ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

Cap. 181.

An Act for incloſing Lands in the Pariſh of *Wey* otherwiſe *Weyhill*, within the Manor of *Ramridge*, in the County of *Southampton*, and in the Hamlet or Townſhip of *Appleſhaw* in the ſaid County.

[20th *June* 1812.]

WHEREAS there are, within the Hamlets or Townſhips of *Penton Grafton*, *Clanville*, and *Nutbean*, and within the Pariſh of *Wey* otherwiſe *Weyhill*, in the County of *Southampton*, ſeveral Open and Common Fields, Paſture, Down, and Waſte Lands, containing in the Whole, by Eſtimation, Six hundred and eighty Acres, or thereabouts, and divers ancient Incloſures: And whereas there are, within the Hamlet or Townſhip of *Appleſhaw* in the ſaid County, ſeveral Open and Common Fields, Paſture and Waſte Land, containing in the Whole, by Eſtimation, One hundred and twenty Acres, or thereabouts, and divers ancient Incloſures: And whereas the Two Chaplains and Thirteen poor Men of *Ewelm* Alms-houſe, in *Ewelm* in the County of *Oxford*, are Lords of the Manor of *Ramridge*, compriſing therein the Whole of the ſaid Hamlets or Townſhips of *Penton Grafton*, *Clanville*, and *Nutbean*, and the ſaid Pariſh of *Wey* otherwiſe *Weyhill* aforeſaid; and they the ſaid Two Chaplains and Thirteen poor Men, and *John Bellenden Ker* and *Henry Gawler*, Eſquires, their Leſſees for Lives, are entitled to the Right of Soil of and in the Commons and Waſte Land within the ſaid Manor, except

Lords of the Manor of Ramridge.

except certain Parts thereof to which the said Two Chaplains and Thirteen poor Men, and *Charles Heath*, *Thomas Heath*, and *William Hawkins Heath*, claiming under them for Lives, are entitled as herein-after mentioned: And whereas the said Two Chaplains and Thirteen poor Men, as Lords of the said Manor of *Ramridge*, and the said *Charles Heath*, *Thomas Heath*, and *William Hawkins Heath*, claiming under them for Lives, are entitled to the Right of Soil of and in the Common Down called *Weyhill Down* otherwise *The Hospital Down*, in the said Parish of *Wey* otherwise *Weyhill*: And whereas a certain ancient Fair called *Weyhill Fair* hath been annually held on the said Down called *Weyhill Down* otherwise *The Hospital Down*, and also on a certain Piece of Glebe Land adjoining the aforesaid Down, on which Piece of Glebe Land Sheep usually are and have been penned for Sale at the said Fair, and also on a certain Piece of Land called *Blissmore* otherwise *Blissmore Hall Acre*, on which Hops usually are and have been stowed for Sale at the said Fair; and the said Two Chaplains and Thirteen poor Men, and the said *Charles Heath*, *Thomas Heath*, and *William Hawkins Heath*, claiming under them, are entitled to the Profits of Picage and Stallage, and other Profits on the said Down at the said Fair; and the Rector of the said Parish of *Wey* otherwise *Weyhill* is entitled to the Profits of penning Sheep on the said Glebe Land at the Time of and for the said Fair; and the Proprietors of the said Piece of Land called *Blissmore* otherwise *Blissmore Hall Acre*, are entitled to the Profits of stowing Hops for Sale on the said Acre at the Time of and for the said Fair: And whereas the said Two Chaplains and Thirteen poor Men, and their several Lessees for Lives, and Copyhold Tenants, and the said *John Bellenden Ker* and *Henry Gawler*, and divers other Persons, are seised of and interested in the Residue of the Lands, Grounds, Commons, and Waste Lands, and of the said inclosed Grounds within the said Hamlets or Townships of *Penton Grafton*, *Clanville*, and *Nutbean*, and in the said Parish of *Wey* otherwise *Weyhill* aforesaid: And whereas *James Edwards* Esquire, is Lord of the Manor of *Appleshaw*, and as such entitled to the Right of Soil in the Commons and Waste Lands within the said Hamlet or Township of *Appleshaw*: And whereas the said *James Edwards*, *Thomas Bailey*, *William Horton*, the said Two Chaplains and Thirteen poor Men, and the said *John Bellenden Ker* and *Henry Gawler*, the Lessees of the said Two Chaplains and Thirteen poor Men, and divers other Persons, are seised of or interested in the Residue of the Lands, Grounds, Commons, and Waste Lands lying in the said Open and Common Fields, Pastures, and other Commonable Places and Waste Lands, and of the inclosed Lands within the said Hamlet or Township of *Appleshaw*: 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 it would be very advantageous to the several Proprietors and Persons interested in the said Lands and Grounds if the same were divided and inclosed, and specifick Allotments made to them respectively, according to their several and respective Rights, Shares, and Interests therein; but the same cannot be done 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

Weyhill Fair.

Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That *John Davis* of *Bloxham*, in the County of *Oxford*, Gentleman, and *John Charlton* of *Stourton*, in the County of *Wilts*, Land Surveyor, and their Succeſſors to be appointed in Manner herein-after mentioned, ſhall be and they are hereby appointed Commiſſioners for the Purpoſe of dividing, allotting, laying in Severalty, and incloſing the ſaid Open and Common Lands, Common Paſture, Waſte and other Commonable Lands, and for putting this Act into Execution in the Manner and ſubject to the Rules, Orders, and Directions herein contained, and alſo ſubject to the Regulations and Proviſions of the ſaid recited Act, except where the ſame are hereby altered or varied. Commiſſioners.

II. Provided always, and be it further enacted, That if the ſaid *John Davis* and *John Charlton*, or their Succeſſors to be appointed as aforeſaid, ſhall diſagree in Opinion touching or concerning any Matter or Thing to be by them done and performed in the Execution of this or the ſaid recited Act, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid *John Davis* and *John Charlton*, and their Succeſſors to be appointed as aforeſaid, and they are hereby directed and required, with all convenient Speed after ſuch Diſagreement of Opinion ſhall happen, to nominate and appoint ſome Third Perſon, (not intereſted in the Premiſes,) and refer the Matter thereof to him, as an Umpire for ſettling and determining ſuch Diſagreement or Difference of Opinion, and the Judgement and Determination of ſuch Umpire thereupon ſhall be deemed and conſidered to be the Judgement and Determination of the ſaid Commiſſioners. Commiſſioners differing in Opinion may nominate an Umpire.

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

'I ..... do ſwear [*or*, being one of the People called *Quakers*, do ſolemnly affirm], That I will faithfully, honeſtly, and impartially, according to the beſt of my Skill and Ability, execute and perform the Powers and Authorities repoſed in me as an Umpire, by virtue of an Act paſſed in the Fifty-ſecond Year of the Reign of King *George* the Third, intituled *An Act for incloſing Lands in the Pariſh of* Wey *otherwiſe* Weyhill, *within the Manor of* Ramridge, *in the County of* Southampton, *and in the Hamlet or Townſhip of* Appleſhaw, *in the ſaid County*, according to Equity and good Conſcience, and without Favour or Affection, Prejudice or Partiality, to any Perſon or Perſons whomſoever.' Oath.

'So help me GOD.'

Which Oath or Affirmation it ſhall be lawful for either of the ſaid Commiſſioners to adminiſter, and he is hereby required to adminiſter the ſame; and ſuch Oath or Affirmation, when ſo taken and ſubſcribed by ſuch Umpire, ſhall be annexed to and enrolled with the Award of the ſaid Commiſſioners.

IV. And be it further enacted, That when and ſo often as either of the ſaid Commiſſioners herein-before named, or to be appointed in Manner New Commiſſioners to be choſen on

Death or Refuſal to act.

Manner herein-after mentioned, ſhall die, refuſe to act, or become incapable of acting as a Commiſſioner for the Purpoſes of this Act, then and in every ſuch Caſe a new Commiſſioner or Commiſſioners (not being in any Manner intereſted in the ſaid Lands, Grounds, and Premiſes, or any Part thereof) ſhall and may be elected in Manner following; (that is to ſay,) if the ſaid *John Davis* ſhall die, refuſe to act, or become incapable of acting as aforeſaid, it ſhall be lawful for the ſaid Two Chaplains and Thirteen poor Men of the ſaid Hoſpital of *Ewelm*, or their Succeſſors, by any Writing under their Common Seal, to appoint one other Commiſſioner in the room of the ſaid *John Davis*, and ſo from Time to Time as often as any Commiſſioner appointed by the ſaid Two Chaplains and Thirteen poor Men, or their Succeſſors, ſhall die, refuſe to act, or become incapable of acting as aforeſaid; and if the ſaid *John Charlton* ſhall die, or refuſe to act, or become incapable of acting as aforeſaid, it ſhall and may be lawful for the Majority in Value of the Proprietors or Perſons, and Bodies Politick, Corporate or Collegiate, ſave and except the ſaid Two Chaplains and Thirteen poor Men of *Ewelm* Alms-houſe aforeſaid, intereſted in the Lands and Grounds directed by this Act to be divided, allotted, and incloſed, or to and for their known Agents or Attornies, ſuch Majority to be aſcertained by the Aſſeſſment to the Poor Rate of the ſaid Pariſh, who ſhall be preſent at a Meeting held for that Purpoſe at ſome convenient Place at *Andover*, in the County of *Southampton*, in purſuance of publick Notice to be given by order of the ſurviving Commiſſioner, in one of the Weekly Newſpapers publiſhed at *Wincheſter*, if any ſuch there be, or by Writing affixed to the principal outer Doors of the Pariſh Church of *Weyhill*, and of the ſaid Chapel of *Appleſhaw* aforeſaid, Eight Days at leaſt before ſuch Meeting, by Writing under the Common Seal of any ſuch Bodies Politick, Corporate or Collegiate, and under the Hands of ſuch other Perſons, to appoint one other Commiſſioner in the room of the ſaid *John Charlton*, and ſo from Time to Time as often as any Commiſſioner appointed by the ſaid laſt-mentioned Proprietors ſhall die, or refuſe to act, or become incapable of acting as aforeſaid; and in caſe the ſaid reſpective Parties, or any of them, ſhall make Default in appointing any ſuch new Commiſſioner for the Space of Sixty Days after any ſuch Vacancy ſhall happen, it ſhall be lawful for the ſurviving or remaining Commiſſioner, and he is hereby required, by Writing under his Hand, to appoint one other Commiſſioner in the room of each Commiſſioner ſo dying, or refuſing to act, or becoming incapable of acting as aforeſaid; and every ſuch new Commiſſioner ſo to be appointed ſhall have the ſame Powers and Authorities by virtue of this Act as the Commiſſioner in whoſe Room he ſhall ſucceed had or would have been inveſted with in caſe ſuch Death, Refuſal, or Incapacity to act had not taken place.

Allowance to Commiſſioners and Umpire.

V. And be it further enacted, That every Commiſſioner and Umpire employed in the Execution of this Act ſhall be allowed the Sum of Three Guineas, and no more, for his Trouble and Expences for each Day he ſhall neceſſarily attend in the due Execution of the Powers of this and the ſaid recited Act, out of which ſaid Allowance ſuch Commiſſioner ſhall defray his own Charges and Expences; and the ſaid Commiſſioners ſhall have Power, and they are hereby authorized, to appoint a Clerk or Clerks to aſſiſt them in the Execution of this and the ſaid recited

recited Act, and such Clerk or Clerks from Time to Time to remove, and another or others to appoint, as to them shall seem meet; and such Clerk or Clerks shall in like Manner be allowed the Sum of Three Pounds Three Shillings for his or their Trouble, Charges, and Expences, for each and every Day he or they shall necessarily attend the said Commissioners in the Execution of this and the said recited Act; and every Proprietor and other Person interested in the Execution of this Act, and their Solicitors and Agents who shall attend any Meeting to be held by the said Commissioners in pursuance of this Act, shall bear and pay his and their own Expences of such Attendance.

Proprietors to pay their own Expences.

VI. And be it further enacted, That *George Barnes* of *Andover*, in the County of *Southampton*, Land Surveyor, shall be and is hereby appointed Surveyor for making all such Surveys, Admeasurements, or Plans, and reducing the same into Writing, and specifying and setting forth such Particulars as are in that Behalf directed under or by virtue of the said recited Act, or any other Particulars which the said Commissioners may direct or require; and in case the said *George Barnes* shall die, refuse, or neglect to act, or be or become incapable of acting, the said Commissioners shall and they are hereby required and authorized forthwith to elect and appoint another Surveyor in his Stead, and so from Time to Time as often as the Surveyor for the Time being shall die, or refuse or neglect to act, or become incapable of acting.

Surveyor.

VII. Provided always, and be it further enacted, That no Person shall be capable of acting as a Surveyor by virtue of this Act, until he shall have taken and subscribed the Oath or Affirmation following; (that is to say,)

Surveyor to take an Oath.

'I *A. B.* do swear [*or*, being one of the People called *Quakers*, do solemnly affirm], That I will faithfully, honestly, and impartially, according to the best of my Skill and Ability, execute and perform the Powers and Authorities reposed in me as Surveyor, by virtue of an Act passed in the Fifty-second Year of the Reign of King *George* the Third, intituled *An Act for inclosing Lands in the Parish of* Wey *otherwise* Weyhill, *within the Manor of* Ramridge *in the County of* Southampton, *and in the Hamlet or Township of* Appleshaw *in the said County*, according to Equity and good Conscience, and without Partiality, Favour or Affection, Prejudice or Malice, to any Person or Persons whomsoever.

'So help me GOD.'

Oath.

Which Oath or Affirmation the said Commissioners are hereby authorized and required to administer; and the said Oath or Affirmation, so taken and subscribed by such Surveyor or Surveyors, shall be annexed to and enrolled with the Award of the said Commissioners.

VIII. And be it further enacted, That the said Commissioners shall and they are hereby required to cause publick Notices in Writing to be affixed upon the principal outer Doors of the Parish Church of *Wey* otherwise *Weyhill* aforesaid, and upon the Chapel of the said Hamlet or Township of *Appleshaw*, upon some *Sunday* immediately preceding Divine Service, and also by Advertisement to be inserted in the Weekly Newspaper

Notice of Meetings.

paper publiſhed at *Wincheſter* aforeſaid, (if any ſuch ſhall then be,) of the Time and Place of their firſt and every other Meeting for executing the Powers hereby veſted in them, Eight Days at leaſt before every ſuch Meeting ſhall be held, (except Meetings by Adjournment only,) and the ſaid Commiſſioners ſhall and may from Time to Time adjourn ſuch Meetings to ſuch Time and Place as they ſhall think proper; and if at the Time and Place appointed for every ſuch Meeting, no more than One Commiſſioner ſhall attend, ſuch One Commiſſioner may adjourn ſuch Meeting, and if no Commiſſioner ſhall attend, it ſhall be lawful for the Clerk or Clerks to the ſaid Commiſſioners to adjourn ſuch Meeting to ſuch Time and Place as he or they ſhall think moſt convenient: Provided always, that all the Meetings of the ſaid Commiſſioners ſhall be held at ſome Place within the ſaid Pariſh of *Wey* otherwiſe *Weyhill*, or within the ſaid Hamlet or Townſhip of *Appleſhaw*, or within Eight Miles of the ſame.

How other Notices are to be given.

IX. And be it further enacted, That all other Notices neceſſary to be given by the ſaid Commiſſioners ſhall be made and given by Advertiſement to be inſerted in the Weekly Newſpaper publiſhed at *Wincheſter*, if any ſhall then be, or by Writing affixed by Order of the ſaid Commiſſioners on the outer Doors of the Pariſh Church of *Wey* otherwiſe *Weyhill* aforeſaid, and the ſaid Chapel of the ſaid Hamlet or Townſhip of *Appleſhaw*.

What Lands to be incloſed.

X. And, for the better aſcertaining what Lands ſhall be divided, allotted, and incloſed purſuant to this Act, be it further enacted, That all Fields or Incloſures containing Two or more Properties within one Fence, and alſo all Incloſures of whatever Tenure the ſame may reſpectively be, where or over, or upon which any Perſon or Perſons hath or have Right of Common, or any other intermixed Right or Property, and all Waſte Land whatſoever within the ſaid Pariſh of *Wey* otherwiſe *Weyhill*, and the ſaid Hamlet or Townſhip of *Appleſhaw*, ſhall be Commonable Land, and be divided, allotted, and incloſed accordingly.

Encroachments.

XI. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby required to enquire and determine what Incloſures have been taken from, and what Encroachments have been made upon, the Lands and Grounds by this Act intended to be divided, allotted, and incloſed, or upon any Part or Parts thereof, and all ſuch Incloſures taken, or Encroachments made from or on the ſame, (ſave and except ſuch as have been held and enjoyed for Twenty Years paſt without Interruption,) from the Time of paſſing this Act, ſhall be deemed and taken to be Part and Parcel of the Lands and Grounds to be divided, allotted, and incloſed by virtue of this Act, and ſhall be divided, allotted, and incloſed accordingly.

Commiſſioners to determine Diputes.

XII. And be it further enacted, That if any Diſpute or Difference ſhall ariſe between the Proprietors or other Perſons intereſted in the ſaid intended Diviſion and Incloſure, or any of them, touching or concerning their reſpective Shares or Properties of and in the ſaid Lands and Grounds, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized

rized and required, by Examination of Witneſſes upon Oath, or upon View, or other ſatisfactory Evidence, to hear and determine the ſame: Provided always, that nothing in this Act contained ſhall authorize the ſaid Commiſſioners to determine the Title of any Perſon or Perſons, Bodies Politick, Corporate or Collegiate, to any Meſſuages, Cottages, Lands, or Hereditaments whatſoever.

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

XIII. Provided alſo, and be it further enacted, That nothing in this Act contained ſhall extend to enable the ſaid Commiſſioners or Umpire to determine any Right between any Parties contrary to the Poſſeſſion of any of ſuch Parties (except in Caſes of Encroachments); but in caſe the ſaid Commiſſioners or Umpire ſhall be of Opinion againſt the Right of the Perſon or Perſons ſo in Poſſeſſion, they ſhall forbear to make any Determination thereupon until the Poſſeſſion ſhall have been given up by ſuch Perſon or Perſons, or recovered from ſuch Perſon or Perſons by Ejectment, or other due Courſe of Law.

Power to award Coſts.

XIV. And be it further enacted, That in caſe the ſaid Commiſſioners ſhall, upon the Hearing or Determination of any Claim or Claims, Objection or Objections, to be delivered to them in purſuance of this or the ſaid recited Act, ſee Cauſe to award any Coſts, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby empowered, upon Application made to them for that Purpoſe, to ſettle, aſſeſs, award, and order 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 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 and ordered to pay ſuch Coſts and Charges ſhall neglect or refuſe to pay the ſame upon Demand, then and in ſuch Caſe it ſhall be lawful for the ſaid Commiſſioners, and they are hereby reſpectively 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 the 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 diſtrained and ſold, but firſt deducting thereout the Coſts and Charges attending ſuch Diſtreſs and Sale.

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

XV. Provided always, and be it further enacted, That if any Perſon or Perſons intereſted in the ſaid intended Diviſion and Incloſure ſhall be diſſatisfied with the Determination of the ſaid Commiſſioners or Umpire, touching or concerning any Claim or Claims of any Rights or Intereſts in, over, and upon the Lands and Grounds hereby intended to be divided and incloſed, or any Part thereof, or touching or concerning any other Matter or Thing relating to the ſaid Diviſion, Allotment, and Incloſure, it ſhall be lawful for the Perſon or Perſons ſo diſſatisfied to proceed to a Trial at Law of the Matter ſo determined by the ſaid Commiſſioners or Umpire, at the then next or at the following Aſſizes to be holden for the ſaid County of *Southampton*, and for that Purpoſe the Perſon or Perſons who ſhall be diſſatisfied with the Determination of the ſaid Commiſſioners, ſhall cauſe an Action to be brought upon a feigned Iſſue againſt the

Perſon or Perſons in whoſe Favour ſuch Determination ſhall have been made, within Three Calendar Months next after ſuch Determination of the ſaid Commiſſioners or Umpire, and the Defendant or Defendants in ſuch Action or Actions ſhall, and he, ſhe, or they is and are hereby required to name an Attorney or Attornies, who ſhall appear thereto, and file Common Bail, and accept One or more Iſſue or Iſſues, whereby ſuch Claim or Claims, and the Right or Rights thereby inſiſted on, may be tried and determined, ſuch Iſſue or Iſſues to be ſettled by the proper Officer of the Court in which ſuch Action or Actions ſhall be commenced, in caſe the Parties ſhall differ about the ſame; and the Verdict or Verdicts which ſhall be given in ſuch Action or Actions ſhall be final, binding, and concluſive upon all and every ſuch Perſon and Perſons whomſoever, Body or Bodies 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 thereon, which it ſhall be lawful for the ſaid Court to do, as is uſual in other Caſes; and after ſuch Verdict or Verdicts ſhall be obtained, and not ſet aſide by the Court, the ſaid Commiſſioners ſhall and they are hereby required to act in Conformity thereto, and to allow or diſallow the Claim or Claims thereby determined according to the Event of ſuch Trial or Trials: Provided always, that the Determination of the ſaid Commiſſioners touching ſuch Claim or Claims which ſhall not be objected to, or being objected to, the Parties or Party objecting not cauſing ſuch Action or Actions at Law to be brought and proceeded in as aforeſaid, ſhall be final and concluſive on all Parties.

Determination of Commiſſioners not objected to, to be final.

In Caſes of Deaths of Parties before Actions brought, the ſame to be carried on and defended in their Names; and if Parties die Proceedings not to abate.

XVI. Provided always, and be it further enacted, That if any Perſon or Perſons in whoſe Favour any ſuch Determination ſhall have been made, and againſt whom any ſuch Action or Actions might have been brought if living, ſhall die before any ſuch Action or Actions ſhall have been brought, and before the Expiration of the Time herein-before limited for bringing ſuch Action or Actions, it ſhall be lawful for the Perſon or Perſons, 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 or Clerks 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 alſo 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, in like 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; and 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 Death had happened.

Commiſſioners to ſet out Chalk, Stone and Gravel

XVII. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required, before any Allotment or Allotments ſhall be made in purſuance of this Act of the ſaid Lands and Grounds in the ſaid

ſaid Pariſh of *Wey* otherwiſe *Weyhill*, or in the ſaid Townſhip of *Appleſhaw*, to ſet out, appoint, and allot a proper Quantity or Quantities, Parcel or Parcels of Land or Grounds, Parts of the Lands and Grounds in the ſaid Pariſh of *Wey* otherwiſe *Weyhill*, and Townſhip of *Appleſhaw* reſpectively, hereby intended to be divided, allotted, and incloſed, for Chalk, Stone, or Gravel Pits or Quarries, for the Purpoſe of furniſhing Materials for making and repairing as well the Roads and Ways already in Exiſtence, and that hereafter lawfully may be ſo, which ſhall not be ſet out and appointed by the ſaid Commiſſioners, as alſo thoſe which the ſaid Commiſſioners ſhall ſet out and appoint in the ſaid Pariſh of *Wey* otherwiſe *Weyhill*, and in the ſaid Townſhip of *Appleſhaw* reſpectively; which Lands ſhall be fenced in ſuch Manner, and ſuch Fences ſhall be kept in Repair, by ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall by their Award order and direct; and ſuch Parcel or Parcels of Land ſhall be veſted in the Surveyor or Surveyors of the Highways of the ſaid Pariſh of *Wey* otherwiſe *Weyhill*, and of the ſaid Townſhip of *Appleſhaw* reſpectively for the Time being, and upon Truſt, and for the Purpoſes aforeſaid.

Pits in the Pariſh of Weyhill and in the Townſhip of Appleſhaw reſpectively.

XVIII. Provided always, and be it further enacted, That no Perſon ſhall, during the Space of Seven Years from the Execution of the ſaid Award, turn or put, or cauſe to be turned or put, any Horſes, Cattle, Sheep, Swine or Lambs, into any of the Roads or Ways to be ſet out by virtue of this Act, or into the Allotment or Allotments to be made for Stone or Gravel Pits, or Quarries, or any of them.

No Cattle to be put into the Roads to be ſet out by this Act.

XIX. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized and required to ſet out, allot, and award, unto and for the ſaid Two Chaplains and Thirteen poor Men of *Ewelm* Almſhouſe, as Lords of the Manor of *Ramridge* aforeſaid, or their Succeſſors, and to the ſaid *John Bellenden Ker* and *Henry Gawler*, and the ſaid *Charles Heath*, *Thomas Heath*, and *William Hawkins Heath*, claiming under them for Lives as aforeſaid, for and in lieu of their reſpective Rights to the Soil in the ſaid Commons and Waſte Lands within the ſaid Manor of *Ramridge*, ſuch Part, Share, and Proportion of the ſaid Lands and Grounds in the ſaid Pariſh of *Wey* otherwiſe *Weyhill*, hereby intended to be divided, allotted, and incloſed; and alſo to ſet out, allot, and award, unto and for the ſaid *James Edwards*, as Lord of the Manor of *Appleſhaw* aforeſaid, and his Heirs, for and in lieu of his Right to the Soil in the ſaid Waſte Lands within the ſaid Hamlet or Townſhip of *Appleſhaw*, ſuch Part, Share, and Proportion of the ſaid Lands and Grounds in the ſaid Hamlet or Townſhip of *Appleſhaw*, hereby intended to be divided, allotted, and incloſed, as in the Judgement of the ſaid Commiſſioners, or their Succeſſors, to be appointed as herein-before is provided, (Quantity, Quality, Situation and Convenience conſidered), ſhall be a reaſonable Compenſation and full Satisfaction for all Right of Soil which ſuch Lords reſpectively, and their Leſſees or Aſſignees reſpectively now have, or might, or of Right ought to have had as Lords of the ſaid Manors reſpectively in ſuch Commons and Waſte Lands, if this Act had not paſſed, the ſame not being leſs (Quantity, Quality, Situation and Convenience conſidered as aforeſaid) than One Sixteenth of ſuch Common and Waſte Lands reſpectively.

Allotment to the Lords of the Manors for Right of Soil.

Allotment of Part of the Down to J. B. Ker and H. Gawler, Esquires, not exceeding Fifty Acres.

XX. And be it further enacted, That so much of the Allotment to be made to the said Two Chaplains and Thirteen poor Men, and the said *John Bellenden Ker* and *Henry Gawler*, their Lessees as aforesaid, in the said Parish of *Wey* otherwise *Weyhill*, hereby directed to be divided, allotted, and inclosed, as the said *John Bellenden Ker* and *Henry Gawler*, or their Heirs, shall by any Writing or Writings under their Hands desire, not exceeding Fifty Acres in the Whole, shall by the said Commissioners be set out and made unto the said Two Chaplains and Thirteen poor Men, and the said *John Bellenden Ker* and *Henry Gawler*, and their Heirs, in One Allotment, on the North and North East Sides of the said Down called *Weyhill Down*, adjoining to the Plantations and old Inclosures of the said Two Chaplains and Thirteen poor Men, and the said *John Bellenden Ker* and *Henry Gawler*, their said Lessees, held with their several Mansions or Residences, called *Ramridge House* and *Ramridge Cottage*.

Allotment of Down for holding Weyhill Fair.

XXI. And be it further enacted, That for the Accommodation and Maintenance of the said ancient Fair called *Weyhill Fair*, and for the Preservation of the Rights and Privileges of the said Two Chaplains and Thirteen poor Men, and their Successors, and the said *Charles Heath*, *Thomas Heath*, and *William Hawkins Heath*, claiming under them, incidental or appertaining thereto, the Remainder of the said Down called *Weyhill Down* otherwise *The Hospital Down*, wherein the said Fair hath been immemorially held, together with all the Houses, Booths, Hop-rows, Edifices, Erections, and Buildings appurtenant or belonging thereto, or such of them as now belong to the said Two Chaplains and Thirteen poor Men, or to the said *Charles Heath*, *Thomas Heath*, and *William Hawkins Heath*, as their Lessees, shall be allotted and awarded unto the said Two Chaplains and Thirteen poor Men, and the said *Charles Heath*, *Thomas Heath*, and *William Hawkins Heath*, and their Heirs and Assigns claiming under them the said Two Chaplains and Thirteen poor Men and their Successors.

Restraining setting up Booths, &c. at Weyhill Fair, on certain Parts of the Down.

XXII. Provided always, and be it further enacted, That the said Fair called *Weyhill Fair*, shall not at any Time hereafter be held on that Part of the aforesaid Down which shall be allotted to the said Two Chaplains and Thirteen poor Men, and their Successors, and the said *John Bellenden Ker* and *Henry Gawler*, claiming under them, or any Part thereof, and that the said Two Chaplains and Thirteen poor Men, and their Successors, and the said *John Bellenden Ker* and *Henry Gawler*, their Heirs and Assigns, claiming under them as aforesaid, to whom such Allotment, not exceeding in the whole Fifty Acres of the aforesaid Down, is hereby directed to be awarded by the said Commissioners as aforesaid, shall not at any Time or Times hereafter erect, make, or set up, or cause or procure to be erected, made, or set up upon such Part of the said Down which shall be so allotted to them as aforesaid, or any Part thereof, any Hop-rows, Drinking Booths, Standings, or other Erections, or any Coops, Hurdles, Stalls, or Flakes, or any Ropes, or other Contrivances to be used at the usual Time of holding the said ancient Fair called *Weyhill Fair*, so herein-before directed to be held on such Parts of the said Down, and in such other Places as aforesaid, or within Ten Days immediately before or after the said Fair, for the Sale or Disposal of any Wool,

Wool, Hops, Cheese, Leather, Liquors, Goods, Wares or Merchandizes, Sheep, Horses, Cows, Oxen, or any Cattle whatsoever, or to take or permit, or suffer to be taken during the Time of holding the said Fair, or within the Space of Ten Days immediately before or after, Picage, Stallage, or any other Rents, Profits or Tolls, or use or take any Privileges which belong to a Fair, in respect of or upon such Part of the said Down called *Weyhill Down* otherwise *Hospital Down*, so to be allotted to them as aforesaid, or Part thereof, or to do any other Act whatever to the Prejudice or Injury of the said ancient Fair called *Weyhill Fair*.

Special Allotment to Ewelm Hospital and Messrs. Heath their Lessees.

XXIII. And be it further enacted, That so much of the Residue and Remainder of the Allotments to be made to the said Two Chaplains and Thirteen poor Men, and the said *Charles Heath*, *Thomas Heath*, and *William Hawkins Heath*, claiming under them, for or in respect of their several and respective Rights and Interests in the said Lands and Grounds in the said Parish of *Wey* otherwise *Weyhill*, hereby directed to be divided, allotted, and inclosed, and held under the said Two Chaplains and Thirteen poor Men, as the said *Charles Heath*, *Thomas Heath*, and *William Hawkins Heath*, or their Heirs, shall by any Writing under their Hands desire, shall be made and situated in a certain Part of the said Open and Common Fields lying on the South Side of the Turnpike Road leading from *Andover* to *Amesbury* near the said Piece of Glebe Land herein-before mentioned, and herein-after directed to be allotted and awarded, and in certain other Open and Common Fields in the said Parish of *Wey* otherwise *Weyhill* aforesaid, called *Ridgefield* and *Southfield*, as contiguous as may be to the Farm Buildings of the said Two Chaplains and Thirteen poor Men, and the said *Charles Heath*, *Thomas Heath*, and *William Hawkins Heath*, claiming under them, and to the Turnpike Road leading from *Andover* to *Weyhill* aforesaid.

Allotment to the Rector of Glebe on Weyhill.

XXIV. And be it further enacted, That the said Commissioners shall and they are hereby required by their Award to set out and allot, unto and for the Reverend *Thomas Donald*, the Rector of the said Parish of *Wey* otherwise *Weyhill* aforesaid, and his Successors the Rector of the said Parish of *Wey* otherwise *Weyhill* for the Time being, the Whole of the said herein-before mentioned Piece or Parcel of Glebe Land now belonging to the said Rectory situate on *Weyhill* aforesaid, adjoining the aforesaid Down, exonerated from all Common Rights whatsoever upon and over the same, to the Intent the said Rector, and his Successors the Rector of the said Parish of *Wey* otherwise *Weyhill* for the Time being, may not be deprived of any Right or Privilege he now enjoys, or may be entitled to from the penning of Sheep thereon at the Time of the said Fair called *Weyhill Fair*; but that the same Right or Privilege may be the more effectually preserved.

As to Blissmore Hall Acre.

XXV. And be it further also enacted, That the said Commissioners shall and they are hereby required by their Award to set out and allot, unto and for the present Proprietors of the said Piece or Parcel of Land called *Blissmore* otherwise *Blissimore Hall Acre*, situate on the said Hill called *Weyhill*, or to the Proprietors thereof for the Time being, the Whole of the same Piece or Parcel of Land, with all the Erections and

Buildings thereon, freed and exonerated from all Common Rights whatsoever upon and over the same, to the Intent that the said Proprietors may not be deprived of any Right or Privilege they now enjoy, or may be entitled to from the Stowage or Sale of any Hops for the Purpose or at the Time of the said Fair called *Weyhill Fair*; but that the same Right or Privilege may be more effectually preserved.

Allotment of the Residue.

XXVI. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required in the next Place to divide, set out, and allot the Residue and Remainder of the said Open and Common Fields, Common Pastures, and other Commonable and Waste Lands by this Act intended to be divided, allotted, and inclosed, unto and amongst the several Owners and Proprietors thereof and Persons interested therein, in Proportion and according to their several and respective Rights and Interests in, to, upon, and out of the same respectively.

Power to divide and allot ancient Inclosures.

XXVII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, by and with the Consent of the respective Owners of old inclosed Lands, Grounds, or Hereditaments lying within the Parish of *Wey* otherwise *Weyhill* aforesaid, and the said Hamlet or Township of *Appleshaw* aforesaid, to order and direct the same, or such Part or Parts thereof as the Owners thereof respectively shall consent and desire to be taken up and considered and allotted as Part and Parcel of the Lands hereby directed to be divided and inclosed, and which shall be done accordingly; and thereupon such Allowances shall be made to the respective Owners thereof, on account of the beneficial Circumstances and Situation of the Property, as the said Commissioners shall adjudge to be just and reasonable; and the said Commissioners shall and they are hereby required to set out, allot, and award, unto and for the respective Owners of such old inclosed Lands, Grounds, and Hereditaments in lieu thereof, so much and such Plot or Plots of Land, Part of the Lands and Grounds hereby directed to be allotted or inclosed, as they the said Commissioners (Quantity, Quality, and Situation considered) shall think reasonable and just, subject to the Rules, Orders, and Directions herein contained: Provided, that no Person or Persons shall be compelled to accept or take any old Inclosure as or in Part of an Allotment, without his, her, or their Consent in Writing.

Death of Parties not to delay Inclosure.

XXVIII. And be it further enacted, That if any Person or Persons by or from whom any Claim or Claims shall be made, shall happen to die before the said intended Division and Allotment shall be made and perfected, and before the said Commissioners shall have made their Award touching or concerning the same, then and in such Case the Powers and Authorities hereby and by the said recited Act granted and vested in the said Commissioners shall not in anywise be determined, suspended, or affected by such Death or Deaths, but that the said Commissioners shall and may proceed in and execute the Powers and Authorities hereby and by the said recited Act given, and every of them, in such and the same Manner as they could or might have done if such Person or Persons had still survived, and been living at the Time of the said Award being made and executed; and that the Part or Parts, Share or Shares of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, which any

any Perſon or Perſons ſo dying would have been entitled unto, ſhall be allotted and ſet out to the Perſon or Perſons who ſhall be entitled to the ſame, according to the beſt of the Information or Knowledge of the ſaid Commiſſioners; and ſuch Perſon or Perſons ſhall accordingly accept and fence, and have, hold, and enjoy ſuch Part or Parts, Share or Shares, according to the ſeveral Limitations, Truſts, Proviſoes, and Intereſts in anywiſe limited, declared, appointed, or provided of and concerning the Premiſes in reſpect whereof he, ſhe, or they ſhall be entitled to ſuch Part or Parts, Share or Shares of the Lands and Grounds hereby intended to be divided, allotted, and incloſed.

No Sheep or other Cattle to be depaſtured after Right of Common is ſuſpended.

XXIX. And be it further enacted, That if any Perſon or Perſons after any Right of Common ſhall be ſuſpended or extinguiſhed under or by virtue of the ſaid recited Act or of this Act, ſhall during ſuch Suſpenſion or Extinguiſhment thereof ſtock or depaſture with Sheep or other Stock, any Part of the ſaid Lands or Grounds on which ſuch Right of Common ſhall be directed to be ſuſpended or extinguiſhed as aforeſaid, it ſhall be lawful for any Proprietor or Proprietors of the ſaid Lands and Grounds, or any Perſon or Perſons by the ſaid Commiſſioners to be appointed, from Time to Time to diſtrain all ſuch Cattle, Sheep, and other Stock then being, going, or depaſturing upon any of the ſaid Lands or Grounds after the ſaid Right of Common ſhall be ſuſpended or extinguiſhed, and the ſame to impound until the Perſon or Perſons offending ſhall have paid to the Perſon or Perſons ſo diſtraining the ſame One Shilling *per* Head for all Cattle and other Stock ſo diſtrained, (except Sheep or Pigs,) and Sixpence *per* Head for each and every Sheep or Pig ſo diſtrained.

Power to make Exchanges.

XXX. 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 *Wey* otherwiſe *Weyhill*, in lieu of or in Exchange for any other Lands, Tenements, or Hereditaments whatſoever within the ſaid Pariſh of *Wey* otherwiſe *Weyhill*, or within any adjoining Pariſh, Hamlet, or Place; provided, that ſuch Exchanges be aſcertained, ſpecified, and declared in and by the Award of the ſaid Commiſſioners, and be made with the Conſent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, or Hereditaments which ſhall be ſo exchanged, whether ſuch Owner or Owners, Proprietor or Proprietors, ſhall be a Body or Bodies Politick, Corporate or Collegiate, or a Tenant or Tenants in Fee Simple or for Life or Lives, or in Fee Tail General or Special, or by the Courteſy of *England*, or for Years determinable on a Life or Lives, or having a beneficial Leaſe for Years, or with the Conſent of the Guardians, Truſtees, Feoffees for charitable or other Uſes, Huſbands, Committees, or Attornies of or acting for any ſuch Owners or Proprietors as aforeſaid, who at the Time of making ſuch Exchange or Exchanges ſhall be reſpectively Infants, Femes Covert, Lunaticks, or under any 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 every ſuch 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 the Law to all Intents and Purpoſes whatſoever: Provided nevertheleſs,

theleſs, that no Exchange ſhall be made of any Lands, Tenements, or Hereditaments held in Right of any Church or 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 be ſituated; and all the Coſts, Charges, and Expences attending the making of any Exchanges to be made by virtue of this Act, ſhall be paid, borne, and defrayed by the ſeveral Perſons making Exchanges, in ſuch Manner, and in ſuch Shares and Proportions as the ſaid Commiſſioners ſhall by their ſaid Award, or any other Writing or Writings under their Hands, order and direct; and in caſe of Default or Non-payment thereof at the Time to be appointed by the ſaid Commiſſioners, the ſame ſhall be recovered in the ſame Manner as any Penalty or Sum of Money can or may be recovered by virtue of this Act, or the ſaid recited Act.

Leaſes at Rack Rent to be void.

XXXI. And be it further enacted, That all and every Leaſe and Leaſes upon Rack Rent now ſubſiſting of all and every or any Part or Parts of the ſaid Lands, Grounds, and Premiſes hereby intended to be divided, allotted, and incloſed purſuant to this Act, or of any Meſſuages, Buildings, Homeſteads, Gardens, Orchards, or old incloſed Lands held with the ſame; and all Agreements for any Term or Terms at Rack Rent, or from Year to Year, or at Will, ſhall ceaſe, determine, and be utterly void at ſuch Time or Times as the ſaid Commiſſioners ſhall order and appoint, the reſpective Owners and Proprietors, Leſſor or Leſſors of the ſaid Meſſuages, Tenements, Lands, Grounds, Hereditaments, and Premiſes compriſed in ſuch Leaſes or Agreements, paying or receiving ſuch Satisfaction to or from their Leſſee or Leſſees, Tenant or Tenants reſpectively, as the ſaid reſpective Owners or Proprietors, Leſſor or Leſſors, and their Leſſee or Leſſees, Tenant or Tenants ſhall agree upon, or as the ſaid Commiſſioners ſhall aſcertain, order, direct, or appoint, for or on account of vacating ſuch Leaſes or Agreements reſpectively: Provided always, that if there ſhall be any ſuch Leaſe of Lands, Part of which ſhall be in the ſaid Pariſh of *Wey* otherwiſe *Weyhill*, and Part in any adjoining Pariſh, Hamlet, or Townſhip, all and every ſuch Leaſe or Leaſes may be vacated, but where any Lands ſhall have been taken in Exchange, which Lands ſhall be under Leaſe, and wholly ſituate in any adjoining Pariſh, Hamlet, or Townſhip, ſuch laſt-mentioned Leaſe ſhall not be vacated any further or otherwiſe than as to the ſaid Lands ſo taken in Exchange.

Not to revoke Wills or Settlements.

XXXII. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend or be deemed or taken to extend to revoke, alter, or annul any Deed, Will, or Settlement, or to prejudice any Perſon having or claiming any Eſtate, Right, Title or Intereſt, Jointure, Dower, Portion, Debt or Incumbrance out of, upon, or affecting any of the Lands and Grounds, Hereditaments and Premiſes ſo intended to be divided, allotted, and incloſed, or which ſhall be exchanged in purſuance of this Act, or any Part thereof reſpectively, but that the ſeveral Lands and Grounds, Hereditaments and Premiſes ſo to be allotted and awarded, or which ſhall be taken in Exchange in purſuance of this Act, ſhall immediately after ſuch Allotments or Exchanges ſhall be made, be, remain, and enure, and the ſeveral Perſons to or with whom the ſame ſhall be

aſſigned

assigned and allotted, or exchanged as aforesaid, shall from thenceforth stand and be seised thereof for such and the same Estates, Uses and Trusts, and subject to such Deeds, Wills, Settlements, Limitations, Remainders, Charges and Incumbrances, as the several Lands and Grounds, Hereditaments and Premises in lieu or in respect whereof such Allotments and Exchanges shall be assigned and made as aforesaid now are, or should, or would have been subject to, and liable to be charged with, or affected by, in case the same had remained undivided and unexchanged, or this Act had not passed.

Course of Husbandry.

XXXIII. And be it further enacted, That from and after the passing of this Act, until such Divisions and Allotments shall be made as aforesaid, all the Tillage and other Lands lying in the said Common Fields and Premises to be divided, allotted, and inclosed, or which shall be exchanged in pursuance of this and the said recited Act, shall be stocked with such Cattle, and planted or sown by the Owners or Occupiers thereof with such Corn, Grain, Grass Seeds, and other Seeds, at such Times, and in such Proportions and Manner, and shall be kept, ordered and continued in such Course of Husbandry, and subject to such Regulations, as well with respect to the managing as to the quitting the same respectively; and the several Owners or Occupiers thereof shall pay or receive such pecuniary or other Compensation from such other Owners or Occupiers on account of such management, stocking, planting, sowing, management, or quitting, as the said Commissioners shall think just and equitable, and shall by any Writing or Writings under their Hands from Time to Time, or by their said Award, order, direct, or appoint to be raised, levied, or recovered in such and the same Manner, as the other Expences of this Act are herein or hereby or by the said recited Act ordered and directed to be raised, levied, and recovered; and which Order or Orders of the said Commissioners shall be final, binding and conclusive on the Parties interested therein.

Lands to be inclosed at the Expence of the Owners.

XXXIV. And be it further enacted, That the several Allotments to be made of the said Lands and Grounds by this Act directed to be divided, allotted, and inclosed, shall within the Space of Twelve Calendar Months next after signing and sealing the said Award, or at such other Time as the said Commissioners shall therein order and direct, be inclosed, hedged, ditched and fenced, at the proper Costs and Charges of the respective Persons to whom the same shall be respectively allotted, or of such other Person or Persons interested in the said Division and Inclosure, (except the said Two Chaplains and Thirteen poor Men of *Ewelm* Alms-house, for or in respect of any Leasehold or Copyhold Allotment in which they as the Lords of the Manor may be interested in Reversion or Expectancy), in such Manner as the said Commissioners shall in and by their said Award order and direct: Provided always, and with an Intent to save unnecessary Costs and Expences, that in case the said Commissioners shall think it advantageous to the Land Proprietors, and by their Award order and direct that the Whole or any Part of the Arable and Waste Grounds hereby directed to be allotted, should be merely allotted and set out in Severalty, without being actually fenced and inclosed, then and in such Case the Person or Persons to whom such Land shall be allotted and awarded, shall not be compelled or obliged to fence or inclose the same; and the said

Commissioners

Commiſſioners ſhall only direct and order the Proportion, Nature, and Extent of any Fence or Incloſure, in caſe ſuch Perſon or Perſons to whom the ſame is allotted and awarded, or his, her, or their Heirs, Executors, Adminiſtrators or Aſſigns, ſhall thereafter determine and think it advantageous to make the ſame, in all ſuch Caſes the ſaid Commiſſioners ſhall take into their Conſideration in making ſuch Allotment, the Proportion of fencing only which ſuch Perſon or Perſons is compelled by their Award to make, in ſuch Way as they ſhall determine reaſonable and juſt: Provided always, that in caſe through neceſſity of Situation, or other Accident or Circumſtance, it ſhall happen that One or more of the ſaid Proprietors of Lands hereby directed to be divided, allotted, and incloſed, ſhall not have a proportionable Share of the Boundaries, Hedges, Ditches, Mounds or Fences, allotted to him in the ſaid intended Incloſure thereof, it ſhall be lawful for the ſaid Commiſſioners to order, aſcertain, and appoint what Sum or Sums of Money ſuch Proprietor or Proprietors ſhall reſpectively pay and contribute towards making the Mounds and Fences of the Allotments of ſuch other of the ſaid Proprietors who ſhall or may have too great a Proportion of Mounding or Fencing allotted to him, her, or them by virtue of this Act, the ſame to be paid to ſuch Perſons, and in ſuch Manner as the ſaid Commiſſioners ſhall by any Writing under their Hands order, direct, or appoint; and the Money ſo ordered, directed, or appointed to be paid, ſhall be raiſed, levied, and recovered in ſuch and the ſame Manner as the other Expences of this Act are herein or by the ſaid recited Act ordered and directed to be raiſed, levied, and recovered; and ſuch Order or Orders of the ſaid Commiſſioners ſhall be final, binding, and concluſive on all Parties intereſted or concerned therein.

Equalizing the Share of fencing.

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 ſaid Proprietors in the Lands and Grounds to be divided and allotted by virtue of this Act, and alſo the reſpective Shares and Proportions by them propoſed to be allotted to ſuch Proprietors reſpectively, in lieu thereof, they the ſaid Commiſſioners ſhall cauſe Notice to be given of ſome convenient Time and Place when and where the ſaid Proprietors may be informed of ſuch intended Allotments, and ſee the ſame delineated and ſet out upon a Map or Plan to be produced for their Inſpection; and if any Proprietors ſhall upon Inſpection of ſuch Map, be diſſatisfied with the intended Allotments, the ſaid Commiſſioners ſhall at ſuch Time and Place laſt aforeſaid, or ſome other Time or Place to be appointed by them for that Purpoſe, receive Statements in Writing of the Complaints and Objections againſt ſuch Allotments, and ſhall forthwith, or as ſoon after as conveniently may be, determine the ſame, and the Determination of the ſaid Commiſſioners reſpecting the Allotments ſhall be final and concluſive on all Parties.

Allotments to be delineated upon the Plan and ſhewn to the Proprietors.

XXXVI. And be it further enacted, That the ſaid Commiſſioners ſhall and may ſcour, build, widen, and make all ſuch ancient or new Ditches, Drains, Watercourſes, Tunnels, Gates and Bridges, as well in, through, and over the Lands and Grounds hereby intended to be allotted and divided, as alſo in, through, and over any ancient Incloſures within the ſaid Pariſh of *Wey* otherwiſe *Weyhill*, making ſuch Satisfaction to the Proprietors of

Commiſſioners may make Drains.

ſuch ancient Incloſures for the Damage done thereby as they ſhall think reaſonable, (the Expence whereof to be raiſed and defrayed as the other Expences of obtaining and executing this Act are directed to be raiſed and defrayed,) and of ſuch Depth, Breadth, and Dimenſions, and in ſuch Directions as the ſaid Commiſſioners ſhall think proper; and the ſaid Commiſſioners ſhall and may, and they are required and directed in and by their Award, to order and determine by whom and at whoſe Expence, and at what Time, and what Manner the ſaid Ditches, Drains, Watercourſes, Tunnels, Gates, and Bridges ſhall be afterwards cleanſed, ſcoured, and maintained; and alſo ſhall and may direct, order, and award all and any of the Streams, Springs, and Watercourſes within the ſaid Open and Common Fields, Lands, and Grounds hereby directed to be divided, allotted, and incloſed, to be carried, diverted, and turned in ſuch Courſes, and through, over, and acroſs ſuch Parts of the Lands and Grounds hereby directed to be divided, allotted, and incloſed as they the ſaid Commiſſioners ſhall in their Diſcretion judge proper for the watering the ſeveral Allotments to be made as aforeſaid; provided that ſuch Streams, Springs, and Watercourſes be not diverted or turned without the Conſent of the reſpective Perſon or Perſons out of whoſe Lands the ſame ſhall be diverted and turned, and of the Perſon or Perſons through or into whoſe Lands the ſame ſhall be turned.

Diſtinct Allotment to be for Lands holden for different Eſtates.

XXXVII. And be it further enacted, That in caſe any Proprietor or Proprietors of any Lands or other Hereditaments hereby or by the ſaid recited Act authorized to be divided, allotted or exchanged, ſhall hold their reſpective Lands or Hereditaments for different Eſtates or for different Tenures, or for the ſame Eſtates under ſeparate Leaſes, the ſaid Commiſſioners ſhall aſcertain and diſtinguiſh the Lands or other Hereditaments held for each of ſuch Eſtates, and by each of ſuch Tenures or Leaſes reſpectively; and ſhall alſo ſet out and diſtinguiſh the different Allotments or other Hereditaments to be accepted and taken as an Equivalent in reſpect of each of them reſpectively; and the ſaid Commiſſioners ſhall and they are hereby authorized and required to ſet forth and declare in and by their ſaid Award in right of what Eſtates or Leaſes in particular ſuch Allotments ſhall have been reſpectively made, and therein alſo ſeparately to deſcribe and aſcertain the Situation of every ſuch Allotment.

When Commiſſioners ſhall not have made diſtinct Allotments of Lands holden by different Titles, they may declare the ſame by Deed, after making their Award.

XXXVIII. And be it further enacted, That when the Proprietor or Proprietors of any Land or other Hereditaments which ſhall be allotted, divided, or exchanged by virtue of this or the ſaid recited Act, ſhall hold his, her, or their Lands and Hereditaments for different Eſtates, or by different Tenures, and where from the Want of neceſſary Information before the ſaid Commiſſioners, or from any other Cauſe, their Award ſhall have omitted the diſtinguiſhing and aſcertaining of the Lands or other Hereditaments holden for each of ſuch Eſtates, and by ſuch Tenures, and the ſetting out and awarding the ſeveral and diſtinct Allotments for ſuch reſpective Lands or other Hereditaments as herein-before is required, and Requeſt ſhall within Twelve Calendar Months after the making the ſaid Award be made to the ſaid Commiſſioners by any Perſon or Perſons intereſted, by Writing under his, her, or their Hand or Hands, to have ſuch an Omiſſion ſupplied by a ſeparate Inſtrument, then and in every ſuch Caſe the ſaid Commiſ-

Commiſſioners are hereby authorized to do every Thing neceſſary for ſupplying ſuch Omiſſion, and ſo far as that Purpoſe ſhall require, to examine Witneſſes, and in every other reſpect to proceed and act as if their Award had not been made; and when they ſhall have obtained what they ſhall think ſufficient Information, they are hereby alſo authorized by any Deed under their Hands and Seals, to diſtinguiſh and aſcertain the Difference of ſuch Eſtates and Tenures reſpectively, and accordingly to make ſuch diſtinct and ſeveral Allotments in the ſame Manner as is hereby required, where ſuch Diſcriminations ſhall not be contained in the ſaid Award, and every ſuch ſeparate Inſtrument ſhall be annexed to the ſaid Award, and enrolled and depoſited therewith, and Evidence thereof ſhall be given in the ſame Manner as by the ſaid recited Act and this Act, or either of them, is directed concerning the ſaid Award, and all reaſonable Expences incurred in or about ſuch ſeparate Inſtrument as aforeſaid, ſhall be payable by the Perſon or Perſons who ſhall have ſo requeſted the ſaid Commiſſioners to make and execute the ſame, or by his, her, or their Heirs, Executors, or Adminiſtrators; and every ſuch ſeparate Inſtrument ſhall from and immediately after the due Execution thereof by the ſaid Commiſſioners, have the ſame Effect to all Intents and Purpoſes as if the Contents thereof had been inſerted and contained in their ſaid Award, and a Duplicate thereof ſhall be delivered to the Perſon or Perſons upon whoſe Requeſt any ſuch Omiſſion ſhall have been ſupplied, or to the Perſon or Perſons to whom the Cuſtody of the Deeds and Writings concerning the Title to the Premiſes in Queſtion ſhall, in the Opinion of the ſaid Commiſſioners, moſt properly belong.

Allotments to be of the ſame Tenure as Lands allotted.

XXXIX. And be it further enacted, That all Lands and Hereditaments which ſhall be allotted by virtue of this or the ſaid recited Act, to any Perſon or Perſons, ſhall be held by ſuch Perſon or Perſons under the ſame Rents, Cuſtoms, and Services as the Lands and Hereditaments in reſpect of which ſuch Allotments ſhall be made or given, were reſpectively held and enjoyed by ſuch Perſon or Perſons as aforeſaid before the paſſing of this Act, or would have been held and enjoyed in caſe this Act had not been paſſed; and the ſeveral Lands and Hereditaments which ſhall be allotted for Freehold Lands and Hereditaments ſhall be deemed Freehold, and ſhall be held of the Lord or Lords of the Fee thereof, under the ſame Rents or other Payments (if any) as the Freehold Lands and Hereditaments for which they were allotted were before that Time held; and the ſeveral Lands and Hereditaments which ſhall be allotted for Copyhold or Cuſtomary Lands and Hereditaments, ſhall in like Manner be deemed Copyhold or Cuſtomary Lands and Hereditaments, and ſhall be held of the Lord or Lords of the Fee thereof, under the ſame Rents and by the ſame Cuſtoms and Services as the Copyhold or Cuſtomary Lands and Hereditaments for which they were ſo allotted were or ought to have been held, and ſhall paſs by the like Surrenders as the Copyhold or Cuſtomary Lands or Hereditaments, in reſpect whereof ſuch Allotment ſhall be made now do, and the Lands or Hereditaments which ſhall be allotted for Leaſehold Lands and Hereditaments ſhall in like Manner be deemed Leaſehold Lands and Hereditaments, and ſhall be held under the ſame Rents and Covenants as the Lands and Hereditaments for which they were ſo allotted were held, and the Reverſion thereof ſhall be veſted in the ſame Leſſors reſpectively as the

the Reverſion of ſuch other Lands and Hereditaments were veſted before the paſſing of this Act, any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

Proprietors of Land to pay Expences.

XL. And be it further enacted, That all and every the Sum or Sums of Money herein-before provided for, and to be paid to the ſaid Commiſſioners and their Clerk or Clerks, together with the Coſts, Charges, and Expences of paſſing this Act, and all Coſts and Charges attending the ſame, together with the Coſts and Charges of ſurveying, admeaſuring, planning, dividing, and allotting the Lands and Grounds ſo intended to be divided, incloſed, and allotted as aforeſaid, and alſo of ſurveying the Homeſteads and ancient Incloſures, and of making the ſaid Roads, and of preparing and enrolling the ſaid Award, and all other neceſſary Expences about and concerning the ſaid Premiſes, ſhall be borne and defrayed by all the Proprietors and Owners reſpectively, (except the ſaid Two Chaplains and Thirteen poor Men of *Ewelm* Almshouſe, in reſpect of any Leaſehold or Copyhold Eſtate held under them, and alſo except the Rector of the Pariſh of *Wey* otherwiſe *Weyhill*, and his Succeſſors, for and in reſpect of the Allotment to the ſaid Rector of the ſaid Pariſh of *Wey* otherwiſe *Weyhill* aforeſaid, and his Succeſſors, it being intended that ſuch Rector ſhall not be liable to any Expence in reſpect thereof,) in and by ſuch Shares and Proportions, and at ſuch Time or Times, as well before as after the completing the Diviſion of the ſaid Lands and Grounds, and the Execution of the Award of the ſaid Commiſſioners, and to ſuch Perſon and Perſons as the ſaid Commiſſioners ſhall, by Writing under their Hands or by their ſaid Award, order or direct.

Power for Leſſees for Lives or Years (not vacated by this Act) or Copyholders for Lives to borrow Money.

XLI. And whereas the ſeveral Owners and Proprietors of the Allotment or Allotments to be made by virtue of this Act holding under Leaſes for Lives, or for Years determinable on One, Two, or Three Life or Lives, or by Copy of Court Roll for One, Two, or Three Life or Lives, under the Lords of the ſaid Manor of *Ramridge*, either for their own Lives, or for the Life or Lives of any other Perſon or Perſons, but entitled to and in the Receipt and Enjoyment of the Rents and Profits of their reſpective Eſtates, may have Occaſion to borrow Money to defray their Proportion of the Charges and Expences incident to and of obtaining and executing this Act, and of fencing their reſpective Allotments, or ſuch Owners or Proprietors ſo entitled as aforeſaid, will advance the neceſſary Sums for defraying their reſpective Proportions of the ſaid Expences, without being able, from the Nature of the Tenure of ſuch Eſtates, or the Continuation of his, her, or their limited or determinable Eſtates or Intereſt therein, to renew or take the fair and reaſonable Advantage of the ſaid Allotment and Incloſure to be made under or by virtue of this Act; for Remedy whereof, be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, at the Requeſt of any of ſuch Owners or Proprietors of any Eſtate to whom any Allotment or Allotments ſhall be made, or who ſhall become intereſted in the ſaid Incloſure by virtue of this Act, and holding of or under the Lords of the ſaid Manor of *Ramridge*, whether by Leaſe or Copy, at the Requeſt of any Leſſee or Copyholder, or any Guardian, Huſband, Committee, Truſtee, or Attorney of or for any Infant, Idiot, Lunatick, Feme Covert, Perſon beyond the Seas, or otherwiſe incapacitated to act for himſelf, herſelf, or themſelves, and holding as aforeſaid, Truſtee or Truſtees in

any Settlement, or any Mortgagee or other Creditor in Poſſeſſion or Receipt of the Rents and Profits of any ſuch new Allotments, held as aforeſaid and affected by this Act, to charge ſuch new Allotments, which ſhall be ſo allotted and awarded to ſuch Owners or Proprietors, or other Perſon or Perſons as aforeſaid, or any Part or Parts thereof, with ſuch Sum or Sums of Money, not exceeding Five Pounds for each and every Acre thereof, in Favour of any ſuch Owner or Proprietor, by Leaſe or Copy, or other Perſon or Perſons advancing the ſame, by Way of Loan, as the ſaid Commiſſioners by Writing under their Hands ſhall conſent to direct or appoint, together with the Expence of any ſuch Charge or Mortgage; and the ſame Money ſo to be paid or advanced (after deducting the Expence attending ſuch Charge and Mortgage) ſhall be applied and diſpoſed of for the Purpoſe of paying and defraying his, her, or their Proportion of the Coſts, Charges, and Expences aforeſaid, and the ſame ſhall carry Intereſt at the Rate of Five Pounds *per Centum per Annum*, to be paid and payable by the Perſon or Perſons borrowing the ſame, or by the Owners or Proprietors, or Perſons for the Time being in Poſſeſſion and Receipt of the Rents and Profits of the ſaid reſpective Eſtates ſo to be charged therewith, to the Perſon or Perſons advancing or lending the ſame by yearly Payments, and the Principal Money ſo to be charged or borrowed, ſhall be paid off to the Perſon or Perſons advancing the ſame, his, her, or their Executors, Adminiſtrators or Aſſigns, by ſuch Owners or Proprietors of the reſpective Eſtates charged therewith, or by the Perſon or Perſons in Poſſeſſion and Receipt of the Rents and Profits thereof, in Sixteen Years, commencing from the Time of paying or advancing the ſame, by Sixteen yearly Inſtalments of One Inſtalment in each Year, and the firſt of ſuch Inſtalments ſhall accrue and become due and be paid and payable on that Day Twelve Months on which ſuch Principal Money ſhall have been advanced, and ſo yearly with the Intereſt thereof, and the Intereſts of all ſuch Inſtalments as ſhall be then remaining due and unpaid to the Time of Payment of each reſpective Inſtalment, until the whole Principal Sum to be ſo charged as aforeſaid, and all Intereſt in reſpect thereof ſhall be paid off and diſcharged; and the Perſon or Perſons reſpectively, who ſhall advance ſuch Monies, and his, her, and their reſpective Executors and Adminiſtrators, may and ſhall have Power from Time to Time, in Default of Payment of any Inſtalment due to him, her, or them reſpectively, or of any Intereſt for the ſaid Principal Money, or any Part thereof, to levy and recover the ſame on the reſpective Lands charged therewith by Diſtreſs and Sale of the Corn, Cattle, or Effects from Time to Time to be found thereon, in the ſame Manner as Landlords may by Law recover Rent due to them on Leaſes, or Demiſes at Rack Rent, together with all the Coſts and Charges of or attending any ſuch Diſtreſs and Sale: Provided always, that no future Owner or Proprietor or Leſſee of the ſaid Eſtates ſo to be charged as aforeſaid, (or the Lords of the ſaid Manor, under which the ſame are or may be held, in caſe the ſame ſhall fall in before the Whole of ſuch Principal Money and Intereſt ſhall be paid off and diſcharged as aforeſaid), ſhall be burthened with more than One Year's Intereſt of the reſpective Sum or Sums of Money charged or remaining thereon, which ſhall have accrued due in the Time of any former Owner, Proprietor or Leſſee, or with the Payment of any Inſtalment which ſhall have been neglected to be recovered by the Space of Six Months after the ſame ſhall have become payable.

XLII. And

Money advanced to be repaid with Interest.

XLII. And be it further enacted, That all Monies which shall be advanced by any Person or Persons for the Purpose of defraying the Expences of applying for and obtaining this Act, and also any Monies which may be advanced and paid to the said Commissioners, Surveyor, Clerk, or otherwise in carrying this Act into Execution, previous to any Money being raised by a Rate on the Proprietors for defraying the Expences of obtaining and executing this Act, shall be repaid to the Person or Persons advancing the same, together with lawful Interest, out of the first Money which shall be raised by such Rate.

Award to be deposited.

XLIII. And be it further enacted, That the Award to be made by the said Commissioners, when enrolled in the Manner directed by the said recited Act, shall, together with a Plan thereunto annexed, be deposited in the Parish Church of *Weyhill* aforesaid.

Commissioners Accounts to be laid before Justices.

XLIV. And be it further enacted, That Once at least in each and every Year during the Execution of this Act, (such Year to be computed from the Day of passing thereof), the said Commissioners shall and they are hereby required to make a true and just Statement or Account of all Sums of Money by them received and expended, or due to them for their own Trouble and Expences in the Execution of this Act; and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by them laid before any Two or more of His Majesty's Justices of the Peace for the Time being for the said County of *Southampton*, to be by them examined and balanced, and such Balance shall be by such Justices stated in the Book of Accounts to be kept in the Office of the Clerk to the said Commissioners, and no Charge or Item in such Account shall be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed by such Justices.

Persons aggrieved may appeal to the Quarter Sessions.

XLV. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this or the said recited 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 final, binding, and conclusive upon all Parties) he, she, or they may appeal to the General Quarter Sessions of the Peace which shall be held for the said County of *Southampton*, within Six Calendar Months next after the Cause of Complaint shall have arisen, and the Justices in their said Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein, and award such Costs as to them in their Discretion shall seem reasonable, and by their Order and Warrant to levy the Costs which shall be awarded by Distress and Sale of the Goods and Chattels of the Party or Parties who shall be ordered to pay the same, rendering the Overplus (if any) on Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale; which Determination of the said Justices shall be final and conclusive to and upon all Parties concerned, and shall not be removed or removable by *Certiorari*, or any Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere.

Saving to the Lords of the Manor.

XLVI. And be it further enacted, That nothing in this Act contained shall prejudice, lessen, or defeat the Right, Title, or Interest of the pre-

ſent or any future Lords of the ſaid Manors within the Limits whereof reſpectively the Lands and Grounds hereby directed to be divided and incloſed are reputed to lie, of, in, and to the Seigniories or Royalties incident or belonging to the ſaid Manor or Manors reſpectively; but that the ſaid Lord or Lords of the ſaid Manor or Manors reſpectively for the Time being, ſhall and may from Time to Time, and at all Times hereafter have, hold, receive, and enjoy all Rents, Services, Courts, and Profits of Courts, and all other Rights, Royalties, and Privileges to the ſaid Manor or Manors reſpectively incident, appendant, and belonging or appertaining, (other than thoſe which are meant and intended to be barred by this Act), in as full, large, ample, and beneficial Manner, to all Intents and Purpoſes, as they might or ought to have held and enjoyed the ſame before the paſſing of this Act, or in caſe it had not been made.

General Saving.

XLVII. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and to all and every other Perſon and Perſons, Bodies Politick and Corporate, his, her, and their Heirs, Succeſſors, Executors, and Adminiſtrators, all ſuch Eſtate, Right, Title, and Intereſt, (other than ſuch as are intended to be barred and deſtroyed by virtue of this Act), as he, or they, or any of them, had and enjoyed upon, to, or out of the ſaid Open and Common Fields, Common Meadows, Common Paſtures, and other Commonable and Waſte Lands hereby intended to be divided, allotted, and incloſed at any Time before the paſſing of this Act, or could or ought to have had in caſe this Act had not been made.

Evidence Clauſe.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1812.