



ANNO QUINQUAGESIMO PRIMO

GEORGI III. REGIS.

Cap. 187.

An Act for inclosing and dividing the Commons and Waste Lands in the Parishes of *Hornchurch, Romford, and Havering*, within the Manor and Liberty of *Havering-atte-Bower*, in the County of *Essex*.
[15th June 1811.]

WHEREAS the Manor or Lordship of *Havering-atte-Bower* in the County of *Essex* is of ancient Demesne of the Crown of *England*, as appears by a certain Charter made and granted by King *Edward* the Fourth in the Fifth Year of His Reign, whereby several Privileges and Immunities were granted to the Tenants and Inhabitants of the said Manor; and, amongst other things, it was granted to the Tenants and Inhabitants, that the Steward of the said Manor for the Time being, and One of the discreetest and honestest Tenants or Inhabitants aforesaid, to be from Time to Time chosen by them the said Tenants and Inhabitants and their Successors, should be Justices of the Peace within the said Manor, so that the Justices of the Peace in the said County of *Essex* should not in anywise meddle with any thing committed or arising within the Manor and Lordship above named, nor should take or make any Inquiry thereof: And whereas the said in part recited Charter was afterwards ratified and confirmed by divers Charters subsequently granted, and particularly by a Charter made and granted by Queen *Mary* in the First Year of Her Reign, whereby several additional Privileges and Immunities were granted, and whereby it was ordained that the Deputy Steward of the said Manor for the Time being should be a Justice of the Peace within the said Manor or Lordship, together with the High Steward, and with the

[*Loc. & Per.*]

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other

other Justice of the Peace by the Tenants and Inhabitants chosen and to be chosen as aforesaid; and also by a Charter made and granted by Queen *Elizabeth* in the Thirteenth Year of Her Reign, whereby it was, amongst other things, ordained, constituted, and declared, that the Tenants and Inhabitants of the same Lordship or Manor of *Havering-atte-Bower* in the County of *Essex* should be One Body Corporate and Politic of themselves, by the Name of *The Tenants and Inhabitants of the Lordship of Havering-atte-Bower in the County of Essex*: And whereas the said Manor or Lordship of *Havering-atte-Bower* is divided into Seven Wards; that is to say, the Wards of *Havering, Collier Row, Harrold's Wood, Noak Hill, Romford Town, Hornchurch North, and Hornchurch South*; of which Seven Wards, the Wards of *Havering, Collier Row, Noak Hill, Part of Harrold's Wood, and Part of Romford Town Ward*, are situate on the North Side of the high Road leading from *London to Colchester*; and the Wards of *Hornchurch North and Hornchurch South*, together with a Part of *Romford Town Ward*, and also a Part of *Harrold's Wood Ward*, are situate on the South Side of the same Road: And whereas there are within the said Manor of *Havering-atte-Bower*, as well within the Wards on the North Side as within the Wards on the South Side thereof, divers Commons, Heaths, Waste Grounds, and Commonable Lands: And whereas the King's most Excellent Majesty, in right of His Crown, is Lord of the said Manor of *Havering-atte-Bower*, and as such is entitled to the Right of Soil and Royalties in and over the Commons, Heaths, Waste Grounds, and Commonable Lands within the said Manor; and *Richard Benyon* Esquire is Lessee of the said Manor: And whereas the King's most Excellent Majesty, as Lord of the said Manor, and the Wardens and Scholars of *St. Mary's College of Winchester* in *Oxford* commonly called *New College in Oxford*, and *Dame Jane Saint John Mildmay*, *Sir William East* Baronet, *Sir Richard Neave* Baronet, *Dame Margaret Burgess*, *Benjamin Cooke Griffinbooffe* Esquire, *John Heaton* Esquire, *Alexander Black* Esquire, *William Sheldon* Esquire, *Edward Russell Howe* Esquire, *Thomas Theophilus Cock* Esquire, *Thomas Harding Newman* Esquire, *Burchet Wennell* Esquire, *Daniel Ximenes* Esquire, *William Prior Johnson* Esquire, *William Jacobs* Esquire, *William Tolbut* Esquire, *Bamber Gascoyne* Esquire, *Elizabeth Grafton Dare* Widow, *William Hilton* Esquire, *John Tyler* Esquire, *Christopher Tyler*, and divers other Persons, are or claim to be entitled to Right of Common in and upon the said Commons, Heaths, Waste Grounds, and Commonable Lands: 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 it would be of great Benefit to all the Persons interested in the said Commons, Heaths, Waste Grounds, and Commonable Lands, and entitled to Right of Common thereon, and of public Utility, if the said Commons, Heaths, Waste Grounds, and Commonable Lands were divided and inclosed, and specific Parts thereof allotted to and amongst the King's most Excellent Majesty and the several Persons respectively entitled to Right of Common thereon, according to their several and respective Rights and Interests therein; but inasmuch as such Division, Inclosure, and Allotment cannot be effected without the Aid and Authority of Parliament, May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parli-

ment assembled, and by the Authority of the same, That *John Trumper* of *Harefield* in the County of *Middlesex*, Gentleman, and *Abraham Purs- house Driver* of the *Kent Road* in the County of *Surry*, Gentleman, and their Successors, to be nominated and appointed in manner herein-after mentioned, shall be and they are appointed Commissioners for dividing and allotting the said Commons, Heaths, Waste Grounds, and Commonable Lands; and for carrying this Act into execution, subject to the Rules, Orders, and Directions in the before-mentioned Act, so far as such Rules, Orders, and Directions are applicable to the Purposes of this present Act, and as the same are not hereby altered or controlled.

Two Com-
missioners
appointed.

II. And be it further enacted, That in case any Difference of Opinion shall arise between the said Commissioners in the Execution of this or the said before-mentioned Act, all such Difference of Opinion, if any shall arise, shall be stated in Writing, and referred by the said Commissioners to *John Loxley* of *South Weald* in the County of *Essex*, Gentleman; and such Umpire shall determine the same, and deliver to the said Commissioners, or One of them, his Determination in Writing, the Name of the said Umpire being thereto signed; and the Judgment and Determination of the said Umpire therein shall be deemed and taken to be the Judgment and Determination of the said Commissioners, and they the said Commissioners shall and they are hereby required to conform thereto; and such Determination shall be in-rolled and recorded with and in the same Manner as the other Proceedings of the said Commissioners under this Act.

Umpire.

III. And be it further enacted, That if the said *Abraham Purs- house Driver* shall die, or refuse to act or become incapable of acting as a Commissioner in the Execution of this Act, before all the Powers, Authorities, and Trusts hereby reposed in the said Commissioners shall have been fully executed and performed, it shall be lawful for the King's most Excellent Majesty, His Heirs or Successors, Lords of the said Manor for the Time being, or for the Commissioners of His Majesty's Woods, Forests, and Land Revenue, or for the Person or Persons executing the Office of Surveyor General of His Majesty's Land Revenues for the Time being, by Writing under his Hand, to nominate and appoint One other fit and proper Person (not interested in the Premises) to be a Commissioner in the Place of the said *Abraham Purs- house Driver*; and if any Commissioner or Commissioners who shall be appointed in the Place of the said *Abraham Purs- house Driver* shall die, or refuse to act or become incapable of acting as aforesaid, such future Vacancies shall be filled up in like Manner by the said King's Majesty, His Heirs and Successors, Lords of the said Manor, or by the Surveyor General, or the Person or Persons executing the Office of Surveyor General; and that if the said *John Trumper* shall die, or refuse to act or become incapable of acting as a Commissioner in the Execution of this Act, before all the Powers, Authorities, and Trusts aforesaid shall be fully executed and performed, it shall be lawful for the major Part in Value (to be ascertained by the Land Tax Assessment, whether such Land Tax shall have been redeemed or not) of the Proprietors of Lands within the said Manor (except the King's Majesty), or their respective known Agents or Attornies, present at a Meeting to be holden for that Purpose, (and which Meeting the said Commissioners or the surviving or remaining Commissioner are and is hereby required to call and convene as soon as may be after the Death, Refusal, or Incapacity of such last-mentioned Commissioner,) by Writing under their respective

Power to ap-
point new
Commis-
sioner in the
Room of
Mr. Driver.

Another
Commis-
sioner in the
Room of
Mr. Trumper.

Commissioners Nonattendance at Three successive Meetings to be deemed a Refusal to act. Vacancies to be filled up.

respective Hands, to nominate and appoint One other fit and proper Person (not interested) to be a Commissioner in the Place of the said *John Trumper*, provided that Fourteen Days Notice of such Meeting be given in the Churches of *Romford*, *Havering*, and *Hornchurch* aforesaid, or by Writing to be affixed upon the most public outer Doors of the said Churches, on a *Sunday* before or during Divine Service, and also published in the Newspaper called the *Chelmsford Chronicle*, or if the same shall not then be published, in some other Newspaper circulated in the said County of *Essex*, under the Hands of Ten or more of the said Proprietors; and if any Commissioner or Commissioners who shall be appointed in the Place of the said *John Trumper* shall die, refuse to act or become incapable of acting as aforesaid, such future Vacancies shall in like Manner be filled up by the major Part in Value of the said Proprietors, to be ascertained as aforesaid: Provided that if any Commissioners or Commissioner shall neglect to attend Three successive Meetings of the said Commissioners, unless prevented by Sickness, such Neglect shall be deemed and taken to be a Refusal to act in the Execution of this Act: Provided also, that if any of such Vacancies shall not be filled up, in manner herein-before directed, within the Space of Three Calendar Months next after the same shall respectively happen, it shall be lawful for the surviving or remaining Commissioner for the Time being, by Writing under his Hand, to nominate and appoint One other fit and proper Person (not interested in the Premises) to be a Commissioner for supplying such Vacancy, and so from Time to Time as often as there shall be Occasion; and every Person who shall be nominated and appointed a Commissioner in manner aforesaid shall have the like Powers and Authorities in the Execution of this and the said recited Act as if he had been originally appointed a Commissioner in and by this Act: Provided also, that every such Appointment of a new Commissioner be reduced into Writing, and annexed to the Award herein-after mentioned, and be deposited therewith.

Appointment of a new Umpire.

IV. And be it further enacted, That if the said *John Loxley*, or any Umpire to be appointed in his Stead as herein-after mentioned, shall, before the Execution of all the Powers and Authorities hereby vested in him, die, refuse to act or become incapable of acting in the Premises, then and in such Case One other Person (not interested in the said Inclosure) shall be appointed Umpire in the Stead of the said *John Loxley*, or such other Umpire so dying, refusing to act or becoming incapable of acting as aforesaid, by the said Commissioners, by Writing under their respective Hands, within Twenty-one Days after the said last-mentioned Death, Refusal or Incapacity to act as aforesaid shall be known to them; and every Appointment of an Umpire in pursuance of this Act shall be reduced into Writing, and signed by the Person or Persons making the same; and every Umpire to be appointed as aforesaid shall have the like Powers and Authorities as if he had been named an Umpire in pursuance of this Act.

Surveyor.

V. And be it further enacted, That *Henry Crawter* of *Cheshunt* in the County of *Hertford*, Land Surveyor, and *Edward Driver* of the *Kent Road* in the County of *Surry*, Gentleman, shall be the Surveyors for the Purposes of this Act; and if the said *Henry Crawter* and *Edward Driver*, or either of them, or any Person succeeding them or either of them, shall die, refuse or neglect to act to the Satisfaction of the said Commissioners, then

then and in such Case the Commissioners shall appoint another Person in his or their Stead.

VI. And be it further enacted, That no Person shall be capable of acting as an Umpire in the Execution of the Powers hereby given until he shall have taken and subscribed the Oath or Affirmation following; (*videlicet,*)

Umpire's
Oath.

I do swear [*or, being one of the People called Quakers, do solemnly affirm*], That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the several Trusts, Powers, and Authorities vested and reposed in me as an Umpire by virtue of an Act of Parliament passed in the Fifty-first Year of King George the Third, intituled [*set forth the Title of this Act*], according to Equity and good Conscience, and without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever.
' So help me GOD.'

Which Oath or Affirmation either of the said Commissioners is hereby empowered and required to administer; and the same being so taken and subscribed by such Umpire, and also the Appointment of any new Umpire, shall be written on Parchment, and annexed to and inrolled with the Award of the said Commissioners, and a Copy of the Inrolment thereof admitted as legal Evidence.

VII. And be it further enacted, That out of the Money which shall be raised for defraying the Expences of obtaining and executing this Act there shall be paid to each of the Commissioners and Umpire, as a Remuneration for his Pains and Trouble, the Sum of Three Pounds and Three Shillings, and no more, for each Day he shall be employed in travelling to, returning from, and employed at any Meeting or Meetings appointed to be held for carrying this and the said recited Act into execution; and that the said Commissioners and Umpire shall defray their travelling Expences, and also their own Expences at all Meetings to be held in pursuance of this Act; and every Proprietor and other Person interested in the Commons and Waste Grounds to be divided and inclosed by virtue of this Act shall at all such Meetings pay their own Expences.

Allowance
to Commis-
sioners.

Proprietors to
pay their own
Expences.

VIII. And be it further enacted, That the said Commissioners shall and they are hereby required to give or cause to be given public Notices in the Churches of *Romford, Havering, and Hornchurch* aforesaid (or otherwise in Writing on the principal Doors of the said Churches) of the Time and Place of their First and every other Meeting for executing the Powers hereby vested in them, on some *Sunday* before or during Divine Service, at least Ten Days before any such Meeting shall be held (Meetings by Adjournment excepted); and that the said Commissioners shall and may adjourn from Time to Time as they shall see Occasion for the further Execution of this Act; and in case the said Commissioners shall not meet at the Time and Place appointed for any Meeting, shall be adjourned it shall and may be lawful for either of the said Commissioners present at such Time and Place, or for their Clerk, whom they are hereby authorized to appoint, to adjourn the said Meeting to be held on a future Day, not exceeding Twenty-one Days from the Day of Adjournment, at the same or any other Place, and the said Commissioner making such Adjournment is hereby required to give Notice thereof to the absent Commissioner; provided that all Meetings of the said Commissioners for

Commission-
ers to give
Notice of
Meetings.

One Commis-
sioner may
adjourn.

putting this and the said before-mentioned Act into execution shall be holden in the Town of *Romford* aforesaid, or some other convenient Place within the said Manor.

Notice of other Meetings how to be given.

IX. Provided always, and be it enacted, That all Notices of Meetings required by the said mentioned Act to be given by the said Commissioners in a public Newspaper shall be so given by Advertisement in the *Chelmsford Chronicle*, or if the same shall not be then published, in some other Newspaper then published and circulated in the said County of *Essex*.

Differences to be settled by the Commissioners.

X. And be it further enacted, That if any Dispute or Difference shall arise between any of the Persons interested as aforesaid in the said intended Division and Inclosure, touching the Shares and Proportions which they or any of them shall claim upon such Division, or touching the Admeasurement, Valuation, or Situation of any Allotment, or in anywise relative to the said Division, Allotment, or Inclosure, then and so often it shall and may be lawful to and for the said Commissioners, and they are hereby required, by Examination of Witnesses upon Oath (which Oath the said Commissioners are hereby required and authorized to administer), and upon other Proof and sufficient Inquiry and Evidence, to hear, adjust, and determine the same, subject to the Directions and Regulations contained in the said before-mentioned Act of Parliament: Provided always, that nothing in this Act contained shall authorize the said Commissioners or Umpire to determine the Title to any Messuages, Cottages, Lands, Tenements, or Hereditaments whatsoever.

Possession not to be molested by Commissioners.

XI. Provided also, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioners to determine any Right between any Parties contrary to the Possession of any 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 so in Possession, they shall forbear to make any Determination thereupon until the Possession shall have been given up by such Person or Persons; or recovered from such Person or Persons by Ejectment or other due Course of Law.

Commissioners may award Costs.

XII. And be it further enacted, That in case the said Commissioners or Umpire, upon the Hearing or Determination of any Claim or Claims, Objection or Objections, Difference or Dispute which shall be brought before them under and by virtue of this or the said before-mentioned Act, shall see Cause to award any Costs or Charges to any of the Parties concerned therein, it shall and may be lawful for the said Commissioners or Umpire, 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 such Determination of the said Commissioners or Umpire shall be made by any Person or Persons whose Claim or Claims, Objection or Objections, shall or may by such Determination be disallowed or overruled, subject nevertheless to the Proviso or Condition herein-after contained.

Allowing the Parties to try their Rights by an Issue at Law.

XIII. And be it further enacted, That in case any Person or Persons interested or claiming to be interested in the said intended Division, Allotment, or Inclosure shall be dissatisfied with any Determination of the said Commissioners or Umpire, touching or concerning any Claim or Claims

Claims of any Right of Common or other Right or Interest in, over, or upon or in respect of the said Commons, Heaths, Wastes, Grounds, and Commonable Lands hereby directed to be divided, allotted, or inclosed; or any Part thereof, it shall and may be lawful for the Person or Persons so dissatisfied to proceed to a Trial at Law of the Matter determined by the said Commissioners or Umpire at the then next or at the following Assizes for the County of *Essex*; and for that Purpose the Person or Persons who shall be dissatisfied with the Determination of the said Commissioners or Umpire as aforesaid shall cause an Action to be brought or commenced upon a feigned Issue against the Person or Persons in whose Favour such Determination shall have been made, within Four Calendar Months next after such Determination of the said Commissioners or Umpire shall have been made known to such Person or Persons; and the Defendant or Defendants in such Action or Actions shall, and he, she, or they is and are hereby required to name an Attorney or Attornies, who shall appear thereto or file Common Bail, and accept One or more Issue or Issues, whereby such Claim or Claims, and the Right or Rights thereby insisted on or in dispute, may be tried and determined, such Issue or Issues, in case the Parties shall differ about the same, to be settled by the proper Officer of the Court in which the said Action or Actions shall be commenced; 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, then it shall and may be lawful for the Jury by whom such Issue or Issues shall be tried to find and declare the same by their Verdict, which shall be indorsed on the Postea, in addition to the Verdict given on the Issue or Issues joined; but nevertheless the Costs of such Actions shall abide and be determined by the Verdict given upon the Issue or Issues joined, as if no such Special Finding had been made; and the Verdict or Verdicts which shall be given in such Action or Actions upon the Issue or Issues therein joined, in case there shall be no such Special Finding and Indorsement, or such Special Finding or Indorsement, if any shall be made, shall be final, binding, and conclusive upon and to all and every Person and Persons whomsoever, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, or Finding and Indorsement, and order a new Trial or Trials to be had thereupon, which it shall be lawful for the Court to do, and also upon sufficient Cause shewn to put off the Trial of such Issue or Issues, as is usual in other Cases; and that after such Verdict or Verdicts, or Special Finding or Indorsement, shall be obtained, and not set aside by the Court, the said Commissioners and Umpire shall and they and he are and is hereby required to act in conformity thereto, and to allow or disallow the Claim or Claims, Right or Rights, or Interest or Interests thereby determined, according to such Verdict or Verdicts, or Finding and Indorsement, as aforesaid: Provided always, that the Determination of the said Commissioners or Umpire touching or concerning any other Matter or Thing relating to the said Division, Allotment, and Inclosure, which shall not be objected to, or being objected to, or in respect whereof the Party or Parties objecting shall not cause such Action at Law to be brought and proceeded in as aforesaid, shall be final, binding, and conclusive upon and to all Parties whatsoever.

Determina-
tion of Com-
missioners to
be final, if
not objected
to, or Action
brought.

XIV. Provided always, and be it further enacted, That in case the said Commissioners or Umpire shall in pursuance of this Act award any Costs

As to Costs in
certain Cases.

or

or Charges to be paid by any Person or Persons who shall afterwards cause any Action or Actions to be brought against the Person or Persons in whose Favour the said Commissioners or Umpire shall award such Costs as herein-before is mentioned, then and in every such Case the Payment of the Costs so awarded (if the same shall not have been previously paid) shall abide the Event of the Trial or Trials upon the said Action or Actions so to be brought; and if the said Costs shall have been paid before the said Action or Actions shall be brought, then, in case the Person or Persons who shall cause such Action or Actions to be afterwards brought shall obtain a Verdict or Verdicts therein, all the Costs which shall have been so awarded and paid as aforesaid shall be repaid to the Person or Persons having paid the same by the Person or Persons against whom the said Verdict or Verdicts shall be obtained in any such Action or Actions as aforesaid, subject nevertheless to the Orders and Directions of the Court or Courts in which such Action or Actions shall be brought, touching the same Costs.

If Parties die,
Proceedings
not to abate.

XV. And be it further enacted, That if any of the Parties in any Action or Actions to be brought in pursuance of this or the said before-mentioned Act shall die pending the same, such Action or Actions shall not abate by reason thereof, but shall be proceeded in as if such Event had not happened.

Case of Death
of Parties be-
fore Actions
brought.

XVI. Provided always, and be it further enacted, That if any Person or Persons in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought if living, shall die before any such Action or Actions shall be brought, and before the Expiration of the Time herein-before limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Bodies Politic or Corporate, who might have brought such Action or Actions against the Person or Persons so dying, to bring the same within the Time limited as aforesaid against the Person or Persons as if actually living, and to serve the Clerk of the said Commissioners with Process for commencing such Action or Actions in the same Manner as the Party or Parties might have been served therewith if living; and it shall thereupon be incumbent on the Heirs or other Person or Persons who shall claim the Benefit of such Determination as aforesaid to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein in the same Manner as if such Person or Persons had been actually living, and the Rights of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

For extin-
guishing or
suspending
Rights of
Common.

XVII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized, 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 Doors of the said Churches of *Hornchurch, Romford, and Havering*, to order and direct all or any Part of the Rights of Common in, over, or upon the said Commons and Waste Grounds, or any Part thereof, to be extinguished, or the Exercise thereof to be suspended for and during such Time as shall be expressed in such Writing; and that all such Rights of Common as the said Commissioners shall by such Writing order and direct to be extinguished, or the Exercise thereof

thereof to be suspended as aforesaid, shall from the Time of affixing such Writing on the said Church Doors cease, determine, and be extinguished, or the Exercise thereof suspended accordingly; any Law, Custom, or Usage to the contrary thereof notwithstanding.

XVIII. Provided always, and be it further enacted, That the said Commissioners shall and they are hereby authorized and required by Examination of Witnesses upon Oath or Affirmation (which Oath or Affirmation any One of such Commissioners is hereby empowered to administer), and by such other legal Ways and Means as they shall think proper, to enquire into the Boundaries of the said Manor, and of the said several Wards; and in case it shall appear to the said Commissioners that the Boundaries of the same respectively are not then sufficiently ascertained and distinguished, the said Commissioners shall and they are hereby authorized and required to ascertain, set out, determine, and fix the same respectively; and after the said Boundaries shall be so ascertained, set out, determined, and fixed, the same shall and are hereby declared to be the Boundaries of the said Manor and Wards: Provided always, that such Commissioners (before they proceed to ascertain and set out the Boundaries of the said Manor and Wards) shall and they are hereby required to give public Notice, by Writing under their Hands, to be affixed on the most public Doors of the Churches of the Parishes concerned, and also by Advertisement to be inserted in the *Chelmsford Chronicle*, or in such other Newspaper as aforesaid, and also by Writing to be delivered to or left at His Majesty's Land Revenue Office, and at the last or usual Places of the Abode of the respective Lords or Stewards of the Lords of the Manors of the adjoining Manor or Manors, Ten Days at least before the Time of setting out such Boundaries, of his or their Intention to ascertain, set out, determine, and fix the same respectively; and such Commissioners shall, within One Calendar Month after their ascertaining and setting out the same Boundaries, cause a Description thereof in Writing to be delivered to or left at the Places of Abode of One of the Churchwardens or Overseers of the Poor of the said respective Parishes and Wards, and also of such respective Lords or Stewards: Provided always, that if any Person or Persons interested in the Determination of the said Commissioners respecting the said Boundaries shall be dissatisfied with such Determination, such Person or Persons may appeal to the Justices of the Peace for the County of *Essex*, at their General Quarter Sessions, within Four Calendar Months next after the aforesaid Publication of the said Boundaries, by delivering or leaving such Description as aforesaid, the Party or Parties making such Appeal giving Eight Days Notice of such Appeal and of the Matter thereof in Writing to the Commissioners; and the Decision of the said Justices therein shall be final and conclusive, and shall not be removed or removeable by Certiorari or any other Writ or Process whatsoever into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

For ascertaining Boundaries of the Manor.

XIX. And be it further enacted, That it shall and may be lawful for the said Commissioners and Umpire, and they and he are and is hereby authorized and empowered, to divert or stop up any old Carriage Road, Driftway, Bridleway, or Footpath, public or private, leading between, through, and over any of the old Inclosures within the Manor; and the Soil of the Roads and Ways so to be stopped up shall be deemed and taken to be Part of the Lands and Grounds to be divided and

Power to stop Roads between or over old Inclosures.

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allotted

allotted by virtue of this Act; provided that no such Carriage Road, Driftway, Bridleway, or Footpath, passing or leading between, through, or over any of the old Inclosures in the said Manor, shall be stopped up without the Concurrence and Order of Two Justices of the Peace for the said Manor or Liberty of *Havering-atte-Bower*; and that every such Order shall be subject to an Appeal to the Justices of the Peace at their General Quarter Sessions for the County of *Essex*, as herein-after provided for.

Roads dividing Parishes.

XX. 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 either of the said Wards, comprized in the said Manor, 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 Forty-five Feet at the least.

Justices empowered to declare any of the Roads completed.

XXI. 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 Manor or Liberty of *Havering-atte-Bower*, 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 before-mentioned 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 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 Manor respectively 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 said Manor or Liberty next after the Date hereof be filed of Record by the Clerk of the Peace for the said Manor or Liberty of *Havering-atte-Bower*.

Power to widen and enlarge old Carriage Roads, &c. between or over old Inclosures.

XXII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners or Umpire, and they and he are and is hereby authorized and empowered, to widen and enlarge any old Carriage Road, Driftway, Bridleway, or Footpath, public or private, leading between, through, and over any of the old Inclosures within the said Manor, or any Part or Parts of such old Carriage Roads, Driftway, Bridleway, or Footpath, and for that Purpose to take, convert, and appropriate a sufficient Part or Parts of the Lands or Grounds adjoining on either Side to the Road, Driftway, Bridleway, or Footpath so to be widened or enlarged as aforesaid, making to the Proprietor or Owner, Proprietors or Owners of the Lands or Grounds which shall be taken, converted, or appropriated for that Purpose, so much and such Part or Parts, Allotment or Allotments of the Lands and Grounds hereby directed to be divided and allotted, or such Allowance or Allowances, or Equivalent in Money, by and out of the Monies herein-after directed to be raised for carrying this Act into execution, at the Discretion of the said Commissioners or Umpire, as in the Opinion of the said Commissioners or Umpire shall be a full Compensation for the

Part

Part or Parts of the said Lands or Grounds so taken, converted, or appropriated, and for all Loss, Costs, Charges, and Expences which the said Owners or Proprietors respectively shall or may incur or sustain by reason thereof, or by reason of the Destruction of any old Fence or Fences, or of making any new Fence or Fences, and also for the Price of all the Trees which shall or may be standing or growing upon the Part or Parts of the said Lands or Grounds so to be taken, converted, or appropriated as hereinbefore is mentioned: Provided nevertheless, that the Roads, Driftways, Bridleways, and Footpaths so to be widened and enlarged shall be subject to the same Regulations as are in the said before-mentioned Act and hereinbefore contained and referred to with respect to the Roads thereby and hereby directed to be set out or diverted; but nothing herein contained shall authorize the said Commissioners to take for the Purposes last aforesaid any Messuage or other Building erected before the passing of this Act, or any Garden, Orchard, Park, planted Walk, or Avenue to a House, without the Consent in Writing of the Owners and Occupiers thereof and Persons interested therein respectively.

XXIII. And be it further enacted, That all such Parts and Parcels of the said Commons, Heaths, Waste Grounds, and Commonable Lands hereinbefore directed to be divided, allotted, and inclosed as have been at any Time or Times granted unto and taken and inclosed by any Person or Persons whomsoever before the Period of Twenty Years before the passing of this Act, by and under the Authority of the Steward of the said Manor, together with the Jury of any Court or Courts holden for the said Manor, according to the Custom and Usage of the said Manor, shall be deemed and considered as old Inclosures; provided that nothing in this Act contained shall in anywise impeach or confirm the Title to any Inclosure or Allotment made under any Grant or Purchase from the Crown, or by the Authority of the Court, except as hereinbefore provided for.

Grants of more than Twenty Years standing to be considered as old Inclosures.

XXIV. Provided always, and be it further enacted, That no such Person or Persons who now are in possession of or claim a Right or Title to any Part or Parts, Parcel or Parcels of the Commons, Heaths, and Waste Grounds and Commonable Lands, or that were Part of the same, by or under the Authority of the Steward of the said Manor, together with the Jury of any Court or Courts Leet held for the said Manor for the Time being, according to the Custom of the said Manor, shall be entitled to any Share or Shares, Allotment or Allotments, in pursuance of this Act, to the aforesaid Commons, Heaths, Waste Grounds, and Commonable Lands, or any Part thereof, in right of such Grant or Grants so made in manner aforesaid; any thing in this Act contained to the contrary notwithstanding.

Lands held under Authority of the Steward not to have Allotments.

XXV. And be it further enacted, That the said Commissioners shall set out and allot such Part or Parts of the said Commons and Waste Grounds as they shall think fit to be used and enjoyed for ever thereafter by the Proprietors of Estates within the said Manor, for the Purposes of public Watering Places for Cattle, or of public Gravel Pits or Quarries for furnishing Materials for the Repair of Highways and private Roads, which now are or hereafter shall be within the said Manor; and shall also in their Award order and direct by whom and for what Purposes the Herbage or Pasture of the said Parts of the said Commons or Waste Grounds, to be set out for the Purposes aforesaid, shall be used or applied, but that the

Commissioners to set out public Watering Places and Gravel Pits.

Herbage of Roads, &c.

Soil

Soil thereof shall still continue vested in the King's most Excellent Majesty as Lord of the said Manor, or his Lessees for the Time being.

Roads not to be stocked for Seven Years.

XXVI. Provided always, and be it further enacted, That it shall not be lawful for any Person or Persons to graze or keep any Sheep or Cattle whatsoever in or upon the Roads or Ways to be set out by virtue of this Act, for the Space of Seven Years, to be computed from the Day on which the said Commissioners shall execute their Award.

Allotments to the Lord of the Manor.

XXVII. And be it further enacted, That the said Commissioners shall set out and allot unto the King's most Excellent Majesty, His Heirs and Successors, in right of His Crown, as Lord of the said Manor of *Havering-atte-Bower*, such Part or Parts of the said Commons, Heaths, Waste Grounds, and Commonable Lands hereby directed to be divided, allotted, and inclosed as shall contain and be equivalent (Quantity and Quality considered) to One Sixteenth Part or Share thereof, in lieu of and as a Compensation for his Right to the Soil of the rest of the said Commons, Heaths, Waste Grounds, and Commonable Lands within the said Manor.

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

XXVIII. 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 allotting the said Commons and Waste Grounds hereby directed to be divided and inclosed, and preparing and inrolling the Award herein-after mentioned, and all other the Charges and Expences whatsoever of or relating to the said intended Division and Inclosure, and carrying this and the said before-mentioned Act into execution; and to set or expose such Parcels and Quantities of the said Commons and Waste Grounds to public Sale by way of Auction or by private Contract, in case no Person or Persons shall bid an adequate Price in the Judgment of the said Commissioners for the Purchase thereof at such Auction or Auctions, (first causing at least Twenty-eight Days previous Notice to be given in the said Newspaper called the *Chelmsford Chronicle*, or if the same shall not then be published, in some other Newspaper to be printed and circulated in the said County of *Essex*, and also in Four other public Newspapers circulated in and near the City of *London*, of the Time and Place to be appointed for that Purpose,) in such Lots as they shall think proper, for the best Price and most Money that can be reasonably had or obtained for the same, and Ten Pounds *per Centum*, Part at least of the Money for which such Land shall be sold, shall, at the Time of such Sale, by the Purchaser or Purchasers, be deposited in the Hands of the said Commissioners, and the Remainder of the Purchase Money shall be paid to the said Commissioners within Three Calendar Months next after such Sale; or in default of such Payment, the Money deposited 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 by the said Commissioners conveyed and assured, by Indentures of Lease and Release or Bargain and Sale inrolled, unto and so as to be vested in Fee Simple in the Purchaser or Purchasers

or

or otherwise limited, as he or they shall direct, and shall be assigned to him, her, or them in and by any Writing to be by the said Commissioners executed previously to the said Award; and the Money arising from such Sale or Sales shall be paid and applied in discharging and satisfying all and every the Charges and Expences as aforesaid; and in case there shall be any Surplus the same shall be equally distributed amongst the several Persons interested in the said Commons and Waste Grounds, as herein-before is mentioned, 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 of all other Persons shall be applied by the said Commissioners in the Manner directed by the said before-mentioned Act, in case of a Sum of Money to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, and which Sum of Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the same Uses: Provided always, that in case the Money arising by Sale of such Allotment or Allotments aforesaid shall not be sufficient to defray all the Charges and Expences as aforesaid, then the Deficiency shall be made up by the several Persons entitled to Allotments in respect of their Right of Common, as herein-before is mentioned, and shall be paid in such Shares and Proportions, and within such Time or Times, and to such Person and Persons, as the said Commissioners shall direct, nominate, and appoint; and in case any Expences shall be incurred in the Execution of any of the Powers and Provisions of the said Act, which ought to be borne and defrayed by any particular Person or Persons, and not out 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 or Umpire shall direct, nominate, or appoint.

Surplus.

The Deficiency to be raised by the Proprietors.

XXIX. 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 ordered and directed to be paid by him, her, or them to the said Commissioners, or any other Person or Persons, at such Time or Times as he, she, or they shall be directed to pay the same, then and in every such Case the said Commissioners or Umpire shall and may, by Warrant or Warrants under their or his Hands and Seals or Hand and Seal, directed to any Person or Persons whomsoever, cause all and every such Sum and 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, rendering 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, Sale and Sales; or otherwise it shall be lawful for the said Commissioners or Umpire to enter into and upon the Lands to be allotted to such Person or Persons so neglecting or refusing to pay as aforesaid, and to receive the Rents and Profits thereof, until thereby or therewith such Sum or Sums of Money, and all Costs, Charges, and Expences occasioned by and attending such Entry upon and Perception of the Rents and Profits of the said Premises, shall be fully paid and satisfied, or may let and demise such Allotment or Allotments to any Person or Persons whomsoever, who shall pay to the said Commissioners such Sum and Sums of Money, Charges, and Expences, for such Term or Number of Years as the said Commissioners shall think sufficient to reimburse to such Person or Persons the

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

Money by him or them advanced respectively, not exceeding Twenty-one Years.

Money received by Commissioners to be deposited at Messrs. Hoare, &c.

XXX. Provided always, and be it further enacted, That all and every Sums and Sum of Money to be paid to the said Commissioners under or by virtue of this Act shall from Time to Time be by them the said Commissioners, immediately on receipt thereof, deposited in the Banking House of Messieurs *Hoare, Fleet Street, London*, or in the Hands of such other Banker or Bankers as shall be named or appointed by the major Part of the Persons interested or entitled as aforesaid at any Meeting to be for that Purpose convened in the Manner herein-before and in the herein-before mentioned Act directed, in the Names of the said Commissioners, for the Purposes of this Act.

Allotment of the Residue of the Commons.

XXXI. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to set out and allot the Residue and Remainder of all and every the said Commons, Heaths, Waste Grounds, and Commonable Lands unto, for, and amongst the King's most Excellent Majesty, the said Warden and Scholars, and the several Persons who at the Time of making such Allotments shall be entitled to Right of Common in and upon the said Commons, Heaths, Waste Grounds, and Commonable Lands hereby directed to be divided, allotted, and inclosed, according and in proportion to their several and respective Rights and Interests, but subject to the Rules, Orders, and Directions in this Act contained: Provided always, that it shall be lawful for the said Commissioners, at any Time before executing their final Award, to make any Alterations in the Allotments and Fences which they may have set out or ordered, or in the private Roads laid or to be laid over or to such Allotments, that they shall think right and expedient; and in case any Person or Persons be injured by such Alterations on account of any Expences he, she, or they may have been at, the said Commissioners shall ascertain and determine what Recompence shall be made to him, her, or them, and shall direct by whom and in what Manner such Recompence shall be made.

Fences to be guarded for Seven Years from being hurt by Cattle.

XXXII. And be it further enacted, That no Cattle, Sheep, or Lambs shall be kept on any of the Allotments to be made by virtue of this Act out of the said Commons and Waste Grounds during the Space of Seven Years next after the fencing of such Allotment or Allotments, unless the Person or Persons so keeping the same shall first, at his, her, or their own Expence, make and maintain a Fence sufficient to guard the young Quick Fences round such Allotments from being cropped, hurt, or damaged by such Cattle, Sheep, or Lambs, whether such Fences be planted or set by the Owners or Occupiers of such Allotments as aforesaid, or by the Owners or Occupiers of the Allotment or Allotments adjoining thereto.

Allowing Exchanges to be made.

XXXIII. And be it further enacted, That it shall and may be lawful for the said Commissioners to set out, allot, and award any Lands, Tenements, or Hereditaments whatsoever within the said Manor in lieu of and in exchange for any other Lands, Tenements, or Hereditaments whatsoever within the same Manor, 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 Owner or Owners, Proprietor or Proprietors

of the Lands, Tenements, or Hereditaments which shall be exchanged, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politic, Corporate, or Collegiate, or Tenant or Tenants in Fee Simple or for Life, or in Fee Tail, General or Special, or by the Courtesy of *England*; or for Years determinable on a Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Purposes, Husbands, Committees, or Attornies of or acting for any such Owners or Proprietors as aforesaid who at the Time of making such Exchange or Exchanges shall be respectively Infants, Females Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself, such Consent to be testified in Writing under the Common Seal of the Body Politic, Corporate, or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every such Exchange and Exchanges so to be made shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever; provided nevertheless, that no Exchange shall be made of any Lands, Tenements, or Hereditaments held in right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent, testified as aforesaid, of the Patron thereof, and of the Lord Bishop of the Diocese in which such Lands, Tenements, or Hereditaments so to be exchanged shall lie and be situate; saving however to the said Warden and Scholars and their Successors, in right of their peculiar Ecclesiastical Jurisdiction, the Power to make such Exchanges without the Consent of the said Lord Bishop.

XXXIV. Provided always, and be it further enacted, That all Costs, Charges, and Expences attending the making and completing of any Exchanges and Partitions to be made by virtue of this Act and of the said before-mentioned Act shall be paid and borne by the several Persons making such Exchanges and Partitions, in such Manner and in such Proportions as the said Commissioners shall order and direct.

Expences of Exchanges how to be paid.

XXXV. And be it further enacted, That it shall be lawful for the King's most Excellent Majesty, His Heirs and Successors, and for any Person or Persons who shall be entitled to any Allotment or Allotments under or by virtue of this Act, to give, grant, bargain, sell, demise, mortgage, convey, assure, and dispose of the same at any Time before the passing of the Award of the said Commissioners; and every such Gift, Grant, Bargain, Sale, Demise, Conveyance, and Disposition thereof shall be of the same Validity as if made after the Execution of the said Award; and it shall also be lawful for any of the Owners or Proprietors of any Common Right upon the Lands and Grounds hereby directed to be divided and allotted to sell and dispose of the same, and of 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 entitled to the same, before the Execution of the said Award, in such Manner as he or she might have done at any Time after the Execution thereof; and it shall be lawful for the said Commissioners, and they are hereby authorized, to award all and every such Allotment or Allotments as 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 virtue of any such Sale or Disposition.

Proprietors may sell their Allotments before the Execution of the Award, &c. their Rights of Common separately from their other Property.

XXXVI. And

No Person
shall dig
Sods.

XXXVI. And be it further enacted, That from and after the passing of this Act no Person shall pare, dig, or take away any 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 Ten Pounds for every such Offence, the same to be recovered and levied by the said Commissioners, and applied in defraying the Expences of carrying this and the said before-mentioned Act into execution.

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

XXXVII. Provided always, and be it further enacted, That nothing in this Act contained shall be construed to revoke, make void, alter, or annul any Deed, Will, Lease, or Settlement, or prejudice any Person having or claiming any Jointure, Dower, Portion, Term, Interest, Debt, or Incumbrance out of, in, upon, or affecting any of the Lands and Grounds intended to be divided and inclosed, or any Messuages or Hereditaments to be exchanged, in pursuance of this or of the said before-mentioned Act, except Leases at Rack Rent, as herein-after mentioned; but that the several Lands, Tenements, and Hereditaments which shall be respectively allotted or exchanged by virtue of this Act shall, upon the Allotment or Exchange thereof respectively, become and be of the same Tenure, and be held under the same Rents and Services, and go and remain to the same Persons, for the same Estates and Interests, and to the same Uses, upon the same Trusts, and to and for the same Intents and Purposes, and be under and subject to the same Powers, Provisoos, Limitations, Conditions, Covenants, Agreements, Debts, Charges, Incumbrances, and Provisions of every Kind, and in the same Manner, as the Hereditaments in respect of or in exchange for which such Allotment or Allotments shall be made respectively would belong, or stand or be limited for, or upon, or subject unto, if such Allotment or Exchange thereof had not been made, or this Act had not been passed, except as to such Leases or Agreements at Rack Rent as shall be determined under this Act, or where any other Provisions of this Act shall be to the contrary.

Leases at
Rack Rent
to be void.

XXXVIII. And be it further enacted, That all and every Lease and Leases upon Rack Rent now subsisting, so far as the same shall comprise or concern all or any Right or Interest in any of the said Commons and Waste Grounds hereby directed to be divided and inclosed, or of Messuages, Lands, and Hereditaments, by virtue of this Act or the said before-mentioned Act, to be exchanged as aforesaid, and all other Agreements for any Term or Terms of Years at Rack Rent, or from Year to Year, or at Will, shall, upon such Day as the said Commissioners shall by Writing under their Hands direct, determine and be utterly void; the respective Owners and Proprietors of the said Lands and Grounds so directed to be inclosed, or which shall be exchanged as aforesaid, who have made or granted any such Lease or Leases, Agreement or Agreements, making such Satisfaction to such Lessee or Lessees, Tenant or Tenants, as the said respective Owners and Proprietors, and their Lessee or Lessees, Tenant or Tenants, shall agree upon, or as the said Commissioners shall direct or appoint to be paid to such Lessee or Lessees, Tenant or Tenants, on account thereof, or as an Equivalent for the Loss or Losses he, she, or they shall respectively suffer on account of the Determination of the same: Provided always, that if there shall be any Lease of Lands, Part of which shall lie within the said Manor of *Havering*, and
Part

Part in any adjoining Parish or Place, all and every such Lease and Leases upon Rack Rent now subsisting may be vacated in like Manner or not, at the Option of the Lessee or Lessees; but where any Lands shall have been taken in exchange, which Land shall be under Lease, and wholly situate in an adjoining Parish or Place, the Lease of such last-mentioned Land shall not be vacated: Provided always, that nothing herein contained shall extend or be construed to extend to avoid or affect any Agreement already made between Landlord and Tenant in contemplation of an Inclosure or Division of the said Commons and Waste Grounds, or relating thereto: Provided also, that nothing herein contained shall extend to make void any Lease or Leases of the present inclosed Lands or Hereditaments, or any Part or Parts of the Lands or Grounds by this Act directed to be divided, allotted, and inclosed, upon the making or Renewal whereof any Fine or Fines hath or have been paid.

Not to extend to Leases where Fine has been paid.

XXXIX. And be it further enacted, That in all Cases where an Allotment or Allotments of any Part of the said Commons and Waste Grounds shall be made for and in respect of the Rights and Interests belonging to any Person or Persons for or in respect of any Lands, Tenements, or Hereditaments within the said Manor, which are held by any Tenants or Occupiers for a Term of Years by virtue of any Lease or Agreements thereof made, and if such Tenants or Occupiers do not or shall not come to an Agreement with the Person or Persons to whom such Allotments shall be made, for the Use, Occupation, and Enjoyment thereof, such Tenants or Occupiers shall not be entitled to enter upon, occupy, or hold the said Allotment or Allotments, but shall nevertheless have and receive from the respective Owners or Proprietors thereof such an Abatement from the yearly Rent or Rents reserved and made payable by such Lease or Leases, Agreement or Agreements, for the Remainder of the Term or Terms then to come therein, as the said Commissioners shall adjudge to be a reasonable Compensation for the Loss which he or they shall sustain thereby.

Abatement to be allowed for Lessee's Loss of Rights.

XL. And be it further enacted, That the Allotments to be made for or in respect of the said Manor, or of any Messuages and Lands held and enjoyed under a Lease or Leases for Lives or Years under the King's most Excellent Majesty, shall be allotted and made to His Majesty, but the said Commissioners shall specify and ascertain, in and by their Award, the several and respective Allotments by them to be made for or in respect of the said Manor, and of each and every such Messuages and Lands, and the Person or Persons who as Lessee or Lessees shall, at the Time of making such respective Allotments, severally and respectively hold the same Leasehold Messuages and Lands; and that each and every of the Allotment or Allotments to be made in respect of such Leasehold Estates respectively shall, notwithstanding the same shall be allotted to His Majesty, be held and enjoyed by the respective Lessee and Lessees of such Leasehold Estates for and during the Residue of the respective Terms for which such Lessee or Lessees is or are so entitled to hold the said Leasehold Estates under any Lease or Leases then in being, for the same Terms, and subject to the same Covenants, Conditions, and Agreements contained in such respective Leases, on the Part of such respective Lessees, as if such Allotments respectively had been originally granted or demised by such Lease or Leases respectively.

Allotments in respect of Leasehold Estates under the Crown or New College, Oxford, to be held by the Lessee.

Allotments of
Warden and
Scholars for
Lands in
Lease.

XLI. Provided always, and be it further enacted, That each and every of the Allotments to be made for and in respect of any Messuages, Lands, Tenements, or Hereditaments holden by a Lease or Leases for any Term or Terms for Years under the said Warden and Scholars, shall be allotted and made to the said Warden and Scholars and their Successors; but that the said Commissioners shall ascertain and specify, in and by their Award, the several and respective Allotments by them made for or in respect of each and every of the said Messuages, Lands, Tenements, and Hereditaments; and that each and every of the Allotments so made to the said Warden and Scholars shall nevertheless be respectively holden and enjoyed by the respective Lessee or Lessees of such Leasehold Estates for the Remainder of the Term or Terms of their several Leases, subject however to the Covenants contained respectively in such Lease or Leases.

Expences of
Warden and
Scholars.

XLII. And be it further enacted, That the Proportion of the Charges and Expences of obtaining and executing this Act, in respect of the Allotment or Allotments to be made to the said Warden and Scholars in right of any Messuages, Lands, Tenements, or Hereditaments by Lease or Leases so holden under them, and also the Expences of the outward Fencing of such Allotment or Allotments, and also of such interior or subdivision Fences thereof as the said Commissioners shall think necessary, shall be wholly paid, borne, and defrayed by the respective Persons, who at the Time of such Allotments being made, shall hold respectively such Lease or Leases, in such Manner, Share or Shares, as the said Commissioners shall in and by their said Award order and direct.

For fencing
the Allot-
ment.

XLIII. And be it further enacted, That all and every the said several Allotments to be made to the King's most Excellent Majesty in pursuance of this Act shall be inclosed and fenced by the King's Majesty, His Heirs or Successors, or such Lessee as aforesaid, or the Expence thereof shall be borne in such Proportions, and by such other Person or Persons interested in the same Allotments respectively, in such Manner, and within such Time or Times, as the said Commissioners shall, either before or in and by their said Award to be made as aforesaid, order, direct, or appoint; and such Fences shall at all Times thereafter be repaired and maintained by such Person or Persons and in such Manner as the said Commissioners shall direct or appoint in and by any Writing under their Hands, or in and by their said Award, or shall otherwise be fenced and inclosed in the Manner and according to the Directions contained in the said before-mentioned Act.

For fencing
Allotments to
the Reverend
Henry Ward,
as Incumbent
of the Cha-
pelry of Ha-
vering.

XLIV. And be it further enacted, That the said Commissioners shall and they are hereby required to cause the Allotment which shall be set out for the Reverend *Henry Ward*, as Incumbent of the Chapelry of *Havering-atte-Bower* aforesaid, for and in respect of the said Right of Common belonging to him as such Incumbent as aforesaid, to be inclosed and ring-fenced with Ditches and Quickset Fences, properly guarded with good Posts and Rails; and that the whole Expence of making the same (except on such Parts as the said Commissioners shall order and direct to be fenced by some other Proprietor or Proprietors) shall be deemed and considered as Part of the Expences of carrying this and the said recited Act into execution, and be borne and defrayed accordingly.

XLV. And

XLV. And be it further enacted, That the Award of the said Commissioners shall be made and executed within the Period of Three Years from the passing of this Act; and after the same shall have been inrolled in One of His Majesty's Courts of Record at *Westminster*, in the Manner in the said before-mentioned Act mentioned, shall, together with the Maps annexed thereto, and all other Documents relating to the same, be deposited with the Clerk of the Peace for the said Manor and Liberty of *Havering-atte-Bower*, subject to such Right of Inspection, and having Copies or Extracts, as in and by the said before-mentioned Act is directed touching the Inrolment thereof.

For depositing the Award.

XLVI. 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 said Commissioners of His Majesty's Woods, Forests, and Land Revenues, or to the said Surveyor General, within Three Calendar Months after the making and executing their 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.

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

XLVII. And be it further enacted, That the Accounts of the said Commissioners for the Time being, containing a true Statement of all Sums by them received or 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 Accounts shall be finally allowed, together with the Vouchers relating thereto, be examined by Two of His Majesty's Justices of the Peace for the aforesaid Liberty and Manor in the said Inclosure, and the Balance by them stated in the Book of Accounts to be kept in the Office of the Clerk to the said Commissioners; and that no Charge or Item in such Accounts shall be binding on the Parties concerned, or be valid in Law, unless the same shall be allowed by such Justices.

Auditor of the Commissioners Accounts.

XLVIII. And be it further enacted, That if any Person or Persons shall advance any Sum or Sums of Money for defraying the Expences of obtaining and passing this Act, or of carrying the same into execution, every such Person shall be repaid the same, with Interest at the Rate of Five Pounds *per Centum per Annum*, out of the first Monies that shall be raised or received by the said Commissioners by virtue of this Act for defraying such Expences.

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

XLIX. Provided always, and be it further enacted, That the Powers and Authorities by the said recited Act directed to be exercised by Justices of the Peace, so far as the same may affect the Lands and Grounds within the said Manor of *Havering*, and are not altered by this Act, shall and they are hereby required to be exercised by the Magistrates acting in and for the said Manor and Liberty, subject to such Appeal as hereby provided.

Justices may act within the Manor of Havering.

L. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any thing done in pursuance of this or the said recited Act, (other than and except such Orders, Directions, and Determinations of the said Commissioners which are therein or herein

Appeal.

herein declared to be final, binding, and conclusive, and except in Cases where an Issue at Law may be tried as herein-before mentioned) such Person or Persons may appeal to any General Quarter Sessions of the Peace which shall be held for the said County of *Essex* within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioners and to the Party or Parties concerned Twenty-one Days Notice of such Appeal and of the Matter thereof; and the said Justices in the said General Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and to make such Order, and award such Costs and Damages to the Party appealing or appealed against, as to them in their Discretion shall seem reasonable, and levy by their Order or Warrant the Damages and 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 any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

Saving certain Rights of the Inhabitants.

LI. Provided always, and be it further enacted, That nothing in this Act contained shall be construed, deemed, or taken to alter, vary, diminish, lessen, impeach, or determine the Rights, Privilege, and Advantages given to the Tenants and Inhabitants of the said Manor by the aforesaid recited Charter of His late Majesty King *Edward* the Fourth, and the several Confirmations thereof, except for the Purpose of carrying this Act and the said recited Act into execution.

General Saving.

LII. Saving always to the King's most Excellent Majesty, and to all and every other Person and Persons, Bodies Politic and Corporate, his Heirs or Successors, Executors, and Administrators, (other than the King's most Excellent Majesty, and all and every the Person and Persons meant and intended to be barred by this Act, and so far only as they are intended to be barred by this Act, and his, her, and their Heirs, Successors, Executors, and Administrators respectively,) all such Right, Title, and Interest as they, every or any of them, had and enjoyed of, in, to, or out of the Commons and Waste Grounds so directed to be divided, inclosed, and set out as aforesaid before the passing of this Act, or could or might have had and enjoyed in case this Act had not been made.

Act to be printed by the King's Printer.

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

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the King's most Excellent Majesty. 1833.