



ANNO QUINQUAGESIMO TERTIO

# GEORGIUM III. REGIS.

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## Cap. 15.

An Act for inclosing Lands in the Parish of *Fawley*,  
in the County of *Southampton*.

[23d March 1813.]

**W**HEREAS there are certain Common Pastures, Common Meadows, Common Marshes, Feedings, Waste Lands, Common Woods, Woody Grounds, and other Commonable Lands within the Manor of *Fawley*, in the Parish of *Fawley*, and within that Part of the Manor of *Bitterne* which lies in the said Parish of *Fawley*, in the County of *Southampton*: And whereas the Honourable and Right Reverend *Brownlow* Lord Bishop of *Winchester*, in the Right of his See of *Winchester*, and as Lord of the Manor of *Bitterne*, in the said County of *Southampton*, is entitled to certain Rights in the Soil of the Common Pastures, Common Meadows, Common Marshes, Feedings, Waste Lands, Common Woods, Woody Grounds, and other Commonable Lands within the said Manor of *Bitterne*: And whereas *Andrew Berkeley Drummond* Esquire is Lord of the Manor of *Fawley*, in the Parish of *Fawley* aforesaid, and as such is entitled to the Soil of the Common Pastures, Common Meadows, Common Marshes, Feedings, Waste Lands, Common Woods, and Woody Grounds, and other Commonable Lands within the said last-mentioned Manor: And whereas the Honourable and Reverend *Thomas de Grey* is Rector of the said Parish of *Fawley*, and as such is entitled to all Tythes both great and small

[*Loc. & Per.*]

Appointment  
of Commis-  
sioners.

small, arising or renewing within the said Parish of *Fawley*: And whereas the Right Honourable *Richard Ford William* Earl of *Cavan*, and the Right Honourable *Honora Margareta* Countess of *Cavan*, his Wife, the Right Honourable *George Augustus Frederick Lambert*, commonly called Lord *Kilcourse*, the Honourable and Reverend *Thomas de Grey*, *Andrew Berkeley Drummond* Esquire, *William Trattle* Esquire, *Joseph Bradby* Esquire, and divers other Persons, Owners of Messuages, Lands, Tenements, Tythes, and other Hereditaments within the said Parish of *Fawley*, are entitled to Rights of Common and other Rights in and upon the said Common Pastures, Common Meadows, Common Marshes, Feedings, Waste Lands, Common Woods, and Woody Grounds, and other Commonable Lands within the said Manors of *Fawley* and *Bitterne*, or one of them, in the said Parish of *Fawley*: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled *An Act for consolidating into 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 Common Pastures, Common Meadows, Common Marshes, Feedings, Waste Lands, Common Woods, and Woody Grounds, and other Commonable Lands within the said Manors lie much dispersed, and are partly covered with Timber, Furze, and Bushes, and in their present Situation are incapable of any considerable Improvement, but if the same were inclosed and divided into specific Shares, and allotted amongst all the Persons interested therein, in Proportion to their respective Rights and Interests, considerable Advantage would arise to the Public as well as to the Parties concerned; but as such Improvement cannot be completed without the Authority of Parliament; may it therefore please Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Richard Eyles*, of *Petersfield*, in the County of *Southampton*, Esquire; *George Barnes*, of *Andover*, in the County of *Southampton*, Land-Surveyor; and *John Hankin*, of *Bentworth*, in the County of *Southampton* Yeoman; and their Successors to be elected in Manner hereinafter mentioned, shall be and they are hereby appointed Commissioners for dividing, setting out, allotting, and inclosing the said Common Pastures, Common Meadows, Common Marshes, Feedings, Waste Lands, Common Woods, and Woody Grounds, and other Commonable Lands amongst the said Proprietors and Persons interested therein respectively, according to their several and respective Estates, Rights, and Interests, and otherwise carrying this Act and the said recited Act into execution, subject to the Regulations of the said recited Act (except in such Cases only where the same are hereby varied or altered); and that all Powers, Authorities, Directions, Acts, Matters, and Things by this Act and the said recited Act, given to or directed to be done and executed by the said Commissioners, may be done and executed by or before any Two of them, and the same when so done shall be as valid and effectual as if done and executed by or before all the said Commissioners.

For choosing  
new Commis-  
sioners.

II. And be it further enacted, That in case any or either of the said Commissioners or their Successors shall die, or refuse or become incapable to act, before the Powers and Authorities hereby vested in them shall be



be fully executed and performed, then and so often as the same shall happen, it shall be lawful for the major Part in Value (such Value to be ascertained by the Land Tax Assessment) of the Proprietors and Persons interested in the said Inclosure, or their respective Attornies or Agents present at a Meeting to be held for that Purpose, not sooner than Twenty Days after the Death, Refusal, or Incapacity of any such Commissioner shall happen, by Writing under their respective Hands, to nominate and appoint One other fit and proper Person (not interested in the said Inclosure) to be a Commissioner in his Room and Stead; and of which Meeting, and of such Death, Refusal, or Incapacity of any such Commissioner, Ten Days Notice shall be given by affixing such Notice on the Church Door of the said Parish of *Fawley*, signed by the Clerk to the said Commissioners, or by the surviving or remaining Commissioners or Commissioner, or by any Three or more of the Persons interested in the said Inclosure; and, in case the major Part in Value of the Proprietors interested in the said Inclosure shall neglect to appoint such new Commissioner within Twenty-one Days after such Death, Refusal, or Incapacity shall happen or be known, then the surviving or remaining Commissioner or Commissioners for the Time being, as soon after such Default as conveniently may be, shall by Writing under their or his Hands or Hand (as the Case may be), appoint any other fit Person not interested in the said intended Division and Inclosure, to be a Commissioner in the Room and Stead of every Commissioner so dying, or refusing, or becoming incapable to act as aforesaid; and so from Time to Time, as often as any such Commissioner shall die or become incapable to act as aforesaid, such other Commissioner shall be appointed in like Manner as is hereinbefore directed for Appointment of any Commissioner, in the Room and Stead of the said *Richard Eyles*, *George Barnes*, and *John Hankin*, or either of them; and every Commissioner so to be elected in pursuance of this Act, shall have and be vested with the same Powers and Authorities in all respects as if he had been originally appointed a Commissioner in and by this Act.

III. And be it further enacted, That *Robert Fisher Gills*, of *Fareham*, in the County of *Southampton*, Land Surveyor, shall be, and he is hereby appointed Surveyor to the said Commissioners for making 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 *Robert Fisher Gills* shall die, refuse or neglect to act, or become incapable of acting, the said Commissioners shall and they are hereby authorized and required forthwith to appoint another Surveyor in his Stead, and so from Time to Time, as often as the Surveyor for the Time being shall die, refuse or neglect to act, or become incapable of acting; and no Person shall act as such Surveyor until he shall have taken and subscribed before the said Commissioners the Oath or Affirmation following; (*videlicet*)

‘ I *A. B.* do swear [*or solemnly affirm*] that I will faithfully, impar- Surveyor’s  
 ‘ tially, and honestly, according to the best of my Skill and Judge- Oath.  
 ‘ ment, execute and perform the Trust and Power vested in me as a  
 ‘ Surveyor, by virtue of an Act passed in the Fifty-third Year of the  
 ‘ Reign



‘ Reign of his present Majesty, intituled [*here insert the Title of this Act,*] according to Equity and good Conscience, and without Favor, Affection, Partiality, or Prejudice, to any Person or Persons whomsoever. ‘ So help me GOD.’

Which Oath or Affirmation such Commissioners are hereby directed and authorized to administer, and every Oath or Affirmation so taken shall be subscribed and enrolled in like Manner, as the Oath or Affirmation of the said Commissioners.

Notice of Meetings.

IV. And be it further enacted, That the said Commissioners shall, and they are hereby required to give public Notice in the Parish Church of *Fawley* aforesaid, upon some *Sunday* immediately after Divine Service, or by Notice in Writing to be affixed on the principal outer Door of the said Parish Church of *Fawley* aforesaid, of the Time and Place for the First Meeting, for executing the Powers hereby vested in them, at least Fourteen Days before such Meeting, and shall give Fourteen Days like Notice of every subsequent Meeting for the like Purpose, (Meetings by Adjournment only excepted), and shall hold their Meetings within the said Parish of *Fawley*, or within Eight Miles thereof, and it shall be lawful for the said Commissioners to adjourn their Meetings from Time to Time as they shall see Occasion; and if Two of the said Commissioners shall not appear at the First Meeting in pursuance of this Act, then and in such Case any One of the said Commissioners then present may adjourn such Meeting to a future Day, not exceeding Fourteen Days from the Adjourning, and shall give Notice thereof to the absent Commissioners, and in case no One of the said Commissioners shall appear at such Meeting, then the Clerk or Clerks of the said Commissioners shall and may adjourn such Meeting to and appoint the said Commissioners to meet at the Place where the last Meeting was appointed to be held, within Fourteen Days next after the Day on which such last Meeting was appointed to be held, and shall, and he is hereby required forthwith to give Notice of such Adjournment to the said Commissioners, any thing herein contained to the contrary notwithstanding.

Other Notices.

V. And be it further enacted, That all other Notices necessary and requisite to be made and given, shall be made and given by Writing affixed on the principal outer Door of the said Parish Church of *Fawley*, or by Advertisement in the Newspaper, called the *Salisbury and Winchester Journal*, if then published, and if not, then in some other Newspaper usually circulated in the said County of *Southampton*.

Commissioners not attending.

VI. Provided always, and be it further enacted, That if any or either of the said Commissioners by this Act appointed shall not attend at the First or Second Meeting of the said Commissioners appointed to be holden for putting this Act into Execution, having at least Twenty-one Days previous Notice thereof, or if any Commissioner to be appointed by virtue of this Act shall not attend at the First or Second Meeting of the said Commissioners, subsequent to his Appointment, on having such previous Notice thereof as aforesaid, such Absence shall be deemed and taken to be a Refusal to act, unless prevented by Sickness or other unavoidable Accident.

VII. And



VII. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties who now are or shall, before the Execution of the said Award, be interested or claim to be interested in the said intended Division, Allotment, or Inclosure, or any of them, touching or concerning the respective Rights, Shares, Interests, and Proportions, which they or any of them shall have or claim to have of and in the said Commons, Waste Lands, and Grounds hereby directed to be divided, allotted, and inclosed, or concerning the respective Shares which they or any or either of them ought to have of or in the said Division, Allotment, or Inclosure, it shall and may be lawful to and for the said Commissioners, by Examination of Witnesses upon Oath, (which Oath any One of the said Commissioners is hereby empowered to administer,) and upon other proper and sufficient Inquiry, Evidence, and Satisfaction, to hear and determine the same, and make such Order therein as they shall think fit: Provided that nothing in this Act contained shall authorize the said Commissioners to determine the Title to any Messuages, Cottages, Lands, Tenements, and Hereditaments whatsoever.

VIII. And be it further enacted, That it shall be lawful for the said Commissioners, if they in their Discretion shall think it proper so to do, to award, order, and assess such Costs and Charges as they shall respectively think reasonable to be paid to the Party or Parties in whose Favour they shall make their Determination respectively, by the Person or Persons whose Claims, Complaints, or Objections shall be thereby disallowed; and in case such Costs and Charges shall not be paid on Demand, then the said Commissioners are hereby empowered, by Warrant under the Hands and Seals of the said Commissioners, to levy such Costs and Charges by Distress and Sale of the Goods and Chattels of such Person or Persons, rendering the Overplus (if any) upon Demand, after deducting the reasonable Charges attending such Warrant, Distress, and Sale to the Person or Persons whose Goods and Chattels shall be so distrained and sold as aforesaid.

IX. Provided always, and be it further enacted, That in case any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, interested or claiming to be interested in the said intended Division, Allotment, and Inclosure, shall be dissatisfied with any Determination of the said Commissioners, touching or concerning any Claim or Claims of the Right to the Soil of the said Commons and Waste Lands, or any or either of them, or of any Rights of Common, or other Rights or Interests in, over, or upon the Lands and Grounds herein directed to be divided, allotted, and inclosed, or any Part thereof, it shall and may be lawful to and for the Person or Persons who shall be dissatisfied, to proceed to a Trial at Law of the Matter so determined by the said Commissioners, 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 a Determination shall have been made, within Six Calendar Months next after such Determination of the said Commissioners, which Issue shall be tried at the First or Second Assizes at farthest which shall be holden in and for the said County of *Southampton* after the Commencement of the said Action; and the Defendant or Defendants in such Action or Actions shall, and he, she, or they, is and are hereby

[*Loc. & Per.*]

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required



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, and such Issue or Issues shall be settled by the proper Officer or Officers of the Court in which the said Action or Actions shall be commenced, in case the Parties shall differ about the same; and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding, and conclusive upon and to all and every Person and Persons whomsoever, Body or Bodies Politic, Corporate, or Collegiate, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had thereon, which it shall be lawful for the Court to do, as is usual in other Cases; and that after such Verdict or Verdicts shall be obtained, and not set aside by the Court, the said Commissioners shall and they are hereby required to act in Conformity thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials: Provided always, that the Determination of the said Commissioners, touching such Claim or Claims of Right to the Soil of Common, or other Rights or Interests in, over, or upon the said Commons or Waste Lands, or any Part thereof, which shall not be objected to, or being objected to, the Party or Parties objecting shall not cause such Action or Actions at Law to be brought and proceeded in as aforesaid, shall be final and conclusive upon all Parties.

Cause to proceed in case of Parties Death.

X. And be it further enacted, That if any Person or Persons, being Plaintiff or Plaintiffs, Defendant or Defendants, in any Action to be brought for any Matter arising out 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.

In case of Death of Parties.

XI. 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 Politic, Corporate, or Collegiate, who might have brought such Action or Actions against the Person or Persons so dying, to bring the same within the Time so limited as aforesaid against such Person or Persons as if actually living, and to serve the Clerk or Clerks 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 be thereupon incumbent upon the Heir or Heirs of the other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein in the same Manner as if such Person or Persons had been actually living, and the Rights of all such Parties shall be equally bound and concluded by the Event of such Action or Actions.

XII. Pro-



XII. Provided always, and be it further enacted; That nothing in this Act contained shall extend to enable the said Commissioners to determine any Rights between any Parties contrary to the Possession of any such Parties (except in Cases of Incroachments made within the Period of Twenty Years as hereinafter mentioned), but in case the said Commissioners shall be of Opinion against the Right of the Person or Persons so in Possession they shall forbear to make any Determination thereupon until the Possession shall have been given up by or recovered from such Person or Persons by Ejectment or other due Course of Law.

Persons in Possession not to be molested.

XIII. And be it further enacted, That if any Suit or Suits shall be commenced or prosecuted touching or concerning the Title of any Person or Persons in or to any Lands, Tenements, or Hereditaments, for or in respect of which any Right or Interest in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, shall be claimed, such Suit or Suits shall not impede, delay, or hinder the said Commissioners from proceeding in the Execution of the Powers vested in them by this Act, but the said Division, Allotment, and Inclosure shall be proceeded in notwithstanding such Suit or Suits.

Suits respecting Titles not to impede the Execution of the Act.

XIV. And be it further enacted, That if any of the Parties interested in the said Division and Inclosure shall die before the same shall be completed, the Powers and Authorities hereby given to the said Commissioners shall not be determined or suspended, but the Commissioners shall and may proceed to execute the Powers and Authorities given to them by this Act, in such Manner as they might have done in case such Parties had not died, and that the Share or Shares of the Person or Persons so dying shall be allotted to such Person or Persons, who by Descent, Devise, or otherwise, shall become entitled to the same, and shall be accepted and fenced by him, her, or them, according to the Directions of the said recited Act or this Act, and he, she, or they shall be liable to the Charges and Expences and other Conditions of this and the said recited Act.

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

XV. And whereas it may shorten the Boundary Fences between the Lands hereby directed to be divided; allotted, and inclosed, and the Lands in any adjoining Parish or Parishes, if the said Commissioners were empowered to cause such Fences to be raised in such Direction as they shall deem most proper and convenient for shortening and making the same regular, Be it therefore enacted, That it shall and may be lawful for the said Commissioners, with the Consent in Writing of the Lord or Lords of the Manor or Manors in which the Land is situate, and under the Hands of the major Part in Value of the Land Owners in any Parish or Parishes adjoining to the said Parish of *Faxoley*, (such Value to be ascertained by the Rates or Assessments to be made for the Relief of the Poor of such Parish or Parishes respectively,) or under the Hand or Hands of the Owner or Owners of the Lands upon which such Fence or Fences shall or may be intended to be made, to set out, ascertain, and determine the Boundary Fences to be made between the Lands and Grounds hereby directed to be divided and allotted, and the Lands lying in such adjoining Parish or Parishes as they shall judge proper for the Purposes aforesaid; and after such Boundary shall be so set out, ascertained, and determined, the same shall

Boundary Fences.



shall be inclosed and fenced by such Person or Persons, in such Manner, and at such Time or Times as the said Commissioners shall direct, and shall for ever thereafter be deemed and taken to be the Boundaries between the said Parish of *Fawley* and such adjoining Parish or Parishes respectively; any Law, Usage, or Custom to the contrary notwithstanding.

Rights of  
Common to  
be extin-  
guished.

XVI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized, at any Time or Times before the Execution of their Award, by Notice in Writing under their Hands, to be affixed on the principal outer Door of the Church of *Fawley* aforesaid, to order and direct all or any Part of the Rights of Common, in, over, and upon the said Commons and Waste Lands and Grounds, or any of them, or any Part thereof respectively, to be extinguished, or the Exercise thereof to be suspended, for and during such Time as shall be expressed in such Notices, and all such Rights of Common as the said Commissioners shall by such Notice so order and direct to be extinguished, or the Exercise thereof suspended as aforesaid, shall from the Time of affixing such Notice on the Door of the said Church, or from the Day to be stated in such Notice, cease, determine, and be extinguished, or the Exercise thereof be suspended accordingly, any Law, Usage, or Custom, to the contrary notwithstanding.

Incroach-  
ments.

XVII. And be it further enacted, That all Incroachments which, at any Time within Twenty Years last past, have been made on the said Common Pastures, Common Meadows, Common Marshes, Feedings, Waste Lands, Common Woods, Woods, Grounds, or other Commonable Lands, shall be deemed Part thereof, and be divided, allotted, and inclosed accordingly; and in case any Dispute or Difference shall arise touching any such Incroachment or the Extent thereof, such Dispute shall be determined by the said Commissioners.

Lands which  
have been  
inclosed for  
Twenty  
Years and  
upwards to be  
deemed an-  
cient Inclo-  
sures, and not  
to be subject  
to the Powers  
of this Act.

XVIII. And be it further enacted, That all such Lands which have been taken in or inclosed out of and from the said Commons, Wastes, and Commonable Lands, or any of them, for Twenty Years or upwards, before the passing of this Act, shall in all respects be deemed and considered as ancient Inclosures within the said Manor of *Fawley*, or that Part of the Manor of *Bitterne* which lies in the Parish of *Fawley*, in whichever of the Two Manors the said Lands shall happen to be situate, and shall not be subject to any of the Powers hereby given to or vested in the said Commissioners, touching the said Commons, Wastes or Commonable Lands within the said Manors.

Licensed En-  
croachments.

XIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend to prejudice or diminish the Right of any Person or Persons whomsoever, to any Encroachments upon the said Commons, Wastes, and Commonable Lands, notwithstanding the same shall have been made within Twenty Years now last past, in case the same shall have been made or shall have been compounded by virtue of any Licence, Contract, or Grant from the Lord or Lords of the said Manors of *Bitterne* and *Fawley*, and which Licence, Consent, or Grant shall before the passing of this Act have been entered or inrolled in the Court Books of the said Manors, or one of them, and that no Person

or



or Persons who at the Time of passing of this Act shall be in the Possession of any Encroachments heretofore made by virtue of or confirmed by any such Licence, Consent, or Grant, as aforesaid, shall at any Time hereafter be liable to the lawful Suit, Claim, or Interruption, of any other Person or Persons whomsoever, on the Ground of any such Encroachment having heretofore been Part of the said Commons, Wastes, and Common Lands: Provided always, that no Person possessing any Encroachment whatever, shall in respect thereof be entitled to any Allotment or Allotments out of the Lands and Grounds to be divided and allotted by virtue of this Act, if any such Encroachment shall at any Time within Sixty Years now last past have been Part of the said Commons, Wastes, and Commonable Lands.

XX. And be it further enacted, That it shall be lawful for the said Commissioners to cause and order to be scoured and widened all ancient Brooks, Ditches, Drains, Watercourses, Tunnels, Watergates, Banks, and Bridges, within the said Manor of *Fawley*, and within that Part of the Manor of *Bitterne* which lies in the Parish of *Fawley* aforesaid, and also to erect, set up, and appoint such new Ditches, Drains, Watercourses, Banks, and Bridges, of such Depth and Breadth, and in such Directions, as the said Commissioners shall think proper, as well in, through, and over the Lands and Grounds hereby directed to be divided and inclosed as aforesaid, as also in, through, and over any ancient Inclosures, or any other Lands and Grounds within the said Manors of *Fawley* and *Bitterne* in the Parish of *Fawley*, or either of them, (making such Satisfaction to the Proprietors of such ancient Inclosures or other Lands or Grounds, not hereby directed to be divided and inclosed, for the Damage done thereby, as they shall think proper); and the said Commissioners shall, and they are hereby required, in and by their said Award, to order and direct by whom, at whose Expence, at what Time, and in what Manner, the said Brooks, Ditches, Drains, Watercourses, Tunnels, Banks, and Bridges, shall be made and thereafter repaired, cleansed, scoured, and maintained; and also shall order, direct, and award all or any of the Streams, Springs of Water, and Watercourses, within the said Lands and Grounds hereby directed to be divided, allotted, and inclosed, to be carried, conveyed or turned in such Courses, and through, over, and across such Part of the said Lands and Grounds, hereby directed to be divided and inclosed, as the said Commissioners shall, in their Discretion, judge proper for the watering of the several Allotments to be made as aforesaid: Provided always, that no such Stream, Spring, and Watercourse, shall be diverted or turned without the Consent in Writing of the Owner or Owners of the Lands from or out of which any such Stream, Spring, or Watercourse, shall be diverted, and also of the Owners of the Land into which the same shall be turned.

XXI. And be it further enacted, That in case it shall appear to the said Commissioners that any of the Public Highways, Bridle Roads, or Footways in, through, over, or upon the Sides of any old Inclosures or Lands and Grounds hereby intended to be inclosed, may, in the Judgment of the said Commissioners, be diverted and turned without Inconvenience to the Public, or be stopped up and discontinued as superfluous and unnecessary, it shall be lawful for the said Commissioners, with the Concurrence and Order of Two Justices of the Peace acting in and for

[*Loc. & Per.*]

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the



the Division of the said County in which the said Parish of *Fawley* is situate, and according to the Directions of the said recited Act, and subject to Appeal as in the said recited Act is mentioned, to order and direct any of such Public Highways, Bridle Roads, or Footways to be altered, turned, stopped up, or discontinued, in such Manner as the said Commissioners, with the Concurrence of the said Justices, shall think proper and reasonable.

Allotment for  
Gravel and  
Sand Pits.

XXII. And be it further enacted, That the said Commissioners shall and they are hereby empowered and required to set out and allot One or more Plot or Plots, Piece or Pieces of the said Commons, Wastes, and other Commonable Lands hereby directed to be divided, allotted, and inclosed, not exceeding Five Acres, as and for the Public Gravel Pits and Sand Pits, with convenient Roads to and from the same to be used in common by the Proprietors of Lands and Estates in the said Manors of *Fawley* and *Bitterne*, in the Parish of *Fawley*, and their respective Tenants, as well for their own necessary Use as for the Repairs of the Public and Private Roads and Ways within the said Manors.

Allotment to  
the Lord of  
the Manor of  
*Bitterne*, in  
the Parish of  
*Fawley*.

XXIII. And be it further enacted, That the said Commissioners shall and may and they are hereby authorized and required to ascertain the Value of One Sixteenth Part of the said Commons and Wastes belonging to that Part of the Manor of *Bitterne*, which lies in the said Parish of *Fawley*, hereby directed to be divided, allotted, and inclosed, and shall set out, allot, and award such Parcel and Parcels of the said Commonable Lands, lying within that Part of the Manor of *Bitterne*, which is within the Parish of *Fawley*, as shall be equivalent to the said Sixteenth Part unto the said Lord Bishop of *Winchester*, and his Successors, Lords of the said Manor of *Bitterne*, in lieu of and as a Compensation for his and their Right and Interest in or to the Soil of the said Commons, Wastes, and other Commonable Lands within that Part of the said Manor of *Bitterne* which lies in the Parish of *Fawley*, which Allotment, when so made, the said Lord Bishop and his Successors shall have Power to lease for Three Lives, in such Form and Manner as he and his Predecessors, Bishops of *Winchester* aforesaid, have usually leased their Lands and Estates.

Allotment to  
the Lord of  
the Manor of  
*Fawley*.

XXIV. And be it further enacted, That the said Commissioners shall and may and they are hereby authorized and required to ascertain the Value of One Sixteenth Part of the said Commons and Wastes belonging to the Manor of *Fawley* hereby directed to be divided, allotted, and inclosed, and shall set out, allot, and award such Parcel and Parcels of the Commonable Lands lying within the said Manor of *Fawley*, in the said Parish of *Fawley*, as shall be equivalent to the said Sixteenth Part, unto the said *Andrew Berkeley Drummond* Esquire, as Lord of the said Manor of *Fawley*, his Heirs and Assigns, in lieu of and as a Compensation for his and their Right and Interest in or to the Soil of the said Commonable Lands within the said Manor of *Fawley*.

Allotment of  
Residue.

XXV. And be it further enacted, That the said Commissioners shall, and they are hereby required, after making such Allotments as aforesaid, to divide, set out, allot, and award, all the Residue and Remainder of the said Common Pastures, Common Meadows, Common Marshes, Feedings, Waste Lands, Common Woods, and Woody Grounds, and other Commonable



monable Lands intended to be by this Act inclosed, awarded, and allotted unto and amongst the several Owners and Proprietors thereof respectively, and other Persons entitled thereto, or interested therein, in such Quantities, Shares, and Proportions, as by the said Commissioners shall be deemed to be just, and to be a full Compensation and Satisfaction for, and equal to their several and respective Rights of Common, and other Rights and Interests therein.

XXVI. And be it further enacted, That the said Commissioners shall, before the Execution of their general Award, cause the Allotments which shall be awarded to the Lord Bishop of *Winchester*, in respect of his See of *Winchester*, and the said Rector in Right of his said Rectory, to be inclosed, hedged, ditched, and ring-fenced, with good and sufficient Boundary Fences; the Expences whereof, as also of carrying this Act into Execution in respect of such Allotments, shall be paid and defrayed by and out of the Monies hereby directed to be raised for carrying this Act into Execution; and from and after making such Inclosures, and Hedges, Ditches, and Ring Fences, to the said Allotments, all such Hedges, Ditches, and Ring Fences, shall for ever thereafter be kept in Repair by the said Lord Bishop of *Winchester* and his Successors, as aforesaid, and the Rector of the said Parish of *Fawley* for the Time being, and the Owners and Owner of the adjoining Allotment or Allotments, or any of them, in such Shares and Proportions as the said Commissioners shall, in and by their said general Award, order, direct, and appoint.

Bishop of  
*Winchester's*  
Allotment to  
be fenced.

XXVII. And be it further enacted, That the several other Allotments to be made by virtue of this Act, shall be enclosed, hedged, ditched, and fenced, at the Expence of the respective Proprietors, to whom such Fences shall be allotted or directed to belong in such Manner and within such Time and Times as the said Commissioners shall, by their said Award, or any other Writing previous to the Execution of their said Award under their Hands, direct or appoint.

Allotments to  
be fenced by  
Proprietors.

XXVIII. Provided always, and be it further enacted, That if any Person (except the Bishop of *Winchester* for the Time being in respect of the See of *Winchester*, and the Rector of the said Rectory for the Time being in respect of the said Rectory) hath sold, or shall at any Time before the Execution of the said Award sell his or her Right, Interest, and Property in, to, over, or upon the Lands and Grounds hereby directed to be divided and allotted, or any Part thereof, to any other Person, then and in every such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required, upon receiving Notice of any such Sale, to make an Allotment of Land unto the Vendee or Purchaser in every such Sale, or to his or her Heirs or Assigns, for and in respect of such Right, Interest, and Property so sold as aforesaid, and every such Vendee or Purchaser, or his or her Heirs or Assigns, shall and may, from and after the Execution of the said Award, hold and enjoy the Land so to be allotted to him, her, or them as aforesaid, in the same Manner as the Vendor in such Sale might, could, or ought to have held and enjoyed the same in case such Sale had not been made, or such Right, Interest, or Property had been vested in such Vendor at the Time of making such Allotment as aforesaid.

If any Person  
sells his Com-  
mon Right,  
the Allotment  
to be made to  
the Purchaser;

XXIX. And



Exchanges.

XXIX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to set out, allot, and award any Lands, Tenements, Tythes, or other Hereditaments, new Allotments, or old Inclosures, within the said Manor of *Fawley*, and that Part of the Manor of *Bitterne* which lies in the Parish of *Fawley*, in lieu of or in exchange for any other Lands, Tenements, Tythes, or other Hereditaments, new Allotments, or old Inclosures within the said Manors or either of them, or within any Part of the Parish of *Fawley*, or within any adjoining Parish, Township, Hamlet, or Place: Provided, that all such Exchanges be ascertained, specified, and declared in the said Award of the said Commissioners, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors, or other Persons seised or possessed of, or interested in the Lands, Tenements, or Tythes, or other Hereditaments which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors, or other Person or Persons shall be a Body or Bodies Politic, Corporate, or Collegiate, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail General or Special, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Owners or Proprietors as aforesaid, who shall, at the Time of making such Exchange or Exchanges, be respectively Infants, Females Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise incapable of acting for himself, herself, or themselves, such Consent to be testified in Writing under the Common Seal of the Body Politic, Corporate, or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every such Exchange and Exchanges so to be made, shall be good, valid, and effectual in the Law, to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Lands, Tenements, Tythes, 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 Bishop of the Diocese for the Time being, in which such Lands, Tenements, Tythes, or Hereditaments so to be exchanged shall lie and be situated.

Wills and Settlements not to be affected, and Lands allotted or exchanged to enure to the same Uses as before.

XXX. And be it further enacted, That nothing in this Act contained shall extend, or be construed or adjudged to extend, to revoke, make void, alter, or annul any Will or Settlement, or to prejudice any Person having any Right or Claim of Jointure, Dower, Annuity, Rent, Debt, Charge, Incumbrance, or Interest whatsoever, in, out of, upon, or affecting any of the Lands, Tenements, or Hereditaments hereby intended to be divided, allotted, and inclosed, or which shall be exchanged or assigned in Compensation for any other Estate or Right in pursuance of this or the said recited Act respectively, but as well the Lands allotted as the Tenements and other Hereditaments, which shall be exchanged or assigned in Compensation for any other Estate or Right, shall immediately after such Exchange, Allotment, or Assignment, be made, be vested, remain and enure, and the several Persons to whom the same shall be allotted, assigned, or given in Exchange as aforesaid, shall thenceforth stand and be seised and possessed thereof respectively, to, for, and upon such and the same, Uses, Estates, Interests, Trusts, and Purposes respectively, and subject and liable to such and the same Wills, Settlements, Limitations, and



and Remainders, Conditions, Charges, and Incumbrances, as the several Lands, Tenements, and Hereditaments, in respect whereof such Allotments, Assignments, and Exchanges shall have been made, should or would have stood severally limited, vested, or subject, or liable to, or been held by, in case the same had not been allotted, assigned, or exchanged, and this Act had not been made, save and except such Leases and Tenancies at Rack Rent, as shall become void by virtue of this Act.

XXXI. And be it further enacted, That all and singular the Lands and other Premises which shall be allotted under or by virtue of this Act, shall (immediately after such Allotments are made), be held by, and be subject to such and the same Tenures, Customs, Heriots, Rents and Services, as the several and respective Messuages, Buildings, Lands, Tenements and Hereditaments, in respect whereof such allotted Lands shall be made are now subject to.

Allotment to be of the same Tenure as enclosed Lands.

XXXII. And be it further enacted, That all and every Tenant and Occupier under any Lease or Agreement, at Rack or extended Rent, for any Term of Years, or any of the said Lands and Grounds which shall be allotted or exchanged by virtue of this Act, shall immediately after signing the said Award of the said Commissioners, or at such other Time or Times as the said Commissioners shall appoint, and whereof at least Six Months Notice in Writing shall be given for that Purpose, give and resign up the full and peaceable Possession of such allotted or exchanged Lands to the Person or Persons to or with whom the same shall be respectively allotted or exchanged, such respective Tenants and Occupiers of such allotted and exchanged Lands receiving from the respective Owners and Proprietors thereof, such Allowance in Rent, for the Residue of the Term mentioned in such Lease or Agreement, as the said Commissioners shall, by Writing under their Hands, ascertain, order, or appoint to be made to such Tenant or Tenants respectively on Account thereof, as an Equivalent for the Loss or Losses he, she, or they shall respectively sustain thereby, or otherwise if the said Commissioners shall think it proper and reasonable for any or either of such Tenants or Occupiers to hold such allotted Lands or exchanged Premises during the Remainder of such Leases or Agreements, then such Tenants or Occupiers shall pay to the Owners or Proprietors thereof respectively such additional Rents, and manage the said Lands and Premises in such Manner, and subject to such Conditions, as the said Commissioners shall, by any Writing or Writings under their Hands, for that Purpose order and appoint: Provided always, that if there be any such Lease or Leases of Land as aforesaid, Part of which shall lie in the said Parish and Part in any adjoining Parish, all and every such Lease and Leases may be vacated; but where any Lands shall be taken in Exchange, which Lands shall be under Lease, and wholly situate in any adjoining Parish, such last mentioned Lease shall not be vacated.

Leases at Rack Rent.

XXXIII. And be it further enacted, That in case the Proprietor or Proprietors of any Lands or other Hereditaments, by this Act authorized to be divided, allotted, or exchanged, shall hold their respective Lands or Hereditaments for different Estates, or under different Titles, the said Commissioners shall ascertain and distinguish the Lands or other Hereditaments

Distinct Allotments to be made for Lands holden by different Titles or for

[Loc. & Per.]

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held



different  
Estates.

held for each of such Titles respectively, and shall distinguish the different Allotments, or other Hereditaments, to be accepted and taken as an Equivalent in respect of each of them; and the said Commissioners shall and they are hereby authorized and required to set forth and declare, in and by their general Award, in Right of what Estates in particular such Allotments shall have been made respectively, and therein separately to describe and ascertain the Situation of every such Allotment.

Directing the  
Course of  
Husbandry.

XXXIV. And be it further enacted, That in the mean Time, and until such Division and Allotment shall be made as aforesaid, the Pasture, Tillage, and Mode of Husbandry of the said Commons, Waste Lands, and Commonable Lands hereby directed to be divided, allotted, and inclosed, shall in all respects be governed, ordered, and controuled by the said Commissioners by Writing or Writings under their Hands, in case they shall think it expedient to make an Order or Regulation in that respect, any Usage or Custom to the contrary notwithstanding.

No Sheep to  
be kept for  
Five Years.

XXXV. Provided always, and be it further enacted, That no Sheep or Lambs shall be kept in any of the Allotments to be made by virtue of this Act (whereon any new Fence shall be raised,) during the Space of Five Years next after the Execution of the said Award, unless the Person keeping the same shall first, at his or her own Expence, make and maintain a sufficient Fence to guard and protect the young Fences belonging to such Allotments respectively from being hurt or damaged by such Sheep or Lambs, (whether such Fences be made or set by the Owner or Occupier of such Allotment or Allotments, or by the Owner or Occupier of the Allotment or Allotments adjoining thereto), and in case any Person shall turn or keep any Sheep or Lambs in any such Allotment or Allotments, without raising or keeping up such Fences as aforesaid, it shall be lawful for the Owner or Occupier of any adjoining Allotment or Allotments to enter thereon and to take, drive away, and impound the same Sheep or Lambs.

Expences of  
this Act.

XXXVI. And be it further enacted, That the Costs, Charges, and Expences of passing this Act, and all Costs and Charges attending the same, and the Costs and Charges of forming and completing and putting into good and sufficient Repair the Public Carriage Roads, and the Costs and Charges of surveying, planning, valuing, dividing, and allotting the Lands and Grounds hereby directed to be divided, allotted, and inclosed as aforesaid, and of preparing and inrolling the said Award as before mentioned, and all the Expences attending the Execution of this Act, and the said recited Act, shall be borne and defrayed by the several Owners of Lands, Grounds, and Hereditaments within the said respective Manors and Places to be divided and allotted by virtue of this Act, in such Shares and Proportions, at such Time or Times, Manner and Places, and by such Person or Persons, as the said Commissioners, either before or after the Execution of their said Award, shall appoint, by any Rate or Rates to be made by them for that Purpose, (save and except the said Lord Bishop of *Winchester*, in respect of any Allotment or Allotments to be made to him as such Lord Bishop, by virtue of this Act, and also except the said Rector in respect of obtaining this Act, or carrying any of the Provisions thereof into Execution,) and the Determination of such Commissioners shall be final and conclusive;



clusive; and in case any Person or Persons shall refuse or neglect to pay his, her, or their Share or Proportion of such Charges and Expences as aforesaid, then and in such Case the said Commissioners shall cause the same to be levied and recovered in the Manner as in and by the said recited Act is directed.

XXXVII. Provided always, and be it further enacted, That in ascertaining such Costs and Expences, the same shall be charged on the several Proprietors in proportion to the Benefit which will arise to their respective Lands by the Execution of this Act, and the whole of the Charge on the several Proprietors, and the Grounds on which the Apportionment thereof shall be made, shall be entered in the Proceedings of the said Commissioners, and shall be open to the Inspection of every Person who shall be so charged; and it shall be lawful for any of the Persons charged with such Costs and Expences, to appeal to the Justices of the Peace assembled at any General Quarter Sessions for the County of *Southampton*, against any Rate which shall be made by the said Commissioners, within such Time, and on giving such Notice to the said Commissioners as is hereinafter limited and directed with respect to Appeals against Proceedings, Orders, or Determinations of the said Commissioners; provided also, that in all Cases where any Appeal shall be made against any such Rate, none of the Powers and Authorities given by this Act or the said Act hereinbefore referred to, shall be put in Force and exercised for the Recovery of such Part of such Charge against which such Appeal shall be made, until such Appeal shall have been determined by the said Justices; and in case the Determination of such Justices shall be against the said Charge, the said Commissioners shall make a new Charge and Apportionment, against which there shall be the like Power of Appeal, and so from Time to Time, until a Charge and Apportionment shall be made, against which there shall be no Appeal, or which shall be confirmed upon Appeal.

Mode of apportioning the Rates to be raised on the Proprietors.

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

Interest of Expences.

XXXIX. And be it further enacted, That the said Commissioners, or such of them who shall act in Execution of the Powers and Authorities by this Act vested in them, shall be allowed and paid the Sum of Two Pounds Twelve Shillings and Sixpence, and no more, for every Day they or he shall act, or travel for the Purpose of acting, or in returning Home from acting therein; which Allowance shall be and is hereby declared to be in full Satisfaction for their or his Trouble and Expences in the Execution of this Act: Provided always, that the said Proprietors, their Attornies or Agents, shall pay their own Expences when they or any of them shall attend the said Commissioners, at any of their Meetings to be held in pursuance of the said recited Act, and this Act.

Commissioners Allowance.

XL. 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

Persons appointed for the examining



the Commif-  
fioners' Ac-  
counts.

the Day of the paſſing of this Act), the ſaid Commiſſioners ſhall and they are hereby required to make a juſt and true Statement or Account of all Sums of Money by them received or expended, or due to them for their own Trouble and Expences in Execution of this Act, and ſuch Statement or Account, when ſo made, together with the Vouchers relating thereto, ſhall be by them laid before *Richard William Miſſing* Eſquire, Barrifter at Law, and *Thomas Woodham*, Deputy Clerk of the Peace for the County of *Southampton*, or One of them, to be by them or One of them examined and balanced, and ſuch Balance ſhall be by them, or One of them, ſtated in the Book of Accounts to be kept in the Office of the Clerk of the ſaid Commiſſioners, and no Charge or Item named in ſuch Accounts ſhall be binding on the Parties concerned, or be valid in Law, unleſs the ſame ſhall have been duly allowed by the ſaid *Richard William Miſſing* and *Thomas Woodham*, or One of them.

In caſe of their  
Death others  
to be ap-  
pointed.

XLII. Provided always and be it further enacted, That in caſe the ſaid *Richard William Miſſing* and *Thomas Woodham* ſhall both die, or if they ſhall both reſuſe to act as Auditors as aforeſaid, before the Matters and Things to be by them done by virtue of this Act ſhall be entered upon or fully performed and finiſhed, it ſhall be lawful for the Proprietors of the Lands and Grounds hereby intended to be divided and enclouſed, or the major Part of them in Value according to the Land Tax Aſſeſſment, aſſembled at a Meeting ſpecially convened for that Purpoſe, by Notice on the principal outer Door of the Church of the ſaid Pariſh of *Fawley*, Ten Days at leaſt before the Time appointed for holding ſuch Meeting, by Writing under their Hands to appoint ſome other fit and proper Perſons, not intereſted in the ſaid intended Diviſion and Incloſure, to be an Auditor or Auditors in the Place and Stead of the ſaid *Richard William Miſſing* and *Thomas Woodham*, or either of them, ſo dying or reſuſing to act, and as often as Occaſion may require; and the Perſon or Perſons ſo to be nominated and appointed ſhall have the like Powers and Authorities for executing the Purpoſes aforeſaid, as the ſaid *Richard William Miſſing* and *Thomas Woodham*, or either of them, have or had.

Award to be  
enrolled and  
depoſited with  
the Clerk of  
the Peace.

XLII. And be it further enacted, That the Award to be made by the ſaid Commiſſioners purſuant to the Directions of the ſaid recited Act and this Act, ſhall be enrolled with the Clerk of the Peace for the County of *Southampton*, and the ſaid original Award, and ſuch Plans and Surveys as may be annexed thereto ſhall be lodged and depoſited in the Office of the Clerk of the Peace for the ſaid County of *Southampton*, to remain with the Records of the Court of the General Quarter Sessions of the Peace there, to the End that Recourſe may be had thereto by any Perſon or Perſons intereſted in the ſaid Diviſion, which ſaid Award and Plans and every other Award and Inſtrument to be lodged with the ſaid Award, ſhall and may be inſpected at all reaſonable Times upon reaſonable Notice to the Party requiring ſuch Inſpection, and that a Copy of ſuch Award and Plans ſhall be alſo depoſited in a Tin Box in the ſaid Pariſh Church of *Fawley* with the Pariſh Registers.

Commifſion-  
ers may exe-  
cute Copies of  
the Award for

XLIII. And be it further enacted, That the ſaid Commiſſioners ſhall, at the Requeſts, Coſts, and Charges, of any Perſon or Perſons, Body or Bodies Politic or Corporate, his, her or their Stewards or Agents, hav-  
ing



ing any Allotment or Allotments of the said Lands or Grounds hereby intended to be divided, or otherwise interested therein, at any Time before the depositing of the said Award, make and execute (at the Costs and Charges of the Person or Persons requiring the same) a Copy or Copies of the said Award, Plans, and Surveys, or any of them, for the Use of the Person or Persons requiring the same, and which Copy or Copies being so duly made and executed shall at all Times be admitted and allowed as legal Evidence in all Courts whatsoever.

Persons requiring and paying for the same.

XLIV. And be it further enacted, That where the Proprietor or Proprietors of any Lands or other Hereditaments, which shall be divided, allotted, or exchanged, by virtue of this Act, shall hold their respective Lands and Hereditaments for different Estates, or under different Titles, 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 under each of such Titles respectively, and the setting out and awarding of several and distinct Allotments for such respective Lands or other Hereditaments as herein before is required, and within Twelve Calendar Months after the making the said Award, Request shall be made to the said Commissioners by any Person or Persons interested, by Writing under his or their Hand or Hands, to have such Omission supplied by a separate Instrument, then and in every such Case the said Commissioners are hereby authorized to do every Thing necessary for supplying such Omission, and so far as that Purpose shall require, to examine Witnesses, and in every other respect to proceed and act as if the Award had not been made; and when they shall have obtained what they shall think sufficient Evidence, they are hereby authorized, by any Deed under their Hands and Seals, to distinguish and ascertain the Difference of Tenure, Estates, and Titles respectively, and accordingly to make distinct and several Allotments in the same Manner as is hereby required where such Discrimination should be contained in the said Award; and every such separate Instrument shall be inrolled in the same Place, and Evidence thereof shall be given in the same Manner as by the said recited Act and this Act, or either of them respectively, are or is directed concerning the said Award of the said Commissioners; and all Expences which shall be reasonably incurred in or about any 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 the same shall, after such Inrolment as aforesaid, be delivered to the Person or Persons upon whose Request any such Omission shall have been supplied, or the Person or Persons to whom the Custody of the Deeds and Writings concerning the Title of the Premises in question shall, in the Opinion of the said Commissioners, most properly belong; and all the Charges and Expences of every such separate Instrument shall be borne and paid by the Person or Persons at whose Request such Omission shall have been rectified.

In Cases where Lands shall be holden by different Titles, &c. and the Commissioners shall not have distinguished such Lands and awarded distinct Allotments for the same in their Award, they may, on Request, do the same by Deed after making the said Award.

XLV. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing

[Loc. & Per.]

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Thing



Thing done or omitted to be done in pursuance of this or the said recited Act, (except in such Cases where the Orders and Determinations of the said Commissioners are hereby or by the said recited Act directed to be final and conclusive, and except in such Cases wherein an Issue at Law shall be tried, as hereinbefore mentioned,) then and in such Case he, she, or they may appeal to any General Quarter Sessions of the Peace which shall be held in and for the said County of *Southampton*, within Four Calendar Months next after the Cause of Complaint shall have arisen, such Appellant or Appellants first giving Fourteen Days Notice at the least of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the said Commissioners, or some or One of them, and the Justices at their said General Quarter Sessions are hereby required to hear the Matter of every such Appeal, and to make such Order therein and to award such Costs as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties, Person or Persons, liable to pay the same, rendering the Overplus, if any, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Costs and Charges of such Distress and Sale, which Determination or Order of the said Justices shall be final and conclusive to all Intents and Purposes whatsoever.

Saving the  
Rights of the  
Reverend  
Thomas De  
Grey.

XLVI. Provided always, and be it further enacted, That nothing in this Act shall extend, or be construed to extend, to affect the Right, Title, or Interest, of the said Honourable and Reverend *Thomas de Grey*, or his Successors, Rectors of the said Parish, to or in the Tythes to arise, accrue, or become due, in, upon, or out of the said Common Pastures, Common Meadows, Common Marshes, or other Commonable Places and Waste Lands hereby intended to be divided, allotted, and inclosed, which are situate in the Parish of *Fawley* aforesaid, or to the Exoneration or Discharge of the same from the Payment of such Tythes to the said Honourable and Reverend *Thomas de Grey* and his Successors, Rectors of the said Parish of *Fawley*.

General  
Saving.

XLVII. Saving always to the King's Most Excellent Majesty, his Heirs and Successors, and also to all and every Person and Persons, Body or Bodies Politic and Corporate, his, her, and their respective Heirs, Successors, Executors, Administrators, and Assigns, all such Estate, Right, Title, and Interest, (other than and except such as are meant and intended to be barred and destroyed by this Act), as he, they, every or any of them had and enjoyed, of, in, to, or out of the said Commons, Wastes, and Commonable Lands, hereby directed to be divided and inclosed before the passing of this Act, or could, might, or ought to have had and enjoyed, in case the same had not been made.

Public Act.

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.

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