ANNO QUINQUAGESIMO SEXTO

GEORGII III. REGIS.

****

CAP. CXXXII.

An Act for enlarging the Time for making the Award respecting His Majesty's Allotments under an Act of the Fifty-third Year of His present Majesty, for inclosing *Windsor Forest*; and for extending the Provisions of the said Act.

[1st *July* 1816.]

WHEREAS by an Act passed in the Fifty-third Year of the Reign of His present Majesty, intituled *An Act for vesting in His Majesty certain Parts of* Windsor Forest *in the County of* Berks; *and for inclosing the Open Commonable Lands within the said Forest*, it was, amongst other Things enacted, that the Commissioner therein appointed on the Behalf of His Majesty for the Purposes of the said Act, and the Commissioner to be appointed for and on the Behalf of the several Proprietors of Land in the several Parishes therein mentioned, should in their respective Parishes appoint, ascertain, and set out the Public Carriage Roads and Highways therein mentioned, over the Lands and Grounds to be allotted and set out to His Majesty; and that all such Public Carriage Roads and Highways which should be so ordered by the said Commissioners as aforesaid, with all necessary Drains, Watercourses, Arches, Bridges, and Fences thereto should be made and for ever thereafter repaired and maintained at the proper Costs and Charges of His Majesty, His Heirs and Successors: And whereas for the better making and keeping in Repair the several Roads, Highways, Drains, Watercourses, Arches, Bridges, and Fences, which by the said recited Act are directed to be made and kept in Repair by and at 53G.3.c158.

at the Expence of His Majeſty, it is expedient that Proviſion ſhould be made for enſuring the making and repairing ſuch Roads, Highways, Drains, Watercourſes, Arches, Bridges, and Fences according to the true Intent and Meaning of the ſaid recited Act; be it therefore 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 from and after the paſſing of this Act, it ſhall and may be lawful for any Two Juſtices of the Peace acting in and for the ſaid County of *Berks*, to view all or any of the Roads, Highways, Drains, Watercourſes, Arches, Bridges, and Fences thereto, which, in and by the ſaid recited Act, His Majeſty is liable to make or repair, and by a Certificate and Notice in Writing under their Hands, to certify that any ſuch Road or Roads, Highways, Drains, Watercourſes, Arches, Bridges or Fences thereto, by the ſaid recited Act directed to be made or repaired by His Majeſty, is or are in their Judgment not made or out of Repair, and to what Extent, and in what Particulars, and in what Pariſh or Pariſhes the ſame is or are ſituate, and that the ſame ought to be made or repaired by and at the Expence of His Majeſty; and in caſe ſuch Certificate and Notice ſhall be delivered to the Commiſſioners of His Majeſty's Woods, Foreſts and Land Revenue, or the Surveyor General of Woods and Foreſts for the Time being, or any or either of them, or their Secretary or known Officer, at the Office of the ſaid Commiſſioners or Surveyor General for the Time being, and the Road or Roads, or Highways, Drains, Watercourſes, Arches, Bridges, and Fences thereto, by the ſaid Certificate and Notice certified to be neceſſary to be made or repaired by and at the Expence of His Majeſty, ſhall not be well and effectually made or repaired to the Satisfaction of ſuch Juſtices who ſhall have ſigned ſuch Certificate, or any Two other Juſtices acting in and for the ſaid County of *Berks*, within the Space of Three Calendar Months from the Time of the Delivery of ſuch Certificate and Notice to the ſaid Commiſſioners or Surveyor General for the Time being, or ſuch their Officer as aforeſaid, then and in every ſuch Caſe, it ſhall and may be lawful to and for any Perſon or Perſons whomſoever, to preſent a Petition or Petitions to the Juſtices of the Peace, at their next or any ſubſequent Quarter Seſſions of the Peace to be held for the ſaid County of *Berks*, repreſenting that any Road or Highway, Drain, Watercourſe, Arch, Bridge or Fence thereto, by the ſaid recited Act directed to be made or repaired by or at the Expence of His Majeſty, has not been made, or is or are out of Repair, and to what Extent, and in what Particulars, and in what Pariſh or Pariſhes the ſame is or are ſituate, and the ſaid Juſtices at ſuch their Quarter Seſſions or any Adjournment thereof, are hereby authorized and required to hear and determine the Matter of every ſuch Petition, and in caſe they ſhall thereupon find that ſuch Road or Highway, Drain, Watercourſe, Arch, Bridge or Fence thereto ſo complained of, is not made or not in ſufficient Repair, to make ſuch Order upon the Commiſſioners of His Majeſty's Woods, Foreſts, and Land Revenue, or the Surveyor General of Woods and Foreſts for the Time being, for the making or repairing ſuch Road, Highway, Drain, Watercourſe, Arch, Bridge, and Fence thereto, within a Time to be limited in ſuch Order; and in caſe the ſame Road or Highway, Drain, Watercourſe, Arch, Bridge, or Fence thereto ſo complained of, ſhall not be made or ſufficiently repaired within the Time limited by ſuch Order, then it ſhall and may be lawful to and for the ſaid Juſtices in Quarter Seſſions aſſembled, to order ſuch Sum and Sums of Money for the making or Repair of the

Two Juſtices certifying that the Roads and Bridges, &c. directed to be made and kept in Repair by His Majeſty under the recited Act, are not made, or out of Repair, Complaint to be made to Quarter Seſſions, if not made or put in Repair within Three Months.

ſaid Road or Highway, Drain, Watercourſe, Arch, Bridge, and Fence thereto ſo complained of, as the ſaid Juſtices ſhall deem reaſonable, to be paid by the ſaid Commiſſioners of His Majeſty's Woods, Foreſts, and Land Revenue, or the Surveyor General of His Majeſty's Woods and Foreſts for the Time being, to the Surveyor or Surveyors of the Highways within the Pariſh or Pariſhes in which ſuch Road or Highway, Drain, Watercourſe, Arch, Bridge, and Fence thereto ſo complained of, ſhall be ſituate, to be by them applied in or about the Making or Repairs of the Road or Highway, Drain, Watercourſe, Arch, Bridge, or Fence thereto ſo complained of, and which Sum or Sums the ſaid Commiſſioners or Surveyor General are hereby authorized and required to advance out of any Money in their or his Hands ariſing from the Land Revenue of the Crown not ſpecifically appropriated by or under the Authority of any Act or Acts of Parliament; and which Sum or Sums ſuch Surveyor or Surveyors of the Highways is and are hereby alſo required to lay out accordingly: Provided always, that no Proceedings ſhall be had on any ſuch Petition, unleſs it ſhall appear to the ſaid Juſtices that a true Tranſcript or Copy thereof ſhall have been delivered to the ſaid Commiſſioners of Woods, Foreſts, and Land Revenue, or the ſaid Surveyor General for the Time being, or one of them, or their Secretary or known Officer, at the Office of the ſaid Commiſſioners or Surveyor General for the Time being, Twenty-one Days at leaſt before the Firſt Day of any Quarter Seſſions at which the Matter of the ſaid Petition ſhall be heard, and the like Notice ſhall in all Caſes be given previous to any ſubſequent Proceeding on the Matter of any ſuch Petition.

Witneſſes to attend Quarter Seſſions.

II. And for the better enabling ſuch Juſtices in Quarter Seſſions to determine the Matter of any ſuch Petition, be it enacted, That every Perſon and Perſons who ſhall be required by any Subpœna or other legal Proceſs to attend any Court of Quarter Seſſions aforeſaid as a Witneſs or Witneſſes, to teſtify the Truth touching the Matter in Diſpute reſpecting the making or repairing any ſuch Road, Highway, Drain, Watercourſe, Arch, Bridge or Fence thereto, in Manner aforeſaid, ſhall attend in Obedience to every ſuch Subpœna or other legal Proceſs; and in caſe of Non-appearance of any ſuch Witneſs or Witneſſes purſuant to ſuch Subpœna or other legal Proceſs, he, ſhe, or they ſhall be ſubject and liable to ſuch and the like Pains and Penalties as any other Witneſs or Witneſſes making Default is or are liable to by Law, in Caſes of the like Nature, in which ſuch Court of Quarter Seſſion ſhall have competent Juriſdiction or Authority.

Perſons ſwearing falſely to be puniſhed for Perjury.

III. And be it further enacted, That if any Perſon or Perſons ſhall in any Examination, Affidavit, Depoſition, or Affirmation to be had or taken in purſuance of this Act, in or before any Court of Quarter Seſſion as aforeſaid, or in or before any Court of Law or Equity whatſoever, knowingly or wilfully ſwear or affirm any Matter or Thing which ſhall be falſe or untrue, every ſuch Perſon ſo offending ſhall on Conviction thereof be deemed guilty of Perjury, and ſhall ſuffer the like Pains and Penalties as Perſons guilty of wilful and corrupt Perjury are now ſubject and liable to.

IV. And whereas by an Act made in the Fifty-fifth Year of the Reign of His preſent Majeſty, intituled *An Act to amend an Act of the Fifty-third Year of His preſent Majeſty, for veſting in His Majeſty certain Parts of* Windſor Foreſt *in the County of* Berks, *and for incloſing the Open Commonable Lands within the ſaid Foreſt*, it was among other Things enacted and provided, 55 G. 3. c. 122.

that

that *John Naſh* and *John Davies*, the Commiſſioners named in the ſaid firſt recited Act of the Fifty-third Year of the Reign of His preſent Majeſty, and their Succeſſors, ſhould make and execute their Award under the ſaid laſt mentioned Act within the Space of Twelve Calendar Months from and after the paſſing of the ſaid Act of the Fifty-fifth Year of the Reign of His preſent Majeſty, in the ſame Manner and Form, and under the like Regulations in all Reſpects as in the ſaid recited Act of the Fifty-third Year of His preſent Majeſty is directed: And whereas it is expedient that the Time for making the ſaid Award ſhould be further extended, and that ſuch other Proviſions be made as herein-after mentioned; be it therefore further enacted, That the Time for making the ſaid Award by and under the Authority of the ſaid firſt recited Act of the Fifty-third Year of His preſent Majeſty ſhall be and is hereby further extended to the Twelfth Day of *March* One thouſand eight hundred and ſeventeen; and the ſaid Commiſſioners and their Succeſſors, by and under the ſaid firſt recited Act are hereby authorized and required to make their ſaid Award in the ſame Manner and Form, and under the like Regulations in all Reſpects as in the ſaid firſt recited Act is directed, on or before the ſaid Twelfth Day of *March* One thouſand eight hundred and ſeventeen.

Time for making Award under recited Acts extended.

V. And whereas in and by the ſaid firſt recited Act it is, amongſt other Things recited, that the Moſt Honourable *Arthur* Marquis of *Downſhire* is ſeiſed to himſelf and his Heirs of the Manor and Park of *Eaſthampſtead*, in the ſaid County of *Berks*, and in reſpect thereof is entitled to the Soil of the Waſte Lands in the ſaid Manor; and after further reciting that the ſaid *Arthur* Marquis of *Downſhire* inſiſted that the ſaid Manor, and alſo the ſaid Park, to which he derived his Title through and under certain Grants made by His Majeſty's Royal Predeceſſor, and other Aſſurances, were exempt from all the Laws of the ſaid Foreſt, and all the Rights of the Crown in reſpect thereof, and conſequently that His ſaid Majeſty was not entitled to any Allotment of Land within the ſaid Manor or Pariſh, it was therefore enacted, that it ſhould be lawful for His Majeſty, by His Attorney General, to proceed to a Trial at Law at the then next Spring Aſſizes for the County of *Berks*, in a feigned Action or Actions for that Purpoſe, to be commenced in His Majeſty's Court of King's Bench, Common Pleas, or Exchequer at *Weſtminſter*, againſt the ſaid *Arthur* Marquis of *Downſhire*, his Heirs or Aſſigns, or the Perſon or Perſons entitled to the ſaid Manor for the Time being, in Manner therein mentioned; and if at the Trial of any ſuch Iſſue or Iſſues, it ſhould appear that His Majeſty was not entitled to any Foreſtal Right or Intereſt within the ſaid Manor and Pariſh of *Eaſthampſtead*, for which a Compenſation ought to be made, then ſuch Jury or Juries by whom ſuch Iſſue or Iſſues ſhould be tried, ſhould find for the Defendant or Defendants, in which Caſe the ſaid Act or any Thing therein contained ſhould not apply to or affect the ſame Manor and Pariſh, or any Part thereof; but if it ſhould appear to ſuch Jury or Juries that His ſaid Majeſty was entitled to ſuch Foreſtal Rights or Intereſts within the ſame Manor and Pariſh, as were claimed by and belonged to His Majeſty in and over the Pariſhes and Places within the Regard of the ſaid Foreſt, then ſuch Jury or Juries ſhould find for the Plaintiff, and then and in ſuch Caſe the ſaid Manor and Pariſh ſhould be deemed to be within the Proviſions of the ſaid Act, and the Commons and Waſte Lands thereof ſhould be ſubject to ſuch Proviſions and Regulations as to the Proportion thereof to be awarded

Marquis of Downſhire's Claim of Exemption from the Laws of the Foreſt in reſpect of his Manor and Park of Eaſthampſtead.

to His Majeſty, as were in the ſaid Act contained in relation to the ſaid Pariſhes and Manors, and Waſtes and Commons, within the Regard of the ſaid Foreſt; but if it ſhould appear to the ſaid Jury that His Majeſty was entitled to Foreſtal Rights within the ſame Manor and Pariſh, but that ſuch Rights had been diminiſhed or reſtricted by Grants or Charters, or other Means, ſo as that ſuch Foreſtal Rights of His Majeſty were not ſo extenſive in the ſaid Manor and Pariſh as in the other Pariſhes and Manors mentioned in the ſaid Act, then and in ſuch laſt mentioned Caſe ſuch Jury or Juries ſhould find and declare by their Verdict, that His Majeſty had only limited Foreſtal Rights in the ſaid Manor and Pariſh which ſhould be indorſed on the Poſtea; and then the ſaid Jury or Juries, in Addition to the Verdict or Verdicts given in the Iſſue or Iſſues joined, ſhould aſſeſs and award what Proportion of the Soil of the Waſte and Open Lands within the ſame Manor and Pariſh would be a juſt and fair Compenſation for ſuch His ſaid Majeſty's Foreſtal Rights therein: And whereas the ſaid Iſſue was tried before a Special Jury at the Summer Aſſizes in the Year One thouſand eight hundred and fourteen, holden for the ſaid County of *Berks*, when ſuch Jury trying the ſame (among other Things) found by their Verdict, that the ſaid Manor and Pariſh of *Eaſthampſtead*, continually from Time immemorial, had been and were within the Metes and (except the ſaid Park) Parcel of the ſaid Foreſt, and that the ſaid Park was, up to and until the Second Day of *June* in the Twelfth Year of the Reign of His late Majeſty King *Charles* the Firſt, alſo within the Metes and Parcel of the ſaid Foreſt, and that the ſaid Park of *Eaſthampſtead* was ſituate within the ſaid Manor and Pariſh of *Eaſthampſtead*, and that His preſent Majeſty was not entitled to any Foreſtal Right or Intereſt within the ſaid Park; but that the ſame Park was exempt from all the Laws of the ſaid Foreſt, and all the Rights of the Crown in reſpect thereof; and the ſaid Jury alſo found that His ſaid preſent Majeſty, and His Predeceſſors, Kings and Queens of *England*, had continually, from Time immemorial, within the ſame Manor and Pariſh (except in the ſaid Park, from the ſaid Second Day of *June* in the Twelfth Year of the Reign of His ſaid late Majeſty King Charles the Firſt) exerciſed ſuch Foreſtal Rights and Intereſts as were claimed by and belonged to His Majeſty in and over the Pariſhes and Places within the Regard of the ſaid Foreſt, and that before and on the Twenty-ſeventh Day of *February* in the Twentieth Year of the Reign of the late King *Henry* the Third the ſaid Manor and Pariſh were within the Regard of the ſaid Foreſt, but whether or not His ſaid preſent Majeſty was entitled to any Foreſtal Right or Intereſt within the ſaid Manor and Pariſh of *Eaſthampſtead* out of the ſaid Park, for which a Compenſation ought to be made under and by virtue of the ſaid Act of the Fifty-third Year of the Reign of His ſaid preſent Majeſty, the ſaid Jury ſaid they were ignorant, and therefore by a Special Verdict referred the ſame to the Barons of His Majeſty's Court of Exchequer, in which Court the ſaid Action was brought: And whereas the Barons of the ſaid Court have lately adjudged and determined upon the ſaid Special Verdict, that His preſent Majeſty was entitled to ſuch Foreſtal Rights and Intereſts within the ſaid Manor and Pariſh of *Eaſthampſtead* out of the ſaid Park as were claimed by and belong to His Majeſty in and over the Pariſhes and Places within the Regard of the ſaid Foreſt: And whereas Doubts have ariſen as to what Proportion of the Waſtes within the ſaid Manor and Pariſh (after ſuch Verdict and Judgment as aforeſaid) His ſaid Majeſty is entitled, and

in order to obviate the ſaid Doubts it hath been propoſed by the ſaid Marquis that it ſhall be referred to *Robert Gifford* Eſquire Barriſter at Law, as well on the Part of His Majeſty as on the Behalf of the ſaid Marquis, to aſcertain and determine whether the Foreſtal Rights and Intereſts of His Majeſty in and over the ſaid Manor and Pariſh are diminiſhed or reſtricted, and if he ſhall determine that they are, then to award how far and in what Proportion the ſame are diminiſhed or reſtricted in conſequence of the ſaid Park being found to be ſituate within the ſaid Manor and Pariſh, and to be exempt from all the Laws of the ſaid Foreſt, and all the Rights of the Crown in reſpect thereof; which Propoſal hath been aſſented and agreed unto on the Behalf of His Majeſty; be it therefore enacted, That it ſhall be and hereby is referred to the ſaid *Robert Gifford* to aſcertain and determine whether the ſaid Foreſtal Rights and Intereſts of His Majeſty in and over the ſaid Manor and Pariſh are diminiſhed or reſtricted, and if he ſhall determine that they are, then to determine and award how far and in what Proportion the ſaid Foreſtal Rights and Intereſts of His Majeſty in and over the ſaid Manor and Pariſh are diminiſhed or reſtricted, in conſequence of the ſaid Park being found to be ſituate within the ſaid Manor and Pariſh, and to be exempt from all the Laws of the ſaid Foreſt, and all the Rights of the Crown in reſpect thereof; provided that the ſaid *Robert Gifford* ſhall and do within Four Calendar Months from and after the paſſing of this Act, make his Award in Writing upon the Subject hereby referred to him, and cauſe the ſame to be delivered at the Office of His Majeſty's Surveyor General of Woods and Foreſts for and on the Part of His Majeſty, and unto the ſaid Marquis, his Solicitor or Agent; which Award ſo to be made and delivered of and concerning the Premiſes, ſhall be binding and concluſive, as well upon His ſaid Majeſty, His Heirs and Succeſſors, as upon the ſaid Marquis, his Heirs and Aſſigns.

Reference to aſcertain whether the Foreſtal Rights of His Majeſty over the ſaid Manor are diminiſhed or reſtricted, and Award to be made thereupon.

VI. And be it further enacted, That after the making and Delivery of ſuch Award as laſt aforeſaid, if the ſaid *Robert Gifford* ſhall award that His Majeſty's Foreſtal Rights and Intereſts are diminiſhed or reſtricted, then the ſaid Commiſſioners and their Succeſſors, or the Umpire to be appointed by them in purſuance of the Power contained in the ſaid firſt recited Act, ſhall and they are hereby required and directed to deduct from the ſaid Nine thirty-ſecond Parts ſuch Proportion as the ſaid *Robert Gifford* ſhall, in Manner aforeſaid, determin and award, ought to be deducted therefrom in conſequence of the ſaid Park being found to be exempt from all the Laws of the ſaid Foreſt, and all the Rights of the Crown in reſpect thereof, and ſhall proceed to ſet out, allot, and award unto and for His Majeſty, His Heirs and Succeſſors, the Remainder only of the ſaid Nine thirty-ſecond Parts, after ſuch Deduction therefrom as aforeſaid, Quantity, Quality, and Situation conſidered, in Satisfaction of His Majeſty's Foreſtal Rights and Intereſts in and over the ſaid Manor and Pariſh; but if the ſaid *Robert Gifford* ſhall not make his Award on or before the Time herein appointed for that Purpoſe, or if he ſhall award that His Majeſty's Foreſtal Rights and Intereſts in the ſaid Manor and Pariſh are not diminiſhed or reſtricted in conſequence of the ſaid Park being found to be exempt from all the Laws of the ſaid Foreſt and all the Rights of the Crown in reſpect thereof, then they the ſaid Commiſſioners ſhall ſet out, allot, and award, unto and for His Majeſty, His Heirs and Succeſſors, ſo much of the Open and Waſte Lands within the ſaid Manor and Pariſh as, Quantity, Quality, and Situation conſidered, ſhall be equal to Nine

Proceedings after ſuch Award ſhall be made.

thirty-second Parts of the whole of the Waſte Lands in the ſaid Manor and Pariſh, in Satisfaction of His Majeſty's Foreſtal Rights and Intereſts in and over the ſaid Manor and Pariſh, any Thing herein or in the ſaid recited Acts contained to the contrary hereof in anywiſe notwithſtanding.

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