



ANNO TRICESIMO NONO & QUADRAGESIMO

GEORGII III. REGIS.

Cap. 86.

An Act for dividing, allotting, and inclosing the Open Common Fields, Meadows, Pastures, Commons, and Waste Lands in the Parish of *Walton-upon-Thames* and the Manor of *Walton Leigh* in the County of *Surrey*. [20th June 1800.]

WHEREAS there are certain Open Common Fields, Meadows, and Pastures within the Parish of *Walton-upon-Thames* in the County of *Surrey*, and also divers Commons and Waste Lands within or belonging to the several Manors of *Walton-upon-Thames*, *Walton Leigh*, Rectory of *Walton-upon-Thames*, *Moulsey Matham*, and *Sandon* in the said Parish of *Walton-upon-Thames* and in the Parish of *Chertsey* in the said County of *Surrey*, but the Parts or Proportions of the said Commons and Waste Lands belonging to the said several Manors are unknown, or lie intermixed and open to each other: And whereas the King's most Excellent Majesty, in right of His Crown, is Lord of the said Manor of *Walton Leigh* in the said several Parishes of *Walton-upon-Thames* and *Chertsey*, subject to a certain Grant or Lease thereof, now vested in His Royal Highness *Frederick Duke of York* and in *Richard Palmer* Doctor in Divinity; and the said Duke of *York* and *Richard Palmer* are Lords of the said Manor of *Walton-upon-Thames* in the said several Parishes of *Walton-*

[*Loc. & Per.*]

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upon-Thames and *Chertsey*, *Sarah D'Oyly* Widow is Lady of the said Manor of the Rectory of *Walton-upon-Thames* in the said Parish of *Walton-upon-Thames*, *Sir John Frederick* Baronet is Lord of the said Manor of *Sandon*, *Sir Beaumont Hotham* Knight and *Thomas Sutton* Esquire are Lords of the said Manor of *Moulsey Matham*, Parts of which Two last-mentioned Manors extend into the said Parish of *Walton-upon-Thames*, and the Right Honourable *George Carpenter* Earl of *Tyrconnel* in the Kingdom of *Ireland* is Lord of the Manor of *Hersham* otherwise *Waterville Esber with Hersham*, a Part of which Manor is by him claimed to extend into the said Parish of *Walton-upon-Thames*: And whereas the said *Sarah D'Oyly* is Owner of the Rectory Improprate of *Walton-upon-Thames* aforesaid, and as such is seised of and entitled unto all the Tithes, both Great and Small, growing, arising, or renewing within the Parish of *Walton-upon-Thames* aforesaid, and to Open and Glebe Land there, and Right of Common in respect thereof, and His said Majesty is Patron of the Vicarage of *Walton-upon-Thames* aforesaid, and the Reverend *Thomas D'Oyly* Clerk is Vicar thereof, and as such is entitled to a Vicarage House and Right of Common in *Walton-upon-Thames* aforesaid, and to the yearly Sum of Twelve Pounds from the Rectory Improprate of *Walton-upon-Thames* aforesaid, now belonging to the said *Sarah D'Oyly*, and which is now paid by the said *Sarah D'Oyly* out of the Rectory Improprate aforesaid; and the Great Tithes growing, arising, or renewing within so much of the said Manor of *Walton Leigh* as is situate in the Parish of *Chertsey* aforesaid belong to *Sir Joseph Mawbey* Baronet and *Jacob Henry Franks* Esquire, or One of them: And whereas His said Majesty (subject to certain Grants or Leases heretofore made and now subsisting) and His said Royal Highness *Frederick* Duke of *York*, the said *Sir John Frederick*, *Sir Beaumont Hotham*, and *Thomas Sutton*, the said *Richard Palmer* and *Sarah D'Oyly*, the Right Honourable *Charles* Earl of *Tankerville*, the Honourable *Frances Pelham*, *Sir Henry Fletcher* Baronet, *Edward Peppin*, *John Kemey's Tynte*, *Robert Hibbert*, *Richard North*, *Edmund Boehm*, and *Milnes Lowndes*, Esquires, and several other Persons, are Owners and Proprietors of the said Open Common Fields, Meadows, and Pastures, and of divers Messuages, Cottages, Lands, Tenements, and Hereditaments within the said several Manors in the said Parishes of *Walton-upon-Thames* and *Chertsey*, and in respect thereof or otherwise are entitled to Right of Common upon the said Commons and Waste Lands: And whereas the Lands and Grounds of the respective Proprietors in the said Open Common Fields, Meadows, and Pastures lie intermixed and dispersed in small Parcels, and the same and also the said Commons and Waste Lands in their present State are incapable of much Improvement; and it would be of great Advantage to the several Persons interested if the said Open Common Fields were divided and inclosed, and the said Meadows and Pastures divided, and specific Parts allotted to the several Proprietors thereof in proportion to their respective Property therein, and if the said Commons and Waste Lands were divided and inclosed, and specific Parts allotted to the several Persons interested therein according to their respective Rights, and if Allotments were made in lieu of the Tithes of the said Open Common Fields, Meadows, and Pastures, and Commons and Waste Lands, in manner herein-after mentioned; but such Division, Inclosure, and Allotment cannot be established without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent
of

of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Thomas Richardson* of *Chelsea* in the County of *Middlesex*, *Thomas Hopcraft* of *Croughton* in the County of *Northampton*, and *Thomas Crawler* of *Cobham* in the County of *Surrey*, Gentlemen, and their Successors to be elected in manner herein-after directed, shall be and they are hereby appointed Commissioners for dividing, allotting, and inclosing the said Open Common Fields, Meadows, Pastures, Commons, and Waste Lands, and for putting this Act in execution in the Manner, and subject to the Rules, Orders, and Directions, herein-after mentioned and contained.

Commissioners.

II. And be it further enacted, That wherever in this Act Power is given to the Commissioners to do any Act or Thing, or make any Orders, Rules, or Regulations whatsoever, such Power shall be considered as vested in the said Commissioners or any Two of them; and that the said Commissioners may adjourn from Time to Time; and if Two Commissioners shall not appear at any 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 Ten Days from the Time of Adjournment, to be held at the same Place, and shall give Notice thereof to the absent Commissioners; any thing herein contained to the contrary notwithstanding.

Power vested in Two Commissioners.

III. And be it further enacted, That if the said *Thomas Richardson*, or any Commissioner to be appointed in his Stead as herein-after mentioned, shall die, refuse or be disabled to act, then and in every such Case it shall be lawful for the Lessees of the Crown of the said Manor of *Walton Leigh*, with the Approbation of the Surveyor General of His Majesty's Land Revenue for the Time being, and for the Lords of the said several Manors of *Walton-upon-Thames*, *Walton Leigh*, Rectory of *Walton-upon-Thames*, *Moulsey Matham*, and *Sandon* for the Time being, or the major Part of them, within Two Calendar Months next after such Death, Refusal, or Disability shall be signified by the remaining Commissioners or either of them to such Lessees or Lords respectively by Notice in Writing given to them, or left at their usual or last Places of Abode, or given to or left at the usual or last Places of Abode of the Stewards of the said Manors respectively, from Time to Time to elect and appoint a new Commissioner not interested in the said Inclosure in the Stead of such Commissioner so dying, refusing, or becoming disabled to act; and if the said *Thomas Hopcraft*, or any Commissioner to be appointed in his Stead as herein-after mentioned, shall die, refuse or be disabled to act, then and in every such Case it shall be lawful for the Owner or Owners of the Great Tithes of *Walton-upon-Thames* aforesaid, and the Owner or Owners of the Great Tithes of so much of the Manor of *Walton Leigh* as is situate in *Chertsey* aforesaid, for the Time being, within Two Calendar Months next after such Death, Refusal, or Disability shall be signified by the remaining Commissioners or either of them to such Owners respectively in manner aforesaid, from Time to Time to elect and appoint a new Commissioner not interested in the said Inclosure in the Stead of such Commissioner so dying, refusing or becoming disabled to act; and if the said *Thomas Crawler* or any Commissioner to be appointed in his Stead, as herein-after mentioned, shall die, refuse or be disabled to act, then and in every such Case it shall be lawful for the major Part in Value (to be ascertained by the Land

New Commissioners to be appointed upon Vacancies.

Land Tax Assessments) of the Proprietors of or Persons interested in the said Open Common Fields, Meadows, Pastures, Commons, and Waste Lands so directed to be divided and inclosed as aforesaid, (except the Lessees and Lords of the aforesaid Manors, and the said Owners of Tithes for the Time being respectively,) who shall be present at a Meeting to be held for that Purpose at *Walton-upon-Thames* aforesaid, within Two Calendar Months next after such Death, Refusal, or Disability shall be signified by the remaining Commissioners or either of them, from Time to Time to elect and appoint a new Commissioner not interested in the said Inclosure in the Stead of such Commissioner so dying, refusing or becoming disabled to act, of which last-mentioned Death, Refusal, or Disability, and Meeting Notice shall be affixed upon the most public Doors of the Parish Churches of *Walton-upon-Thames* and *Chertsey* respectively upon some *Sunday* at least Ten Days before such Meeting; and that every such Election and Appointment of a new Commissioner shall be reduced into Writing, and signed by the Persons making such Election and Appointment, and shall be delivered to the remaining Commissioners or Commissioner; and in case the said respective Parties or any of them shall make default in appointing any such new Commissioner as aforesaid, then the remaining Commissioners or Commissioner shall and they and he are and is hereby required from Time to Time, by Writing under their Hands or his Hand, within Ten Days after the Expiration of the Time allowed to the respective Parties for naming such new Commissioner or Commissioners by them respectively as aforesaid, to appoint One other Commissioner not interested in the said Inclosure in the Place of each Commissioner so dying, refusing to act, or becoming incapacitated; and every such new Commissioner so to be appointed shall have the like Powers and Authorities for putting this Act into execution in all respects whatsoever as the Commissioner in whose Place he shall have been appointed was invested with.

Commissioners to take an Oath.

IV. And be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of any of the Powers hereby given (except the Power of signing and giving Notice of the First Meeting of the said Commissioners, and of administering the Oath herein-after directed,) until he shall have taken and subscribed the Oath following:

Oath.

‘ I DO swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the several Trusts, Powers, and Authorities vested and reposed in me as a Commissioner by virtue of an Act for dividing, allotting, and inclosing the Open Common Fields, Meadows, Pastures, Commons, and Waste Lands in the Parish of *Walton-upon-Thames* and the Manor of *Walton Leigh* in the County of *Surrey*, 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 it shall be lawful for any One of the said Commissioners to administer, and he is hereby required to administer the same to any other of them; and that the said Oath so to be taken and subscribed by each Commissioner, and also the Appointment of every new Commissioner (if any such there shall be), with the like Oath to be taken and subscribed by him, shall be annexed to and inrolled with the Award of the Commissioners herein-after directed to be made; and a Copy of the Inrolment thereof shall

shall be admitted as legal Evidence in like Manner as a Copy of the Inrolment of the said Award is herein-after directed to be admitted.

V. And be it further enacted, That every Person named or to be named a Commissioner, who shall refuse or decline to act as aforesaid, shall and he is hereby required forthwith to give Notice in Writing to the other Two Commissioners of his Intention to refuse or decline acting as a Commissioner.

Commissioners declining to act to give Notice.

VI. And be it further enacted, That the said Commissioners shall cause public Notice to be given in the Parishes of *Walton-upon-Thames* and *Chertsey* aforesaid by Writing under their Hands to be affixed on the most public Doors of the said Parish Churches, and also by Advertisement to be inserted in the Newspaper commonly called *The County Chronicle*, or some Newspaper circulating in the said County of *Surrey*, of the Time and Place of their First and every subsequent Meeting for the Execution of this Act, Fourteen Days at least before any such Meeting shall be holden (Meetings by Adjournment only excepted).

Commissioners to give Notice of Meetings.

VII. And be it further enacted, That out of the Money that shall be raised for defraying the Expences of obtaining and executing this Act each of the said Commissioners who shall act in the Execution thereof shall be allowed and paid the Sum of Two Pounds and Two Shillings for each Day he respectively shall so act (inclusive of the Days of travelling to and from his Place of Abode) in full Satisfaction for his Trouble and Expences; and that the said Commissioners, and all Persons interested in the Division, Allotment, or Inclosure hereby authorized, who shall attend any Meeting to be held in pursuance of this Act, shall respectively bear and pay their own Expences, and shall not on any Pretence whatever charge any Expences whatever at any Inn or Public House to the Account of the Proprietors in general; and that the Minutes of each Day's Proceeding shall be entered in a Book on the same Day, and signed by the Commissioners then present and no other.

Allowance to the Commissioners.

VIII. And whereas Disputes or Doubts may arise concerning the respective Boundaries of the said Parishes, and the respective Boundaries of the said Manors, and of the Parishes and Manors adjoining thereto; be it therefore further enacted, That the said Commissioners shall and they are hereby authorized and required, by Examination of Witnesses upon Oath (which Oath any One or more of the said Commissioners is and are hereby empowered to administer), and by such other legal Ways and Means as they shall think proper, to enquire into the Boundaries of the said several Parishes and Manors; and in case it shall appear to the said Commissioners that the Boundaries of the said respective Parishes and Manors are not already sufficiently ascertained and distinguished, the said Commissioners shall and they are hereby authorized and required to ascertain, set out, determine, and fix the same respectively; and after the said Boundaries shall be so ascertained, set out, determined, and fixed, the same shall and are hereby declared to be the Boundaries of the said Parishes and Manors, subject to an Appeal to the Quarter Sessions in manner herein-after mentioned: Provided always, that the said Commissioners (before they proceed to ascertain and set out the Boundaries of the respective Parishes and Manors aforesaid) shall and they are hereby required to give public Notice in the Parishes of *Walton-upon-Thames* and *Chertsey* aforesaid, by Writing

For settling Boundaries of the Parishes and Manors.

under their Hands to be affixed on the most public Doors of the Churches of the said respective Parishes; and also by Advertisement to be inserted in such Newspapers as aforesaid, and also by Writing to be delivered to or left at the last or usual Places of Abode of the respective Stewards of the said Manors of *Walton-upon-Thames*, *Walton Leigh*, the Rectory of *Walton-upon-Thames*, *Moulsey Matham*, and *Sandon*, and of such adjoining Manor or Manors as aforesaid, Fourteen Days at least before the Time of setting out such Boundaries, of their Intention to ascertain, set out, determine, and fix the same respectively; and the said Commissioners shall, within One Calendar Month after their ascertaining and setting out the same Boundaries, cause a Description thereof in Writing to be delivered to or left at the Places of Abode of One of the Churchwardens or Overseers of the Poor of the respective Parishes, and also of the respective Stewards of the said several Manors interested in such Description.

Encroachments which have been made within a certain Time to be deemed Part of the Commons.

IX. And be it further enacted, That all Encroachments which shall have been made upon the said several Commons and Waste Lands within the Space of Twenty Years next before the passing of this Act, without any legal Grant or Authority for that Purpose, shall be deemed Part of the Commons and Waste Lands to be divided and inclosed, and the same shall be divided and inclosed accordingly: Provided nevertheless, that all and every such Encroachments shall be allotted to the Person or Persons who shall at the Time of making the said Allotments be in the Possession of such Encroachments, or in the Receipt of the Rents and Profits thereof, as the Whole or Part of the Share or Portion of the said Commons and Waste Lands to which such Person or Persons will be entitled by virtue of this Act, without considering the Value of any Erections thereon or Improvements made thereto; and if such Person or Persons shall not be entitled to any Allotment under this Inclosure equal to the Value of such Encroachments, but shall be willing to purchase the same, then the said Commissioners shall ascertain the Price thereof or of such Part thereof as shall exceed the Rights of such Possessor or Possessors thereof in respect of any other Property as aforesaid; in ascertaining of which Price the said Commissioners shall not value the Buildings or other Improvements thereon, but shall value the Land only, and that at so much Money *per Acre* as the same shall in their Estimation be worth, having Reference to the Waste next adjoining; and upon such Person or Persons paying such Price *per Acre* to the said Commissioners at such Time or Times as they shall for that Purpose appoint, and taking their Receipt or Receipts for the same, every such Encroachment, or such Part thereof as shall be so purchased, and also all Buildings and Improvements thereon, shall thereupon become by virtue of this Act vested in such Purchaser or Purchasers, and his and their respective Heirs and Assigns, in Fee Simple, without any further or other Conveyance, Assurance, Instrument, or Writing whatsoever; and the said Commissioners shall apply such Purchase Monies as Part of the Monies to be raised as herein mentioned for defraying the Expences of obtaining and passing this Act, and of carrying the same into execution; and from and after such Allotment and Payment of the Consideration Money for the Purchase of such Encroachments as aforesaid all Rent-charges, and other Sum or Sums of Money heretofore payable for and in respect thereof, shall for ever thereafter cease, be extinguished, and no longer payable.

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X. Provided always, That all Encroachments made upon the said Commons and Waste Lands within the Space of Six Calendar Months immediately preceding the passing of this Act shall be thrown open, without any Recompence whatsoever to be made to the Possessor or Possessors thereof for or in respect of the same.

Encroachments made within Six Calendar Months to be thrown open.

XI. And be it further enacted, That a true, exact, and particular Survey, Admeasurement, Plan, and Valuation of all the Lands and Grounds hereby directed to be divided and inclosed, and also of all the Messuages, Cottages, Orchards, Gardens, Homesteads, ancient inclosed Lands and Grounds within the Parish of *Walton-upon-Thames*, and so much of the Parish of *Chertsey* as lies within the said Manors of *Walton-upon-Thames* and *Walton Leigh*, or either of them, shall be made and reduced into Writing by the said Commissioners, or by such other Person or Persons as they shall nominate and appoint, as soon as conveniently may be for the Purposes of this Act; and the Number of Acres, Roods, and Perches, in Statute Measure, contained in all the Lands and Grounds hereby directed or authorized to be divided and inclosed, and also in all the ancient inclosed Lands, Grounds, and Homesteads aforesaid, and of each and every Proprietor's distinct Property in the same respectively, at the Time of making such Survey and Admeasurement shall be therein set forth and specified; and that the said Survey, Admeasurement, and Plan shall be kept by the said Commissioners for the Purposes of this Act; and the Person or Persons who shall make such Survey, Admeasurement, Plan, and Valuation shall verify the same upon Oath at any Meeting to be held after the making thereof (which Oath the said Commissioners or any One of them are and is hereby empowered and required to administer); and the said Proprietors and their respective Agents, and all Persons interested therein, shall at all seasonable Times have Liberty to peruse and inspect the same, and to take Copies thereof and Extracts therefrom respectively.

Lands to be surveyed.

XII. And be it further enacted, That for surveying, admeasuring, and valuing all the said Lands and Grounds, and for other the Purposes of this Act, it shall be lawful for the said Commissioners, every or any of them, and the Person or Persons to be appointed by them to make such Survey, Admeasurement, Plan, and Valuation, together with their and every of their Assistants and Servants, at any Time or Times whatsoever, until the said Division and other the Purposes of this Act shall be completed, to enter, view, and examine, survey and admeasure, all and every Part of the said Lands and Grounds so intended to be divided and allotted, and also all the ancient inclosed Lands, Grounds, and Homesteads herein-before directed to be surveyed, and to do or cause to be done any Act or Thing necessary for putting this Act into execution.

Power to enter Lands.

XIII. Provided always, That any Map or Survey already made which shall be tendered to the said Commissioners, and shall be in their Judgment and to their Satisfaction a just and true Map or Survey, proper for the Purpose of carrying any Part of this Act into execution, may be used for the Purpose aforesaid, if the said Commissioners shall think fit, without any new Map or Survey being made of such Part of the said

Former Map of Survey may be used.

Lands

Lands and Grounds as shall be comprised in any such approved Map or Survey as aforesaid.

Commissioners to determine upon Claims.

XIV. And be it further enacted, That all and every Person and Persons having or claiming to have any Estate or Property, Common Right or Rights, or any other Right or Interest, in or over the said Lands and Grounds hereby directed to be divided, allotted, and inclosed, shall and they are hereby required, by themselves or their Agents, to deliver an Account of such respective Claims and the Property in respect whereof they make such Claims in Writing under their Hands or the Hands of their Agents, unto the said Commissioners at such Meeting or Meetings as shall be held by them for that Purpose, pursuant to such Notice as is hereby directed to be given of Meetings; and that no such Claims shall be received by the said Commissioners after the last Meeting to be held for that Purpose in consequence of such Notice as aforesaid, and which shall be so expressed therein, except for some especial Cause to be allowed by the said Commissioners; and after the said Claims shall be so received the said Commissioners shall give Notice, in the Manner herein-before mentioned, of the Day or Days by them appointed for hearing and determining the same, when and where all Parties concerned may appear before them, and show Cause for or against the Allowance or Disallowance of the said Claims; and in case any Doubts or Difficulties shall arise respecting such Claims, or if any Disputes or Differences shall happen between any Proprietors of Estates touching their respective Rights or Claims, the said Commissioners shall and they are hereby authorized, if they shall think proper, by Examination of Witnesses upon Oath (which Oath the said Commissioners or any One of them are or is hereby empowered to administer), and by such other Evidence as they shall think proper, to hear, adjust, and determine such Claim or Claims respectively: Provided always, that it shall be lawful for any One or more Person or Persons whose Claim or Claims shall not be allowed by the said Commissioners, and also for any Three or more Persons whose Claims shall be allowed, but who shall object to the Allowance of the Claims of any other Person or Persons to proceed to Trial of such respective Claims at the Assizes for the County of *Surrey* in a feigned Action to be prosecuted for that Purpose by or between the Person or Persons whose Claim or Claims shall not be allowed by the said Commissioners and any One of the Commissioners disallowing, or the Persons objecting to the Allowance of the Claims of any other Person or Persons; and if the Parties differ about the settling of such Action, or the Issue or Issues to be tried thereby, the same shall be settled by the Court in which such Action shall be brought; and the Verdict which shall be given in such Action shall be final and conclusive, and thereupon the said Commissioners shall allow or disallow such Claim or Claims according to the finding and Event of such Verdict; and the proper Officer of the Court in which any such Action shall be brought shall tax the Costs of the Person or Persons for whom the Judgment shall be finally given, and that such Person or Persons shall thereon be entitled to and recover the same against the Person or Persons against whom such final Judgment shall be given: Provided always, that in case the Determination of the said Commissioners upon any such Claims shall not be objected to at the Meeting appointed for hearing and determining the same as aforesaid, then every such

Claims objected to may be determined by Trial at Law.

Claims not objected to shall be final.

such Determination shall be final and conclusive, and shall never after be objected to or disputed: Provided also, that before any Trial shall be had the Party or Parties desiring the same shall give Fourteen Days Notice in Writing to the said Commissioners or any One of them of his, her, or their Desire to proceed to such Trial; and in case such Notice as aforesaid shall be given no Part or Parts of the said Lands and Grounds shall be divided or allotted until after such Trial shall be had.

Notice to be given of Trial, and Allotments suspended.

XV. Provided always, That the Death of any of the Parties pending any such Issue under or by virtue of this Act shall in nowise abate the same, but that every such Issue shall proceed to be finally heard and determined as if no such Event had happened.

Suits not to abate on the Death of Parties.

XVI. Provided nevertheless, and it is hereby further enacted and declared, That the Person or Persons intending to try any such Claim or Claims by Action at Law as aforesaid shall proceed to the Trial thereof at the First Assizes to be held for the said County of *Surrey* next after the Determination of the said Commissioners, provided that such Determination shall be made above the Space of Two Calendar Months previous to the Time of such Assizes; but if such Determination shall be within that Time, then such Trial shall be had at the Second Assizes next after such Determination, and not otherwise, and no further Time shall be allowed for the Trial thereof; and the said Commissioners shall (in case such Trial shall not be proceeded in as before mentioned) proceed in the Division and Allotment of the said Lands and Grounds hereby directed to be divided and inclosed.

If Persons intending to try Claims neglect to proceed to Trial, Commissioners to proceed to the Division.

XVII. Provided also, nevertheless, That nothing herein contained shall authorize the said Commissioners to hear and determine any Difference or Dispute which may arise touching the Right or Title to any Lands, Tenements, or Hereditaments; but the said Commissioners shall assign and set out the several Allotments herein-after directed to be made unto the Person or Persons who at the Time of the said Division and Inclosure shall have the actual Seisin or Possession of the Lands, Tenements, or Hereditaments in lieu or in right whereof such Allotment shall be respectively made: Provided also, that no Difference or Suit touching the Title to any Lands, Tenements, or Hereditaments shall impede or delay the Commissioners in the Execution of the Powers vested in them by virtue of this Act, but the Division or Inclosure hereby directed to be made shall be proceeded in notwithstanding such Difference or Suit.

Commissioners not to determine upon Titles.

Disputes about Titles not to impede the Inclosure.

XVIII. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby required from Time to Time as they shall see Occasion, or at the Request of any of the Parties claiming to be interested, by Writing under their Hands to summon and require any Person or Persons to appear before them at a Day and Place in such Writing to be named, then and there to testify the Truth touching any Matter relative to the Execution of this Act, and cause a true Copy of such Writing to be served upon such Person or Persons so summoned, or left at his, her, or their last or usual Place of Abode; and every such Person so summoned who shall not appear before the said Commissioners pursuant to such Summons, or appearing shall refuse to be sworn or fully

Power to summon Witnesses.

Witnesses not attending to be fined.

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examined, (the reasonable Charges of his or her Attendance to be settled by the said Commissioners, being to him or her paid or tendered,) shall forfeit and pay the Sum of Five Pounds, to be recovered and applied as herein-after directed.

Witnesses
giving false
Evidence to
be punished.

XIX. And be it further enacted, That if any Witness or Witnesses who shall be examined by or before the said Commissioners, or by or before any Justice of the Peace, under or by virtue of the Authority of this Act, upon Oath, shall wilfully give false Evidence, and shall thereof be convicted, he, she, or they so giving false Evidence shall be subject to the Pains inflicted by Law on Persons guilty of wilful and corrupt Perjury.

Power to set
out public
and private
Roads.

XX. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required, in the first place, before they proceed to make any of the Divisions and Allotments herein-after directed, to set out and appoint such public Carriage Roads and Highways through and over the said Lands and Grounds hereby intended to be divided and inclosed, and to divert, turn, and stop up any of the present Roads and Tracks upon and over all or any Part of the said Lands and Grounds, as they shall judge necessary, so as such Roads and Highways shall be and remain Forty Feet wide at the least, and to give or cause to be given Twenty-one Days Notice at least, in manner aforesaid, in the respective Parishes of *Walton-upon-Thames* and *Chertsey* aforesaid, and in any adjoining Parish that they may think necessary, and also in some public Newspaper circulating in the said County of *Surrey*, of a Day by them the said Commissioners appointed to receive Objections that may be made to any Roads and Highways so ascertained and set out, diverted, turned, and stopt up, or intended so to be, or that may be omitted to be ascertained and set out, and thereupon to hear and determine the same; and after the setting out such Carriage Roads the same shall be well and sufficiently fenced on both Sides by such of the Owners and Proprietors of the said Lands and Grounds hereby intended to be divided and inclosed, and within such Time, as they the said Commissioners shall by any Writing under their Hands direct or appoint; and that it shall not be lawful for any Person or Persons to set up or erect any Gate across any such Carriage Road, or to plant any Trees in or near to the Hedges on the Sides thereof, at a less Distance from each other than Fifty Yards; and the said Commissioners shall and are hereby empowered and required, by Writing under their Hands, to appoint some proper Person to be Surveyor of the said Roads, and such Surveyor shall cause the same to be formed and put into good State and Condition, and shall be allowed such Salary or Reward for his Trouble therein as the said Commissioners shall order and direct; which Salary or Reward, and also the Expences of forming the said Roads, and putting the same into good State and Condition (over and above the Statute Duty), shall be raised in like Manner as the Charges and Expences of obtaining and passing this Act and of carrying the same into execution are herein-after directed to be raised, so as that none of the Inhabitants of the respective Parishes of *Walton-upon-Thames* and *Chertsey*, other than the Owners and Proprietors of and Persons interested in the said Lands and Grounds hereby intended to be divided and inclosed, to whom Allotments are herein-after directed

Surveyor to
be appointed.

to

to be made, shall be in anywise charged or chargeable (over and above the Statute Duty) towards the forming and completing of the said Roads; but when and so soon as the said Roads shall have been made fit for the passing of Travellers and Carriages, and shall have been certified so to be by the said Surveyor in manner herein-after directed, the said Roads and every of them shall thenceforth for ever be supported and kept in repair by such Persons and in such Manner as the other public Roads within the said Parishes are by Law to be amended and kept in repair; and the Certificate so as aforesaid to be made and given by the said Surveyor shall be made within the Space of Two Years from the Date of the Award of the said Commissioners herein-after mentioned, and shall be delivered to the Clerk of the Peace for the said County of *Surrey* at the first General Quarter Sessions of the Peace to be holden in and for the said County next after the said Roads and Highways shall have been formed and put into good State and Condition; and such Certificate shall be allowed and confirmed by the Justices in the said Sessions assembled, and be there filed of Record, unless sufficient Reason shall be given, to the Satisfaction of the Justices assembled at the Quarter Sessions which shall be held for the said County of *Surrey*, immediately before the Expiration of such Two Years, that a further Time will be necessary for that Purpose, in which Case such Justices may and they are hereby required to allow such further Time for the delivering in of the said Certificate as they shall think proper, not exceeding One Year; and in case the said Surveyor shall neglect or refuse to deliver in the Certificate hereby required from him within the Space herein-before for that Purpose limited, he shall forfeit and pay the Sum of Twenty Pounds, to be recovered in manner herein-after directed; and the same shall be applied towards the Repair of the said Roads in such Manner as the said Commissioners shall direct.

XXI. And be it further enacted, That the said Commissioners shall and they are hereby empowered and required to set out and appoint such private Roads and Ways and other Works and Conveniences in, over, and upon the Allotments to be made and set out in pursuance of this Act as they shall think requisite; and the same shall be made, and at all Times for ever thereafter be supported and kept in repair, by and at the Expence of the Owners and Proprietors for the Time being of the Lands and Grounds hereby directed to be divided and inclosed, in such Shares and Proportions as the said Commissioners shall in and by their said Award order and direct.

Private Roads
to be set out.

XXII. And be it further enacted, That after such public and private Roads and Ways shall have been set out and made the Grass and Herbage arising thereon shall for ever belong to and be the sole Right of such Proprietors of the Lands and Grounds which shall next adjoin the said Roads and Ways on either Side thereof, as far as the Centre of the Road; and it shall not be lawful for any Person or Persons to use any other Roads or Ways (either public or private) over, through, or upon any of the Lands and Grounds hereby intended to be divided and inclosed, either on Foot or with Horses, Carts, or Carriages, but that all Roads and Ways over, through, and upon any such Lands and Grounds which shall not be set out and appointed as aforesaid shall be and the same are hereby declared to be for ever stopped and extinguished, and shall be deemed

Herbage of
Roads to be-
long to Pro-
prietors of
Lands ad-
joining.

deemed and taken as Part of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, and be divided, allotted, and inclosed accordingly; provided that nothing herein contained shall extend or be construed to extend to give the said Commissioners any Power or Authority to divert, change, or alter the present Turnpike Road over any Part of the said Commons and Waste Lands.

Cattle not to be turned into Lanes.

XXIII. And be it further enacted, That it shall not be lawful for any Person or Persons to turn any Horses, Cattle, Hogs, Sheep, or Geese to depasture in any of the Lanes or Roads to be set out by virtue of this Act, or in any other of the public Lanes, Roads, or Highways within the said Parishes of *Walton-upon-Thames* and *Chertsey*.

Power to turn any Footway that may be unnecessary or inconvenient.

XXIV. And be it further enacted, That if upon setting out the Roads and Ways as before mentioned it shall appear to the said Commissioners that any ancient Footway or Path in, through, or over any of the ancient inclosed Grounds in the Parishes of *Walton-upon-Thames* and *Chertsey* aforesaid shall, by reason of the intended Division and Inclosure, become unnecessary or inconvenient, it shall be lawful for the said Commissioners, and they are hereby authorized and required, to stop up or turn such ancient Footway or Path; and if it shall appear to the said Commissioners that any Compensation ought to be made by the Owner of such ancient inclosed Grounds for whose Accommodation any ancient Footway or Path may be stopped up or turned as aforesaid, it shall be lawful for the said Commissioners to ascertain and receive the same, and apply it towards the general Purposes and Expences of this Act; and the said Commissioners are hereby directed to set forth in their Award herein-after mentioned a Description of such Footway or Path so stopped up or turned; and that from after the Execution of the said Award, or at such earlier Time as the said Commissioners shall direct, the said Compensation being first duly paid, such Footway or Path shall be and is hereby declared to be discontinued, and from thenceforth it shall not be lawful for any Person or Persons to make use of the same or any Part thereof: Provided always, that no Footway leading through any inclosed Ground shall be turned into any other inclosed Ground without the Consent of the Owner or Owners thereof respectively in Writing.

Commissioners to make Drains, &c.

XXV. And be it further enacted, That the said Commissioners shall and may enlarge, widen, scour, and cleanse all such ancient Reservoirs of Water, Brooks, Drains, Ditches, Watercourses, Tunnels, and Bridges in the said Parishes of *Walton-upon-Thames* and *Chertsey*, and also shall and may set out such new Ditches, Drains, Watercourses, Tunnels, Watergates, Banks, and Bridges, as well in, through, and over the Lands and Grounds hereby directed to be divided and inclosed, as also in, over, and through any ancient Inclosures in the said several Parishes (making such Satisfaction to the Proprietors of such ancient Inclosures for the Damage done thereby as they in their Discretion shall think proper), of such Breadth and Depth and in such Directions as the said Commissioners shall think proper; and the said Commissioners shall and may and they are hereby directed, in and by their said Award, to order by whom and at whose Expence, and at what Time and in what Manner, the said Reservoirs, Brooks, Ditches, Drains, Watercourses, Tunnels, Watergates, Banks,

Banks, and Bridges shall be made, and hereafter repaired, cleansed, scoured, and maintained.

XXVI. And be it further enacted, That the said Commissioners shall set out and appoint One or more Piece or Pieces of Ground within each of the said Parishes of *Walton-upon-Thames* and *Chertsey*, not exceeding Ten Acres in the said Parish of *Walton-upon-Thames* and Five Acres in the said Parish of *Chertsey*, being Part of the said Commons and Waste Lands, and in such convenient Place or Places as they shall think proper, for public Pits to get Gravel from and other Materials for making and repairing the Roads and Ways already made or to be set out by virtue of this Act; and the Herbage from Time to Time growing on the said Pieces of Ground shall belong to such Person or Persons and for such Purposes as the said Commissioners by their Award shall direct and appoint.

Gravel Pits
to be set out.

XXVII. And whereas the Owners and Proprietors of the said Open Common Fields, Meadows, and Pastures hereby directed to be divided and inclosed are entitled in respect thereof to Right of Common in and upon the said Commons and Waste Lands hereby also directed to be divided and inclosed, and such Owners and Proprietors have mutually agreed with each other that the same shall be equally and indifferently divided and allotted to, between, and amongst them according to their respective Interests therein; but such Division and Inclosure of the said Commons and Waste Lands cannot be conveniently proceeded in until the said Open Common Fields, Meadows, and Pastures shall be first divided and allotted; be it therefore further enacted, That the said Commissioners shall with all convenient Speed proceed to set out and allot unto the said *Sarah D'Oyly*, Impropiator of the Improprate Rectory of *Walton-upon-Thames* aforesaid, such Plot, Parcel, or Allotment of the said Open Common Fields, Meadows, and Pastures as in the Judgment of the said Commissioners shall be a full Equivalent and Compensation (Quantity, Quality, Situation, and Convenience considered,) for the Glebe Lands of the said Impropiator and Right of Common therein and thereunto belonging, and in the next place to set out and allot to the said Impropiator, for and in lieu of all Tithes, both Great and Small, and all Moduses, Compositions, and other Payments in lieu of Tithes, and all other Ecclesiastical Dues and Payments whatsoever, (except Mortuaries, *Easter Offerings*, and *Surplice Fees*,) arising, growing, renewing, increasing, happening, or payable in respect of the said Open Common Fields, Meadows, and Pastures, such Plot or Plots, Parcel or Parcels, Allotment or Allotments thereof, as in the Judgment of the said Commissioners shall contain or be equal in Value to One Fifth Part of the Arable Lands, and to One Ninth Part of all the Meadows and Pastures within the said Open Common Fields, Meadows, and Pastures, over and above any Allotment that shall be made to the said Impropiator in lieu of any other Lands in the said Open and Common Fields, Meadows, and Pastures, and of any other Rights save those herein-before mentioned and provided for; and the said Commissioners shall then proceed to divide, set out, and allot all the Remainder of the said Open Common Fields, Meadows, and Pastures unto and amongst the several Proprietors thereof equally and indifferently, so that each and every of

Allotment of
the Common
Fields, Mea-
dows, and
Pastures.

[*Loc. & Per.*]

17 Z

them

them may have and hold a just, equal, and proportionate Part and Share, entire and lying together as near as Circumstances will admit, of the said Open Common Fields, Meadows, and Pastures, rateably and proportionably according to the Quantities, Qualities, and Situations of the Lands there which they the said Owners and Proprietors now respectively hold and enjoy.

Regulations
as to the Oc-
cupation of
the Open
Meadows.

XXVIII. And be it further enacted, That the said Commissioners shall mark out the several Allotments of the said Meadows and Pastures by proper Metes, Bounds, or Landmarks, and that the said Commissioners shall also direct the said Meadows and Pastures to be stocked by the Owners thereof with Cattle of such Sorts, in such Numbers, at such Times, and for such Seasons, and subject to such other Regulations as to the future Enjoyment, and under such Penalties as the said Commissioners shall in their Judgment think proper, and by their Award order and direct, but that all other Common Rights in and upon the said Meadows and Pastures shall thenceafter be extinguished: Provided nevertheless, that it shall be lawful for the Proprietor or Proprietors of any such Allotment or Allotments at any Time or Times to inclose and fence the same as he, she, or they may think proper.

Requiring
the Owners
of Open
Common
Fields, &c. to
pay the
Charges of
carrying this
Act into ex-
ecution, so
far as relates
to the said
Open Com-
mon Fields.

XXIX. And be it further enacted, That the Owners and Proprietors of the said Open Common Fields, Meadows, and Pastures shall, at such Time as they shall be required by the said Commissioners, advance and pay to the said Commissioners all Costs and Charges incurred or to be incurred in carrying this Act into execution so far as relates to the Division and Allotments of the said Open Common Fields, Meadows, and Pastures, and also to the ring-fencing of the said Allotments to be set out to the said Impropiator in lieu of her said Glebe and Common Right thereto, and of her said Tithes, subject to the same Mode and with the like Powers for the Recovery thereof as is herein-after provided respecting the other Expences of this Act, save and except the said Impropiator of the said Improprate Rectory of *Walton-upon-Thames*, who shall not be charged with nor be liable to advance and pay any Part thereof for or in regard to her said Glebe Land and Right of Common in respect thereof, or of her said Tithes, or of her Allotment or Allotments, in lieu of her said Glebe Land and Right of Common thereto belonging, or of her Allotment or Allotments in lieu of her said Tithes as aforesaid.

Allotments
for Tithes.

XXX. And in order to make an adequate Compensation to the said Impropiator of the Improprate Rectory of *Walton-upon-Thames* aforesaid, to the several other Proprietors of Tithes within the same, and to the Owner of the Tithes within so much of the said Manor of *Walton Leigh* as is situate in the Parish of *Chertsey* aforesaid, for the Great and Small Tithes of the said Commons and Waste Lands hereby intended to be divided and inclosed, and to be extinguished as herein-after mentioned; be it further enacted, That the said Commissioners shall and they are hereby authorized and required to set out and allot unto and for the said Proprietors of Tithes, according to their several and respective Rights and Interests, for and in lieu of all their respective Tithes, both Great and Small, and all Moduses, Compositions, or other Payments in lieu of Tithes, and all other Ecclesiastical Dues and Payments whatever, (except

Mortuaries,

Mortuaries, *Easter Offerings*, and *Surplice Fees*,) arising, growing, renewing, increasing, happening, or payable in, out of, from, or upon the said Commons and Waste Lands hereby intended to be divided and inclosed, such several Plots, Parcels, or Allotments of the said Commons and Waste Lands in the said Parishes of *Walton-upon-Thames* and *Chertsey* as in the Judgment of the said Commissioners shall be equal in Value to One Ninth Part of the said Commons and Waste Lands so intended to be divided and inclosed in the said Parishes respectively.

XXXI. And be it further enacted, That if the Owners or Proprietors of any old Inclosures, not having any or sufficient Land in the said Lands and Grounds hereby directed to be divided and inclosed to exonerate their Messuages, Tenements, Gardens, Orchards, Homesteads, Homecloses, and old Inclosures from Payment of Tithes in Kind as aforesaid, shall be desirous of having a Part of such old Inclosures assigned or set apart to exonerate the same Messuages, Tenements, Gardens, Orchards, Homesteads, Homecloses, and old Inclosures from Payment of Tithes, and the Owner or Owners of such Tithes shall consent thereto, it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, with the Consent of the Proprietors or Owners in Fee or in Tail, or for Life, in Possession of such old Inclosures, or the Guardian or Guardians, Committee or Committees, Agent or Agents, Husband or Husbands of such of them as shall then be under any legal Impediment or Disability, to deduct and set out so much and such Part or Parts of such old Inclosures as, together with the Allotment or Allotments to be made to such Proprietor or Owner, Proprietors or Owners respectively, under or by virtue of this Act, if any such, shall be equal in Value to the Tithes, both Great and Small, payable by the Owner or Owners of such old Inclosures in respect of his, her, or their respective Messuages, Tenements, Gardens, Orchards, Homesteads, Homecloses, and old Inclosures within the said Parishes of *Walton-upon-Thames* and *Chertsey*, or either of them, which Part or Parts of such old Inclosures so deducted and set out shall be considered as Part of the Lands and Grounds hereby directed to be divided and inclosed, and shall be divided, allotted, and inclosed accordingly; and the same, together with such last-mentioned Allotment or Allotments (if any), shall be for ever thereafter a full Satisfaction for and Discharge from the Payment of such Tithes, and the Allotment and Allotments to the Owner and respective Owners of such Tithes shall be increased accordingly.

Compensation for Tithes of ancient Inclosures, which cannot be compensated for in the Open Lands.

XXXII. And be it further enacted, That immediately after the said Commissioners shall have set out the Allotments herein-before directed to be made to the said Proprietors of Tithes in lieu of and as a Compensation for their respective Rights of Tithe aforesaid, and shall have given Notice thereof in Writing under their Hands to be affixed on the respective Doors of the Churches of *Walton-upon-Thames* and *Chertsey* aforesaid, all Tithes, both Great and Small, arising, growing, renewing, increasing, happening, or payable in, out of, or from or upon the said Open Common Fields, Meadows, and Pastures, Commons and Waste Lands, to be divided and inclosed by virtue of this Act, and all Moduses, Compositions, or other Payments in lieu of Tithes, and all other Ecclesiastical Dues

Extinguishment of Tithes.

Dues and Payments whatsoever, (except *Easter Offerings*, Mortuaries, and Surplice Fees,) shall cease and be for ever extinguished.

Not to affect the Tithes of old inclosed Grounds.

XXXIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to, or shall alter, vary, prejudice, lessen, or in anywise affect, the Right of any Person or Persons to the Tithes, Great or Small, of any Kind or Description whatsoever, or to any Moduses, Compositions, or other Payments in lieu of Tithes, or any other Ecclesiastical Dues or Payments whatsoever, in respect of the Grounds now inclosed in the said Parishes, or any of them, or any other Grounds, Lands, or Tenements, except the said Common Fields, Meadows, and Pastures, Commons and Waste Grounds, to be inclosed by virtue of this Act.

Allotments to the Impropropriators for Common Rights in respect of Glebe.

XXXIV. And be it further enacted, That the said Commissioners shall and they are hereby required, in the next place, to set out, allot, and award unto the said Impropropriator of the Impropropriate Rectory of *Walton-upon-Thames* aforesaid such Parcel of the then Residue of the said Commons and Waste Lands lying in the Parish of *Walton-upon-Thames* aforesaid, hereby intended and directed to be divided and inclosed, as in the Judgment of the said Commissioners shall be a full Equivalent and Compensation (Quantity, Quality, Situation, and Convenience considered,) for and equal to her Rights and Interests of, in, and over the said Commons and Waste Lands, in respect of the Glebe Lands belonging to the said Impropropriator.

Allotment to the Vicar of Walton.

XXXV. And whereas there is only a Vicarage House and Homestead, and the Stipend of Twelve Pounds a Year, (payable out of the Rectory,) belonging to the Vicarage of *Walton-upon-Thames*, and the Owners and Proprietors of Estates within the said Parish of *Walton-upon-Thames* do think it proper that their Vicar should have a more adequate Income for his Parochial Cares and Duties, and do therefore give to the said Vicar a Parcel of Land within the said Parish of *Walton-upon-Thames*; be it therefore further enacted, That the said Commissioners shall set out and allot unto and for the said *Thomas D'Oyly* and his Successors, Vicars for the Time being of *Walton-upon-Thames* aforesaid, for ever, out of the Commons and Waste Lands hereby intended to be divided and inclosed, such Parcel or Parcels of Land on the South-west Side of the Road, leading from *Weybridge* to *Cobham* as shall be equal in Quantity or Quality to the Value of Fifty Acres of the average Value of the whole Common or Waste Lands within the said Parish, as a full Equivalent and Compensation for all Right of Common belonging to the said Vicarage, and which said Allotment or Allotments so to be made in respect of the said Vicarage of *Walton-upon-Thames* aforesaid shall be accepted and taken in lieu of and in full Recompence and Satisfaction of and for all Right of Common belonging to the said Vicarage: Provided always, that nothing herein contained shall prejudice or in anywise affect the Right of the said *Thomas D'Oyly* and his Successors, Vicars for the Time being of *Walton-upon-Thames*, to the *Easter Offerings*, Mortuaries, and Surplice Fees belonging to the said Vicarage of *Walton-upon-Thames*.

XXXVI. And

XXXVI. And be it further enacted, That the said Commissioners shall and they are hereby required in the next place to set out, allot, and award unto and for the King's most Excellent Majesty as Lord of the Manor of *Walton Leigh*, aforesaid, to be held by His said Royal Highness *Frederick Duke of York* and the said *Richard Palmer* as Lessees of the said Manor, under and by virtue of the said subsisting Lease from the Crown, in proportion to their respective Interests therein, One Sixteenth Part of all the Commons and Waste Lands lying within the said Manor of *Walton Leigh* in lieu of and as a Recompence for his and their Right as Lord and Lessees of the Manor aforesaid to the Soil of the said Commons and Waste Lands within such Manor, exclusive of the Lands to be allotted to His said Majesty and His Lessees in lieu of His and their Rights and Interests in the said Commons and Waste Lands in respect of the several Messuages, Cottages, Demesne Lands, and other Lands belonging to the Crown within the said Manor.

Allotments
to Lord of
the Manor of
Walton
Leigh for
Right of Soil.

XXXVII. And be it further enacted, That the said Commissioners shall and they are hereby required, in the next place, to set out, allot, and award unto and for His said Royal Highness *Frederick Duke of York* and the said *Richard Palmer*, Lords of the Manor of *Walton-upon-Thames* aforesaid, in proportion to their respective Interests therein, to the said *Sarah D'Oyly*, Lady of the Manor of the Rectory of *Walton-upon-Thames* aforesaid, to the said Sir *John Frederick*, Lord of the Manor of *Sandon* aforesaid, to the said Sir *Beaumont Hotham* and *Thomas Sutton*, Lords of the Manor of *Moulsey Matham* aforesaid, and to the said Earl of *Tyrconnel*, Lord of the said Manor of *Hersham* otherwise *Waterville Escher with Hersham*, in respect of so much of their said respective Manors as lie within or extend into the said Parish of *Walton-upon-Thames*, One Sixteenth Part of all the Commons and Waste Lands lying within the said Parish of *Walton-upon-Thames*, to be divided amongst the Lords of the said several Manors in proportion to the Quantity and Quality of the Waste Lands belonging to their said Manors respectively lying within the Parish of *Walton-upon-Thames* aforesaid, in lieu of the Rights of the Lords of the said several Manors in and to the Soil of the said Commons and Waste Lands respectively.

Allotments
to Lords of
Manors of
Walton-
upon-
Thames, &c.

XXXVIII. And whereas it is intended to give and allow to such Poor as are real and true Occupiers of Cottages within the said Parishes and Manor respectively a Share and Interest of and in the said Commons and Waste Lands in respect of their Occupation thereof and Residence therein only as herein-after mentioned; be it therefore further enacted, That the said Commissioners shall and they are hereby required in the next place to set out and allot distinct Parts and Parcels of the said Commons and Waste Lands hereby directed to be inclosed, exclusive of all Roads and Ways in and over the same, in the several Proportions following; (that is to say,) in the said Parish of *Walton-upon-Thames* Two hundred Acres in the whole, One hundred and sixty Acres Part thereof upon *Walton Common*, situate between *Oatlands*, *Burwood*, and *Ashley Parks*, beginning at the Road from *Walton* to *Escher*, in a Line with the old Gravel Pits, and extending South-west, and the Remainder of the said Two hundred Acres in such other Place or Places as the Commissioners shall direct; in the said Manor of *Walton Leigh* in the said Parish of *Gbertsey* Sixty

Allotments
for the Use
of the poor
Occupiers
only.

[Loc. & Per.]

18 A

Acres

Acres in One or more Piece or Pieces, and in such Place or Places as the said Commissioners shall think proper, which said distinct Parts and Parcels of the said Commons and Waste Lands so to be set out and allotted shall be and remain to, and for the Use of the real and true Occupiers only of Cottages standing and being within the said Parish and Manor respectively the yearly Rent of which shall not exceed Five Pounds, and having no other House or Place of Residence; and such Occupiers for the Time being shall at all Times afterwards have the sole and exclusive Right of using the said Parts and Parcels of the said Commons and Waste Lands so to be set out and allotted for the Purpose of Pasture, and of cutting Turf, Furze, and Heath for Fuel in equal Proportions, according to the Number of the said Houses and Cottages, without paying any thing for such Use; and when and so soon as the said Allotments shall be assigned and set out the same shall respectively be and become vested in the respective Ministers, Churchwardens, and Overseers of the Poor of the said Parishes of *Walton-upon-Thames* and *Chertsey* aforesaid for the Time being and their Successors in all the Landholders of One hundred Pounds *per Annum*, and in Four of the Cottagers of each of the said Parishes to be for that Purpose respectively chosen at Vestries to be held at *Easter* in every Year, who, or a Majority of them, shall have full Powers to make Orders and Regulations for the Use, Management, draining, levelling, and other Improvements of and for the Stints of the Commonage thereof, and for the Protection and Preservation of the Herbage, Turf, Ground, and Soil thereof, and for the Employments and Appointments of proper Persons to execute such Rules and Orders, and to overlook such Lands, and to impound Cattle which shall be found trespassing thereon contrary to such Regulations, and to order Payment of all necessary Expences thereby incurred, not exceeding in any One Year the Sum of Ten Pounds, out of the Rates made for the Relief of the Poor of the said respective Parishes, which Sum the Overseers of the Poor of such respective Parishes are hereby required and authorized to pay accordingly, and which shall be allowed to them in their Accounts; and in case any other Person or Persons not really and truly occupying a House or Cottage of such yearly Value and Descriptions as herein-before mentioned shall at any Time or Times turn out Sheep or Cattle of any Sort, or cut any Heath, Turf, or Furze, or dig, take, or carry away the Soil on the said distinct Parts and Parcels of the said Commons and Waste Lands so to be set out and allotted as next before mentioned, every such Person so offending, being thereof convicted, shall forfeit and pay for each such Offence the Sum of Twenty Shillings, to be recovered and applied in manner herein-after directed: Provided always, that no Person or Persons shall, by reason of having any Right of using the said Parts and Parcels of the said Commons and Waste Lands last herein-before directed to be set out and allotted, be disqualified from voting at any Election or Elections of Members to serve in Parliament.

Allotments
for the Poor-
house of
Walton.

XXXIX. And for the better providing the Poorhouse of the said Parish of *Walton-upon-Thames* as well with necessary Fuel as Garden Stuff to be used therein, be it further enacted, That the said Commissioners shall and they are hereby required, in the next place, to set out and allot in the said Parish of *Walton-upon-Thames* such Part and Parts of the said Commons and Waste Lands hereby directed to be inclosed within the said
Parish,

Parish, in such Places as they shall think proper, not exceeding Fifty Acres in the whole, for the Use of the Poorhouse of the said Parish of *Walton-upon-Thames*, for supplying the same with Fuel and Garden Stuff and for other useful Purposes; and as soon as the said Allotment or Allotments shall be assigned and set out the same shall become and from Time to Time continue vested in such Person and Persons, for such Intents and Purposes, and with, under, and subject to such Rules, Orders, and Regulations, as are mentioned and declared of and concerning Poorhouses and Lands in and by an Act made and passed in the Twenty-second Year of the Reign of His present Majesty, intituled *An Act for the better Relief and Employment of the Poor*, so far as the Provisions of the said Act are or may be applicable to the said Poorhouse and Allotment or Allotments so to be set out as aforesaid.

XL. And be it further enacted, That after the several Divisions and Allotments herein-before directed to be made of the said Commons and Waste Lands shall have been assigned and set out in the Manner herein-before directed, and such Sale or Sales as are herein-after mentioned shall have been made, then the said Commissioners shall divide, set out, and allot all the Residue and Remainder of the said Commons and Waste Lands in the said Parish of *Walton-upon-Thames* and Manor of *Walton Leigh* in the said Parish of *Chertsey* hereby intended to be divided and allotted as aforesaid unto and amongst the several Proprietors of and Persons interested in the Messuages, Cottages, Lands, Tenements, and Hereditaments in the said respective Parish and Manor, in such Quantities, Shares, and Proportions, and in such Manner, as by the said Commissioners shall be adjudged and determined to be a just and full Compensation and Satisfaction for and equal to their several and respective Rights and Interests of, in, and over the said Commons and Waste Lands, in respect of their several and respective Messuages, Cottages, Lands, Tenements, and Hereditaments; provided that all Persons to whom any such Allotments shall be made for or in respect of any Messuages, Cottages, Lands, Tenements, and Hereditaments in the said Manors of *Sandon* and *Moulsey Matham* respectively within the said Parish of *Walton-upon-Thames* shall for ever hereafter in respect thereof be barred and wholly excluded from all Right of Common in, over, or upon the Commons or Wastes of the Manors of *Sandon* and *Moulsey Matham* aforesaid, and every Part and Parcel thereof respectively, which are not situate within the said Parish of *Walton-upon-Thames*.

XLI. Provided always, and be it further enacted, That the said Commissioners shall and they are hereby directed and required, in making the said Division and Inclosure, to assign, set out, and allot unto *Philip Rundell* Esquire as Part of the Lands and Grounds to be allotted to him in pursuance of this Act, all that triangular Piece of Land lately inclosed from the Common Field called *Church Field* into the Pleasure Ground of the said *Philip Rundell*, and lying and being on the West Side of the Paddock belonging to *Walton Grove House*, and containing Two Acres or thereabouts.

XLII. And whereas there are within the said Parish of *Walton-upon-Thames* and Manor of *Walton Leigh* several Parcels of ancient Inclosure lying

Allotment of the Residue.

For allotting a certain Part of the Church Common Field to Mr. Rundell.

Power for Commissioners, with Consent of

Proprietors,
to allot old
Inclosures as
Common
Field Land.

lying detached from any Homestead the Owners whereof may be desirous to have the same surveyed, measured, and taken up to be allotted and divided as the Common Field Land hereby directed to be divided and inclosed; be it therefore enacted, That it shall be lawful for the said Commissioners, with the Consent of the respective Owners of such detached ancient Inclosures, to divide and allot the same, or so many or such Parts thereof as the Owners shall respectively consent to, as Parts and Parcels of the Common Field Lands hereby directed to be divided and inclosed, and thereupon such Allowances in Land shall be made to the respective Owners thereof, on account of the beneficial Difference of Property between ancient and inclosed Land and Common Field Land, as the said Commissioners shall adjudge to be just and reasonable; and the said Commissioners shall and they are hereby required to set out and allot unto and for the respective Owners of such ancient Inclosures, in lieu thereof, so much and such Parcels of Land, Part of the said Common Fields, Meadows, and Pastures hereby directed to be inclosed, as the said Commissioners shall think reasonable (Qualities as well as Quantity and Situation considered), subject to the Rules, Orders, and Directions in this Act contained.

Commissioners to regard the Quality, Situation, and Convenience of Allotments.

XLIII. And be it further enacted, That the said Commissioners in making the several Allotments herein-before directed shall have due Regard, as well to the Situation of the respective Houses or Homesteads of the said Proprietors, as to the Quantity and Quality of the said Lands and Grounds to be allotted to them respectively, so far as may be consistent with the general Convenience of the said Proprietors, and that the said Commissioners in making the said Allotments shall have particular Regard to the Convenience of the Owners or Proprietors of the smallest Estates in the Lands and Grounds hereby directed to be allotted and exchanged.

Small Allotments may be laid together and enjoyed in Common.

XLIV. And whereas some of the Proprietors and other Persons interested in the said Open Common Fields, Meadows, and Pastures, and the said Commons and Waste Lands hereby directed to be divided and allotted, whose Allotments thereof will be small and expensive to inclose, may be desirous of stocking and depasturing their Allotments in Common, and of sharing such Produce as may grow thereon under proper Regulations; be it therefore enacted, That the said Commissioners shall be and they are hereby fully authorized and empowered, on Application of the Parties interested, at their First or Second Meeting for receiving Claims, and on an attentive View and full Consideration of the Premises, to award, order, and direct such said Allotments as the said Commissioners shall think proper to be laid together and ring-fenced, to be stocked and depastured in common, and to make such Orders and Regulations for the equitable Enjoyment thereof, and for the Participation of any Produce growing or to grow thereon, as the said Commissioners may think beneficial and proper for the said several Parties interested therein.

Allotments to be in lieu of former Rights.

XLV. And be it further enacted, That the several Shares of and in the said Open Common Fields, Meadows, and Pastures, Commons and Waste Lands, which shall, upon such Division as herein-before directed, be assigned, set out, allotted, and appointed unto and for the several Persons who by virtue of this Act shall be entitled to the same, shall when so allotted be and be taken to be in full Bar of and Satisfaction and Compensation

sation for their several respective Lands, Grounds, Rights of Common, and all other Rights and Properties whatsoever which they respectively had or were entitled to in and over the said Lands and Grounds intended to be divided and inclosed as aforesaid immediately before the passing of this Act; and that from and immediately after the making the said Division and Allotments, and the Execution of the Award of the said Commissioners as herein-after directed, or at such other Time as the said Commissioners shall by Writing under their Hands, to be affixed on the principal Door of the said Churches of the Parishes of *Walton-upon-Thames* and *Chertsey* respectively, direct or appoint, all Lammas Rights and Right of Common whatsoever belonging to or claimed by any Person or Persons whomsoever, Bodies Politic or Corporate, in, over, or upon the said Open Common Fields and Meadows, Commons and Waste Lands, shall cease, determine, and be for ever extinguished.

XLVI. And whereas His said Majesty as Lord of the said Manor of *Walton Leigh*, and his said Royal Highness *Frederick* Duke of *York* and the said *Richard Palmer* as Lessees of the said Manor under and by virtue of the said subsisting Lease thereof from the Crown, and his said Royal Highness *Frederick* Duke of *York* and the said *Richard Palmer* as Lords of the said Manor of *Walton-upon-Thames*, are respectively willing to release and discharge all Heriots due and payable to the Lords of the said Manors out of or from or for or in respect of any Customary or Copyhold Messuages, Lands, Tenements, or Hereditaments held of the said Manors and also to release and discharge all or any of the Customary or Copyhold Lands held of the said Manors of and from all Claim and Right due by Custom of the said Manors, or either of them, to the Lords thereof, of, in, and to any Timber or Trees felled upon, or from all or any such Customary or Copyhold Lands, on being paid such Sum and Sums of Money as shall be found an adequate Recompence and Compensation for the same as herein-after mentioned; be it therefore enacted, That if the Owner or Owners of any Messuages, Lands, Tenements, or Hereditaments within the said respective Manors of *Walton Leigh* and *Walton-upon-Thames* shall be desirous of making a Satisfaction or Compensation for releasing and discharging such Estates of and from all Heriots, and all Claim and Right of, in, and to such Timber and Trees as aforesaid, by Payment of a Sum of Money, and shall cause Notice thereof in Writing to be given to the said Commissioners or any One of them before the making the Award herein-after last directed, then and in every such Case it shall be lawful for the said Commissioners, and they are hereby authorized and empowered and directed, to ascertain, fix, and determine what Sum or Sums of Money should be paid by every such Owner giving Notice as aforesaid as and for a full and equivalent Compensation and Satisfaction for releasing and discharging such Estates of and from all Heriots, and all Claim and Right of, in, and to such Timber and Trees as aforesaid; and such Sum or Sums of Money shall be paid to the said Commissioners for the Use of the Lords of the said respective Manors and the Lessees of the said Manor of *Walton Leigh*, in proportion to their respective Interests therein, at such Place or Places and at such Time or Times as the said Commissioners shall appoint; and the Receipt or Receipts of the said Commissioners shall be a sufficient Discharge and Discharges to the said Person and Persons for such Sum and Sums of Money so to be paid to them the said Commissioners

Power to sell
Heriots, and
Claim and
Right to Tim-
ber and
Trees, &c.

as aforesaid, and the Person or Persons paying the same shall not in any Case be answerable for the Application or Misapplication thereof.

Discharging Customary or Copyhold Estates from all Heriots, and Claim and Right to Timber and Trees, &c.

XLVII. And be it further enacted, That all and every such Customary or Copyhold Messuages, Lands, Tenements, and Hereditaments for the releasing and discharging the same of and from all Heriots, and Claim and Right of, in, and to such Timber and Trees as aforesaid, such Sum or Sums of Money shall be paid by the said Copyhold Owners as aforesaid shall at all Times from and after the making and executing the Award or Instrument by the said Commissioners herein-after directed for ever thereafter respectively be held and enjoyed by the said several and respective Copyhold Owners, and by their respective Heirs and Assigns for ever, released and discharged of and from all Heriots, and Claim and Right of, in, and to such Timber and Trees as aforesaid, due or to grow due and payable to the Lord of the said respective Manors for or in respect of the said Copyhold Estates.

For appropriating Money received for Heriots and Timber in the Manor of Walton Leigh.

XLVIII. And be it further enacted, That all and every Sum and Sums of Money which shall be paid for releasing and discharging any Estate or Estates held of the said Manor of *Walton Leigh* from the Payment of Heriots, or for discharging any such Estate or Estates from any Claim or Right to Timber or Trees growing thereon as aforesaid, shall be divided by the said Commissioners into Two distinct Parts or Shares in proportion to the respective Interests of the King's most Excellent Majesty as Lord of the said Manor, and of his said Royal Highness *Frederick Duke of York* and the said *Richard Palmer* as Lessees of the said Manor, and that the Share or Proportion thereof which shall be adjudged by the said Commissioners to belong to His Majesty shall be paid by the said Commissioners into the Bank of *England* to the Account of the Commissioners of His Majesty's Treasury, directed to be opened by an Act passed in the Thirty-eighth Year of His present Majesty's Reign, intituled *An Act for making perpetual, subject to Redemption and Purchase in the Manner therein stated, the several Sums of Money now charged in Great Britain as a Land Tax, for One Year, from the Twenty-fifth Day of March One thousand seven hundred and ninety-eight*, and applied to or for the Purposes therein expressed.

Application of Monies paid for releasing Heriots, &c. where exceeding 200l.

XLIX. And be it further enacted, That if any Share or Proportion (not belonging to His Majesty) of Money to be paid for releasing and discharging any Estate or Estates from Heriots, or for discharging such Estate or Estates from any Claim or Right to Timber or Trees as aforesaid, or in case any Money to be paid for Fences or Hedges directed to be left for Boundary Fences as herein-after mentioned, shall belong to any Tenant for Life or in Tail, or Person under any other Disability or Incapacity, and shall amount to the Sum of Two hundred Pounds, then the same shall with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Commissioners for executing this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to such Heriots, Timber or Trees, Fences or Hedges respectively, in the Purchase

chase of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance or Part thereof as the said Court shall authorize to be paid affecting the same Heriots, or the Land whereon such Timber or Trees, Hedges or Fences stand, or affecting any Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Heriots which shall be so extinguished, or the Land whereon such Timber or Trees, Fences or Hedges grew, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the said Money shall, by Order of the Court of Chancery upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to such Heriots as aforesaid, or to the Receipt of the Rents and Profits of the Land whereon such Timber or Trees, Fences or Hedges stand.

L. Provided always, and be it further enacted, That if any Money so to be paid shall be less than the Sum of Two hundred Pounds and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Heriots, or to the Claim or Right of Timber or Trees, or to the Hedges or Fences as aforesaid, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by the said Commissioners (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Dividends arising thereon may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application where less than 200*l.* and above 20*l.*

LI. Provided also, and be it further enacted, That where such Money so to be paid shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to such Heriots, or to Timber or Trees, or to the Land whereon such Hedges or Fences grew, in such Manner as the said Commissioners shall think fit; or in case of Infancy or Lunacy

Application where less than 20*l.*

Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Exchanges.

LII. And for the more convenient Situation of all the several Farms, Lands, and Estates within the Parish of *Walton-upon-Thames* and Manors aforesaid, be it further enacted, That the said Commissioners shall and they are hereby authorized to set out, allot, and award any Messuages, Buildings, Lands, Tenements, Hereditaments, new Allotments, or old Inclosures within the said Parish and Manors aforesaid, in lieu of or in Exchange for any other Messuages, Buildings, Lands, Tenements, Hereditaments, new Allotments, or old Inclosures within the said Parish or Manors, or within any adjoining Parish or Place, so that all such Exchanges be made with the Consent of the respective Owners, Proprietors, or other Persons seised of the Lands, Hereditaments, and Premises which shall respectively be so exchanged as aforesaid, or of the Husbands, Guardians, Trustees, Committees, or Attornies acting for or on behalf of such Owners, Proprietors, or other Persons respectively who are under Coverture, Minors, Lunatics, or beyond the Seas, or under any other Disability or Incapacity of acting for themselves, (such Consent to be testified by Writing under their respective Hands,) and so that all such Exchanges be ascertained, specified, and set forth in the said Award of the said Commissioners, and so that all such Exchanges of any Lands, Tenements, or Hereditaments belonging to or held in right of any Church, Chapel, or Ecclesiastical Benefice shall also be made with the like Consent in Writing of the Bishop of the Diocese, and of the Patron of any such Church, Chapel, or Ecclesiastical Benefice for the Time being; and all such Exchanges so made as aforesaid shall be for ever good, valid, and effectual in the Law to all Intents and Purposes whatsoever.

Not to revoke or make void any Will, Settlement, &c.

Lands, &c. exchanged or allotted, to be subject to same Estates and Uses as before.

LIII. Provided further, and be it enacted, That nothing in this Act contained shall extend to revoke, make void, alter, or annul any Will, Settlement, or other Deed, or to prejudice any Person having or claiming any Jointure, Dower, Portion, Debt, Estate, or Incumbrance out of, upon, or affecting any of the Lands, Tenements, or Hereditaments which shall be so divided and allotted or exchanged in pursuance of this Act; but that the several Messuages, Tenements, or Hereditaments which shall be so divided and allotted or exchanged shall, immediately after such Division and Allotment or Exchange, be and remain and enure, and the several Persons to whom the same shall be so allotted or given in Exchange shall from thenceforth stand and be seised thereof to such and the same Uses, and for such and the same Estates, and under and subject to such and the same Settlements, Limitations, Remainders, Charges, and Incumbrances, and under such and the same Restrictions, Covenants, and Agreements, as the several Messuages, Lands, Tenements, Rents, or Hereditaments in lieu or in respect whereof such Division and Allotment or Exchange shall be made as aforesaid would have been subject to or charged with in case this Act had not been made, save and except only Allotments of the said Commons and Waste Lands to be made in respect of Customary or Copyhold Premises, which Allotments, when made and set out, are hereby directed to be held as Freeholds, and to descend in Fee Simple according to the Custom of the Common Law.

LIV. And

LIV. And be it further enacted, That no Fences or Hedges now standing or growing in or upon any of the Lands hereby directed to be divided and inclosed shall be cut down or destroyed by the Owners and Proprietors thereof, after the passing of this Act, until the Execution of the said Award, without the Consent of the Commissioners first had and obtained in Writing for that Purpose; and if any such Fences or Hedges shall be assigned or appointed by the said Commissioners as and for a Boundary Fence or as and for a Subdivision Fence to and for any of the Allotments to be made in pursuance hereof, all such Fences and Hedges shall be left uncut for the Benefit of the Person or Persons to whom such Allotment or Allotments shall belong, and he, she, or they shall make such Compensation in Money to the former Owners and Proprietors thereof as the said Commissioners shall by Writing under their Hands in that Behalf order and appoint, subject to the same Mode, and with the like Powers of Recovery thereof, as is herein-after provided respecting the other Expences of passing this Act and carrying the same into execution.

Fences or Hedges not to be cut down without the Consent of the Commissioners.

LV. Provided also further, and be it enacted, That where any Lands, Tenements, Rights of Common, or Hereditaments shall be in Lease for any Term or Number of Years whatsoever at Rack Rents, or shall be held under an Agreement or Agreements for any such Term or Number of Years at Rack Rents as aforesaid, it shall be lawful to and for the said Commissioners and they are hereby required to assign and set out such Parcel or Parcels of Land as shall be allotted in right or in lieu of such Lands, Tenements, Rights of Common, or Hereditaments unto the Person or Persons entitled to the Reversion thereof expectant on the Determination of such Lease or Leases, Agreement or Agreements, and that the said Parcel or Parcels of Land shall be held and enjoyed by him or them freed and discharged from any such Lease or Leases, Agreement or Agreements, and from all Claims or Demands of or by any Person or Persons claiming under or by virtue of the same respectively; and that the said Commissioners shall thereupon fix and ascertain what Allowance or Satisfaction shall be made by such Reversioner or Reversioners to such Lessee or Lessees, Tenant or Tenants, in lieu of and as an Equivalent for the Right or Rights of Common comprised in such Lease or Leases, Agreement or Agreements; and if the said Commissioners shall direct and appoint the same to be made by an Allowance of or a Deduction from the Rent or Rents reserved or made payable under and by virtue of any such Leases or Agreements, then such Lessees or Tenants may retain or deduct the same accordingly; and if the said Commissioners shall direct and appoint the same to be made in a gross Sum or Sums of Money to be paid by any such Reversioners to any such Lessees or Tenants, then in case Default shall be made in Payment thereof at such Time or Times as shall be appointed by the said Commissioners for Payment of the same, they the said Commissioners shall and may, by any Warrant or Warrants under their Hands and Seals directed to any Person or Persons whomsoever, cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons liable to pay the same, together with reasonable Costs, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels: Provided also further, that if in any Case the Tenant or Tenants of any Lands, Tenements, Right of Common, or Hereditaments held under or by virtue of any such Lease or Leases, Agreement

In case of Leases at Rack Rents, the Commissioners may set out the Allotments to the Landlords, upon making a Compensation to the Tenant for the Loss of the Common Right.

or Agreements as herein-before mentioned, except as to the Land herein-before directed to be allotted to the said *Philip Rundell* as aforesaid, shall require that the Land to be allotted in right of any such Estate shall be held by the Tenant or Tenants, Lessee or Lessees of any such Estate during his or her Term or Interest therein, and thereof shall give Notice in Writing under his, her, or their Hand or Hands to the said Commissioners or One of them, then and so often it shall be lawful for the said Commissioners and they are hereby required to assign and allot the same unto such Tenant or Tenants, Lessee or Lessees accordingly, and to fix and settle what additional Rent shall be thereafter paid by him or them to the Person or Persons entitled to the Reversion thereof.

For making
Partition
among Joint
Tenants.

LVI. And whereas it may happen that some of the Proprietors of Messuages, Cottages, Tenements, or Lands in the Parish and Manors aforesaid, and Persons entitled to Allotment or Allotments to be made by virtue of this Act, may be seised thereof or entitled thereto in joint Tenancy, or as Coparceners or Tenants in Common, and cannot, by reason of Infancy, Settlement, or other Incapacity, make an effectual Division thereof; be it therefore further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, (upon the Request in Writing of such Joint Tenants or Coparceners, or Tenants in Common, or any or either of them, or of the Husbands, Guardians, Trustees, or Committees of such as are under Coverture, Minors, Lunatics, or under any other Incapacity as aforesaid,) to make Partition and Division of the said Messuages, Cottages, Tenements, Lands, and new Allotment or Allotments to such of the said Owners or Proprietors who shall be entitled to the same as Joint Tenants, Coparceners, or Tenants in Common, and to allot the same to such Owners and Proprietors in Severalty; and from and immediately after the said Allotments shall be so made and declared the same shall be holden and enjoyed by the Person or Persons to whom the same shall be allotted in Severalty, in such and the same Manner, and subject to such and the same Uses, as the undivided Parts or Shares of such Estates would have been held in case such Partition and Division had not been made.

Power to sell
Common
Rights.

LVII. And be it further enacted, That it shall be lawful for any Person or Persons interested in the said Inclosure, at any Time before the Execution of the Award herein-after directed to be made, to sell and dispose of such Estate, Right, Title, and Interest which he or they shall have in, to, or upon the said Lands and Grounds hereby intended to be divided and inclosed, or in or to any Allotment to be made in respect of any Common Right or other Interest therein respectively by virtue of this Act, and to convey the same to the Purchaser or Purchasers separate from the Lands, Tenements, and Hereditaments in right whereof he or they is, are, or shall be so entitled, subject nevertheless to all Settlements, Mortgages, and Incumbrances affecting such Lands, Tenements, and Hereditaments; and every such Sale, being specified and set forth in the said Award, shall be good, valid, and effectual to all Intents and Purposes whatsoever, and the said Commissioners shall award such Allotments to the Purchasers thereof accordingly; and in case the same shall be purchased by any Person entitled to Right of Common upon the said Commons and Waste Lands, the said purchased Premises shall and may be laid out to and next adjoining the Allotment and Allotments of such Purchaser

chaser respectively, upon Application to the Commissioners for that Purpose.

LVIII. And be it further enacted, That in order to raise a Sum of Money to defray in part the Charges and Expences in obtaining and passing this Act, and of surveying and measuring, planning, valuing, dividing, and allotting, the Commons and Waste Lands hereby intended to be divided and inclosed, of ring-fencing the Glebe and Tithe Allotments, and of forming, making, and putting in good and sufficient Repair the said Roads and Highways, until they shall be certified by the Surveyor to be in such State of Repair as aforesaid, and of preparing and enrolling the said Award of the Commissioners, and of defending any Action or Actions which may be brought against the said Commissioners or any of them in consequence of their disallowing any Claim as aforesaid, and for other the Charges and Expences arising and accruing in the carrying this Act into execution, it shall be lawful for the said Commissioners, as soon after the passing of this Act as they shall think proper, and so from Time to Time before making the Division of such Residue as aforesaid, upon giving Thirty Days previous Notice by Writing under their Hands, to be published in manner herein-before directed for Notice of Meetings, to make Sale by Auction for the Purposes aforesaid of distinct Parts and Parcels of the said Commons and Waste Lands hereby directed to be inclosed in the Manner and Proportions following; (that is to say,) in the said Parish of *Walton-upon-Thames*, not exceeding One hundred and fifty Acres, and in the said Parish of *Chertsey* not exceeding Fifty Acres, in so many Parts and Parcels and in such Place and Places as the said Commissioners shall think fit, and order and direct for the best Price or Prices that can be reasonably gotten for the same; and also that it shall be lawful for the said Commissioners, before making the Division of such Residue as aforesaid, to sell by private Contract unto any Person or Persons any Parcel or Parcels of the said Commons and Waste Lands adjoining to his or their Dwelling House, provided that no Part or Parcel of Land so to be sold by private Contract in respect of any such Dwelling House shall exceed in the whole Two Acres; and the Purchase Monies of the said Lands so to be sold by Auction or by private Contract as aforesaid shall be paid to the said Commissioners at such Time or Times as they shall appoint, and the Receipt or Receipts of the said Commissioners shall be a sufficient Discharge to the Purchaser or Purchasers for the same; and immediately after such Receipt or Receipts shall be given to such Purchaser or Purchasers the Pieces or Parcels of Land so purchased by him, her, or them shall by virtue of this Act become vested in him, her, or them, and his, her, or their respective Heirs and Assigns in Fee Simple, without any further or other Conveyance, Assurance, Instrument, or Writing whatsoever; and the said Commissioners shall apply the Monies to arise by such Sale or Sales in the defraying Part of such Costs, Charges, and Expences as aforesaid.

Sale of Land
for defraying
Part of the
Expences.

Power to sell
Frontages.

LIX. And be it further enacted, That after the Expenditure of the Money to arise by such Sale and Sales as aforesaid, and of the proportionate Share to be paid by the Owners and Proprietors of the said Open Common Fields, Meadows, and Pastures as aforesaid, the Remainder of all the Charges and Expences towards the Payment of which such Money is so directed to be applied shall be borne and defrayed by all the Proprietors

Residue of
Expences of
the Act.

tors of Lands which shall be allotted by virtue of this Act, or who shall be otherwise benefited by such Inclosure of the said Commons and Waste Lands, except as herein-after mentioned, and to be recovered in manner herein-after directed, in such Shares and Proportions as shall be thought just and equitable, and shall be settled and determined by the said Commissioners at such Time or Times and at such Place or Places as the said Commissioners shall, either before or after the Execution of the said Award, order or direct by Notice or Notices in Writing under their Hands to be published in manner herein-before directed, (except as to advertising in any Newspaper,) which Notice is hereby required to be published at least Twenty-eight Days before the Day of Appointment for Payment thereof.

Recovery of
Expences.

LX. And be it further enacted, That when and so often as any of the said Proprietors to whom any such Allotments shall be made as aforesaid shall refuse or neglect to pay his, her, or their Proportion of the Charges and Expences of obtaining this Act, and the aforesaid necessary Expences of the said Commissioners attending the putting the same into execution, (except the several and respective Persons hereby exempted from Payment of any such Charges and Expences,) or shall refuse or neglect to pay the Expences attending the inclosing and fencing of any such Allotments as, upon the Neglect or Refusal of the Proprietors, shall be inclosed and fenced by the said Commissioners as herein-after mentioned, at the respective Days and Times to be appointed for Payment of such Charges and Expences, it shall be lawful for the said Commissioners, by any Warrant or Warrants under their Hands and Seals directed to any Person or Persons whomsoever, to cause the said Costs, Charges, and Expences, and Sum or Sums of Money respectively, to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so making default in Payment as aforesaid, his, her, or their Husbands, Guardians, Trustees, Committees, or Attornies, wheresoever the same shall be found, rendering the Overplus (if any); on Demand, to the Owner or Owners of such Goods and Chattels, the reasonable Charges of such Warrant, Distress, and Sale being first deducted, together with the Interest, after the Rate of Five Pounds *per Centum per Annum*, to be computed on such Share or Shares, Proportion or Proportions, from the Time the same shall be directed to be paid by the said Commissioners as aforesaid; or otherwise it shall be lawful for the said Commissioners, or any Person or Persons authorized by them, to enter upon and take possession of the Premises so to be allotted to such Person or Persons refusing or neglecting to pay as aforesaid, and to receive and take the Rents and Profits thereof, until thereby, therewith, or otherwise, the Share or Shares, Proportion or Proportions, and the said Costs and Charges so ordered and directed by the said Commissioners to be paid by such Person or Persons as aforesaid, and all Interest on such Share or Shares, Proportion or Proportions, to be computed from the Time the same shall by the said Commissioners be directed to be paid as aforesaid, and also all Costs, Charges, and Expences occasioned by or attending such Entry upon and Perception of the Rents and Profits of the said Premises, shall be fully paid and satisfied.

Time limited
for Accept-
ance of Allot-
ments.

LXI. And be it further enacted, That all and every Person or Persons to whom any Allotment or Allotments shall be made by virtue of this Act shall and they are hereby required to accept his, her, and their
I
respective

respective Allotments within the Space of Six Calendar Months next after the Execution of the said Award; and in case any Person or Persons shall neglect or refuse to accept of his, her, or their Share or Allotment within the Time before mentioned, such Person or Persons so neglecting or refusing shall be totally excluded from having or receiving any Estate or Interest or Right of Common whatsoever in any Part of the said Commons and Waste Lands to be divided and inclosed by virtue of this Act.

LXII. Provided always, and be it further enacted, That it shall and may be lawful for the respective Guardians, Husbands, Trustees, Committees, or Attornies of any Person or Persons, being Minors, Femes Covert, Lunatics beyond the Seas, or otherwise incapable by Law to accept any such Allotments as shall be made by virtue of this Act to and for the Use of such Person or Persons so incapacitated as aforesaid, and also that any Person or Persons entitled to any Allotment or Allotments as Tenant or Tenants for Life or Lives shall be, and he, she, and they is and are hereby respectively enabled and required to accept of and take such Allotment or Allotments respectively; and every such Acceptance respectively shall be and is hereby declared to be valid and effectual to all Intents and Purposes whatsoever: Provided further, that the Non-claim or Non-acceptance of any such Husband, Guardian, Trustee, Committee, or Attorney shall not exclude or in any way prejudice the Right of any Infant, Lunatic, Feme Covert, or other Person or Persons, being under any Disability or Incapacity as aforesaid, who shall claim or accept such Share or Allotment within Six Calendar Months next after such Disability or Incapacity shall be removed, or of any Person entitled as Heir in Remainder after the Death of any Person or Persons dying during such Incapacity or Disability, who shall claim or accept the same within One Year next after his, her, or their Right, Title, or Interest shall have accrued, descended, or vested, or be known so to be.

Guardians,
&c. to accept
Allotments.

LXIII. And be it further enacted, That after the said Allotments shall be set out by the said Commissioners, and at any Time before the Execution of their Award, it shall be lawful for any Person or Persons to whom any Allotment or Allotments shall be made and staked or marked out by the said Commissioners, by and with the Consent of the said Commissioners in Writing under their Hands, to ditch, fence off, and inclose their respective Allotments in such Manner as the said Commissioners shall think proper; any thing herein contained to the contrary in anywise notwithstanding.

Proprietors
to have Power
to fence as
soon as the
Allotments
are set out.

LXIV. And be it further enacted, That the said King's Majesty, His Heirs and Successors, His said Royal Highness *Frederick Duke of York*, and the said *Richard Palmer, Sarah D'Oyly, Sir John Frederick, Sir Beaumont Hotham, Thomas Sutton*, and Earl of *Tyrconnel*, their Heirs, Executors, Administrators, and Assigns, in respect only of their respective Manerial Allotments, and the said *Sarah D'Oyly*, in respect of her Allotment in lieu of her Glebe and Common Right thereto belonging, and of her said Tithes respectively as aforesaid, and also the said *Thomas D'Oyly* and his Successors as Vicars of *Walton-upon-Thames* aforesaid, and also *Jacob Henry Franks* or *Sir Joseph Mawbey* in respect of their Allotments in lieu of their Tithes as aforesaid, and also the Trustees of any Allotment or Allotments to be made for the Use of Occupiers of Cottages only, and also of the Poorhouse of the said Parish as aforesaid, shall not

Manerial and
Tithe Allot-
ments not to
be charged to
the Expences
of this Act
for fencing
Tithe Allot-
ments.

be subject to, or bear, pay, or discharge, any Part of the Costs, Charges, and Expences attending the passing this Act, or of the surveying, inclosing, dividing, or allotting the said Lands or Grounds, or of carrying this Act into execution; and that the said several Allotments to be made to the said *Sarah D'Oyly* in lieu of her Glebe and Common Right thereto belonging, and of her said Tithes respectively as aforesaid, to the said *Thomas D'Oyly* as Vicar of *Walton-upon-Thames* as aforesaid, and also to the said *Jacob Henry Franks* or *Sir Joseph Mawbey* in respect of their Tithes as aforesaid, and also the Feoffees and Trustees of Estates from which a Deduction shall be made as herein-after mentioned, shall be inclosed with an outward or ring Fence in a substantial Manner on all such Parts and Sides as shall not be ordered by the said Commissioners to be fenced by any other Proprietor, and against all public Roads with Quickset Hedges, Ditches, Posts, and Rails, the Posts to be of Oak and the Rails of some durable Wood, and good and sufficient Carriage Gates to be hung on Oak Posts to each Allotment; and which said Fences shall be made and set down by such Person or Persons as the said Commissioners shall appoint, and from thence shall by such Person or Persons be maintained, supported, and kept in good and substantial Repair for the Space of Seven Years at the Expence of the Owners of the Residue of the said Open and Common Fields, Meadows, and Pastures, Commons and Waste Lands, so to be divided and inclosed, or out of the Money to arise by such Sale or Sales as aforesaid, in such Manner and in such Proportions as the said Commissioners shall by the said Award direct and appoint; and that all such Fences and Gates of their said several Allotments not ordered to be repaired by any other Proprietor shall from thenceforth be supported, maintained, and kept in repair by the said *Sarah D'Oyly*, her Heirs and Assigns, the said *Thomas D'Oyly* and his Successors, Vicars of *Walton-upon-Thames* aforesaid, and the said *Jacob Henry Franks* or *Sir Joseph Mawbey*, their Heirs and Assigns respectively, for ever afterwards.

For inclosing and fencing the rest of the Proprietors Allotments.

LXV. And be it further enacted, That the several Parcels of Land and Allotments which shall be set out and allotted by virtue of this Act (except such Allotments as shall be made to the said *Sarah D'Oyly* in lieu of her said Glebe and Common Right thereto belonging, and of her said Tithes respectively as aforesaid, to the said *Thomas D'Oyly*, Vicar of *Walton-upon-Thames* aforesaid, and to the said *Jacob Henry Franks* or *Sir Joseph Mawbey* in lieu of their Tithes as aforesaid,) shall be sufficiently inclosed and fenced in such Manner and within such Time as the said Commissioners by any such Writing or Writings under their Hands as aforesaid, or by their said Award, shall order, direct, and appoint; and such Fences shall be made, and at all Times for ever after the making thereof be supported, maintained, and kept in repair, by such Person and Persons as the said Commissioners shall direct and appoint in or by any such Writing or in or by their said Award.

If Person refuse to inclose, Commissioners may do it.

LXVI. And be it further enacted, That if any Person to whom any such Allotment or Allotments shall be made, or any Husband, Guardian, Trustees, Feoffees, Committees, or Attorney of any Infant, Lunatic, Idiot, Feme Covert, Charity or Charities, Person or Persons beyond the Seas, or otherwise incapable of acting, or any Tenant in Tail or for Life, or Trustee or Trustees for any Settlement, or any Mortgagee or Mortgagees, or other Creditor in Possession, shall neglect or refuse to accept, inclose,

inclose, and fence his, her, or their Allotment or Allotments within such Time or Times as the said Commissioners by any Writing as aforesaid or by their said Award shall order or direct, it shall be lawful for the said Commissioners to cause such Allotment or Allotments to be inclosed and fenced, and to let the same to any Person or Persons they may think proper, and to receive the Rents and Profits thereof until the Expences attending the Inclosure and fencing thereof are paid and satisfied, or to charge such Expences upon the Proprietor or Proprietors of the same Allotment or Allotments, and by any such Writing as aforesaid, or by their said Award, to appoint to whom and at what Time or Times the same shall be paid, subject to the same Mode, and with the like Powers of Recovery thereof, as is herein-before provided respecting the other Expences of passing this Act, and carrying the same into execution.

LXVII. And be it further enacted, That it shall be lawful for the several Proprietors of the Allotments to be made in pursuance of this Act, their Agents or Workmen, at any seasonable Time or Times within the Space of Seven Years next after the fencing of any Allotment or Allotments, to set up and erect Posts and Rails or other dead Fences on the Outside of the Ditches bounding their respective Allotments, not exceeding Three Feet from such Ditches, for the Preservation of their Quickset Hedges, and at any seasonable Time or Times before the Expiration of the said Term to take and carry away the Materials thereof when they shall think proper.

Power to erect dead Fences for preserving Quicksets.

LXVIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to compel or oblige any of the said Proprietors whose Allotments or Shares shall, upon the said intended Inclosure, lie and be situate next and adjoining to any Common Fields or inclosed Grounds, the Boundary of which is already fenced by any Mound, Fence, Brook, or Rivulet, to make or erect any Hedges, Ditches, or Fences next adjoining to any such Common Fields or inclosed Grounds for inclosing such their Allotments or Shares; but that the old Mound, Fence, Brook, or Rivulet, or other sufficient Fence, which divide such Common Fields or inclosed Grounds from such Allotment, shall for ever be and remain a Boundary Fence for the Purpose of such Division, and shall from Time to Time be maintained, kept, cleansed, scoured, and repaired by the respective Proprietors thereof, in the same Manner as before the passing of this Act, or in such other Manner as the said Commissioners shall order and direct, any thing herein contained to the contrary notwithstanding.

Proprietors not obliged to fence against old Inclosures.

LXIX. Provided nevertheless, That in case it shall happen that some of the Proprietors shall have a greater Proportion of Fences to make and maintain upon any of the Lands hereby directed to be divided and inclosed than, in the Judgment of the said Commissioners, the Allotments of such Proprietors ought to be charged with, it shall be lawful for the said Commissioners, where they shall judge it proper, to ascertain and appoint such Sum of Money to be paid to every such Proprietor, towards making and maintaining such Fences, by such other of the said Proprietors who may have a less Proportion of Fencing, according to the Value and Quantity of the Lands to be allotted to them, and to grant such other Relief in respect thereof, out of the Money to be raised in manner herein-before mentioned,

Allowance to Proprietors having more than a due Proportion of Fencing.

mentioned, for defraying the Expences of carrying this Act into execution, as they shall think reasonable, in order that the said Boundary Fences may be brought as near as may be to a just and equal Proportion, to be settled by the said Commissioners.

Punishing
Persons
damaging
Fences.

LXX. And be it further enacted, That in case any Person or Persons shall wilfully or unlawfully break down, destroy, carry away, or damage any Fence, Stile, Post, Rail, Gate, Bridge, or Tunnel which may be put up or placed under the Authority and for the Purposes of this Act, every Person so offending, and being thereof convicted before any Justice of the Peace for the said County of *Surrey*, on Confession or on Proof of the Offence by Oath of One or more credible Witness or Witnesses (which Oath the said Justice is hereby authorized to administer), shall for every such Offence forfeit and pay the Sum of Five Pounds; and every Person shall be allowed to give Evidence of such Offence, notwithstanding he may be a Proprietor or Occupier of Lands within or an Inhabitant of either of the Parishes of *Walton-upon-Thames* and *Chertsey*, and notwithstanding he may be the Owner of any such Fence, Stile, Post, Rail, Gate, Bridge, or Tunnel; and in case any such Offender or Offenders shall not immediately pay such Penalty or Penalties, or find Security to the Satisfaction of such Justice for the Payment thereof at such future Day as he shall think proper, it shall be lawful for such Justice to cause the same to be forthwith levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under his Hand and Seal, returning the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of the Distress and Sale; which Penalty or Penalties shall go and be paid to the Informer or Informers; and for Want of such Distress such Justice shall and may commit the Offender or Offenders to the Common Gaol or House of Correction, there to be kept to hard Labour for any Space of Time not exceeding Six Calendar Months nor less than Fourteen Days; any thing in this Act contained to the contrary notwithstanding.

Power for
Vicar to grant
Leases.

LXXI. And be it further enacted, That it shall be lawful for the Vicar of *Walton-upon-Thames* for the Time being, by Indenture or Indentures under his Hand and Seal, with the Consent and Approbation of the Lord Bishop of *Winchester* and of the Patron of the said Vicarage, to lease or demise all or any Part or Parts of the Allotment or Allotments to be set out and allotted to the said Vicar by virtue of this Act to any Person or Persons whomsoever for any Term not exceeding Twenty-one Years, to commence within Six Calendar Months next after the executing the said Award, so as the Rent or Rents for the same shall be thereby reserved to the Vicar for the Time being by Four equal quarterly Payments, (*videlicet,*) on the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October* in every Year, and so as there be thereby reserved and made payable to such Vicar the best and most improved Rent or Rents that can reasonably be had or gotten for the same, without taking any Fine, Foregift, Premium, Sum of Money, or other Consideration for the making or granting any such Lease or Demise, and so as no such Lessee by any such Lease or Demise be made dispunishable for Waste by any express Words to be therein contained, and so as there be inserted in every such Lease Power of Re-entry on Nonpayment of the Rent or Rents to be therein reserved within a reasonable

sonable Time to be therein limited after the same shall become due; and so as a Counterpart of such Lease be duly executed by the Lessee or Lessees to whom such Lease shall be so made as aforesaid; and every such Lease shall be valid and effectual, any Law or Usage to the contrary notwithstanding.

LXXII. And be it further enacted, That within the Space of Six Calendar Months next after the Division and Allotment of the said Lands and Grounds hereby intended to be divided and inclosed shall be made and completed, or as soon after as conveniently may be, the said Commissioners shall, according to the several Powers and Authorities hereby given to and vested in them, form or draw up, or cause to be formed and drawn up, an Award or Instrument in Writing which shall express the Quantity in Statute Measure of the Acres, Roods, and Perches contained in all the said Lands and Grounds hereby intended to be divided and inclosed as aforesaid, and the Quantity and Contents of each and every Parcel of the same allotted to the several Parties entitled thereto respectively, and also a Description of the Situation, Abuttals, and Boundaries of such Parcels and Allotments respectively, and of such Land or other Property as shall be allotted in Exchange or shall be partitioned by virtue of this Act, and shall also contain proper Orders and Directions for fencing the said Allotments and for keeping the Fences in repair, and also for making and laying out proper Ways, Roads, Drains, Watercourses, Bridges, and other requisite Works and Conveniences, and for keeping the same in good and sufficient Repair and Condition, and shall also contain and express such other Orders, Directions, and Regulations as by the said Commissioners shall be thought proper and necessary to be inserted therein, conformable to the true Tenor and Meaning of this Act, for the more easy, convenient, and effectual Execution thereof, or for the preventing any Difficulties and Disputes in relation to the Matters herein contained, pursuant and according to the several Powers and Authorities hereby given to and vested in the said Commissioners respectively, which said Award or Instrument shall be fairly ingrossed or written upon Parchment, and read over in the Presence of the Proprietors who may attend at a Special General Meeting to be held for that Purpose (of which Ten Days Notice shall be given in the *County Chronicle* or some other Newspaper circulated in the County of *Surrey*), and shall be executed by the said Commissioners at such Meeting, which Execution shall be proclaimed the next *Sunday* in the Parish Church of *Walton-upon-Thames* aforesaid, from which Time only the said Award shall be considered as complete; and the said Award shall, within Six Calendar Months next after the Execution thereof, be inrolled with the Clerk of the Peace for the County of *Surrey*, who is hereby required to cause the same to be inrolled, to the end Recourse may be had thereto by all Persons interested therein (for the Inspection and Perusal whereof no more than One Shilling shall be paid); and a Copy thereof or any Part thereof, when and as often as the same shall be required, shall be delivered to any Person interested, signed by the Clerk of the Peace or his Deputy, purporting the same to be a true Copy (for which no more than Two-pence *per* Sheet, reckoning Seventy-two Words to each Sheet, shall be paid); and after such Inrolment the original Award shall be deposited and kept in a Box or Chest within the Parish Church of *Walton-upon-Thames* aforesaid; and the said

Award to be made.

original Award, or a Copy of the Inrolment thereof, or of any Part thereof, signed by the Clerk of the Peace for the said County or his Deputy, shall at all Times be admitted as legal Evidence in all Courts whatsoever; and the several Allotments and Exchanges, and Partitions, Orders, Directions, Regulations, Matters, and Things which shall be made, specified, and set forth in and by the said Award, shall be final, binding, and conclusive unto and upon all Parties and Persons interested in or entitled unto the several and respective Commons and Waste Lands and Hereditaments to be divided and inclosed, exchanged, made Partition of, or exonerated from Tithes in pursuance of this Act.

Commissioners to make an Extract of so much of the Award as describes His Majesty's Allotment, and to deliver the same to the Surveyor General of the Land Revenue.

LXXIII. And be it further enacted, That the said Commissioners shall and they are hereby required to make an Extract on Parchment under their Hands and Seals of so much of their General Award herein-before directed to be made as shall contain an accurate Description of the Allotment or Allotments so to be made to His said Majesty or His Lessee or Lessees, together with such Regulations or Provisions relative to the said Allotment or Allotments, or to any other Rights or Interests of His Majesty or His Lessee or Lessees, as may be contained in such Award, and also a Map or Plan of such Allotment or Allotments, and transmit the same to the Surveyor General of His Majesty's Land Revenue for the Time being within Six Calendar Months after the making and executing the said Award, to be by him filed and kept among the Muniments of his Office.

Plans to be made.

LXXIV. And for the better ascertaining the particular Lands and Estates within the said respective Parishes and Manor, be it further enacted, That the said Commissioners shall and they are hereby required to make or cause to be made Two reduced Plans of all the Lands and Grounds within the said Parish and Manors, describing therein every particular Estate, and the Name of the Owner, and Quantity in Acres, Roods, and Perches thereof, and such other Matters as they shall judge proper or necessary for the Purpose aforesaid; which said Plans shall be drawn upon Vellum, and signed by the said Commissioners, one whereof shall be annexed to their Award so to be made as aforesaid, and the other of the said Plans shall be annexed to and be deposited with the Inrolment thereof.

Power to borrow Money.

LXXV. And whereas some of the Owners and Proprietors of, and Persons interested in the said Open Common Fields, Meadows, and Pastures, Commons and Waste Lands, hereby directed to be divided and inclosed, may have Occasion to borrow Money to pay the Proportion which may be charged upon them of the Money to be raised for defraying the Expences of obtaining and passing this Act as aforesaid, and also of Ring-fencing their several Allotments, and cannot, by reason of some Settlement, Impediment, or Incumbrance, make an effectual Security for such Money as shall be wanting for that Purpose; be it further enacted, That it shall be lawful for all and every the Owners and Proprietors for the Time being of any of the said Open Common Fields, Meadows, and Pastures, Commons and Waste Lands, hereby directed to be divided and inclosed, being Tenants in Tail, or for Life or Lives, or Term or Terms of Years, under any Will or Settlement, and also to and for the Husbands of all Femes Covert, and all other Persons being Guardians, Committees, Trustees, or Attornies

Attornies of or for any Minors, Idiots, Lunatics, or Persons beyond the Seas, or under any other Incapacity or Disability whatsoever, entitled to any of the said Open Common Fields, Meadows, and Pastures, Commons and Waste Lands, hereby intended to be divided and inclosed, and to and for every of them for the Time being, and to and for all Trustees for charitable Uses, (save and except the said Vicar and his Successors, Vicars as aforesaid, and the Trustees of the Allotments to be made for the exclusive Use of Occupiers of Cottages, and for the Use of the Poorhouse as aforesaid,) by and with the Consent of the said Commissioners to be testified in Writing under their Hands and Seals, either by their said Award or in and by any Deed or Instrument to be executed by them before or after the Execution of the said Award, from Time to Time to charge the Allotments which shall be made to them by virtue of this Act, and the Fee Simple and Inheritance thereof, with such Sum or Sums of Money as may be charged on such Owners or Proprietors for defraying the Expences of obtaining and executing this Act, and also as the said Commissioners may adjudge to be necessary to defray the Expences of Ring-fencing such Allotments respectively, and for securing the Repayment of such Sum or Sums of Money so to be advanced, with the Interest thereof, to grant, mortgage, lease, or demise, or otherwise subject the said Lands, Tenements, and Hereditaments so to be charged to such Person or Persons as shall advance and lend the same respectively, his, her, and their respective Executors, Administrators, and Assigns, for any Term or Number of Years, so as every such Grant and Demise be made to commence within Twelve Calendar Months from the Time of the Execution of the said Award, and do contain a Proviso or Condition to cease and be void, or with an express Trust to be surrendered or re-assigned, when such Sum or Sums of Money thereby to be secured, with the Interest thereof, shall be fully paid and satisfied, and so as in every such Grant, Mortgage, Lease, or Demise which shall be made by any such Tenant in Tail, or for Life or Lives, or Term or Terms of Years, under any Settlement or Will, or by any Husband or Guardian, Committee, Trustee, or Attorney as aforesaid, there be contained a Covenant to pay and keep down half-yearly the Interest of the Money thereby secured, so that no Person or Persons afterwards becoming seised or possessed of or entitled to the Lands, Tenements, or Hereditaments so to be charged as aforesaid shall be liable to pay any greater or further Arrear of Interest for the Money so borrowed than for One Year next preceding the Time that the Title of such Person or Persons to the said mortgaged Premises shall accrue or commence; and every such Grant, Mortgage, or Demise shall be good, valid, and effectual in the Law for the Purposes thereby intended, notwithstanding any Will, Trust, Use, Remainder, or Limitation of or concerning the said Lands, Tenements, and Hereditaments, or any Part thereof, then in being or capable of taking effect, and notwithstanding any Want of Title in the Person or Persons making the same.

LXXVI. And whereas it may be more convenient for the Feoffees or Trustees of any Charity Lands or School Lands to have Lands deducted from the respective Allotments to be made for such Charity Lands or School Lands for paying the proportionable Share in respect of such Allotments of the Expences of passing this Act, and of executing the Powers herein contained, and of fencing or mounding such respective Allotments,

Commissioners may deduct Land from Charity Estates to pay Expences.

Allotments, than to raise Money on Mortgage for that Purpose; be it therefore further enacted, That it shall be lawful for the said Commissioners, if they shall judge it right or expedient, to deduct from the respective Allotments to be made to such Feoffees or Trustees as aforesaid so much Land as shall in the Judgment of the said Commissioners be equal in Value to their respective Proportions of the said Expences, and to allot, assign, and award the same to such Person or Persons as the said Commissioners shall think proper, and who will undertake to pay and defray all such Expences.

Persons
advancing
Money for
obtaining this
Act to be
repaid with
Interest.

LXXVII. And be it further enacted, That the Person or Persons who shall advance and lend any Sum or Sums of Money for defraying the Expences of applying for and obtaining this Act shall be repaid the same out of the first Monies which shall be raised and collected in pursuance hereof, with Interest after the Rate of Five Pounds *per Centum per Annum* from the Time of advancing and paying the same respectively.

For Recovery
of Penalties.

LXXVIII. And be it further enacted, That all Penalties and Forfeitures imposed by this Act, or which shall be imposed by the said Commissioners under or by virtue of the Authority of this Act, shall be levied and recovered, either in the Manner herein-before directed or in a summary Way, before any one Justice of the Peace for the said County of *Surrey* residing near to the Parishes of *Walton-upon-Thames* or *Chertsey* aforesaid, and not interested in the Matter in question; for which Purpose it shall be lawful for any such Justice of the Peace, upon Complaint made to him, to summon the Party accused and the Witnesses on both Sides, and upon the Appearance or Contempt of the Party accused to examine such Witnesses upon Oath (which Oath every such Justice is hereby empowered to administer), and upon such Evidence to give Judgment accordingly, and to condemn the Party accused (Proof of the Accusation being made by One or more Witness or Witnesses as aforesaid) in such Penalties and Forfeitures as the Offender shall have incurred, and to mitigate or lessen where he shall see Cause such Penalties and Forfeitures, so as the same be not made less than One Half of such original Penalties and Forfeitures, and to levy such Penalties and Forfeitures by Distress and Sale of the Offenders Goods and Chattels, together with reasonable Costs; all which Penalties and Forfeitures, the Application whereof is not particularly directed by this Act, shall, when and so soon as the same shall be levied, be paid and applied to and for such Uses, Intents, or Purposes as the said Commissioners, in and by any Writing or Writings under their Hands, or in and by their said Award, shall order, direct, or appoint.

Books of Ac-
counts to be
left with the
Clerk for the
Proprietors
Inspection.

LXXIX. And be it further enacted, That the said Commissioners shall and they are hereby required to enter in a Book to be provided for that Purpose an Account of all Monies whatever received from the Proprietors or others during the Progress of the Inclosure, and also of all the Charges, Expences, and Disbursements which shall accrue or be made by virtue of this Act and in carrying the same into execution; which Book of Accounts shall be kept at the Office of their Clerk open at all reasonable Times during the Progress of the said Inclosure, and till all the Accounts are finally settled, for the Inspection of any of the Proprietors, without Fee or Reward; and in case the said Commissioners and their Clerk shall neglect

neglect to provide and keep such Book of Accounts as aforesaid, and refuse the Inspection thereof to any of the Proprietors at reasonable Times in manner before mentioned, and shall be convicted thereof upon the Oath of One or more credible Witness or Witnesses not interested in the intended Division and Inclosure before any Justice of the Peace of the said County of *Surrey*, or of such other County or Place where such Commissioners or Clerk so offending shall be or reside, every such Commissioner or Clerk so causing such Neglect or Refusal, and convicted as aforesaid, shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds nor less than Five Pounds; and if he or they shall make default in paying such Sum for the Space of Ten Days next after such Conviction the same shall be levied by Distress and Sale of the Goods and Chattels of the Party or Parties so offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered and required to grant); and the Overplus, after such Penalty and the Charges of such Distress and Sale are deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels, and the Money arising by such Forfeiture or Penalty shall be paid and applied to or for the Use of such Proprietor or Person interested making the Complaint.

LXXX. And be it further enacted, That all the Monies to be raised and received under and by virtue of the Powers of this Act during the Progress of the intended Division and Inclosure shall from Time to Time, as often as the same shall amount to the Sum of Fifty Pounds, be paid to and deposited in the Hands of some Banker, or such other Person or Persons as shall be appointed by a Majority in Value of the Proprietors who may be present at the First Meeting of the said Commissioners, and in the Notice of which Meeting shall be expressed the Intention of then appointing such Banker, or such other Person or Persons; and no such Monies deposited or paid into the Hands of such Banker, or other Person or Persons to be appointed as aforesaid, shall be issued or paid by him or them without an Order in Writing under the Hands of the said Commissioners, specifying the Person or Persons to whom the same are respectively payable, and the Service or Consideration for which the same are due; and that the Balance (if any) upon the final Settlement of all Accounts in anywise concerning the Business of the said intended Division and Inclosure (except where the Application thereof is directed as herein-before provided) be immediately repaid and returned to the several Proprietors or Persons interested in proportion to the several Sums respectively paid and advanced by them.

Monies received when amounting to 50*l.* to be put in a Banker's Hands, or such other Person as shall be appointed by the Majority of the Proprietors.

LXXXI. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any thing done in pursuance of this Act, then and in such Case (except where the Orders and Determinations of the said Commissioners are directed to be final, and also where Provision is made for Trial at Law as aforesaid, and where it is by this Act otherwise provided) he, she, or they may appeal to the General Quarter Sessions of the Peace which shall be held for the County of *Surrey* within Six Calendar Months next after such Cause of Complaint shall have arisen; and the Justices at the said Quarter Sessions are hereby required to hear and determine the Matter of every such Complaint, and

Persons aggrieved may appeal to the Quarter Sessions.

to make such Order therein and to award such Costs as they may think reasonable, and to direct the levying the Costs 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) to the Owner or Owners after deducting the reasonable Charges; which Determination of the said Justices shall be final and conclusive to all Parties concerned.

Saving Rights
of the Lords of
the Manors.

LXXXII. And be it further enacted, That nothing herein contained shall prejudice, lessen, or defeat the Right, Title, or Interest of His said Majesty, His Heirs or Successors, or His Lessees, or his said Royal Highness *Frederick Duke of York*, the said *Richard Palmer*, *Sarah D'Oyly*, *Sir John Frederick*, *Sir Beaumont Hotham*, and *Thomas Sutton*, or of any or either of them, or of any other Person or Persons who shall respectively for the Time being be Lord or Lords of any Manor or Manors, Lordship or Lordships, or reputed Manors or Lordships, within the Jurisdictions or Limits whereof the said Open Arable Fields and Meadows, Commons and Waste Lands, hereby directed to be inclosed, or any Part thereof respectively, are comprised, of, in, or to the Seigniority or Royalties incident and belonging to such Manors or Lordships, or any of them; but that His said Majesty, His Heirs and Successors, and such other Lord or Lords for the Time being, shall and may at all Times hereafter hold and enjoy the same, and all Rights and Services, Courts, Perquisites, and Profits of Courts, Franchises, Privileges, Waifs, Estrays, and all other Royalties, Rights, and Appurtenances to such Manors or Lordships respectively incident or belonging (other than those which are intended to be barred and destroyed by this Act), in as full, ample, extensive, and beneficial a Manner as they respectively could or might have held and enjoyed the same in case this Act had not been made.

General
Saving.

LXXXIII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every Person and Persons, Bodies Politic and Corporate, his, her, or their Heirs, Successors, Executors, and Administrators, (other than and except the respective Persons to whom any Allotment or Allotments, or any Compensation or Satisfaction in lieu of Tithes, shall be made by virtue of this Act, in respect of the Interest or Property for which such Allotment or Allotments or Compensation shall be made, and all Persons claiming any Right of Common in or upon the said Open Common Fields, Meadows, and Pastures, Commons and Waste Lands, whose Claims shall not be allowed by the said Commissioners,) all such Estates and Interests as they, every or any of them, had or enjoyed in, to, or in respect of the said Open Common Fields, Meadows, and Pastures, Commons and Waste Lands, before the passing of this Act, or would or ought to have had or enjoyed in case the same had not been made; but no such Person or Persons, Bodies Politic or Corporate, his, her, or their Heirs, Executors, Administrators, or Successors, shall have Power to defeat the End and Design of this Act by avoiding, impeaching, or any way destroying any of the several Divisions and Allotments so to be made as aforesaid, but shall accept the same in lieu of all such Lands, Grounds, Common Rights, Tithes, and Interest as he, she, or they have therein, or would have been entitled to in case this Act had not been made.

LXXXIV. And

LXXXIV. And be it further enacted, That this Act shall be deemed, ad- Public Act.
judged, and taken to be a Public Act, and shall be judicially taken notice
of as such by all Judges, Justices, and other Persons whomsoever, without
specially pleading the same.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the King's most Excellent Majesty. 1835.

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