Grant, Mortgage, Surrender, Leaſe or Demiſe ſhall be good, valid and effectual in the Law, and ſhall have Priority to all other Incumbrances.

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

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

Commiſſioners to account.

XXVI. And be it further enacted, That *Thomas Partington*, of *Offham* in the County of *Suſſex*, Eſquire, ſhall be and he is hereby appointed Auditor of the Commiſſioners' Accounts; and in caſe of his Death or Refuſal to act, then ſome fit and proper Perſon not intereſted in the Premiſes ſhall be appointed Auditor for that Purpoſe, by the Majority in Value of the ſaid Proprietors preſent at a Meeting to be holden for that Purpoſe, of which like Notice ſhall be given as is hereinbefore directed to be given of the Commiſſioners' Meetings, as often as Occaſion ſhall require; and the Account of the ſaid Commiſſioners, containing a true Statement of all Sums by them received and expended, or due to them for their own Trouble and Expences, ſhall, as often as Occaſion ſhall require, until ſuch Account ſhall be finally allowed, together with the Vouchers relating to the ſame, be examined by the ſaid Auditor, and the Balance by him ſtated in the Book of Accounts to be kept in the Office of the Clerk of the Commiſſioners; and that no Charge or Item in ſuch Accounts ſhall be binding to the Parties concerned, or be valid in Law, unleſs the ſame ſhall be duly allowed by the ſaid Auditor as aforeſaid.

Perſons aggrieved may appeal to the Quarter Seſſions.

XXVII. And be it further enacted, That if any Perſon or Perſons, Body or Bodies Politick or Corporate, ſhall think himſelf, herſelf or themſelves aggrieved by any Thing done in purſuance of this or the ſaid recited Act, then and in every ſuch Caſe, (except where the Orders and Determinations

Determinations of the ſaid Commiſſioners are directed to be final and concluſive, and except in ſuch Caſes where an Iſſue at Law ſhall be tried as herein-before directed), he, ſhe or they may appeal to any General Quarter Seſſions of the Peace which ſhall be holden for the ſaid County of *Suſſex*, within the Eaſtern Diviſion thereof, within Six Calendar Months next after ſuch Cauſe of Complaint ſhall have ariſen, on giving to the ſaid Commiſſioners, or to the Party or Parties concerned, Fourteen Days Notice in Writing of ſuch Appeal and of the Matter thereof, and the Juſtices not being intereſted in the Premiſes, at the ſaid General Quarter Seſſions, are hereby required to hear and determine or adjourn the Matter of every ſuch Appeal, and make ſuch Orders therein and to award ſuch Coſts and Damages as to them, in their Diſcretion, ſhall ſeem reaſonable, and by their Warrant to levy the Coſts and Damages which ſhall be ſo awarded, by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties liable to pay the ſame, rendering the Overplus (if any), upon Demand, to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of ſuch Warrant, Diſtreſs and Sale; which Determination of the ſaid Juſtices ſhall be final and concluſive to all Parties concerned, and ſhall not be removed by *Certiorari* or any Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*, or elſewhere; but in caſe ſuch Appeal ſhall appear to the ſaid Juſtices to be frivolous, vexatious or without Foundation, then the ſaid Juſtices ſhall award ſuch Coſts to be paid by the Appellant or Appellants, as to them, in their Diſcretion, ſhall ſeem reaſonable, to be levied in Manner aforeſaid.

Certain Sheep Downs not to be allotted or divided.

XXVIII. Provided always, and be it further enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, to the appropriating, allotting or dividing all or any Part of the Open and Common Paſtures or Sheep Downs or Common Droveways, herein-before mentioned to contain Two hundred and Thirty-ſix Acres Two Roods and Thirty-five Perches, or any Waſte Lands within the ſaid Manor, or to authorize or empower any of the Owners or Proprietors of the ſaid Open or Common Field Lands, or any other Perſon or Perſons whomſoever, to appropriate to themſelves or to break up, convert into or continue in Tillage all or any Part of ſuch Open and Common Paſtures or Sheep Downs or Common Droveways or of ſuch Waſte Lands; but that the Right or Title to the Soil of the ſame Open and Common Paſtures or Sheep Downs, Common Droveways and Waſte Lands, ſhall be and remain veſted in the Lord of the ſaid Manor of *Telleſcomb* otherwiſe *Telſcombe*, ſubject to ſuch Rights of Common of Paſture, Common of Eſtovers and other Rights, Privileges, Eaſements and Commodities as the ſame or any other Open and Common Paſtures or Sheep Downs or Common Droveways or Commonable Places, within the ſaid Pariſh of *Telleſcombe* otherwiſe *Telſcombe*, were ſubject or liable to before the paſſing of this Act.

For ſaving Manorial Rights.

XXIX. Provided alſo, and be it further enacted, That nothing in this Act contained ſhall prejudice, leſſen or defeat the Right, Title or Intereſt of the Lord of the ſaid Manor of *Telleſcomb* otherwiſe *Telſcombe*, for the Time being, of, in or to the Seigniories, Royalties or other Manorial

Manorial Rights, of or belonging to the ſaid Manor, but that the ſaid Lord, for the Time being, ſhall and may at all Times hereafter, hold and enjoy all Courts Baron or Cuſtomary Courts or other Courts, Rents, Chief Rents, Quit Rents and other Rents, Services, Rights, Royalties, Perquiſites and Profits of Courts, Reverſions, Waifs, Eſtrays and Forfeitures, and all Mines and Minerals, with ſuch Powers of working and getting the ſame, as the ſaid Lord is now entitled to by any Law or Laws now in being, and all other Juriſdictions and Privileges to the ſaid Manor incident, appendant or appertaining, in as full, ample and beneficial Manner, to all Intents and Purpoſes whatſoever, as he could, ought or might have held and enjoyed the ſame before the paſſing of this Act, or in caſe the ſame had never been made: Provided alſo, that nothing in this Act contained ſhall extend, or be conſtrued to extend, to affect any Lands of the moſt Noble *George John Frederick* Duke of *Dorſet*, in the ſaid Pariſh of *Telleſcomb* otherwiſe *Telſcombe*.

General Saving.

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

This Act may be given in Evidence.

XXXI. 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.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1810.