ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

Cap. 151.

An Act for incloſing Lands in the Pariſh of *Hayes*, in the County of *Middleſex*; and for extinguiſhing the Tythes in the ſaid Pariſh. [3d *June* 1809.]

WHEREAS there are in the Pariſh of *Hayes*, and Precinct of *Norwood*, in the County of *Middleſex*, ſeveral Open and Common Fields, Paſtures, Commons, Waſtes, and other Commonable Lands and Grounds, containing, by Eſtimation, Two thouſand Acres, or thereabouts, and alſo ſeveral incloſed Lands and Grounds: And whereas the Right Honourable *George* Earl of *Jerſey* is Lord of the Manors of *Heſſe*, otherwiſe *Hayes*, *Norwood*, and *Southall*; and the Reverend *Laſcelles Iremonger* is Lord of the Manor of *Yeading*, all within the ſaid Pariſh of *Hayes*: And whereas the Reverend *Elias Taylor* Clerk, is the Rector of the Rectory of *Hayes* aforeſaid, and as ſuch is entitled to all the Great and Small Tythes ariſing within the ſaid Pariſh; and the Reverend *John Neville Freeman* is Vicar of the Vicarage of *Hayes* aforeſaid; and the Reverend *Anthony Hinton* is the Curate of the Curacy of *Norwood* in the ſame Pariſh: And whereas *Edmund Hill* Eſquire, is Patron of the ſaid Rectory and Vicarage of *Hayes*, and of the ſaid Curacy of *Norwood*, and the ſaid *Edmund Hill* is alſo Leſſee of all the Great and Small Tythes ariſing within the ſame Pariſh for Three Lives now in being, under a Leaſe granted to him by the ſaid Rector; and the ſaid Vicar for the Time being is entitled to a pecuniary Stipend of Sixty Pounds a Year, and the ſaid Curate for the Time being in entitled to a pecuniary Stipend of Forty Pounds a Year reſpectively, payable by the ſaid Rector

or his Leſſee; and the ſaid Curate for the Time being is alſo entitled to certain Glebe Lands in the ſaid Pariſh: And whereas the ſaid *George* Earl of *Jerſey*, *Edmund Hill*, *Laſcelles Iremonger*, and divers other Perſons, are Proprietors of the Lands and Grounds in the ſaid Open and Common Fields; and the Lands and Grounds of the ſaid ſeveral Proprietors lie greatly intermixed and diſperſed, and are otherwiſe inconveniently ſituate; and the Proprietors of all the ſaid Open and Common Fields, Paſtures, Commons, Waſtes, and other Commonable Lands and Grounds, are deſirous that the ſame ſhould be divided and allotted unto and among them proportionably, and according to the Value of their reſpective Eſtates, Rights, and Intereſts therein; and that ſuch Allotments ſhould be incloſed, and held in Severalty; and alſo that, in conſideration of an adequate Compenſation, all the Lands and Tenements in the ſaid Pariſh, as well open as incloſed, ſhould be diſcharged from Tythes; but the ſeveral beneficial Purpoſes aforeſaid cannot be effected without the Aid of Parliament; may it therefore pleaſe Your Majeſty that it may be enacted; and be in 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 *John Trumper* of *Hareſield*, in the County of *Middleſex*, Gentleman, *Thomas Chapman* of *Richmond*, in the County of *Surrey*, Gentleman, and *Richard Richardſon* of *Lincoln's Inn Fields*, in the County of *Middleſex*, Land Surveyor, ſhall be, and they are hereby appointed Commiſſioners for ſetting out, dividing, and allotting all the ſaid Open and Common Fields, Paſtures, Commons, Waſtes, and other Commonable Lands and Grounds; and for putting this Act into Execution, in ſuch Manner, and ſubject to ſuch Regulations as are herein-after contained; and with ſuch of the Powers, and ſubject to ſuch of the Rules, Orders, Directions, Authorities, Regulations, Reſtrictions, and Proviſions contained in an Act 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*, as are not controuled by, or repugnant to any of the Clauſes, Proviſions, or Regulations contained in this Act.

Commiſſioners appointed.

Power to appoint new Commiſſioners.

II. And be it further enacted, That if the ſaid *John Trumper* ſhall die, or refuſe to act, or become incapable of acting as a Commiſſioner, in the Execution of this Act, before all the Powers, Authorities, and Truſts hereby repoſed in the ſaid Commiſſioners, ſhall be fully executed and performed, it ſhall be lawful for the ſaid *George* Earl of *Jerſey*, or the Lord or Lords of the ſeveral Manors of *Heſſe*, otherwiſe *Hayes*, *Norwood*, and *Southall* aforeſaid, for the Time being, by Writing under his or their Hand or Hands, to nominate and appoint one other fit and proper Perſon, not intereſted in the Premiſes, to be a Commiſſioner, in the Place of the ſaid *John Trumper*; and if any Commiſſioner or Commiſſioners, who ſhall be appointed in the Place of the ſaid *John Trumper*, ſhall die, refuſe to act, or become incapable of acting as aforeſaid, ſuch future Vacancies ſhall be filled up in like Manner by the ſaid *George* Earl of *Jerſey*, or the Lord or Lords of the ſame Manors for the Time being; and if the ſaid *Thomas Chapman* ſhall die, or refuſe to act, or become incapable of acting as a Commiſſioner in the Execution of this Act, before all the Powers, Authorities, and Truſts hereby repoſed in the ſaid Commiſſioners, ſhall be fully executed and performed, it ſhall be lawful for the ſaid *Edmund Hill*, his

Heirs and Aſſigns, by Writing under his Hand, to nominate and appoint one other fit and proper Perſon, not intereſted in the Premiſes, to be a Commiſſioner in the Place of the ſaid *Thomas Chapman*; and if any Commiſſioner or Commiſſioners, who ſhall be appointed in the Place of the ſaid *Thomas Chapman*, ſhall die, refuſe to act, or become incapable of acting as aforeſaid, ſuch future Vacancies ſhall be filled up in like Manner, by the ſaid *Edmund Hill*, his Heirs and Aſſigns; and if the ſaid *Richard Richardſon* ſhall die, or refuſe to act, or become incapable of acting as a Commiſſioner in the Execution of this Act, before all the Powers, Authorities, and Truſts aforeſaid, ſhall be fully executed and performed, it ſhall and may be lawful, for the Majority in Value of the Proprietors of Lands and Grounds hereby directed to be divided and allotted, (except the Lord or Lords of the ſaid Manors of *Heſſe*, otherwiſe *Hayes*, *Norwood*, and *Southall*, and the ſaid *Edmund Hill*, his Heirs or Aſſigns), or their reſpective Agents or Attornies preſent at a Meeting to be holden for that Purpoſe, by Writing under their reſpective Hands, to nominate and appoint one other fit and proper Perſon, not intereſted in the Premiſes, to be a Commiſſioner in the Place of the ſaid *Richard Richardſon*, provided that Twenty Days Notice of the Time, Place, and Purpoſe of ſuch Meeting, ſhall be given by Two or more of the ſaid Proprietors, in like Manner as herein-after is directed with reſpect to the Meetings of the ſaid Commiſſioners; and that ſuch Meeting ſhall be held in the Pariſh of *Hayes* aforeſaid, or within the Diſtance of Eight Miles from the ſaid Pariſh; and if any Commiſſioner or Commiſſioners, who ſhall be appointed in the Place of the ſaid *Richard Richardſon* ſhall die, refuſe to act, or become incapable of acting as aforeſaid, ſuch future Vacancies ſhall, in like Manner, be filled up by the Majority in Value of the ſaid Proprietors, (except the Lord or Lords of the ſaid Manors of *Heſſe*, otherwiſe *Hayes*, *Norwood*, and *Southall*, for the Time being, and the ſaid *Edmund Hill*, his Heirs and Aſſigns); and if any Commiſſioner ſhall neglect to attend Three ſucceſſive Meetings of the ſaid Commiſſioners, unleſs prevented by Sickneſs, ſuch Neglect ſhall be deemed and taken to be a Refuſal to act in the Execution of this Act; and if any of ſuch Vacancies in the Commiſſion aforeſaid, ſhall not be filled up in the Manner herein-before directed, within the Space of Three Calendar Months next after the ſame ſhall reſpectively happen, it ſhall be lawful for the ſurviving or remaining Commiſſioners or Commiſſioner for the Time being, by Writing under their reſpective Hands, or his Hand, to nominate and appoint one other fit and proper Perſon not intereſted in the Premiſes, to be a Commiſſioner for ſupplying ſuch Vacancy; and ſo from Time to Time, as often as there ſhall be Occaſion; and every Perſon who ſhall be nominated and appointed a Commiſſioner in Manner aforeſaid, ſhall have the like Powers and Authorities in the Execution of this Act, as if he had been appointed a Commiſſioner in and by this Act.

III. And be it further enacted, That it ſhall be lawful for any Two of the Commiſſioners of this Act, for the Time being, to do, execute, and perform any and every Act, Matter, and Thing, by this Act directed or expreſſed to be done, executed, and performed by the ſaid Commiſſioners, as fully and effectually, to all Intents and Purpoſes, as if all the ſaid Commiſſioners had concurred therein. Commiſſioners may act.

IV. And

Surveyor appointed.

IV. And be it further enacted, That *Thomas Hogg* of *Ruſſel Street*, *Bloomſbury*, in the County of *Middleſex*, Land Surveyor, ſhall be the Surveyor for the Purpoſes of this Act, for and during the Will and Pleaſure of the Commiſſioners; and on his Death or Removal, it ſhall be lawful for the ſaid Commiſſioners, by Writing under their Hands, to appoint one or more fit and proper Perſon or Perſons, not intereſted in the Premiſes, to be Surveyor or Surveyors, for the Purpoſes of this Act, for and during the Will and Pleaſure of the ſaid Commiſſioners; and on any future Vacancy, in like Manner, to appoint ſome other Surveyor or Surveyors, and ſo from Time to Time, as often as there ſhall be Occaſion; and every ſuch Surveyor ſhall, at the firſt Meeting of the ſaid Commiſſioners after his Appointment, take and ſubſcribe an Oath in the Form herein-after ſet forth.

V. And be it further enacted, That no Perſon ſhall be capable of acting as a Surveyor in the Execution of this Act, until he ſhall have taken and ſubſcribed an Oath in the Form following; *videlicet*,

Surveyor's Oath.

'I Do ſincerely promiſe and ſwear, That I will act in the Execution of the 'Powers, Authorities, and Truſts repoſed in me as Surveyor, by virtue 'of an Act paſſed in the Forty-ninth Year of the Reign of King *George* 'the Third, intituled, [*here ſet forth the Title of this Act*], truly, impar- 'tially, and honeſtly, according to the beſt of my Skill, Judgement, and 'Ability, without Favour or Affection, Prejudice or Malice, to any Per- 'ſon or Perſons whomſoever.

'So help me GOD.'

And any one of the Commiſſioners is hereby authoriſed to adminiſter the ſaid Oath to the ſaid Surveyor; and the Oath ſo taken and ſubſcribed by each Surveyor, ſhall be enrolled with the Award of the ſaid Commiſſioners.

Commiſſioners Meetings.

VI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby required, to cauſe a Notice in Writing, under their Hands, ſpecifying the Time and Place of their firſt Meeting for executing this Act, to be affixed on the principal Door of each of the Churches of *Hayes* and *Norwood* aforeſaid, on ſome *Sunday* before Divine Service, Fourteen Days at leaſt before ſuch Meeting; and alſo to cauſe the like Notice to be given of every ſuch ſubſequent Meeting, (Meetings by Adjournment only excepted); and it ſhall be lawful for the ſaid Commiſſioners to adjourn their Meetings from Time to Time, as they ſhall ſee Occaſion for the Execution of this Act; and if only one Commiſſioner ſhall be preſent at any Meeting, it ſhall be lawful for him to adjourn ſuch Meeting from Time to Time, until Two or more Commiſſioners ſhall be preſent; the Commiſſioner making ſuch Adjournment is hereby required forthwith to give Notice thereof to the abſent Commiſſioners; and all the Meetings of the ſaid Commiſſioners ſhall be held at ſome Place within the Pariſh of *Hayes* aforeſaid, or within the Diſtance of Eight Miles therefrom.

Commiſſioners to determine Differences.

VII. And be it further enacted, That in caſe any Diſpute or Difference ſhall happen to ariſe between the Parties that now are, or ſhall, before the making of the Award herein-after mentioned, be intereſted in the ſaid intended Diviſion and Incloſure, or any of them, touching or concerning the

the respective Shares or Proportions which they, or any of them, shall claim in the said Lands and Grounds hereby intended to be divided and inclosed as aforesaid, or touching or concerning the respective Shares and Proportions which they, or any of them, ought to have, of or in the said intended Division and Inclosure, it shall be lawful for the said Commissioners, and they are hereby authorized and required to hear and determine the same.

But not Titles contrary to Possession.

VIII. Provided always, That nothing herein contained shall authorize the said Commissioners to determine the Title to any Messuages, Cottages, Lands, or Hereditaments whatsoever.

IX. Provided also, 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; 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 taken from such Person or Persons by Ejectment, or other due Course of Law.

May award Costs.

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

Power to try disputed Claims at Law.

XI. Provided always, and be it further enacted, That if any Person or Persons making any Claim or Claims to any Lands or Hereditaments intended to be divided or affected by this Act, or any Rights or Interests therein, or objecting to any such Claim or Claims, shall be dissatisfied with the Determination of the said Commissioners, and shall be desirous of having such Claim or Claims, Rights and Interests respectively tried at Law; and the Person or Persons, so desirous of having the same tried at Law, shall by themselves, or their respective Stewards, Receivers, Attornies, or Agents, give or cause to be given Notice thereof in Writing to the said Commissioners, or any of them, within Two Calendar Months next after such Determination shall have been so made by the said Commissioners, (of which Notice the said Commissioners are hereby required immediately on Receipt thereof, or as soon after as conveniently may be, to

give Information to the adverſe Party or Parties, or his, her, or their reſpective Stewards, Receivers, Attornies, or Agents, by Writing under their reſpective Hands, to be delivered to, or left at the uſual Place of Abode of ſuch Party or Parties, Stewards, Receivers, Attornies, or Agents as aforeſaid); then, but not afterwards, it ſhall be lawful for the Perſon or Perſons, giving ſuch Notice as aforeſaid, their reſpective Heirs, Succeſſors, and Aſſigns, and he, ſhe, or they, is and are hereby required to proceed to a Trial or Trials at Law of the ſame in a feigned Action or Actions for that Purpoſe, to be commenced in His Majeſty's Court of King's Bench or Common Pleas at *Weſtminſter*, by the Perſon or Perſons giving ſuch Notice as aforeſaid againſt any Perſon or Perſons intereſted in the ſaid Diviſion, who ſhall make ſuch Objection or Objections within Three Calendar Months next after ſuch Notice ſhall be given to the ſaid Commiſſioners as aforeſaid, and the Defendant or Defendants in ſuch Action or Actions ſhall forthwith name an Attorney or Attornies, who ſhall file common Bail, or appear and accept one or more Iſſue or Iſſues, whereby all ſuch Claim or Claims, and Rights and Intereſts, may be properly tried and determined; ſuch Iſſue or Iſſues to be ſettled by the proper Officer of the Court wherein ſuch Action ſhall be brought, if the Parties differ about the ſame; and if at the Trial of any ſuch Iſſue or Iſſues it ſhall appear that the Party claiming is entitled to any qualified or leſs Right or Rights or Intereſts than was or were claimed by ſuch Party, then it ſhall and may be lawful for the Jury by whom ſuch Iſſue or Iſſues ſhall be tried, to find and declare the ſame by their Verdict, which ſhall be indorſed on the Poſtea in Addition to the Verdict given on the Iſſue or Iſſues joined; but nevertheleſs, the Coſts of ſuch Action or Actions ſhall abide and be determined by the Verdict given upon the Iſſue or Iſſues joined, as if no ſpecial Finding had been made; and the Verdict or Verdicts which ſhall be given in ſuch Action or Actions upon the Iſſue or Iſſues therein joined, in caſe there ſhall be no ſuch ſpecial Finding and Indorſement, or ſuch ſpecial Finding and Indorſement, if any ſuch ſhall be made, ſhall be binding and concluſive upon and to all and every Perſon and Perſons whomſoever, unleſs the Court wherein ſuch Action or Actions ſhall be brought, ſhall ſet aſide ſuch Verdict or Verdicts, or Finding and Indorſement, and order a new Trial or Trials to be had thereupon, which it ſhall be lawful for the Court to do as is uſual in other Caſes; and after any Verdict or Verdicts or ſpecial Finding or Indorſement ſhall have been obtained, and not ſet aſide by the Court, the ſaid Commiſſioners ſhall, and they are hereby authoriſed and required to conform thereto; but if no ſuch Action or Actions at Law ſhall be brought or commenced by the Perſon or Perſons giving ſuch Notice within the Time aforeſaid, or if ſuch Action or Actions ſhall not be proceeded in to a Trial or Trials within Six Calendar Months from the Day of giving ſuch Notice, by or on Account of the Neglect or Default of the Plaintiff or Plaintiffs therein, then and in ſuch Caſe the Determination of the Commiſſioners ſhall be final, binding, and concluſive, unto and upon all Parties whomſoever: Provided, that it ſhall be lawful for the Court in which any Action commenced in purſuance of this Act ſhall be depending, upon ſufficient Cauſe ſhewn, to put off the Trial of ſuch Action, or to award a new Trial therein, although the Time herein-before limited for the Trial of ſuch Action may be thereby exceeded: 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; and the Executors and Adminiſtrators of the Deceaſed ſhall be liable

Actions not to abate by the Death of the Parties.

liable to the Coſts thereof, as if ſuch Action had been tried and Judgement given therein in the Lifetime of their Teſtator or Inteſtate; but ſo nevertheleſs as not to affect any Payment made before ſuch Judgement ſhall be ſigned, or to make any Executor or Adminiſtrator liable to be charged with a Devaſtavit by reaſon thereof.

Incroachments, except thoſe made for Twenty Years, to be deemed Part of the Lands to be divided.

XII. And be it further enacted, That all Incloſures and Incroachments which ſhall have been taken in and made from the ſaid Lands and Grounds hereby directed to be divided and incloſed, (ſave and except ſuch as have been peaceably and quietly enjoyed for the Space of Twenty Years laſt paſt or upwards, without any Interruption or Payment of any Acknowledgement), ſhall be deemed Part and Parcel of the ſaid Lands and Grounds, ſo to be divided and incloſed as aforeſaid; and in caſe any Difference or Diſpute ſhall ariſe touching any ſuch Incloſures or Incroachments being deemed Part or Parcel of the ſaid Lands and Grounds ſo to be divided and incloſed, ſuch Differences or Diſputes ſhall be examined into and determined by the ſaid Commiſſioners.

Commiſſioners may ſcour out Brooks, make Ditches, &c.

XIII. And be it further enacted, That the ſaid Commiſſioners ſhall and may ſcour out and widen all ſuch Brooks, Streams, Ditches, Watercourſes, Tunnels, and Bridges, within the ſaid Pariſh of *Hayes*, and alſo ſhall and may ſet out, order, and direct ſuch new Ditches, Drains, Watercourſes, Tunnels, Watergates, Banks, and Bridges, to be made of ſuch Depth and Breadth, and in ſuch Situation and Direction, as the ſaid Commiſſioners ſhall think proper, as well in, through, over, and upon the Lands and Grounds hereby intended to be divided and incloſed as aforeſaid, as alſo in, through, and over any ancient Incloſures or other Lands or Grounds within the ſaid Pariſh of *Hayes*, or any Part or Parts thereof, (making ſuch Satisfaction to the Owners and Proprietors of ſuch ancient Incloſures, or other Lands and Grounds not hereby intended to be divided and incloſed, for the Damage done thereby, as the ſaid Commiſſioners ſhall judge reaſonable), and the ſaid Commiſſioners ſhall and may, and they are hereby directed in and by their Award to order and direct by whom, and at whoſe Expence, and at what Time, and in what Manner, the ſaid Brooks, Ditches, Drains, Watercourſes, Tunnels, Watergates, Banks, and Bridges, ſhall be thereafter repaired, cleanſed, ſcoured, and maintained; provided always, that no ſuch Brook or Stream ſhall be diverted or turned without the Conſent of the Owner or Owners, Proprietor or Proprietors of ſuch old incloſed Lands and Grounds from which any ſuch Brook or Stream ſhall be diverted, or into which any ſuch Brook or Stream ſhall be turned.

Commiſſioners to determine to what Townſhips Roads belong.

XIV. And, for preventing all Diſputes and Differences touching the Repairs of the public Highways and Roads which ſhall be ſet out and appointed in purſuance of the ſaid Act and this Act, be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby authoriſed and required to determine and adjudge what Part or Parts of the ſaid Highways and Roads, ſo to be ſet out and appointed, ſhall or do belong to any Townſhips or Diſtricts reſpectively within the ſaid Pariſh; and the ſaid Commiſſioners ſhall, in and by their Award, order and direct by what Townſhips or Diſtricts reſpectively within the ſaid Pariſh, ſuch Highways and Roads ſhall be amended and kept in Repair; and the Owners or Occupiers for the Time being in each of ſuch

Townſhips

Townſhips or Diſtricts reſpectively, ſhall from and after the Execution of the ſaid Award maintain, amend, and keep ſuch reſpective public Highways and Roads in Repair, as ſhall be ſo determined and adjudged to belong to ſuch Townſhips or Diſtricts reſpectively, in the ſame Manner as other Highways in the ſame Townſhips or Diſtricts are by Law to be amended and kept in Repair.

Commiſſioners to ſet out Gravel Pits and Mortar Pits, and how to be enjoyed.

XV. And be it further enacted, That the ſaid Commiſſioners ſhall ſet out, appoint, and allot ſuch and ſo many Gravel Pits and Loam Pits and Ponds for watering Cattle or waſhing Sheep, as they ſhall think neceſſary for the Uſe and Benefit of the Proprietors and Occupiers of the ſeveral Allotments which ſhall be ſet out in purſuance of this Act, and of all the Lands and Tenements in reſpect of which any ſuch Allotment ſhall be made, to be uſed in or upon ſuch Allotments, Lands, and Tenements reſpectively, or for making and repairing the public Highways and Roads to be ſet out in purſuance of the ſaid Act and this Act, but not for Sale or for any other Uſe or Purpoſe; and the ſaid Commiſſioners ſhall by their Award, order and direct how and in what Manner the ſame ſhall be reſpectively worked or uſed for the general Advantage of the reſpective Perſons intereſted therein.

How the Lands are to be allotted.

XVI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required to divide, ſet out, and allot all the Reſidue of the Open and Common Fields, Paſtures, Commons, Waſtes, and other Commonable Lands and Grounds directed or intended to be divided and allotted by virtue of this Act in Manner following, that is to ſay, the ſaid Commiſſioners ſhall ſet out and allot unto and for the Lord or Lords of the ſeveral Manors of *Heſſe*, otherwiſe *Hayes*, *Norwood*, *Southall*, and *Yeading* reſpectively, ſuch Plot or Plots of the Lands and Grounds hereby directed to be divided and allotted, as ſhall in the Judgement of the ſaid Commiſſioners be equivalent to One Sixteenth Part of the Waſte Lands within the ſaid Manors reſpectively, as a Compenſation for the Rights and Intereſt of the Lord and Lords of the ſaid Manors reſpectively, in and to the Soil of all the Waſte Lands within the ſaid reſpective Manors hereby directed to be divided and allotted; and the ſaid Commiſſioners ſhall ſet out, unto and for the Rector of the ſaid Pariſh of *Hayes* and his Leſſee, ſuch Plot or Plots of the ſaid Lands and Grounds hereby directed to be divided and allotted, as ſhall in the Judgement of the ſaid Commiſſioners be equivalent to One-fifth Part of all the Arable or Tillage Lands, and One-eighth of all the Meadows, Paſtures, Commons, Waſtes, and other Lands and Grounds in the ſame Pariſh, as well open as incloſed, which are ſubject and liable to the Payment of Tithes to the ſaid Rector and his Leſſee, or either of them, and which ſhall remain after the Roads and other publick Conveniencies hereby directed to be ſet out in the ſame Pariſh ſhall be deducted therefrom; and the ſaid Commiſſioners ſhall, out of the Allotment ſo to be made in lieu of the ſaid Tythes, ſet out and allot unto or for the ſaid Vicar of the ſaid Pariſh of *Hayes* for the Time being, ſuch Plot or Plots of the ſaid Lands and Grounds as ſhall in the Judgement of the ſaid Commiſſioners be equivalent to Sixty Pounds a Year, in Lieu and full Satisfaction of the ſaid Stipend of Sixty Pounds a Year, payable to the ſaid Vicar for the Time being; and ſhall alſo, out of the ſaid Allotments, in Lieu of the ſaid Tythes, ſet out and allot unto or for the ſaid Curate of *Norwood* for the Time being, ſuch Plot or Plots of the ſaid Lands

Allotments of Reſidue.

and Grounds as shall in the Judgement of the said Commissioners be equivalent to Forty Pounds a Year, in Lieu and full Satisfaction of the said Stipend of Forty Pounds a Year, payable to the said Curate of *Norwood* for the Time being; and lastly, the said Commissioners shall set out and allot all the Residue and Remainder of the said Open and Common Fields, Pastures, Commons, Wastes, and other Commonable Lands and Grounds hereby directed or intended to be divided or allotted unto, for, or among the said *George* Earl of *Jersey*, and the several other Proprietors, their respective Heirs, Successors, or Assigns, or the Person or Persons seized of their respective Estate for the Time being, and all other the Proprietors of Lands or other Hereditaments therein, except the Lords of the said Manors, Rector, Vicar, and Curate, in respect of their Rights to the Soil and Tythes before specifically directed to be made, in such Quantities, Parts, Shares, and Proportions as the said Commissioners shall adjudge and determine to be a just Equivalent, Compensation, and Satisfaction for their said several Lands and other Hereditaments, in Proportion to the respective Values thereof, subject nevertheless to such particular Directions as are herein contained or referred to concerning the same; and in setting out all such Allotments as aforesaid, the said Commissioners shall have due regard to the Quantity, Quality, Situation, and Convenience thereof, and shall lay the same as contiguous as may be to the Messuages, Buildings, and inclosed Lands of the Proprietors to whom such Allotments shall be made.

Small Allotments may be laid together.

XVII. And be it further enacted, That when Two or more small Allotments shall be laid together, and the respective Proprietors thereof shall by any Writing under their Hands signify their Desire to the said Commissioners, that such Allotments may lie open to each other, then and in such Case the said Commissioners (unless there shall be good Cause to the contrary) shall not make or give any Orders or Directions touching the fencing such small Allotments from each other, but shall exempt and except such small Allotments, and the Proprietors thereof, out of and from the general Orders and Regulations touching the fencing of the Allotments to be made in pursuance of this Act, so far as such Orders or Directions shall respect the fencing such small Allotments from each other, but not so far as such Orders or Directions shall respect the fencing off the same, or any of them, from any other Allotment or Allotments to be made under or by virtue of this Act; and the said Commissioners in their said Award shall take due Notice of all Exemptions and Exceptions.

Separate Allotments to be made for Lands held by different Tenures.

XVIII. And be it further enacted, That when the Proprietor or Proprietors of any Lands or other Hereditaments which shall be allotted or exchanged by virtue of this Act, shall hold their said respective Lands or Hereditaments by different Tenures or for different Estates, or under different Titles, the said Commissioners shall, upon the Request of such respective Proprietors in Writing under their Hands, ascertain and distinguish the Lands or other Hereditaments held by each of such Tenures for each of such Estates, and under each of such Titles respectively; and shall accordingly in their said Award set out and distinguish distinct and several Allotments for such respective Lands or other Hereditaments; and where, from the Want of the necessary Information before the said Commissioners, or from any other Cause, their Award shall omit discriminating

as herein-before is required such different Titles, different Estates, and different Tenures; and 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 Hands, to have such Omission supplied by a separate Instrument, then and in every such Case the said Commissioners are hereby authorized 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, they are hereby also authorized, by any Deed under their Hands and Seals, to ascertain and distinguish the Difference of Tenures, Estates, and Titles respectively, and accordingly to make distinct and several Allotments in the same Manner as is hereby required where such Discrimination should be contained in the said Award, and every such separate Instrument shall have the same Effect as if it was contained in the said Award, and the same supplemental Instrument shall be delivered to the Person or Persons upon whose Request the said Omission shall have been supplied, or to the Person or Persons to whom the Custody of the Deeds or Writings concerning the Title to the Premises in question shall, in the Opinion of the Commissioners, most properly belong for the Time being; and all Expences which shall be reasonably incurred in or about any such supplemental Instrument as aforesaid, shall be payable by the Person or Persons who shall have so requested the said Commissioners as aforesaid, his, her, or their Executors or Administrators.

Certain Commonable Land to be sold to Hughes Minet, Esq.

XIX. And be it further enacted, That inasmuch as the Two Pieces or Parcels of Commonable Lands, called *Legate* or *Townfield* herein-after described, lie contiguous to a Farm and Farm-house belonging to *Hughes Minet* Esquire, and have always been used with the said Farm, and the depriving him of the said Two Pieces or Parcels of Commonable Land would be a great Detriment and Injury to his Farm; it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required to allot to the said *Hughes Minet*, his Heirs and Assigns, the said Two Pieces or Parcels of Commonable Land, One whereof contains Twenty-four Acres, Two Roods, and Sixteen Perches, or thereabouts, and the other contains Twenty-nine Acres or thereabouts; which said Pieces or Parcels of Commonable Land adjoin together, and are bounded on the North partly by an inclosed Piece or Parcel of Land belonging to the said *Hughes Minet*, called *Long Meadow*, and partly by Land belonging to *James Wood*, and on the West Side thereof by a publick Road leading from *Hayes* to *Botwell*, and on the East by a publick Road leading from *Botwell* into the publick Highway leading from *Uxbridge* to *London*, and on the South by other Commonable Land; and the said *Hughes Minet*, his Heirs or Assigns, shall, after such Allotment, pay to the said Commissioners such Sum or Sums of Money as the said Commissioners shall adjudge and determine to be a full Compensation and Satisfaction for the Exoneration of the said Two Pieces or Parcels of Commonable Land, from all Right of Common and other Rights of the several Proprietors of Land in the said open or common Field, other than the said *Hughes Minet*, his Heirs and Assigns, and the Money so to be paid shall be applied in Manner herein-after mentioned; and immediately after such Payment by the said *Hughes Minet*, his Heirs or Assigns as aforesaid, the said Two Pieces or Parcels of Land shall cease

to be Commonable Land, and the said *Hughes Minet*, his Heirs and Assigns, without any Transfer or Conveyance thereof from the said Commissioners, or any other Person or Persons, shall hold and enjoy the said Two several Pieces or Parcels of Land to him and them for ever, freed and absolutely discharged of and from all Rights of Common and other Rights whatsoever, of the several other Proprietors of Land in the said Open or Common Field, and the same shall, as to the Compensation to be made for Tythes under this Act, be taken and considered as old Inclosure.

Satisfaction to be made for the Tythes of old Inclosures belonging to Persons not having sufficient open Field Land for that Purpose.

XX. And be it further enacted, That in case there shall be any Homesteads, Gardens, Orchards, Home-closes, or other inclosed Lands or Tenements in the said Parish, belonging to any Proprietor or Proprietors, not entitled to Lands or other Property in the said Open and Common Fields, or other Commonable Lands hereby directed to be divided and allotted, equivalent to the Tythes of such Homesteads, Gardens, Orchards, Home-closes, or other inclosed Lands or Tenements, the respective Proprietors of such last-mentioned Homesteads, and other Lands and Tenements, shall pay to such Person or Persons, and at such Time or Times as the said Commissioners shall direct, such Sum or Sums of Money as the said Commissioners shall adjudge to be a full Recompence and Satisfaction for the Tythes of such last-mentioned Homesteads, and other Lands and Tenements respectively; which Sum or Sums of Money, as also the Sum or Sums to be paid by the said *Hughes Minet*, his Heirs or Assigns as aforesaid, shall be applied towards defraying the Charges and Expences of passing and executing this Act, or such Parts and Shares thereof, and in such Manner as the said Commissioners shall appoint; and which said Sum or Sums of Money so directed to be paid as aforesaid, shall and may be raised, levied, and recovered, in like Manner and by such Ways and Means as the Expences of passing this Act are herein-after authorized to be raised, levied, and recovered; and if any Surplus shall remain after Payment of such Expences as aforesaid, 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 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 the Money paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or the 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.

Compensation for Tithes of old Inclosures to be made, on Notice, from Proprietors Rent if not sufficient to make Compensation by an Allotment out of the Lands to be divided.

XXI. Provided always, and be it enacted, That if the Owner or Owners, Proprietor or Proprietors of any Messuages, Tenements, Gardens, Orchards, or old Inclosures, within the said Parish of *Hayes*, which are subject and liable to the Payment of Tithes to the said Rector and his Successors, or the Lessee or Lessees of the said Tithes for the Time being, shall not be entitled to any Allotment or Allotments out of the Lands and Grounds to be divided, allotted, and inclosed by virtue of this Act, or being entitled, such Allotment or Allotments shall not be sufficient to make such Satisfaction and Compensation as aforesaid for all the Tithes, both Great and Small, yearly issuing, arising, renewing, increasing, or payable out of or from all such Messuages, Tenements, Gardens, Orchards, and old Inclosures, within the said Parish of *Hayes*, belonging to such Owners and Proprietors

Proprietors reſpectively; and in caſe any ſuch Perſon or Perſons ſhall be deſirous of making Compenſation for ſuch Tithes by a Corn-rent, to be aſcertained as herein-after is directed, and ſhall give Notice in Writing of ſuch his, her, or their Deſire to the ſaid Commiſſioners, before any Adjudication ſhall have been made by them in reſpect of ſuch Tithes, then and in every ſuch Caſe the ſaid Commiſſioners ſhall and they are hereby required to calculate and aſcertain the Value of all the Tithes, both Great and Small, yearly ariſing, iſſuing, and payable out of all and every ſuch Meſſuages, Tenements, Gardens, Orchards, and old Incloſures within the ſaid Pariſh, which are ſubject and liable to the Payment of Tithes in Kind to the ſaid Rector and his Succeſſors, or the Leſſee or Leſſees of the ſaid Tithes for the Time being, and for which Tithes no Satisfaction or Compenſation by an Allotment in Land in Manner aforeſaid has been made, and from the *London Gazette*, or by ſuch other Ways and Means as they, the ſaid Commiſſioners, ſhall think proper, to enquire and aſcertain what has been the average Price of good marketable Wheat in the County of *Middleſex* during the Term of Twenty-one Years immediately preceding the Twenty-ninth Day of *September*, in the Year of our Lord One thouſand eight hundred and eight, and ſhall in and by their Award aſcertain and diſtinctly ſet forth what Quantity of ſuch Wheat will in their Judgement, according to ſuch Average Price as aforeſaid, be equal in Value to One-fifth Part of the Arable Land, and One-eighth Part of the Meadow and Paſture ſubject and liable to the Payment of Great and Small Tithes, and for which Tithes no Satisfaction or Compenſation by an Allotment or Allotments in Land in Manner aforeſaid has been made; and after ſuch Valuation the ſaid Commiſſioners are hereby required to determine what Sum or Sums of Money will be equivalent to the Value of the Quantity of Wheat ſo aſcertained by them as aforeſaid; and ſuch Sum or Sums of Money, when ſo determined, ſhall be apportioned by the ſaid Commiſſioners upon ſuch reſpective Lands, Tenements, and Hereditaments ſubject and liable to the Payment of Tithes of each and every Proprietor, according to the Average Price aforeſaid, and ſuch Sum or Sums of Money by way of a Corn-rent, when ſo aſcertained by the ſaid Commiſſioners, ſhall be paid to the Perſon or Perſons who would have been entitled to the ſaid Tithes in caſe this Act had not been made; and ſuch Sum or Sums of Money, when ſo apportioned, ſhall be paid and payable by the Perſon or Perſons who for the Time being ſhall be in the Poſſeſſion or Occupation of the Lands, Tenements, and Hereditaments out of which the ſaid Sum or Sums of Money, by Way of Corn-rent, when ſo apportioned, ſhall be iſſuing by Four equal Quarterly Payments in every Year, that is to ſay, on the Twenty-fifth Day of *March*, the Twenty-fourth Day of *June*, the Twenty-ninth Day of *September*, and the Twenty-fifth Day of *December*, the firſt Payment whereof ſhall grow due and be made on the Twenty-fifth Day of *March* after the Execution of the ſaid Award, or ſuch earlier quarterly Days of Payment as the ſaid Commiſſioners ſhall by any Writing or Writings under their Hands direct or appoint; and ſuch Sum or Sums of Money by Way of Corn-rent, ſo to be aſcertained as aforeſaid, ſhall be in lieu of, and as a full Recompence and Satisfaction for all Tithes in Kind, both Great and Small, and all other Eccleſiaſtical Dues and Payments whatſoever (Surplice Fees, *Eaſter* Offerings, and Mortuaries excepted) ariſing, renewing, increaſing, or happening out of or from ſuch Meſſuages, Tenements, Gardens, Orchards, and old Incloſures.

XXII. And

XXII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Rector and his Succeſſors, or the Leſſee or Leſſees of the ſaid Tithes for the Time being, or the Owner or Proprietor, or the Owners or Proprietors of the Lands, Tenements, and Hereditaments, out of which the ſaid ſeveral Sums of Money by way of Corn Rent are to iſſue, or the greateſt Part in Value of ſuch Owners and Proprietors, by Writing under their reſpective Hands, to apply at the Firſt General Quarter Seſſions of the Peace to be holden in and for the ſaid County of *Middleſex*, in the Week after the Feaſt of *Saint Michael* the *Archangel*, after the Expiration of Twenty-one Years after the Execution of the ſaid Award, or at ſome Adjournment thereof, (Notice of ſuch intended Application being firſt given in the *London Gazette*, and alſo in ſome Newſpaper or Newſpapers uſually circulated in the ſaid County of *Middleſex*, and alſo affixed on the Doors of the Church of *Hayes* and Chapel of *Norwood*, in the Month of *Auguſt* next preceding), to have Three Perſons named or appointed by the Juſtices then and there aſſembled, to be Referees for the Purpoſe of enquiring and aſcertaining by or from or by means of the *London Gazette*, or by ſuch other Ways or Means as they ſhall think equitable and proper, the Average Price of a *Wincheſter* Buſhel of good marketable Wheat, within the ſaid County of *Middleſex* for the Twenty-one Years then laſt paſt; and the ſaid Juſtices ſhall, and they are hereby required to nominate and appoint Three Perſons (not being intereſted in the Premiſes) as Referees; and ſuch Three Referees, or any Two of them ſhall, and they are hereby required to enquire into, and aſcertain by or from or by Means of the *London Gazette*, or by ſuch other Ways or Means as they ſhall think equitable and proper, the Average Price of a *Wincheſter* Buſhel of good marketable Wheat within the ſaid County of *Middleſex*, for the Twenty-one Years then laſt paſt; and after ſuch Enquiry and Aſcertainment, ſhall make and deliver a Report thereof, ſtating ſuch Average Price to the Court of Quarter Seſſions to be holden in and for the ſaid County of *Middleſex* then next enſuing, or ſome Adjournment thereof; and in caſe it ſhall by ſuch Report appear that ſuch Average Price of a Buſhel of ſuch Wheat is more or leſs than the Average Price thereof ſet forth in the ſaid Award by the Value of Three-pence, then, and in ſuch Caſe, ſuch Sum or Sums of Money by way of Corn Rent ſhall be increaſed or diminiſhed in ſuch Proportion as ſhall be declared by Order of the ſaid Court, and the ſame ſhall, from the Quarterly Day of Payment preceding ſuch Order, remain and continue iſſuing and payable as aforeſaid out of the reſpective Lands, Tenements, and Hereditaments within the ſaid Pariſh of *Hayes*, charged by the ſaid Award with ſuch Sum or Sums of Money by way of Corn Rent, until ſuch Sum or Sums of Money ſhall, at the End of Twenty-one Years then next enſuing, be again varied by ſuch Application, and in ſuch Manner as herein-before mentioned, and ſo from Time to Time at the End of every Twenty-one Years for ever.

For re-aſcertaining the Corn Rent.

XXIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Rector and his Succeſſors, or the Leſſee or Leſſees of the ſaid Tithes for the Time being, to recover the ſaid ſeveral Sums of Money by way of Corn Rent, when and as often as the ſame or any Part thereof ſhall be in Arrear or remain unpaid after the reſpective Times herein appointed for Payment thereof, together with the Coſts, Charges, and Expences of recovering thereof from the Owner or Occupier, or Owners or Occupiers of the Lands, Tenements, and Hereditaments out of which the ſaid ſeveral Sums of Money by way of Corn Rent are to be iſſuing, or of

For the Recovery of the Corn Rent.

any Part thereof, by such Ways and Means as by the Laws and Statutes of this Realm any Tithes or Rack Rents in arrear are directed to be recovered.

Allotments and Corn Rents to be Bar of Tythes.

XXIV. And be it further enacted, That the several Allotments herein directed to be made to the said Rector and his Successors, or to the Lessee or Lessees of the said Tithes for the Time being, and the several Corn Rents (if any) herein directed to be issuing and payable out of such Messuages, Tenements, Gardens, Orchards, and old Inclosures, for which no Satisfaction or Compensation by an Allotment in Land in Manner aforesaid has been made, shall be in full Satisfaction and Discharge of and from all Tithes both Great and Small, and all Moduses and all other Ecclesiastical Dues and Payments whatsoever, (Mortuaries, Easter Offerings, and Surplice Fees excepted) issuing, arising, renewing, or payable to the said Rector and his Successors, or to the Lessee or Lessees of the said Tithes for the Time being, from and out of such of the Lands and Grounds by this Act directed to be divided, allotted, and inclosed, and out of such of the several Messuages, Tenements, Gardens, Orchards, and old Inclosures lying and being within the said Parish of *Hayes*, for which such Satisfaction or Compensation shall have been made in Manner aforesaid.

Tythes payable until Award of Commissioners shall otherwise direct.

XXV. Provided always, and be it enacted, That until the Execution of the Award to be made by the said Commissioners, or until such other Time previous thereto, as the said Commissioners shall, by Writing under their Hands, direct or appoint, and until such Satisfaction and Compensation shall have been made as aforesaid, the said Rector and his Successors, or the Lessee or Lessees of the said Tithes for the Time being shall be entitled to, and shall have, receive, and enjoy all their respective Tithes in such Manner as they respectively could or might have had, received, and enjoyed the same, in case this Act had not been made.

Fencing the Rector's Vicar's, and Curate's Allotments.

XXVI. And be it further enacted, That the Plot or Plots of Land which in Manner aforesaid shall be allotted to the Rector of *Hayes* and his Lessee, or either of them, for their Tithes, of or belonging to the said Rectory; and also to the Curate of *Norwood* for his Glebe Lands, shall be inclosed and fenced round the Boundaries thereof with Ditches and Quickset Hedges, or other proper Fences, to be made in such Time and Manner, and at the Expence of such of the Proprietors of the Lands and Tenements to be exonerated from Tithes by virtue of this Act, and in such Proportions as the said Commissioners shall direct; and the Allotments hereby directed to be made to or for the said Vicar of *Hayes* and Curate of *Norwood* respectively, in lieu of their said respective Stipends, shall be in like Manner enclosed and fenced round by or at the Expence of the said *Edmund Hill*, or the Lessee or Lessees of the said Tithes for the Time being; and the said Commissioners shall direct what Parts and Proportions of the said Fences shall belong to, and afterwards be kept in Repair by the said Rector and his Lessee, and the said Vicar and Curate respectively, and their respective Successors, and the other Proprietors of Allotments respectively; and the several other Allotments to be made by virtue of this Act shall be inclosed, hedged, ditched, and fenced, at the Expence of the respective Proprietors to whom such Fences shall be allotted or directed to belong with Quicksets, and in such other Manner, and within such Time, as the said Commissioners

Commiſſioners ſhall by their ſaid Award, or any other Writing under their Hands, direct or appoint.

Exchanges. XXVII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners to ſet out, aſſign, or allot any of the Lands or Grounds hereby directed to be divided and allotted, or any Meſſuages, Buildings, incloſed Lands or Grounds, or other Hereditaments in the Pariſh of *Hayes* aforeſaid, in Lieu of and in Exchange for any other Meſſuages, Buildings, Lands, and Hereditaments in the ſame, or in any adjoining Pariſh, ſo as every ſuch Exchange be ſet forth and aſcertained by the Award of the ſaid Commiſſioners, or ſome Deed or Deeds executed by them at any Time before the Date of the ſaid Award; and ſo alſo that every ſuch Exchange be made with the Conſent of the reſpective Proprietors or Perſons ſeized or entitled in Poſſeſſion of or to the Hereditaments ſo to be exchanged for any Life or Lives, or for Years determinable upon any Life or Lives, or for ſome Eſtate of Inheritance, or with the Conſent of the Huſbands, Guardians, Truſtees, Committees, or Attornies of any ſuch Proprietors who ſhall at the Time of making ſuch Exchanges be Femes Covert, Infants, Lunatics, beyond the Seas, or under any other legal Diſability or Incapacity of acting for themſelves; and that every ſuch Exchange of any Hereditaments belonging to the Rectory or Vicarage of *Hayes*, or Curacy of *Norwood* aforeſaid, or any other Eccleſiaſtical Benefice, be alſo made with the Conſent of the Patron thereof, and the Biſhop or Ordinary of the Dioceſe within which the ſame lies; and that all ſuch Conſents as aforeſaid be reſpectively ſignified by Writing under the Common Seal of any Corporations aggregate, and under the Hands of the other conſenting Parties; and every Exchange which ſhall be ſo made and declared, ſhall, as well in reſpect of the Hereditaments within the Pariſh of *Hayes* aforeſaid, as in reſpect of the Hereditaments within any Pariſh or Townſhip adjoining thereto, be for ever good, valid, and effectual in the Law to all Intents and Purpoſes.

For determining Leaſes at Rack Rent. XXVIII. And be it further enacted, That it ſhall be lawful for the Commiſſioners at any Time previous to the Execution of the ſaid Award, in all Caſes where they in their Diſcretion ſhall deem it neceſſary or expedient for the due Execution of this Act, by any Writing or Writings under their Hands, to determine and make void all or any of the Leaſes, or Agreements for Leaſes, at Rack Rent, or from Year to Year then ſubſiſting, of all or any Part or Parts of the Lands or Grounds which are hereby directed to be divided and allotted, and which ſhall be exonerated from Tithes, and exchanged reſpectively by virtue of this Act, and of all other Lands and Hereditaments demiſed, or agreed to be demiſed by, or compriſed in ſuch Leaſes and Agreements reſpectively, either as to the Whole, or as to ſome Part or Parts only of the Hereditaments compriſed in ſuch Leaſes and Agreements reſpectively, and at ſuch Time or Times in the Year as the ſaid Commiſſioners ſhall in their Diſcretion think moſt convenient and expedient according to the Circumſtances of the Caſe; and in all Caſes where any ſuch Leaſes or Agreements ſhall be ſo determined as aforeſaid, the ſaid Commiſſioners ſhall aſcertain and declare whether any, and what Sum and Sums of Money in groſs, ought to be paid, or any and what Deduction or Abatement in the reſerved Rent or Rents ought to be made by the Leſſors or Landlords, to the Leſſees or Tenants, as a Compenſation or Satisfaction for ſuch total or partial Determination of their reſpective Leaſes or Agreements; and ſuch Sums in groſs and reduced Rents, ſo aſcertained and de-

clared as aforesaid, shall respectively become payable or commence at such Time or Times, and in such Manner as the said Commissioners shall direct and appoint, and all such Sums in gross shall be charged upon the Lands in respect of which the same shall be payable, and shall and may be levied and recovered in like Manner as is herein-after provided or mentioned, with respect to the levying and recovering the Expences of passing and executing this Act; and all such reduced Rents shall, after the Commencement thereof, be payable and recoverable in like Manner as the Rents originally reserved would have been payable and recoverable if this Act had not passed; and in all Cases where such subsisting Leases or Agreements shall continue, as to the Whole or any Part or Parts of the Hereditaments therein comprised, it shall be lawful for the said Commissioners in like Manner to ascertain and declare whether any and what additional Rent or Rents ought to be paid by the Lessees or Tenants to the Lessors or Landlords, for or in respect of any Improvement in the annual Value of the Hereditaments comprised in such Leases or Agreements respectively, by reason of the same being divided, allotted, exonerated from Tithes, and exchanged respectively by virtue of this Act; and such additional Rents so ascertained and declared as last aforesaid, shall commence at such Time or Times as the said Commissioners shall direct and appoint, and shall afterwards be payable and recoverable in like Manner as the Rents originally reserved would have been payable and recoverable if this Act had not passed; and it shall be lawful for the said Commissioners in like Manner to settle, ascertain, and declare the Course of Husbandry to be used by such Lessees or Tenants during the Remainder of their subsisting Leases or Agreements in all Cases where they shall deem it necessary and proper so to do: Provided always, that if there shall be any such Lease or Agreement at Rack-rent of Lands, Part of which lie in the said Parish of *Hayes*, and Part in any adjoining Parish, all such Leases and Agreements may be determined; but where any Lands shall have been taken in Exchange, which Lands shall be under such Lease or Agreement, and wholly situate in any adjoining Parish, such last mentioned Lease or Agreement shall not be vacated: Provided nevertheless, that nothing herein contained shall enable the said Commissioners to avoid the Lease by virtue whereof the Honourable Mr. Justice *Heath* holds certain Lands within the said Parish of *John Faithful Fortescue* Esquire, an Admiral in His Majesty's Navy, or any Lease or Agreement by virtue whereof *William Walker* Esquire, holds certain Lands within the said Parish of the said *Edmund Hill*.

Proprietors may sell or mortgage their Allotment before the Execution of the Award, and their Rights of Common separate from their other Property.

XXIX. And be it further enacted, That it shall be lawful for any Person or Persons who shall be entitled to any Allotment or Allotments under, or by virtue of this Act, to give, grant, bargain, sell, demise, mortgage, limit, convey, and assure the same, for all or any Part of his, her, or their Estate or Interest therein, or Right thereto, at any Time before the Execution of the Award of the said Commissioners, and every such Gift, Grant, Bargain, Sale, Demise, Mortgage, Limitation, and Conveyance and Assurance, shall be of the same Force and Validity as if made after the Execution of the said Award; and also that it shall be lawful for any of the Owners or Proprietors of any Common Rights upon the Lands and Grounds hereby directed to be divided and inclosed, to sell and dispose of the same, or of the Allotment or Allotments to be made and set out in respect thereof by virtue of this Act, separate and distinct from the Estate in right of which, they, he, or she are or is entitled to the same, in the same

Manner

Manner as they, he, or ſhe might have done at any Time after the Execution of the ſaid Award.

Rights of Common to be ſuſpended

XXX. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authoriſed and empowered at any Time or Times before the Execution of the ſaid Award, by Notice in Writing, under their Hands to be fixed upon the principal Door of the Pariſh Church of *Hayes*, and of the Chapel of *Norwood* aforeſaid, to order and direct all or any Part of the Rights of Common in, over, and upon the commonable Lands and Grounds, 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 of Common 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 Doors of the ſaid Church and Chapel ceaſe, determine, and be extinguiſhed, or the Exerciſe thereof ſuſpended accordingly, any Law, Uſage, or Cuſtom to the contrary thereof notwithſtanding.

Commiſſioners allowances.

XXXI. And be it further enacted, That each of the Commiſſioners who ſhall act in the Execution of this Act, ſhall be allowed and paid the Sum of Three Guineas for each Day he ſhall actually attend and be employed as a Commiſſioner in the Execution of this Act, or ſhall neceſſarily travel from Home to attend the Meetings of the Commiſſioners, or when returning Home after having attended ſuch Meetings, in full Satisfaction for his Trouble and Expences in the Execution of this Act.

Expences of the Act.

XXXII. And be it further enacted, That all the Coſts, Charges, and Expences of ſoliciting and paſſing this Act, and of ſurveying, admeaſuring, and valuing, as well the ſaid Open and Common Fields, Paſtures, Commons, Waſtes, and other commonable Lands and Grounds, hereby directed to be divided and allotted, as the ſaid incloſed Lands and Tenements hereby directed to be exonerated from Tythes; and of dividing and allotting the ſame Open and Common Fields, Paſtures, Commons, Waſtes, and other commonable Lands and Grounds, and of forming and making the public Roads, public or common Drains, Sewers, Watercourſes, Watering-places for Cattle, Wells, Bridges, and other Conveniencies which ſhall be ſet out by virtue of this Act, and of preparing and enrolling the ſaid Award, and all other the Coſts, Charges, and Expences of the ſaid Commiſſioners, and of the ſeveral Perſons employed by them, either before or after the Execution of the ſaid Award, in, about, or concerning the Execution of this Act, and not herein otherwiſe directed to be paid, ſhall be paid, borne, and defrayed, by all the Owners of, or Perſons intereſted in, as well the ſame Open and Common Fields, Paſtures, Commons, Waſtes, and other commonable Lands and Grounds, as the Lands, Tenements, and Hereditaments which ſhall be reſpectively exonerated from Tythes, and exchanged by virtue of this Act (except the Rector of *Hayes* and his Leſſee, in reſpect of the Glebe Lands and Tythes of or belonging to the ſaid Rectory, and except the Curate of *Norwood* aforeſaid, in reſpect of his Glebe Lands), 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 Eſtates, and alſo to the Value and Improvement thereof), and the Shares and Proportions of the ſaid Coſts, Charges, and Expences to be borne by the ſaid reſpective Owners and Perſons intereſted, ſhall be ſettled and aſcertained by

the ſaid Commiſſioners, and ſhall be paid to ſuch Perſon or Perſons, at ſuch Time or Times either before or after the Execution of the ſaid Award as the ſaid Commiſſioners ſhall direct or appoint, by Writing under their Hands, affixed on the principal Doors of the Pariſh Church of *Hayes*, and of the Chapel of *Norwood* 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 or Appointment as aforeſaid, the ſaid Commiſſioners ſhall and may raiſe and levy the ſame by ſuch Remedies, Ways, and Means, as are provided or mentioned in, and by the ſaid Act of the Forty-firſt Year of the Reign of His preſent Majeſty: Provided always, that the Coſts, Charges, and Expences attending the making of any Exchange or Exchanges, Partition or Partitions, by virtue of this or the ſaid Act, ſhall be borne, paid, and defrayed by the ſeveral Perſons making ſuch Exchanges and Partitions, in ſuch Shares and Proportions as the ſaid Commiſſioners ſhall order and direct.

Money advanced for paſſing the Act to be repaid with Intereſt.

XXXIII. And be it further enacted, That the Money which ſhall be advanced or lent for the Purpoſe of obtaining and paſſing this Act ſhall be repaid, with lawful Intereſt, to the Perſon or Perſons who ſhall advance or lend the ſame, his, her, or their Executors, Adminiſtrators, or Aſſigns, out of the firſt Monies which ſhall be raiſed for defraying the Expences of paſſing and executing this Act.

Tenants for Life may charge enclоſed Lands with Money paid in Exoneration for Tythes.

XXXIV. 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 the Lands and Grounds which ſhall, by virtue of this Act, be exonerated from Tythes by a Money Payment or Money Payments, who ſhall be under Coverture, Minors, Lunatics, beyond the Seas, or under any other Diſability or Incapacity, and for any of the ſaid Owners and Proprietors, being Tenants in Tail, or for Life or Lives, or for Years determinable on a Life or Lives, or on any other Contingency, or Truſtees for charitable Uſes, or the major Part of ſuch Truſtees, reſpectively, to charge ſuch Lands and Grounds with ſuch Sum or Sums of Money as the ſaid Commiſſioners ſhall direct to be paid for the Exoneration thereof from Tythes, and for the Share and Shares of the Owners and Proprietors thereof of the Coſts and Charges of paſſing this Act, and carrying the ſame into Execution; ſuch Coſts and Charges not to exceed in the Whole the Rate of Five Pounds an Acre of the Lands to be allotted, exchanged, or exonerated from Tythes by virtue of this Act; and for the Security of any Perſon who ſhall advance and lend the ſame, to grant, mortgage, ſurrender, leaſe, or demiſe ſuch Lands and Grounds in ſuch Manner, and with and ſubject to ſuch Conditions and Reſtrictions as are by the ſaid Act of the Forty-firſt Year of the preſent Reign, enacted and provided for raiſing the Shares and Proportions of the Owners or Proprietors of allotted and exchanged Lands of the Coſts and Expences of paſſing Acts of Incloſure, and carrying the ſame into Execution.

Expences of Money paid in Exoneration of Tythes may be raiſed by Sale.

XXXV. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby empowered and required upon the Requeſt of any of the Owners or Proprietors of the Lands and Grounds hereby directed to be divided and allotted, or of any Right or Intereſt therein, being Tenants in Tail, or for Life or Lives, or for any Number of

Years determinable on a Life or Lives, or for any other determinable Eſtate or Intereſt, or at the Requeſt of the reſpective Huſbands, Guardians, Truſtees, Committees, Agents, or Attornies of or for any ſuch Owners or Proprietors, being under Coverture, Minors, Lunatics, or beyond the Seas, or under any other Diſability or Incapacity, or of the Perſons acting as ſuch Guardians, Truſtees, Committees, Agents, or Attornies, or of the Truſtees for any Charitable or Publick Uſes, or the major Part of them reſpectively, to raiſe the Share and Proportion, or reſpective Shares and Proportions of the Perſon or Perſons by or on whoſe Behalf any ſuch Requeſt ſhall be made of the Charges and Expences of paſſing this Act, and of carrying the ſame into Execution, not exceeding the Rate of Five Pounds an Acre of the Lands to be allotted, exchanged, or exonerated from Tythes by virtue of this Act, and ſuch Sum and Sums as ſhall have been adjudged and ordered by the ſaid Commiſſioners to be paid by any ſuch Perſon or Perſons in Compenſation for the Tythes of old Incloſures, by Sale of any of the Lands or Hereditaments of ſuch Perſon or Perſons ſo to be allotted or exonerated from Tythes as aforeſaid, in the Manner and ſubject to the Rules preſcribed by the ſaid Act of the Forty-firſt Year of the preſent Reign, for the Sale of Lands directed to be ſold for the Payment of the Expences attending the Execution of Acts of Incloſure; provided that no more ſhall be ſold of the Lands or other Hereditaments of the Perſon or Perſons by whom or on whoſe Behalf any ſuch Requeſt ſhall be made than the ſaid Commiſſioners ſhall eſtimate to be ſufficient to raiſe the Sum or Sums payable by ſuch Perſon or Perſons for the Purpoſes aforeſaid, and the reaſonable Expences of Sale; and if there ſhall be any Surplus ariſing from ſuch Sale after paying the Sums ſo directed to be raiſed, and the reaſonable Expences of Sale, the ſame ſhall be applied in the Manner herein-before directed for the Application of the Surplus of Money paid for the Tythes of old Incloſures.

Old Incloſures may be diſcharged from Tythes, &c.

XXXVI. Provided always, That the ſaid Commiſſioners ſhall or may with the Conſent of the Rector and Leſſee of the Tythes of the ſaid Pariſh of *Hayes* for the Time being, and of the Owners of any old Incloſures within the ſaid Pariſh, to be ſignified in Writing, to allot and appoint any of ſuch old Incloſures to the ſaid Rector and his Leſſee, in lieu and in Diſcharge of any Great or Small Tythes payable from or out of any Lands or Hereditaments in the ſaid Pariſh of *Hayes*, the Property of the Owners of ſuch Lands ſo to be given in lieu of ſuch Tythes.

Allotments to be of the Tenures, and go to the ſame Uſes as the Eſtates in lieu of which they were made.

XXXVII. And it is hereby further enacted and declared, That the ſeveral Lands, Tenements, and Hereditaments which ſhall be reſpectively allotted by virtue of this Act, ſhall, upon the Allotment thereof, become and be of the ſame Tenure, and be held under the ſame Rents and Services as the Lands, Tenements, and Hereditaments in reſpect of which the Allotments ſo made were previouſly held by or ſubject unto; and further, that the ſeveral Lands, Tenements, and Hereditaments which ſhall be reſpectively allotted and exchanged by virtue of this Act ſhall, upon the Allotment and Exchange thereof, reſpectively go and remain to the ſame Perſons, for the ſame Eſtates and Intereſts, and to the ſame Uſes, upon the ſame Truſts, and to and for the ſame Intents and Purpoſes, and be under and ſubject to the ſame Powers, Proviſoes, Limitations, Conditions, Covenants, Agreements, Debts, Charges, Incumbrances, and Proviſions of every Kind, and in the ſame Manner as the Hereditaments in reſpect whereof the ſame Lands, Tenements, and Hereditaments ſhall be

be reſpectively allotted and exchanged, would belong or ſtand, or be limited to or upon, or ſubject unto, if ſuch Allotment and Exchange thereof had not been made, or this Act had not been paſſed, except as to ſuch Leaſes and Agreements at Rack Rent as ſhall be determined under this Act, or where any other Proviſions of this Act ſhall be to the contrary, but ſuch Allotments ſhall nevertheleſs be ſubject to ſuch Charges and Incumbrances thereon as ſhall be made in purſuance of this Act.

Award to be enrolled and depoſited.

XXXVIII. And be it further enacted, That the general Award to be made by the ſaid Commiſſioners, purſuant to the Directions of the ſaid Act of the Forty-firſt Year of His preſent Majeſty's Reign, and this Act, ſhall be enrolled with the Clerk of the Peace for the County of *Middleſex* within Twelve Calendar Months after the Execution thereof by the ſaid Commiſſioners, or ſo ſoon after as conveniently may be, and the ſaid original Award, and ſuch Plans or Surveys as may be annexed thereto, ſhall be lodged and depoſited in the Pariſh Church of *Hayes* aforeſaid, to the End that Recourſe may be had thereto by any Perſon or Perſons intereſted in the ſaid Diviſion, which ſaid Award and Plans, and every other Award and Inſtrument, to be lodged with the ſaid Award, ſhall and may be inſpected at all reaſonable Times, upon reaſonable Notice given by the Party requiring ſuch Inſpection.

Compenſation to be made for growing Crops.

XXXIX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby required, by any Writing or Writings under their Hands, to aſcertain, order, and appoint what Recompence and Satisfaction in Money ſhall be made to the Owner or Owners of any Crop or Crops growing at the Time of the ſaid intended Diviſion and Allotments ſhall be made for ſuch Crop or Crops by the Perſon or Perſons to whom the Lands on which ſuch Crop or Crops is or are growing ſhall be allotted, and alſo what Recompence and Satisfaction in Money ſhall be paid, and by whom, to any Tenant or Tenants, Occupier or Occupiers of any Lands or Grounds, to be divided, allotted, and incloſed by virtue of this Act, as well for ploughing, tilling, and manuring of ſuch Lands or Grounds allotted for the Profit and Advantage which ſuch Perſon or Perſons to whom ſuch Lands and Grounds ſhall be allotted, will thereby obtain, as for any Loſs or Diſadvantage which any ſuch Tenant or Tenants, Occupier or Occupiers, ſhall or may ſuſtain by the Loſs of any Crop or Crops in or on any of the Lands and Grounds to be divided, allotted, and incloſed by virtue of this Act, and if ſuch Recompence and Satisfaction ſhall not be made at the Time and in Manner to be appointed by the ſaid Commiſſioners, then and in every ſuch Caſe the ſaid Commiſſioners ſhall and may, by Warrant or Warrants under their Hands directed to any Perſon or Perſons whomſoever, which Warrant or Warrants they are hereby authoriſed and empowered to grant accordingly, to cauſe the ſame to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons required to make ſuch Recompence and Satisfaction as aforeſaid, together with the Coſts and Charges of ſuch Diſtreſs and Sale, rendering the Overplus (if any) to the Owner or Owners of ſuch Goods and Chattels.

Gaps to be left for a certain Time.

XL. Provided always, That convenient Gaps and Openings ſhall be left in the ſaid Fences and Incloſures for ſuch Space of Time next enſuing the Execution of the Award of the ſaid Commiſſioners, for the Paſſage of Carts,

Carts, Carriages, and Cattle, as the ſaid Commiſſioners ſhall, in and by their Award, direct and appoint.

Commiſſioners to account.

XLI. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby reſpectively required to keep or cauſe to be kept a juſt and true Statement and Account of all Sums of Money which ſhall be raiſed or received, and laid out or expended by them or their Order, or for their Uſe, under or by virtue or in the Execution of this Act, and of what ſhall be due and owing to them for their own Trouble or Expences, and ſhall truly and regularly enter all the Particulars of ſuch Statements and Accounts in a Book to be provided for that Purpoſe; and ſuch Accounts ſhall, at leaſt once in every Year from the paſſing of this Act, till ſuch Accounts ſhall be finally allowed, together with the Vouchers relating to the ſame, be examined and ſettled by Sir *William Gibbons* Baronet, who is hereby appointed Auditor for that Purpoſe; and in caſe of his Death or Refuſal to act, by ſuch other fit and proper Perſon as ſhall be appointed Auditor in his Stead by the Majority in Value of the ſaid Proprietors, at a Meeting to be holden in like Manner as is herein-before directed with reſpect to the Meeting of the ſaid Proprietors, for the Purpoſe of appointing a Commiſſioner, in the Place of the ſaid Sir *William Gibbons*, and ſuch Auditor for the Time being ſhall from Time to Time ſtate in Writing under his Hand the Balance of the ſaid Accounts in ſuch Book as aforeſaid, and that no Charge or Item in ſuch Accounts ſhall be binding on the Parties concerned, or be valid in Law, unleſs the ſame ſhall be duly allowed by ſuch Auditor; and alſo, that ſuch Book of Accounts ſhall be kept at the Office of the Clerk of the ſaid Commiſſioners, and ſhall be open to the Inſpection of any of the ſaid Proprietors or their Agents, at all reaſonable Times during the Progreſs of the ſaid Diviſion and Incloſure, and until the ſaid Accounts ſhall have been finally ſettled and allowed; and in caſe the ſaid Commiſſioners or their Clerk ſhall refuſe or neglect ſo to do, the Commiſſioner or Commiſſioners and Clerk reſpectively ſo refuſing or neglecting, ſhall, for every ſuch Refuſal or Neglect, forfeit and pay to any Perſon who ſhall ſue for the ſame the Sum of Five Pounds, to be recovered in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt or on the Caſe.

Power to appeal.

XLII. 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 the ſaid Act of the Forty-firſt Year of His preſent Majeſty, or of this Act (other than and except ſuch Claims, Matters, and Things as are by the ſaid Act or this 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 the ſaid Act or this Act, the Determinations, Acts, or Proceedings of the ſaid Commiſſioners are directed to be final and concluſive), he, ſhe, or they may appeal to any General or Quarter Seſſions of the Peace which ſhall be holden for the County of *Middleſex*, within Six Calendar Months next after the Cauſe of Complaint ſhall have ariſen, giving Notice in Writing of every ſuch Appeal, by affixing ſuch Notice, expreſſing the Cauſe of Complaint upon the principal Door of the Pariſh Church of *Hayes*, and of the Chapel of *Norwood* aforeſaid, Fourteen Days at leaſt before ſuch General or Quarter Seſſions; and the Juſtices of the Peace aſſembled at ſuch General or Quarter Seſſions, or at any ſubſequent General or Quarter Seſſions to which the ſaid Juſtices ſhall adjourn any ſuch Appeal, either for the Want of 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 Appeals, are hereby authorized to hear and determine the ſame, and to make ſuch Order therein, and award ſuch Damages and Coſts as to them in their Diſcretion ſhall ſeem reaſonable, and by their Order or Warrant to levy the Damages and Coſts which ſhall be ſo awarded by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties awarded 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 every ſuch Diſtreſs and Sale; and the Order and Determination of the ſaid Juſtices upon ſuch Appeal ſhall be final and concluſive to all Parties concerned, and ſhall not be removed or removable by *Certiorari*, or any Proceſs or Writ whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*, or elſewhere.

How Notices are to be given.

XLIII. Provided always, and be it enacted, That all Notices neceſſary and requiſite to be given by the ſaid Commiſſioners in purſuance of the ſaid Act or this Act, (except ſuch as are otherwiſe particularly directed by this Act,) ſhall be given by Advertiſement in the *County Chronicle*, if then publiſhed; if not, then in ſome other Newſpaper or Newſpapers printed and circulated in the ſaid County of *Middleſex*.

Saving Manorial Rights.

XLIV. Provided always, and it is hereby further enacted and declared, That nothing herein contained ſhall any otherwiſe prejudice, leſſen, or defeat the Right, Title, or Intereſt of the Lord or Lords of the Manors of *Heſſe* otherwiſe *Hayes*, *Norwood*, *Southall*, and *Yeading* 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 Purpoſes of the Inclоſure and Allotments hereby authorized ſhall abſolutely require; and all Lands and Grounds which ſhall be allotted by the Commiſſioners under the Authority of this Act, to any Perſon or Perſons other than the Lord or Lords of the ſaid Manors reſpectively for the Time being, and now ſituate within the ſame reſpectively, ſhall continue to be deemed within the ſaid Manors reſpectively, and notwithſtanding having been Part of the Waſte thereof ſhall be eſcheatable to the ſaid Lord or Lords for the Time being, according to the Nature of the Tenure of the Land in reſpect whereof the particular Allotment ſhall, under this Act, be made as aforeſaid, eſcheatable to the Lord or Lords of the ſaid Manor: Provided always, that nothing herein contained ſhall affect or prejudice any Grants made by the Lord or Lords, Lady or Ladies of the ſaid Manors, according to the Cuſtom of the ſame.

Act not to extend to Norwood Green.

XLV. Provided, That nothing in this Act contained ſhall extend, or be deemed or conſtrued to extend to a certain Parcel of Waſte Land called *Norwood Green*, in the Precinct of *Norwood* aforeſaid, but that the ſame ſhall remain and continue open and uninclоſed, and the Rights of Common and other Privileges thereon ſhall be held and enjoyed by the Perſons entitled thereto reſpectively, as if this Act had not been made.

Brooks, &c. not to be turned or altered, &c.

XLVI. Provided always, and be it further enacted, That no Brooks, Streams, Ditches, Watercourſes, or Tunnels within the ſaid Pariſh of *Hayes*, now running into or forming Part of the Works of the Grand

Junction

Junction Canal, or of the Navigable Cut to *Paddington*, or either of them, ſhall be diverted, turned, or altered, ſo as to prevent the Water running through the ſame from flowing into the ſaid Canal or Cut, or ſome Part thereof, nor any new Bridge ordered to be made over or acroſs the ſaid Canal and Cut, or either of them, by virtue of the ſaid recited Act or this Act, without the Conſent of the Company of Proprietors of the ſaid Canal, under their Common Seal, and that nothing herein contained ſhall extend or be conſtrued to extend to enable the ſaid Commiſſioners to do or order, or cauſe to be done, any Act, Matter, or Thing which ſhall injure or prejudice the Navigation or Works of the ſaid Canal and Cut, or either of them, in the ſaid Pariſh of *Hayes*.

General Saving.

XLVII. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and to all and every other Perſon and Perſons, Bodies Politic or Corporate, his, her, or their Heirs, Succeſſors, Executors, Adminiſtrators, and Aſſigns, (other than and except the reſpective Perſons to whom any Allotment or Allotments of Land, or other Compenſation ſhall be made or provided by virtue of this Act, in reſpect of the Intereſt or Property for which ſuch Allotment or Compenſation ſhall be made, and except ſuch other Rights and Intereſts as the Intents and Purpoſes of the Incloſures hereby authorized ſhall abſolutely require to be barred, deſtroyed, or extinguiſhed by this Act), all ſuch Eſtates, Rights, and Intereſts as they or any of them had or enjoyed of, in, and to, or in reſpect of the Open and Common Fields, and other Commonable Lands, and Grounds hereby directed to be divided and incloſed before the paſſing of this Act, or could or might have had or enjoyed if this Act had not been made.

Publick Act.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's moſt Excellent Majeſty. 1809.