ANNO QUADRAGESIMO OCTAVO

GEORGII III. REGIS.

Cap. 134.

An Act for inclosing Lands in the several Manors of *Kingston-upon-Thames*, and *Imworth*, otherwise *Imbercourt*, in the County of *Surrey*, and for selling Part of such Lands for the Purpose of providing a Court House and Market House for the said Town. [18th *June* 1808.]

WHEREAS there are certain Commons and Waste Lands within and belonging to the several Manors of *Kingston-upon-Thames*, and *Imworth* otherwise *Imbercourt*, in the Parishes of *Kingston-upon-Thames*, and *Thames Ditton*, in the said County of *Surrey*, containing in the Whole, One thousand three hundred Acres or thereabouts, and also certain Open Common Fields, Common Meadows, and Common Pastures within the said Manor of *Imworth* otherwise *Imbercourt*, in the said Parish of *Thames Ditton*, containing in the Whole Fifty Acres or thereabouts; but the Parts and Proportions of the said Lands belonging to the said several Manors, are unknown, or lie intermixed and open to each other: And whereas the Bailiffs and Freemen of the Town of *Kingston-upon-Thames* are Lords of the said Manor of *Kingston-upon-Thames*, and *Robert Taylor* Esquire is Lord of the said Manor of *Imworth* otherwise *Imbercourt*: And whereas *George Hardinge* Esquire is the Lay Impropriator of all the Great Tythes arising, renewing, happening, and increasing

creasing within so much of the said Parish of *Kingston-upon-Thames* as lies within the said Manor of *Kingston-upon-Thames*; and the Right Honourable *Peter* Lord *King* is the Lay Impropriator of all the Great Tythes arising within so much of the said Parish of *Thames Ditton*, as lies within the Residue of the said Manor of *Kingston-upon-Thames*; and the said *Robert Taylor*, *William Spear* Esquire, and several other Persons, are or some or one of them is Lay Impropriators of a certain Portion of the Great Tythes arising within so much of the said Parish of *Thames Ditton* as lies within the Manor of *Imworth*; And whereas the Right Worshipful *Humphrey Sumner* Doctor in Divinity, Provost of the King's College of *Blessed Mary* and *Saint Nicholas* in *Cambridge*, and the Scholars of the same College, are the Patrons of the Vicarage and Parish Church of the said Parish of *Kingston-upon-Thames*, and *George Savage* Clerk is the Vicar thereof, and as such is entitled to all the Small Tythes arising within the said Parish of *Kingston-upon-Thames*; and the said Provost and Scholars are the Patrons of the perpetual Curacy of the said Parish of *Thames Ditton* aforesaid, and *William Ellis* Clerk is the Curate thereof, and as such is entitled to all the Small Tythes arising within the said Parish of *Thames Ditton*: And whereas the Right Honourable *George John* Earl *Spencer*, the said Bailiffs and Freemen, the Right Honourable *Henry Fitzgerald*, commonly called Lord *Henry Fitzgerald*, the said *Peter* Lord *King*, *Robert Taylor*, *Thomas Evance*, *John Polhill*, *Christopher Terry*, *Thomas Langley*, *Jonathan Josiah Christopher Watson*, and *Alexander Brodie* Esquires, and several other Persons, are Owners and Proprietors of divers Messuages, Lands, Tenements, and Hereditaments within the said several Manors and Parishes, and in respect thereof or otherwise are entitled to Right of Common upon the said Commons and Waste Lands; and the said Lord *Henry Fitzgerald* and *Robert Taylor* and *John Baker* and *Joseph Wells*, Gentlemen, and several other Persons, are Owners and Proprietors of the said Open Common Fields, Common Meadows, and Common Pastures, situate within the said Manor of *Imworth* otherwise *Imbercourt*, in the said Parish of *Thames Ditton*: 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 in the passing of such Acts*: And whereas the Lands and Grounds of the respective Proprietors in the aforesaid 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, Meadows, and Pastures were divided and inclosed, 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 Tythes of the said Commons and Waste Lands in Manner hereinafter mentioned: And whereas the present Court House of the said Town of *Kingston-upon-Thames*, in which the Lent Assizes and *Michaelmas* Quarter Sessions of the Peace for the said County are holden, is extremely incommodious and much out of Repair, and not fit for the Reception of His Majesty's Judges of Assize, or of His Majesty's Justices of the Peace for the said County; and the Market House

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in the ſaid Town is alſo very ruinous and decayed, as well as much too ſmall for the Purpoſes for which it was intended; and it would be for the Benefit and Advantage of the ſaid Bailiffs and Freemen and of the Inhabitants at large of the ſaid Town of *Kingston-upon-Thames*, if the Allotment and Allotments to be made to the ſaid Bailiffs and Freemen out of the ſaid Commons and Waſte Grounds, ſituate within the ſaid Manor of *Kingston-upon-Thames*, were to be ſold and diſpoſed of, and the Money thereby ariſing or a ſufficient Part thereof to be laid out and appropriated for and towards the Purpoſes of erecting and building a new Court Houſe, with proper Rooms and Conveniencies thereto, and alſo a new Market Houſe: But as all or any of ſuch ſeveral Objects cannot be attained 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 *Thomas Crawter* of *Cobham*, and *William Neale* of *Cheam* in the ſaid County of *Surrey*, Gentlemen, and their Succeſſors, to be elected in Manner herein-after mentioned, 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 carrying this Act and the ſaid recited Act into Execution, ſave and except ſuch Parts of the ſaid recited Act as are hereby varied or altered. Commiſſioners.

II. And, for the Purpoſe of ſettling and determining any Difference or Diſpute that may ariſe between the ſaid Commiſſioners, touching or concerning any of the Matters and Things to be by them done and performed in purſuance of the ſaid recited Act or of this Act; be it further enacted, That they are hereby required, within Fourteen Days after their taking and ſubſcribing the Oath by the ſaid recited Act directed to be by them taken and ſubſcribed, by Writing under their Hands, to chuſe, nominate, and appoint ſome proper and ſkilful Perſon (not intereſted in any Lands or Hereditaments to be divided and allotted within the ſaid reſpective Pariſhes and Manors) who ſhall be willing and conſent to act as an Umpire; and in caſe the ſaid Commiſſioners ſhall not within the ſaid Space of Fourteen Days have nominated and appointed ſuch Umpire, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Lords of the ſaid ſeveral Manors, Lay Impropriators, Vicar and Curate for the Time being, and of the Owners and Proprietors of and Perſons intereſted in the ſaid Open and Common Fields, Meadows, Paſtures, Commons, and Waſte Grounds, by this Act directed to be divided, allotted and incloſed, or the major Part of them in Value (ſuch Value to be aſcertained by the Land Tax Aſſeſſments of the ſaid Manors and Pariſhes) who ſhall be preſent at a Meeting to be held for that Purpoſe in the Town of *Kingston-upon-Thames* aforeſaid, of which Meeting Fourteen Days Notice at the leaſt, and of the Purpoſe thereof, and of the Time and Place of holding the ſame, ſhall be given by Advertiſement with the Name or Names of any One or more of the ſaid Owners or Proprietors or Perſons intereſted as aforeſaid thereto, in the Newſpaper called the *County Chronicle*, if then publiſhed, and if not then in ſome other Newſpaper circulated in the ſaid County of *Surrey*, and alſo by Writing to be affixed on the principal outer Doors of the Pariſh Church of *Kingston* aforeſaid, by Writing, under Appointment of Umpire.

under their Hands, to nominate and appoint ſuch Umpire; and the ſaid Umpire when ſo nominated and appointed, is hereby authorized and required to hear and determine any Difference or Diſpute which may ariſe between the ſaid Commiſſioners touching any Matter or Thing relating to the ſaid Diviſion, Allotment, and Incloſure; and the Judgement and Determination of the ſaid Umpire therein ſhall be deemed and conſidered to be the Judgement and Determination of the ſaid Commiſſioners, and ſhall be final and concluſive upon the ſaid Commiſſioners, and upon all other Perſons concerned in the ſaid Diviſion, Allotment, and Incloſure, ſo far as the Judgement and Determination of the ſaid Commiſſioners are by the ſaid recited Act and this Act made final and concluſive: Provided always, that in caſe the Perſon ſo to be nominated and appointed by virtue of this Act Umpire as aforeſaid, ſhall die or refuſe to act or become incapable of acting in the Execution of the ſaid recited Act or this Act as ſuch Umpire, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Commiſſioners, within Fourteen Days after ſuch Death, Refuſal, or Incapacity of ſuch Umpire, from Time to Time to nominate and appoint another Perſon as ſuch Umpire in the Room or Stead of the Perſon ſo dying, refuſing to act, or becoming incapable to act as ſuch Umpire in the Execution of the ſaid recited Act and this Act; and in caſe the ſaid Commiſſioners ſhall not within the ſaid Space of Fourteen Days have nominated and appointed ſuch Umpire as aforeſaid, then and in every ſuch Caſe it ſhall and may be lawful to and for the Lords of the ſaid ſeveral Manors, Lay Impropriators, Vicar, and Curate for the Time being, and of the Owners and Proprietors of and Perſons intereſted in the ſaid Open and Common Fields, Meadows, Paſtures, Commons, and Waſte Grounds, by this Act directed to be divided, allotted, and incloſed, or the major Part of them in Value (ſuch Value to be aſcertained by the Land Tax Aſſeſſment of the ſaid Manors and Pariſhes) who ſhall be preſent at a Meeting to be holden at the Town of *Kingston-upon-Thames* aforeſaid, of which Meeting Fourteen Days Notice at the leaſt of the Purpoſe thereof, and of the Time and Place of holding the ſame, ſhall be given by Advertiſement, with the Name or Names of the ſaid Owners and Proprietors, or Perſons intereſted as aforeſaid thereto, in the Newſpaper called the *The County Chronicle*, if then publiſhed, and if not, then in ſome other Newſpaper circulated in the ſaid County of *Surrey*, and alſo by Writing to be affixed on the principal outer Doors of the Pariſh Church of *Kingston* aforeſaid, by Writing under their Hands to nominate and appoint one other Perſon as Umpire in the Room or Stead of the Perſon ſo dying, refuſing to act, or becoming incapable of acting in the Execution of the ſaid recited Act and of this Act as ſuch Umpire; and ſo from Time to Time as often as any Perſon ſo nominated and appointed an Umpire ſhall die, or refuſe to act, or become incapable of acting in the Execution of the ſaid recited Act and of this Act; and in caſe any ſuch Umpire ſhall neglect to ſettle and determine any ſuch Difference or Diſpute within Twenty-one Days after the ſame ſhall have been referred to him by the ſaid Commiſſioners, ſuch Neglect ſhall be deemed and taken to be a Refuſal to act within the Intent and Meaning of this Act.

For appointing another Perſon in his Room in caſe of his Death.

III. Provided always, and be it enacted, That no Perſon ſhall be capable of acting in the Execution of this Act as Umpire, until he ſhall have taken and ſubſcribed the Oath following; (that is to ſay),

'I *A. B.*

'I *A. B.* do swear, that I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the Trust, Power, and Authority reposed in me as Umpire, by virtue of an Act made in the Forty-eighth Year of the Reign of King *George* the Third, intituled, *An Act* [*here insert the Title of this Act.*]

'So help me GOD.' Oath.

Which Oath it shall be lawful to and for either of the said Commissioners to administer (who is and are hereby required to administer the same); and such Oath when so taken and subscribed by such Umpire, shall be annexed to and inrolled with the Award of the said Commissioners.

IV. And be it further enacted, That in case the said *Thomas Crawter*, or any Commissioner to be appointed in his Stead as herein-after is mentioned, shall die, refuse to act, or be incapable of acting in the Execution of the said recited Act or this Act, then and in every such Case it shall and may be lawful to and for the Lords of the several Manors aforesaid, together with the Lay Impropriators, Patrons, Vicar, and Curate for the Time being of the aforesaid several Parishes, or the major Part of them, within One Calendar Month next after such Death, Refusal, or Disability, shall be signified by the remaining Commissioner to such Lords of Manors, Lay Impropriators, Patrons, Vicar, and Curate respectively, by Notice in Writing given to them or left at their last or usual Place of Abode, from Time to Time to elect and appoint a new Commissioner in the Stead of such Commissioner so dying, refusing, or becoming incapable of acting in the Execution of the said recited Act and this Act; and so from Time to Time as often as any Commissioner to be nominated or appointed by such Lords of Manors, Lay Impropriators, Patrons, Vicar, and Curate, shall die, refuse, or become incapable to act in the Execution of the said recited Act and this Act; and in case the said *William Neal*, or any Commissioner to be appointed in his Stead as herein-after mentioned, shall die, refuse, or become incapable to act in the Execution of the said recited Act and this Act, then and in every such Case it shall and may be lawful for the major Part in Value (such Value to be ascertained by the 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 (other than and except the Lords of the aforesaid Manors, and the said Lay Impropriators, Vicar, Patrons, and Curate for the Time being) who shall be present at a Meeting to be holden for that Purpose in the Town of *Kingston-upon-Thames* aforesaid, within One Calendar Month next after such Death, Refusal, or Incapacity shall be signified by the remaining Commissioner, from Time to Time to elect and appoint a new Commissioner in the Stead of such Commissioner so dying, refusing, or becoming incapable to act; of which last-mentioned Death, Refusal, or Incapacity, Notice shall be affixed upon the most publick Doors of the Parish Churches of *Kingston-upon-Thames* and *Thames Ditton*, upon some *Sunday* at least Ten Days before such Meeting; and so from Time to Time as often as any Commissioner so to be elected by such Owners and Proprietors and Persons interested as aforesaid, shall die, refuse, or become incapable to act in the Execution of the said recited Act and this Act; and every such Election and Appointment of a new Commissioner shall be reduced into Writing, and signed by the Persons making such Election and Appointment, Appointment of new Commissioners.

ment, and shall be delivered to the remaining 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 Commissioner shall and he is hereby required from Time to Time by Writing under his Hand, within Fourteen Days after the Expiration of the Time allowed to the respective Parties for naming such new Commissioner, to appoint another Commissioner in the Place of such Commissioner so dying, refusing to act, or becoming incapacitated; and every such Commissioner so to be appointed shall have the like Powers and Authorities for putting this Act into Execution in all Respects as the Commissioner in whose Place he had been appointed had been invested with.

Appointment of Clerk and Surveyor.

V. And be it further enacted, That the said Commissioners shall have Power and they are hereby authorized to appoint some fit and proper Person to be their Surveyor, and also some fit and proper Person to be their Clerk, to assist them in carrying this Act into Execution; and such Surveyor and Clerk from Time to Time to remove, and nominate and appoint some other fit and proper Person or Persons to succeed him or them so removed in such Office, as to the said Commissioners shall seem meet, and to pay and allow to such Surveyor and Clerk respectively such Sum and Sums of Money for their and each of their Attendances, Trouble, and Expences, as to the said Commissioners shall seem meet.

Allowance to Commissioners.

VI. And be it further enacted, That out of the Money which shall be raised for defraying the Expences of obtaining and executing this Act, each of the said Commissioners and the said Umpire, who shall be appointed in the Execution of the Powers and Authorities hereby and by the said recited Act vested in them, shall be paid for each and every Day he shall be employed in any Business relative to the Execution of this Act, or of the Powers hereby vested in him, the Sum of Three Pounds Three Shillings and no more, in full Satisfaction and Discharge for his Time and Trouble, and for the several Expences that he shall be put unto during his several Attendances in the Execution of this Act: Provided always, that the said Proprietors, their Attornies and Agents, shall pay their own Expences when they or any of them shall attend the said Commissioners or Umpire at any of their Meetings to be held in pursuance of this Act.

Commissioners to give Notice of Meetings.

VII. And be it further enacted, That the said Commissioners shall cause Notice to be given in the Parish Church of *Kingston* aforesaid, on some *Sunday* during or immediately after Divine Service, or by Writing to be affixed on One of the principal outer Doors of the said Church, 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*, of the Time and Place of their First and every subsequent Meeting for executing the Powers hereby vested in them, at least Ten Days before such Meeting shall be holden (Meetings by Adjournment only excepted) and the said Commissioners shall and may adjourn any such Meeting from Time to Time for the further Execution of this Act; and in case both the said Commissioners shall not be present at the Time and Place appointed for any Meeting, or to which any Meeting shall be adjourned, it shall be lawful for the Commissioner present at such Time and Place, or for the Clerk or Clerks to the said Commissioners, in case neither of the said Commissioners shall be present at such Time and Place,

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to adjourn the ſaid Meeting to be held on any future Day, not exceeding Fourteen Days from the Day of Adjournment, at the ſame or any other Place; and the ſaid Commiſſioner or Clerk making ſuch Adjournment, is hereby required to give Notice thereof to the abſent Commiſſioners: Provided always, that all Meetings of the ſaid Commiſſioners for the Execution of the ſaid recited Act and this Act, ſhall be holden within the ſaid reſpective Pariſhes of *Kingston-upon-Thames* and *Thames Ditton*, or within Eight Miles of the Boundaries thereof reſpectively.

Other Notices how to be given.

VIII. Provided always, and be it further enacted, That all other Notices neceſſary or requiſite to be given by the ſaid Commiſſioners in purſuance of this Act or of the ſaid recited Act, ſhall be given by Advertiſements to be inſerted in the ſaid Newſpaper called *The County Chronicle*, or in ſome other Newſpaper circulated in the ſaid County of *Surrey*.

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 and exceeding the Space of Five 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 by virtue of this Act, 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 Allotments under this Incloſure equal to the Value of ſuch Encroachments, but ſhall be willing to purchaſe the ſame, then and in ſuch Caſe 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; and in aſcertaining of ſuch 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 in defraying the Coſts, Charges, and Expences of obtaining and paſſing this Act, and of carrying the ſame into Execution; and in caſe there ſhall be any Surplus of ſuch Monies after defraying ſuch Coſts, Charges, and Expences as aforeſaid, then and in ſuch Caſe ſuch Surplus Money ſhall be divided and apportioned between the ſeveral Proprietors and Perſons intereſted in the Lands hereby directed to be divided and incloſed, in ſuch Shares as ſhall be in Proportion to ſuch their reſpective Property and Intereſts; and the Shares of ſuch of them

them as shall be Tenants thereof in Fee Simple, shall be paid to them respectively; and the Shares of such other Proprietors or Persons of and in such Surplus Money, shall be applied and disposed of in Manner directed by the said recited Act in those Cases wherein any Money is to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon; and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the same Uses: Provided always, that all Encroachments made upon the said Commons and Waste Lands within the Space of Five Years 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 Five Years to be thrown open.

Commissioners to settle Disputes.

X. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in any of the Lands, Tenements, or Hereditaments to be affected by this Act, touching or concerning the respective Rights and Interests which they or any of them shall have or claim to have in the same, or touching or concerning any Allotment or Compensation to be made in lieu thereof, or touching or concerning any other Matter or Thing relating to the Division and Allotments hereby directed to be made, it shall be lawful for the said Commissioners, and they are hereby authorized and required to examine into, hear, and determine the same: Provided always, that nothing in this Act contained shall authorize the said Commissioners to determine the Title to any Messuages, Cottages, Lands, Tenements, or Hereditaments whatsoever; and provided also, that nothing herein contained shall authorize or empower the said Commissioners to divide, allot, or inclose, or otherwise intermeddle with a certain Piece or Parcel of Common and Waste Land, containing Thirty Acres or thereabouts, lying within the said Parish of *Thames Ditton*, on the South Side of a certain Stream crossing a Part of the said Commons called *Ditton Marsh*, and which said Piece or Parcel of Land is claimed by the said *Peter* Lord *King*, as Part of the Commons and Waste Lands belonging to his Lordship's Manor of *Claygate*.

Commissioners not to determine Titles.

Power to assess Costs.

XI. 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 of this Act, see Cause to award any Costs, it shall and may be lawful to and for the said Commissioners, 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 Commissioners shall be made, by any Person or Persons, Body or Bodies Politick, Corporate or Collegiate, whose Claim or Claims, Objection or Objections, shall be thereby disallowed or over-ruled; and in Case the Person or Persons, Body or Bodies Politick, Corporate or Collegiate, who shall be liable to pay such Costs or 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,

ſons, Body or Bodies Politick, Corporate or Collegiate, ſo neglecting or refuſing to pay the ſame, rendering the Overplus (if any) to the Perſon or Perſons, Body or Bodies Politick, Corporate or Collegiate, whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold, after deducting the Coſts and Charges attending ſuch Diſtreſs and Sale.

Parties diſſatisfied with Determination of Commiſſioners, may try their Rights at Law.

XII. Provided always, and be it further enacted, That in caſe any Perſon or Perſons, Body or Bodies Politick, Corporate or Collegiate, intereſted or claiming to be intereſted in the ſaid intended Diviſion and Allotments, ſhall be diſſatisfied with any Determination of the ſaid Commiſſioners or Umpire, touching or concerning any Claim or Claims of Right to the Soil of the ſaid Open and Common Fields, Common Meadows, Paſtures, and Waſte Grounds, or of any Rights of Common, or other Rights or Intereſts in, over, and upon the ſame or any Part thereof, it ſhall and may be lawful to and for the Perſon or Perſons ſo diſſatisfied to proceed to a Trial at Law of the Matter ſo determined by the ſaid Commiſſioners or Umpire, 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, Body or Bodies Politick, Corporate or Collegiate, who ſhall be diſſatisfied with the Determination of the ſaid Commiſſioners or Umpire, ſhall cauſe an Action to be brought upon a feigned Iſſue againſt the Perſon or Perſons, Body or Bodies Politick, Corporate or Collegiate, 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, and they is and are hereby required to name an Attorney or Attornies, who ſhall appear thereto and file Common Bail, and accept One or more Iſſue or Iſſues whereby ſuch Claim or Claims, and the Right or Rights thereby inſiſted on, may be tried and determined (ſuch Iſſue or Iſſues to be ſettled by the proper Officer of the Court in which ſuch Action or Actions ſhall be commenced, in caſe the Parties 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 and Bodies Politick, 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 held 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 allow or diſallow the Claim or Claims thereby determined according to the Event of ſuch Trial or Trials.

Determination of Commiſſioners, to which no Objection ſhall be made, to be final.

XIII. Provided always, and be it further enacted, That the Determination of the ſaid Commiſſioners or Umpire, touching ſuch Claim or Claims to the Right to the Soil of the ſaid Open and Common Fields, Common Meadows, Paſtures, and Waſte Grounds, and other Rights and Intereſts in, over, and upon the Lands and Grounds hereby directed to be divided and allotted, which ſhall not be objected to, or being objected to, the Party or Parties objecting and not cauſing ſuch Action at Law to be brought and proceeded in as aforeſaid, ſhall be final and concluſive upon all Parties.

Trial not to ſuſpend the Execution of the Powers of the Act.

XIV. Provided always, and be it further enacted, That no ſuch Difference, Suit or Proceeding as aforeſaid, nor any Difference, Diſpute, 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 any such Difference, Suit, or Proceeding.

Death of Parties not to stay Proceedings at Law.

XV. And be it further enacted, That if any of the Parties, Plaintiff or Defendants in any Action to be brought in pursuance of this Act, shall die pending the same, such Action shall not abate by Reason thereof, but shall be proceeded in as if no such Event had happened.

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

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

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

XVII. 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 such Parties, except in Cases of Encroachments made within the Period of Twenty Years; but in case the said Commissioners shall be of Opinion against the Right of the Person or Persons so in Possession, they shall forbear to make any Determination thereupon until the Possession shall have been given up by or recovered from such Person or Persons by Ejectment or other due Course of Law.

Power to turn and stop Roads.

XVIII. And be it further enacted, That the said Commissioners shall and may turn or abate and stop up, or cause or order to be turned or abated and stopped up any ancient Carriage Road or Way, Roads or Ways, or any ancient Footway or Path, Footways or Paths, in, through, upon, or over any of the Lands or Grounds within the said respective Manors of *Kingston-upon-Thames*, and *Imworth* otherwise *Imbercourt*, where they shall judge it requisite or expedient, giving such Notice of a Day to be appointed by them to receive Objections thereto, as in the said recited Act is directed and required in the Case of the setting out the Roads and Ways therein mentioned, and observing the Directions of the said recited Act as to the obtaining the Concurrence and Order of Two Justices of the Peace previous thereto, and subject to an Appeal to the Quarter Sessions, in such Manner and under such Rules and Regulations as in the said recited Act are mentioned; and the said Commissioners shall and may in and by their

Award order and appoint the Grafs and Herbage growing and renewing on and upon all and every the publick and private Roads to be fet out and afcertained by them by virtue of this and the faid recited Act, to be and for ever thereafter remain to and for the Ufe and Benefit of fuch Perfon or Perfons, Body or Bodies Politick, Corporate or Collegiate, as they the faid Commiffioners fhall in their Opinion think beft entitled to the fame.

Lands to be fold for paying Expences.

XIX. And be it further enacted, That the faid Commiffioners fhall and may, and they are hereby authorized and required, after fetting out the feveral Roads and Ways in Manner by the faid recited Act directed, and after making the faid feveral Allotments herein-after mentioned, to the Surveyors of Parifhes, the Tythe Allotments and Manorial Allotments, in the next Place to proceed to mark and fet out fuch Part or Parts of the faid Commons and Wafte Grounds as will by the Sale thereof, in the Judgement of the faid Commiffioners, raife Money fufficient to defray and difcharge all the Cofts, Charges, and Expences incident to and attending the obtaining and paffing of this Act, fo far as relates to the Inclofure of the faid Lands and Grounds, and of preparing and depofiting the faid Award and the Copies thereof, and of furveying, admeafuring, planning, valuing, dividing, and allotting the faid Commons and Wafte Grounds to be divided, allotted, and inclofed by virtue thereof, and all the Charges of the faid Commiffioners, their Affiftants and Servants, and all other the neceffary Expences of the feveral Perfons to be employed by the faid Commiffioners in and about the faid Commons and Wafte Grounds, and all the Expences of forming, completing, and repairing the publick Carriage Roads and Highways to be fet out and appointed by the faid Commiffioners in, over, or upon the faid Commons and Wafte Grounds, and of ring-fencing the Allotments to the faid Impropriators, Vicar, and Curate; and the faid Commiffioners fhall and they are hereby required to fell the Lands and Grounds fo marked and fet out, in fuch Allotment or Allotments fo as to them fhall feem right and proper, to any Perfon or Perfons for the beft Price or Prices that can be gotten for the fame, by private Contract or by publick Auction or Auctions to be holden for that Purpofe, of which Auction or Auctions refpectively Three Weeks previous Notice fhall be given; and the Perfon or Perfons fo purchafing the fame by private Contract, or at fuch publick Auction, fhall immediately pay (by Way of Depofit) into the Hands of the faid Commiffioners, or fuch Perfon or Perfons as they fhall direct and appoint, One-fifth Part of his, her, or their Purchafe Money, and pay the Remainder thereof within Six Calendar Months next after the faid Sale, or at fuch other Time as the faid Commiffioners fhall appoint, and in Default thereof the Money fo depofited fhall be forfeited, and fhall be applied in carrying this Act into Execution; and the Allotment or Allotments for which the Whole of fuch Purchafe Money fhall not have been fo paid, or for which there fhall be no Bidding at fuch Auction, fhall be again put up to Sale and fold by publick Auction in Manner aforefaid, for the beft Price or Prices that can be gotten for the fame, or be fold by the faid Commiffioners by private Contract for any Sum or Sums not lefs than the remaining Nine-tenths of the Price or refpective Prices for which the fame was or were refpectively before fold, or the Amount of One Bidding above the Sum or refpective Sums at which the fame was or were refpectively put up in the faid former Auction; and every Allotment for which the full Purchafe Money

fhall

ſhall be paid, ſhall immediately thereupon be abſolutely diſcharged of and from all Common and other Rights thereon or therein, and be veſted in Fee Simple in and be incloſed and thenceforth held in Severalty by ſuch Purchaſer or Purchaſers thereof reſpectively, as his, her, or their private and abſolute Property, and ſhall be allotted accordingly by the ſaid Commiſſioners, and the Purchaſe Money ſhall be applied by the ſaid Commiſſioners in defraying ſuch Coſts, Charges, and Expences as aforeſaid.

Application of Surplus Money.

XX. And be it further enacted, That in caſe ſuch Part or Parts of the ſaid Commons and Waſte Grounds hereby directed to be ſold as herein-before mentioned, ſhall be ſold for more Money than will be required to defray ſuch Coſts, Charges, and Expences as aforeſaid, then and in ſuch Caſe ſuch Surplus Money ſhall be divided and apportioned between the ſeveral Proprietors and Perſons intereſted in the Lands hereby directed to be divided and incloſed, in ſuch Shares as ſhall be in Proportion to ſuch their reſpective Property and Intereſts, and the Shares of ſuch of them as ſhall be Tenants thereof in Fee Simple ſhall be paid to them reſpectively; and the Shares of ſuch other Proprietors or Perſons of and in ſuch Surplus Money, ſhall be applied and diſpoſed of in Manner directed by the ſaid recited Act in thoſe Caſes wherein any Money is to be paid for the Purchaſe or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the ſame Uſes.

Defraying Expences by Rate, in caſe of Money raiſed by Sale not ſufficient.

XXI. And be it further enacted, That all Coſts, Charges, and Expences (in caſe the Money raiſed by the Sale of the Lands herein directed to be ſold ſhall be inſufficient to defray the ſame) of ſurveying, planning, valuing, dividing, and allotting the Lands and Grounds which ſhall by virtue of this Act be allotted to the Lords of the ſaid Manors, and Proprietors of the Lands, Tenements, and Hereditaments within the ſame, and the Coſts, Charges, and Expences incident to and attending the obtaining this Act, and of fencing the ſeveral Tythe Allotments, and of preparing, copying, and depoſiting, the Award of the ſaid Commiſſioners, and all the Charges and Expences of the ſaid Commiſſioners, their Clerks, Aſſiſtants, and Servants, and all other neceſſary Expences of the ſevaral Perſons to be employed by the ſaid Commiſſioners in and about the Premiſes, either before or after the Execution of the ſaid Award; and all the Expences of forming, completing, and repairing the publick Carriage Roads and Highways to be ſet out and appointed by the ſaid Commiſſioners, and all other Expences of carrying this Act and the ſaid recited Act into Execution, ſhall be borne and defrayed by the ſeveral Perſons to whom any Allotment or Allotments ſhall be made by virtue of this Act (ſave and except the ſeveral Allotments of the ſaid Lay Impropriators, Vicar and Curate for the Time being, in reſpect of any Allotment or Allotments which ſhall be made to them reſpectively in reſpect of their ſaid Tythes); which ſaid Coſts, Charges, and Expences, together with the Proportions thereof to be paid by the ſeveral Perſons hereby made liable to the Payment thereof, ſhall be ſettled and adjuſted by the ſaid Commiſſioners, and ſhall be paid at ſuch Time and Place and to ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall appoint, either before or after the Execution of their ſaid Award; and in caſe any Perſon or Perſons, Body or Bodies Politick, Corporate, or Collegiate, ſhall refuſe or neglect to

pay

pay his, her, or their Share or Proportion of ſuch Coſts, Charges, and Expences, according to ſuch Direction or Appointment as aforeſaid, then and in ſuch Caſe the ſame ſhall and may be recovered in Manner directed by the ſaid recited Act.

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

XXIII. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized and required to ſet out, allot, and award unto the Surveyors of the Highways within the ſaid reſpective Pariſhes of *Kingston-upon-Thames* and *Thames Ditton*, for the Time being, ſuch Part and Parts of the ſaid Commons and Waſte Lands within the ſaid reſpective Pariſhes and Manors hereby directed to be divided, allotted, and incloſed, as the ſaid Commiſſioners ſhall think proper and neceſſary, for public Pits for getting Gravel and other Materials for making and repairing the preſent Roads or Ways, or any Roads or Ways within the ſaid reſpective Pariſhes, to be made by virtue of this Act or of the ſaid recited Act; and ſuch ſaid ſeveral Allotments and Parts of Land, when ſo allotted, ſet out, and awarded, ſhall be veſted in the reſpective Surveyors of the Highways of the ſaid ſeveral Pariſhes of *Kingston-upon-Thames*, and *Thames Ditton*, for the Time being, in ſuch Manner and under ſuch Rules and Regulations as the ſaid Commiſſioners ſhall in and by their Award direct and appoint. Allotments to Surveyors of Gravel Pits.

XXIV. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized and required to ſet out, divide, allot, and award unto, for, and amongſt the ſaid reſpective Impropriators, Vicar, and Curate, according to their ſeveral and reſpective Rights and Intereſts in and over the ſaid Commons and Waſte Lands (and diſtinguiſhing and ſeparating by their ſaid Award each of the ſaid Allotments ſo to be made to the ſaid ſeveral Impropriators from the other of them, and each of the ſaid Allotments ſo to be made to the ſaid Vicar and Curate from the other of them) for and in lieu of and as a full Compenſation for all their reſpective Tythes both Great and Small, and all Moduſes, Compoſitions, or Dues and Payments whatſoever (except Mortuaries, *Eaſter* Offerings, and Surplus Fees) growing, ariſing, accruing, iſſuing, or payable in, out of, from, and upon the ſaid Commons and Waſte Lands hereby intended to be divided, allotted, and incloſed, ſuch ſeveral Plots, Parcels, and Allotments of the ſame Commons and Waſte Lands in the ſaid reſpective Manors and Pariſhes, as ſhall in the Judgement of the ſaid Commiſſioners be equal in Value to one full Ninth Part of the ſaid Commons and Waſte Lands in the ſaid reſpective Pariſhes and Manors which ſhall remain after the ſeveral publick and private Roads to be ſet out in purſuance of this or of the ſaid recited Act ſhall be deducted therefrom. Allotments to Tythe Owners, Vicars, &c.

XXV. And be it further enacted, That the Lands and Grounds ſo aſſigned and allotted to ſuch Lay Impropriators, Vicar and Curate reſpectively, as a Satisfaction and Compenſation for all the Tythes both Great and Small ariſing, growing, renewing, happening, and payable reſpectively to Allotments in lieu of Tythes to be held ſubject to the ſame Uſes, &c. as the Tythes.

to him, her, or them, out of the ſaid Commons and Waſte Lands, and all Moduſes, Compoſitions, and other Payments in lieu thereof, ſhall ſtand limited, ſettled, and aſſured to, for, and upon ſuch and the ſame Eſtates, Uſes, Truſts, Intents, and Purpoſes, as ſuch Tythes, Moduſes, Compoſitions, and other Payments reſpectively ſhall ſtand limited and be ſubject and liable to at the Time of making ſuch Allotments reſpectively.

Extinguiſhment of Tythes.

XXVI. And be it further enacted, That immediately after the ſaid Commiſſioners ſhall have ſet out the ſeveral and reſpective Allotments hereinbefore directed to be made to the ſaid Impropriators, Vicar, and Curate, in lieu of and as a Compenſation for their ſeveral and reſpective Rights of Tythes aforeſaid, and ſhall have given Notice thereof in Writing under their Hands, to be affixed on the reſpective Doors of the ſeveral Pariſh Churches of *Kingston-upon-Thames* and *Thames Ditton* aforeſaid, all Tythes both Great and Small ariſing, growing, renewing, increaſing, happening, or payable in, out of, from, or upon the ſaid Commons and Waſte Lands to be divided and incloſed by virtue of this Act, and all Moduſes, Compenſations, or other Payments in lieu of Tythes, and all other Eccleſiaſtical Dues and Payments whatſoever (except *Eaſter* Offerings, Mortuaries, and Surplus Fees) ſhall ceaſe and be for ever extinguiſhed.

Not to affect Tythes of old Incloſures, Common Fields, &c.

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

Allotments to Lords of Manors.

XXVIII. 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 Bailiffs and Freemen, Lords of the ſaid Manor of *Kingston-upon-Thames*, and to the ſaid *Robert Taylor*, Lord of the ſaid Manor of *Imworth* otherwiſe *Imbercourt*, in reſpect of their ſaid reſpective Manors within the ſaid Pariſhes of *Kingston-upon-Thames* and *Thames Ditton*, One-ſixteenth Part of all the Commons and Waſte Lands lying within the ſaid reſpective Manors and Pariſhes, to be ſeparated and divided amongſt the ſaid Lords of the ſaid ſeveral Manors, in Proportion to the Quantity and Quality of the Waſte Lands belonging to each of their ſaid Manors, lying within the ſaid Pariſhes, in lieu of the Rights of the Lords of the ſaid Manors in and to the Soil of the ſaid Commons and Waſte Lands reſpectively.

This Act not to extend to the Manor of Coombe.

XXIX. Provided always, and be it further enacted, That nothing herein contained ſhall authorize or empower the ſaid Commiſſioners to divide, allot, or incloſe, or otherwiſe intermeddle with all or any Part of the Commons and Waſte Lands (if any ſuch there be) ſituate and being within the Manor of *Coombe*, otherwiſe *Coombe Neville*, in the ſaid Pariſh of *Kingſton-*

Kingston-upon-Thames, and which Manor belongs to the said *George John* Earl *Spencer*.

XXX. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to authorise or empower the said Commissioners to divide, allot, or inclose, or otherwise intermeddle with any Commonable or Waste Lands or Grounds situate within the Manor of *Weston*, in the said Parish of *Thames Ditton*, but that the said Lands and Grounds shall be exempted from the Powers and Provisions of this Act. This Act not to extend to the Manor of Weston.

XXXI. And be it further enacted, That the said Commissioners shall not inclose or intermeddle with a certain Piece or Parcel of the said Commons and Waste Lands situate within the said Manor of *Kingston-upon-Thames*, called *Gig's Hill*; and containing Three Acres or thereabouts, bounded on One Side by the *London* and *Portsmouth* Road, and the Road leading to *Thames Ditton*, and by certain Cottages, the Property of the late Sir *Richard Sullivan* Baronet. Commissioners not to inclose Gig's Hill.

XXXII. And be it further enacted, That the said Commissioners shall divide, set out, and allot all the Residue and Remainder of the said Commons and Waste Lands in the said respective Parishes and Manors 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 Parishes and Manors, 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. Allotments to Proprietors.

XXXIII. And be it further enacted, That the several Plots and Parcels of Waste Grounds so to be set out and allotted by virtue of this Act, as a Satisfaction and Compensation for Great and Small Tythes, shall be inclosed and fenced on the outward Boundaries thereof; and (until the Execution of the Award of the said Commissioners) such Fences shall be maintained, supported, and preserved in such Manner as the said Commissioners shall order and direct, by and out of the Money arising from the Sale of the Lands and Tenements herein directed to be sold for the Purposes of this Act as aforesaid, or by and out of the Rate or Rates herein-before directed to be made; and the said Commissioners shall in and by their said Award order and appoint to whom the said several Fences shall belong, after the same shall have been properly made; and the said several Fences shall for ever thereafter be secured, kept in Repair, maintained, and supported by and at the Expence of the Person and Persons to whom the same shall be so awarded to belong. Allotments to Impropriators, Rector, and Vicar, to be fenced at the general Expence.

XXXIV. 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 Tenure of Allotments.

tively held and enjoyed; 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 Allotment 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.

Allotments to be held with those in reſpect of which they are allotted.

XXXV. And be it further enacted, That wherever any Lands, Tenements, or Hereditaments ſhall be in Leaſe or under an Agreement for a Leaſe, the Allotments which ſhall be made by virtue of this Act for or in reſpect of the Premiſes compriſed in every ſuch Leaſe or Agreement, ſhall be held by every ſuch Leſſee during the Remainder of his Term if he thinks proper; and then and in that Caſe the ſaid Commiſſioners ſhall fix the Amount of the additional Rent to be paid by ſuch Leſſee in Conſideration of the Improvement by the Incloſure, and of the Expence the Landlord will incur in the incloſing and fencing of the Allotments.

Compenſation to be made to Mr. Goddard, as Leſſee of the Rectorial Tythes, if the Incloſure ſhould be found detrimental to his Intereſt.

XXXVI. And whereas *Joſeph Goddard* Gentleman, is Leſſee of the Rectorial Tythes of the ſaid Pariſh of *Kingston-upon-Thames*, including the Tythe of Wool and Lamb, and alſo of certain Lands in the ſaid Pariſh of *Kingston-upon-Thames*, under a certain Leaſe from the ſaid *George Hardinge*; for the Term of Twenty-one Years from *Michaelmas* One thouſand eight hundred and five, determinable at the End of the firſt Seven or Fourteen Years of the ſaid Term, at the Option of the ſaid Leſſee; be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required to inquire what (if any) Detriment or Loſs is likely to accrue to the ſaid *Joſeph Goddard*, his Executors, Adminiſtrators, and Aſſigns, by or from the Incloſure of the ſaid Commons and Waſte Lands; and that ſuch Commiſſioners ſhall, out of the ſaid Allotment or Allotments to the ſaid *George Hardinge* in lieu of Tythes, order and award ſuch Compenſation to the ſaid *Joſeph Goddard*, his Executors, Adminiſtrators, and Aſſigns, and in ſuch Manner as they ſhall think fit in reſpect of ſuch Loſs and Detriment (if any).

XXXVII. And

XXXVII. And be it further enacted, That it shall be lawful for any Person or Persons interested in the said Inclosures, at any Time before the Execution of the said Award, to sell and dispose of such Estate, Rights, Title, and Property 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 by Deed or otherwise, according to the Tenure of the Estate or Interest in respect whereof such Allotments shall be made, 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 valid and effectual to all Intents and Purposes whatsoever, and the said Commissioners shall award such Allotments to the Purchasers thereof accordingly.

Persons selling Rights before Execution of the Award, Commissioners to Award to the Purchasers.

XXXVIII. 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 and Common Fields, Meadows, and Pastures within the said Manor of *Imworth* otherwise *Imbercourt*, in the said Parish of *Thames Ditton*, 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 and 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; and the said Commissioners shall also mark out the several Allotments of the said Fields, Meadows, and Pastures by proper Metes, Bounds, or Landmarks, and shall also direct the said Fields, Meadows, and Pastures to be stocked by the Owners thereof with Cattle, of such Sort, in such Numbers, at such Times, and for such Seasons, and subject to such other Regulations as to the future Enjoyment thereof, and under such Penalties, not exceeding Twenty 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 Rights in and upon the said Fields, Meadows, and Pastures, shall thereafter be extinguished.

Allotments of the Open and Common Fields, Meadows, &c.

XXXIX. 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 said Open Common Fields, Common Meadows, and Common Pastures within the said Manor of *Imworth*, otherwise *Imbercourt*, in the said Parish of *Thames Ditton*, hereby intended to be divided and allotted or inclosed, either alone or together with any other Lands, Tenements, and Hereditaments, shall immediately upon such Allotments and Divisions being made, and such Award or Instrument 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 Heredi-

Leases at Rack Rent within the Manor of Imworth (as far as respects Common Fields) to be vacated if necessary.

ments 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, shall be held by the Tenant or Tenants, Lessee or Lessees of any such Estates, 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.

Commissioners to make Drains.

XL. 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 several Manors in the said several Parishes or either of them, 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, allotted, and inclosed, as also in, over, and through any ancient Inclosures within the said Manors and Parishes respectively, 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 no such Streams or Brook shall be diverted or turned without the Consent in Writing of the Owner or Owners of the Lands and Grounds from which any such Stream or Brook shall be diverted, or into which any such Stream or Brook shall be turned.

Wills and Settlements not to be affected.

XLI. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to revoke, make void, alter, or annul any Will or Settlement, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Debt, or Incumbrance out of, upon, or affecting any of the Lands, Tenements, and Hereditaments to be divided, allotted, or exchanged by virtue of the said recited Act or of this Act, or any Part thereof, but that each and every Proprietor shall stand and be seised of the several Lands, Tenements, and Hereditaments to be allotted to or exchanged with him or her as aforesaid, to such and the same Uses, and for such and the same Estates, and subject to such and the same Wills, Jointures, and Charges, and no other, as the Lands, Tenements, and Hereditaments whereof such Proprietor was seised or possessed at or immediately before the Execution

of

of the Award to be made by the ſaid Commiſſioners, or for which or in reſpect whereof ſuch Allotments or Exchanges ſhall be made, would have been ſubject to be charged with or affected by in caſe this Act had not been made.

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

XLII. And whereas it will tend greatly to the Improvement of the ſaid Commons or 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 enabled to make proper Leaſes of all or any Part of ſuch Commons and 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 that the Leſſee or Leſſees do at the ſame Time execute a Counterpart or Counterparts of ſuch Leaſe or Leaſes.

Commiſſioners to lay Accounts before 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 Accounts to be kept in the Office of the Clerk to the ſaid Commiſſioners.

No Charge valid unleſs duly allowed by ſuch Juſtices.

XLIV. And be it further enacted, That no Charge 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.

XLV. And

Award to be depoſited.

XLV. And be it further enacted, That the Award to be made by the ſaid Commiſſioners, when enrolled in Manner directed by the ſaid recited Act, ſhall be depoſited in the Pariſh Church of *Kingston-upon-Thames* aforeſaid, or in ſuch other Place as the ſaid Commiſſioners ſhall appoint within the ſaid Pariſhes of *Kingston-upon-Thames*, or *Thames Ditton*.

Bailiffs and Freemen to ſell Lands.

XLVI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Bailiffs and Freemen of the Town of *Kingston-upon-Thames*, and their Succeſſors for the Time being, and they are hereby empowered to ſell and diſpoſe of the Allotment and Allotments to be veſted in them as aforeſaid by virtue of this Act, either as Lords of the ſaid Manor of *Kingston-upon-Thames* or as the Owners and Proprietors in their corporate Capacity, of Lands, Tenements, and Hereditaments lying within the ſaid Manor, with their and every of their Rights, Members, and Appurtenances, and of the Fee Simple thereof, as to them ſhall ſeem right and proper, free from all Incumbrances whatſoever affecting the ſame, or affecting the Manor, Lands, and Hereditaments in Right of which the ſame Lands and Grounds ſhall be ſo awarded, by public Auction or private Contract, unto any Perſon or Perſons who ſhall be willing to become the Purchaſer or Purchaſers thereof, for ſuch Price or Prices as can moſt reaſonably be obtained or gotten for the ſame; and upon Payment of the Monies for which ſuch Lands and Grounds ſhall be ſold, ſhall and do convey and aſſure the ſame unto and to the Uſe of ſuch Purchaſer or Purchaſers, and his, her, or their Heirs and Aſſigns for ever, as he, ſhe, or they ſhall direct or appoint, to be held by him, her, or them accordingly for ever.

Bailiffs, &c. to build a Town Hall or Court Houſe.

XLVII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Bailiffs and Freemen and their Succeſſors to cauſe a proper and commodious Town Hall or Court Houſe, fit for the Reception of His Majeſty's Judges of Aſſize, and of His Majeſty's Juſtices of the Peace for the ſaid County, with ſuch Courts, Rooms, and other Conveniences therein and thereto as may be thought neceſſary, to be provided in the ſaid Town of *Kingston-upon-Thames*, either by repairing and enlarging the preſent Court Houſe of the ſaid Town, or by rebuilding the ſame or any Part thereof on the Scite of the preſent Town Hall, or elſewhere in the ſaid Town as may be moſt convenient; and alſo to cauſe a proper and commodious Market Houſe to be erected and built in the ſaid Town of *Kingston-upon-Thames*, with all neceſſary Conveniences therein and thereto, with ſuch Rooms and Chambers over or adjoining the ſame as may be found neceſſary and convenient; and for the Purpoſes aforeſaid it ſhall and may be lawful to and for the ſaid Bailiffs and Freemen of the Town of *Kingston-upon-Thames* and their Succeſſors to contract and agree with any proper Surveyor, Architect, Artificer or Artificers, Workman or Workmen, for the performing, executing, completing, and finiſhing ſuch Buildings and Works; and the ſaid Bailiff and Freemen and their Succeſſors ſhall and they are hereby empowered and required, by, from, and out of the Monies to ariſe by ſuch Sale and Sales as are herein-before authorized and directed to be made of the ſaid Allotment and Allotments veſted in them by virtue of this Act, to defray, as far as the ſame will extend, all ſuch Coſts, Charges, and Expences as may attend the executing, completing, and finiſhing the ſaid Buildings and Works.

XLVIII. And

XLVIII. And be it further enacted, That the Costs, Charges, and Expences of obtaining, passing, and putting into Execution this Act, so far as relates to providing a Town Hall or Court House and Market House within the said Town of *Kingston-upon-Thames*, shall be borne and paid by the Bailiffs and Freemen of the said Town, out of the Allotments to be made to them in pursuance of this Act.

For paying the Expences of a certain Part of the Act.

XLIX. And be it further enacted, That such Town Hall or Court House and the said Market House, and all other Buildings made and erected in pursuance or by virtue of this Act, shall be and be deemed to be vested in the said Bailiffs and Freemen of the said Town of *Kingston-upon-Thames* and their Successors, to be used for the Purposes for which they are hereby directed to be built and provided as aforesaid, and other Parochial Purposes, for which the present Town Hall of the said Town is used and appropriated, and for such other parochial or public Purposes as may at any future Time be found necessary or expedient in the said Town,

Such Town Hall, &c. vested in Bailiff and Freemen.

L. Provided always, and be it enacted, That it shall and may be lawful to and for the said Bailiffs and Freemen and their Successors to sell and dispose of the Materials of the present Town Hall and Market House (if the same or any Part or Parts thereof respectively shall be taken down) and to pay and apply the Money thereby arising in Aid of the Costs and Charges attending the Building and Works herein-before directed.

Power to sell Materials of the present Town Hall or Market House.

LI. And be it further enacted, That it shall and may be lawful to and for the said Bailiffs and Freemen and their Successors (without incurring any of the Penalties or Forfeitures of Mortmain) to purchase any Messuages, Lands, Tenements, and Hereditaments lying within the said Town of *Kingston-upon-Thames*, to them and their Successors, for the more commodious and better forming, erecting, and completing the Buildings and Works herein-before directed as aforesaid; and if after forming, erecting, and completing the said Buildings and Works, the said Messuages, Lands, Tenements, and Hereditaments so authorized to be purchased as aforesaid, or the Scites of the present Town Hall or Court House, and Market House, or either of them, or any Part or Parts thereof, shall be found useless and unnecessary for the Purposes of the said intended Buildings, it shall and may be lawful to and for the said Bailiffs, Freemen, and their Successors, and they are hereby authorized to sell and convey the same to any Person or Persons willing to become the Purchaser or Purchasers thereof, and his, her, and their Heirs, for the best Price and Prices that can reasonably be obtained for the same, and the Money thereby arising shall be paid and applied in and for the Uses and Purposes directed by this Act.

Power to purchase Houses, &c. if necessary.

Buildings, &c. not wanting may be sold.

LII. And be it further enacted, That previous to any public Auction being held for the Sale of any of the said Pieces or Parcels of Land and Ground so to be awarded to the said Bailiffs and Freemen, and herein directed to be sold by public Auction as aforesaid, Six Weeks Notice of such intended Auction or Auctions shall be given in some Newspaper or Newspapers printed and circulated in the said County of *Surrey*; and the Purchaser or Purchasers at such Auction shall immediately pay (by way of Deposit) to the said Bailiff and Freemen or their Successors, or to such Person or Persons as they shall appoint to receive the same, One-fifth Part of his, her, or their Purchase Money, and shall also pay the Remainder

Sales by Auction.

mainder thereof at ſuch other Time as the ſaid Bailiffs and Freemen or their Succeſſors ſhall at or before the Time of ſuch Auction or Auctions appoint; and in Default thereof the Money ſo depoſited ſhall be forfeited, and ſhall be applied for the Payment of the Coſts, Charges, and Expences incident to and attending the obtaining and paſſing this Act; and the Allotment or Allotments of Land and Ground, for which the Whole of ſuch Purchaſe Money ſhall not have been paid, or for which there ſhall be no Bidding at ſuch Auction or Auctions, ſhall again be put up to Sale, and ſold in Manner aforeſaid for the beſt Price or Prices that can be ſo gotten for the ſame, or be ſold by the ſaid Bailiffs and Freemen and their Succeſſors by private Contract, for any Sum or Sums of Money not leſs than the remaining Four-fifths of the Price or reſpective Prices for which the ſame was or were reſpectively before ſold, or the Amount of One Bidding above the Sum or reſpective Sums at which the ſame was or were reſpectively put up in the ſaid former Auction or Auctions.

Diſpoſal of the Overplus Monies.

LIII. And be it further enacted, That if any Overplus ſhall remain of the Produce of the Purchaſe Monies to ariſe by ſuch Sale and Sales as are herein-before directed and authorized after Payment of the Coſts, Charges, and Expences attending the Buildings and Works hereby directed to be made as aforeſaid, ſuch Overplus, if the ſame ſhall amount to the Sum of Two hundred Pounds and upwards, ſhall be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there *ex parte* the Bailiffs and Freemen of the Town of *Kingston-upon-Thames*, purſuant to the Method preſcribed by the Act of the Twelfth Year of His late Majeſty King *George* the Firſt, and the general Rules and Orders of the ſaid Court, and without Fee or Reward, according to the Act of the Twelfth Year of the Reign of King *George* the Second; and ſuch Overplus ſhall hereafter be applied by the Bailiffs and Freemen of the ſaid Town of *Kingston-upon-Thames* to ſuch parochial Purpoſes and Improvements of the ſaid Town as to them ſhall ſeem right and proper.

Overplus in the mean Time to be laid out in Exchequer Bills, &c.

LIV. And be it further enacted and declared, That the ſaid Overplus ſhall be laid out in the Purchaſe of Navy or Victualling Bills or Exchequer Bills, and the Intereſt ariſing from the Money ſo laid out in the ſaid Navy or Victualling Bills or Exchequer Bills, as they ſhall be reſpectively paid off by Government, ſhall be laid out in the Name of the ſaid Accountant General in the Purchaſe of other Navy or Victualling or Exchequer Bills, all which ſaid Navy and Victualling and Exchequer Bills ſhall be depoſited in the Bank in the Name of the ſaid Accountant General and ſhall there remain until ordered by the ſaid Court of Chancery to be ſold, upon Petition to be preferred in a ſummary Way by the Bailiffs and Fremen of the Town of *Kingston-upon-Thames*, for the Purpoſes aforeſaid.

Appeal.

LV. 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 or the ſaid recited Act (other than and except ſuch Orders and Determinations of the ſaid Commiſſioners as are by the ſaid recited Act or this Act directed to be final or concluſive, and except in ſuch Caſes where an Iſſue at Law is herein-before directed to be tried) then and in every ſuch Caſe he, ſhe, or they may appeal to the General Quarter Seſſions of the Peace which ſhall be holden for the ſaid County of *Surrey*, within Six Calendar Months next after the Cauſe of Complaint ſhall have

arisen, on giving to the Person or Persons appealed against Twenty-one Days Notice in Writing of such Appeal and of the Matter thereof; and the Justices (not interested in the Premises) at their General Quarter Sessions or at any Adjournment thereof, are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein and to award such Costs and Damages as to them in their Discretion shall seem reasonable, and by their Order and Warrant to levy the Costs and Charges which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) on Demand to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale; and the Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removable by *Certiorari*, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous and vexatious, or without Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants as to them in their Discretion shall seem reasonable, and be levied in Manner aforesaid.

Body or Bodies Politick, etc. Right to Tolls not to be affected.

LVI. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to alter, vary, or affect any Tolls, Dues, Duties, or Perquisites whatsoever arising, accruing, due, or payable from the said Market in the said Town of *Kingston-upon-Thames*, to any Body or Bodies Politick, Corporate, or Collegiate, or any Person or Persons whomsoever; but all such Tolls, Dues, Duties, and Perquisites shall be due and payable to such Body and Bodies Politick, Corporate, and Collegiate, and their Successors, and to such Person and Persons, their Heirs and Assigns, in such and in like Manner as if this Act had not been made.

Saving Clause.

LVII. Saving always to the King's most Excellent Majesty, his Heirs and Successors, and to all and every Person and Persons, Body or Bodies Politick, Corporate and Collegiate, his, her, or their Heirs, Successors, Executors, and Administrators, all such Right, Title, and Interest, other than and except such as is and are hereby meant and intended to be barred, destroyed, and extinguished, as they, every, or any of them could or ought to have had and enjoyed of, in, to, or out of the Lands and Grounds by this Act directed to be divided, allotted, and inclosed, in case this Act had not been made.

Publick Act.

LVIII. 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.