



ANNO QUADRAGESIMO OCTAVO

GEORGII III. REGIS.

Cap. 130.

An Act for allotting Lands in the Parish of *Chertsey* and Manor of *Chertsey Beomond*, in the County of *Surrey*.
[18th June 1808.]

WHEREAS there are within the Parish of *Chertsey* and Manor of *Chertsey Beomond*, in the County of *Surrey*, certain Open Common Arable Fields, and a certain Open Meadow called *Chertsey East Mead*, and also several Commons and Waste Lands within and belonging to the said Manor, containing together Two Thousand Acres or thereabouts: And whereas the King's most Excellent Majesty, in Right of His Crown, is Lord of the said Manor of *Chertsey Beomond*, and as such is entitled to the Right of Soil of the said Commons and Waste Lands: And whereas Sir *Joseph Mawbey* Baronet, is Improprite Rector of the Rectory, and also Patron of the Vicarage and Parish Church of *Chertsey* aforesaid, and as such is seised of and entitled unto the whole of the Great and to certain Parts of the Small Tythes to the said Rectory belonging; and the Reverend *Thomas Charles May* Clerk, is Vicar of the Parish Church of *Chertsey* aforesaid, and as such is entitled to a Vicarage House and to the Vicarial Tythes arising and accruing from certain Lands and Grounds within the said Manor: And whereas His said Majesty, and the Right Honourable *Henry Lord Montfort*, the Right Honourable Lord *Petre*, and the said Sir *Joseph Mawbey*, and *George Holme Sumner*, *Henry*

[*Loc. & Per.*]

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Chawner,

Chawner, and *Robert Kirkpatrick Escott* Esquires, and several other Persons, are Owners and Proprietors of the said Open Common Arable Fields and Open Meadow Land, and of divers Messuages, Lands, Tenements and Hereditaments within the said Manor, and in respect thereof or otherwise are entitled to Right of Common upon the said Commons and Waste Lands: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for consolidating into One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas the Lands and Grounds of the respective Proprietors in the said Open Common Arable Fields, and in the said Open Meadow called *Chertsey East Mead*, 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 Arable Fields were divided and inclosed, and the said Meadow divided, and specific Parts thereof allotted by Metes and Bounds 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 thereof allotted to the several Persons interested according to their respective Rights therein; and if Allotments were made in lieu of the Tythes of the said Open Common Arable Fields and Open Meadow, Commons and Waste Lands, in Manner herein-after mentioned: But such Division, Allotment, and Inclosure cannot be effected without the Aid and Authority of Parliament; May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Abraham Purshouse Driver* of Kent Road in the County of Surrey, *John Boswell* of the Borough of Southwark, in the same County, and *Thomas Crawler* of Cobham, in the same County, 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 Arable Fields, Open Meadow, Commons and Waste Lands, and for putting this Act in Execution, in the Manner and subject to the Rules, Orders, and Directions herein mentioned and contained, and subject also to the Regulations of the said recited Act (except in such Cases where the same is hereby altered or varied;) and that all Acts, Matters, and Things, authorized or necessary to be done and executed by the said Commissioners for effecting the Purposes aforesaid, may be done and executed by any Two of them, and the same shall be as valid and effectual as if such Acts, Matters and Things, had been done and executed by all the Commissioners herein nominated and appointed, or their Successors.

Commission-
ers.

Two Commis-
sioners may
act.

Appointment
of new Com-
missioners.

II. And be it further enacted, That if the said *Abraham Purshouse Driver*, or any Commissioner to be appointed in his Stead as herein-after mentioned, shall die, or refuse to act, or become incapable of acting as a Commissioner in the Execution of this Act, before all the Powers and Authorities hereby reposed in the said Commissioners shall be fully executed and performed, then and in every such Case it shall be lawful for His Majesty or

or His Successors; Lords of the said Manor for the Time being, within One Calendar Month next after such Death, Refusal, or Incapacity shall be signified to the Surveyor General of His Majesty's Land Revenue for the Time being, by the remaining Commissioners or either of them, to elect and appoint a new Commissioner (not interested in the said Inclosure) in the Room of the said *Abraham Purshouse Driver*, or such Commissioner so dying, refusing, or becoming incapable of acting; and that if the said *John Boswell*, or any Commissioner to be appointed in his Stead as hereinafter mentioned, shall die, or refuse to act, or become incapable of acting as a Commissioner in the Execution of this Act, before all the Powers and Authorities hereby reposed in the said Commissioners shall be fully executed and performed, then and in every such Case it shall be lawful for the said Sir *Joseph Mawbey*, or the Rector for the Time being of the Improprate Rectory of the Parish Church of *Chertsey* aforesaid, within One Calendar Month next after such Death, Refusal, or Incapacity shall be signified to him the said Sir *Joseph Mawbey*, or to his Successors Improprate Rectors as aforesaid, by the remaining Commissioners, or either of them, to elect and appoint a new Commissioner (not interested in the said Inclosure) in the Room of the said *John Boswell*, or such Commissioner so dying, refusing, or becoming incapable of acting; and that if the said *Thomas Crawler*, or any Commissioner to be appointed in his Stead, as hereinafter mentioned, shall die, or refuse to act, or become incapable of acting as a Commissioner in the Execution of this Act, before all the Powers and Authorities hereby reposed in the said Commissioners shall be fully executed and performed, then and in every such Case it shall be lawful for the major Part in Value of the Proprietors of or Persons interested in the said Open Common Arable Fields, Open Meadow, Commons, and Waste Lands, so directed to be divided and inclosed as aforesaid (except the Lord of the said Manor for the Time being, and the said Sir *Joseph Mawbey*, and his Successors Rectors as aforesaid) who shall be present at a Meeting to be held for that Purpose within Two Calendar Months after such Death, Refusal, or Incapacity shall be signified to them the said Proprietors 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 Room of the said *Thomas Crawler*, or such Commissioner so dying, refusing, or becoming incapable of acting, of which last mentioned Death, Refusal, or Incapacity, and Meeting, Ten Days Notice at least in Writing shall be affixed upon the most public outer Door of the Parish Church of *Chertsey* aforesaid, before such Meeting; and that every such Election and Appointment of a new Commissioner shall be reduced into Writing, and signed by the Person or Persons making such Election and Appointment, and shall be delivered to the remaining Commissioners or Commissioner; and in case the said respective Parties or either of them shall make Default in appointing any such new Commissioner as aforesaid, then the remaining Commissioners or Commissioner for the Time being 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 said 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 Room of such Commissioner so dying, refusing to act, or becoming incapacitated; and every

every such new Commissioner so to be appointed, shall have the like Powers and Authorities for putting this Act in Execution in all respects whatsoever, as the Commissioner in whose Place he shall have been appointed was invested with.

Commissioners Clerk.

III. And be it further enacted, That the said Commissioners shall have Power and they are hereby authorized to appoint some fit and proper Person or Persons to be their Clerk or Clerks for assisting them in carrying this and the said recited Act into Execution; and such Clerk or Clerks from Time to Time to remove, and nominate and appoint some other fit and proper Person or fit and proper Persons to succeed him or them in such Office, as to the said Commissioners shall seem meet.

Allowance to Commissioners.

IV. And be it further enacted, That there shall be paid to each and every of the said Commissioners the Sum of Three Pounds and Three Shillings for each and every Day's actual Attendance touching the Execution of this Act, and no more, and that no Commissioner shall require or be entitled to receive any Fee, Reward, or Gratuity whatsoever, except the said Sum of Three Pounds and Three Shillings *per* Day; and that at all Meetings to be held in pursuance of this Act, the said Commissioners shall pay their own Expences; and that the said Proprietors, their Attornies and Agents shall pay their own Expences, when they or any of them shall attend the said Commissioners at any of their Meetings to be held in pursuance of this Act; and that the Surveyor and Clerk appointed and to be appointed by the said Commissioners, shall be paid such Sum or Sums of Money, *per* Day or otherwise, for their respective Pains and Trouble in attending the said Commissioners in the Execution of this Act, as to the said Commissioners shall seem just and reasonable: Provided always, that in case only one of the said Commissioners shall attend any Meeting to be held in pursuance of this Act, so that the Business of the Inclosure cannot then be proceeded in, then and in such Case such Commissioner shall not be paid any Sum of Money for such his Attendance.

Commissioners and Proprietors Expences.

Commissioners to give Notice of Meetings.

V. And be it further enacted, That the said Commissioners shall give or cause public Notice to be given in Writing under their Hands specifying the Time and Place of their First and every subsequent Meetings for executing this and the said recited Act, to be affixed on the principal Outer Door of the Parish Church of *Chertsey* aforesaid, and also by Advertisement to be inserted in the Newspaper called *The County Chronicle*, or in some other Newspaper circulated in the said County of *Surrey*, Fourteen Days at least before any such Meeting shall be holden (Meetings by Adjournment only excepted); and it shall be lawful for the said Commissioners to adjourn their Meetings from Time to Time as they shall see Occasion for the Execution of this Act; and if only one Commissioner shall be present at any such Meeting, it shall be lawful for such Commissioner to adjourn such Meeting from Time to Time until Two Commissioners shall be present, and the Commissioner making such Adjournment is hereby required forthwith to give Notice thereof to the absent Commissioners; provided that no such Adjournment shall be made for a longer Space of Time than Three Calendar Months; and all the Meetings of the said Commissioners shall be held at *Chertsey*, or at some other Place within the Distance of Eight Miles of the Boundary of the said Parish.

VI. Provided always, and be it further enacted, That all other Notices necessary or requisite to be made and given by the said Commissioners, shall be so made and given by Advertisements in the said Newspaper called *The County Chronicle*, or in some other Newspaper circulated in the said County of *Surrey*. Other Notices how to be given.

VII. And be it further enacted, That in case any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said Division, Allotment or Inclosure, touching or concerning the respective Rights or Interests which they or any of them shall have or claim to have in the same, or touching or concerning any other Matter or Thing relating to the said Division, Allotment or Inclosure, it shall be lawful for the said Commissioners to examine into, hear, and determine the same: Provided always, that nothing in this or the said recited Act contained, shall authorize the said Commissioners to determine the Title to any Messuages, Cottages, Lands, or Hereditaments whatsoever. Commissioners to settle Disputes.

VIII. And be it further enacted, That in case the said Commissioners shall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of the said recited Act or this Act, see Cause to award any Costs, it shall be lawful for the said Commissioners, and they are hereby empowered, upon Application made to them for that Purpose, to settle, assess, and award such Costs and Charges as they shall think reasonable to be paid to the Party or Parties, in whose Favour any Determination of the said Commissioners shall be made, by the Person or Persons whose Claim or Claims, Objection or Objections shall be thereby disallowed or over-ruled; and in case the Person or Persons who shall be liable to pay such Costs and Charges shall neglect or refuse to pay the same on Demand, then, and in such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required, by Warrant under their Hands and Seals, directed to any Person or Persons whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale. Power to assess Costs.

IX. And be it further enacted, That in case any Person or Persons interested or claiming to be interested in the said intended Division, Allotment or Inclosure, shall be dissatisfied with any Determination of the said Commissioners, touching or concerning any Claim or Claims, of any Right of Common, or other Rights or Interests, in, over or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, it shall be lawful for the Person or Persons so dissatisfied to proceed to a Trial at Law of the Matter so determined by the said Commissioners, at the then next or at the following Assizes to be holden for the said County of *Surrey*; and for that Purpose the Person or Persons, Bodies Politic or Corporate, who shall be dissatisfied with the Determination of the said Commissioners, shall cause an Action to be brought upon a Allowing Parties to try their Rights by an Issue at Law.

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Determina-
tion of Com-
missioners to
be final.

feigned Issue against the Person or Persons, Bodies Politic or Corporate, in whose Favour such Determination shall have been made, within Three Calendar Months next after such Determination of the said Commissioners; and the Defendant or Defendants in such Action or Actions shall, and he, she, or they is and are hereby required to name an Attorney or Attornies, who shall appear thereto or file Common Bail, and accept one or more Issue or Issues, whereby such Claim or Claims and the Right or Rights thereby insisted upon may be tried and determined, such Issue or Issues to be settled by the proper Officer of the Court in which the said Action or Actions shall be commenced, in case the Parties shall differ about the same; and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding, and conclusive upon all and every Person and Persons whomsoever, Body or Bodies Corporate or Collegiate; unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall be lawful for the Court to do, as is usual in other Cases; and after such Verdict or Verdicts shall be obtained and not set aside by the Court, the said Commissioners shall and they are hereby required to act in Conformity thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials: Provided always, that the Determination of the said Commissioners, touching such Claim or Claims of any Right of Common or other Rights or Interests in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, which shall not be objected to, or being objected to, the Party or Parties objecting not causing such Action at Law to be brought and proceeded in as aforesaid, shall be final and conclusive upon all Parties: Provided also, that no such Difference, Action, or Proceeding as aforesaid, nor any Difference, Action, or Proceeding, touching the Title to any Lands, Tenements or Hereditaments, shall impede or delay the said Commissioners in the Execution of this Act, but the Division and Inclosure hereby directed to be made shall be proceeded in notwithstanding such Difference, Action, or Proceeding.

Suits not to
abate on the
Death of
Parties.

X. Provided always, and be it further enacted, 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 be proceeded in, finally heard and determined, in such Manner as if no such Event had happened.

In Cases of
Deaths of
Parties before
Actions
brought, the
same to be
carried on
and defended
in their
Names.

XI. Provided always, and be it further enacted, That if any Person or Persons in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time herein-before limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Bodies Politic or Corporate, who might have brought such Action or Actions against the Person or Persons so dying, to bring the same within the Time so limited as aforesaid, against such Person or Persons as if actually living, and to serve the Clerk of the said Commissioners with Process for commencing such Action or Actions, in the same

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

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

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

XIII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required, in the first Place, to set out and appoint one or more Piece or Pieces of Ground within the said Manor, not exceeding Ten Acres, being Part of the said Commons and Waste Lands hereby intended to be divided, allotted and inclosed, in such convenient Place or Places as they shall think proper, for a public Pit or 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 the said recited Act and this Act.

Allotment for Gravel Pits to be set out.

XIV. And be it further enacted, That if it shall appear to the said Commissioners that any ancient Footway or Path in, through, or over any of the ancient inclosed Grounds within the said Manor, or in, through, or over any of the Common Arable Fields or Open Meadow Land aforesaid, shall, by reason of the intended Division and Inclosure, or otherwise, become or be found by them to be unnecessary to the Inhabitants of the said Parish of *Chertsey*, or inconvenient or injurious to such ancient inclosed Ground or Common Fields, or Meadow Land aforesaid, then and in any such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required (if they shall think proper so to do, but not otherwise) by and with the Concurrence in Writing of any Two Justices of the Peace acting in and for the said County (subject to Appeal as in the said recited Act is mentioned) 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 and after the Execution of the said Award, or at such earlier Time

Power to turn any Footway.

as the said Commissioners shall direct, the said Compensation (if any) 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, any Thing herein or in the said recited Act contained to the contrary notwithstanding: 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 under their Hands.

Encroach-
ments.

XV. And be it further enacted, That all Inclosures and Encroachments which have been made upon or taken from the said Commons and Waste Lands (save and except such as have been peaceably and quietly enjoyed for the Space of Thirty Years last past or upwards, without any Interruption or Payment of any Acknowledgement, and except such as have already been granted by Copy of Court Roll) shall be deemed Part and Parcel of the said Commons and Waste Lands so to be divided, allotted and inclosed; and in case any Difference or Dispute shall arise touching any such Inclosures or Encroachments being deemed Part or Parcel of the said Commons and Waste Lands, such Difference or Dispute shall be examined into and determined by the said Commissioners.

To be allotted
to Persons in
Possession, &c.

XVI. Provided always, and be it further enacted, That the said Commissioners shall and they are hereby required, in all Cases where the same can be done without Prejudice or Inconvenience to the Occupier of the adjoining Messuages or Lands, to assign and allot all and every such Encroachments 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 Proportion 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 (where the same can be done without such Prejudice or Inconvenience as aforesaid) 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 Place 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-after mentioned for defraying the Expences
or

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 or in respect thereof, shall for ever thereafter cease, be extinguished, and no longer payable.

XVII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to set out, allot, and award unto and for the said Sir *Joseph Mawbey*, and his Successors Improprite Rectors, and unto and for the said *Thomas Charles May*, and his Successors Vicars as aforesaid, according to their several and respective Rights and Interests for and in lieu of and as a full Compensation for their respective Tythes both Great and Small, and all Moduses, Compositions, and other Payments in lieu of Tythes, and all other ecclesiastical Dues and Payments whatsoever (except Mortuaries, Easter Offerings, and Surplice Fees) growing, arising, accruing, issuing, or payable, in, out of, from, and upon the said Open Common Arable Fields, and Open Meadow, Commons and Waste Lands, hereby intended to be divided and allotted or inclosed, such several Plots, Parcels, or Allotments of the same Lands and Grounds respectively, as shall in the Judgement of the said Commissioners be equal in Value to One Fifth of the said Open Common Arable Fields, and One Ninth Part of the said Open Meadow, Commons and Waste Lands within the said Manor which shall remain after the several public and private Roads, the Allotments for the Repairs of Roads, and the Allotment for the Use of poor Occupiers, to be set out and allotted in pursuance of this or of the said recited Act, shall be deducted therefrom.

Allotment for Tythes to the Improprator and Vicar.

XVIII. And be it further enacted, That the said Commissioners shall and may with the Consent of the said Sir *Joseph Mawbey* or his Successors Improprite Rectors as aforesaid, and of the said *Thomas Charles May*, or his Successors, Vicars, as aforesaid, and of the Owners of any old Inclosures within the Manor aforesaid, to be signified in Writing under their respective Hands set out and allot to the said Sir *Joseph Mawbey* as Improprite Rector of the Rectory of *Chertsey* aforesaid, and his Successors Rectors as aforesaid, and to the said *Thomas Charles May*, and his Successors Vicars as aforesaid, such Plots or Parcels of the said new Allotments or old Inclosures within the said Manors, as in the Judgement of the said Commissioners shall be equal in Value to One Fifth of the old inclosed Arable Lands and Grounds, and to One Eighth of the old inclosed Meadow and Pasture Lands belonging to every such Owners thereof, and such Allotment or Allotments so set out and allotted to the said Sir *Joseph Mawbey*, and his Successors Improprite Rectors, and to the said *Thomas Charles May*, and his Successors Vicars as aforesaid, shall be and be deemed and taken to be in full Satisfaction and Compensation to the said Sir *Joseph Mawbey*, and his Successors Rectors, and to the said *Thomas Charles May*, and his Successors Vicars as aforesaid, for the Great and Small Tythes and all other Ecclesiastical Dues and Payments whatsoever (Mortuaries, Easter Offerings, and Surplice Fees excepted) arising, happening, and increasing, or renewing within, upon, out of, or from all such old Inclosures within the said Manor for which Allotments shall have been made.

Allotments to the Rector and Vicar in lieu of Tythes of the old Inclosures with Consent of Parties.

in lieu of Tythes as aforesaid; and such Allotment or Allotments shall be divided, set out, and allotted to and between the said Sir *Joseph Mawbey* and his Successors Improprite Rectors as aforesaid, and the said *Thomas Charles May*, and his Successors Vicars as aforesaid, in such Shares and Proportions as the said Commissioners shall adjudge and determine to be equal in Value to and a just Compensation for the several and respective Rights and Interests of the said Sir *Joseph Mawbey*, and his Successors Improprite Rectors as aforesaid, and the said *Thomas Charles May*, and his Successors, Vicars as aforesaid, in and to the Great and Small Tythes arising, happening, increasing, or growing due, within, upon, out of or from the said old Inclosures of every such Owner so exonerating the same from Tythes as aforesaid.

Allotment to
the Lord of
the Manor for
Right of Soil.

XIX. And be it further enacted, That the said Commissioners shall and they are hereby required, after setting out such Roads and Gravel Pits as aforesaid, and the Allotment herein-after given for the Use of poor Occupiers, and the said Tythe Allotment, to set out, allot, and award unto and for the King's most Excellent Majesty, as Lord of the Manor aforesaid, One Sixteenth Part of the Remainder of the Commons and Waste Lands lying within the Manor aforesaid, in lieu of and as a Recompence for his Right as Lord of the Manor aforesaid to the Soil of the said Commons and Waste Lands, exclusive of the Allotments of Lands to be allotted to His said Majesty in lieu of His Right and Interest in the said Commons and Waste Lands in respect of the several Messuages, Cottages, Demesne Lands, and other Lands belonging to His said Majesty within the said Manor.

The said
Allotments
vested in
Trustees for
the Use of the
Poor for ever.

XX. And whereas it is intended to give and allow to such Poor as are real and true Occupiers of Cottages within the said Manor of *Chertsey Beomond*, 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 to set out and allot so much and such Part or Parts of the said Commons and Waste Lands hereby directed to be inclosed, not exceeding Fifty Acres thereof, in one or more Piece or Parcels, as the said Commissioners shall think proper, which said Piece or Parcels of the said Commons and Waste Land 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 Manor, the Yearly Rent of which shall not exceed Five Pounds, and having no other House and 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 Piece or 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 Allotment shall be assigned and set out, the same shall respectively be and become vested in the Minister, Churchwardens, and Overseers of the Poor of the said Parish of *Chertsey* for the Time being, and their Successors, and in all the Landholders of One hundred Pounds *per Annum*, to be for that Purpose respectively chosen at Vestries to be held

held at *Easter*, in every Year, who or a Majority of them shall have full Powers to make such Rules, Orders and Regulations as they shall think proper, for the proper Use, Management, dividing, levelling, and other Improvements, of or for the Stints of the Commonage thereof, and for the Protection and Preservation of the Ground and Soil thereof, and for the Employments and Appointments of proper Persons to execute such Rules and Orders, and to overlook the said 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 One Year the Sum of Ten Pounds, out of the Rates made for the Relief of the Poor of the said Parish, which Sum the Overseers of the Poor of such Parish 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 dig, take, or carry away the Soil on the said Piece or 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 before a Justice of the Peace for the said County of *Surrey*, shall forfeit and pay for each such Offence any Sum not exceeding Twenty Shillings, to be recovered and levied by Distress upon the Goods and Chattels of the Person so offending, under and by virtue of a Warrant to be granted by the Justice of the Peace before whom such Person shall be convicted, and to be applied in Aid and in Part Discharge of the Poor Rates of the said Parish of *Chertsey*.

XXI. 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 within the said Manor hereby intended to be divided, allotted, or inclosed as aforesaid, unto and amongst the several Proprietors of and Persons interested in the Messuages, Cottages, Lands, Tenements, and Hereditaments within the said 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.

XXII. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Commissioners to divide, allot, or inclose a certain Common or Open Pasture called *Laleham Burway*, situate within the said Parish of *Chertsey*, the Rights of Pasturage or Commonage of which is used and claimed by the Proprietors and Occupiers of Estates within the Manor of *Laleham*, in the County of *Middlesex*.

Allotment of
the Residue.

Powers of
the Act not
to extend to
Laleham
Burway.

XXIII. And

Lessees and
Tenants (ex-
cept such
as have only a
Right of
Common
whilst unin-
closed) to
enjoy the
Allotments on
paying such
additional
Rent as the
Commis-
sioners shall
affix.

XXIII. And it further enacted, That the several Lessees or Tenants who have in Lease any Estate or Estates, in respect of which any such Allotment or Allotments of Waste Land shall be made as aforesaid, (except such as have only Right of Common on the said Commons and Waste Lands to be allotted and inclosed as aforesaid, whilst the same shall remain uninclosed) shall during the Continuance of their respective Leaseis unless it is thereby otherwise provided, have, hold, and enjoy the several Parts and Shares of the said Commons and Waste Lands that shall be allotted and set out for and in respect of such Estates and as appurtenant to the same, upon paying such additional Rent to the Lessors or Owners thereof, as the said Commissioners shall in and by their said Award or any other Writing fix and appoint; and in ascertaining and fixing such Rent, the said Commissioners shall take into Consideration, as well the Expence such Lessors or Owners may be put unto in fencing such Allotments, as also the Loss such Lessees or Tenants may sustain by being deprived of their Common Rights.

Allotments
of the Open
Common
Fields and
Meadow.

XXIV. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to divide, set out, and allot the said Open Common Arable Fields and Open Meadow, unto and amongst the several Proprietors thereof, equally and indifferently, so that each and every of 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 Arable Fields and Open Meadow, 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; and the said Commissioners shall also mark out the several Allotments of the said Fields and Meadow by proper Metes, Bounds or Landmarks, and shall also direct the said Fields and Meadows to be stocked by the Owners thereof with Cattle of such Sorts, in such Numbers, at such Times, and for such Seasons of the Year, and subject to such other Regulations as to the future Enjoyment thereof, and under such Penalties not exceeding Ten Pounds for any one Offence, as the said Commissioners shall in their Judgement think proper, and by their Award order and direct; but that all other Common and other Rights in and upon the said Fields and Meadow shall thereafter be extinguished.

Course of
Husbandry.

XXV. And be it further enacted, That the said Commissioners shall, as soon after the passing of this Act as conveniently may be, by some Writing or Writings under their Hands to be affixed on One of the principal Outer Doors of the Parish Church of *Chertsey* aforesaid, order and direct the Course of Husbandry that shall or ought to be used, in, over and upon the said Open Common Arable Fields intended by this Act to be divided and allotted, until the Time when they shall have made and compleated the said intended Division and Allotments thereof, as well with respect to the laying down, ploughing, sowing of Grass Seeds, and fallowing and tilling thereof, as to the stocking or feeding of the Fallows or Stubbles, and also to the cutting of Turf, Heath, Furze, Thorns, or Bushes, upon the Commons and Waste Lands intended by this Act to be inclosed, and by the same or any other Writing or Writings under their Hands to be published as aforesaid, shall and may make such
furthe,

further Orders and Regulations touching the Conduct of the Farmers and Occupiers of the Lands and Grounds so hereby directed to be divided and allotted for preventing them from committing Waste upon any of the said Lands and Grounds, in the mean Time and until the Divisions and Allotments thereof shall be effected, as to them shall seem expedient; all which Orders and Regulations of the said Commissioners shall be final, binding, and conclusive upon all Parties concerned; and that the said Commissioners shall set and impose such pecuniary Penalties and Forfeitures on every Person not conforming to such Orders and Regulations as they shall think necessary, not exceeding the Sum of Ten Pounds for any one Offence; and the said Commissioners shall also settle and determine what additional Rent shall be paid in respect of such Lands and the Tythes thereof respectively, as shall in the Season immediately preceding the passing of this Act be found to have been cropped otherwise than in the customary Way, or contrary to any subsisting Agreement, such additional Rent to be paid and payable at the same Time and in the same Manner as the original Rent, and also what Portion of the Manure shall belong to the Landlords and Tenants respectively in such Cases where the Tenant is entitled by his Agreement to the Manure arising from the Lands in his Occupation.

XXVI. And be it further enacted, That it shall be lawful for the Owners and Proprietors of the said Open Common Arable Fields and Open Meadows, when and as the several Allotments and Divisions thereof shall be made to them respectively, under and by virtue of this Act, or for any or either of such Owners and Proprietors who shall be desirous of the same, by and with the Consent of the said Commissioners, such Consent to be signified in Writing under the Hands of the said Commissioners, and also in and by the Award of the said Commissioners, to be made by virtue of this or the said recited Act, to inclose and fence at his, her, or their own Expence, such Allotment or Allotments; and that from and after any such Allotment or Allotments shall be so inclosed and fenced as aforesaid, all and every the common Rights of the Owners and Proprietors, Owner or Proprietor, making such Inclosure or Fence, of and in the Residue of the said Open Common Arable Fields and Open Meadow, and also all Common and other Rights, in, over, or upon such Allotment or Allotments so to be inclosed and fenced as aforesaid, shall cease and be for ever after extinguished, any Thing herein-before contained to the contrary thereof in anywise notwithstanding: Provided always, that nothing herein contained shall authorize any Person or Persons to whom any Allotment or Allotments of the said Open Meadow shall be made or set out, to fence his, her, or their Allotment or Allotments, by throwing up any Mound or Embankment, or by making any Ditch or Ditches whatsoever, except in such Part or Parts thereof as the said Commissioners shall in and by their said Award, or any Writing under their Hands direct: Provided also, that from and immediately after the Execution of the Award of the said Commissioners, no Proprietor or Occupier of Land in the said Meadow shall inclose or fence his or their Allotment or Allotments, unless specially authorized so to do by such Award, but the same shall for ever thereafter remain open and uninclosed.

Proprietors of Open Common Fields and Meadows, &c. may inclose with Leave of the Commissioners.

[Loc. & Per.]

27 Z

XXVII. And

Tenure of
Allotments.

XXVII. And be it further enacted, That all such Lands and Grounds as shall by Authority and in pursuance of this Act be allotted to any of the said Proprietors, shall be held by such Proprietors respectively under the same Tenures, Rents, Customs and Services, as the Lands or other Property in respect of which such Allotments shall be made were respectively held and enjoyed by the said Proprietors before the passing of this Act, or would have been held and enjoyed in case this Act had not been made; and the several Lands and Grounds which in the said Award shall be distinguished to have been allotted in lieu of Freehold Lands or other Property, shall from the making and executing thereof be deemed Freehold Lands, and shall from thenceforth be held of the Lord of the Fee under the same Rents and by the same Services as the Freehold Lands or other Property in lieu of which they were allotted, were before that Time held; and the several Lands and Grounds which shall be therein distinguished to have been allotted in lieu of Copyhold Lands or other Property, shall in like Manner be deemed Copyhold or Customary Lands, and shall be held of the Lord of the Fee thereof, under the same Rents and by the same Customs, Duties, and Services, as the Copyhold Lands or other Property in lieu of which they were so allotted were or ought to have been held, and shall pass by the like Surrenders as the present Copyhold Messuages, Cottages, Lands, Tenements, and Hereditaments, in respect whereof such Allotments shall be made, are now holden under or liable to; and the Lands and Grounds which shall be therein distinguished to have been allotted in lieu of Leasehold Lands or other Leasehold Property, shall be in like Manner deemed Leasehold, and shall be held under the same Rents as the Lands or other Property in lieu whereof they were so respectively allotted were held; and the Reversion thereof shall be vested in the same Lessors respectively, as the Reversion of such other Lands and Property were vested before the making this Act, any Law, Custom, or Usage to the contrary notwithstanding; and that all and every Person or Persons to whom such Copyhold Lands and Premises shall be allotted as aforesaid, shall within Twelve Calendar Months next after the Execution of the Award of the said Commissioners, be admitted Tenant or Tenants of the same, without paying any Fine or other Charge to the Lord or Steward of the said Manor (save and except the Stamp Duties and the Copyhold Fees due to the Steward of such Manor.)

Extinguishment of
Tythes,

XXVIII. And be it further enacted, That immediately after the said Commissioners shall have set out the Allotments herein-before directed to be made unto the said *Sir Joseph Mawbey* Rector, and to the said *Thomas Charles May* Vicar as aforesaid, and their Successors, in lieu of and as a Compensation for their respective Rights of Tythe as aforesaid, and shall have given Notice thereof in Writing under their Hands, such Notice to be affixed on one of the principal outer Doors of the said Parish Church of *Chertsey*, all Tythes both Great and Small, and all Moduses, Compositions, or other Payments in lieu of Tythes, and all other Ecclesiastical Dues and Payments whatsoever (except Mortuaries, *Easter* Offerings, and Surplice Fees) growing, arising, accruing, issuing, happening or payable in, out of, from, or upon the said Open Common Arable Fields, and Open Meadow, Commons and Waste Lands to be divided and

allotted or inclosed by virtue of this Act, shall cease and be for ever extinguished.

XXIX. And be it further enacted, That the Lands so to be set out and allotted by virtue of this Act in lieu of Great and Small Tythes of the said Open Common Arable Fields, Open Meadow, Commons and Waste Lands, shall be inclosed and fenced on the outward Boundaries thereof by the said Commissioners at the Expence of the Proprietors in general (other than the Owners of the said Tythes) in such Manner and in such Shares and Proportions, and at such Time or Times as the said Commissioners shall by any Writing under their Hands or by their Award order or direct; and that all other Allotments so to be made as aforesaid shall be inclosed and fenced on the outward Boundaries thereof respectively, in such Manner and by such of the said Proprietors, and at or before such Time or Times, and for ever afterwards be repaired, preserved, and maintained, as the said Commissioners shall by Writing under their Hands or by their said Award order and direct.

Allotments for Tythes to be ring-fenced at the Expence of the Proprietors.

XXX. And be it further enacted, That until the aforesaid Division and Allotment in lieu of Tythes shall be made and finished in pursuance of this Act, the said Sir *Joseph Mawbey*, Improprate Rector as aforesaid, and the said *Thomas Charles May*, Vicar as aforesaid, and their Successors, shall be entitled to and shall receive and enjoy such and the same Tythes as they could, might, or ought to have done in case this Act had not been made.

Tythes payable until Allotments made.

XXXI. And be it further enacted, That the said Commissioners shall and may scour out and widen, or cause to be scoured out and widened, all such ancient Brooks, Ditches, Drains, and Watercourses, Tunnels and Bridges within the said Manor, and also shall and may make, set out, and appoint such new Ditches, Drains, Watercourses, Tunnels, Gates, Banks, and Bridges, as well in, through, and over the Lands and Grounds hereby intended to be divided and allotted or inclosed, as also in, over and through any ancient Inclosures within the said Manor, making such Satisfaction to the Proprietors of such ancient Inclosures for the Damage done thereby as they shall think reasonable, and of such Depth and Breadth, and in such Directions as the said Commissioners shall think proper; and the said Commissioners shall and may, and they are hereby directed and required in and by their Award, to order and direct by whom and at whose Expence and at what Time and in what Manner the said Brooks, Ditches, Drains, Watercourses, Tunnels, Gates, Banks, and Bridges, shall be made, and afterwards cleaned, scoured, repaired, and maintained; Provided always, that nothing in this or the said recited Act contained shall extend, or be deemed or construed to extend, to give the said Commissioners any Power or Authority to make any new Ditch, Drain, Watercourse, or Tunnel within the said Manor, whereby or by reason of which the Water flowing through any ancient Ditch, Drain, Watercourse, or Tunnel, may be in anywise impeded or diverted from its usual and accustomed Course or Channel to the Injury of the present Owner or Owners thereof.

Commissioners to make Drains.

XXXII. And

Commission-
ers to
deliver
Possession of
Allotments,
&c.

XXXII. And be it further enacted, That the said Commissioners shall and may from Time to Time as they shall find convenient, deliver Possession to the several Persons interested in the Division and Inclosure to be made and set out under this Act, of their respective Allotments, and such Possession when so delivered shall be kept and retained by the several Persons entitled thereto against all Persons whomsoever, although the said Award herein-after directed shall not then be made and executed; provided that no Action shall be then pending or commenced under the Provision herein-before made for Trials at Law.

For extin-
guishing or
suspending
Rights of
Common be-
fore the Exe-
cution of the
Award.

XXXIII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized at any Time or Times before the Execution of the said Award, by Notice in Writing under their Hands, to be affixed upon the principal Outer Door of the Parish Church of *Chertsey* aforesaid, to order or direct all or any Part of the Rights of Common, and all other Rights whatsoever, in, over, or upon all or any Part of the said Lands and Grounds hereby directed to be divided and allotted or inclosed, to be extinguished, or the Exercise thereof to be suspended for and during such Time as shall be expressed in such Writing; and that all such Rights of Common and other Rights as the said Commissioners shall by such Writing order and direct to be extinguished, or the Exercise thereof to be suspended as aforesaid, shall from the Time of affixing such Writing on the said Church Door cease, determine, and be forever extinguished, or the Exercise thereof be suspended accordingly, any Law, Usage, or Custom, to the contrary thereof notwithstanding; and that in case any Person or Persons shall at any Time or Times after the Time of affixing such Notice as aforesaid, cut, dig, take up, pull down, carry away, or destroy any Turf or Sods, Gravel, Sand, or Soil, Hedges, Banks, or Fences, from any Part of the same Lands and Grounds (except upon his, her, or their own specific Allotment or Allotments) every such Person or Persons shall (on Conviction thereof before any one Justice of the Peace for the said County of *Surrey*, by Confession of the Party offending, or by the Oath or Oaths of One or more credible Witnesses or Witnesses) for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, and which Penalty or Sum such Justice shall order and appoint to be levied by Distress and Sale of the Offenders Goods and Chattels, by Warrant under the Hand and Seal of such Justice; and for want of such Distress, the Offender or Offenders shall, by Warrant under the Hand and Seal of such Justice, be committed to any House of Correction within the said County of *Surrey*, there to be kept to hard Labour for any Time not exceeding Six Calendar Months, unless the said Penalty shall be sooner paid.

Not to re-
voke or make
void any Will
or Settlement.

XXXIV. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to revoke, make void, alter, or annul any Will, Settlement, or other Deed, or to prejudice any Person or Persons having any Right of Claim, Dower, Jointure, Portion, Estate, Debts, Rents, or Incumbrances, out of, upon, or affecting any of the Messuages, Lands, Tenements, or Hereditaments so to be divided, allotted, inclosed, or exchanged by virtue of this Act or the said recited Act, or any Part or Parts thereof respectively; but that the respective Per-
sons

sons to whom any Lands or Hereditaments shall be so divided, allotted, or given in Exchange, by virtue of this Act or the said recited Act, shall 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, Jointures, Rents, Charges, and Incumbrances, and under such and the same Restrictions, Covenants, and Agreements, as the several Messuages, Lands, Tenements, or Hereditaments, whereof such Person was seised or possessed at or immediately before the Execution of the Award to be made by the said Commissioners, or for which or in lieu or in respect whereof such Division, Allotment, or Exchange, shall have been made as aforesaid, would have been subject to, charged with, or affected by, in case this Act had not been made.

XXXV. And whereas it will tend greatly to the Improvement of the said Commons and Waste Lands intended to be inclosed by virtue of this Act, if any Person or Persons to whom the same shall be allotted, who shall happen to be Tenant or Tenants for Life only of the Lands or Estates in respect of which such Allotments are to be made, were entitled to grant proper Leases of all or any Part of such Commons or Waste Lands which shall be allotted to him, her, or them respectively; be it therefore enacted, That it shall be lawful for such of the said Proprietors who are Tenants for Life or for Years determinable on one or more Life or Lives, to grant any Lease or Leases to any Person or Persons whomsoever, of the said Commons and Waste Lands so to be allotted to them, or any Part or Parts thereof with the Appurtenances, so that the Consent of the Lord of the Manor of any Copyhold Lands be first had and obtained by Licence or otherwise according to the Custom thereof, for any Term or Number of Years not exceeding Twenty-one Years, to be computed from the Date of the Award of the said Commissioners; and so that the same do commence in Possession and not in Reversion; and so that upon every such Lease or Leases there be reserved and made payable, during the Continuance thereof respectively, the best or most improved Yearly Rent or Rents, or other Considerations that can be reasonably had and obtained for the same, without taking any Sum or Sums of Money by way of Fine or Foregift, for or in respect of such Lease or Leases; and so that no Lessee or Lessees have thereby Power to commit Waste; and so that in every such Lease or Leases there be contained a Clause of Re-entry on Non-payment of the Rent or Rents to be thereby reserved; and so that such Rent or Rents to be thereby reserved, be made payable to the Person or Persons granting such Lease or Leases, and the several other Persons who in Succession may be entitled to the same Hereditaments, Lands, and Premises; and so as the Lessee or Lessees do at the same Time execute a Courterpart or Counterparts of such Lease or Leases.

Power for
Tenants for
Life to grant
Leases of the
Commons and
Waste Lands.

XXXVI. And be it further enacted, That all and every Lease and Leases, or Agreements for a Lease or Leases, for the letting or holding at Rack Rent of all or any Part or Parts of the Lands and Grounds within the said Manor hereby intended to be divided and allotted or inclosed, or by virtue of this or the said recited Act to be exchanged or divided amongst joint Proprietors as aforesaid, shall, immediately upon such Allotments, Divisions, and Exchanges being made, and such Award or Instrument

Leases at
Rack Rent to
be vacated.

[Loc. & Per.]

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being

being executed, or within such other Time as the said Commissioners shall by such their Award or Instrument, or any other Writing direct or appoint, cease, determine, and be void; but at the same Time so far only as may be necessary to enable the said Commissioners to carry this Act into Execution; the respective Owners and Proprietors of the Lands, Tenements, and Hereditaments so in Lease as aforesaid, making such reasonable Satisfaction to the Lessee or Lessees, Tenant or Tenants, as the said Commissioners shall direct or appoint, on account thereof or as an Equivalent for the same: Provided always, that in case it shall appear to the said Commissioners more equitable that the Land to be allotted in right of any Estate held under or by virtue of any such Lease or Leases, Agreement or Agreements, as herein-before mentioned, should be held by the Tenant or Tenants, Lessee or Lessees of any such Estate, during his, her, or their Term or Interest therein, then and so often it shall be lawful for the said Commissioners to assign and allot the same unto such Tenant or Tenants, Lessee or Lessees accordingly; and to fix and settle what additional Rent or Deduction from Rent shall be hereafter paid by or allowed to him, her, or them, unto or from the Person or Persons entitled to the Reversion thereof, for or in respect of the Expences which such Person or Persons shall sustain in the fencing or other necessary Improvements of the said Lands so to be allotted as aforesaid.

Power to sell
Common
Rights.

XXXVII. And be it further enacted, That it shall and may be lawful for any Person or Persons interested in the said intended Allotments or Inclosures, at any Time before the Execution of the Award of the said Commissioners, to sell and dispose of such Estate, Right, Title, and Interest, which he, she, 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, she, 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 Allotment or Allotments to the Purchaser or 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 to and next adjoining the Allotment and Allotments of such Purchaser or Purchasers respectively, upon Application to the Commissioners for that Purpose.

Expences of
the Act how
to be paid.

XXXVIII. And be it further enacted, That all the Costs, Charges, and Expences of obtaining, and executing this Act, and of all other Matters and Things incident to or incurred relating to the said Inclosure, or to the Commons and Waste Lands hereby directed to be inclosed and allotted, shall be paid in Proportion by the Proprietors of the Lands and Grounds hereby directed to be divided and allotted or inclosed,
to

to whom any Allotments shall be made by virtue of this Act (other than and except the said Sir *Joseph Mawbey*, and his Successors Improprate Rectors, and the said *Thomas Charles May*, and his Successors Vicars as aforesaid,) or by Sale of such Part or Parts of the said Commons and Waste Lands hereby directed to be divided, allotted, and inclosed, as the said Commissioners shall in their Judgement think most proper, and that in either of the Cases aforesaid, the Money shall be raised or the Land sold (as the Case may be) in the Manner, and with, under, and subject to the Powers, Rules, Orders, and Regulations respectively mentioned and directed in and by the said recited Act: Provided always, that in case the said Commissioners shall think it expedient to raise the Money necessary to defray the said Charges and Expences, partly by a Rate and partly by Sale of Land in Manner aforesaid, when and in such Case it shall and may be lawful for them so to do, under and subject to the Rules, Orders, and Regulations contained in the aforesaid recited Act.

XXXIX. And be it further enacted, That it shall and may be lawful to and 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 Parcels of Land so to be sold by private Contract in respect of any Dwelling House, shall exceed in the whole Two Acres; and the Purchase Money of the said Lands so to be sold 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.

Power to sell Frontages.

XL. Provided always, and be it further enacted, That in case the said Commissioners shall think it expedient to raise the Money necessary to defray the Charges and Expences aforesaid by Sale of Land as hereinbefore mentioned, and in case it shall happen that any Part or Parts of the said Commons and Waste Lands shall be sold for more Money than will be required to defray such Charges and Expences as aforesaid, then and in such Case such Surplus Money shall be divided and apportioned between the several Proprietors of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, according to their several and respective Interests therein; or otherwise such Surplus shall be paid into the Bank of *England*, in Manner directed by the said recited Act, with respect to Money thereby directed to be paid into the Bank for the Purchase and Exchange of Lands.

Application of Surplus Money (if any) after Sale of Lands.

XLI. And be it further enacted, That it shall be lawful for the said Commissioners to set out, allot, and award any Lands, Tenements, Tythes,

Power to make Exchanges.

Tythes, or Hereditaments whatsoever, within the said Manor, in lieu of and in Exchange for any other Lands, Tenements, Tythes, or Hereditaments whatsoever within the said Manor, or within any adjoining Parish, Township, Hamlet, or Place; provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioners, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors, of the Lands, Tenements, Tythes, or Hereditaments which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors shall be a Body or Bodies Politic, Corporate or Collegiate, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail, General or Special, or by the Courtesy of *England*, or for Years determinable on a Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Owners or Proprietors as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Females Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself; such Consent to be testified in Writing under the common Seal of the Body Politic, Corporate or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every such Exchange and Exchanges so to be made shall be good, valid, and effectual in the Law, to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Lands, Tenements, or Hereditaments, held in Right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent testified as aforesaid of the Patron thereof, and of the Lord Bishop of the Diocese for the Time being in which such Lands, Tenements, or Hereditaments, so to be exchanged shall lie and be situate.

Expences of
Exchanges
and Parti-
tions, how to
be paid.

XLII. Provided always, and be it further enacted, That all Costs, Charges, and Expences attending the making and completing any Exchanges and Partitions, shall be paid and borne by the several Persons making such Exchanges and Partitions, in such Manner and in such Proportions as the said Commissioners shall by their said Award, or other separate Deed or Instrument, order and direct.

Commission-
ers to lay
Accounts be-
fore Two
Justices once
in every Year.

XLIII. And be it further enacted, That once at least in each and every Year during the Execution of this Act (such Year to be computed from the Day of passing thereof) the said Commissioners shall and they are hereby required to make a true and just Statement or Account of all Sums of Money by them received and expended or due to them for their own Trouble, or Expences in the Execution of this Act; and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by them laid before Two or more Justices of the Peace for the said County of *Surrey* (not interested in the said intended Division, Allotment and Inclosure) to be by them examined and balanced; and such Balance shall be by such Justices stated in the Book or Books of Account to be kept in the Office of the Clerk to the said Commissioners; and no Charges or Item in such Account shall be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed by such Justices.

XLIV. And

XLIV. And be it further enacted, That any Person or Persons who shall advance and pay any Sum or Sums of Money in discharge of the Fees or other Expences of obtaining and executing this Act, shall be repaid the same with Interest after the Rate of Five Pounds *per Centum per Annum*, to be computed from the respective Times of advancing and paying such Money, out of the Monies which shall be first raised by virtue of this Act.

Persons advancing Money for Act, to be repaid with Interest.

XLV. And be it further enacted, That the Award to be made by the said Commissioners, when inrolled in Manner directed by the said recited Act, shall be deposited in the Parish Church of *Chertsey* aforesaid, or in such other Place as the said Commissioners shall appoint.

Award to be deposited.

XLVI. 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, together with such Regulations or Provisions relative to the said Allotment or Allotments, or to any other Rights or Interests of His Majesty, 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.

Commissioners to make an Extract of so much of the Award as describes His Majesty's Allotments, &c.

XLVII. And be it further enacted, That if any Person or Persons shall think him, her, or themselves aggrieved by any Thing done in pursuance of this or the said recited Act, then and in every such Case (except where the Orders and Determinations of the said Commissioners are by this or the said recited Act directed to be final and conclusive, and also where Provision is made for Trial at Law as herein-before mentioned) he, she, or they may appeal to any General Quarter Session 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 same Quarter Sessions are hereby required to hear and determine the Matter of every such Complaint, and to make such Order therein, and 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) upon Demand to the Owner or Owners, after deducting the reasonable Charge of such Distress and Sale, which Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removeable by *Certiorari* or any other Writ or Process whatsoever into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

Power to appeal to Quarter Sessions.

XLVIII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person or Persons, Bodies Politic and Corporate, his, her, and their Heirs, Successors, Executors, and Administrators, all such Estate, Right, Title, and Interest (other than

General Saving.

[Loc. & Per.]

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than

than such as are meant and intended to be barred and destroyed by this Act) as they and every of them had and enjoyed, of, in, to, or in respect of the Lands and Grounds hereby directed to be divided and allotted or inclosed, in case this Act had not been made.

Public Act.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1808.