ANNO QUADRAGESIMO SEXTO

GEORGII III. REGIS.

Cap. 57.

An Act for incloſing Lands in the Manor of *Lambeth* in the County of *Surrey*. [23d *May* 1806.]

WHEREAS there are within the Manor of *Lambeth*, in the County of *Surrey*, certain Common Lands, containing together Two hundred Acres and upwards: And whereas the moſt Reverend Father in God *Charles* by Divine Providence Lord Archbiſhop of *Canterbury*, in Right of his Archiepiſcopal See, is Lord of the ſaid Manor of *Lambeth*, and as ſuch claims to be entitled to the Soil of the ſaid Common Lands; and the ſaid Lord Archbiſhop, and the Right Honourable *Edward* Lord *Thurlow*, *William Cole* Eſquire, and divers other Perſons, are the Owners of Lands or Tenements, Parcel or held of the ſaid Manor of *Lambeth*, in reſpect of which they claim to be entitled to Rights of Common of Paſture, in, over, or upon the ſaid Common Lands: And whereas the ſaid Lord Archbiſhop of *Canterbury*, in Right of his Archiepiſcopal See, is ſeiſed of and entitled to divers Woods and Wood Grounds lying within the ſaid Manor of *Lambeth*, containing Two hundred Acres and upwards, and of and to the Ground and Soil thereof, and all Timber and other Trees, Wood and Underwood, growing therein, ſubject to certain Claims of Rights herein-after mentioned: And whereas the ſaid *Edward* Lord *Thurlow*, *William Cole*, and divers other Perſons, as Owners of certain Tenements held of the ſaid Manor of *Lambeth*, claim to be entitled to Rights of Common of Paſture, in, over, or upon certain of the ſaid Woods or Wood Grounds, (except during ſuch Seaſons as the Lord of the ſaid Manor is by ancient Uſage entitled to hold the

ſame incloſed and fenced for protecting the Growth of Wood thereon,) and alſo claim a Right of taking Buſhes, Furzes, Broom, and certain Species of Wood therefrom for Firewood: And whereas an Act was paſſed in the Forty-firſt Year of the Reign of His preſent Majeſty, intituled, *An Act for conſolidating in One Act certain Proviſions uſually inſerted in Acts of Incloſure, and for facilitating the Mode of proving the ſeveral Facts uſually required on the paſſing of ſuch Acts:* And whereas the ſaid Common Lands and Wood Grounds are, in their preſent State, incapable of any conſiderable Improvement, and the ſame if divided and incloſed might be greatly improved; but ſuch Diviſion and Incloſure cannot be effected without the Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That *William Frere* of the *Middle Temple, London*, Eſquire, Barriſter at Law; *Abraham Purſhouſe Driver* of *Kent Road*, Land Surveyor; and *John Middleton* of *Lambeth* aforeſaid, Land Surveyor, and their Succeſſors to be elected in Manner hereinafter mentioned, ſhall be and they are hereby appointed Commiſſioners for dividing and incloſing the ſaid Common Lands and Wood Grounds, and for carrying this Act into Execution, ſubject to the Rules, Orders, and Directions herein-after particularly mentioned, and alſo ſubject (except where the ſame are hereby altered or varied) to the Regulations and Proviſions of the Act of Parliament herein-before mentioned or referred to; and it ſhall be lawful for any Two of the ſaid Commiſſioners, and they are hereby fully authorized and empowered to execute, do, and perform every Act, Matter, and Thing required and neceſſary to be done and performed by the ſaid Commiſſioners, by and in purſuance of this Act, or the ſaid Act herein-before mentioned and referred to, as fully and effectually, to all Intents and Purpoſes, as if all the Commiſſioners herein-before appointed had been preſent, and had executed, done, and performed the ſame.

Commiſſioners.

New Commiſſioners to be choſen.

II. And be it further enacted, That if any of the ſaid Commiſſioners herein-before nominated and appointed, or any Commiſſioner to be appointed in the Stead of any of them, ſhall die, refuſe, or become incapable to act as a Commiſſioner in purſuance of this Act, then and in ſuch Caſe and from Time to Time, as often as the ſame ſhall happen, the ſurviving or continuing Commiſſioners or Commiſſioner ſhall and may, and they and he are and is hereby required, by Writing under their or his Hands or Hand, as ſoon as conveniently may be after every ſuch Vacancy ſhall happen, to appoint One other Commiſſioner, not intereſted in the ſaid Incloſure, in the Room or Stead of every ſuch Commiſſioner ſo dying, refuſing, or becoming incapable to act; and every ſuch new Commiſſioner ſo to be appointed ſhall have the like Powers and Authorities in and for the Execution of this Act, as the Commiſſioner in whoſe place he ſhall ſucceed is hereby veſted with.

Commiſſioners Clerk,

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

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

Allowance to Commiſſioners.

IV. And be it further enacted, That there ſhall be paid to each and every of the ſaid Commiſſioners the Sum of Three Guineas for each and every Day's actual Attendance, touching the Execution of this Act, and no more, and that no Commiſſioner ſhall require or be entitled to receive any Fee, Reward, or Gratuity whatſoever, except the ſaid Sum of Three Guineas *per* Day; and that at all Meetings to be held in purſuance of this Act, the ſaid Commiſſioners ſhall pay their own Expences, and that the ſaid Proprietors, their Attornies or Agents, ſhall pay their own Expences, when they or any of them ſhall attend the ſaid Commiſſioners at any of their Meetings to be held in purſuance of this Act; and that the Surveyor and Clerk appointed and to be appointed by the ſaid Commiſſioners ſhall be paid ſuch Sum or Sums of Money *per* Day or otherwiſe, for their reſpective Pains and Trouble in attending the ſaid Commiſſioners in the Execution of this Act, as to the ſaid Commiſſioners ſhall ſeem juſt and reaſonable.

Commiſſioners and Proprietors Expences.

Allowance to Surveyor and Clerk.

Notice of Meetings.

V. And be it further enacted, That the ſaid Commiſſioners ſhall cauſe Notice to be given in the Pariſh Church of *Saint Mary Lambeth* aforeſaid, on ſome *Sunday* immediately after Divine Service, or otherwiſe in Writing to be affixed upon the Door of the ſaid Church, of the Time and Place of their Firſt and every other Meeting for the Execution of this Act, or of the Powers contained in the ſaid Act of the Forty-firſt Year of His preſent Majeſty, at leaſt Fourteen Days before any ſuch Meeting ſhall be held (Meetings by Adjournment only excepted); and the ſaid Commiſſioners ſhall and may adjourn themſelves from Time to Time as they ſhall ſee Occaſion for the further Execution of this Act: Provided always, that if at any Meeting appointed to be holden by the ſaid Commiſſioners, it ſhall happen that no more than One of the ſaid Commiſſioners ſhall attend, ſuch Commiſſioner may adjourn ſuch appointed Meeting to ſuch Time and Place as he ſhall think moſt convenient, not exceeding Twenty-one Days from the Time of ſuch Adjournment, and ſhall give Notice of ſuch Meeting to the abſent Commiſſioners.

Adjournment of Meetings

Place of Meetings.

VI. Provided always, and be it further enacted, That all Meetings of the ſaid Commiſſioners for putting this Act in Execution ſhall be held within the Pariſh of *Saint Mary Lambeth*, or within the Diſtance of Two Miles from the Boundary of the ſaid Pariſh.

Other Notices how to be given.

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

Commiſſioners to ſettle Differences.

VIII. And be it further enacted, That if any Diſpute or Difference ſhall ariſe between any of the Parties intereſted or claiming to be intereſted in the ſaid intended Diviſion and Allotments, touching or concerning the reſpective Rights and Intereſts which they or any of them ſhall have or claim to have in the ſame, it ſhall be lawful for the ſaid Commiſſioners to examine into, hear, and determine the ſame, and ſuch Determination

ſhall

shall be binding and conclusive upon all Parties concerned (except as herein-after is mentioned); but no such Determination shall hinder or prevent any Person or Persons from trying at Law any Matter of Right or Title, according to the Provisions herein-after contained.

Power to assess Costs.

IX. 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 Act of the Forty-first Year of His present Majesty or this Act, see Cause to award any Costs, it shall be lawful for them 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 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 directed to any Person or Persons whomsoever, to cause the same 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) on Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Expences attending such Distress and Sale.

Parties may try their Rights by an Issue at Law.

X. Provided always, and be it further enacted, That in case any Person or Persons interested, or claiming to be interested, in the said intended Division and Inclosure shall be dissatisfied with any Determination of the said Commissioners, touching or concerning any Claim or Claims of Rights of Common, or other Rights or Interests, in, over, or upon the said Common Lands and Wood Grounds, or any Part thereof, it shall be lawful for the Person or Persons dissatisfied to proceed to a Trial at Law of the Matter so determined by the said Commissioners, at any Assizes to be holden for the said County of *Surrey* within the Space of Twelve Calendar Months next ensuing after such Determination, and for that Purpose the Person or Persons who shall be dissatisfied with the Determination of the said Commissioners shall cause an Action to be brought in some one of the Courts of Record at *Westminster*, upon a feigned Issue, against the Person or Persons in whose Favour such Determination shall have been made, or against the said Commissioners, within Six Calendar Months next after such Determination; and the Defendant or Defendants in such Action or Actions shall and he, she, or they is and are hereby required to name an Attorney or Attornies, who shall appear thereto or file Common Bail, and accept One or more Issue or Issues, by which the Matter of such Determination of the said Commissioners may be tried (such Issue or Issues to be settled by the proper Officer of the Court in which the said Action or Actions shall be commenced, in case the Parties shall differ about the same); and the Verdict or Verdicts which shall be given in such Action or Actions, and the Judgement or Judgements to be entered thereon, shall be final, binding, and conclusive upon all and every Person and Persons whomsoever being Parties or Privies thereto, unless the Court wherein such Action or Actions shall be brought

shall

ſhall ſet aſide ſuch Verdict or Verdicts, and order a new Trial to be had therein, which it ſhall be lawful for the ſaid Court to do as is uſual in other Caſes; and after ſuch Verdict or Verdicts ſhall have been obtained, and Judgement ſhall be entered thereon, the ſaid Commiſſioners ſhall and they are hereby required to act in conformity thereto, and to allow or diſallow the Claim or Claims thereby determined, according to the Event of ſuch Trial or Trials: Provided always, that it ſhall be lawful for the ſaid Commiſſioners to retain or pay all ſuch Coſts, Charges, and Expences as they ſhall incur or be put unto, or which ſhall be recovered againſt them in or by reaſon or in conſequence of any ſuch Action or Actions, out of any Monies which ſhall come to their Hands for the Purpoſes of this Act.

Determination of Commiſſioners to be final.

XI. Provided always, and it is hereby further enacted, That the Determination of the ſaid Commiſſioners, touching every ſuch Claim or Claims as aforeſaid, which ſhall not be objected to, or which being objected to ſhall not be tried by ſuch Action at Law as aforeſaid, ſhall be final and concluſive on all Parties: Provided alſo, that the Plaintiff in every ſuch Action, to which the ſaid Commiſſioners ſhall not be made Parties, ſhall give or cauſe to be given Fourteen Days Notice of the Trial thereof in Writing to the ſaid Commiſſioners; and in caſe ſuch Notice as aforeſaid ſhall be given, no Part of the ſaid Lands and Grounds ſhall be divided or allotted until after ſuch Trial ſhall have been had, and final Judgement obtained thereon.

Notice of Trial and Allotments ſuſpended.

Power to turn Footways.

XII. And be it further enacted, That if, upon ſetting out the Roads and Ways by the ſaid Act of the Forty-firſt Year of His preſent Majeſty directed to be made and ſet out, it ſhall appear to the ſaid Commiſſioners that any old Footway or Path, in, through, or over any of the ancient incloſed Grounds in the ſaid Manor of *Lambeth*, ſhall, by reaſon of the ſaid intended Diviſion, Allotment, and Incloſure become unneceſſary or inconvenient, it ſhall be lawful for the ſaid Commiſſioners, by and with the Conſent and Concurrence of any Two Juſtices of the Peace for the ſaid County, and ſubject to Appeal, in the Manner directed by the ſaid Act of the Forty-firſt Year of His preſent Majeſty, and they are hereby authorized and required to ſtop up or turn ſuch ancient Footway or Path; and if it ſhall appear to the ſaid Commiſſioners that any Compenſation ought to be made by the Owner of ſuch incloſed Grounds, for whoſe Accommodation any Footpath or Way may be ſtopped up or turned as aforeſaid, it ſhall be lawful for the ſaid Commiſſioners to aſcertain and receive ſuch Compenſation, and apply the ſame towards the General Purpoſes and Expences of this Act, and the ſaid Commiſſioners are hereby directed to ſet forth in their Award a Deſcription of ſuch Footpath or Way ſo ſtopped up or turned; and from and after the Execution of the ſaid Award, or at ſuch other Time as the ſaid Commiſſioners ſhall direct, (the ſaid Compenſation being firſt duly made,) ſuch Footpath or Way ſhall be and is hereby declared to be diſcontinued, and from thenceforth for ever it ſhall not be lawful for any Perſon or Perſons to make uſe of the ſame or any Part thereof: Provided always, that no Footpath leading through any incloſed Grounds ſhall be turned into any other incloſed Grounds without the Conſent of the Owner or Owners of ſuch laſt-mentioned Grounds reſpectively in Writing.

New Roads to be made and repaired at the Expence of the Proprietors.

XIII. And be it further enacted by the Authority aforesaid, That all Roads, Ways, and Passages, which shall be set out by the said Commissioners upon any of the Common Lands or Wood Grounds hereby directed to be inclosed, except the Highways heretofore amended and repaired as Parish Highways, or such other Highways as may be set out by the said Commissioners in lieu thereof, and also except a proposes new Road from *Streatham Common*, by the *Rose and Crown* at *Norwood*, to the *Vicar's Oak* also at *Norwood*, shall be from Time to Time kept in Repair by the Owners or Occupiers of the Lands and Houses on either Side of or near adjoining to such Roads, Ways, and Passages respectively, in such Proportions and Manner as the said Commissioners shall direct, and the same shall be used and enjoyed by such Persons only as shall so contribute to the Repair thereof.

Roads dividing Parishes to be made up in the whole Thirty Feet broad.

XIV. And be it further enacted, That in case any public Carriage Roads or Highways, to be set out under the Powers and Provisions of this or the said recited Act, shall be set out and continued in any Situation or Direction where the said Parish of *Saint Mary Lambeth* is divided from any adjoining Parish or Place, and where there now is or usually hath been a public Road or Way, and such adjoining Parish or Place hath hitherto been charged or liable to be charged with One-half Part of the Repairs and Support of the said Road or Way, then and in such Case the said Commissioners shall and they are hereby authorized and required to set out so many Feet only or so much Land from and out of the said Lands and Grounds hereby directed to be divided, allotted, and inclosed, as will enlarge the Breadth of such Road or Way to Thirty Feet at the least.

Commissioners to make Drains.

XV. And be it further enacted, That, for the better draining and improving the said Common Lands and Wood Grounds hereby directed to be divided, allotted, and inclosed, the said Commissioners shall and may scour out and widen all such ancient Brooks, Ditches, Drains, Watercourses, Tunnels, Gates, Banks, and Bridges in the said Manor of *Lambeth*, and also shall and may set out and appoint such new Ditches, Drains, Watercourses, Tunnels, Gates, Banks, and Bridges, as well in, through, and over the said Common Lands and Wood Grounds hereby directed to be divided and allotted, as also in, over, and through any other Part of the said Parish of *Saint Mary Lambeth*, as shall be necessary and proper for the Purpose aforesaid, but not further or otherwise, making reasonable Compensation or Satisfaction to all and every Person and Persons who may sustain any Damage thereby; and the said Brooks, Ditches, Drains, Watercourses, Tunnels, Gates, Banks, and Bridges shall and may be made, and afterwards from Time to Time cleansed, scoured, repaired and maintained, by and at the Costs and Expences of such Persons (being Persons interested in the said Inclosure) and at such Times and in such Manner as the said Commissioners shall in and by their said Award order and direct: Provided always, that no Brook or Watercourse shall be diverted or turned without the Consent in Writing of the Owner or Owners of the Lands from which such Brook or Watercourse shall be diverted, or into whose Land the same shall be turned.

Roads not to be depastured.

XVI. And be it further enacted, That no Person or Persons whomsoever shall permit any Sort of Cattle, Sheep, Lambs, Goats, or Swine,

to graze in any Highway, Lane, or Paſſage, which the ſaid Commiſſioners ſhall order or direct to be laned off or fenced on both Sides, nor lay any Dung, Manure, Soil, or Compoſt in or upon the ſame, under a Penalty not exceeding Ten Shillings for every Beaſt or Horſe, and One Shilling for every Sheep, Lamb, Goat, or Swine found therein, to be paid to the Perſon or Perſons who ſhall take and impound the ſame; and under a Penalty not exceeding Five Shillings for every Load of Dung, Manure, Soil, or Compoſt ſo laid therein, to be recovered by any Perſon or Perſons who will ſue for the ſame, which ſaid Penalties ſhall, if not paid on Demand, be levied and recovered in the Manner directed by the ſaid Act of the Forty-firſt Year of His preſent Majeſty; and any Occupier or Proprietor of Lands within the ſaid Manor of *Lambeth*, and his, her, their, and any of their Servants and Labourers, and alſo the Hayward or Baliff of the ſaid Manor for the Time being, and all other Perſons whomſoever, are hereby empowered to take and impound all ſuch Cattle, Sheep, Lambs, Goats, or Swine, ſo found grazing as aforeſaid.

No Buildings to be erected on certain Parts of the Lands to be incloſed.

XVII. Provided always, and be it further enacted, That no Buildings or Erections above the Surface of the Earth, ſhall at any Time hereafter be erected upon the narrow Strip of Waſte Land lying in Front of *Brixton Place*, or upon the Common called *Ruſh Common*, within the Diſtance of One hundred and fifty Feet from the Turnpike Road leading from *London* to *Croydon*, being the Boundary thereof on the One Side, or within the Diſtance of Two hundred Feet from the old Incloſures, being the Boundaries thereof on the Eaſt and South Sides; nor ſhall any ſuch Erections or Buildings be erected upon any other of the ſaid Common Lands or Wood Grounds intended to be divided or incloſed by this Act, within the Diſtance of One hundred Feet in front of any Meſſuage or Dwelling Houſe already erected upon any Land adjoining thereto, without the Conſent in Writing of the Owner or Owners of ſuch laſt-mentioned Meſſuage or Dwelling Houſe, and his or their Leſſee or Leſſees reſpectively; and in caſe any ſuch Buildings or Erections ſhall at any Time or Times hereafter be built, contrary to the true Intent and Meaning of this Act, it ſhall be lawful for any Perſon or Perſons, who ſhall be injured or affected thereby, to remove or abate the ſame, or otherwiſe to proceed againſt the Perſon or Perſons ſo offending in like Manner as in Caſes of Nuiſance.

Authorizing Commiſſioners to leave open any Part of the Lands to be affected by the Act, not exceeding Three Acres.

XVIII. Provided always, and be it enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized to leave open and unincloſed any Part or Parts of the ſaid Common Lands or Wood Grounds, not exceeding in the Whole the Quantity of Three Acres, and to give ſuch Directions, touching the Management, Uſe, Diſpoſal, or Enjoyment of the ſame, as they ſhall in their Judgement and Diſcretion think proper; any Thing herein contained to the contrary thereof in anywiſe notwithſtanding.

Compoſition for the Tythes of the Common Lands for the Firſt Seven Years.

XIX. And be it further enacted, That the ſaid Lands hereby directed to be divided and allotted, or any Part thereof, ſhall not be liable or ſubject to the Payment of Tythes of any Kind whatſoever, either Great or Small, to the Rector of the Pariſh of *Saint Mary Lambeth*, his Succeſſors or Aſſigns, or any of them, during the Term of Seven Years, to commence and be computed from the Firſt Day of *January* which will be

be in the Year of our Lord One thouſand eight hundred and ſeven, but that the ſame or ſuch Part thereof as is tytheable ſhall be ſubject and liable to pay during the ſaid Term of Seven Years; and the Rector of the ſaid Pariſh for the Time being ſhall and he is hereby empowered to aſk, demand, ſue for, and recover of and from every Occupier of the ſaid Lands, or ſuch Part thereof as is tytheable, as a Compenſation for and in lieu of the Tythes thereof, the yearly Sums herein-after mentioned; (that is to ſay,) One Shilling for every Acre by Admeaſurement, and ſo in Proportion for a leſs Quantity than an Acre of the ſaid Lands, which ſhall not be broken up or converted into Tilth, but ſhall remain as Paſture or mowing Ground, and Three Shillings for every Acre by Admeaſurement, and ſo in Proportion for a leſs Quantity than an Acre of the ſaid Lands which ſhall be broken up or converted into Tilth; the firſt Payment of which firſt-mentioned Compoſition ſhall be deemed to be due, and the ſame ſhall become payable on the Firſt Day of *January* next after the Date of the Award to be made purſuant to this Act; and the laſt-mentioned Compoſition ſhall be deemed to be due, and the ſame ſhall become payable on the Firſt Day of *January* next immediately after the Expiration of Two Calendar Months from the Time of breaking up or converting the Land into Tilth; and from and after the Expiration of the ſaid Term of Seven Years, the ſeveral Allotments of the ſaid Common Lands ſhall be ſubject and liable to ſuch Tythes as the ſame would have been liable to in caſe this Act had not been made: Provided that nothing herein contained ſhall extend to charge with either of the ſaid Compoſitions any other of the ſaid Lands than ſuch to the Tythes whereof the ſaid Rector is now by Law entitled.

Allotment to the Lord of the Manor for the Soil of the Common Lands.

XX. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required to ſet out, allot, and award unto and for the ſaid *Charles* Lord Archbiſhop of *Canterbury* and his Succeſſors, as Lord of the ſaid Manor of *Lambeth*, for and in lieu of his and their Right, Title, and Intereſt in and to the Soil of the ſaid Common Lands, ſuch Part or Parts thereof, (Quantity, Quality, and Situation being conſidered) as by the ſaid Commiſſioners ſhall be deemed, declared, and adjudged to be equal in Value to One-ſixteenth Part of ſo much thereof as ſhall remain after ſetting out ſuch Parts as ſhall be required for publick Roads or Ways; and ſuch Parts thereof, if any, as ſhall be ſold by the ſaid Commiſſioners for defraying the Expences of this Act, purſuant to the Powers for that Purpoſe herein and in the ſaid recited Act contained.

Allotment of the Reſidue.

XXI. And be it further enacted, That the ſaid Commiſſioners ſhall ſet out, allot, and award the Reſidue of the ſaid Common Lands hereby directed to be divided, allotted, and incloſed, unto and amongſt the ſeveral Perſons who at the Time of ſuch Allotment ſhall be intereſted therein, according to their ſeveral or reſpective Rights and Intereſts therein, in lieu of and as a Compenſation for all ſuch their Claims, Rights, and Intereſts, ſuch Proportions and Allotments to be ſettled and aſcertained by ſuch Ways and Means as to the ſaid Commiſſioners ſhall ſeem moſt equitable and proper.

The Commiſſioners may make Compenſa-

XXII. Provided always, and be it further enacted, That in caſe any Perſon or Perſons ſhall be deſirous of receiving a Compenſation in Money for his, her, or their Rights and Intereſts in the ſaid Common Lands, in

in lieu of such Allotment in respect thereof as aforesaid, and shall signify such Desire to the said Commissioners by Writing under his, her, or their Hand or respective Hands, prior to any such Allotment being made as last aforesaid, and within such Time as the said Commissioners shall appoint for that Purpose, then and in every such Case it shall and may be lawful to and for the said Commissioners, and they are hereby required to estimate what Sum or Sums of Money ought to be awarded and allowed to such Person or Persons, as and for such Compensation as aforesaid; and in every Case in which such Compensation shall not exceed the Sum of Twenty Pounds, it shall and may be lawful to and for the said Commissioners, and they are hereby required, to pay the Sum or Sums so to be estimated to the Person or Persons entitled thereto, by and out of any Monies which shall come to their Hands for the general Purposes of this Act.

Allotment in lieu of small Allotments in Money.

XXIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required, to inquire into all and singular the Rights claimed or to be claimed in or upon the said Woods or Wood Grounds, and to settle, ascertain, and determine the Value of all such of the said Rights as shall be allowed or established; and that the said Commissioners shall set out and allot unto and for the Proprietors or Owners thereof respectively, so much and such Part or Parts of the said Woods or Wood Grounds; or in case it shall appear to the said Commissioners to be more convenient and beneficial for all Parties, then so much and such Part or Parts of any Allotment or Allotments of the said Common Land, which shall be made to the said *Charles* Lord Archbishop of *Canterbury* or his Successors as aforesaid, as shall in the Judgement of the said Commissioners be a full Equivalent and Compensation for such Rights as aforesaid: Provided always, that it shall and may be lawful to and for the said Commissioners, with the Consent of the said *Charles* Lord Archbishop of *Canterbury* or his Successors, and of the Person or Persons entitled to any such Allotment as last aforesaid, to estimate and ascertain what Sum or Sums of Money ought to be awarded and allowed to such Person or Persons, as and for a Compensation and Satisfaction for and in lieu of such Rights, and of the said Allotment in respect thereof; and in every Case in which such Compensation shall not exceed the Sum of Twenty Pounds, to award and allow the same accordingly; which Sums so to be awarded and allowed shall be paid to the Person or Persons entitled thereto, by the said *Charles* Lord Archbishop of *Canterbury*, his Successors or Assigns, or by them the said Commissioners, by and out of any Monies which shall be raised by them for that Purpose, in Manner herein-after directed, for defraying the Share and Proportion of the said Archbishop of *Canterbury* of the Charges and Expences of obtaining, passing, and executing this Act, at such Times as the said Commissioners shall in and by their said Award order, direct, or appoint.

Allotments for Rights on the Wood Grounds.

XXIV. And be it further enacted, That, from and immediately after such Allotments and Compensation shall be made for such Rights of Common and other Rights in or upon the said Common Lands and Wood Grounds, all and singular the Rights of Common and other Rights, other than and except such Rights (if any) as the said Commissioners shall expressly allow and direct to be continued in and by their said Award, shall cease and be for ever utterly extinguished and abolished.

After such Allotments, the Rights to be extinguished.

The Archbiſhop may enter upon Allotments of the Woodlands and cut down Trees, &c.

XXV. And be it further enacted, That it ſhall and may be lawful to and for the ſaid *Charles* Lord Archbiſhop of *Canterbury* and his Succeſſors, and his and their Servants or Agents, at any ſeaſonable Time or Times within the Space of Twelve Calendar Months after the Execution of the ſaid Award, or within any ſhorter Space of Time to be appointed by the ſaid Commiſſioners, to enter into and upon ſuch of the ſaid Wood Lands as ſhall be allotted to any other Perſon or Perſons whomſoever, other than and except as herein-after mentioned, and to fell, cut down, take, and carry away all Trees, Woods, Underwoods, Thorns, Buſhes, Whins, Furze, and Shrubs ſtanding or growing thereon, at his and their free Will and Pleaſure, to and for his or their own Uſe and Benefit, ſave and except, and be it hereby further enacted, that it ſhall and may be lawful to and for the ſaid Commiſſioners to include in their Eſtimate of the Value of any ſuch Allotment of the ſaid Woodland the Value of any Trees, Woods, Underwoods, Thorns, Buſhes, and Shrubs ſtanding and growing thereon, and to direct in and by their ſaid Award that the Value thereof ſhall be paid by the Perſon or Perſons to whom ſuch Allotment ſhall be made, to the ſaid Lord Archbiſhop or his Succeſſors, within ſuch Time as to them the ſaid Commiſſioners ſhall ſeem reaſonable, not exceeding Six Calendar Months from the Date of their ſaid Award, and then and in ſuch Caſe the Trees, Woods, Underwoods, Thorns, Buſhes, and Shrubs ſtanding and growing on ſuch Allotment, and ſo included in the Value thereof as aforeſaid, ſhall, from and after Payment of the Value thereof to the ſaid Lord Archbiſhop and his Succeſſors in ſuch Manner as ſhall be directed by the ſaid Commiſſioners as aforeſaid, be deemed Part of ſuch Allotment, and be held and enjoyed therewith accordingly; any Thing herein contained to the contrary notwithſtanding.

Commiſſioners may extinguiſh or ſuſpend Rights of Common, &c.

XXVI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized, from Time to Time and at any Time or Times before the Execution of the ſaid Award, by Notice in Writing under their Hands, to be affixed upon the principal outer Door of the ſaid Pariſh Church of *Lambeth*, to order or direct all or any Part of the Rights of Common or other Rights, in, over, or upon the ſaid Common Lands and Wood Grounds, or any Part thereof, to ceaſe and become extinguiſhed or be ſuſpended from or for and during ſuch Time as ſhall be expreſſed in ſuch Writing; and that all ſuch Rights as the ſaid Commiſſioners ſhall by ſuch Writing order and direct to ceaſe or be ſuſpended as aforeſaid, ſhall, from the Time of affixing ſuch Writing on the ſaid Church Door, ceaſe and be extinguiſhed or be ſuſpended accordingly; any Law, Uſage, or Cuſtom to the contrary thereof notwithſtanding.

Allotments to be of the ſame Tenure with the Lands in reſpect of which they are made.

XXVII. And be it further enacted, That the Allotments which ſhall be made under the Proviſions of this Act and of the ſaid Act of the Forty-firſt Year of the Reign of His preſent Majeſty, ſhall, from and after the Execution of the ſaid Award, and thenceforth for ever, be deemed and taken to be held by and under the ſame Tenures, Rents, Cuſtoms, and Services, as the Property in reſpect of which ſuch Allotments reſpectively ſhall be made was held and enjoyed before the paſſing of his Act, or would have been held in caſe this Act had not been made; and the ſeveral Lands and Grounds which in the Award of the ſaid Commiſſioners ſhall be declared to have been allotted in right of Free-

hold

hold Property, ſhall, from the Making and Execution thereof be deemed Freehold Lands, and ſhall thenceforth be held of the Lord of the Fee under the ſame Rents and by the ſame Services as the Freehold Property, in reſpect of which they were ſo allotted, was held before that Time; and the ſeveral Lands and Grounds which ſhall therein be declared to have been allotted in reſpect of Copyhold Property, ſhall in like Manner be deemed Copyhold or Cuſtomary Lands, and be held of the Lord of the ſame Manor under the ſame and no further or additional Rent or Rents, Heriot or Heriots, and by the ſame Cuſtoms, Duties, and Services as the Copyhold Property, in reſpect of which they were ſo allotted, was held, and ſhall by virtue of this Act, and of the Admiſſions to be granted as herein-after mentioned, become legally and effectually veſted in the Perſon or Perſons to whom the ſame ſhall be ſo allotted; and that all and every Perſon or Perſons to whom any Allotments ſhall be made in reſpect of or in exchange for any ſuch Copyhold Lands and Premiſes, ſhall, at his and their own proper Coſts and Charges, within Six Calendar Months next after the Execution of the ſaid Award, be admitted Tenant or Tenants to the ſame, without paying any Fine to the Lord or Lords of the ſaid Manor or Manors for or in reſpect of the ſame; but in caſe ſuch Perſon or Perſons ſhall die without Admiſſion within the ſaid Six Calendar Months, then the cuſtomary Fines ſhall be due and payable on the Admiſſion of the Perſon or Perſons entitled to ſuch Lands and Premiſes; and after every ſuch firſt Admiſſion as aforeſaid, the Copyhold Premiſes ſo to be allotted as aforeſaid ſhall at all Times paſs by the like Surrenders, and be ſubject to the like Fines in Caſes of Death or Alienation, as the preſent Copyhold Meſſuages, Lands, Tenements, or Hereditaments, in reſpect whereof ſuch Allotments ſhall be made, are now holden under and liable unto; any Law, Cuſtom, or Uſage to the contrary notwithſtanding.

Power to the Archbiſhop of Canterbury to leaſe upon the uſual Terms in Church Eſtates.

XXVIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid *Charles* Lord Archbiſhop of *Canterbury*, and his Succeſſors reſpectively, from Time to Time, to make and grant to any Perſon or Perſons whomſoever any Leaſe or Leaſes of the Lands and Grounds to be allotted to him the ſaid *Charles* Lord Archbiſhop of *Canterbury*, or his Succeſſors reſpectively, by virtue of this Act, or of the ſaid Act of the Forty-firſt Year of the Reign of His preſent Majeſty, for ſuch and the like Terms, Eſtates, and Intereſts reſpectively (but under and ſubject to ſuch and the ſame Rules, Proviſoes, and Reſtrictions, ſo far as the ſame ſhall be applicable) as he or they reſpectively are or ſhall be by Law enabled to make of other the Lands and Poſſeſſions of the ſaid See of *Canterbury*, which have moſt commonly been let within Twenty Years now laſt paſt; ſo nevertheleſs as that upon every ſuch Leaſe an annual Rent or Rents of not leſs than One Shilling for every Acre, and ſo in Proportion for any greater or leſs Quantity than an Acre of the Lands to be comprized in ſuch Leaſe, be reſerved and made payable to the ſaid *Charles* Lord Archbiſhop of *Canterbury* and his Succeſſors, which ſaid Rent or Rents ſhall be deemed and taken to be the ancient accuſtomed yearly Rent or Rents, to all Intents and Purpoſes whatſoever.

Empowering the Archbiſhop of Canterbury, with the Conſent of the

XXIX. And be it further enacted, That in caſe at any Time or Times hereafter it ſhall be found expedient, by reaſon of the Increaſe of Population within the ſaid Pariſh of *Saint Mary Lambeth*, to erect and endow One or more Chapel or Chapels for the publick Worſhip of Almighty God,

Rector and Bishop, to appropriate Lands for Chapels and Burial Ground.

God, according to the Laws Ecclesiastical of this Realm, or to provide One or more Pieces of Ground for Burial Ground within the said Parish, then and in every such Case it shall and may be lawful to and for the Lord Archbishop of *Canterbury* for the Time being, if he shall think fit, at the Request of the Lord Bishop of *Winchester*, and of the Rector of the said Parish of *Saint Mary Lambeth* for the Time being, to be signified by Writing under their respective Hands, to agree on behalf of himself and his Successors with any Person or Persons whomsoever, that such Person or Persons shall and may erect and build One or more Chapel or Chapels for the Purposes aforesaid; and One or more House or Houses for the Residence of the Minister or Ministers who shall officiate therein, upon any Piece or Pieces of Ground, Parcel of the Lands which, under and by virtue of this Act or the said Act of the Forty-first Year of His present Majesty, shall be awarded in Severalty to the said Lord Archbishop and his Successors, or upon any other Lands of the said Lord Archbishop and his Successors, within the said Parish, or shall and may fence in and inclose any such Piece or Pieces of Ground as and for Burial Ground; and it shall and may be lawful to and for the said Lord Archbishop for the Time being to appropriate Ground for Garden and other Grounds to be annexed to the Ministers Houses, so as such Ground so to be built upon and inclosed and appropriated as aforesaid do not exceed in the Whole the Quantity of Ten Acres; and when and so soon as any Ground and Buildings so to be appropriated for a Chapel or Burial Ground respectively shall be duly consecrated and set apart to the Purposes aforesaid, and adequate Provision shall be made to the Satisfaction of the said Lord Archbishop or his Successors for the Maintenance and Repair thereof, and for the Support of the Minister or Ministers who shall be appointed to officiate therein, and such Laws, Rules, and Regulations shall be framed for the good Government thereof, as shall be approved by the Lord Archbishop of *Canterbury*, the Lord Bishop of *Winchester*, and the Rector of the said Parish of *Saint Mary Lambeth* for the Time being, then and from thenceforth the said Grounds and Buildings shall be and remain vested in the said Lord Archbishop and his Successors for the Use and Benefit of such Person or Persons as may be from Time to Time duly appointed to officiate as such Minister or Ministers in the same as aforesaid, any Thing in this Act contained, or any Law, Usage, or Custom to the contrary thereof in anywise notwithstanding; and a Deed or Deeds of Settlement of the same shall be prepared accordingly, and shall be signed by the Lord Archbishop of *Canterbury*, the Lord Bishop of *Winchester*, and the Rector of the said Parish of *Saint Mary Lambeth* for the Time being, and shall be registered in the Archives of the See of *Canterbury*, and of the Diocese of *Winchester* respectively.

Usual Power of granting Leases for Twenty-one Years.

XXX. And be it further enacted, That it shall be lawful to and for the Rector of the said Parish of *Saint Mary Lambeth* for the Time being, and to and for all and every Person and Persons entitled to any Allotment to be made by virtue of this Act, as Tenant for Life or Lives, or for Years determinable on a Life or Lives, or as Tenant in Tail or Tenant in Fee, and who shall be such Tenant either as Owner or as Mortgagee in Possession, or as Trustee, for or on Behalf of themselves respectively, and their respective Heirs, Issues, Executors, and Administrators, Mortgagors, Mortgagees, and *Cestuique* Trusts, and for and on Behalf of all Persons who have any Reversions or Remainders, or other

Eſtates or Intereſts expectant or depending upon their reſpective Eſtates, and for and on Behalf of all Perſons who have any Leaſes, Charges, or Incumbrances in or upon the ſame reſpectively; and alſo to and for every Huſband of every or any ſuch Tenant being under Coverture, for and on Behalf of his Wife, her Heirs, Executors, Adminiſtrators, and Aſſigns; and alſo to and for every Guardian of every or any ſuch Tenant being under Age, for and on Behalf of the Perſon for whom he or ſhe is or ſhall be Guardian, and the Heirs, Executors, Adminiſtrators, and Aſſigns of ſuch Infant; and alſo to and for the Committee of the Eſtate of every or any ſuch Tenant being an Idiot or Lunatick; and alſo to and for every Attorney thereunto duly authorized of every or any ſuch Tenant being beyond the Sea; and alſo to and for every Corporation, ſole or aggregate, being ſuch Tenant or Tenants, for or on the Behalf of the Corporate Body and their Succeſſors; and alſo to and for every ſuch Huſband, Guardian, Committee, Attorney and Corporation, for and on the Behalf of all Perſons who have or ſhall have any Reverſions or Remainders, or other Eſtates or Intereſts expectant or depending upon the ſeveral and reſpective Eſtates of the reſpective Perſons or Corporate Bodies, to or for whom reſpectively, or on whoſe Behalf they reſpectively ſhall be Huſbands, Guardians, Committees, Attornies, and Corporations; and all Perſons who have or ſhall have any Leaſes or Charges in or upon the ſame reſpectively, by Indenture or Indentures to be by them reſpectively ſealed and delivered in the Preſence of, and atteſted by Two or more credible Witneſſes from Time to Time, to leaſe or demiſe all or any Part or Parts of their ſaid reſpective Allotments to any Perſon or Perſons whomſoever, for any Term or Number of Years not exceeding Twenty-one Years from the Date of the ſaid Award; ſo as the ſame ſhall commence in Poſſeſſion and not in Reverſion, or by Way of future Intereſt; and ſo as no ſuch Leaſe be made without Impeachment of Waſte by any expreſs Words to be therein contained; and ſo as the Leſſee or Leſſees in every ſuch Leaſe ſhall and do, at his or their own Coſts and Charges, make, keep up, ſupport and maintain the Subdiviſion Fences and Ring Fences belonging to the ſame Allotments reſpectively, and every of them, during his or their Term therein; and ſo as ſuch Leſſee or Leſſees be obliged to ſpend and conſume on the Premiſes in an huſbandlike Manner during ſuch Leaſe all the Dung and Manure ariſing from the Product thereof; and ſo as the beſt and moſt improved yearly Rent or Rents be reſerved and may payable thereon, without any Fine or Premium being taken by the Perſon granting ſuch Leaſe, or by any other Perſon or Perſons whomſoever, for making or granting the ſame, except the Covenant for making the Subdiviſion Fences; and ſo as the uſual Powers of Re-entry for Non-payment of Rent be inſerted therein; and ſo as ſuch Leſſee or Leſſees do ſeal, execute, and deliver a Counterpart of every ſuch Leaſe.

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

XXXI. And be it further enacted, That all Encroachments which at any Time within Twenty Years now laſt paſt have been made upon the ſaid Common Lands and Wood Grounds, ſhall be deemed Part thereof, and ſhall be divided and allotted accordingly.

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

XXXII. Provided nevertheleſs, and be it enacted, That ſuch of the ſaid Encroachments as adjoin to or abut upon any Lands or Tenements having Right of Common upon the Lands or Grounds hereby intended to be divided and incloſed, ſhall be allotted to the Owner or Owners of ſuch

ſuch adjoining Lands, either as the Whole or Part of the Share or Proportion to which he, ſhe, or they will be entitled by virtue of this Act; and in caſe any ſuch Encroachments ſhall, in the Judgement of the ſaid Commiſſioners, be of greater Value than his, her, or their Share and Proportion of the ſaid Commons and Waſte Grounds, then the Perſon or Perſons to whom ſuch Encroachments ſhall be allotted ſhall pay to the ſaid Commiſſioners, at or within ſuch Time as they ſhall appoint, ſuch Sum of Money as the ſaid Commiſſioners ſhall adjudge to be the Value of ſuch Encroachments, over and above the Value of the Allotments to which ſuch Perſon or Perſons ſhall be entitled, and the ſame ſhall be applied towards Payment of the Expences of obtaining and executing this Act.

Thoſe of Twenty Years ſtanding not to be deemed Part thereof, but

XXXIII. Provided always, and be it further enacted, That no Incloſure or Encroachment which ſhall have been made from or upon the ſaid Common Lands and Wood Grounds, or any Part or Parts thereof, for Twenty Years or upwards antecedent to the paſſing of this Act, ſhall be thrown open or divided, allotted or incloſed, under the Proviſions of this preſent Act, or the Proviſions of the ſaid Act of the Forty-firſt Year of His preſent Majeſty; nor ſhall any ſuch Incloſure or Encroachment as laſt aforeſaid, nor the Houſes, Cottages, Buildings, and other Erections thereupon, be conſidered as forming Part of the ſaid Common Lands, nor ſhall the Title or Titles derived under ſuch Incloſure or Encroachment be diſturbed, ſave and except in the Caſes herein-after mentioned, either under the Proviſions of the preſent Act or the ſaid Act of the Forty-firſt Year of His preſent Majeſty, or by any Perſon or Perſons claiming by prior Title; and if any ſuch Incloſure and Encroachment as laſt aforeſaid ſhall have been made within the Space of Sixty Years previous to the paſſing of this Act, the ſame ſhall be valued by the ſaid Commiſſioners according to the Value of the Part of the ſaid Commons and Waſte Lands next adjoining or contiguous to the ſame, without taking into Conſideration or eſtimating the Improvements or Erections which ſhall have been made thereon; and upon ſuch Valuation being made, the ſaid Commiſſioners ſhall deliver the Particulars and Amounts thereof in Writing to the Perſon or Perſons by whom ſuch Incloſures or Encroachments ſhall be then poſſeſſed, or in caſe ſuch Perſon or Perſons cannot conveniently be found, ſhall affix the ſaid Writing upon ſome conſpicuous Part of the Premiſes; and in caſe ſuch Perſon or Perſons ſhall, within the Space of Three Calendar Months from the Time of the Delivery or affixing of ſuch Particular or Value, pay the Amount thereof to the ſaid Commiſſioners, the ſaid laſt-mentioned Incloſures and Encroachments, and all Dwelling Houſes, Cottages, Buildings, and Erections thereupon, ſhall immediately upon ſuch Payment, and upon the Commiſſioners giving a Receipt in Writing for the Amount thereof, belong to and be the abſolute Property of ſuch Perſon or Perſons reſpectively, for ſuch Eſtates and Intereſts, and with and ſubject to ſuch Powers, Proviſoes, and Limitations over, as the ſame Premiſes would reſpectively have been ſubject or liable to in caſe the firſt Owner or Poſſeſſor of the ſame had been ſeiſed thereof to him and his Heirs in Fee Simple; but in caſe ſuch Perſon or Perſons ſhall refuſe or neglect to pay the Amount of ſuch Valuation to the ſaid Commiſſioners, within the ſaid Space of Three Calendar Months from the Delivery or affixing thereof as aforeſaid, it ſhall and may be lawful for the ſaid Commiſſioners,

thoſe within Sixty Years to be valued as Common Land.

And in caſe the Poſſeſſors ſhall pay the Amount of the Valuation to the Commiſſioners, the Encroachment ſhall be their Property;

but in caſe the Amount of the Valuations ſhall not be paid Commiſſioners may

and

and they are hereby authorized and required to ſell and diſpoſe of the ſaid Incloſures and Encroachments, and all Dwelling Houſes, Buildings, and other Erections thereon, in ſuch and the ſame Manner as they are by the ſaid Act of the Forty-firſt Year of His preſent Majeſty empowered to ſell Lands for the Payment of the Charges and Expences attending the obtaining, paſſing, and executing this Act; and ſhall apply the Monies to ariſe by ſuch Sale in or towards the Payment of ſuch Charges and Expences accordingly.

ſell the Encroachment.

and apply the Purchaſe Monies for the Expences of the Act.

XXXIV. Provided always, and be it further enacted, That in caſe any ſuch Encroachments which ſhall have ſubſiſted for Twenty Years or upwards before the paſſing of this Act, or any Part or Parcel thereof, ſhall adjoin or abut upon, or cauſe any Impediment or Obſtruction to the free Uſe or Enjoyment of any Freehold or Copyhold Lands of any Perſon or Perſons whomſoever, who ſhall be deſirous of purchaſing the ſame, or upon or to any Lands to be by virtue of this Act allotted to any ſuch Perſon or Perſons, the ſaid Commiſſioners ſhall, at the Requeſt of ſuch Perſon or Perſons, at any Time previous to or within Six Calendar Months after making and depoſiting their Award as herein-after mentioned, aſcertain the Value of any ſuch Encroachment, or of ſo much thereof as ſhall adjoin or abut, or cauſe Impediment or Obſtruction as aforeſaid; and ſhall put a ſeparate Value upon the Land as Common, and upon the Buildings and Improvements erected or made thereon, and ſhall direct at what Time and under what Conditions the Perſon or Perſons ſo deſiring to purchaſe the ſaid Encroachment ſhall pay to them the ſaid Commiſſioners the Sum ſo to be aſcertained for the Value of the ſaid Land, without Regard to the Buildings or Improvements made thereon, and to the Owner or Poſſeſſor of the ſaid Encroachment the Sum ſo to be aſcertained for the Value of ſuch Buildings and Improvements; and upon ſuch Payment ſo to be made according to the Directions of the ſaid Commiſſioners as aforeſaid, every ſuch Encroachment, or ſo much thereof as ſhall be valued and purchaſed as aforeſaid, ſhall be abſolutely veſted in the Perſon or Perſons ſo purchaſing the ſame, any Thing in this Act contained to the contrary notwithſtanding; and any Money which ſhall be paid to the ſaid Commiſſioners, by virtue of the laſt-mentioned Directions, ſhall be by them paid or applied in or towards paying and defraying the Coſts, Charges, and Expences of obtaining, paſſing, and executing this Act.

Frontage Encroachments may be purchaſed by the Owners of the adjoining Lands.

XXXV. Provided always, and it is hereby further enacted, That nothing herein contained ſhall extend to authorize the Sale of any Dwelling Houſe which at the Time of paſſing this Act ſhall be actually occupied by the Owner or Poſſeſſor of any ſuch Encroachment which ſhall have been made for the Space of Twenty Years or upwards, or of any Yard or Garden occupied therewith.

Dwelling Houſes not to be affected which have ſtood Twenty Years.

XXXVI. And be it further enacted and declared, That if any Diſpute ſhall ariſe as to the Space of Time during which the ſaid Incloſures or Encroachments ſhall have been made or ſubſiſted, the ſame ſhall be determined by the ſaid Commiſſioners, who ſhall proceed therein in the Manner in which by the ſaid Act of the Forty-firſt Year of His preſent Majeſty they are directed to proceed in Matters or Things left to their Determination.

Commiſſioners to determine the Date of the Encroachments.

XXXVII. And

Titles not to be affected by the Act.

XXXVII. And be it further enacted, That nothing in this Act contained ſhall extend to revoke, make void, impeach, annul, alter, or prejudice any Settlement, Will, Mortgage, or Deed, or other Inſtrument whatſoever, or to prejudice any Perſon or Perſons having any Right to or Claim of Dower, Jointure, Rent, Services, Debt, Charge, or Incumbrance whatſoever, in, out of, upon, or affecting any Meſſuages, Lands, Tenements, or Hereditaments which ſhall be allotted or exchanged in purſuance of this Act, or the ſaid Act of the Forty-firſt Year of His preſent Majeſty, but that the ſeveral Meſſuages, Lands, Hereditaments, and other Eſtates ſo to be allotted or given in Exchange ſhall, from and after the making of ſuch Allotments and Exchanges, be, remain, and enure, and be held and enjoyed, and the ſeveral Perſons to whom the ſame ſhall be allotted or given in Exchange as aforeſaid, ſhall from thenceforth ſtand and be ſeiſed and poſſeſſed thereof reſpectively, to ſuch and the ſame Uſes, and for ſuch and the ſame Eſtates, and with ſuch and the ſame Powers and Authorities for making Leaſes or otherwiſe, and ſubject to the ſame Wills, Limitations, Conditions, Settlements, Uſes, Truſts, Powers, Proviſoes, Rents, Debts, Charges, and Incumbrances, as the ſeveral Meſſuages, Lands, Tenements, or other Hereditaments, in reſpect or in lieu whereof ſuch Allotments or Exchanges ſhall be reſpectively made, were and ſtood ſeverally limited, or ſubject and liable unto at the Time of making ſuch Allotment or Exchanges reſpectively.

Compenſation to be made to Tenants deprived of Common Rights.

XXXVIII. And be it further enacted, That where any Leaſe or Leaſes, or Agreement for a Leaſe or Leaſes, for the letting or holding of any of the Meſſuages, Lands, or Hereditaments, in reſpect of which any Allotment or Allotments ſhall be made by virtue of this Act, at Rack Rent for any Term or Number of Years not exceeding Twenty-one Years, ſhall either in expreſs Terms or virtually include or compriſe any Rights of Common, or other Rights or Intereſts for or in lieu of which the ſame Allotment or Allotments ſhall be made, then and in every ſuch Caſe the reſpective Owners and Proprietors of the ſame Meſſuages, Lands, or Hereditaments, ſhall allow and abate to ſuch Leſſee or Leſſees, Tenant or Tenants, ſuch Portion of his or their Rent or Rents, as the ſaid Commiſſioners ſhall award to be a reaſonable Compenſation or Satisfaction to him or them for the Deprivation of ſuch Rights of Common, or other Rights or Intereſts as aforeſaid; and that where any ſuch Leaſe or Agreement ſhall be for any longer Term than Twenty-one Years, or ſhall have been granted in Conſideration of Buildings or other Improvements being made on the Lands thereby demiſed, or where any Fine, Premium, or other valuable Conſideration ſhall have been given for the granting of the ſame, then and in every ſuch Caſe as laſt aforeſaid, the Leſſee or Leſſees ſhall hold and enjoy, during the Remainder of the Term in ſuch Leaſe or Agreement, any Allotment or Allotments to be made in reſpect of the Premiſes therein comprized, paying to his or their Leſſor or Leſſors reſpectively ſuch additional Rent or Rents as the ſaid Commiſſioners ſhall, under all Circumſtances deem reaſonable.

The Expences of the Act may be levied by Rate upon the Proprietors, or be raiſed by Sale;

XXXIX. And be it further enacted, That the Charges and Expences of obtaining, paſſing, and executing this Act, or ſuch Part or Parts thereof as the ſaid Commiſſioners ſhall direct, ſhall be paid by the ſeveral Perſons to whom any Allotments ſhall be made by virtue of this Act, in Proportion to the Value of ſuch Allotment, or the ſame Charges and

Expences or any Part thereof, and alſo any other Monies required or authorized to be paid by the ſaid Commiſſioners for the Purpoſes of this Act, ſhall and may be raiſed by Sale of ſuch Part or Parts of the ſaid Common Lands hereby directed to be divided, allotted, and incloſed, as the ſaid Commiſſioners ſhall in their Judgement think moſt proper; and that in either of the Caſes aforeſaid, the Money ſhall be raiſed or the Land ſold, as the Caſe may be, in the Manner, and with, under, and ſubject to the Powers, Rules, Orders, and Regulations, reſpectively expreſſed and contained in the ſaid Act of the Forty-firſt Year of His ſaid preſent Majeſty: Provided always, that the Share or Proportion of the ſaid Charges and Expences, which ſhall belong to and ought to be paid by the ſaid Archbiſhop of *Canterbury* or his Succeſſors, ſhall in no Caſe be raiſed by a Rate, but it ſhall and may be lawful for the ſaid Commiſſioners to raiſe ſuch Share or Proportion of the ſaid Charges and Expences, and alſo ſuch Sum or Sums of Money (if any) which ſhall be awarded as a Compenſation for any Rights of Common or other Rights in or over the ſaid Woods or Wood Grounds as aforeſaid, by a Sale or Sales of ſuch Part or Parts of the Allotment or Allotments to be made to the ſaid Archbiſhop and his Succeſſors, as they ſhall think ſufficient and moſt proper for that Purpoſe; ſuch Sale to be made in the Manner, and with, under, and ſubject to the Powers, Rules, Orders, and Regulations reſpectively mentioned and directed in and by the ſaid Act of the Forty-firſt Year of His preſent Majeſty.

except the Share of the Archbiſhop of Canterbury, which muſt be raiſed by Sale.

XL. And be it further enacted, That in caſe any Surplus ſhall remain, in the Hands of the ſaid Commiſſioners, of the Monies hereby authorized to be received by them, after anſwering the ſeveral Purpoſes aforeſaid, ſuch Surplus Money ſhall be divided and apportioned between the ſeveral Proprietors of the Lands and Grounds hereby directed to be divided and incloſed, according to their ſeveral and reſpective Intereſts therein, and ſuch proportional Parts and Shares of ſuch Surplus Money ſhall be paid to thoſe Proprietors who are Tenants in Fee Simple of the Eſtates in Right of which they ſhall be entitled to ſuch Surplus Monies; but the Surplus Money to which any Proprietor, not being Tenant in Fee Simple, may be entitled, ſhall be applied and diſpoſed of in the ſame Manner as any Money to be paid for the Purchaſe or Exchange of Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchaſe or Exchange of other Lands, Tenements, or Hereditaments, to be ſettled to the ſame Uſes, is by the ſaid Act of the Forty-firſt Year of His preſent Majeſty directed to be applied and diſpoſed of.

Application of Surplus Money, if any.

XLI. And be it further enacted, That *Henry Dampier* Eſquire, of the *Middle Temple, London*, Barriſter at Law, 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 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 and Expences, ſhall, at leaſt Once in every Year from the paſſing of this Act, until ſuch Account ſhall be finally allowed, together

Auditor appointed for ſettling Commiſſioners Accounts.

together with the Vouchers relating to the ſame, be examined by the ſaid Auditor, and the Balance 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.

Power to borrow Money till Sale of Land.

XLII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners to borrow and take up at Intereſt, of any Perſon or Perſons willing to advance and lend the ſame, ſuch Sum or Sums of Money as ſhall from Time to Time be neceſſary for defraying the Charges and Expences of paſſing this Act, until the ſame ſhall be raiſed by Sale of Land or a Rate as herein-before is mentioned, which Sum or Sums ſo to be borrowed as aforeſaid, ſhall be a Charge upon the Lands hereby directed to be divided, allotted, and incloſed, until the ſame ſhall be raiſed and repaid by ſuch Sale or Rate as aforeſaid, with Intereſt for the ſame.

Perſons advancing Money for the Expences of the Act to be repaid with Intereſt.

XLIII. And be it further enacted, That any Perſon or Perſons who ſhall lend any Sum or Sums of Money for defraying the Expences of applying for and obtaining and executing this Act, ſhall be repaid the ſame out of the Monies which ſhall be raiſed and collected in purſuance hereof, with Intereſt after the Rate of Five Pounds *per Centum per Annum* from the Time of advancing the ſame.

Award to be made.

XLIV. And be it further enacted, That, as ſoon as conveniently may be after the Diviſion and Allotment of the ſaid Common Lands and Wood Grounds ſhall have been made and completed purſuant to the Directions of this Act, the Commiſſioners ſhall form and draw up, or cauſe to be formed and drawn up, an Award or Inſtrument in Writing, with one or more proper Plan or Plans thereto annexed, in the Manner preſcribed by the ſaid Act of the Forty-firſt Year of the Reign of His preſent Majeſty, which ſaid Award or Inſtrument ſhall be fairly ingroſſed or written on Parchment, and be ſigned by the ſaid Commiſſioners, and ſhall, within Six Calendar Months next after the ſame ſhall have been ſigned as aforeſaid, be depoſited with the Clerk of the Peace of the ſaid County of *Surrey*, who is hereby required to receive, keep, and depoſit the ſame amongſt the Records of the ſaid County, for the depoſiting of which the Sum of Three Guineas, and no more, ſhall be demanded and paid, to the End that Recourſe may be had thereto by all Perſons intereſted in the ſaid Diviſion and Incloſure, for the Inſpection of which ſaid Award One Shilling ſhall be paid, and no more; and a true Copy thereof, or of any Part thereof, when and as often as the ſame ſhall be required, ſhall be delivered to any Perſon or Perſons, ſigned by the Clerk of the Peace or his Deputy for the Time being, purporting the ſame to be a true Copy, for which no more than Two-pence *per* Sheet, reckoning Seventy-two Words to each Sheet, ſhall be paid, which ſaid Copy, as alſo the original Award or Inſtrument, and the Copies herein-after directed to be written on Parchment, and ſigned by the ſaid Commiſſioners, ſhall at all Times hereafter be admitted as legal Evidence in all Courts whatſoever; and the ſaid Commiſſioners are hereby directed and required to deliver a Copy of the ſaid Award or Inſtrument fairly written on Parchment, with a proper Plan or Plans thereto annexed, ſigned by the ſaid Commiſſioners

as

as aforesaid, unto the Steward of the Courts of the said Manor of *Lambeth*, and another Copy thereof unto the Churchwardens of the said Parish of *Saint Mary Lambeth* for the Time being, to be by them the said Churchwardens deposited in the Parish Chest of the Parish Church aforesaid, to the End that Recourse may be had thereto by the several and respective Proprietors or Parties interested therein.

Act not to affect Powers of South London Waterwork Company

XLV. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to give or invest the said Commissioners with any Powers which may at all interfere with any Rights, Powers, or Authorities, heretofore granted to the South *London* Waterwork Company by an Act passed in the Forty-fifth Year of His present Majesty's Reign, intituled, *An Act for supplying the Inhabitants of the Parish of* Saint Giles Camberwell, *and Parts of the Parish of* Saint Mary's Lambeth, *and several other Parishes and Places in the County of* Surrey, *with Water.*

Act not to affect the Powers of Commissioners of Sewers.

XLVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to give or invest the said Commissioners with any Powers which may at all interfere with any Rights, Powers, or Authorities, heretofore granted to the Commissioners of the Court of Sewers, acting within the District from *East Mouldsey* in the County of *Surrey*, to *Ravensborne* in the County of *Kent*.

Act not to affect the Powers of the Grand Surrey Canal Company.

XLVII. And be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to give to or invest the said Commissioners with any Powers which may interfere with any of the Rights, Privileges, or Authorities, heretofore granted to the Company of Proprietors of the Grand *Surrey* Canal, by an Act passed in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for making and maintaining a navigable Canal from the River* Thames, *at or near a Place called* Wilkinson's Gun Wharf, *in the Parish of* Saint Mary Rotherhithe *in the County of* Surrey, *to the Town of* Mitcham *in the Parish of* Mitcham *in the said County, and also divers collateral Cuts or Branches communicating from the same to certain Parishes and Places within the Counties of* Surrey *and* Kent; or to enable the said Commissioners, until after the Expiration of Six Months from the passing of this Act, to take or allot any of the Lands, Grounds, or Premises, which the said Company are allowed or entitled to take or purchase by virtue of the said Act for the Purposes of their Undertaking, or to take or divert any of the Waters or Watercourses belonging thereto.

Not to affect the Powers of Trustees of certain Turnpike Roads.

XLVIII. And be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to give to or invest the said Commissioners, or any other Person or Persons whomsoever, with any Right, Power, or Authority, which may at all interfere with the Rights, Powers, Authorities, or Provisions heretofore granted by certain Acts of Parliament, made and passed in the Twenty-sixth Year of the Reign of His present Majesty, intituled, *An Act for making, widening, and keeping in Repair, certain Roads in the several Parishes of* Lambeth, Newington, Saint George Southwark, Bermondsey, *and* Christ Church, *in the County of* Surrey, *and for watching and lighting the said Roads*; and also of another Act of Parliament, made and passed in the Forty-second Year of

the Reign of His present Majesty, intituled, *An Act for repealing an Act passed in the Twenty-fifth Year of the Reign of His present Majesty King* George *the Third, for more effectually repairing the Roads leading from the Stones End in* Blackman Street, *in the Borough of* Southwark, *in the County of* Surrey, *to* Highgate *in the County of* Sussex, *and several other Roads therein mentioned, and for granting other Powers for those Purposes.*

Appeal to the Quarter Sessions.

XLIX. And be it further enacted, That if any Person or Persons shall think him, her, or themselves aggrieved by any Thing done in pursuance of the said Act of the Forty-first Year of His present Majesty or of this Act, then and in every such Case (except where the Orders and Determinations of the said Commissioners are directed to be final and conclusive, and also where Provision is made for Trial at Law as hereinbefore mentioned) he, she, or they may appeal to the General Quarter Sessions of the Peace which shall be held for the County of *Surrey*, within Six Calendar Months next after such Complaint shall have arisen; and the Justices at the same Quarter Sessions are hereby required to hear and determine the Matter of such Complaint, and to make such Order therein and award such Costs as they may think reasonable, and to direct such Costs so awarded, if not paid upon Demand, to be levied 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, after deducting the reasonable Charges of such Distress and Sale; which Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*.

General Saving.

L. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person and Persons, Bodies Politick or Corporate, his, her, and their Heirs, Successors, Executors, and Administrators, (other than and except such as are meant and intended to be barred and destroyed by this Act,) all such Estate, Right, Title, and Interest, of, in, to, or in respect of the Commons and Waste Lands to be divided, allotted, and exchanged by virtue of this Act, as he, she, they, and every of them, had or enjoyed before the passing of this Act, or might or could have had or enjoyed in case this Act had not been made.

Publick Act.

LI. And be it further enacted, That this Act shall be deemed and taken to be a Publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

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