ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 163.

An Act for incloſing *Coxheath*, in the Pariſhes of *Boughton Monchelſea*, *Looſe*, *Linton*, *Eaſt Farleigh*, *Weſt Farleigh*, and *Hunton*, in the County of *Kent*. [17th *June* 1814.]

WHEREAS there is within the Pariſhes of *Boughton Monchelſea*, *Looſe*, *Linton*, *Eaſt Farleigh*, *Weſt Farleigh*, and *Hunton*, in the County of *Kent*, a certain Heath or Common and Waſte Ground called *Coxheath*, containing by Eſtimation Nine hundred Acres or thereabouts: And whereas the King's moſt Excellent Majeſty, in Right of His Crown, is Lord of the Manor of *Eaſt Farleigh*: And whereas *Joſeph King* Eſquire claims to be Lord of the Manor of *Weſt Farleigh*: And whereas the Dean and Chapter of the Cathedral and Metropolitical Church of *Canterbury*, are Lords of the Manors of *Looſe* and *Hollingborne*: And whereas *Thomas Rider* Eſquire is Lord of the Manor of *Boughton Monchelſea*: And whereas *Thomas Turner* Eſquire is Lord of the Manor of *Hunton*: And whereas *Sybilla Martin* and *Anna Suſannah Martin*, Spinſters, are Ladies of the Manor of *Bruſhing*: And whereas *Richard Vachell* Eſquire is Lord of the Manor of *Pimps Court*: And whereas the ſaid Dean and Chapter of *Canterbury*, *Thomas Rider*, *Thomas Turner*, and divers other Perſons, are reſpectively the Owners and Proprietors of Meſſuages, Lands, and Tenements, ſituate, lying, and being within the ſaid Pariſhes of *Boughton Monchelſea*, *Looſe*, *Linton*, *Eaſt Farleigh*, *Weſt Farleigh*, and *Hunton*: And whereas an Act was paſſed in the Forty-firſt Year of the Reign of His preſent Majeſty, intituled *An Act for conſolidating in One Act certain Proviſions uſually inſerted in Acts of Incloſure, and for facilitating the Mode of proving the ſeveral Facts uſually required on the paſſing*

of such Acts: And whereas the said Heath or Common and Waste Ground yields but little Profit, and is in its present State incapable of any considerable Improvement; and it would be very beneficial to the several Persons interested therein if the same were divided, and specific Parts or Shares thereof allotted unto and amongst them according to their respective Estates, Rights, and Interests; but such Objects cannot be obtained without the 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 Pursbouse Driver* of the *Kent Road*, *Southwark*, in the County of *Surrey*, Land Surveyor; *William Murton* of *Tunstal*, in the County of *Kent*, Gentleman; and *Robert Rugg* of *Debtling*, in the same County, Gentleman, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Commissioners for valuing, dividing, allotting, and inclosing the said Heath or Common and Waste Ground, and for carrying this Act into Execution, subject to such of the Powers, Authorities, Directions, Regulations, Restrictions, and Provisions contained in the said recited Act, as are not altered, varied, or otherwise provided for by this Act; and that all Matters and Things done by any Two of the Commissioners named in or to be appointed by virtue of this Act, shall be, to all Intents and Purposes, as valid and effectual as if the same were done and performed by all of the said Commissioners.

Commissioners appointed.

Election of future Commissioners.

II. And be it further enacted, That in case either of the said Commissioners herein-before named or appointed, or to be appointed as herein-after mentioned, shall, before the finishing and completing of the said Division and Allotment, die, or refuse to act, or become incapable of acting as a Commissioner in the Execution of this Act, another Commissioner, in the room of the Commissioner so dying, declining, or refusing to act, or becoming incapable of acting, shall be elected in Manner following; (that is to say), if the said *Abraham Pursbouse Driver* shall die, or refuse to act, or become incapable of acting as aforesaid, it shall be lawful for the Commissioners of His Majesty's Woods, Forests, and Land Revenues, or for the Surveyor General of His Majesty's Land Revenues for the Time being, by any Writing under their Hand, to appoint a Commissioner, not interested in the said Division and Allotment, in the room of the said *Abraham Pursbouse Driver*, and so from Time to Time as often as any Commissioner so to be appointed by the said Commissioners or Surveyor General shall die, or refuse to act, or become incapable of acting as aforesaid; and if the said *William Murton* or the said *Robert Rugg* shall die, or refuse to act, or become incapable of acting as aforesaid, it shall and may be lawful to and for all and every the Proprietors or Persons (other than and except the Commissioners of His Majesty's Woods, Forests, and Land Revenues, or the Surveyor General of His Majesty's Land Revenues for the Time being), interested in the said Land and Ground directed by this Act to be divided and allotted, or to or for their Agents or Attornies duly authorized, or the major Part of them in Value (such Value to be ascertained by the Land Tax Assessment for the said Parishes), who shall be present at a public Meeting to be held for that Purpose, at some convenient Place in one of the said Parishes of *Boughton Monchelsea*, *Loose*, *Linton*, *East Farleigh*, *West Farleigh*, and *Hunton*,

Hunton, in purſuance of a Notice to be given in *The Maidſtone Journal*, or in ſome one of the Weekly Newſpapers publiſhed or circulated in the County of *Kent*, and alſo to be affixed on the Doors of the Pariſh Churches of *Boughton Monchelſea*, *Looſe*, *Linton*, *Eaſt Farleigh*, *Weſt Farleigh*, and *Hunton* aforeſaid, at leaſt Seven Days before ſuch Meeting, by Writing under their Hands, to appoint one other Commiſſioner not intereſted in the ſaid intended Diviſion and Allotment, in the room of the ſaid Commiſſioner ſo dying, declining, or refuſing to act, or becoming incapable of acting, and ſo from Time to Time as often as any Commiſſioner ſo to be appointed by the ſaid Proprietors ſhall die, or refuſe to act, or become incapable of acting as aforeſaid; and in caſe the ſaid Parties ſhall make Default in appointing any future Commiſſioner for the Space of Twenty-eight Days after ſuch Vacancy ſhall have happened, it ſhall and may be lawful for the ſurviving or remaining Commiſſioners or Commiſſioner, and they and he are and is hereby required to nominate ſome fit and proper Perſon, not intereſted in the ſaid Diviſion and Allotment, to be a Commiſſioner in the room of ſuch Commiſſioner ſo dying, refuſing to act, or becoming incapable of acting as aforeſaid, by Writing under their Hands or his Hand; and every ſuch future Commiſſioner ſo to be appointed, ſhall have the like Powers and Authorities for putting this Act in Execution, as the Commiſſioner in whoſe Place he ſhall be ſo appointed was inveſted with by virtue of this Act.

Appointment of 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 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 Perſons to ſucceed him or them in ſuch Office, as to the ſaid Commiſſioners ſhall ſeem meet.

Appointment of Surveyor.

IV. And be it further enacted, That *Richard Kynaſton Summerfield* of *Aylesford*, in the County of *Kent*, Land Surveyor, and his Succeſſor, to be elected as herein-after mentioned, ſhall be, and he is hereby appointed Surveyor for the Purpoſes of this Act; and if the ſaid *Richard Kynaſton Summerfield*, or any Surveyor to be appointed in his Stead as herein-after mentioned ſhall, before the Execution of all the Powers and Authorities hereby veſted in him, die, or refuſe to act, or become incapable of acting in the Premiſes, then and in every ſuch Caſe another Perſon as Surveyor, not intereſted in the ſaid Incloſure, ſhall be appointed in the Stead of the ſaid *Richard Kynaſton Summerfield*, or ſuch other Surveyor ſo dying or refuſing to act, or becoming incapable of acting as aforeſaid, by a Majority in Value of the Proprietors or Perſons intereſted in the ſaid Heath, or Common and Waſte Ground hereby directed to be divided and allotted, who ſhall be preſent at a public Meeting to be appointed for that Purpoſe by the ſaid Commiſſioners, within Twenty-eight Days next after ſuch Death, Refuſal, or Incapacity to act as aforeſaid ſhall be known to them, of which Meeting Notice ſhall be given in like Manner as is herein-before directed, with reſpect to the Meetings of the Proprietors, for the Election or Nomination of any future Commiſſioner for executing this Act; and every Appointment of a Surveyor in purſuance of this Act ſhall be reduced into Writing, and ſigned by the Perſons making the ſame, and

every Surveyor to be appointed as aforesaid shall have the like Powers and Authorities as if he had been named a Surveyor in this Act.

Allowance to Commissioners, Surveyor, and Clerk.

V. And be it further enacted, That each Commissioner shall be allowed and receive the Sum of Three Guineas and no more, for each and every Day he shall actually attend for the Purpose of carrying this Act and the said recited Act into Execution, and that no Commissioner shall require or be entitled to receive any Fee, Reward, or Gratuity whatsoever beyond such Allowance; and that at all Meetings to be held in pursuance of this Act or the said recited Act, the said Commissioners shall pay their own Expences; and that the Surveyor and Clerk to be appointed by the said Commissioners shall receive such Recompence or Remuneration, for their respective Trouble and Expences in the Execution of this Act and the said recited Act, as the said Commissioners shall think just and reasonable.

Surveys of old inclosed Lands not to be made, unless specially directed by the Commissioners.

VI. Provided always, and be it further enacted, That nothing in the said recited Act or in this Act contained shall extend to require the said Commissioners, or any Surveyor appointed by or by virtue of this Act, to make or cause to be made any Survey, Admeasurement, or Plan of any of the ancient inclosed Lands or Grounds within the said Parishes, or any of them, unless the said Commissioners shall deem such Survey, Admeasurement, or Plan necessary or expedient for the Purposes of the said recited Act or of this Act.

Notice of Commissioners Meetings.

VII. And be it further enacted, That the said Commissioners shall, and they are hereby required to cause Notice in Writing of the Time and Place of their First and every other Meeting for the Execution of this Act, to be inserted in *The Maidstone Journal*, or in some other Newspaper printed or circulated within the said County of *Kent*, Eight Days at least before every such Meeting (Meetings by Adjournment excepted), and if only One of the said Commissioners shall be present at the Time and Place to be appointed for any such Meeting, then and in such Case and so often as the same shall happen, it shall be lawful for such Commissioner to adjourn such Meeting to such Place within the Parishes of *Boughton Monchelsea*, *Loose*, *Linton*, *East Farleigh*, *West Farleigh*, and *Hunton* aforesaid, or within Eight Miles thereof, as he shall think most convenient, giving Notice of such Adjournment to the absent Commissioners: Provided always, that all other Notices necessary or requisite to be given by the said Commissioners in pursuance of the said recited Act or this Act, shall be so given by Advertisement in the said *Maidstone Journal*, or in some other Newspaper printed or circulated within the said County of *Kent*: Provided also, that all Meetings of the said Commissioners for putting this Act in Execution, shall be held at some convenient Place in the Parishes of *Boughton Monchelsea*, *Loose*, *Linton*, *East Farleigh*, *West Farleigh*, and *Hunton* aforesaid, or within the Distance of Eight Miles from the Boundaries of one of them.

Other Notices how to be given.

Meetings to be within Eight Miles of the Parishes.

Commissioners to settle Differences.

VIII. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested, or claiming to be interested in the said intended Division and Allotments, touching or concerning the respective Rights and Interests which they or any of them shall claim to have in, to, upon, or out of the Land hereby directed to be divided and allotted, or touching or concerning any other Matter or Thing whatsoever, relating

relating to the ſaid Diviſion and Incloſure, 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 herein contained ſhall authorize the ſaid Commiſſioners to determine the Title to any Meſſuages, Lands, Tenements, and Hereditaments whatſoever.

Commiſſioners not to determine Titles.

IX. And be it further enacted, That if any Perſon having been ſummoned according to the Directions of the ſaid recited Act, to teſtify the Truth upon Oath, touching any Matter in difference between any of the Parties intereſted in the Premiſes, or otherwiſe relating to the Execution of the Powers given by the ſaid recited Act and this Act, and having been paid or tendered a ſufficient Sum of Money, to be aſcertained by the ſaid Commiſſioners, to defray the Charges of his or her Attendance, ſhall not appear before the ſaid Commiſſioners purſuant to ſuch Summons, without aſſigning ſome reaſonable Excuſe for not appearing, or appearing ſhall refuſe to be ſworn or to be examined and give Evidence touching the Premiſes, the ſaid Commiſſioners, upon due Proof thereof made before them upon Oath (which Oath any one of the ſaid Commiſſioners is hereby empowered to adminiſter) ſhall, and they are hereby required, by Warrant under their Hands and Seals, directed to any Perſon or Perſons whomſoever, to cauſe any Sum of Money not exceeding Ten Pounds to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon ſo neglecting or refuſing to appear and give Evidence, rendering the Overplus (if any) upon Demand, to the Perſon whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold, after deducting the Coſts and Charges attending ſuch Diſtreſs and Sale; and the Money ſo to be levied as aforeſaid, ſhall be applied towards defraying the Coſts and Expences of obtaining this Act, and carrying the ſaid recited Act and this Act into Execution: Provided always, that no Witneſſes ſo ſummoned to attend the ſaid Commiſſioners ſhall be obliged to travel above Eight Miles from the Boundaries of the ſaid Pariſhes reſpectively.

For compelling Attendance of Witneſſes before Commiſſioners.

X. And be it further enacted, That in caſe the ſaid Commiſſioners ſhall, upon the Hearing and Determination of any Claim or Objection 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 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, or Body or Bodies Politic, Corporate, or Collegiate, whoſe Claim or Objection ſhall be thereby diſallowed or overruled, or againſt whom the ſaid Commiſſioners ſhall have determined as aforeſaid; and in caſe the Perſon or Perſons, or Body or Bodies Politic, Corporate, or Collegiate, who ſhall be liable to pay ſuch Coſts, ſhall neglect or refuſe to pay the ſame upon Demand, 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 to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons, or Body or Bodies Politic, Corporate, or Collegiate, ſo neglecting or refuſing to pay the ſame, rendering the Overplus (if any) upon Demand, to the Perſon or Perſons, or Body or Bodies Politic, Corporate, or Collegiate, whoſe Goods and Chattels ſhall have been ſo diſtrained

Commiſſioners to aſſeſs Coſts.

distrained and sold, after the Costs and Charges attending such Distress and Sale.

Power to try Rights at Law.

XI. Provided always, and be it further enacted, That in case any Person or Persons, or Body or Bodies Politic, 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 touching or concerning any Claim or Objection which shall be delivered to the said Commissioners in pursuance of the said recited Act or this Act, or touching or concerning any Property, Right, or Interest intended to be affected by such Determination, and shall, within One Calendar Month next after any such Determination, cause Notice in Writing of such Dissatisfaction to be delivered to or left at the usual Place of Abode of the said Commissioners, and of the Party or Parties in whose Favour such Determination shall have been made, or his, her, or their Agent, it shall be lawful for such Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, giving such Notice as aforesaid, to proceed to a Trial at Law of the Matter so determined at the then next Assizes to be held for the said County of *Kent*, unless such Assizes shall happen within Three Calendar Months next after such Determination; and in that Case, at the Second Assizes to be held for the said County next after such Determination; and for that Purpose the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, giving such Notice as aforesaid, shall, within Two Calendar Months next after such Determination, cause an Action to be brought in one of His Majesty's Courts of Record at *Westminster*, upon a feigned Issue against the Person or Persons, Body or Bodies Politic, Corporate or Collegiate in whose Favour such Determination shall have been made; 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, and the Property, Right, or Interest thereby insisted on may be tried and determined, such Issue or Issues to be settled by the proper Officer of the Court in which the said Action shall be commenced, in case the Parties shall differ about the same; and the Verdict which shall be given upon the Trial of such Action shall be binding, final, and conclusive, unless the Court wherein such Action shall be brought shall set aside such Verdict and order a new Trial to be had therein, which it shall be lawful for the said Court to do, in case the said Court shall think proper; and that after such Verdict shall be obtained and not set aside, the said Commissioners shall, and they are hereby required to act in conformity thereto, and to allow or disallow the Claim, Property, Right, or Interest thereby determined, according to the Event of such Trial or Trials: Provided always, that if no such Notices shall be given, or if any such Notice shall be given, and such Action at Law shall not be commenced as aforesaid, or if any such Action shall be commenced and the Plaintiff or Plaintiffs therein shall not proceed to Trial within the Time herein-before limited for that Purpose, the Determination of the said Commissioners shall be final, binding, and conclusive to all Intents and Purposes whatsoever: Provided also, that if any of the Parties in any such Action to be commenced as aforesaid, shall die before the Determination thereof, such Action shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened.

If Action not brought or not proceeded in, Determination of the Commissioners final.

If Parties die, Action not to abate.

XII. Provided

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

XII. 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 Allotment hereby directed to be made ſhall be proceeded in notwithſtanding any ſuch Difference, Suit, or Proceeding.

Proceedings in caſe of Death of Parties before Action brought.

XIII. 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 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 to retain it until removed by due Courſe of Law.

XIV. 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 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 or recovered from ſuch Perſon or Perſons, by Ejectment or other due Courſe of Law.

For extinguiſhing Rights of Common.

XV. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized, at any Time before the Execution of the Award to be made by them in purſuance of the ſaid recited Act and this Act, by any Writing under their Hands, to be affixed upon the Doors of the Churches of the ſaid Pariſhes of *Boughton Monchelſea*, *Looſe*, *Linton*, *Eaſt Farleigh*, *Weſt Farleigh*, and *Hunton*, to order and direct all or any Rights of Common in, over, and upon the ſaid Heath or Common and Waſte Ground, or any Part thereof, 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 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 Doors, or any other Time to be appointed by the ſaid Commiſſioners in or by ſuch Writing, ceaſe, determine, and be extinguiſhed, and the Exerciſe thereof ſhall be ſuſpended accordingly;

accordingly; any Law, Uſage, or Cuſtom, to the contrary notwithſtanding.

Prohibiting the cutting of Turf, &c.

XVI. And be it further enacted, That it ſhall not be lawful for any Perſon, from and after the paſſing of this Act, to cut, dig, pare, grave, flay, take or carry away any Turf, Flags, Whins, Furze, Stones, Gravel, or Soil, in, upon, or from the ſaid Heath or Common and Waſte Ground, or any Part thereof, without the Licence of the ſaid Commiſſioners firſt had and obtained in Writing for that Purpoſe, which Licence the ſaid Commiſſioners are hereby empowered to grant, under ſuch Regulations and Reſtrictions as they ſhall think proper to inſert therein; and if any Perſon ſhall cut, dig, pare, grave, flay, take or carry away, any Turf, Flags, Whins, Furze, Stones, Gravel, or Soil, in, upon, or from the ſaid Heath or Common or Waſte Ground, or any Part thereof, without ſuch Licence as aforeſaid, or having obtained ſuch Licence, ſhall act in any Manner contrary to the ſame, the ſaid Commiſſioners, upon due Proof thereof made before the ſaid Commiſſioners upon Oath, which Oath the ſaid Commiſſioners are hereby empowered to adminiſter, ſhall, by their Warrant directed to any Perſon whomſoever, cauſe any Sum not exceeding Five Pounds to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſons offending in the Premiſes, rendering the Overplus (if any), upon Demand, to the Perſon whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold, after deducting the Coſts and Charges attending ſuch Diſtreſs and Sale; and the Money to be levied as aforeſaid, ſhall be applied towards defraying the Coſts and Charges of obtaining this Act.

For ſhortening Boundary Fences.

XVII. And be it further enacted, That if the ſaid Commiſſioners ſhall deem it expedient or proper to ſhorten the Boundary Fences between the Land and Ground by this Act directed to be divided and allotted, and the Lands and Grounds in any Manor or Pariſh adjoining thereto, or to any Part thereof, or to make the ſame regular, it ſhall be lawful for the ſaid Commiſſioners, with the Conſent in Writing, under the Hand or Hands of the Lord or Lords of the Manor or Manors in which the Land is ſituate, and of the Owner or Owners of the Land upon which any Fence or Fences may be intended to be made, to ſet out the Boundary between the Land and Ground by this Act directed to be divided and allotted, and the Lands and Grounds in any adjoining Manor or Pariſh, in ſuch Manner as they ſhall judge proper, for the Purpoſe aforeſaid, and after ſuch Boundaries ſhall be ſo ſet out as aforeſaid, the ſame ſhall be fenced by ſuch Perſon or Perſons, in ſuch Manner and at ſuch Time or Times as the ſaid Commiſſioners ſhall direct, and ſhall for ever thereafter be deemed and taken to be the Boundaries between the ſeveral Pariſhes of *Boughton Monchelſea*, *Looſe*, *Linton*, *Eaſt Farleigh*, *Weſt Farleigh*, and *Hunton* aforeſaid, or any of them, and ſuch adjoining Manor or Pariſh, any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

Encroachments within 20 Years to be deemed Part of the Waſte.

XVIII. And be it further enacted, That all Encroachments which at any Time within Twenty Years now laſt paſt, have been made upon the ſaid Heath or Common and Waſte Ground, ſhall be deemed Part thereof, and ſhall be divided and allotted accordingly.

XIX. Provided

Encroachments to be allotted in certain Cases to the Owners of the Lands adjoining.

XIX. Provided nevertheleſs, and be it enacted, That ſuch of the ſaid Encroachments as adjoin to or abut upon any Lands or Tenements having Right of Common upon the Land or Ground hereby intended to be divided and incloſed, ſhall be allotted to the Owner or Owners of ſuch adjoining Lands, either as the Whole or Part of the Share or Proportion to which he, ſhe, or they will be entitled by virtue of this Act, and in caſe any ſuch Encroachments ſhall, in the Judgement of the ſaid Commiſſioners, be of greater Value than his, her, or their Share and Proportion of the ſaid Heath or Common and Waſte Ground, then the Perſon or Perſons to whom ſuch Encroachments ſhall be allotted ſhall pay to the ſaid Commiſſioners at or within ſuch Time as they ſhall appoint, ſuch Sum of Money as the ſaid Commiſſioners ſhall adjudge to be the Value of ſuch Encroachments, over and above the Value of the Allotments to which ſuch Perſon or Perſons ſhall be entitled, and the ſame ſhall be applied towards Payment of the Expences of obtaining and executing this Act.

Thoſe of 20 Years ſtanding not to be deemed Part thereof.

XX. Provided always, and be it further enacted, That no Incloſure or Encroachments which ſhall have been made from or upon the ſaid Heath or Common and Waſte Ground, or any Part or Parts thereof Twenty Years or upwards antecedent to the paſſing of this Act, or which ſhall have been made with the Conſent of the Lord or Lords of the Manor or Manors in which ſuch Incloſure or Encroachment lies, and entered on the Court Rolls of ſuch Manor or Manors ſhall be thrown open or divided, allotted, or incloſed, under the Proviſions of this preſent Act or the ſaid recited Act, nor ſhall any ſuch Incloſure or Encroachment as laſt aforeſaid, nor the Buildings or other Erections thereupon, be conſidered as forming Part of the ſaid Heath or Common and Waſte Land, nor ſhall the Title or Titles derived under ſuch Incloſure or Encroachments be diſturbed.

Commiſſioners to determine the Date of the Encroachments.

XXI. And be it further enacted and declared, That if any Diſpute ſhall ariſe as to the Space of Time during which the before-mentioned Incloſures or Encroachments ſhall have been made or ſubſiſted, the ſame ſhall be determined by the ſaid Commiſſioners.

For ſtopping up Roads.

XXII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners to ſtop up, diſcontinue, divert or alter any Carriage Road, Bridle Way, or Foot Path, leading through or over the Land or Ground intended to be divided and allotted by virtue of this Act, or paſſing or leading through any of the old incloſed Lands in the ſaid ſeveral Pariſhes, and the Soil of the Roads and Ways ſo to be ſtopped up or diſcontinued, ſhall be deemed and taken as Part of the Lands and Grounds to be divided by virtue of this Act, provided that no ſuch Carriage Road, Bridle Way or Foot Path paſſing or leading through any of the incloſed Lands in the ſaid ſeveral Pariſhes, ſhall be ſtopped up or diſcontinued, diverted or altered, without the Concurrence or Order of Two Juſtices of the Peace for the ſaid County of *Kent*, not intereſted in the Repair of ſuch Roads, and which Order ſhall be ſubject to an Appeal to the Quarter Seſſions for the ſaid County, in like Manner as if the ſame had been originally made by ſuch Juſtices.

Old Roads to be continued until the new

XXIII. And be it further enacted, That none of the preſent Public Highways, or Roads within the ſaid Pariſhes of *Boughton Monchelſea*, *Looſe*, *Linton*,

Roads are made.

Linton, *East Farleigh*, *West Farleigh* and *Hunton*, shall be shut up or discontinued until the Roads intended to be and remain Public Highways within the same Parishes shall be set out, according to the Directions of the said recited Act, and until the same shall be properly formed and made safe and convenient for Horses, Cattle and Carriages: Provided also, that all Private Roads, Ways and Foot Paths, which shall be set out and appointed by the said Commissioners, shall be made and for ever maintained and kept in Repair by such Persons in such Manner and at such Time or Times as the said Commissioners shall by their Award, or any other Writing under their Hands, order, direct or appoint.

Drains, &c.

XXIV. And be it further enacted, That it shall be lawful for the said Commissioners to cause any Ditches, Fences, Drains, Brooks or Watercourses within the said several Parishes, to be cleansed, opened, scoured, widened, deepened or enlarged, and to stop up and discontinue any Ditches, Fences, Drains, Brooks or Watercourses which shall appear to the said Commissioners to be unnecessary, and also to cause any new Ditches, Fences, Banks, Bridges, Tunnels, Sluices, Drains, Brooks or Watercourses to be made within the same Parishes, and to make such Orders for maintaining such Ditches, Fences, Bridges, Drains, Brooks or Watercourses in Repair as they shall think proper: Provided that no such Works shall be made upon any inclosed Land, without the Consent in Writing of the Owner or Owners thereof, and that no Rivulet, Brook or Watercourse shall be diverted or turned from its present Course in, through, from or over any inclosed Lands, without the Consent in Writing of the Owner or Owners of the Land from which and into which any such Rivulet, Brook or Watercourse shall be diverted or turned and carried or conveyed.

Meetings for Objections to Allotments, such Objections to be determined by Commissioners.

XXV. And be it further enacted, That when and so soon as the said Commissioners shall have ascertained the respective Shares, Rights and Interests of the said Owners or Proprietors in the Ground and Land hereby intended to be divided, allotted and inclosed, and also the respective Shares and Proportions by them proposed to be allotted to such Owners or Proprietors respectively, in lieu thereof, the said Commissioners shall hold a Meeting, of which Fourteen Days previous Notice shall be given, at some convenient Time and Place, when and where the said Owners or Proprietors may inspect a Map and Schedule of such intended Allotments; and if any of the said Owners or Proprietors shall, upon such Inspection, be dissatisfied with any of the proposed Allotments, the said Commissioners shall, at any such Time and Place as last aforesaid, or at some other Time and Place to be appointed by them for that Purpose, receive Statements in Writing of the Complaints and Objections of any Owner or Proprietor, or Owners or Proprietors, against any of such Allotments, and shall forthwith, or as soon after as conveniently may be, determine the same, and such Determination, being reduced into Writing and signed by them, shall be binding and conclusive upon all Parties interested in any such Allotment or Allotments.

Gravel Pits.

XXVI. And be it further enacted, That the said Commissioners shall assign, set out, and allot unto the Surveyors of the Highways in the Parishes of *Boughton Monchelsea*, *Loose*, *Linton*, *East Farleigh*, *West Farleigh* and *Hunton* aforesaid, such Part of the Land hereby directed to be divided and allotted, not exceeding Five Acres, as the said Commissioners shall think neces-

sary

ſary as and for Public Watering Places for Cattle, and as and for Public Sand, Gravel, Stone, Clay, Marl and Chalk Pits; and it ſhall and may be lawful for the Surveyors of the Highways and Proprietors of Lands and Eſtates within the ſaid ſeveral Pariſhes, and their Tenants for the Time being reſpectively, to uſe the ſaid Allotment or Allotments for the Purpoſes aforeſaid, in ſuch Manner and under ſuch Rules and Regulations as the ſaid Commiſſioners ſhall by their Award direct and appoint.

The Expences of the Act to be raiſed by Sale.

XXVII. And be it further enacted, That the Charges and Expences of obtaining, paſſing, and executing this Act, or ſuch Part or Parts thereof as the ſaid Commiſſioners ſhall direct, and alſo any other Monies required or authorized to be paid by the ſaid Commiſſioners or otherwiſe, for the Purpoſes of this Act, and for carrying the ſame into Execution, ſhall and may be raiſed by Sale of ſuch Part or Parts of the ſaid Heath or Common and Waſte Land hereby directed to be divided, allotted, and incloſed, as the ſaid Commiſſioners ſhall in their Judgment think proper, in the Manner, and with, under, and ſubject to the Powers, Rules, Orders, and Regulations reſpectively expreſſed and contained in the ſaid recited Act.

Such of the Expences as the Monies to ariſe from the Sale ſhall be inſufficient to defray, to be raiſed by a Rate on all the Proprietors.

XXVIII. And be it further enacted, That the Coſts, Charges, and Expences of obtaining this Act, and carrying the ſame and the ſaid recited Act into Execution, and which ſhall not be defrayed with and out of the Monies to ariſe from the Sale or Sales to be made by the ſaid Commiſſioners, in purſuance of the Power herein-before given them for that Purpoſe, and which are not by this Act otherwiſe directed to be paid, ſhall be borne and paid by all the Owners or Proprietors of, and the Bodies Politic, Corporate, and Collegiate, and Perſons intereſted in the ſaid Heath or Common or Waſte Land hereby intended to be divided, allotted, and incloſed, in Proportion as near as may be to their reſpective Eſtates and Intereſts, due Regard being had to the Expences occaſioned by each Perſon's Eſtate; and the Shares and Proportions of the ſaid Coſts, Charges, and Expences to be borne by the ſaid reſpective Owners or Proprietors, and Bodies Politic, Corporate, and Collegiate, and Perſons intereſted, ſhall be ſettled and aſcertained by the ſaid Commiſſioners, and ſhall be paid to ſuch Perſon or Perſons, and at ſuch Time or Times, either before or after the Execution of the ſaid Award, as the ſaid Commiſſioners ſhall from Time to Time direct or appoint, by Writing under their Hands, affixed on the principal Doors of the ſaid ſeveral Pariſh Churches of *Boughton Monchelſea*, *Looſe*, *Linton*, *Eaſt Farleigh*, *Weſt Farleigh*, and *Hunton* aforeſaid; and in caſe any Perſon or Perſons ſhall refuſe or neglect to pay his, her, or their Share or Proportion of the ſaid Coſts, Charges, and Expences, according to ſuch Direction and Appointment as aforeſaid, the ſaid Commiſſioners ſhall and may, for the recovering and compelling Payment thereof, uſe all or any the Powers, Remedies, Ways, and Means, which by the ſaid recited Act are given, in thoſe Caſes where it ſhall be provided by Acts of Incloſure, that the Expences of obtaining and carrying the ſame into Execution ſhall be paid in Proportion by the Proprietors of Lands or Grounds to whom any Allotments ſhall be made.

Application of Surplus Money, if any.

XXIX. And be it further enacted, That in caſe any Surplus ſhall remain in the Hands of the ſaid Commiſſioners, of the Monies hereby authorized to be raiſed by them, after anſwering the ſeveral Purpoſes aforeſaid, ſuch Surplus

Surplus Money ſhall be divided and apportioned between the ſeveral Proprietors of the Land and Ground hereby directed to be divided and incloſed, according to their ſeveral and reſpective Intereſts therein; and ſuch proportional Parts and Shares of ſuch Surplus Money ſhall be paid to thoſe Proprietors who are Tenants in Fee Simple of the Eſtates, in Right of which they ſhall be entitled to ſuch Surplus Monies; but the Surplus Money to which any Proprietor not being Tenant in Fee Simple may be entitled, ſhall be applied and diſpoſed of in the ſame Manner as any Money to be paid for the Purchaſe or Exchange of Lands, Tenements, and Hereditaments, or of any Timber or Wood growing thereon, (and which Money ought to be laid out in the Purchaſe or Exchange of other Lands, Tenements, or Hereditaments, to be ſettled to the ſame Uſes), is by the ſaid recited Act directed to be applied and diſpoſed of.

Power to borrow Money till Sale of Land.

XXX. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners to borrow and take up at Intereſt, of any Perſon or Perſons willing to advance and lend the ſame, ſuch Sum or Sums of Money, as ſhall from Time to Time be neceſſary for defraying the Charges and Expences of paſſing this Act, until the ſame ſhall be raiſed by Sale of Land in manner aforeſaid.

Allotment to the Crown as Lord of the Manor of Eaſt Farleigh.

XXXI. And be it further enacted, That the ſaid Commiſſioners ſhall ſet out, allot, and award unto and for His Majeſty, His Heirs and Succeſſors, as Lords of the ſaid Manor of *Eaſt Farleigh*, for and in lieu of his or their Right, Title, and Intereſt in and to the Soil of ſuch Part of the ſaid Heath or Common and Waſte Land hereby intended to be divided, allotted, and incloſed, as lies within the ſaid Manor, ſo much and ſuch Part or Parts of the ſaid Heath or Common and Waſte Land hereby intended to be divided, allotted, and incloſed, as by the ſaid Commiſſioners ſhall be deemed, declared, and adjudged to be equal in Value to One Sixteenth Part of ſo much of the ſaid Heath or Common and Waſte Land hereby intended to be divided, allotted, and incloſed, as lies within the ſaid Manor of *Eaſt Farleigh*.

Allotment to the Lord of the Manor of Weſt Farleigh.

XXXII. And be it further enacted, That the ſaid Commiſſioners ſhall, in the next place, ſet out, allot, and award unto and for the Lord or Lords, Lady or Ladies for the Time being, of the ſaid Manor of *Weſt Farleigh*, for and in lieu of his, her, or their Right, Title, and Intereſt, in and to the Soil of ſuch Part of the ſaid Heath or Common and Waſte Land hereby intended to be divided, allotted, and incloſed, as lies within the ſaid Manor of *Weſt Farleigh*, ſo much and ſuch Part or Parts of the ſaid Heath or Common and Waſte Land hereby intended to be divided, allotted, and incloſed, as by the ſaid Commiſſioners ſhall be deemed, declared, and adjudged to be equal in Value to One Sixteenth Part of as much of the ſaid Heath or Common and Waſte Land hereby intended to be divided, allotted, and incloſed, as lies within the ſaid Manor of *Weſt Farleigh*.

Allotment to the Dean and Chapter of Canterbury as Lords of the Manor of Looſe and Hollingborne.

XXXIII. And be it further enacted, That the ſaid Commiſſioners ſhall in the next place ſet out, allot, and award, unto and for the ſaid Dean and Chapter of *Canterbury*, and their Succeſſors, as Lords of the ſaid Manors of *Looſe* and *Hollingborne*, for and in lieu of his or their Right, Title, and Intereſt in and to the Soil of ſuch Part of the ſaid Heath or Common and Waſte Land hereby intended to be divided, allotted, and incloſed, as lies within

within the ſaid Manors, ſo much and ſuch Part or Parts of the ſaid Heath for Common and Waſte Land hereby intended to be divided, allotted and incloſed, as by the ſaid Commiſſioners ſhall be deemed, declared, and adjudged to be equal in Value to One Sixteenth Part of ſo much of the ſaid Heath or Common and Waſte Land hereby intended to be divided, allotted, and incloſed, as lies within the ſaid Manors of *Looſe* and *Hollingborne*.

Allotment to the Lord of the Manor of Boughton Monchelſea.

XXXIV. And be it further enacted, That the ſaid Commiſſioners ſhall in the next place ſet out, allot, and award, unto and for the Lord or Lords, Lady or Ladies, for the Time being, of the ſaid Manor of *Boughton Monchelſea*, for and in lieu of his, her, or their Right, Title, and Intereſt in and to the Soil of ſuch Part of the ſaid Heath or Common and Waſte Land hereby intended to be divided, allotted, and incloſed, as lies within the ſaid Manor of *Boughton Monchelſea*, ſo much and ſuch Part or Parts of the ſaid Heath or Common and Waſte Land hereby intended to be divided, allotted, and incloſed, as by the ſaid Commiſſioners ſhall be deemed, declared, and adjudged to be equal in Value to One Sixteenth Part of ſo much of the ſaid Heath or Common and Waſte Land hereby intended to be divided, allotted, and incloſed, as lies within the ſaid Manor of *Boughton Monchelſea*.

Allotment to the Lord of the Manor of Hunton.

XXXV. And be it further enacted, That the ſaid Commiſſioners ſhall in the next place ſet out, allot, and award, unto and for the Lord or Lords, Lady or Ladies, for the Time being, of the ſaid Manor of *Hunton*, for and in lieu of his, her, or their Right, Title, and Intereſt, in and to the Soil of ſuch Part of the ſaid Heath or Common and Waſte Land hereby intended to be divided, allotted, and incloſed, as lies within the ſaid Manor of *Hunton*, ſo much and ſuch Part or Parts of the ſaid Heath or Common and Waſte Land hereby intended to be divided, allotted, and incloſed, as by the ſaid Commiſſioners ſhall be deemed, declared, and adjudged to be equal in Value to One Sixteenth Part of ſo much of the ſaid Heath or Common and Waſte Land hereby intended to be divided, allotted, and incloſed, as lies within the ſaid Manor of *Hunton*.

Allotment to the Ladies of the Manor of Bruſhing.

XXXVI. And be it further enacted, That the ſaid Commiſſioners ſhall, in the next place, ſet out, allot, and award unto and for the Lord or Lords, Lady or Ladies, for the Time being, of the ſaid Manor of *Bruſhing*, for and in lieu of his, her, or their Right, Title, and Intereſt in and to the Soil of ſuch Part of the ſaid Heath or Common and Waſte Land hereby intended to be divided, allotted, and incloſed, as lies within the ſaid Manor of *Bruſhing*, ſo much and ſuch Part or Parts of the ſaid Heath or Common and Waſte Land hereby intended to be divided, allotted, and incloſed, as by the ſaid Commiſſioners ſhall be deemed, declared, and adjudged to be equal in Value to One Sixteenth Part of ſo much of the ſaid Heath or Common and Waſte Land hereby intended to be divided, allotted, and incloſed, as lies within the ſaid Manor of *Bruſhing*.

Allotment to the Lord of the Manor of Pimps Court.

XXXVII. And be it further enacted, That the ſaid Commiſſioners ſhall, in the next Place, ſet out, allot, and award unto and for the Lord or Lords, Lady or Ladies for the Time being of the ſaid Manor of *Pimps Court*, for and in lieu of his, her, or their Right, Title, and Intereſt in and to the Soil

Soil of ſuch Part of the ſaid Heath or Common and Waſte Land hereby intended to be divided, allotted, and incloſed, as lies within the ſaid Manor of *Pimps Court*, ſo much and ſuch Part or Parts of the ſaid Heath or Common and Waſte Land hereby intended to be divided, allotted, and incloſed, as by the ſaid Commiſſioners ſhall be deemed, declared, and adjudged to be equal in Value to One Sixteenth Part of ſo much of the ſaid Heath or Common and Waſte Land hereby intended to be divided, allotted, and incloſed, as lies within the ſaid Manor of *Pimps Court*.

Allotment of Reſidue.

XXXVIII. And be it further enacted, That the ſaid Commiſſioners ſhall, immediately after making the ſaid Allotments herein-before directed to be made, ſet out, allot, and award the Reſidue of the ſaid Heath or Common and Waſte Land hereby intended to be divided, allotted, and incloſed, unto and amongſt all and every the Perſons and Perſon, Bodies and Body Politic, Corporate, and Collegiate intereſted therein, in ſuch Quantities, Shares, and Proportions, as by the ſaid Commiſſioners ſhall be adjudged and determined to be a fair, juſt, and reaſonable Compenſation and Satisfaction for their ſeveral and reſpective Rights of Common and other Rights and Intereſts therein.

Allotments to be ſet out as convenient as may be.

XXXIX. Provided always, and be it enacted, That the ſaid Commiſſioners ſhall, and they are hereby directed and required, in making the Allotments of the ſaid Reſidue, to ſet out the ſeveral Allotments as near to the reſpective Houſes, Homeſteads, or Lands of the ſeveral Proprietors entitled thereto, as may be conſiſtent with the general Convenience of the ſaid Proprietors, and in all Caſes to ſet out the Allotment of each Proprietor in the ſame Pariſh in which the Lands or Hereditaments for which ſuch Allotment is made are ſituate.

The King's Allotment may be ſold before the Execution of the Award.

XL. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners of His Majeſty's Woods, Foreſts, and Land Revenues, or for the Surveyor General of His Majeſty's Land Revenue, at any Time before or after the Execution of the ſaid Award, to contract and agree with any Perſon or Perſons, or any Bodies Politic or Corporate, for the Sale of all or any Allotments or Allotment to be made to His Majeſty, His Heirs and Succeſſors, by virtue of this Act, for the beſt Prices or Conſiderations in Money, which the ſaid Commiſſioners of His Majeſty's Woods, Foreſts, and Land Revenue, or the ſaid Surveyor General ſhall be able to procure for the ſame; and the Purchaſe Money ariſing from ſuch Sale ſhall be paid into the Bank of *England* to the Account of the Commiſſioners of His Majeſty's Treaſury, in like Manner as the Monies ariſing from the Sale of certain Parts of the Property of the Crown authorized by an Act paſſed in the Forty-eighth Year of His preſent Majeſty, intituled *An Act to improve the Land Revenue of the Crown in* England, *and alſo of His Majeſty's Duchy of* Lancaſter, are directed to be paid; and the Sale of ſuch Allotment or Allotments ſhall be made in the ſame Manner and Form, and under the like Rules, Regulations, and Proviſions, and ſhall be to all Intents and Purpoſes as valid and effectual as if the ſame were made under the ſaid laſt-recited Act; and if ſuch Sale ſhall be made before the Execution of the ſaid Award, it ſhall be lawful for the ſaid Commiſſioners for executing this Act, and they are hereby authorized and required to aſſign, ſet out, and allot ſuch Allotments or Allotment to the Purchaſer or Purchaſers thereof, or other Perſons or Perſon who ſhall be

be entitled thereto by virtue of such Sale; and he, she, or they shall, previous to or immediately after the Execution of the said Award as aforesaid, have, hold, use, and enjoy such Allotments or Allotment, and shall use and exercise any Act of Ownership in and upon the same, in as full, large, ample, and beneficial a Manner, to all Intents and Purposes, as His Majesty, His Heirs or Successors, or His or their Lessees or Grantees could or might have done in case such Sale had not been made.

Power for the Commissioners of Woods, Forests, and Land Revenues to sell for the Purpose of defraying the Expences attending the Crown's Allotment.

XLI. And whereas it is necessary to provide a Fund for defraying any Expence which may in virtue of this Act or the said recited Act be or become chargeable on or incidental to the Allotments or Allotment to be set out and awarded as aforesaid to and for His Majesty, His Heirs and Successors; be it therefore enacted, That it shall and may be lawful for the Commissioners of His Majesty's Woods, Forests and Land Revenues, or for the Surveyor General of His Majesty's Land Revenue, at any Time before or after the Execution of the said Award, to contract and agree with any Person or Persons, or any Bodies Politic or Corporate, for the Sale of so much and such Part or Parts of the said Allotments or Allotment as shall be found necessary for providing the said Fund for the best Prices or Consideration in Money which the said Commissioners of His Majesty's Woods, Forests, and Land Revenues, or the said Surveyor General shall be able to procure for the same; and the Purchase Money arising from such Sale shall be applied and paid to and for the defraying of such Expences as in this Clause is specified; and whenever the said Commissioners of His Majesty's Woods, Forests, and Land Revenues, or the said Surveyor General shall have contracted with any Person or Persons, Bodies Politic or Corporate, for the Sale of any Premises in virtue of this Act, such Sale or Sales shall be made by the said Commissioners of His Majesty's Woods, Forests, and Land Revenues, or the said Surveyor General, in the same Manner and Form and under the like Rules, Regulations, and Provisions (excepting as to the Payment of the Consideration Money into the Bank of *England*, and the investing of such Consideration Money in Stock), as are contained in an Act passed in the Forty-eighth Year of His present Majesty, intituled *An Act to improve the Land Revenue of the Crown in* England, *and also of His Majesty's Duchy of* Lancaster; and if such Sale shall be made before the Execution of the said Award, it shall be lawful for the said Commissioners for executing this Act, and they are hereby authorized and required to set out and award the Premises so sold as aforesaid to the Purchasers or Purchaser thereof, their, his or her Heirs and Assigns, or other Person or Persons who shall be entitled thereto by virtue of such Sale; and from and immediately after the Execution of the said Award such Purchaser or Purchasers, and his, her, or their Heirs or Assigns, shall by force of this Act be adjudged, deemed, and taken to be in the actual Seisin and Possession of the Premises so by him or them purchased, and shall hold and enjoy the same peaceably and quietly, freed and discharged of and from all Claims and Demands which can or may, could or might be made by His Majesty, His Heirs and Successors, or by any Person or Persons lawfully claiming by, from, or under him or them, as fully and amply to all Intents and Purposes as His Majesty, His Heirs and Successors, might or could have held or enjoyed the same.

XLII. Provided

No such Sale to be made without a Warrant from the Treasury.

XLII. Provided always, and be it further enacted, That no such Contract shall be made unless by Special Warrant to be issued for that Purpose by the Lord High Treasurer, or the Commissioners of the Treasury for the Time being, or some Three of those Commissioners; and that if any Surplus shall arise beyond the Expences aforesaid in consequence of such Sales, such Surplus shall by the said Commissioners of His Majesty's Woods, Forests, and Land Revenues, or the said Surveyor General, be paid into the Hands of the Receiver General of the Land Revenue for the said County of *Kent*, and shall by the said Receiver General be paid and applied as Land Revenue; and the said Commissioners or Surveyor shall give to the said Auditor Notice in Writing of such Payment, to the end that the said Auditor may charge the same on the said Receiver General in his Accounts.

Allotments for Public Purposes and to the Surveyors to be fenced at the general Expence.

XLIII. And be it further enacted, That the Allotments which, in pursuance of the said recited Act, shall be made for public or general Purposes, and also the Allotments which, in pursuance of this Act, shall be made to the Surveyor or Surveyors of the Highways of the said Parishes of *Boughton Monchelsea*, *Loose*, *Linton*, *East Farleigh*, *West Farleigh*, and *Hunton*, shall be respectively inclosed and fenced round with such Hedges, Ditches, Mounds, or other Fences, as the said Commissioners shall think proper; and the Expences thereof shall be raised and paid in like Manner as the Expences of obtaining this Act and carrying the same into Execution are herein directed to be raised and paid; and that such Hedges, Ditches, Mounds, and Fences shall for ever thereafter be maintained and supported by and at the Expence of such Person or Persons, and in such Manner as the said Commissioners shall in and by their Award direct and appoint.

Allotments on account of Interests that have or may be sold.

XLIV. And be it further enacted, That if any Person hath sold, or shall, at any Time before the Execution of the Award of the said Commissioners, sell his, her, or their Interest, Right, Title, or Property in, over, and upon the said Heath or Common and Waste Land hereby directed to be divided and allotted, or any Part thereof, to any Person or Persons whomsoever, then and in every such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required, to make an Allotment or Allotments of the Land unto the Vendee or Purchaser in such Sale, or to his, her, or their Heirs or Assigns, for or in respect of such Right, Interest, or Property so sold as aforesaid; and every such Vendee or Purchaser, and his, her, or their Heirs or Assigns, shall and may, from and after the Execution of the said Award, hold and enjoy the Lands so to be allotted to him, her, or them as aforesaid, in the same Manner, to all Intents and Purposes, as the Vendor or Vendors in every such Sale, might, could, or ought to have held and enjoyed the same in case such Sale had not been made; and that the Vendee or Purchaser shall in all Cases be empowered to claim for the Situation of such Allotment or Allotments, in preference to the Vendor or Vendors; and the said Commissioners are hereby required to receive and attend to such Claim accordingly.

Separate Allotments for separate Titles.

XLV. And be it further enacted, That where the Owner or Proprietor or Owners or Proprietors of any of the Ground and Land hereby intended to be divided, allotted, and inclosed, shall hold his, her, or their respective Estates under various Titles, the said Commissioners shall, upon Request

of such respective Owners or Proprietors, in Writing under their Hands, set out and distinguish in their said Award distinct and several Allotments for the Lands or other Hereditaments held under each Title; and where, from the Want of the necessary Information before the said Commissioners, or from any other Cause, their Award shall omit to make such Distinction as aforesaid in regard to different Titles, and at any Time within Twelve Calendar Months after making the said Award, Request shall be made to the said Commissioners by any Person or Persons interested, by Writing under his, her, or their Hand or Hands, to have such Omission supplied by a separate Instrument, then and in every such Case the said Commissioners are hereby authorized and required to do every Thing necessary for supplying such Omission, and so far as that Purpose shall require, to examine Witnesses, and in every other Respect to proceed and act as if the Award had not been made; and when they shall have obtained what they shall think sufficient Information, are hereby also authorized and required, by any Instrument under their Hands and Seals, to ascertain and distinguish the various Titles, and accordingly to make distinct and several Allotments in the same Manner as is hereby required where such Distinction shall be made in the said Award; and every such separate Instrument, after having been duly executed by the said Commissioners, shall have the same Effect as if it were contained in the said Award, and shall be delivered to the Person or Persons to whom the Custody of the Deeds and Writings concerning the Title to the Premises in question shall, in the Opinion of the said Commissioners, most properly belong for the Time being; and all Expences which shall be reasonably incurred in or about any such supplementary Instrument as aforesaid, shall be paid by the Person or Persons who shall have so requested the said Commissioners as aforesaid, or by his, her, or their Heirs, Executors, or Administrators, to such Person or Persons, and at such Time and Place, as the said Commissioners shall by Writing under their Hands appoint; and in case such Expences shall not be so paid, it shall be lawful for the said Commissioners, and they are hereby required, to raise and levy the same by such Ways and Means as any Penalty or Forfeiture imposed by the said recited Act can or may be raised and levied.

Allotments to be of the same Tenure as Lands allotted.

XLVI. And be it further enacted, That all Lands and Hereditaments which shall be allotted by virtue of this or the said recited Act to any Person or Persons, shall be held by such Person or Persons under the same Tenure, Rents, Customs, and Services, as the Messuages, Cottages, Lands, and other Hereditaments, in respect of which such Allotments shall be respectively made or given, were respectively held under or enjoyed by such Person or Persons as aforesaid, before the passing of this Act, or would have been held under and enjoyed by in case this Act had not passed.

Power to make Exchanges.

XLVII. And be it further enacted, That it shall and may be lawful for the said Commissioners to set out, allot, and award any Messuages, Lands, Tenements, or Hereditaments within the said Parishes of *Boughton Monchelsea*, *Loose*, *Linton*, *East Farleigh*, *West Farleigh*, and *Hunton*, in lieu of and in Exchange for any other Lands, Tenements, or Hereditaments within the said several Parishes, or within any adjoining Parish, Hamlet, or Township; 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, for the Time being seised of or entitled in Possession to the Lands, Tenements, or Hereditaments, which shall be so respectively exchanged, or to the actual Receipt of the Rents, Issues, and Profits thereof, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politic, Corporate, or Collegiate, or Tenant or Tenants in Fee Simple, or for Life or Lives, or in Fee Tail General or Special, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, by and with the Consent of the Lessor or Lessors thereof, and not otherwise, or with the Consent of the Guardians, Trustees, Feoffees for Charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Proprietors or Owners as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Femes 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; provided further, that every Exchange which shall be made of any Lands, Tenements, or Hereditaments, held in Right of any Church, Chapel, or other Ecclesiastical Benefice, shall, in addition to the Consent hereby in that Case required, be made with the Consents, testified as aforesaid, of the Patron thereof, and of the Bishop of the Diocese in which such Lands, Tenements, or Hereditaments so to be exchanged shall lie or be situate; provided further, that every Exchange which shall be made of any Lands, Tenements, or Hereditaments, held by Lease for Life or Lives, or for Years determinable on a Life or Lives, shall, in addition to the Consent hereby in that Case required, be made with the Consent, testified as aforesaid, of the Body Politic, Corporate, or Collegiate, or Person or Persons who shall be entitled to the first beneficial Estate in Reversion or Remainder expectant on the Determination of such Lease or Leases respectively, or of the Guardians, Trustees, Feoffees for Charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Person or Persons so entitled in Reversion or Remainder as aforesaid, who at the Time of making such Exchange or Exchanges shall respectively be Infants, Femes 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 respectively.

Expences of Exchanges and Partitions to be paid by the Persons making out the same.

XLVIII. And be it further enacted, That all Costs, Charges, and Expences attending the making of every Exchange or Partition to be made by virtue of this Act, or the said recited Act, shall be paid, borne, or defrayed by the several Persons making such Exchange or Partition, in such Manner, and in such Shares and Proportions, as the said Commissioners shall by their said Award order and direct, and shall be recoverable in the same Manner as any Penalty or Forfeiture may be recovered by virtue of the said recited Act.

Wills and Settlements not to be affected.

XLIX. And be it further enacted, That nothing in this Act contained shall extend to revoke, make void, impeach, annul, alter, or prejudice any Settlement, Will, Mortgage, Deed, or other Instrument whatsoever, or to prejudice any Person or Persons having any Estate, Right, Title, Interest, Claim, or Demand whatsoever, into, out of, or upon or affecting any Messuages, Ground, Lands, or Hereditaments, which shall be allotted

allotted or exchanged in purſuance of this Act or the ſaid recited Act, or whereof Partitions ſhall be made in purſuance of the ſaid recited Act; but the ſeveral Meſſuages, Grounds, Lands, or Hereditaments, which ſhall be ſo allotted or exchanged, or whereof Partitions ſhall be made as aforeſaid, ſhall, immediately after the making of ſuch Allotments, Exchanges, and Partitions reſpectively, be, remain, and enure to ſuch and the ſame Perſons, for ſuch and the ſame Eſtates and Intereſts, and to ſuch and the ſame Uſes, and for ſuch and the ſame Intents and Purpoſes, and with, under, and ſubject to ſuch and the ſame Powers, Proviſoes, Limitations, Conditions, Covenants, Agreements, Debts, Charges, Incumbrances, and Proviſions, of every Kind, as the Meſſuages, Grounds, Lands, or Hereditaments, in reſpect or in lieu whereof ſuch Allotments, Exchanges, or Partitions ſhall be reſpectively made, would have reſpectively remained limited, ſettled, or ſubject or liable unto, if ſuch Allotments, Exchanges, or Partitions reſpectively had not been made (except as to ſuch Leaſes, or Agreements for Leaſes at Rack Rent, or from Year to Year), as at the Time of the Execution of the ſaid Award of the ſaid Commiſſioners ſhall be ſubſiſting of, in, or concerning any Meſſuages, Lands, old Incloſures, or Hereditaments, which are not intended to be hereby divided or incloſed, and which, in purſuance of this Act, or the ſaid recited Act, ſhall be allotted and awarded in Exchange, or by way of Partition.

Leaſes for Lives, or Years determinable on Lives, and for Years not exceeding 21 Years, or from Year to Year, to be void as to Rights of Common.

L. And be it further enacted, That every Leaſe or Agreement for a Leaſe for Lives, or Years determinable on Lives, or for Years not exceeding Twenty-one Years, or from Year to Year, of any Meſſuages, Lands, Tenements, or Hereditaments, in reſpect of which any Allotment or Allotments out of the ſaid Heath or Common and Waſte Land hereby intended to be divided, allotted, and incloſed, ſhall be made in purſuance of this Act, ſhall, ſo far as ſuch Leaſe or Agreement ſhall relate to the Right of Common, and other Right and Intereſt of the Tenant or Tenants under ſuch Leaſe or Agreement, in, over, and upon the ſaid Heath or Common and Waſte Land, or to the Allotment or Allotments to be made in reſpect thereof, abſolutely ceaſe and be void, as follows; that is to ſay, if the ſaid Commiſſioners ſhall, in the Manner authorized and required by the ſaid recited Act, direct all Rights of Common, and other Rights by this Act intended to be extinguiſhed in, over, and upon the ſaid Heath or Common and Waſte Land hereby intended to be divided, allotted, and incloſed, to ceaſe and be extinguiſhed at any Time previouſly to the Execution of the ſaid Award of the ſaid Commiſſioners, then and in ſuch Caſe the ſaid Leaſe or Agreement ſhall, to the Extent herein-before mentioned, ceaſe and be void, from the Time when ſuch Rights of Common and other Rights ſhall be ſo directed to ceaſe and be extinguiſhed; but if the ſaid Commiſſioners ſhall not ſo direct the ſaid Rights of Common and other Rights to ceaſe and be extinguiſhed, then and in ſuch Caſe the ſaid Leaſe or Agreement ſhall, to the Extent aforeſaid, ceaſe and be void, immediately after the Execution of the ſaid Award of the ſaid Commiſſioners.

Compenſation to Tenants under ſuch Leaſes.

LI. Provided always, and be it further enacted, That if any Leaſe or Agreement for a Leaſe ſhall ceaſe and be void to the Extent aforeſaid, then and in every ſuch Caſe the Body or Bodies Politic, Corporate or Collegiate, and Perſon or Perſons who at the Time when ſuch Leaſe or Agreement

ſhall ceaſe and be void to the Extent aforeſaid, ſhall be entitled to the Premiſes therein compriſed for the firſt beneficial Eſtate in Reverſion or Remainder expectant on the Determination of ſuch Leaſe or Agreement, ſhall allow and abate to the Tenant or Tenants under every ſuch Leaſe or Agreement ſuch Portion of the Rent thereby reſerved and thenceforth to become payable, or make to ſuch Tenant or Tenants ſuch other Satisfaction or Compenſation for the Loſs or Damage which he, ſhe, or they ſhall ſuſtain in conſequence of the Determination of ſuch Leaſe or Agreement to the Extent aforeſaid, as the ſaid Commiſſioners ſhall deem fair and reaſonable, and ſhall by their ſaid Award, or by any Inſtrument in Writing order and direct; and ſuch Satisfaction or Compenſation ſhall be recoverable in the ſame Manner as any Penalty or Forfeiture may be recovered by virtue of the ſaid recited Act.

Rent reſerved on Leaſes of exchanged Lands to be apportioned between exchanging Parties.

LII. And be it further enacted, That if any Meſſuages, Lands, old Incloſures or Hereditaments not intended to be hereby divided and incloſed ſhall, in purſuance of this Act or the ſaid recited Act, be either awarded in Exchange or by way of Partition, and at the Time of the Execution of the ſaid Award of the ſaid Commiſſioners ſhall, together with any other Lands or Hereditaments, be compriſed in or ſubject to any Leaſe or Agreement for a Leaſe at a Rack Rent or from Year to Year, then and in every ſuch Caſe the Rent reſerved in every ſuch Leaſe or Agreement, and which ſhall become due and payable after the Execution of the ſaid Award ſhall be apportioned and divided between the Parties exchanging or making Partition, as the Caſe may be, in ſuch Shares and Proportions as the ſaid Commiſſioners ſhall by their ſaid Award order and direct.

Roads not to be depaſtured for the firſt Seven Years.

LIII. And be it further enacted, That if within the Period of Seven Years from the paſſing of this Act, any Horſes, Aſſes, Beaſts, Sheep, Lambs, Goats, or Hogs ſhall be found grazing in any Road, Lane, or Way which the ſaid Commiſſioners ſhall ſet and appoint, and which ſhall be fenced on both Sides, it ſhall be lawful for any Occupier or Proprietor of Lands within any of the ſaid Pariſhes of *Boughton Monchelſea*, *Looſe*, *Linton*, *Eaſt Farleigh*, *Weſt Farleigh*, and *Hunton*, and his or her Servants and Labourers, or any of them, to take and impound all ſuch Horſes, Aſſes, Beaſts, Sheep, Lambs, Goats, and Hogs as ſhall be ſo found grazing as aforeſaid.

Proprietors to pay their own Expences at Meetings.

LIV. And be it further enacted, That the ſaid ſeveral Owners or Proprietors, their Attornies and Agents, ſhall pay their own Expences when they ſhall reſpectively attend the ſaid Commiſſioners at any Meeting to be held in purſuance of this Act or the ſaid recited Act.

Powers to the Commiſſioners on Application by Proprietors having limited Intereſts, or incapacitated to ſell Lands for defraying Expences.

LV. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, either before or within One Year after the Execution of the ſaid Award, on Application being made to them by any of the Owners or Proprietors for the Time being, being ſeized of or entitled in Poſſeſſion to any Meſſuages, Lands, or Hereditaments in the ſaid Pariſhes of *Boughton Monchelſea*, *Looſe*, *Linton*, *Eaſt Farleigh*, *Weſt Farleigh*, and *Hunton*, or to the actual Receipt of the Rents, Iſſues, and Profits thereof, whether ſuch Owner or Owners, Proprietor or Proprietors ſhall be a Body or Bodies Politic, Corporate, or Collegiate, or Tenant or Tenants in Fee Simple, or for Life or Lives, or in Fee Tail, general or ſpecial,

ſpecial, or by the Courteſy of *England*, or for Years determinable on any Life or Lives, or upon like Application being made to them by the Guardian, 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 ſuch Application ſhall be reſpectively Infants, Femes 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 Application to be made to them the ſaid Commiſſioners in Writing, under the Common Seal of the Body Politic, Corporate, or Collegiate, and under the Hands of the other applying Parties reſpectively, to ſell any Part of the Allotment or Allotments which, by virtue of this Act, ſhall be ſet or marked out for, or actually awarded to the Owner or Owners, Proprietor or Proprietors, who by himſelf, herſelf, or themſelves, or ſuch other Perſon or Perſons as aforeſaid, ſhall make ſuch Application as aforeſaid, for the Purpoſe of raiſing a Sum of Money ſufficient to defray the Whole or Part of the Coſts, Charges, and Expences which ſuch Owner or Owners, Proprietor or Proprietors as aforeſaid, ſhall, in conſequence of this Act or the ſaid recited Act, incur or ſuſtain, or be ſubject or liable to, and ſuch Sales ſhall be made by the ſaid Commiſſioners in the Manner herein-after directed; and the ſaid Commiſſioners ſhall, with and out of the Monies to ariſe from ſuch Sale or Sales, pay all the Expences attending the ſame, or in anywiſe relating thereto, and ſhall, with and out of the Reſidue of the ſaid Monies, defray the Coſts, Charges, and Expences for the defraying of which ſuch Sale or Sales was or were reſpectively made; and if any Surplus Money ſhall remain in the Hands of the ſaid Commiſſioners, ſuch Surplus Money ſhall be applied and diſpoſed of by them in the Manner directed by the ſaid recited Act, with reſpect to Money which is thereby directed to be paid into the Bank of *England*, for the Purchaſe or Exchange of any Lands, Tenements, or Hereditaments to be ſettled to the ſame Uſes, or of any Timber or Wood growing thereon, and which ought to be laid out in the Purchaſe of other Lands, Tenements, and Hereditaments as therein mentioned: Provided always, that it ſhall not be lawful, by virtue of this Act, to raiſe by ſuch Sales reſpectively any further or greater Sum of Money for the Purpoſe of defraying ſuch Coſts, Charges, and Expences as aforeſaid than the reſpective Owner or Proprietor, or Owners or Proprietors, or other Perſon or Perſons making ſuch Application as aforeſaid, is or are by the ſaid recited Act empowered or authorized to borrow and charge for the Purpoſe of defraying his, her, or their reſpective Share or Shares of Charges and Expences: Provided alſo, that if the Money ſo to be raiſed by the Sale of ſuch Allotment or Allotments ſhall not be equal to the Sum of Money that may be borrowed and charged by virtue of the ſaid Act and this Act, on the Lands and Grounds ſo allotted by virtue of this Act to ſuch Owner or Owners, Proprietor or Proprietors, reckoning Five Pounds for each and every Acre thereof, then and in every ſuch Caſe it ſhall and may be lawful to and for ſuch Owner or Owners, Proprietor or Proprietors, to borrow and charge upon his, her, or their Allotment or Allotments any Sum or Sums of Money not exceeding the Exceſs or Difference: Provided further, that nothing in this Act contained ſhall extend or be deemed or conſtrued to extend to prevent or hinder any Owner or Proprietor or other Perſon or Perſons from exerciſing in preference to the ſaid Power of ſelling, the Power of borrowing and charging given by the ſaid recited Act.

Manner in which Sales are to be made by the Commissioners.

LVI. And be it further enacted, That all the Sales to be made by the said Commissioners, in pursuance of this Act (excepting such as are hereinbefore directed to be made of a Part or Parts of the Allotment or Allotments to His said Majesty) shall be made precisely in the same Manner as Sales of Land for the Payment and Discharge of Expences attending Acts of Inclosure, are by the said recited Act directed to be made, and the Receipts of the said Commissioners for the Monies to arise from such Sale or Sales shall be a sufficient Discharge or Discharges to the Person or Persons paying the same, and such Person or Persons, his, her or their Heirs, Executors, Administrators, and Assigns shall not be liable or obliged to see to the Application of such Monies, or be answerable or accountable for the Misapplication or Non-application thereof respectively; and the Allotments or Lands which shall be respectively sold by virtue of this Act, shall on Payment to the said Commissioners of the full Purchase Money for the same respectively, be appointed and conveyed by the said Commissioners by any Deed or Deeds, Instrument or Instruments in Writing, to be by them sealed and delivered in the Presence of, and attested by Two or more credible Witnesses, to or in trust for the Purchaser or Purchasers thereof respectively, his, her, or their Heirs or Assigns, or to such Uses and in such Manner as such Purchaser or Purchasers shall direct or require; and all the Allotments and Lands which shall be so respectively appointed and conveyed, shall immediately after the Appointment and Conveyance thereof respectively be held in Fee Simple, and be absolutely discharged of and from all Right of Common and other Rights and Interests in, upon and to the same respectively, and be subject and liable to such Orders, Directions, and Restrictions with respect to fencing, ditching, and inclosing the same, and such other Orders or Directions and Restrictions as shall be laid down and appointed in respect thereof by the said Commissioners, in and by their said Award, or by any Writing under their Hands.

Commissioners to account.

LVII. And be it further enacted, That once at least in each and every Year during the Execution of this Act, 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 in or about the obtaining of this Act, and the carrying of the same and the said recited Act into Execution; and such Statement or Account when so made, together with the Vouchers relating thereto, shall be laid by the said Commissioners before Two Justices of the Peace for the said County of *Kent*, not interested in the Inclosure hereby intended to be made, to be by such Justices examined and balanced; and such Balance shall be stated by such Justices in the Books of Account to be kept in the Office of the Clerk to the said Commissioners, and no Charge or Item in such Account shall be binding on the Parties concerned or valid in the Law, unless the same shall have been duly allowed by the said Justices.

Commissioners to annex Maps and Plans to their Award.

LVIII. And be it further enacted, That the said Commissioners shall, and they are hereby required to form and draw on Parchment or Vellum, and annex to and inroll with their Award the Maps or Plans which by the said recited Act they are authorized if they should think necessary, to form and draw and annex to and inroll with their said Award.

A Copy of the Award to

LIX. And be it further enacted, That the Award to be made by the said Commissioners shall be executed and published within Three Years from the

the paſſing of this Act; and that within Six Calendar Months after ſuch Award ſhall have been inrolled in Manner directed by the ſaid recited Act, a Copy thereof fairly tranſcribed on Parchment or Vellum and ſigned by the proper Officer of the Court wherein ſuch Award ſhall be inrolled, or by the Clerk of the Peace of the ſaid County of *Kent*, or his Deputy, if the ſame ſhall be inrolled with him, ſhall, with a Plan annexed thereto, be depoſited in the Pariſh Church of *Looſe* aforeſaid, ſo that recourſe may at any Time or Times be had thereto by any Body Politic, Corporate, or Collegiate, or Perſon or Perſons intereſted in the Premiſes. be depoſited in Looſe Church.

LX. 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 ſaid Award as ſhall contain an accurate Deſcription of the Allotments or Allotment to be made to His ſaid Majeſty, together with ſuch Regulations or Proviſions relative to ſuch Allotments or Allotment, 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 Allotments or Allotment, and tranſmit the ſame to the Commiſſioners of His Majeſty's Woods, Foreſts and Land Revenues, or to the Surveyor General of His Majeſty's Land Revenue for the Time being, within Six Calendar Months next after the making and executing the ſaid Award, to be by them or him filed and kept among the Muniments of their or his Office, and to be produced and admitted in Evidence on all Occaſions where any Queſtion, Doubt or Controverſy may ariſe relating to or affecting the Rights or Intereſts of His Majeſty, His Heirs and Succeſſors. Extracts of ſo much of the Award as relates to the King's Allotment to be ſent to the Commiſſioners of His Majeſty's Woods, &c.

LXI. And be it further enacted, That if any Perſon or Perſons, or Body or Bodies Politic, Corporate or Collegiate, ſhall think himſelf, herſelf or themſelves aggrieved by any Thing done or omitted to have been done in purſuance of this Act or the ſaid recited Act, (other than and except as to ſuch Claims, Matters and Things as are by this Act or the ſaid recited Act directed or authorized to be aſcertained, ſettled, tried or determined by the Verdict of a Jury, or where by any of the Proviſions of this Act or the ſaid recited Act the Determinations, Orders, Acts or Proceedings of the ſaid Commiſſioners are declared or directed to be final and concluſive,) then and in every ſuch Caſe he, ſhe or they may appeal to the Juſtices at the General Quarter Seſſions of the Peace which ſhall be held for the ſaid County of *Kent*, within Four Calendar Months next after the Cauſe of Complaint ſhall have ariſen, on giving to the ſaid Commiſſioners and to the Party or Parties concerned Twenty-one Days Notice in Writing of ſuch Appeal and of the Matter thereof, and the Juſtices (not intereſted in the Premiſes) at the ſaid General Quarter Seſſions, or at any ſubſequent General Quarter Seſſions to which the ſaid Juſtices ſhall adjourn any ſuch Appeal, either for the Want of any ſuch Notice having been given as aforeſaid, or for any other Cauſe which to the ſaid Juſtices ſhall ſeem a ſufficient Cauſe to adjourn ſuch Appeal, are hereby authorized and required to hear and determine the ſame, and to make ſuch Order therein, and award ſuch Coſts and Damages, as to them in their Diſcretion ſhall ſeem reaſonable, and by their Order or 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), upon Demand, to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of Appeal to the Quarter Seſſions for the County of Kent.

of such Warrant, Distress, and Sale; and the Determination of such Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without sufficient Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants as to the said Justices in their Discretion shall seem reasonable, and to be levied in Manner aforesaid.

Saving Manorial Rights.

LXII. Provided always, and be it further enacted, That nothing herein contained shall any otherwise prejudice, lessen, or defeat the respective Rights, Titles, or Interests of the Lords of the said Manors of *East Farleigh*, *West Farleigh*, *Loose*, *Hollingborne*, *Boughton Monchelsea*, *Hunton*, *Bushing*, and *Pimos Court* respectively for the Time being, of, to, or in any Royalties, Franchises, Privileges, Courts, Escheats, Forfeitures, Services, Rights, or Appurtenances whatsoever incident or belonging to the said Manors respectively, than as the Intent and Purpose of the Inclosure and Allotments hereby authorized to be made shall absolutely require.

General Saving.

LXIII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and all and every other Person and Persons, and Bodies and Body Politic, Corporate, and Collegiate, and his, her, and their Heirs, Successors, Executors, and Administrators, (except the several Persons and Bodies Politic, Corporate, or Collegiate, to whom Allotments or other Compensations shall be made by virtue of this Act, or the said recited Act, in respect of the Rights, Estates, and Interests for or in lieu or in respect of which such Allotments or Compensations shall be respectively made, and except all Persons claiming by, through, from, or under them, or in Remainder or Reversion after them), all such Right, Estate, Title, and Interest, as they, every, or any of them, could or ought to have had and enjoyed in, to, or in respect of the said Heath or Common or Waste Land hereby intended to be divided, allotted, and inclosed, or in, to, or in respect of any other Lands or Hereditaments in the said Parishes of *Boughton Monchelsea*, *Loose*, *Linton*, *East Farleigh*, *West Farleigh*, and *Hunton*, in case this Act had not been passed.

Evidence.

LXIV. And be it further enacted, That this Act shall be printed by the several Printers to the King's most Excellent Majesty, duly authorized to print the Statutes of the United Kingdom; and that a Copy thereof, so printed by any of them, 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. 1814.