ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

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Interests in, upon, and over the said Commons and Waste Grounds: 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 Lands and Grounds of the respective Proprietors in the said Open Fields, Open Meadows, and Lammas Lands, lie intermixed and dispersed, and are at present very inconveniently situated for the Cultivation thereof, and the said Commons and Waste Grounds in their present State are incapable of much Improvement; and it would be of great Advantage to the several Persons interested therein, if all the said Open Fields, Open Meadows, Lammas Lands, Commons and Waste Grounds were divided and inclosed, and specific Parts thereof allotted to the said several Proprietors in proportion to their respective Property, Rights of Common, and other Interests therein; but forasmuch as such Objects cannot be obtained or effectually carried into Execution 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 Sir *William Gibbons* of *Stanwell* in the County of *Middlesex*, Baronet, *Abraham Purshouse Driver* of *Kent* Road, in the County of *Surrey*, and *Thomas Denton* of *Staines* in the County of *Middlesex*, 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 Fields, Open Meadows, Lammas Lands, Commons and Waste Grounds within the said Parish of *Egham*, and also for setting out, allotting, and dividing all such old Inclosures of Land within the said Parish in which there are Lands belonging to different Proprietors, and also such other old Inclosures of Land within the said Parish, to which the present Proprietors thereof will have no Access through their own Lands, or by any of the Public Roads to be set out by the said Commissioners, and for carrying this Act and the said recited Act into Execution, under and subject to such of the Orders and Directions contained in the said recited Act, as are not varied or altered, or controlled by, or repugnant to any of the Provisions of this Act; and that all Acts, Matters, and Things authorized and necessary to be done and executed by the said Commissioners for effecting the Purposes aforesaid, may be done and executed by any Two of them, and the same shall be as valid and effectual as if such Acts, Matters, and Things had been done and executed by all the said Commissioners herein nominated or appointed, or their Successors.

Appointment of Commissioners.

Appointment of new Commissioners in case of Death.

II. And be it further enacted, That in case the said Sir *William Gibbons* and *Thomas Denton*, or either of them, their or either of their Successors to be appointed as hereinafter mentioned, shall die, or refuse or neglect or decline to act or qualify themselves or himself, or shall be incapable of acting in the Execution of this and the said recited Act, then and in every such Case it shall and may be lawful to and for the major Part in Value of the Persons interested in the said Division, Allotment, and Inclosure (such Value to be ascertained according to the Land-Tax Assessment for the said Parish of *Egham*, as well redeemed as unredeemed), who shall be present at a Meeting to be holden for that Purpose, in the Vestry Room of the said Parish, within

Twenty-eight Days next after any such Death, Refusal, Neglect, or Incapacity as aforesaid, of which Meeting Ten Days Notice at the least, and of the Purpose thereof, shall be given by Advertisement, signed with the Name of the Clerk, in the *Windsor Express*, and in the *Reading Mercury*, or in some other Newspaper circulated within the said Parish of *Egham*, to nominate, elect, and appoint, by any Instrument in Writing, some fit and proper Person (not interested in the said Division and Inclosure) to be the Commissioner in the Stead of such Commissioner or Commissioners so dying, refusing, neglecting, or being incapable of acting as aforesaid, and so from Time to Time, as often as any such Case shall happen; and in case of the Death or Refusal, or neglecting or declining to act of the said *Abraham Purshouse Driver*, or any of his Successors to be appointed as hereinafter mentioned, 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, to nominate and appoint a Commissioner in the Stead of such Commissioner so dying, refusing, neglecting, or declining to act, and so from Time to Time as often as any such Case shall happen; and any Commissioner so to be nominated and appointed shall, after taking and subscribing the Oath prescribed in that Behalf, have the like Power and Authority for carrying the said recited Act and this Act into Execution, and shall be subject and liable to the likes Rules, Regulations, and Restrictions as if he had been originally appointed a Commissioner in and by this Act.

Commissioner's Clerk.

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

Notice of Meetings.

IV. And be it further enacted, That the said Commissioners shall, and they are hereby required within Two Months after the passing of this Act to give or cause public Notice to be given in Writing under their Hands, or the Hand of their Clerk, specifying the Time and Place of holding their first Meeting for executing this and the said recited Act, to be affixed on the principal outer Door of the Parish Church of *Egham* aforesaid, and also by Advertisement to be inserted in the said *Windsor Express* and *Reading Mercury* Newspapers Ten Days at the least before any such Meeting shall be holden (Meetings by Adjournment only excepted); and it shall be lawful for the said Commissioners to adjourn their Meetings from Time to Time as they shall see Occasion for executing the Powers hereby vested in them; provided that no Adjournment shall be made for a longer Space than Forty Days, and that all such Meetings shall be held within the said Parish of *Egham*, or at some other Place within the Distance of Eight Miles from the Boundary of the said Parish.

Other Notices.

V. Provided always, and be it enacted, That all other Notices requisite to be made and given by the said Commissioners, shall be so made and given by the said Commissioners by Advertisement in the said *Windsor Express* and in the *Reading Mercury*, or in some other Newspaper circulated in the said Parish of *Egham*.

VI. And

Commissioners to determine Differences;

VI. 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 Division and Allotments, touching or concerning the respective Rights and Interests which they or any of them shall have or claim to have in or upon the said Commons and Waste Grounds, or any Part thereof, or touching or concerning any other Matter or Thing relating to the said Division or Allotments, it shall be lawful for the said Commissioners to hear and determine the same.

not to determine Titles.

VII. Provided always, That nothing in this Act contained shall authorize the said Commissioners to determine the Title of any Messuages, Lands, Tenements, or Hereditaments whatsoever.

Commissioners may assess Costs.

VIII. And be it further enacted, That the said Commissioners shall and they are hereby empowered and required upon Request made to them, to assess and award such Costs and Charges as shall relate or be incident to the said Disputes and Differences as they shall think reasonable, to be paid to the Party or Parties in whose Favour any Determination of the said Commissioners shall be made, by the Person or Persons whose Claim or Objection shall be thereby disallowed or overruled; and in case the Person or Persons who shall be liable to pay such Costs and Charges, shall neglect or refuse to pay the same on 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 and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Persons dissatisfied to try their Rights by an Issue at Law.

IX. Provided always, and be it further enacted, That if any Person or Persons interested or claiming to be interested in the said intended Division and Allotment, shall be dissatisfied with any Determination of the said Commissioners touching or concerning any Claim of any Rights of Common, or of other Rights or Interests in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, it shall 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, at the then next or at the following Assizes to be held for the said County of *Surrey*, and for that Purpose shall cause an Action or Actions to be brought upon a feigned Issue against the Person or Persons in whose Favour such Determination shall have been made, giving Three Calendar Months' Notice of his or their Intention so to do; and the Defendant or Defendants in such Action or Actions shall, and he or they is or are hereby required to name an Attorney or Attornies, who shall appear thereto, or file Common Bail, and accept one or more Issue or Issues, whereby such Claim or Claims and the Right or Rights thereby insisted on may be properly 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, if the Parties shall differ about the same; and the Verdict or Verdicts which shall be given in the said Action or Actions shall be final and conclusive unless the Court shall order a new Trial

Trial or Trials to be had; and after any Verdict or Verdicts shall be had and not set aside by the Court, the Commissioners shall and they are hereby required to conform thereto, and to allow or disallow the Claims thereby determined according to the Event of such Trial.

Determination of Commissioners to be final if not objected to, or Action not brought.

X. Provided always, That the Determination of the Commissioners touching such Claims or Rights which shall not be objected to, or being objected to, the Party or Parties objecting not causing such Action or Actions at Law to be brought and proceeded in as aforesaid, shall be final and conclusive upon all Parties; provided also, that no Difference or Suit touching the Matters aforesaid shall impede or delay the said Commissioners in the Execution of the Powers vested in them by this Act, but the Division and Allotment hereby directed to be made shall be proceeded in, notwithstanding such Differences or Suits; provided also, that if any of the Parties 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.

Suits not to abate on the Death of Parties.

In case of Death of Parties, Actions to be carried on and defended in their Names.

XI. Provided always, and be it further enacted, That if any Person or Persons in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions should 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 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 such Parties shall be equally bound and concluded by the Event of such Action or Actions.

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

XII. Provided always, 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 Encroachment made within the Period of Twenty Years as herein-after mentioned); 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.

For extinguishing or suspending Rights of Common.

XIII. And be it further enacted, That the said Commissioners may in their Discretion, at any Time or Times antecedent to the making and publication of their Award as aforesaid, either suspend or wholly extinguish all or any Part or Parts of the Right of Commonage in, over, or upon all or any of the Lands or Grounds so to be divided and allotted as aforesaid,

and likewise authorize all or any of the said Proprietors after their respective Allotments shall be marked and staked out for them, and prior to the Execution of the said Award, to proceed to ditch, fence, inclose, occupy, and enjoy in Severalty (except as herein-before mentioned), such their own respective Allotments, and in such Manner as they the said Commissioners shall or may at any intermediate Time or Times before the Execution of the said Award think expedient, notify and describe to such Proprietors their several Allotments; and the several Allotments when finally made and awarded of the said Lands and Grounds so to be divided, set out, and allotted as aforesaid, shall be and vest in the respective Persons to whom the same shall be so allotted respectively, in full Compensation of or for their several Rights and Interests in, upon, and out of all or any of the said Lands and Grounds so to be divided and allotted as aforesaid; and all such Proprietors shall be bound to accept of such Allotments accordingly.

Turf, Gravel, &c. not to be taken without Licence of the Commissioners.

XIV. And be it further enacted, That if any Person or Persons after the passing of this Act, and while the same is carrying into Execution, shall cut, dig, or carry away any Gravel, Earth, Sand, Stone, Clay, or any Turves, Furze, Fern, or other Fuel, in, upon, and from the said Commons and Waste Lands, 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), then and in every such Case, upon Proof thereof made before the said Commissioners, either by Confession of the Party or Parties offending, or upon the Oath of one credible Witness, (which Oath such Commissioners shall and are hereby empowered and required to administer), such Commissioners shall and 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 Five Pounds, to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so offending, rendering the Overplus (if any) upon Demand, unto the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale; and the Money so to be levied as aforesaid shall be applied towards defraying the Costs and Charges of executing this Act; and every Person shall be allowed to give Evidence of such Offence, notwithstanding he or she may be interested in the Inclosure; and if such Distress shall not be found, and such Penalty shall not be forthwith paid, it shall and may be lawful for the said Commissioners, and they are hereby authorized and required by Warrant or Warrants under their Hands and Seals to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the said County of *Surrey*, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties or Fines, and all reasonable Charges and Expences attending the same, shall be sooner paid and satisfied.

Encroachments.

XV. And be it further enacted, That all Inclosures and Encroachments which shall have been made without the Authority of the Lord of the said Manor of *Egham* for the Time being, or without any other lawful and competent Authority, upon the said Commons and Waste Grounds, within the Space of Twenty Years next before the passing of this Act, shall be deemed Part of the Commons and Waste Lands to be divided and inclosed

inclosed by virtue of this Act, and the same shall be divided and inclosed accordingly; provided nevertheless, that all and every such Inclosures and Encroachments shall be allotted in all Cases where the same can be done without Prejudice or Inconvenience to the Owner or Occupier of the adjoining Messuages or Lands, to the Person or Persons who shall at the Time of making such Allotments be in Possession of such Encroachments, or in the Receipt of the Rents and Profits thereof, as the whole or part of the Share or Proportion of the said Commons and Waste Lands to which such Person or Persons shall or may be entitled by virtue of this Act (in case such Person or Persons shall be so entitled), without considering the Value of any Erections thereon or Improvements made thereto; and if such Person or Persons shall not be entitled to any Allotment under this Act equal to the Value of such Encroachments, but shall be willing to purchase the same, then the said Commissioners shall (where the same can be done without any Prejudice or Inconvenience as aforesaid) ascertain the Price thereof, or of such Part thereof as shall exceed the Rights of such Possessor or Possessors thereof in respect of any other Property as aforesaid, in ascertaining of which Price the said Commissioners shall not value the Buildings or other Improvements thereon, but shall value the Land only, and that at so much Money *per* Acre as the same shall in their Estimation be worth, having reference to the Waste next adjoining; and upon such Person or Persons paying such Price *per* Acre to the said Commissioners at such Time or Place as they shall for that Purpose appoint, and taking their Receipt or Receipts for the same, every such Inclosure and Encroachment, or such Part thereof as shall be so purchased, and also all Buildings and Improvements thereupon, shall become by virtue of this Act vested in such Purchaser or Purchasers, and his, her, and their respective Heirs and Assigns, in Fee Simple, without any further or other Conveyance, Assurance, Instrument, or Writing whatsoever; and the said Commissioners shall apply such Purchase Monies as Part of the Monies to be raised as herein-after mentioned for defraying the Expences of obtaining and passing of this Act, and of carrying the same into Execution.

Surplus.

XVI. Provided always, and be it further enacted, That if there shall be any Surplus, the same shall be divided between the several Persons interested in the said Lands and Grounds, in proportion to their respective Interests and Property therein, 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 Persons respectively shall be paid and applied in the Manner directed by the said Act of the Forty-first Year of His present Majesty, with respect to Money 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.

Commissioners may in certain Cases award Encroachments to adjoining Proprietors or Occupiers,

XVII. And be it further enacted, That where any such Inclosure or Encroachment shall, within Twenty Years previous to the passing of this Act, have been made without any such Authority as aforesaid, and it shall be prejudicial or inconvenient to the Owner or Occupier of the adjoining Messuages or Lands, for the same to continue or remain as aforesaid, then it shall be lawful for the said Commissioners, and they are hereby empowered and required to allot and award all and every such Inclosures or

and order reasonable Compensation to the Person in Possession.

or Encroachments respectively, to such Person or Persons whose Estate, or Allotment or Allotments may surround or adjoin the same, as Part of his, her, or their Allotment or Allotments; and the said Commissioners are hereby authorized and empowered, if they shall think fit, or order a moderate and reasonable Compensation to be paid by such Person or Persons to whom such Inclosure or Encroachment shall be awarded in Manner aforesaid, to the Person or Persons who shall be in Possession as apparent Owner of any such Inclosures or Encroachments, as a Compensation for the Costs and Expences which he or they may have laid out and expended in fencing, planting, or otherwise in the Improvement thereof; and from and immediately after the Execution of the Award of the said Commissioners, and Payment of such Compensation Money as aforesaid, such Inclosures and Encroachments shall thenceforth be vested in such Person or Persons respectively, to whom the same shall be so allotted and awarded in Manner aforesaid.

Encroachments for 20 Years not to be allotted.

XVIII. Provided always, and be it further enacted, That no Encroachment which shall have been made from or upon the said Commonable Grounds and Waste Lands, or any Part or Parts thereof, for Twenty Years or upwards antecedent to the passing of this Act, shall be thrown open, divided, allotted or inclosed, under the Provisions of this present Act, or the Provisions of the said recited Act, nor shall any such Encroachment as last aforesaid, nor the Houses, Cottages, Buildings, and other Erections thereupon, except as aforesaid, be considered as Part of the said Commonable Grounds, Heath, and Waste Lands, nor shall the Title or Titles derived under such Encroachment be disturbed by this Act, or the said recited Act, or any thing herein contained.

No Allotment to be made to His Majesty for Land taken into Windsor Great Park by the late William Duke of Cumberland, nor shall any Persons be entitled to Allotment for Encroachments made within 20 Years.

XIX. Provided always, and be it further enacted, That no Allotment shall be made or set out to or for His Majesty, for that Part or Portion of *Windsor* Great Park lying and being within the said Parish of *Egham*, which was enclosed some Years since by his late Royal Highness *William* Duke of *Cumberland*, neither shall any Person or Persons be entitled to have or claim any Allotment or Allotments of the Commons and Waste Lands within the said Parish, in Right of any Encroachment that shall or may have been made upon any Part or Parts of the said Commons and Waste Lands within the Space of Twenty Years next before the passing of this Act.

Date of Encroachments to be determined by Commissioners.

XX. And be it further enacted and declared, That if any Dispute shall arise as to the Space of Time during which any such Encroachments shall have been made or subsisted, the same shall be examined into and determined by the said Commissioners.

Power to stop up old Roads.

XXI. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and empowered to stop up, divert, or turn any old Road or Roads within the said Parish of *Egham* which they shall judge necessary to be stopped up, diverted, or turned, besides the Roads which pass over the Lands and Grounds hereby directed to be divided and allotted: Provided always, that no such Road or Roads shall be stopped up, diverted, or turned, without the Concurrence and Order of Two Justices, and in manner and subject to such Appeal as are and is particularly mentioned or referred to in and by the said recited Act.

XXII. And

Power to make Drains, &c.

XXII. And be it further enacted, That the said Commissioners shall and may cleanse, scour out, and widen all such ancient Brooks, Ditches, Drains, Watercourses, Tunnels, and Bridges, within the said Parish, and also shall and may make, set out, and appoint such new Ditches, Drains, Water-courses, Tunnels, Gates, Banks, and Bridges, as well in, through, and over the Lands hereby intended to be divided, allotted, and inclosed, as also in, over, and through any ancient Inclosures within the said Parish, (making such Satisfaction 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 they are hereby directed and required in and by their Award to order and direct by whom, at whose Expence, at what Time, and in what Manner the said Brooks, Ditches, Drains, Water-courses, Tunnels, Gates, Banks, and Bridges, shall be made, and afterwards cleansed, scoured, repaired, and maintained: Provided always, that all Public Drains shall be made at the Expence of the Proprietors of Estates in the said Parish of *Egham*, in such Proportions and in such Manner as the said Commissioners shall in and by their Award order and direct; provided also, that no Brook or Stream of Water shall be diverted and turned without the Consent in Writing of the Owner of the Lands and Grounds from which any Brook or Stream shall be diverted, or into which any Brook or Stream shall be turned.

Allotment for Gravel and Sand Pits, &c.

XXIII. And be it further enacted, That the said Commissioners shall and they are hereby required, in the first place, to set out and allot unto the Surveyors of the Highways of the said Parish of *Egham*, and their Successors for the Time being, out of, from, and upon any of the Lands or Grounds by this Act intended to be divided, allotted, and enclosed, one or more Allotment or Allotments of Ground, for the Purpose of getting Gravel, Sand, and other Materials for the Repairs of the several public and private Roads and Ways within the said Parish of *Egham*, and for the Proprietors of ancient Messuages and Cottages within the said Parish, who shall be proved to have a Right of Common under the Powers and Provisions of this Act, as they the said Commissioners shall think proper and necessary for those Purposes, which said Allotment or Allotments shall be fenced in and enclosed, and the Fences thereof for ever after maintained and supported in such Manner, and by such Person or Persons in the said Parish of *Egham*, as the said Commissioners shall order and direct, and which said Allotments shall and may be annually set out at Rack-Rent by the said Surveyors respectively (subject to such digging of Materials for the Reparation of the said Roads and other Purposes as aforesaid respectively) for the best Rent or Rents that can be gotten for the same, which said Rent or Rents shall be applied to the Repairs of the said Roads in the said Parish of *Egham* for ever.

Commissioners may sell Lands to pay Expences.

XXIV. And be it further enacted, That the said Commissioners shall and may and they are hereby authorized and required to mark and set out such Part or Parts of the said Commons and Waste Grounds as will by the Sale thereof, in the Judgment of the said Commissioners, raise Money sufficient to defray and discharge all the Costs and Charges attending the preparing, soliciting, and passing this Act, and the surveying, dividing, and allotting the said Lands and Grounds hereby directed to be

be divided and inclosed, and of setting out and forming such public Roads, Drains, Bridges, and other Requisites as in and by this Act and the said recited Act are particularly directed, and of preparing and inrolling the said Award; and also for erecting one or more suitable Cottage or Cottages on the Allotment or Allotments to be set out to or for the Use of such poor Persons in the said Parish of *Egham* as hereinafter directed, which they are hereby authorized to do, and all other reasonable Expences and Charges of the said Commissioners and Surveyors, and other proper and necessary Expences in the Execution of this Act from Time to Time as the same shall respectively accrue; and the said Commissioners shall and they are hereby required to sell the Lands and Grounds so marked and set out, in such Allotment or Allotments, in the like Manner, and under and subject to the same Provisions and Directions, having regard to the Proviso hereinafter contained, as are expressed in the said recited Act; and after such Sale or Sales the Purchase Money arising therefrom shall be applied by the said Commissioners in defraying such Costs, Charges, and Expences as aforesaid.

Surplus.

XXV. Provided always, and be it further enacted, That if there shall be any Surplus arising from any Sales which shall be made in pursuance of this Act, after paying the Sums so directed to be raised, and the reasonable Expences of Sale, such Surplus shall be divided between the several Persons interested in the said Lands and Grounds, in proportion to their respective Interests and Property therein, 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 Persons respectively shall be paid and applied in the Manner directed by the said Act of the Forty-first Year of His present Majesty with respect to Money to be paid for the Purchase or Exchange of 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.

Frontages may be sold by Private Contract.

XXVI. Provided nevertheless, That previous to the publishing any Advertisement for Sale of any Part of the said Commons and Waste Lands lying in Front of or before any Messuages, Tenements, or Lands belonging to any Proprietor in the said Parish, or in any adjoining Parish, which Frontages the said Commissioners are hereby directed and required to select for that Purpose, the said Commissioners shall and they are hereby directed and required to deliver unto such Person or Persons, before or in Front of whose Property the same shall lie, or his, her, or their known Agent or Attorney, a Description and Estimate in Writing, under the Hands of such Commissioners, of the Value of such Frontages (Quantity and Quality, with reference to the Value of the Waste Land next adjoining, being considered), in order that such Person or Persons may have an Option of purchasing the same by Private Contract; and that in case such Person or Persons shall within Thirty Days after the Delivery of such Notice pay or cause to be paid to the said Commissioners the Amount of such Estimate or Valuation, then such Frontages or Parcels of the said Commons and Waste Lands shall not be advertised for Sale, or sold by Public Auction, but from and immediately after Payment of the Purchase Money, the Person or Persons paying the same shall be absolutely seized of an Estate of Inheritance in Fee

Simple of and in the Land contained in such Description and Estimate, free from all Incumbrances whatsoever.

In case of Deficiency a Rate to be made.

XXVII. And be it further enacted, That in case the Purchase Monies arising by such Sale or Sales shall not be sufficient to defray all the Costs, Charges, Fees, and other Expences aforesaid, then the Deficiency thereof shall be made good by the several Persons interested in the said Commons and Waste Grounds, and shall be paid in such Shares and Proportions, within such Time, and to such Person or Persons as the said Commissioners shall direct or appoint; and in case any Person subject to the Payment of any Monies towards such Costs, Charges, Fees and Expences as aforesaid, shall neglect or refuse to pay his or her Share or Proportion thereof, within the Time to be appointed by the said Commissioners, the same shall and may be levied and recovered in the Manner provided by the said recited Act in respect to the Recovery of Expences for obtaining and executing any Act of Parliament, in Cases where such Expences are to be paid in Proportion by the Proprietors of Lands and Grounds to whom any Allotments shall be made.

Allotment to the Lord of the Manor.

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 and for the King's most Excellent Majesty, as Lord of the said Manor of *Egham*, and to and for the said *William* Earl *Harcourt*, as Lessee of the said Manor, such Part or Parts of the said Commons and Waste Lands lying within the said Manor of *Egham* as in the Judgment of the said Commissioners shall be equal in Value to One Sixteenth Part of the Value of so much of the said Commons and Waste Lands as shall remain after setting out the Public Carriage Roads, and the Allotment or Allotments for Gravel or Sand, and after setting out such Parts thereof, to be sold in pursuance of this Act as aforesaid, in lieu of and as a Recompence for his and their Right, as Lord and Lessee of the Manor aforesaid, to the Soil of the said Commons and Waste Lands exclusive of the Lands to be allotted to His Majesty by virtue of this Act, in lieu of his Rights and Interests in the said Commons and Waste Lands in respect of the several Messuages, Cottages, Demesne Lands, and other Lands belonging to the Crown within the said Manor.

Allotment to the Poor.

XXIX. And be it further enacted, That the said Commissioners shall, in the next place, set out and allot so much and such Part or Parts of the Remainder of the said Commons and Waste Grounds hereby directed to be allotted and inclosed, in such Place or Places as they shall think proper, not exceeding in the whole Three hundred Acres, nor less than Two hundred and eighty Acres thereof, which said Piece or Parcel of the said Commons and Waste Grounds so to be set out and allotted shall be and remain to and for the Use of the real and true Occupiers (being Parishioners of the said Parish of *Egham*) of Houses and Cottages standing and being within the said Parish, the Yearly Rent of which shall not exceed Six Pounds, and having no other House or Place of Residence; and such Occupiers for the Time being shall at all Times afterwards have the sole and exclusive Right of using the said Piece or Parcel of the said Commons or Waste Grounds so to be set out and allotted, for the Purpose of cutting Turf, Furze and Heath for Fuel, in equal Proportions, according to the Number of the said Houses and Cottages, and which said Piece or Parcel of the said Commons

mons or Waste Grounds shall be divided and apportioned into Seven distinct and separate Parts, and one Part only shall be cut in regular Succession every Year; and the same shall be used and enjoyed by such Occupiers of Houses and Cottages for the Time being, without paying any thing for the same; and when and so soon as the said Allotment or Allotments shall be assigned and set out, the same shall respectively be and become vested in the Minister, Churchwardens and Overseers of the Poor of the said Parish of *Egham* for the Time being, and their Successors, and in all the Landholders of and in the said Parish of the Value of Fifty Pounds *per Annum*, to be for that Purpose respectively chosen at Vestries to be held at *Easter* in every Year, who, or a Majority of them, shall have full Powers to make such Rules, Orders and Regulations as they shall think proper, for the proper Use, Management, Dividing and otherwise Improving, or for the Stints of the Commonage thereof, and for the Protection and Preservation of the Ground and Soil thereof, and for the Employment and Appointment of a proper Person or Persons to execute such Rules and Orders, and to overlook the said Allotment or Allotments, and to impound Cattle which shall be found trespassing thereon, contrary to such Regulations, and to order Payment of all necessary Expences thereby incurred, not exceeding in one Year the Sum of Twenty Pounds, out of the Rates made for the Relief of the Poor of the said Parish, which Sum the Overseers of the Poor of such Parish are hereby required and authorized to pay accordingly, and which shall be allowed to them in their Accounts.

Directing that the Meadow called Runney Mead and Long Mead shall not be inclosed.

XXX. And be it further enacted, That the several Pieces or Parcels of Land, comprising the Meads called *Runney Mead* and *Long Mead*, situate in the said Parish of *Egham*, shall not be fenced or inclosed under or by virtue of any of the Powers contained in the said recited Act or this Act, but the said Meads shall in all other respects remain at all Times hereafter open and uninclosed, and specific Parts or Shares thereof shall be allotted unto and amongst the several Owners and Proprietors thereof, according to their respective Shares, Rights, and Interests in, over, and upon the same, and the Pasturage thereof shall be stinted in such Manner and under such Restrictions and Regulations as the said Commissioners shall in and by their Award order and direct: Provided always, that the said several Pieces or Parcels of Land last mentioned, or such Parts thereof which have been appropriated and used a long Time past as a Race Ground, shall be kept and continued as a Race Course for the Public Use, at such Time of the Year as the Races thereon have heretofore been accustomed to be kept.

Commissioners not to set out any Part of the Green called Englefield Green.

XXXI. And be it further enacted, That nothing in this Act, or the said recited Act contained, shall authorize or empower the said Commissioners to set out any Part or Parts of the Common or Waste Lands called *Englefield Green*, situate within the said Parish, and comprised within the following Boundaries, (that is to say,) the several Dwelling Houses, and the Pleasure and other Grounds thereto respectively belonging, on the North, East, South, and Part of the West Sides thereof, and the Road leading towards *Lion Green* from *Bishopsgate* and the said *Green* to *Old Windsor* on the other Part of the West Side thereof, but the same shall remain open and uninclosed for the Pleasure of the Inhabitants, and Ornament of their Residences on the said Green, in such Manner as the said Commissioners shall

shall think fit, and that the Pasturage thereof shall be allotted and awarded to the several and respective Owners and Proprietors of Estates which shall adjoin the said Green so to be reserved as aforesaid, under such Restrictions, Rules, and Regulations, as the said Commissioners shall in and by their Award order and direct.

Allotments for every Common Right Cottage.

XXXII. And be it further enacted, That the said Commissioners shall, in the next Place, set out and allot unto the Owners or Proprietors of Messuages and Cottages within the said Parish of *Egham*, as shall not have been erected within the Memory of Man, to which are appendant or appurtenant any Right or Rights of Common over or upon the said Commons or Waste Grounds hereby directed to be divided, allotted, and inclosed, (except such Person or Persons who shall be Occupiers of Houses and Cottages entitled to a Share or Interest in the Allotment or Allotments to be set out and assigned for Fuel as herein-before directed,) such Parts and Proportions of the said Commons and Waste Grounds as shall, in the Judgment of the said Commissioners, be a fair and just Equivalent and Compensation for their several and respective Cottage Rights and Interests in and over the said Commons and Waste Grounds.

Allotment of the Residue.

XXXIII. And be it further enacted, That after the several Divisions and Allotments herein-before directed to be made of the said Commons and Waste Lands, shall have been assigned and set out in the Manner herein-before directed, and such Sale or Sales and such Reservation as are herein-before mentioned shall have been made, then the said Commissioners shall divide, set out and allot all the Residue and Remainder of the said Open and Common Fields, Open Meadows, Lammas Lands, Commons, and Waste Grounds within the said Parish of *Egham*, hereby intended to be divided, allotted, and inclosed as aforesaid, unto His Majesty, in Right of His Crown, and amongst the several Proprietors of and Persons interested in the Messuages, Lands, Tenements, and Hereditaments within the said Parish of *Egham*, who shall be entitled to any Estate, Property, or Interest therein, according to their respective Rights and Interests, 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 Open Fields, Open Meadows, Lammas Lands, Commons, and Waste Lands, and other Rights and Interests therein respectively.

Trees belonging to His Majesty standing on Frontages, &c. may be purchased by the Proprietors of Estates, &c.

XXXIV. And be it further enacted, That in all Cases where any Timber-trees or other Trees belonging to His Majesty shall be standing, growing and being in or upon the Frontages of any Messuages or Hereditaments situate within the said Parish, or upon the Side of any Road next to which any Messuage or Lands within the said Parish shall adjoin, and the Proprietors of the said Messuages or Lands respectively, or the Occupiers thereof respectively, in case any such Messuages or Lands shall belong to His Majesty, shall be desirous of purchasing such Timber-trees or other Trees, then and in every such Case the Value of such Timber-trees and other Trees shall be ascertained and settled by the said Commissioners.

Persons having too little Fencing

XXXV. Provided always, and be it further enacted, That in case, through the Necessity of Situation or any other Circumstance, it shall happen that any

to pay in Money.

any of the Proprietors shall not have an equal and proportionable Share of Boundary Mounds or Fences allotted to him, her, or them, on the said intended Inclosure, then and in such case it shall and may be lawful to and for the said Commissioners, where they shall judge it necessary and reasonable, to award, order, and appoint what Sum or Sums of Money such Proprietor or Proprietors shall pay or contribute towards making the Mounds and Fences to the Allotment or Allotments of such other Proprietor or Proprietors who shall or may have too great a Proportion of Mounding or Fencing allotted to him, her, or them, by virtue of this Act; the same to be settled by the said Commissioners in such Manner as they shall direct or appoint; and in case the Money so ordered, directed, or appointed, shall not be paid on Demand, then and in such case such Money shall be raised, levied, and recovered in Manner in and by the said recited Act directed.

For the Protection of Fences to Roads.

XXXVI. And be it further enacted, That in order to preserve and prevent Damage to the Fences, Hedges, and Ditches to be made under the Authority of the said recited Act and this Act, no Person or Persons whomsoever shall, for the Space of Seven Years after the Execution of the Award, permit or suffer any Sort of Cattle, Asses, Sheep, Lambs, Swine, or Goats to graze in any Highways, Lanes, or Passages which the said Commissioners shall order or direct to be laned off or fenced on both Sides; and any Occupier or Proprietor of Land within the said Parish, and his, her, and their, or any of their Servants or Labourers, and also the Heywards of the said Parish for the Time being, and all other Persons whomsoever, is and are hereby empowered to take and impound any such Beast, Horse, Ass, Sheep, Lamb, Swine, Goat, or other Cattle which shall be so found grazing as aforesaid.

Power to sell before Award.

XXXVII. And be it further enacted, That if any Person or Persons shall at any Time before the Execution of the said Award sell his, her, or their Right and Interest in, over, or upon the Lands and Grounds so to be divided, allotted, and inclosed, to any Person or Persons whomsoever, then and in every such Case it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required to make the Allotment or Allotments of the Vendor unto the Vendee or Purchaser in every such Sale, or to his or her Heirs or Assigns for ever, in respect of such Right, Interest, and Property so sold as aforesaid; and every such Vendee or Purchaser, and his, her, or their Heirs and Assigns, shall and may from and after the Execution of the said Award, hold and enjoy the Land to be allotted to him, her, or them as aforesaid, in the same Manner to all Intents and Purposes as the Vendor in every such Sale might, could, or ought to have held and enjoyed the same in case such Sale had not been made.

Allotments to be of the same Tenure as Lands allotted.

XXXVIII. 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; and the

several Lands and Hereditaments which shall be allotted for any Freehold Messuages, or Cottages, Lands or Hereditaments, shall be deemed Freehold, and shall be held of the Lord or Lords, Lady or Ladies of the Fee thereof, under the same Rents or other Payments as the Freehold Messuages, Cottages, Lands, and Hereditaments for which they were allotted, were before that Time held under; and the several Lands and Hereditaments which shall be allotted for Copyhold or Customary Messuages, Cottages, Lands, or Hereditaments, shall in like Manner be deemed Copyhold or Customary Lands and Hereditaments, and shall be held of the Lord or Lords, Lady or Ladies of the Fee thereof, under the same Rents, and by the same Customs and Services, as the Copyhold or Customary Messuages, Cottages, Lands and Hereditaments, for which they were so allotted, were or ought to have been held under, and shall pass by the like Surrenders and Assurances as the Copyhold or Customary Messuages, Cottages, Lands, and Hereditaments in respect whereof such Allotments shall be made, do now pass by, and that all and every Person and Persons to whom such Copyhold Lands and Hereditaments shall be allotted as aforesaid, may at any Court which shall be holden for the Manor or Manors, whereof such Copyhold Lands and Hereditaments shall be respectively holden after the Execution of the said Award, be admitted Tenant and Tenants to the same, without paying any Fine or other Charge to the Lord or Lords, or Lady or Ladies, or to the Steward or Stewards of the said Manors (save and except for the Stamp Duties and Parchment requisite to be used for the Copies of such Admissions respectively, and the Customary Fees to the Stewards of the said Manors respectively), but in case the Person or Persons to whom such Copyhold Lands and Hereditaments shall be allotted, shall die without Admission thereto, then the Customary Fines and other Payments shall be due and payable on the Admission of the Person or Persons entitled to such Copyhold Lands and Hereditaments, and after every such first Admission as aforesaid, the Copyhold Lands and Hereditaments so to be allotted as aforesaid shall at all Times be held under and subject to the same Tenures, Fines, and other Payments, as the present Copyhold Messuages, Cottages, Lands, and Hereditaments, in respect whereof such Lands and Hereditaments were allotted, are now held under and are subject to, any Law, Usage, or Custom to the contrary notwithstanding.

For allowing Exchanges to be made.

XXXIX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to set out, allot, and award any Lands, Tenements, or Hereditaments whatsoever, within the said Parish of *Egham*, in lieu of and in Exchange for any other Lands, Tenements, and Hereditaments whatsoever, within the said Parish of *Egham*, or within any adjoining Parish, Hamlet, or Place: Provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioners, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, or Hereditaments, which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politic, Corporate or Collegiate, or a Tenant or Tenants in Fee Simple, or for Life, or in Fee Tail Special or General, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, or with the Consent of the Guardians, 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

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; and all and every such Exchange or Exchanges so to be made shall be good, valid, and effectual in the Law, to all Intents and Purposes whatsoever; provided nevertheless, that no Exchange shall be made of any Lands, Tenements, or Hereditaments held in Right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent testified as aforesaid of the Patron thereof, and of the Bishop of the Diocese in which such Lands, Tenements, or Hereditaments shall lie or be situate: Provided always, that all Costs, Charges, and Expences attending the making any Exchanges and Partitions, shall be paid and borne by the several Persons making such Exchanges or Partitions, in such Manner and in such Proportions as the said Commissioners shall by their Award order and direct.

Power to raise Expences of Fencing, &c. by Mortgage.

XL. And be it further enacted, That it shall be lawful for the Husbands, Guardians, Trustees, Committees or Attornies of any of the Owners or Proprietors of any Allotment or Allotments, under or by virtue of this Act, being under Coverture, Minors, Lunatics, beyond the Seas, or under any other Disability, and for any of the said Owners or Proprietors, being a Body or Bodies Politic, Corporate or Collegiate, or Tenants in Tail, or for Life or Lives, or Years determinable on a Life or Lives, or on any other Contingency, or otherwise interested as aforesaid, to charge such Allotments with such Sum or Sums of Money, as such Commissioners shall by their Award, or by Writing under their Hands, either before or after the Execution of such Award, adjudge necessary to pay and defray the respective Shares of such Persons or Bodies Politic respectively of the Charges and Expences incident to and attending the obtaining or carrying this Act into Execution, or attending the inclosing and dividing such Allotments and charging the said Lands as aforesaid, so that the same shall not exceed Five Pounds for every Acre of such Allotments, and to grant, mortgage, surrender, lease or demise, or otherwise subject the Lands, Tenements, and Hereditaments so to be charged unto such Person or Persons who shall advance and lend the same respectively, his, her, or their Executors, Administrators, and Assigns, for any Term or Number of Years, so that every such Grant, Mortgage, Surrender, Lease, or Demise, be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered or re-assigned when such Sum or Sums of Money thereby to be secured shall be fully paid and satisfied, and also with a Covenant to pay and keep down the Interest, so that no Person or Persons afterwards becoming possessed or entitled to any such Lands, Tenements, or Hereditaments, shall be liable to pay any further or larger Arrear of Interest than for Six Calendar Months preceding the Time when the Title to such Possession shall have commenced; and that every such Charge, Grant, Mortgage, Surrender, Lease, or Demise, shall be good, valid, and effectual in the Law, for the Purposes thereby intended.

Power to raise Expences of

XLI. And be it further enacted, That it shall be lawful for the said Commissioners, either before or after the Execution of their Award, on Application

cation being made to them by any of the Owners or Proprietors for the Time being, seized of or entitled in Possession to any Messuages, Lands, or Hereditaments, in the said Parish of *Egham*, 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 Tail, or for Life or Lives, or Years determinable on any Life or Lives, or on any other Contingency, or otherwise interested as aforesaid, or upon like Application being made to them by the Guardians, 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 under Coverture, Minors, Lunatics, beyond the Seas, or under any other Disability, 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 or any Part or Parts 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 by the said recited Act directed in regard to Sales thereby authorized; 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 any wise 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 this or 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 further, that no Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, shall exercise the said Power of selling, and also the Power of borrowing and charging given by this Act before given, but every such Person or Persons, and Body or Bodies Politic, Corporate or Collegiate, shall be at Liberty to make his, her, or their Election of exercising either of such Powers for the Purposes aforesaid.

Fencing, &c. by Sale.

Lessors to make Compensation to Lessees.

XLII. And be it further enacted, That all Allotments of the Waste Lands only to be made by virtue of this Act, in respect of any Messuages, Lands, or Hereditaments held by Lease or Leases at Rack Rent, or for which Leases no Fines are therein expressed to have been paid to the Grantors or Lessors as the Considerations for the same, shall be allotted to and held by the several Owners and Proprietors of such Messuages, Lands, or Hereditaments, freed and discharged from all Right of Claim of such respective Lessees to or upon the said Allotments, or any Part thereof, to be derived under or by virtue of such Leases; and in case any such Lessees shall think himself, herself, or themselves aggrieved thereby, and such Lessors or Lessees shall not agree respecting the Compensation or Allowance to be made to such Lessees on account thereof, then and in every such Case it shall and may be lawful to and for the said Commissioners, upon Application made to them by either Party, to take the Matters in question into their Consideration, and by their Order to make unto every such Lessee for his, her, and their Loss of Commonage or other Losses by means of the said Division and Inclosure, such a fair and adequate Allowance and Compensation, either in Money to be paid down, or by way of Abatement in the Rack Rents by such Leases reserved, as the said Commissioners shall think just and equitable, having due regard to the Allotment in lieu of such Commonage; or if such Lessors or Lessees shall not agree touching the Advance of Rent which the said Lessors are hereby authorized to make on such Lessees, in proportion to the Costs and Charges such Lessors shall or may expend on account of the Division and Inclosure of the said Open and Commonable Lands which shall be allotted to them as aforesaid, then it shall be lawful for the said Commissioners to fix and ascertain such an Increase of Rent, to be paid by such Lessees, as they shall think just and equitable, taking into Consideration the Amount of such Costs and Charges; and in case any Person or Persons, Bodies Politic, Corporate or Collegiate, shall refuse or neglect to make such Compensation as directed by the said Commissioners, to the Person or Persons, Bodies Politic, Corporate or Collegiate, entitled thereto, on Demand, then and in every such Case it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered to raise and levy the same for the Use and Benefit of the Person or Persons, Bodies Politic, Corporate or Collegiate, entitled thereto, by such Ways and Means as the Expences of carrying the said recited Act into Execution are therein and thereby directed to be raised and paid.

Wills and Settlements not to be affected.

XLIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to revoke, make void, alter or annul any Will 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 (except in Cases of Sale or Purchase as aforesaid), but that each and every Proprietor shall stand and be seized 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, as the Lands, Tenements

and Hereditaments, whereof such Proprietor was seized or possessed at or immediately before the Execution 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.

Money advanced to be repaid with Interest.

XLIV. And be it further enacted, That if any Person 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 paid and satisfied by the Direction of the said Commissioners, together with lawful Interest for the same.

Allowance to Commissioners.

XLV. And be it further enacted, That each of the said Commissioners who shall act in the Execution of the Powers and Authorities hereby and by the said recited Act vested in them, shall be paid the Sum of Four Pounds Four Shillings and no more for each Day he shall be employed therein, including the necessary Days in travelling to and from the said Meetings, and which said Sum shall be in full Satisfaction for all the Trouble and Expences which each Commissioner shall be put unto at or on every such Meeting for the Purpose of executing this and the said recited Act.

Appointment of Auditor.

XLVI. And be it further enacted, That *Peter Henderson* of *Bedfont*, in the County of *Middlesex*, Esquire, shall be and he is hereby appointed Auditor of the Commissioners' Accounts; and in case of his Death or Refusal to act, then some other fit and proper Person, not interested in the Premises, shall be appointed Auditor for that Purpose by the Majority in Value (such Value to be ascertained by the Land Tax Assessment) of the Proprietors liable to the Payment of the Expences of obtaining and executing this Act, as often as Occasion shall require; and the Account of the said Commissioners, containing a true Statement of all Sums by them received and expended, or due to them for their own Trouble or Expences, shall at least once in every Year from the passing of this Act, until such Account shall be finally allowed, together with the Vouchers relating to the same, be examined by the said Auditor, and the Balance shall be by him stated in the Book of Accounts to be kept in the Office of the Clerk to the Commissioners, and no Charge or Item in such Accounts shall be binding on the Parties concerned or valid in Law unless the same shall be duly allowed by the said Auditor for the Time being as aforesaid.

Where Award to be deposited.

XLVII. And be it further enacted, That the Award shall be made by the said Commissioners within the Space of Three Years from the passing of this Act, and inrolled in Manner directed by the said recited Act, and immediately after such Inrollment shall be deposited in a Tin Box, and kept in the Parish Church of *Egham* aforesaid; and that the said Commissioners shall or may at any Time or Times previous to such Inrollment (but not afterwards), upon the Request and at the Costs and Charges of any Person or Persons interested in the said Inclosure, cause a true Copy or Copies of the whole or so much of the Award as relates to the Allotment or Allotments, or Interest of the Party or Parties requesting the same, to be made out and taken from the said Award, and to be fairly written upon Parchment or Paper, and such Copy or Copies being certified under the Hands of the said Commissioners,

sioners, shall be admitted in all Courts whatsoever, as legal Evidence concerning the Matters and Things therein contained.

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

XLVIII. 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 Award herein-before directed to be made, as shall contain an accurate Description of the Allotment or Allotments so to be made to His said Majesty, together with such Regulations or Provisions relative to the said Allotment or Allotments, or to any other Rights or Interests of His Majesty as may be contained in such Award, and also a Map or Plan of such Allotment or Allotments, and transmit the same to the Commissioners of His Majesty's Woods, Forests and Land Revenues, or the Surveyor General of His Majesty's Land Revenues for the Time being, within Six Calendar Months 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 which said Extract may be produced, and shall be admitted in Evidence on all Occasions where any Question, Doubt, or Controversy may arise relating to or affecting the Rights and Interests of His Majesty, His Heirs and Successors.

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

XLIX. 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 said 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, Corporate or Collegiate, 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 Revenues, 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 Sales 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 Allotments or Allotment 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 Acts; 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 Purchasers or Purchaser thereof, their, or his, her or their Heirs and Assigns, or other Persons or Person who shall be entitled thereto by virtue of such Sale; and he, she, or they shall 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.

L. And

L. 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 Commissioners as are by the said recited Act declared to be final and conclusive, and except where an Issue at Law shall be tried as herein-before mentioned), then and in every such Case he, she, or they may appeal to the General Quarter Sessions of the Peace, which shall be holden in and for the said County of *Surrey*, within Three Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioners, and 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 said Premises) in their said General Quarter Sessions, are hereby authorized and required to hear and determine the Matter of every such Appeal, and to make such Order, 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 Damages which shall be so awarded, by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) 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 by *Certiorari* or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere, but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants as to them in their Discretion shall seem reasonable, to be levied in Manner aforesaid. Appeal.

LI. Provided always, and be it further enacted, That nothing in this Act contained shall prejudice, lessen, or defeat the Right, Title or Interest of His Majesty, His Heirs or Successors, as Lord of the said Manor of *Egham*, or any future Lord or Lords thereof, in or to the Royalties, Seigniories, or Services incident or belonging to the said Manor (except as herein-before mentioned); but that His Majesty, His Heirs and Successors, and all and every Person and Persons claiming under or in Trust for Him as Lord of the said Manor for the Time being, shall and may at all Times for ever hereafter hold and enjoy all Royalties, Rights, and Privileges whatsoever to the said Manor belonging or appertaining (other than and except the Right of Soil in such of the Wastes and Commons as shall by virtue of this Act be allotted to any Person or Persons), in as full, ample, and beneficial a Manner, to all Intents and Purposes whatsoever, as they respectively could have held and enjoyed the same in case this Act had not been made. Saving of Manorial Rights to His Majesty.

LII. And be it further enacted, That nothing herein contained shall prejudice, lessen, or defeat the Right, Title, or Interest of any Person or Persons, Bodies Politic or Corporate, who are or shall for the Time being be Lord or Lords, Lady or Ladies, of any Manor or Manors within the Parish of *Egham* aforesaid, or of, in, or to any Liberties, Privileges, Rights, and Services whatsoever, incident or belonging to such Manors or Lordships respectively, or any of them, but that such Lord or Saving of other Manorial Rights.

Lords, Lady or Ladies, for the Time being, shall and may at all Times hereafter hold and enjoy all Courts, and all other Rights, Liberties, Privileges and Appurtenances whatsoever, to such Manors or Lordships respectively incident or belonging, by virtue thereof, (other than and except such as is and are meant and intended to be barred and extinguished by this Act), in as full, ample, extensive, and beneficial a Manner as they respectively could or might have held, exercised, or enjoyed the same, in case this Act had not been made.

General Saving.

LIII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every Person and Persons, Bodies Politic and Corporate, his, her, and their respective Heirs, Successors, Executors, and Administrators (other than and except the respective Persons to whom any Allotment or Compensation shall be made by virtue of this Act in respect of the Interests or Property of or in lieu or in respect of which such Allotments or Compensations shall be made, and their respective Heirs, Successors, Executors, and Administrators), all such Estate, 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, any or every of them, had and enjoyed into or out of the said Commons and Waste Lands so directed to be divided, allotted, and inclosed as aforesaid, before the passing of this Act, or could or might have held or enjoyed the same in case this Act had not been made.

Printed Act to be Evidence.

LIV. 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 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. 1825.