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GEORGI II. REGIS.

Cap. 138.

An Act for inclosing Lands in the Parish of *Hampton*
in the County of *Middlesex*. [31st May 1811.]

WHEREAS there are within the Parish of *Hampton* in the County of *Middlesex* several Open and Common Fields, Common Meadows, Common Pastures, and other Commonable Lands and Waste Grounds: And whereas the King's most Excellent Majesty in right of His Crown is Lord of the Honour and Manor of *Hampton Court*, and as such is entitled to the Right of Soil and Royalties in and over the Commons and Waste Grounds within the said Parish: And whereas the King's most Excellent Majesty is also Patron of the Vicarage of *Hampton* aforesaid, and the Reverend *Samuel James Goodenough* is the Vicar thereof, and as such is entitled to certain Tithes arising and payable within the said Parish: And whereas the Reverend *Samuel Hemming*, Doctor in Divinity, as Master of the Free School of *Hampton* aforesaid, is entitled to the Rectorial Tithes arising and payable within the said Parish, subject to certain annual Payments and Outgoings, and which said Rectorial Tithes are vested in Trustees for such Purposes: And whereas the King's most Excellent Majesty, Sir *John Fredrick* Baronet, and *Arthur Stanhope* Esquire, as Trustees for Dame *Elizabeth Morshead* and *Selina Thistlethwayte* Widow, *John Fish* Esquire, and several other Persons, are Proprietors of or interested in the said Open and Common Fields, Common Meadows, Common Pastures, and other Commonable Lands and Waste Grounds: And whereas by reason of the intermixed State of the Property in the said Open and Common Fields, Common Meadows, Common Pastures, and other Commonable Lands and Waste Grounds, the same are not capable of being

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cultivated in the most profitable Manner, and it would be highly beneficial to all Parties concerned if the same were to be set out, divided, and allotted unto and amongst the several Proprietors thereof and Persons interested therein in specific Shares in lieu of their respective Rights in, over, and upon the same, and Satisfaction made for the Tithes of the said Parish; but such beneficial Purposes cannot be effected without the Authority of Parliament. 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* May it therefore please Your Majesty that it may be enacted, and be so 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 the said Open and Common Fields, Common Meadows, Common Pastures, and other Commonable Lands and Waste Grounds in the Parish of Hampton aforesaid, shall, as soon as conveniently may be after the passing of this Act be qualified, valued, divided, set out, and allotted by Thomas Thorpe of Great Bedford in the County of Bedford, and John Burcham of Combs in the County of Lincoln, Gentlemen, who, and their Successors to be elected in manner hereinafter mentioned, shall be and are hereby appointed Commissioners for the Execution of this Act, with such Powers and subject to such Directions and Regulations as are contained in this Act, and with and subject to such of the Powers, Directions, and Regulations contained in the said recited Act, as are not controuled or varied by or repugnant to any of the Clauses, Provisions, or Regulations of this Act; and that it shall be lawful for them the said Commissioners, or their Successors to be appointed as hereinafter mentioned, to do and perform every Act and Thing requisite to be done under and by Virtue of this Act, and to put in force and execute all and every the Powers and Authorities contained in this and the said recited Act, provided that if they the said Commissioners or their Successors shall differ in Opinion upon any of the Matters and Things directed to be executed by them by virtue of this Act, in that Case John Trumper of Warefield in the County of Middlesex, Gentleman, shall be and he is hereby appointed a Third Commissioner for carrying this and the said recited Act into execution with respect to such Matters and Things as by which the said two first named Commissioners or their Successors shall differ in Opinion as aforesaid; and in such Case it shall be lawful for any One of the said first named Commissioners or their Successors, together with the said John Trumper or his Successors, to execute all Powers, Authorities, Matters, and Things requisite to be done in the Execution of this or the said recited Act, and which shall be as valid and effectual to all Intents and Purposes as if done and executed by the said two first named Commissioners or their Successors, and that the Notices by the said Act required to be given in some public Newspaper or selling or public Carriage Roads, and of reading and executing the same, shall be given in the said Newspaper, or in that Newspaper shall be published in some other Newspaper generally circulated in the said County of Middlesex, in the Majority in the said Case may be; or if the Majority be ascertained as aforesaid of the said other Proprietors at the Meeting appointed always and to be appointed in furtherance of this Act, before the Powers and Purposes in the said Act required to be done shall have been fully executed and performed, the said John Thorpe shall not, or refuse to

to act or to qualify himself, or shall become incapable of acting as a Commissioner in the Execution of such Powers and Trusts, it shall be lawful for the Commissioners of His Majesty's Woods, Forests, and Land Revenues, or for the Person or Persons who for the Time being shall execute the Office of Surveyor General of His Majesty's Land Revenue by Writing under his or their Hand or Hands to appoint some other fit Person, not interested in the said intended Division and Inclosure, to be a Commissioner in the Place of the said *Thomas Therpe* and so from Time to Time as often as any Commissioner so to be appointed shall die, or refuse to act, or to qualify himself, or become incapable of acting as aforesaid, and that in case the said *John Burcham* shall die, or refuse to act, or to qualify himself, or shall become incapable of acting as a Commissioner in the Execution of such Powers and Trusts, it shall be lawful for the Vicar for the Time being of the said Parish, jointly with the Master for the Time being of the said Free School, by Writing under their Hands to appoint some other fit Person, not interested in the said intended Division and Inclosure, to be a Commissioner in the Place of the said *John Burcham*, and so from Time to Time as often as any Commissioner to be appointed by the said Vicar and Master of the said Free School shall die, or refuse to act, or to qualify himself, or shall become incapable of acting as aforesaid, and that in case the said *John Trumpen* shall die, or refuse to act, or to qualify himself, or shall become incapable of acting as a Commissioner in the Execution of such Powers and Trusts, it shall be lawful for the Major Part in Value to be ascertained by the Land Tax Assessment, of the Proprietors of the Lands and Grounds so intended to be divided and inclosed, and exonerated from Lites, (except the King's most Excellent Majesty, and also except the said Vicar and Master of the said Free School,) who shall by themselves or their respective Agents attend the Meeting or Meetings to be appointed by the surviving or remaining Commissioners or Commissioner for that Purpose, by Writing under their Hands to appoint some other fit Person, not interested in such Division and Inclosure, to be a Commissioner in the Place of the said *John Trumpen*, and so from Time to Time as often as any Commissioner to be appointed by the said Proprietors shall die, or refuse to act, or to qualify himself, or shall become incapable of acting as aforesaid; provided that the surviving or remaining Commissioners or Commissioner shall cause Notice to be given of the Time and Place of Meeting for every such Election, at least Fourteen Days before the Time of holding any such Meeting, by affixing such Notice on one of the outer Doors of the Parish Church of *Hampton* aforesaid, and by causing the same to be published in some Newspaper usually circulated in the said County of *Middlesex*, and by any of such Vacancies in the Place of either of the said two first named Commissioners shall not be filled up in a Manner herein before directed within Twenty eight Days after Notice thereof given by the surviving or remaining Commissioners, such Notice to be given to the Commissioners of His Majesty's Woods, Forests, and Land Revenues, to the Person or Persons executing the said Office of Surveyor General, to the said Vicar and Master of the said Free School, as the Case may be; or if the Majority in Value, to be ascertained as aforesaid, of the said other Proprietors at the Meeting to be appointed as aforesaid for the Election of a new Commissioner, shall refuse or neglect to appoint a new Commissioner as herein before directed, then and in every such Case the surviving or remaining Commissioners

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Commissioners

Appointment of Commissioners

missioners or Commissioner shall from Time to Time, by Writing under their or his Hands or Hand, appoint a fit and proper Person, not interested in the said intended Division and Inclosure, to be a Commissioner in the Place of such Commissioner so dying, or refusing to act or to qualify himself, or becoming incapable of acting as aforesaid, whose Place shall not be filled up by the Person or Persons hereby first enabled to appoint such new Commissioners or Commissioner as aforesaid; and every Commissioner to be appointed by the Person or Persons respectively, and in the Manner hereby directed, shall have the like Powers and Authorities for putting this and the said recited Act into execution as if he had been expressly named and appointed a Commissioner by this Act.

Notice of Meetings to be given.

First Meeting to be within Two Months.

One Commissioner or the Clerk may adjourn.

Meetings to be within Eight Miles.

Commissioners empowered to determine Differences.

III. And be it further enacted, That the said Commissioners shall and they are hereby required to give public Notice in Writing, to be affixed upon one of the outer Doors of the Parish Church of *Hampton* aforesaid on some *Sunday* immediately before or during Divine Service, of the Time and Place of their First and every subsequent Meeting for putting this and the said recited Act in execution, at least Eight Days before the Time appointed for holding such Meetings respectively (Meetings by Adjournment only excepted), and which said First Meeting shall be holden within Two Months next after the passing of this Act; and it shall be lawful for the Commissioners at any of their Meetings to be holden in pursuance of this Act, from Time to Time as they shall find it convenient, to continue such Meeting by Adjournment for the due Execution of this Act, leaving Notice at the Place where the said Commissioners shall be sitting at the Time of any such Adjournment of the Time and Place to which such Meeting shall be adjourned: Provided always, that if only One of the said Commissioners shall attend at the Time and Place appointed for any such Meeting to be holden pursuant to this Act, it shall be lawful for such One Commissioner, and if no Commissioner shall attend at the Time and Place so appointed, then it shall be lawful for the Clerk of such Commissioners, and which Clerk the said Commissioners are hereby authorized to appoint, to adjourn such Meeting to any future Day they shall respectively see most convenient, to be holden at the same or any other Place, the Clerk giving due Notice to the absent Commissioner or Commissioners of the Time and Place to which every Adjournment shall be made, and so from Time to Time as often as there shall be Occasion, until Two or more of the said Commissioners shall be present: Provided also, that all Meetings of the said Commissioners in the Execution of this or the said recited Act shall be held within Eight Miles of the said Parish of *Hampton*.

IV. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties who now are or who shall before the making of the Award of the Commissioners be interested in the said intended Division and Inclosure touching or concerning the respective Shares and Proportions, Rights and Interests, which any of them shall claim of and in the Lands and Grounds hereby directed to be divided and inclosed, or touching the Value of any of the Homesteads, Home Closes, or other inclosed Lands or Grounds within the said Parish, it shall be lawful for the said Commissioners and they are hereby empowered to inquire into, hear, and determine the same respectively: Provided always, that nothing in this Act contained shall authorize the said Commissioners

to

to determine the Title to any Messuages, Cottages, Lands, Tenements, or Hereditaments whatsoever.

V. 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 this or the said recited 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 have been 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 assess Costs.

VI. Provided always, and be it further enacted, That if any Person or Persons, or Body or Bodies Politic or Corporate, who shall make any Claim or Claims to or upon any of the Commons or Waste Grounds, or any other Lands and Hereditaments intended to be divided or affected by this Act, or any Right or Interest therein, or who shall object to any Claim or Claims to be made by any other Person or Persons, Body or Bodies Politic or Corporate, shall be dissatisfied with any Determination of the said Commissioners touching or concerning any such Claim or Objection, and shall give Notice thereof in Writing to the said Commissioners within Three Calendar Months after such Determination shall have been so made by the said Commissioners, of which Notice the said Commissioners are hereby required, immediately upon or as soon as may be after the Receipt thereof, to cause a true Copy to be delivered to or left at the usual Place of Abode of the adverse Party or Parties, or of his, her, or their respective Agents or Attornies, then, but not otherwise, it shall be lawful for the Person or Persons, Body or Bodies Politic or Corporate, giving such Notice, or their respective Heirs, Successors, or Assigns, to proceed to a Trial at Law of the Matter or Matters so determined by the said Commissioners at the then next Sittings to be holden for the County of *Middlesex*, unless such next Sittings shall happen within Four Calendar Months after making the Determination in question, and in that Case at the following Sittings; and for that Purpose the Person or Persons, Body or Bodies Politic or Corporate, who shall be dissatisfied with the Determination of the said Commissioners, shall cause an Action to be brought in one of His Majesty's Courts at *Westminster* upon a feigned Issue against the Person or Persons, Body or Bodies Politic or Corporate, in whose Favour such Determination shall have been made, and the Defendant or Defendants in such Action or Actions shall name an Attorney or Attornies, who shall appear, and file Common Bail,

Parties may try Rights by an Issue at Law.

and accept One or more Issue or Issues, whereby the Claim or Claims and the Right or Rights or Interests thereby insisted on, may be tried and determined, such Issue or Issues to be settled by the proper Officer of the Court in which the said Action or Actions shall be commenced in case the Parties shall 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, Interest or Interests, than was or were claimed by such Party or Parties, then it shall 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 Issue or Issues joined, but nevertheless the Costs of such Action shall abide and be determined by the Issue or Issues joined as if no such special Verdict had been made; and the Verdict or Verdicts, or such special Finding and Indorsement (if any) which shall be given in such Action or Actions, shall be final and conclusive upon all and every such Person and Persons, Body or Bodies Politic and Corporate, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts or special Finding, and order a new Trial or new Trials to be had therein, which it shall be lawful for the Court to do, and also upon sufficient Cause shown to put off the Trial of such Issue as is usual in other Cases; and after such Verdict or Verdicts or special Finding shall be obtained, and not set aside by the Court, the said Commissioners shall and they are hereby required to act in conformity thereto, and to allow or disallow the Claim or Claims thereby determined according to the Event of such Trial or Trials.

And be it further enacted, That if any of the Parties in any Action to be brought in pursuance of this Act shall die pending the same Action, such Action shall not abate by reason thereof, but shall be proceeded in as if no such Death had happened: Provided always, that no Differences or Suits touching the Title to any Lands, Rights of Common or other Rights, shall impede or delay the said Commissioners in the Execution of the Powers vested in them by this or the said recited Act, but the Division and Inclosure hereby directed to be made shall be proceeded in notwithstanding such Differences or Suits.

And be it further enacted, That in case any Person or Persons in whose Favour any Determination as aforesaid shall have been made and against whom any such Action or Actions might have been brought if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time herein before limited for bringing such Action or Actions, it shall be lawful for the Party or Parties who might have brought such Action or Actions against the Person or Persons so dying to bring the same within the Time so limited as aforesaid against such Person or Persons as he or she actually living, and to serve the Clerk of the said Commissioners with Process for commencing such Action or Actions in the same Manner as the Party or Parties might have been served therewith if living; and it shall thereupon be incumbent on the Heir or Heirs of the Person or Persons so dead, or either Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein in the same Manner as if such Person or Persons had been actually living,

to right Possession of Person not to be determined by Commissioners

Board of Commissioners to shorten Boundaries

If Parties die Proceedings not to abate.

Respect to Inclosure

Provision in case of Parties dying before Actions brought.

living; And the Rights of all Parties shall be equally bound and considered by the Event of such Action or Actions as to the Right or Rights of the Party and determined by the proper Officers to be settled or issued or issued and determined by the proper Officers; and it is further enacted, That nothing in this Act contained shall extend to enable the said Commissioners to determine any Right between any Parties contrary to the Possession of any of such Parties (except in Cases of Encroachments made within the Period of Twenty Years as herein after mentioned;) but if the said Commissioners shall be of opinion against the Right of the Person or Persons in Possession, they shall see to it that they make any Determination thereupon until the Possession shall have been given up or recovered from such Person or Persons by Ejectment or other due Course of Law and be determined by the Court or Verdict or special Verdict had been made; and the Verdict or special Verdict on such special Verdict shall be final and conclusive; and it is further enacted, That in order to shorten the Boundary Fence between the Lands hereby directed to be divided and inclosed and any of the adjoining Parishes it shall be lawful for the said Commissioners with the Consent in Writing under the Hand of the Lord of the Manor and of the Owner or Owners of any of the Lands upon which such Fence or Fences is or are intended to be made in Writing under their respective Hands to set out, ascertain, and determine the Boundary Fences to be made between the Lands hereby directed to be divided and inclosed and any of the adjoining Parishes in such Manner as they shall judge proper for the Purposes aforesaid; and after such Boundary Fences shall be ascertained, determined, and set out as aforesaid, the same shall be fenced by such of the Proprietors of the Lands and Grounds hereby directed to be divided and inclosed in such Manner and at such Time or Times as the said Commissioners shall order and direct; and shall be for ever thereafter deemed and taken to be the Boundaries between the Lands hereby directed to be divided and inclosed and such adjoining Parish or Parishes respectively, any Law, Usage, or Custom to the contrary thereof notwithstanding; and it is further enacted, That the said Commissioners shall inquire into and determine what Inclosures have been taken from and what Encroachments have been made upon the said Waste Lands; and all such Inclosures taken out and Encroachments made upon or from any Part thereof respectively within the Space of Twenty Years now last past shall be deemed Part and Parcel of the said Waste Lands, and shall be divided and allotted accordingly; but the same shall be allotted to such Person or Persons only who have taken or have been taken in or in closed the same, or may be the reputed Owner thereof, and shall be considered as and be a Part of their respective Allotments; to their Estates and Interests in the said Waste Lands respectively in case such Person or Persons shall be entitled to Allotments of the Value of such Encroachments in their original State; and in case such Allotments shall be of less Value than such Encroachments, then and in such Case due Portions of such Encroachments shall be so allotted accordingly; and in case any such Encroachment or any Part thereof shall be allotted to any other Person than the reputed Owner thereof, such Allowance for the Improvement thereof (if any) shall be made to such reputed Owner as the said Commissioners shall direct; but nothing herein contained shall disturb any Encroachment which hath been treated as Copyhold within the said Parish, and in respect whereof any Person or Persons hath or have been admitted as Copyhold Tenant

Right of Possession of Persons not to be determined by Commissioners.

Enabling Commissioners to shorten Boundaries.

If Parties die Proceeding may not to state

Respecting Encroachments.

Provision in case of Parties dying before Actions brought

Tenant or Tenants, or any Inclosure made under Authority from His said Majesty.

Power to stop Roads between old Inclosures.

XII. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered, to divert and stop up any old Carriage Road, Bridleway, or Footpath leading through and over the Lands and Grounds intended to be divided and inclosed by virtue of this Act, or passing or leading through any of the old Inclosures in the said Parishes, and the Soil of the Roads or Ways so to be diverted and stopped up shall be deemed and taken as Part of the Lands and Grounds to be divided and inclosed; provided that no such Carriage Road, Bridleway, or Footpath passing or leading through old Inclosures shall be stopped up without the Concurrence and Order of Two Justices of the Peace for the said County of *Middlesex* acting in and for the Division or Hundred of *Spelthorne*, and not interested in the Repair of such Roads, and which Order shall be subject to an Appeal to the Quarter Sessions for the County of *Middlesex*, in like Manner and under such Forms and Restrictions as if the same had been originally made by such Justices.

Roads dividing Parishes.

XIII. And be it further enacted, That in case any public Roads or Highways shall by virtue of the said Act of the Forty-first Year of His present Majesty's Reign and of this Act be set out or continued in any Situation or Direction where the said Parish 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 heretofore been charged or liable or ought to be charged or liable to One Half Part of the Repairs and Support of the said Road or Way, then and in such Case the said Commissioners may and shall set out so much only from and out of the Lands and Grounds hereby intended to be divided and allotted as will enlarge the Breadth of such Road or Way to Thirty Feet at the least.

Justices empowered to declare any of the Roads completed.

XIV. And be it further enacted, That when and as soon as Two or more of His Majesty's Justices of the Peace for the said County of *Middlesex* at any Special Sessions to be holden by them shall find, and shall, under their Hands and Seals, certify and declare any of the public Carriage Roads to be set out in pursuance of the said recited Act and of this Act, or any Part of any such Road, to be fully and sufficiently formed, repaired, and completed, such Road or Roads, or so much thereof as shall in any such Certificate be described and certified, shall thenceforth be supported and kept in repair by such Persons and in like Manner as the public Roads within the said Parish are or ought by Law to be amended and kept in repair; and every such Certificate shall at the General Quarter Sessions of the Peace to be holden for the County of *Middlesex* next after the Date thereof be filed of Record by the Clerk of the Peace for the said County.

Power to make Drains, &c.

XV. And be it further enacted, That the said Commissioners shall and may scour out and widen all ancient Brooks, Ditches, and Tunnels in or upon the Lands and Grounds hereby intended to be divided and inclosed, and also shall and may make, set out, and appoint such new Ditches, Drains, Watercourses, Tunnels, Water Gates, Sluces, Banks, and Bridges as well

well in, through, and over the Lands and Grounds hereby intended to be divided and inclosed as aforesaid, as in, through, and over any ancient Inclosures or other Lands and Grounds within the said Parish of *Hampton*, with the previous Consent in Writing of the Proprietors of such ancient Inclosures, or other Lands and Grounds, not hereby directed to be divided and inclosed, of such Depth and Breadth and in such Directions as the said Commissioners shall think fit; and the said Commissioners shall and may and they are hereby directed in and by their Award to appoint and order by whom and at whose Expence, and at what Time and in what Manner, the said Brooks, Drains, Ditches, Watercourses, Tunnels, Water Gates, Sluices, Banks, Bridges, and other Requisites shall be made, and thereafter repaired, cleansed, scoured, and maintained, and also shall and may direct, order, and award all or any of the Streams, Springs of Water, and Watercourses within the said Open and Common Fields, Lands, or Grounds hereby directed to be divided, allotted, and inclosed, or any inclosed Lands within the said Parish of *Hampton*, to be conveyed, carried, or turned into such Courses, and through, over, and across such Parts of the Lands or Grounds hereby directed to be divided and inclosed, or any other Land in the said Parish, as they the said Commissioners shall in their Discretion judge proper for the watering of the several Allotments to be made as aforesaid; provided that no such Stream, Spring of Water, or Watercourse shall be turned from its present Course in, through, from, or over any inclosed Lands or Grounds, without the Consent in Writing of the Owner or Owners for the Time being of the Lands from which and into which the same shall be diverted and carried.

XVI. And be it further enacted, That it shall be lawful to and for the said Commissioners, at any Time when they in their Judgment shall think it convenient and proper, by Notice for that Purpose under their Hands to be affixed on one of the outer Doors of the Parish Church of *Hampton* aforesaid on some *Sunday* immediately before and until after Divine Service, to order the Right of Common in, upon and over the Lands and Grounds hereby directed to be divided and inclosed, or any of them, to be extinguished either in whole or in part, or to be suspended; and from and after the Time or Times to be mentioned in and appointed by any such Notice, all such Right of Common as shall thereby be directed to be extinguished or suspended shall be extinguished or suspended according to and as shall be expressed in and directed by such Notice; and until such Division and Allotment as is hereby directed shall have been made of the Lands and Grounds to be divided and allotted all such Lands and Grounds shall be stocked with such Cattle and at such Times and in such Manner only, and the Tillage Lands shall be sown by the respective Occupiers thereof, or by such other Persons as the Commissioners shall appoint, with such Sorts of Corn and Grain, and with such Kinds, Quantities, and Qualities of Grass, Turnips, and other Seeds, and shall be kept, ordered, and continued in such Course of Husbandry and Tillage as the said Commissioners shall by Writing under their Hands in that Behalf direct, any Usage or Custom to the contrary notwithstanding; and that no Meadow, Pasture, or Fresh Ground, Part of the Lands and Grounds hereby directed to be divided and allotted, and not in Tillage at the Time of passing this Act, shall be, without the Consent in Writing of the said Commissioners before the Allotment thereof, ploughed, broken up, or converted into Tillage; and every Occupier of any such Land

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

of Towns
General Orders

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any Ground who shall refuse or neglect to comply with any such Direction of the said Commissioners, or who shall plough, break up, or convert into Tillage any such Meadow, Pasture, or Fresh Ground, without the Consent in Writing of the said Commissioners, shall forfeit and pay a Sum not exceeding Five Pounds for every Acre of such Tillage Land with respect to which such Refusal or Neglect shall happen, and for every Acre of such Meadow, Pasture, or Fresh Ground which shall be ploughed, broken up, and converted into Tillage, a Sum not exceeding Ten Pounds, and so on in proportion in each Case for a greater or less Quantity than one Acre or more.

No Person shall dig Turf or Sods.

to remain in the Land for three

Allotment for Sand or Gravel Pits, &c.

And be it further enacted, That from and after the passing of this Act no Person shall pare, dig, or take away any Turf, Sods, or Soil in, upon, or from any Part of the said Commons or Waste Grounds, until the same shall be set out and allotted as aforesaid, under a Penalty not exceeding Five Pounds for every such Offence; the same to be recovered and levied by the said Commissioners, and applied in defraying the Expenses of carrying this and the said recited Act into execution.

And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby required to set out, allot, and award, out of the Lands and Grounds so intended to be divided, allotted, and inclosed as aforesaid, Watering Places for Cattle, and One or more Plots within the said Parish of Hampton, not exceeding in the whole Three Acres and for public Sand or Gravel Pits, and not exceeding One Acre and for public Marl or Clay Pits, with convenient Ways thereto, to be used for the Repairs of the public Roads and the Improvement of the Land within the said Parish, and to award and direct to whom the Herbage of such Allotments shall belong.

Allotment to the Poor for Fuel, &c.

to remain in the Land for three

And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to set out, allot, and award unto the Vicar, Churchwardens, and Overseers of the Poor of the Parish of Hampton aforesaid and their Successors for the Time being, in Two or more Allotment or Allotments for the respective Divisions of the said Parish, in the Proportion of Two Third Parts for the Town of Hampton and One Third Part for the Hamlet of Hampton Wick, such Part or Parts of the Waste Lands in the said Parish, not less than Fifteen and not exceeding in the whole Twenty-five Acres, as to them shall appear the most proper for the Purpose of producing a Supply of Fuel for the poor Inhabitants of the said Parish of Hampton, and which said Allotment or Allotments, when set out and allotted, shall be vested in the said Vicar, Churchwardens, and Overseers of the Poor of the Parish of Hampton aforesaid and their Successors for the Time being forever, in Trust for the Benefit of such poor Inhabitants, and shall be under and subject to such Rules, Orders, Regulations, and Restrictions as they the said Vicar, Churchwardens, and Overseers, or their Successors from the Times being, by the major Part of them, shall think proper and just, and shall from Time to Time establish, and such Trustees shall have Power to demise and let the same out any Part thereof, if they shall so think fit, for any other Term or Number of Years not exceeding Fourteen Years in Possession, at the best yearly Rent or Rents which can reasonably be got for the same, in order that the Rent

Allotment to be used for the

on Rents so to be received may be used in the Purchase of Coal or other Fuel for the Benefit of such poor Inhabitants, and that it shall not

be lawful for any Person whomsoever, from and after the setting out and
 allotting the said Allotment or Allotments, to cut, dig, pare, dig, or carry
 away Turf, Soil, Sand, Burden, or Fuel, upon, or from the same, or
 any Part thereof, without the Licence and Consent in Writing of the said
 Vicar, Churchwardens, and Overseers, or the major Part of them, under
 their Hands, first had and obtained, (which they, the said Vicar, Church-
 wardens, and Overseers, or the major Part of them, are hereby empowered
 to grant) under such Regulations and Restrictions as they shall think
 proper to insert therein. But the respective Officers of each of the two
 Divisions of the said Parish shall not have any Controul or Authority over
 or concerning the proportionate Share which may be allotted to the other
 of the said Divisions: And no Person shall pare, dig, or take any Part of the
 Commons or Waste Grounds, until the

XX. And be it further enacted, That the said Commissioners shall in
 the next place set out, allot, and award to and for the said Samuel James
 Goodenough and his Successors, in right of the Vicarage of the said Parish
 Church of Hampton aforesaid, and to the Trustees of the said Rectorial
 Tithes for and in lieu of the Tithes and Tenths yearly arising, issuing, and
 payable out of all and every the Lands and Grounds hereby intended to
 be divided and inclosed; and for and in lieu of the Tithes of all such Gar-
 dens, Orchards, Pastures, Woodlands, and other ancient inclosures in
 Hampton aforesaid, as are subject and liable to the Payment of Tithes,
 such Plots or Lots of the said Lands and Grounds, so intended to be divided
 and inclosed, as aforesaid, shall, in the Judgment of the said Commis-
 sioners, be equal in Value to One Fifth Part of all the Land which is now
 Arable, or which has been Arable within three Years next before the
 passing of this Act, One Tenth Part of all the Woodlands, and Two
 Seventeenth Parts of all the other Lands and Grounds, lying and being
 in the Parish of Hampton aforesaid, which are subject and liable to the Pay-
 ment of Tithes; and which shall remain after the public and private Roads
 and the Gravel and Clay Pits shall be taken out and deducted, they are hereby
 intended to be taken out and deducted, they are hereby intended to be taken out
 of the Vicar, Churchwardens, and Overseers of the Parish of the Parish of
 or XXI. And be it further enacted, That in case there are any Homesteads,
 Gardens, Orchards, or Home Closes, or old Inclosures, or inclosed Lands or
 Grounds, in the Parish of Hampton aforesaid, subject or liable to the Pay-
 ment of Tithes, in kind, or the respective Proprietors, who shall not
 happen to be entitled to any such sufficient Quantity of the Lands
 and Grounds hereby intended to be divided and inclosed, to make Com-
 pensation for the Tithes, such Proprietors shall respectively pay or cause
 to be paid unto such Person or Persons, and at such Times or Times as the
 said Commissioners shall direct to appoint, such Sums or Sums of Money
 as the said Commissioners shall determine to be a full Com-
 pensation and Satisfaction for the Tithes issuing or payable out of such
 Homesteads, Gardens, Orchards, Home Closes, or old Inclosures, and in-
 closed Lands and Grounds, respectively, for so much Part thereof for which
 no Compensation in Land can be made by the Proprietors thereof, as
 aforesaid; and the Sums or Sums of Money shall be applied towards Payment
 of the Charges and Expences of obtaining and passing this Act, and pay-
 ing the same, and in or towards the Discharge of the same, and shall be
 applied in the Manner therein, after directed, and not exceeding Fourteen
 Years, in order that the Rents which can reasonably be got for the same, in
 or XXII. And be it further enacted, That the said Commissioners shall and
 may lawfully and lawfully be authorized and required to set out and divide
 the

No Person shall dig Turf or Sand

Allotment of Land for Tithes.

Allotment for Sand or Gravel Pits &c

Allotment to the Poor for Fuel &c

Proprietors not having Land in the Commons and Fields to be inclosed to pay Money.

Allotments how to be apportioned.

the said Allotments so directed to be made for and in lieu of the Tithes and Tenths aforesaid between the said Vicar and the said Trustees of the Rectorial Tithes, according to their respective Proportions, Rights, and Interests therein.

Allotment to the Vicar to be in satisfaction for his Tithes.

XXIII. And be it further enacted, That the several Plot or Plots of Land or Ground to be set out and allotted to the said Vicar and his Successors shall be in lieu of and full Recompence and Satisfaction for all and all Manner of Tithes whatsoever growing, renewing, arising, happening, or due and payable to the said Vicar as aforesaid, and his Successors, or their Lessee as aforesaid, from and out of or in respect of all and every the Messuages, Homesteads, Closes, Common Fields, Common Pastures, Waste Grounds, and all other Lands, Tenements, and Hereditaments whatsoever, in the Parish of *Hampton* aforesaid, and the Boundaries, Limits, and Precincts thereof (except as herein after provided for); but all certain Money Payments, *Easter Offerings*, Mortuaries, and Surplice Fees shall remain due and payable to the said Vicar and his Successors, Vicars as aforesaid, as before the passing of this Act.

Allotment to the Trustees to be in satisfaction for their Tithes.

XXIV. And be it further enacted, That the Plot or Plots of Land or Ground to be allotted to the Trustees of the said Rectorial Tithes shall be in lieu of and full Recompence and Satisfaction for all their Tithes whatsoever growing, renewing, arising, happening, or belonging, or due or payable to them, from and out of or in respect of all and every the ancient Inclosures, Commons, Common Fields, Meadows, Common Grounds, Waste Grounds, and other Lands, Tenements, and Hereditaments whatsoever in the Parish of *Hampton* aforesaid, and the Boundaries, Limits, and Precincts thereof, except as herein after provided for.

Fencing Tithes Allotments.

XXV. And be it further enacted, That all the said Lands to be by virtue of this Act set out and allotted in lieu, satisfaction, and compensation for Tithes shall be inclosed and fenced round the Boundaries thereof with Trenches and Quick Hedges, and with other proper Fences of Oak Posts, and Three Rails on each Side of Ash, Oak, or other durable Wood, at the Expence of all or such of the Proprietors of the Lands and Grounds hereby directed to be divided and allotted and exonerated from Tithes, and in such Proportions as the said Commissioners shall appoint; and the said Commissioners shall by their Award direct to and by whom, and in what Parts and Proportions the said Fences, (after the same shall have been properly made), shall be kept in repair.

Tenants for Life, &c. of inclosed Land may charge them with the Money paid to exonerate them from Tithes.

XXVI. 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 Tithes by a Money Payment or Money Payments, who shall be under Covert, Minors, Lunatics, beyond the Seas, or under any other Disability or Incapacity, and for any of the said Owners or Proprietors being Tenants in Tail, or for Life, or Lives, or for Years determinable on a Life, or on Lives, or on any other Contingency, to charge such Lands and Premises with such Sum or Sums of Money as the said Commissioners shall by Writing under their Hands direct to be paid for the Exoneration thereof from Tithes, and to grant, mortgage, surrender, lease, or demise such Lands and Premises in such Manner, and with and

subject

subject to such Conditions and Restrictions as are by the said Act of the Forty-first Year of His present Majesty's 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.

XXVII. Provided always, and be it further enacted, That when and so often as it shall be necessary to charge any Lands or Tenements with any Sum or Sums of Money by way of Mortgage for exonerating the same from Tithes, and such Lands or Tenements shall be Copyhold, then and in such Case such Copyhold Lands and Premises shall be surrendered for the due Payment thereof, with Interest, to the Use of such Person or Persons who shall advance and lend such Sum or Sums of Money by way of Mortgage, his, her, or their Heirs and Assigns, according to the Custom or Customs of the Manor or Manors whereof the same shall be holden, instead of being mortgaged and surrendered to such Person or Persons, his, her, or their Executors, Administrators, or Assigns, for a Term of Years as mentioned in the said recited Act.

How Expences shall be raised upon Copyholds.

XXVIII. And be it further enacted, That no Lease to be granted by virtue of the said Act of the Forty-first Year of His present Majesty by the Vicar of the said Parish of Hampton, or his Successors, of any Lands or Grounds to be allotted to him or them by virtue of this Act, in right of the Vicarage of Hampton aforesaid, shall be good, valid, or effectual without the Consent of the King's most Excellent Majesty, His Heirs or Successors, as Patron of the said Vicarage, shall be had and obtained thereto previously to the Execution of such Lease.

Lease of the Vicar of Hampton not good without King's Consent.

XXIX. Provided always, and be it further enacted, That the Compensation for Tithes and the Exoneration therefrom, herein before directed, shall not comprise nor in any Manner affect the inclosed Lands or Parks of His Majesty within the said Parish, nor any Pensions or other annual Sums payable in respect thereof, or otherwise, to the Trustees of the Rectory or the Vicar of the said Parish.

Compensation for Tithes not to affect His Majesty's inclosed Lands, &c.

XXX. Provided also, and be it further enacted, That nothing herein contained shall extend or be construed to extend to authorize the said Commissioners, or any other Person or Persons, to alter, vary, divert, or change the Course of any Part or Portion of the Water of His Majesty's River called *The Hampton Court Cut*, or to put or convey into the said River any Drain, Watercourse, or Waste Water, for the Purpose of draining the Lands intended to be divided, allotted, and inclosed, or otherwise to interfere with the said River or the Banks thereof, nor to place any Fence or Fences, Stakes or other Things, nearer the Edge of the said River than the Space or Distance of Seven Yards; but that His Majesty, His Heirs and Successors, shall retain, in the same Manner as if this Act had not been made, for his and their Use, all his and their Rights and Interests in and to the said River and the Banks thereof, and also the Space or Distance of Seven Yards at the least on each Side of the said River, the whole Length the same extends within the Waste Lands hereby directed to be divided, allotted, and inclosed, for the more effectually securing the said River from Damage, and repairing the Banks thereof, and the Bridges thereon, and taking the Mud out of the said River, and other Uses and

Not to divert the Hampton Court Cut.

Proposed relative thereto; on which said Space or Distance of Seven Yards
 on each Side of the said River no Person nor Persons whatsoever, both
 than His Majesty, His Heirs and Successors, and His and Their Officers and
 Servants for the Time being, shall have any Right of Road or any other
 Right whatsoever, except for the Purpose of crossing the same in the Line of
 any Road, Way, or Passage which hath been heretofore used, or may be
 set out by the said Commissioners by Virtue of this Act on the said recited
 Acts; provided that in any Place or Places where it may be necessary to
 cross the said River a proper Bridge or Bridges be constructed by or
 under the Authority of the said Commissioners; and that no Person shall be
 liable to be paid or receive any Money or Reward for any Work done or
 to be done in or about any such Bridge or Bridges as shall be directed by
 the said Commissioners.

XXVI. And be it further enacted, That the said Commissioners shall
 and they are hereby authorized and required to set out, for the King's most
 Excellent Majesty, His Heirs and Successors, so much of the Waste Lands
 hereby directed to be divided and inclosed as by the said Commissioners
 shall be adjudged to be equal in Value to One Sixteenth Part of such
 Waste Lands after the Roads and public Watering Places and Pits, and
 the said Allotments in lieu of Tithes so far as the same respect the Tithes
 of the said Waste Lands only, shall have been deducted, in compensation
 for His Majesty's Right and Interest of and in the Soil of the said Waste
 Lands.

XXVII. And be it further enacted, That the said Commissioners shall
 and they are hereby authorized and empowered, from Time to Time as
 they shall see Occasion, to set apart, from the said Commons and Waste
 Grounds hereby directed to be divided and inclosed, such Parcels and
 Quantities of the said Commons and Waste Grounds as they shall judge to
 be sufficient, when sold, to defray the Charges and Expences of obtaining
 and passing this Act, of surveying, mapping, valuing, dividing, and allot-
 ting the said Common and Waste Grounds hereby directed to be divided
 and inclosed, preparing and enrolling the Award herein-after mentioned,
 and all other the Charges and Expences whatsoever of or preparatory to
 the said intended Division and Inclosure, and carrying this and the said re-
 cited Act into Execution, and to set up or expose such Parcels and Quan-
 tities of the said Commons and Waste Grounds to public Sale by way of
 Auction (first causing at least Twenty-eight Days previous Notice to be
 given in the said Newspaper called *The Times*, or if the same shall not then
 be published in some other Newspaper to be printed, or circulated in the
 said County of *Middlesex*, and also in three other public Newspapers
 circulated in and near the Parish of *Hampton*, of the Time and Place to be
 appointed for that Purpose) or by Private Contract (in such Lots as they
 shall think proper for the best Price and most Money that can be had or
 obtained for the same; and One Seventh Part at least of the Money for
 which such Land shall be sold shall at the Time of such Sale, by the Pur-
 chaser or Purchasers be deposited in the Hands of the said Commissioners
 and the Remainder of the Purchase Money shall be paid to the said Com-
 missioners within such Time next after such Sale as the said Commissioners
 shall previously appoint; or in default of such Payment the Money depo-
 sited as aforesaid shall be forfeited, and shall be applied towards carrying
 this Act into Execution, and the Allotment or Allotments shall again be
 put up to Sale in manner aforesaid and after Payment of the full Purchase
 Money for any such Allotment the same shall be vested in Fee Simple in
 the Purchaser or Purchasers, or otherwise limited as he or they shall direct,

Allotment to His Majesty for Waste.

The Deficiency to be raised by the Proprietors.

Part of the Commons and Waste Grounds to be sold to defray the Expences of inclosing, &c.

Power for Commissioners to levy all Sums ordered to be paid to them or others.

and

and shall be assigned or allotted to him, her, or them in and by the said
Award, or in and by any Writing to be by the said Commissioners executed
previously to the said Awards; and the Money arising from such Sales or
Sales shall be paid and applied in discharging and satisfying all and every
the Charges and Expenses aforesaid; and in case there shall be any Surplus
plus, the same shall be distributed amongst the several Persons interested
in the said Commons and Waste Grounds, in proportion to their respective
Rights and Interests, and the Shares of such of them as are Tenants
in Fee Simple shall be paid to them respectively, and the Shares to all
other Persons shall be applied by the said Commissioners in the Manner
directed by the said recited Act with respect to Money to be paid for the
Purchase or Exchange of any Lands, Tenements, or Hereditaments, or
any Timber or Wood growing thereon, and which Money ought to be
paid for the Purchase of other Lands, Tenements, or Hereditaments, or
be settled to the same Uses as be so in and included and directed hereby
shall be adjudged to be equal in Value to One sixteenth Part of such
Part of the said Commons and Waste Grounds as shall be sold to
such Person or Persons, as the said Commissioners shall direct, no-
minate, and appoint; and in case any Expenses shall be incurred in the
Execution of any of the Powers and Provisions of this Act, which ought
to be borne and defrayed by any particular Person, or Persons, and not
of any Money to be raised for the general Purposes of this Act, then the
same shall be paid in such Shares and Proportions, and by such Person or
Persons, and within such Time, and to such Person or Persons, as the said
Commissioners shall direct, nominate, or appoint. to and passing this Act and
behaving the said Commons and Waste Grounds hereby directed to be divided
XXIXIII. Provided always, That in case the Money arising by Sales of
such Allotments or Allotments as aforesaid shall not be sufficient to defray
all the Charges and Expenses as aforesaid, then the Deficiency shall be
made up by the several Persons interested in the said Inclosures, and shall
be paid in such Shares and Proportions, and within such Time or Times,
and to such Person or Persons, as the said Commissioners shall direct, no-
minate, and appoint; and in case any Expenses shall be incurred in the
Execution of any of the Powers and Provisions of this Act, which ought
to be borne and defrayed by any particular Person, or Persons, and not
of any Money to be raised for the general Purposes of this Act, then the
same shall be paid in such Shares and Proportions, and by such Person or
Persons, and within such Time, and to such Person or Persons, as the said
Commissioners shall direct, nominate, or appoint. to and passing this Act and
behaving the said Commons and Waste Grounds hereby directed to be divided
XXIXIV. And be it further enacted, That in case any Person or Persons
shall refuse or neglect to pay any Sum or Sums of Money by virtue of this
Act, or be and directed to be paid by him, her, or them, or by the said
Commissioner, or any other Person or Persons, at such Time or Times as
they, she, or they shall be directed to pay the same, then and in every such
Case the said Commissioners shall and may, by Warrant or Warrants under
their Hands and Seals directed to any Person or Persons who may
cause all and every such Sum or Sums of Money to be levied by Distress
and Sale of the Goods and Chattels, wheresoever the same shall be found;
of the Person or Persons so neglecting or refusing to pay the same, tendering
the Overplus (if any) to the Owner or Owners (of such Goods and Chattels,
after deducting the Costs and Charges of taking and making such Distress
and Distresses, Sales and Sales; or otherwise) shall be lawful for the said
Commissioners to enter on and upon the Lands so be so directed to such Per-
son or Person so neglecting or refusing to pay as aforesaid, and to receive
the Rents and Profits thereof, until they have received the sum or sums
of Money, and all Costs, Charges, and Expenses occasioned by and in
regarding such Entry upon and Reception of the Rents and Profits of the said
Premises, shall be fully paid and satisfied, to be paid and satisfied as a
mortgage or Allotments to any Person or Persons, who shall ever
pay or shall pay to the said Commissioners such sum or sums of Money, Charges, and
Expenses, for such Term of Years as the said Commissioners shall direct
and

Surplus.
Allotment to
His Majesty
for Waste
The Defi-
ciency to be
raised by the
Proprietors.

Part of the
Commons
and Waste
Grounds to
be sold to
defray the
Expenses of
inclosure
Power for
Commis-
sioners to
levy all Sums
ordered to be
paid to them
or others.

shall think sufficient to reimburse to such Person or Persons the Money by him or them advanced respectively.

Allotment of Residue.

XXXV. And be it further enacted, That the said Commissioners shall, immediately after making such Allotments as aforesaid, divide, set out, and allot the Residue of the Lands and Grounds hereby directed to be divided and inclosed unto and amongst His Majesty and the several Proprietors thereof and Persons interested therein, in such Shares and Proportions as the said Commissioners shall adjudge and determine to be a fair and just Compensation for their respective Lands, Grounds, Rights of Common and other Rights and Interests; and the several Allotments to be made by the said Commissioners by virtue of this Act shall be binding, final, and conclusive so far as regards the Quantities and Situations of such Allotments respectively.

Power to the Commissioners of His Majesty's Woods, &c. to dispose of Timber, &c.

XXXVI. Provided always, That it shall and may be lawful for the Commissioners of His Majesty's Woods, Forests, and Land Revenues, or the Person or Persons executing the said Office of Surveyor General, at any Time within Six Calendar Months after the said Allotments shall have been set out, to sell and dispose of, and cause to be removed and carried away, all Timber and other Trees and Bushes standing and being upon the said Commons and Waste Lands.

A Description and Map of His Majesty's Allotments to be made.

XXXVII. And be it further enacted, That the said Commissioners shall make an Extract under their Hands and Seals of so much of their Award as shall contain an accurate Description of the Allotment or Allotments so made to His said Majesty, His Heirs and Successors, in such Right as aforesaid, and also a Map thereof, and transmit the same to the Commissioners of His Majesty's Woods, Forests, and Land Revenues, or to the Person or Persons executing the said Office of Surveyor General, or to their Deputy, within Three Calendar Months after the making and executing the said Award, and that such Extract and Map as last aforesaid shall be filed and recorded as Evidence amongst the Records of His said Majesty's Land Revenue.

Allotments and Common Rights may be sold before the Execution of the Award.

XXXVIII. And be it further enacted, That it shall be lawful for any of the Owners or Proprietors of any Common Right upon the Lands and Grounds hereby directed to be divided and inclosed to sell and dispose of all his, her, or their Estate, Right, and Interest in and to the Allotment or Allotments to be made and set out in respect thereof by virtue of this Act, separately and distinctly from the Estate in right of which he or she is or may be entitled to the same, in such Manner as he or she might have done at any Time after the Execution of the said Award, and it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, to award and make every such Allotment and Allotments which shall be so sold and disposed of to the Purchaser or Purchasers thereof, or other Person or Persons who shall be entitled to the same, by any such Sale or Disposition, and the Right, Share, and Interest of His Majesty of and in the Lands and Grounds so be divided and inclosed by virtue of this Act shall be subject in like Manner, to Sale and Disposition by the Commissioners of His Majesty's Woods, Forests, and Land Revenues, or the Person or Persons executing the said Office of Surveyor General, under such Rules, Regulations, and Provisions as are contained and referred to in an Act passed in

in the Forty-eighth Year of His Majesty's Reign, intituled *An Act to improve the Land Revenue of the Crown of England, and also of His Majesty's Duchy of Lancaster*; and after such Sale and Disposition the Allotment or Allotments in respect of such Right, Share, or Interest shall and may be awarded and allotted to the Purchaser or Purchasers thereof, or other Person or Persons who may be entitled thereto by any such Sale or Disposition.

XXXIX. And be it further enacted, That where any Person or Persons shall be seised or possessed of Lands or other Hereditaments in the said Parish held by different Tenures, or for, by, or under different Estates or Titles, and prove the same to the Satisfaction of the said Commissioners, the said Commissioners shall, upon the Request of the Person so seised or possessed respectively, inquire into, ascertain, and determine the respective Lands or other Hereditaments held by such several Tenures, or for, by, or under such different Estates or Titles respectively, and shall set out distinct Allotments in respect of such Parts thereof as shall be or arise within the Common and Open Fields, or other the Lands and Grounds hereby directed to be divided and inclosed, regard being had to the Deductions which shall have been made for Tithes of ancient Inclosures held by the same Tenures and for the same Estates respectively.

Lands held by different Tenures or Tithes to be distinguished.

XL. And be it further enacted, That where the Proprietor or Proprietors of any Allotment, Land, or other Hereditaments in the said Parish shall hold his, her, or their respective Lands and Hereditaments by different Tenures, or for, by, or under different Estates or Titles, and where, from Want of the necessary Information before the said Commissioners, or from any other Cause, the Award of the said Commissioners shall have omitted to distinguish the Lands or other Hereditaments holden by such several Tenures, or for, by, or under such different Estates or Titles, or to set out and award the several and distinct Allotments for any such respective Lands or Hereditaments as herein-before is required, it shall be lawful for the said Commissioners and they are hereby authorized, at any Time and from Time to Time within One Year after the Date and Execution of their Award, upon Request in Writing to them made by the respective Proprietors of any such Lands or other Hereditaments, to do all such Acts as shall be necessary for supplying any such Omission, and for that Purpose to examine Witnesses and to proceed as if their Award had not been made, and by any Deed or Instrument, under their Hands and Seals to distinguish, ascertain, and set out the Lands and Hereditaments held by different Tenures, or for, by, or under different Estates or Titles respectively, in the same Manner as they are hereby authorized and required to do in Cases where such Lands and Hereditaments are directed to be ascertained, distinguished, and set out by the General Award, and every such separate Instrument shall be enrolled in the same Place as the General Award shall be enrolled, and the Evidence thereof shall be given in the same Manner as by the said created Act of the Forty-first Year of His present Majesty, and this Act, on either of them respectively, is directed concerning the said General Award of the said Commissioners, and all the Expenses which shall be reasonably incurred in or about every such subsequent Inquiry and separate Instrument as aforesaid shall be paid by the Person or Persons who shall have requested the said Commissioners to make and execute the same, or by his or their Heirs, Executors, or Administrators.

Lands held by different Tenures or Titles, omitted to be distinguished by the Award, may be afterwards distinguished by a separate Instrument.

Copyhold Allotments may be holden at Fines certain, on giving an Equivalent in Land.

Exchanges may be made.

Exchanges may be made.

And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby empowered to declare in and by their Award any of the Lands and Grounds hereby directed to be divided and allotted (being of Copyhold Tenure and subject to Fines arbitrary) to be holden at Fines certain, in the same Manner as the Copyhold Lands within the said Honor and Manor called Lot Land, or the Copyhold Tenant or Tenants by whom the same shall be respectively holden, giving their Consent and testifying the same by Writing signed by such Tenant or Tenants respectively, or by their Husbands, Trustees, or Guardians, Committees or Attornies of and for such Tenants, being Femes Coverd, Minors, Lunatics, beyond the Seas, or under any Incapacity or Disability, and in such Case the said Commissioners shall assign and award to the King's most Excellent Majesty, Lord of the said Honor and Manor, His Heirs and Successors, such Part or Parts of the Lands of such Copyhold Tenant or Tenants, or of his or their intended Allotment or Allotments, as shall in the Judgment of the said Commissioners be an Equivalent and Satisfaction for the arbitrary Fines to which such Copyhold Lands and Grounds respectively would otherwise have been subject and liable, and such Equivalents in Land shall as nearly as Circumstances will admit be laid together.

And be it further enacted, That it shall and may be lawful to and for the said Commissioners and their Successors to set out, allot, and award any Lands, Tenements, or Hereditaments whatsoever within the said Parish of Hampton in lieu of and in exchange for any other Lands, Tenements, and Hereditaments whatsoever within the said Parish or within any adjoining Parish, Hamlet, Township, or Place, provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioners, and be made with the Consent of the Commissioners of His Majesty's Woods, Forests, and Land Revenues, or the Person or Persons executing the Office of Surveyor General of His Majesty's Lands and Revenue, in respect of any Lands, Tenements, or Hereditaments belonging to His Majesty, His Heirs or Successors; and of the Owner or Owners, Proprietor or Proprietors, for the Time being seized of or entitled in Possession to the Lands, Tenements, or Hereditaments which shall be so exchanged, or to the actual Receipt of the Rents, Issues, and Profits thereof, whether such Owner or Owners, Proprietor or Proprietors shall be a Body or Bodies Politic or Corporated, or a Body or Bodies Collegiate, Corporation, Aggregate, or Sole, or Land Tenant or Tenants in Fee Simple or for Life or in Fee Tail, General or Special, or by the Courtesy of England, or for Years determinable on any Life or Lives, or with the Consent of the Guardians, Trustees, Executors or Administrators of the said Uses, or the Part of such Trustees respectively, Husbands, Committees, or Attornies of or acting for any such Proprietors or Owners as aforesaid who at the Time of making such Exchange or Exchanges shall be respectively Infants, Femes Coverd, Lunatics, or under any other legal Incapacity, and who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself, such Consent to be testified in Writing under their Common Seal of the Body Politic, Corporation, or Collegiate, and under the Hands of the other Parties consenting respectively; and all such Awards, Exchanges, and Exchanges so to be made shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever, provided that the same shall and every Exchange which shall be made of the said Lands, Tenements, or Hereditaments belonging to His Majesty, His Heirs or Successors, shall

shall be subject to the Rules, Regulations, and Provisions in that behalf contained in the said Act, and the Forfeiture of any Year of the Reign of His Majesty, and that no Exchange shall be made of any Lands, Tenements, or Hereditaments held in any right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent testified as aforesaid of the Patron thereof, and of the Lord Bishop of the Diocese in which such Lands, Tenements, and Hereditaments to be exchanged shall hereunto be in writing signed by such Writing signed by the same and testified respectively, or by their Husbands, Trustees, or Guardians, Commissioners or otherwise as aforesaid.

And III. Provided always, That the Costs, Charges, and Expenses attending the making and completing any Exchanges or Partitions shall be paid and borne by the several Persons, Bodies Politic, Corporate, or Collegiate, making such Exchanges or Partitions, (other than the Trustees of the said Rectorial Parishes and the said Vicars respectively) in such Manner and in such Proportions as the said Commissioners shall order and direct, and satisfaction and satisfaction be an Equivalent to the said Lands and Grounds respectively or otherwise as aforesaid.

And IV. Provided always, and being further enacted, That all Leases, Agreements, and Tenancies of Rack Rent now subsisting of any Part of Parts of the Lands and Grounds hereby directed to be divided and inclosed, and of all Lands and Hereditaments within the Parish of Hampton aforesaid, which shall be exchanged or exonerated from Tithes respectively by virtue of this Act, and of Messuages held therewith, shall cease and be void, Teitern as to the whole of the Premises therein comprised or any Part thereof, and at such Time or Times as the said Commissioners shall by Writing under their Hands direct or appoint, so as the respective Lessors or Landlords of such Lands or Tenements do before or at the respective Times at which such Leases or Tenancies shall be directed to cease, make and pay such Satisfaction to the respective Lessees or Tenants for the Loss which shall be sustained by the Determination of such Leases and Tenancies respectively as shall be mutually settled and agreed between them, or if the said Commissioners, beings thereto required by either of the Parties, shall ascertain and direct; and the said Commissioners, being so required, are empowered and directed to appoint a reasonable and proportionable Part, according to the Season of the Year of the Rent reserved demanded payable by any such Lease or Agreement for and in respect of the Part which shall have elapsed between the last Day on which any Payment of the Rent shall have been made, and the Determination of any such Lease or Tenancy, and such Parts of the Rent shall be recoverable by such Ways and Means as may by Law be used for the Recovery of Rent in arrears; and the said Commissioners are empowered and directed, in every Case where any such Dards or other Hereditaments in the said Parish shall be held by virtue of any such Lease or Agreement, together with Messuages or other Lands or Hereditaments in respect whereof such Lease shall not be vacated, by the entire Rent to be appointed and determined what Parts of such Rent shall be deducted in respect of the Land or other Hereditaments in the said Parish whereof such Lease or Agreement shall be made void, the first and the said Deduction shall take Place, and the Rest of the Rent reserved in any such Lease or Agreement shall, during the Remainder of the Term thereof, be the Rent of and for the Messuages and other Lands and Hereditaments in such Lease or Agreement comprised, and shall be payable and recoverable in like Manner as the entire Rent reserved by such Lease or Agreement shall immediately before such Apportionment

Copyhold
Allotments
may be
held as
Fines cer-
tain, or
giving an
Equivalent in
Land

Expences of
Exchanges
how to be
paid.

Leases and
Tenancies at
Rack Rents
to cease.
Exchanges
may be made.

portionment

portionment be payable and recoverable: Provided always, that if there shall be any Lease of Lands Part of which shall be situate in the said Parish of *Hampton* and Part in any adjoining Parish, all and every such Lease and Leases upon Rack Rent now subsisting may be vacated, but where any Land shall have been taken in exchange, which Land shall be under Lease, and wholly situate in any adjoining Parish, the Lease of such last-mentioned Land shall not be vacated.

Respecting
Leases of
Messuages
and old In-
closures.

XLV. Provided always, and be it further enacted, That nothing in this Act contained shall authorize or enable the said Commissioners to direct or appoint that any Lease or Agreement of any Messuages or Buildings only, or any Messuages or Buildings with old inclosed Land only, shall be void without the Consent in Writing of the Landlord and Tenant first signed and delivered to such Commissioners for that Purpose; and in Cases where such Landlord and Tenant shall not consent or agree to have the Lease or Agreement avoided by the said Commissioners under the Authority of this Act it shall be competent to the Commissioners to vacate in manner aforesaid the Tenant's Claim and Right to the Possession of any Allotment of Common to be made in respect of such Messuages, Buildings, and old Inclosures discharged of the Term, upon such Compensation or Abatement of Rent as aforesaid, or to determine in what Proportions the Expences of fencing and inclosing such Allotment shall be borne by such Landlord and Tenant, or what additional Rent shall be paid by such Tenant in respect of the Landlord's Expences in the ring-fencing and inclosing the said Allotment, as to them the said Commissioners shall seem just and reasonable, regard being had to the Nature and Duration of the Tenant's Term and the Value of the Allotment so to be made, and to award accordingly; and the said Commissioners shall also ascertain and settle whether any and what additional Rent shall be payable in respect of such Exoneration from Tithes as herein-before directed, and from what Period such additional Rent or Rents as aforesaid shall respectively commence, and thenceforth the same shall be recoverable with and in the same Manner as the Rent reserved or made payable under such Lease or Agreement.

Satisfaction
to be made
for Tillage,
&c.

XLVI. And be it further enacted, That the Proprietors whose Allotments on the said Division shall have been tilled, ploughed, sown, folded, or manured by any former Proprietor or Occupier thereof shall pay unto the Person or Persons respectively who shall have tilled, ploughed, sown, folded, or manured the same or any Part thereof, his, her, or their Executors or Administrators, such Sum and Sums and at such Time and Times as the said Commissioners shall think reasonable, and shall by Writing under their Hands ascertain and direct; and if by reason of the Mismanagement of any former Occupier, or of the preceding Crop, or Crops, or by any other Means, it shall happen that the Allotment or Allotments to any Proprietor shall not contain a due and reasonable Proportion of Land in a proper State for Wheat or other Fifth Crop, or if any such Allotment or Allotments shall in the Judgment of the said Commissioners be from any Cause in a worse Condition to be occupied than the Average of the Land allotted by virtue hereof, then the Person or Persons to whom any such Allotment or Allotments shall be made shall receive such Compensation and Satisfaction from any other of the Proprietors, or from the former Occupier, as the said Commissioners shall determine and adjudge to be just and equitable; and in case
any

any of the Sums which shall by the said Commissioners be directed to be paid as aforesaid shall not be paid to the Person or Persons and at the Time or Times to be appointed by the said Commissioners for Payment thereof, it shall be lawful for them and they are hereby required to levy the same in like Manner as the Expences of passing this Act and carrying the same into execution are directed to be raised and levied.

XLVII. Provided always, and be it further enacted and declared, That nothing in this Act contained shall extend to revoke, make void, annul, or alter any Settlement, Deed, or Will, or to prejudice any Person having any Right or Claim of Dower, Jointure, Annuity, Rent Charge, Debt, or Incumbrance whatsoever in, out of, upon, or affecting any of the Lands, Tenements, or Hereditaments hereby directed to be divided and allotted, or which shall be exchanged or assigned in compensation for any other Estate or Right in pursuance of this Act respectively, but as well the Lands allotted as the Tenements and other Hereditaments which shall be assigned in exchange or in compensation for any other Estate or Right shall immediately after such Allotment, Exchange, or Assignment shall be made be vested, remain, and enure, and the several Persons to whom the same shall be allotted, assigned, or given in exchange as aforesaid shall thenceforth stand and be seised and possessed thereof respectively, to, for, and upon such and the same Uses, Estates, Intents, Trusts, and Purposes respectively, and subject and liable to such and the same Wills, Settlements, Limitations, and Remainders, Conditions, Charges, and Incumbrances, as the several Lands, Tenements, and Hereditaments in respect whereof such Allotments, Assignments, and Exchanges shall have been made should or would have stood severally limited, settled, vested, or subject or liable to, or been held by, in case the same had not been allotted, assigned, or exchanged, and this Act had not been made, save and except such Rents and Services as shall have been compensated for and extinguished, and such Leases and Tenancies at Rack Rent as shall become void by virtue of this Act.

Settlements,
&c. not to be
affected, nor
Wills re-
voked.

XLVIII. And be it further enacted, That the Money that shall be advanced by any Person or Persons for the Purpose of defraying the Expences of applying for and obtaining this Act, or which after the passing of this Act shall be advanced or lent to or be paid by the Direction of the said Commissioners for carrying the same into execution, shall be repaid, with lawful Interest, to the Person or Persons lending, advancing, or paying the same, out of the first Money to be raised for defraying the Expences of obtaining and executing this Act.

Money ad-
vanced to be
repaid with
Interest.

XLIX. And be it further enacted, That each of the Commissioners acting in execution of the Trusts and Powers hereby vested in them, and their Clerk, shall be allowed and paid, in satisfaction for their Trouble and Expences, the Sum of Three Pounds Three Shillings for every Day on which they shall be employed in travelling to, attending on, or returning from all Meetings to be held in pursuance of this Act; and the said Commissioners and Clerk shall pay their own Expences, and not be allowed for more than One Day's Journey to and One Day's Journey from the Place of Meeting.

Allowance
to the Com-
missioners.

Commissioners
of the
King's
Rights
as
Lord
of the
Honour
and
Manner
of
Hampton
Court

General
Sessions

For execut-
ing and de-
positing the
Award.

Appeal
to the
General
Quarter
Sessions.

And be it further enacted, That once at least in every Year during the Execution of this Act (such Year to be computed from the Day of the passing thereof) the said Commissioners shall and they are hereby required to make a true and just Statement or Account of all Sums of Money by them received and expended, or due to them for their own Trouble and Expences in the Execution of this and the said recited Act, and such Statement or Account, when so made, together with the Vouchers relating thereto, shall be by them laid before One or more of His Majesty's Justices of the Peace for the County of *Middlesex*, not interested in the Inclosure, to be by him or them examined and balanced, and such Balance shall by such Justice or Justices be stated in the Book of Accounts to be kept in the Office of the Clerk to the said Commissioners, and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed by such Justice or Justices.

And be it further enacted, That the Award of the said Commissioners shall be executed within Three Years next after the passing of this Act, unless the Commissioners of His Majesty's Woods, Forests, and Land Revenues, or the Person or Persons executing the Office of Surveyor General, shall think fit to allow further Time for that Purpose, by Writing under their Hands; and after the said Award shall have been infolled in the Manner in the said recited Act mentioned the same shall, together with the Maps annexed thereto, be deposited in the Church of *Hampton* aforesaid.

And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any thing done by or under the Authority of the said Commissioners, in pursuance of this or the said recited Act, (other than and except such Claims, Matters, and Things as are herein before 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 recited Act or of this Act, the Determinations, Acts, or Proceedings of the said Commissioners are directed to be final or conclusive,) then and in every such Case he, she, or they may appeal to any General Quarter Sessions of the Peace which shall be held for the said County of *Middlesex* within Four Calendar Months next after the Cause of Complaint shall have arisen, giving Fourteen Days Notice of such Appeal and of the Matter thereof to the said Commissioners, and to the Parties interested therein; and the Justices in their said General Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein, and to award such Costs, as to them in their Discretion shall seem reasonable, and by their Warrant or Order to levy the Costs which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale; which Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removeable by Certiorari, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

LIII. And

And be it further enacted and declared, That nothing in this Act shall lessen, prejudice, or defeat the Right, Title, or Interest of His Majesty, His Heirs and Successors, as Lord of the Honour and Manor of Hampton Court, or of any of the Seignories, Rights, and Royalties incident and belonging to the said Honour and Manor, but that the same shall and keep the Interests which are meant and intended to be preserved by this Act shall remain as full, ample, and beneficial in all respects and Purposes, as before the passing of this Act. And the Justices of the Peace for the County of Middlesex, not interested in such Savings always to the King's most Excellent Majesty, His Heirs and Successors, and all and every other Person and Persons, Bodies Politic and Corporate, his Heirs, Successors, Executors, Administrators, and Assigns, (other than and except the King's most Excellent Majesty, and the respective Persons to whom any Allotment or Allotments of Land or other Compensation shall be made and 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 Inclosure hereby authorized shall absolutely require to be barred, extinguished, or destroyed by this Act,) all such Estates, Rights, and Interests as they, every or any of them, had or enjoyed in, and to or in respect of the 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: And the Maps annexed together with the Maps annexed thereto, be deposited in the Church of

notwithstanding judges there King's. 11000 Rights as Lord of the Honor and Manor of Hampton Court.

General Saving.

For execution and be- posing the Award

Act to be printed by the King's Printer in the Sessions.

LV. 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 by all Judges, Justices, and others who think themselves aggrieved by any thing done or to be done under the Authority of the said Commissioners, in pursuance of this or the said recited Act, (other than and except such Claims, Matters, and Things as are hereinafter directed to be determined, settled, or otherwise disposed of by the Verdict of a Jury or where, by any of the Provisions of this Act, the Determination of the said Commissioners is intended to be final or conclusive) then and in every such Case he, she, or they may appeal to any General Quarter Sessions of the Peace which shall be held for the said County of Middlesex within Four Calendar Months next after the Cause of Complaint shall have arisen, giving Fourteen Days Notice of such Appeal and of the Matter thereof to the said Commissioners, and to the Parties interested therein; and the Justices in their said General Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein, and to award such Costs, as to them in their Discretion shall seem reasonable, and by their Warrant or Order to levy the Costs which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale; which Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removable by Certiorari, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster or elsewhere.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTISWOOD, Printers, to the King's most Excellent Majesty. 1785

