



ANNO QUINQUAGESIMO PRIMO

# GEORGI III. REGIS.

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## Cap. 164.

An Act for inclosing Lands in the Parish of *Burham*,  
in the County of *Kent*. [10th June 1811.]

**W**HEREAS there are within the Parish of *Burham*, in the County of *Kent*, certain Heaths, Commons and Waste Grounds containing together, in the whole, by Estimation, Two hundred and eighty Acres, or thereabouts: And whereas the Right Honourable *Heneage* Earl of *Aylesford* is Lord of the Manor of *Burham*, and as such doth claim to be entitled to or interested in the Soil of the Commons and Waste Grounds within the same: And whereas *Charles Milner* Esquire is Patron of the Vicarage of *Burham* aforesaid, and *Robert Parsons* Clerk is the Vicar thereof, and as such is entitled to certain Glebe Lands, and to the Small Tythes growing, renewing or arising within the said Parish of *Burham*: And whereas *Thomas Pincke Kingsley* Esquire is Impropiator of the Great Tythes of *Burham* aforesaid: And whereas the said *Heneage* Earl of *Aylesford*, *Sir Samuel Chambers* Knight, *George Best* Esquire, *Charles Milner* Esquire, *Francis Smith* Esquire, *Thomas Pincke Kingsley* Esquire, and divers other Persons respectively are Owners and Proprietors of the Messuages, Cottages, Lands and Hereditaments situate, lying and being within the Parish of *Burham* aforesaid: And whereas the said Heaths, Commons and Waste Grounds in their present Condition yield but little Profit to the several Persons interested therein, and entitled to the Feed thereof, and it would be very advantageous to them if the same were divided and inclosed, and specific

[*Loc. & Per.*]

cific Shares thereof allotted to the several Owners thereof and Persons interested therein, in proportion and according to their respective Estates, Rights and Interests; but such Division, Allotment and Inclosure cannot be effected without the Aid and Authority of Parliament: 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*: 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 *Abraham Pursbouse Driver, of Kent Road, in the County of Surrey, Gentleman, and Thomas William Carter, of Maidstone, in the said County of Kent, Gentleman, and their Successors, to be elected in Manner hereinafter mentioned, shall be, and they are hereby appointed Commissioners for dividing, allotting and inclosing the said Heaths, Commons and Waste Grounds, and for carrying this Act into Execution, subject to the Rules, Orders and Directions in this Act contained, and also subject to the Powers and Provisions of the said recited Act, except where the same are hereby varied or altered.*

II. And be it further enacted, That *Henry Walter, of Kent Road, in the County of Surrey, Gentleman, is hereby appointed Surveyor for all the Purposes of this Act, and that in case of his Death or Refusal to act, then some other fit and proper Person or Persons shall be nominated and appointed for those Purposes by Writing under the Hands of the said Commissioners.*

Future Commissioners.

III. And be it further enacted, That if either of the said Commissioners shall die, refuse or become incapable to act in the Execution of the Powers hereby vested in him, before the Execution of the Award to be made by them, it shall be lawful for the surviving or remaining Commissioner, and he is hereby required by Writing under his Hand, from Time to Time within Thirty Days next after such Death, Refusal or Incapacity to act of such Commissioner shall be made known to him, to appoint another Person (not interested in the said intended Division and Inclosure) to be a Commissioner in the Place or Room of such Commissioner so dying, refusing or becoming incapable to act; and every Commissioner so to be appointed as aforesaid shall, after taking the Oath prescribed in that Behalf, have the like Power and Authority for carrying this and the said recited Act into Execution, as if he had been originally nominated a Commissioner in and by this Act.

Umpire.

IV. And be it further enacted, That if any Dispute or Difference shall happen to arise between the said Commissioners, touching or concerning any Matter or Thing in or about the Execution of this Act, the same shall be settled and determined as between the said Commissioners, by some proper disinterested Person, whom it shall be lawful for the said Commissioners, by Writing under their Hands, to nominate and appoint at their First Meeting to be an Umpire for that Purpose, and so from Time to Time as often as there shall be Occasion; and the Determination of such Umpire, to be expressed in Writing under his Hand, shall be deposited in the same



same Place where the Award of the said Commissioners is directed to be deposited, and shall be binding and conclusive to and upon the said Commissioners and all Persons interested therein, in all such Cases, Matters and Questions in which the Determination of the said Commissioners is herein or by the said recited Act declared to be final and conclusive; and for the Purposes aforesaid such Umpire shall have and is hereby vested with the same Powers and Authorities as by the said recited Act and this Act are given to the Commissioners hereby appointed.

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

‘ I do swear, that I will faithfully, impartially and honestly, according to the best of my Skill and Judgment, execute and perform the several Powers and Authorities vested and reposed in me, as an Umpire by virtue of an Act passed in the Year of the Reign of King George the Third, intituled, [*here set forth the Title of this Act*] according to Equity and good Conscience, and without Favour or Affection, Prejudice or Partiality to any Person or Persons whomsoever. So help me GOD.’

Which Oath the said Commissioners, or either of them, are and is hereby authorized and required to administer to the said Umpire, and the several Writings appointing such new Umpire shall be added or annexed to, and inrolled and deposited with the Award of the said Commissioners, and a Copy of the Inrolment thereof shall be admitted as legal Evidence.

VI. And be it further enacted, That the said Commissioners shall, and they are hereby required to cause Notice of their First and every other Meeting for the Execution of this and the said recited Act to be inserted in some Newspaper printed or circulated within the said County of Kent, Ten Days at least before every such Meeting (Meetings by Adjournment only excepted); and if at any Meeting appointed to be holden by the said Commissioners not more than One of the said Commissioners shall attend, the Commissioner so attending shall and may adjourn such Meeting to such Time and Place within Eight Miles of the Boundaries of the said Parish of *Burbam* as shall be by him deemed most convenient, and shall cause Notice of such Adjournment to be given to the absent Commissioner.

VII. And be it further enacted, That all Persons having or claiming to have any Right of Common upon the said Waste Land and Common intended to be hereby allotted and inclosed, or any of them, shall, and they are hereby required by themselves, their Agents or Tenants for the Time being respectively, at the First or Second Meeting of the said Commissioners to put this Act into Execution, or at such other Meeting as the said Commissioners may think proper to appoint for that Purpose, to give and deliver, or cause to be given and delivered to the said Commissioners, or One of them present at such Meeting, a full, true and just Account or Accounts in Writing under his or their Hand or respective Hands, and to be confirmed, if required by the said Commissioners, but not otherwise, by his, her or their Oath or Oaths, of the Nature and Description of the Property in respect whereof he, she or they respectively claim to

be



be entitled to Right of Common upon the said Waste Land and Common.

Settling  
Disputes.

VIII. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the Heaths, Commons and Waste Grounds, or any Part or Parts thereof, or any Commonage thereon, or touching or concerning the respective Rights and Interests which they or any of them shall have or claim to have in the same, or touching or concerning any other Matter or Thing relating to the said Division and Allotments, it shall be lawful for the said Commissioners, and they are hereby authorized and empowered to examine into, hear and determine the same: Provided always, that nothing in this Act contained shall authorize or empower the said Commissioners to determine the Title to any Messuages, Cottages, Lands or Hereditaments whatsoever.

Possession not  
to be molested  
without due  
Course of  
Law.

IX. Provided always, 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 respect 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 thereon 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.

Assessing  
Costs.

X. And be it further enacted, That in case the said Commissioners shall, upon the hearing and determining 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 and award such Costs and Charges as they shall think reasonable to be paid to the Party or Parties in whose Favour any Determination of the said Commissioners shall be made, by the Person or Persons whose Claim or Claims, Objection or Objections shall be thereby disallowed or overruled; and in case the Person or Persons who shall be liable to pay such Costs and Charges shall neglect and refuse to pay the same on Demand, then, and in such Case, it shall be lawful for the said Commissioners, and they are hereby authorized and required, by Warrant under their Hand 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 so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Trial at Law.

XI. Provided always, and be it further enacted, That in case any Person or Persons interested or claiming to be interested in the said intended Division and Allotments, shall be dissatisfied with any Determination of the said Commissioners, or of the said Umpire, touching or concerning any Claim or Claims of the Right to the Soil of the said Heaths, Commons and Waste Grounds, or of the Rights of Common or other Rights



Rights or Interests in, over or upon the Lands or Grounds hereby directed to be divided, allotted and inclosed, or any Part thereof, it shall be lawful for the Person or Persons so dissatisfied to proceed to a Trial at Law of the Matters so determined by the said Commissioners, or by the said Umpire, at the then next or at the following Assizes to be holden for the said County of *Kent*; and for that Purpose, the Person or Persons who shall be dissatisfied with the Determination of the said Commissioners or of the said Umpire, 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 Twelve Calendar Months next after such Determination of the said Commissioners or of the said 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, or file Common Bail, and accept one or more Issue or Issues, whereby such Claim or Claims and the Right or Rights thereby insisted on may be tried and determined (such Issue or Issues may 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 all and every Person and Persons whomsoever, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall be lawful for the 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, or of the Umpire, touching such said Claim or Claims of Right to the Soil of the said Heaths, Commons and Waste Grounds, or of any Rights of Common or other Interest in, over or upon the Lands and Grounds hereby directed to be divided, allotted and inclosed or any Part thereof, which shall not be objected to, or being objected to, the Party or Parties objecting not causing such Action at Law to be brought and proceeded in as aforesaid, shall be binding and conclusive upon all Parties: Provided nevertheless, that if before the said Division and Allotment shall be completed by virtue of this Act, any Differences or Disputes shall arise, and any Suit or Suits shall be commenced or prosecuted, touching or concerning the Title of any Person or Persons, Bodies Politic or Corporate, in or to any of the Lands or Grounds hereby intended to be divided, allotted and inclosed, or any Part thereof, 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, and Allotment shall be proceeded in notwithstanding such Differences or Suits, and the said Commissioners shall, by Meer-Stones or proper Marks and Bounds, set out the Lands and Grounds which shall be allotted in lieu of such litigated Property, so that it may be distinguished from any other Lands or Grounds, and may be had and taken by the Person or Persons, Bodies Politic or Corporate, who, upon the Determination of such Difference or Suit, shall become entitled to the same.

XII. Provided always, and be it further enacted, That if any Person or Persons in whose Favour any Determination as aforesaid shall have  
 [Loc. & Per.] 41 P In case of Death before Actions been brought,



same may be brought against and defended by the Heir in the Name of the Person dying.

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

Allotment for Sale

XIII. And be it further enacted, That the said Commissioners shall from Time to Time set out and allot such Parts and Parcels of the said Heaths, Commons and Waste Grounds as they shall judge sufficient in Value when sold to defray the necessary Charges and Expences attending the applying for, and obtaining, and passing this Act, and carrying the same and the said recited Act into Execution, and surveying, measuring, planning, valuing, dividing and allotting the said Heaths, Commons and Waste Lands, and of inclosing and fencing such Part or Parts thereof, so intended to be sold in pursuance of this Act as aforesaid (if they shall deem it necessary so to do); and of inclosing and fencing such other Part or Parts of the said Heaths, Commons and Waste Lands as hereinafter mentioned, and of first forming and making such public and private Roads as are directed to be made by the said recited Act, all which they are hereby authorized and required to do; and of preparing and inrolling the Award of the said Commissioners, and all other the necessary Charges and Expences arising and accruing in the Course of carrying the Powers herein and in the said Act contained into full and complete Execution and Effect; and shall expose the said Allotment or Allotments to public Sale by Auction or otherwise, in Manner and subject to the Directions and Regulations mentioned and contained in the said recited Act; and the said Commissioners shall on Payment of the Purchase Money for such Allotment or Allotments so to be sold for the Purposes aforesaid, by Indentures under their Hands and Seals, to be by them executed in the Presence of and attested by Two or more credible Witnesses, convey, assure and confirm by Way of Lease and Release, the same Allotment or Allotments unto and to the Use of the Purchaser or Purchasers thereof, his, her or their Heirs and Assigns for ever, or unto such Person or Persons as such Purchaser or Purchasers shall direct or appoint; such Direction or Appointment to be in Writing under his, her or their Hands and Seals respectively.

Surplus.

XIV. And be it further enacted, That in case any Part or Parts of the said Heaths, Commons and Waste Lands shall be sold for more Money than will be required to defray such Charges and Expences as aforesaid, then, and in such Case, such Surplus Money shall be divided and appor-



apportioned between the several Proprietors of the Lands hereby directed to be divided and inclosed according to their several and respective Interests therein, or otherwise such Surplus Money shall be paid into the Bank of *England* in Manner directed by the said recited Act, with respect to Money thereby directed to be paid into the Bank for the Purchase or Exchange of Lands, Tenements or Hereditaments, or of any Timber or Wood growing thereon, and which Sum of Money ought to be laid out in the Purchase of other Lands, Tenements or Hereditaments to be settled to the same Uses.

XV. Provided always, and be it further enacted, That if the Monies <sup>Expences.</sup> to be produced by such Sale or Sales as aforesaid shall not be sufficient to pay all the Charges and Expences incident to and attending the applying for and obtaining and passing this Act, and carrying the same and the said recited Act into Execution, and of surveying, measuring and allotting the said Heaths, Commons and Waste Lands, and of preparing, executing and inrolling the Award of the said Commissioners; and all other Charges and Expences attending the Execution of this and the said recited Act, then such Deficiency (which shall not exceed in the whole the Sum of Two hundred Pounds) shall be borne, defrayed and paid by the respective Persons to whom the said Heaths, Commons and Waste Lands shall be allotted, in proportion to the real Value of their respective Allotments, such Proportion to be settled and ascertained by the said Commissioners, and to be paid to such Person or Persons, and at such Time or Times, as the said Commissioners shall, by Writing to be affixed on the principal outer Door of the Parish Church of *Burham* at least Fourteen Days previous to the Day of Payment, order and direct; and in case any Person or Persons shall refuse or neglect to pay his, her or their Share or Proportion of the said Deficiency as aforesaid, then the same shall be levied and recovered in the Manner directed by the said recited Act.

XVI. And be it further enacted, That the said Commissioners shall <sup>For Glebe.</sup> assign, set out and allot unto and for the Vicar of the said Parish of *Burham* for the Time being, such Part or Parts of the said Heaths, Commons and Waste Grounds as in the Judgment of the said Commissioners shall be a full Equivalent and Compensation for the Rights of Common belonging or appertaining to the Parsonage House or Glebe of the said Vicar, according to his Right and Interest in, over or upon the said Heaths, Commons and Waste Grounds.

XVII. And be it further enacted, That all and every Parcel and Parcels <sup>Fencing.</sup> of Land which in pursuance of this Act shall be allotted unto and for the Vicar of the said Parish of *Burham*, and also unto and for the said *Thomas Pincke Kingsley*, as Impropiator of the Great Tythes of *Burham* aforesaid, shall be inclosed and ring-fenced in such Manner as the said Commissioners shall in and by their said Award direct or appoint, which Fences shall be made at the Expence of the several Owners of and Persons interested in the said Lands and Grounds in and by this Act directed to be divided, allotted and inclosed (except the Lord of the said Manor, for or in respect of the Allotment to be made to him for his Right of Soil,) in such Shares and Proportions as the said Commissioners shall in and by their said Award order and direct; and from and after the making the said Fences, the same shall be for ever thereafter maintained



tained, preserved and kept up by and at the Expence of the said Vicar of the Parish aforesaid.

For Right of  
Soil.

XVIII. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required, to the best of their Skill and Judgment (after deducting such Part and Parts of the said Waste Land and Common lying within the Manor of *Burham*, as they may in pursuance of this Act think proper to set out for the public Highways, Roads and Drains, and also such Parts as may be directed to be sold for defraying the Expences of this Act and other incidental Expences as aforesaid), to set out, allot and award to and for the said *Heneage* Earl of *Aylesford*, his Heirs and Assigns, as a Compensation for the Soil of the said Waste Land to which he is entitled as Lord of the said Manor of *Burham*, one Eighteenth Part of all the Residue of the same Waste Land and Common within the said Manor of *Burham*, over and above and exclusive of such Share or Allotment of the same Waste Land and Common, or the Residue thereof, as is hereinafter directed to be allotted to him in lieu of and as an Equivalent for his Right of Common thereon; and also in Manner aforesaid shall set out, allot and award unto the said *Thomas Pincke Kingsley*, his Heirs and Assigns, as a Compensation for the Improprate Tythes arising and due or payable to the said *Thomas Pincke Kingsley* within the Parish of *Burham* aforesaid, one Ninth Part of the Residue of the said Waste Land and Common of the Parish of *Burham* aforesaid, over and above and exclusive of such Share or Allotment as last aforesaid, and in Exoneration of all the said Waste Land and Common intended to be inclosed, from all Tythes due and payable to the said *Thomas Pincke Kingsley* as Improprator of the Parish of *Burham* aforesaid; and after making such Deduction as aforesaid, and after such Parts of the whole Residue of the said Waste Land and Common shall have been set out and allotted in Manner as aforesaid, they the said Commissioners shall, and they are hereby authorized and required to set out, allot, apportion and divide all the Residue or remaining Parts of the said Waste Lands and Common, unto and amongst the said *Heneage* Earl of *Aylesford*, *Thomas Pincke Kingsley*, and the several other Persons having any Right of Common upon such Waste Land and Common, in proportion to his and their several and respective Claims, and without any Preference or Priority whatsoever.

Small Tythes.

XIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to take away, lessen or defeat the Right, Title or Interest of the said *Robert Parsons*, or his Successors, Vicars of *Burham* aforesaid, in and to all such Small Tythes arising, renewing or happening out of or from the said Open and Common Fields, Meadows and Common Pastures within the said Parish of *Burham*, and all such Payments and Compositions in lieu of Tythes as the said *Robert Parsons* is now entitled to; but that all such Tythes, and all Payments and Compositions in lieu thereof, shall remain due and payable to the said *Robert Parsons* as aforesaid, in such Manner as the same were due and payable before the passing of this Act: Provided also, that nothing in this Act contained shall prejudice, lessen or defeat the Right or Title of the said *Robert Parsons* or his Successors, Vicars of *Burham* as aforesaid, to any Mortuaries, *Easter Offerings*, or any other Surplus Fees whatsoever, arising or becoming due to him or them in the said Parish of *Burham*, but that the same and every of them shall remain due

and



and payable to the said *Robert Parsons* and his Successors in the same Manner as before the passing of this Act.

XX. Provided always; and be it further enacted, That if any Person hath sold, or shall at any Time before the Execution of the Award of the said Commissioners, sell his or her Right, Interest or Property in, over or upon the said Heaths, Commons and Waste Grounds, or any Part thereof, to any other Person or Persons, then, and in every such Case, it shall be lawful for the said Commissioners, and they are hereby directed, authorized and required to make an Allotment of Land unto the Vendee or Purchaser in such Sale, or to his, her or their Heirs or Assigns, for or in respect of such Right, Interest and Property so sold; and every such Vendee or Purchaser, and his and their Heirs and 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 to all Intents and Purposes, as the Vendor in every 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.

Sale of Allotment before Award.

XXI. 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 the said Award, by Notice in Writing under their Hands to be affixed on the principal outer Door of the Parish Church of *Burham* aforesaid, to order and direct all or any Part of the Right of Common in, over or upon the said Heaths, Commons and Waste Grounds, or any Part thereof, to be extinguished, or the Exercise thereof to be suspended; and that all such Rights of Common as the said Commissioners shall by such Writing order and direct to be extinguished, or the Exercise thereof to be suspended as aforesaid, shall from the Time of affixing such Writing on the said Church Door, cease, determine and be extinguished, or the Exercise thereof be suspended accordingly; any Law, Usage or Custom to the contrary thereof notwithstanding.

Extinguishing Right of Common.

XXII. And be it further enacted, That it shall and may be lawful for the said Commissioners to set out, allot and award any Lands, Tenements or Hereditaments whatsoever within the said Parish of *Burham*, in lieu of and in Exchange for any other Lands, Tenements or Hereditaments whatsoever within the said Parish, or within any adjoining Parish, Hamlet, Township or Place; provided that all such Exchanges be ascertained, specified and declared in the Award of the said Commissioners, and to 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 Politic, Corporate or Collegiate, or 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 a Life or Lives; or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Purposes, 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, Females Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself or herself, such Consent to be testified in Writing under the Common Seal of the Body Politic,

Exchanges.



Corporate or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every such Exchange and Exchanges to be made shall be valid, good and effectual in the Law to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Lands, Tenements or Hereditaments held in right of any Church, Chapel or other Ecclesiastical Benefice, without the Consent testified as aforesaid of the Patron thereof, and of the Bishop of the Diocese in which such Lands, Tenements or Hereditaments so to be exchanged, shall lie and be situate.

Expences of Exchanges.

XXIII. And be it further enacted, That the Expences attending every Exchange or Partition of the Lands or Grounds by this Act intended to be divided, allotted and inclosed, which shall be made by virtue of this or the said recited Act, shall be borne and defrayed by the respective Parties making such Exchanges or Partitions, distinct and apart from the other Expences attending the Execution of this Act, in such Manner as the said Commissioners shall order and direct.

Allowing Interest.

XXIV. And be it further enacted, That if any Person or Persons shall advance and pay any Money in Discharge of the Fees or other Expences of obtaining and executing this Act, the Money so paid and advanced shall be repaid and satisfied by the Direction of the said Commissioners, together with lawful Interest for the same.

Directing what Allowance shall be made to the Commissioners and Clerk for their Time and Trouble.

XXV. And be it further enacted, That each of the said Commissioners and their Clerk shall be allowed and paid the Sum of Three Pounds Three Shillings for each and every Day they or either of them shall be actually employed in the Execution of this or the said recited Act, or in travelling to or from the Place of Meeting for that Purpose, in full Satisfaction for their Time and Trouble in the Execution of this Act, and that at all Meetings the said Commissioners and Clerk shall defray their own Expences.

Accounts how passed.

XXVI. 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 laid by them before One of His Majesty's Justices of the Peace for the Time being of the said County of *Kent*, to be by him examined and balanced; and such Balance shall be by such Justice stated in the Book of Accounts kept in the Office of the Clerk to the said Commissioners and no Charge or Item in such Accounts shall be binding on the Parties concerned or valid in Law unless the same shall have been duly allowed by such Justice.

Expences of Meetings.

XXVII. Provided always, and be it further enacted, That the said Proprietors, their Attornies and Agents shall pay and defray their own Charges and Expences when they or any of them shall attend the said Commissioners at any of their Meetings to be held in pursuance of this Act.

Wills and Settlements.

XXVIII. And be it further enacted, That nothing in this or the said recited Act contained shall extend or be construed to extend to revoke, make void, alter or annul any Will or Settlement, or to prejudice any Person

or



or Persons having any Right or Claim of Dower, Jointure, Portion, Debts, Rents, or Incumbrances out of, upon or affecting any of the Messuages, Buildings, Lands or Grounds to be divided, allotted, inclosed or exchanged in pursuance of this or the said recited Act, or any Part or Parts thereof respectively; but that the respective Persons to whom any Lands or Hereditaments shall be allotted or given in Exchange by virtue of this Act, be seised thereof, to such and the same Uses, and for such and the same Estates, and subject to such and the same Wills, Jointures, Rents, Charges and Incumbrances, and no other, as the Messuages, Buildings, Lands, Grounds, and Hereditaments whereof such Person was seised or possessed at or immediately before the Execution of the Award of the said Commissioners, or for which or in respect whereof such Allotments or Exchanges shall be made, would have been subject to, charged with, or effected by in case this Act had not been made.

XXIX. And be it further enacted, That the Award to be made by the said Commissioners, when inrolled in Manner directed by the said recited Act, shall be deposited in the Parish Church of *Burham*. Award where deposited.

XXX. And be it further enacted, That if any Person or Persons shall Appeal think himself, herself or themselves aggrieved by any Thing done in pursuance of this or the said recited Act (other than and except such Orders and Determinations of the said Commissioners as are herein directed to be final or conclusive, and except in such Cases where an Issue at Law will be tried as hereinbefore mentioned), then, and in every such Case, he, she or they may appeal to the General Quarter Sessions of the Peace which shall be holden for the said County of *Kent*, within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioners, and the Party or Parties concerned, Ten Days' Notice in Writing of such Appeal, and of the Matter thereof; and the Justices (not interested in the Premises) at their General 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 and Damages as to them in their Discretion shall seem reasonable; and by their Order and Warrant to levy the Costs and Damages which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) on Demand to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrants of Distress and Sale; and the Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removable by *Certiorari* or any other Writ or Process whatsoever into any of His Majesty's Courts of Record at *Westminster* or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious or without Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants as to them in their Discretion shall seem reasonable, and be levied in Manner aforesaid.

XXXI. Saving always to the King's most Excellent Majesty, and to all and every Person and Persons, and Bodies Politic, Corporate or Collegiate, his, her and their Heirs, Successors, Executors and Administrators (other than and except the Person or Persons to whom or to whose Use or Benefit any Allotment or Allotments shall be made in pursuance of General Saving.



of this Act, for and in respect of such Rights and Interests as are hereby meant to be barred, destroyed and extinguished, and all Persons respectively claiming under them, or in Remainder after them), all such Estate, Right, Title and Interest as they, every or any of them had or enjoyed, or could or ought to have had and enjoyed, of, in, to or out of the Lands or Grounds hereby directed to be divided, allotted and inclosed before the passing of this Act, or could or ought to have had and enjoyed in case this Act had not been made.

Act to be  
printed by  
the King's  
Printer.

XXXII. And be it further enacted, That this Act shall be printed by the Printer to the King's most Excellent Majesty; and a Copy thereof so printed shall be admitted as Evidence thereof by all Judges, Justices and others.

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LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,  
Printers to the King's most Excellent Majesty. 1811.