



ANNO QUINQUAGESIMO PRIMO

# GEORGI III. REGIS.

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## *Cap. 23.*

An Act for inclosing Lands in the Parish of *Finchley*  
in the County of *Middlesex*. [4th April 1811.]

**W**HEREAS there are in the Parish of *Finchley* in the County of *Middlesex* divers Commons and Waste Lands, containing together by Estimation Nine hundred Acres or thereabouts: And whereas the Right Reverend Father in God *John*, by Divine Permission, Lord Bishop of *London*, in right of his See, is Lord of the Manor of *Finchley* in the Parish of *Finchley* aforesaid, and as such is entitled to the Soil of the Commons and Waste Lands within the said Manor: And whereas *Thomas Allen* Esquire is Lord of the Manor of *Bibsworth*, within the said Parish of *Finchley*, as held by him of the said Lord Bishop of *London*, and as such is entitled to the Soil of the Commons and Waste Lands within the said Manor of *Bibsworth*: And whereas the said Lord Bishop of *London* is Patron of the Rectory and Parish Church of *Finchley* aforesaid; and the Reverend *Ralph Worsley* is the present Rector thereof, and as such is entitled to all Tithes arising and payable from, out of, and in respect of the said Commons and Waste Lands, and is also entitled to certain Rights of Common in, over, and upon the same: And whereas the Dean and Chapter of *Saint Paul* are Lords of the Manor of *Friern*  
[*Loc. & Per.*] 4 Z *Barnet,*

*Barnet*, adjoining the said Manor of *Finchley*, and as such are entitled to the Soil of the Commons and Waste Lands within the said Manor of *Friern Barnet*: And whereas the Tenants of the said Manor, both Freeholders and Copyholders, and the Owners and Proprietors of Lands within *Friern Barnet*, as well as the said Lords, claim certain Rights, as well of Common of Pasture as otherwise, in, over, and upon the said Common and Waste Lands called *Finchley Common*, within the Parish of *Finchley*: And whereas the said Dean and Chapter of *Saint Paul* are Patrons of the Rectory of the Parish of *Friern Barnet* aforesaid, and the Reverend *John Jefferys* is Rector of the same Parish: And whereas the Right Honourable *William* Earl of *Mansfield*, the said Lord Bishop of *London*, *Thomas Allen*, and others, are the Owners and Proprietors of divers inclosed Lands, Tenements, and Hereditaments within the said Parish of *Finchley*, in respect whereof they are entitled to Rights of Common of Pasture and other Rights in, over, and upon the said Commons and Waste 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 the said Commons and Waste Lands are, in their present State, incapable of any considerable Improvement, and the same if divided and inclosed might be greatly improved: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Thomas Bainbridge* of *Guildford Street* in the County of *Middlesex*, Gentleman, *Thomas Chapman* of the *Middle Temple*, *London*, Gentleman, and *John Claridge* of *Pall Mall* in the County of *Middlesex*, Gentleman, and their Successors, to be elected in manner herein-after mentioned, shall be and they are hereby appointed Commissioners for dividing, allotting, and inclosing the said Commons and Waste Lands, and for putting this Act in execution, in the Manner and subject to the Rules, Orders, and Directions herein-after mentioned, and with such of the Powers and Directions contained in the Act herein-before referred to as are not altered, varied, or otherwise provided for in and by this Act; and that all Powers, Authorities, Directions, Acts, Matters, and Things hereby vested in them, or authorized or directed to be done and executed by or before the said Commissioners, may be done and executed by or before any Two of them, and the same shall be as valid and effectual as if done and executed by or before all the said Commissioners.

Commissioners appointed.

Two Commissioners may act.

Appointment of new Commissioners.

II. And be it further enacted, That if any of the Commissioners appointed by this Act, or who shall be elected in manner herein-after mentioned, shall, before the Execution of all the Powers and Authorities hereby in them respectively vested, die, decline or refuse to act, or become incapable of acting, a new Commissioner, in the Room of every such Commissioner so dying, declining or refusing to act, or becoming incapable of acting, shall be elected in manner following; (that is to say,) if the said *Thomas Bainbridge* shall die, decline or refuse to act, or become incapable of acting, it shall be lawful for the said Lord Bishop of *London*

or the Lord of the said Manor of *Finchley*, or his Agent or Attorney, by Writing under his Hand, to appoint a Commissioner (not interested in the said Division and Inclosure) in the Room of the said *Thomas Bainbridge*, and so from Time to Time as often as any Commissioner so to be appointed as last aforesaid shall die, decline or refuse to act, or become incapable of acting; and that in case the said *Thomas Chapman* shall die, decline or refuse to act, or become incapable of acting, it shall be lawful for the said *Ralph Worsley*, or the Rector of the said Parish of *Finchley* for the Time being, by Writing under his Hand, to appoint a Commissioner (not interested in the said Division and Inclosure) in the Room of the said *Thomas Chapman*, and so from Time to Time as often as any Commissioner so to be appointed as last aforesaid shall die, decline or refuse to act, or become incapable of acting; and that in case the said *John Claridge* shall die, decline or refuse to act, or become incapable of acting, it shall be lawful for the Majority in Value (such Value to be ascertained by the Land Tax Assessment) of the Proprietors and Persons interested in the Lands and Grounds directed by this Act to be divided and inclosed, or their known Agents or Attornies, (except the said Lord Bishop of *London* or the Lord of the said Manor of *Finchley* for the Time being, and the said *Ralph Worsley*, or the Rector of the Parish of *Finchley* for the Time being,) who shall be present at a public Meeting to be held for that Purpose in the Parish of *Finchley* aforesaid, in pursuance of a Notice to be given by Writing to be affixed upon the Door of the said Church of *Finchley* at least Fourteen Days before such Meeting shall be held, by Writing under their Hands, to appoint a Commissioner (not interested in the said Division and Inclosure) in the Room of the said *John Claridge*, and so from Time to Time as often as any Commissioner so to be appointed by such last-mentioned Proprietors shall die, decline or refuse to act, or become incapable of acting; and in case the said respective Parties or any of them shall make Default in appointing any such new Commissioner within Two Calendar Months after the Death of any Commissioner, or after his declining or refusing to act, or becoming incapable of acting, shall be known, then the surviving or remaining Commissioners or Commissioner shall and they and he are and is hereby required from Time to Time, by Writing under their or his Hands or Hand, within One Calendar Month after the Expiration of the said Two Calendar Months allowed to the respective Parties for appointing such new Commissioner or Commissioners as aforesaid, to appoint a Commissioner (not interested in the said Division and Inclosure) in the Room of every Commissioner so dying, declining or refusing to act, or becoming incapable of acting as aforesaid; and every Commissioner so to be appointed as aforesaid shall have the like Power and Authority as the Commissioner in whose Place he shall be appointed was invested with by virtue of this Act.

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

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Surveys of old inclosed Lands not to be made unless specially directed by the Commissioners.

IV. Provided always, and be it further enacted, That nothing in the said Act herein-before referred to or this Act contained shall extend to require the said Commissioners or any Surveyor to be appointed by the said Commissioners to make or cause to be made any Survey, Admeasurement, or Plan of any of the ancient inclosed Lands or Grounds within the said Parish, unless the said Commissioners shall deem such Survey, Admeasurement, or Plan necessary or expedient for the Purposes of the said Act herein-before referred to, or of this Act.

Surveys of old Inclosures to be made at the Expence of the Parties who fail to produce satisfactory Plans to the Commissioners.

V. Provided also, and be it further enacted, That in all Cases where any Map or Survey shall be produced to the said Commissioners which shall appear to be incorrect, or shall not be satisfactory to the said Commissioners, or in case any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, claiming any Allotment or Allotments in and upon the said Commons and Waste Lands, shall neglect or refuse to produce to the said Commissioners, within Twenty-eight Days next after Notice to him, her, or them for that Purpose given, sufficient and satisfactory Maps, Surveys, or Admeasurements of his, her, or their respective ancient inclosed Lands in respect whereof he, she, or they shall claim to be entitled to any Allotment or Allotments under this Act and the said Act herein-before referred to, then and in either of such Cases it shall be lawful for the said Commissioners and they are hereby required to make and take, or cause to be made and taken by their said Surveyor, Maps, Surveys, or Admeasurements of all such ancient inclosed Lands whereof no satisfactory Maps, Surveys, or Admeasurements shall be produced to them as aforesaid; and the Costs and Expences of such Surveys, Maps, or Admeasurements shall be borne and defrayed by the respective Owners of such ancient inclosed Lands, and be paid by them within Twenty-eight Days next after Demand thereof made; and in default of such Payment within the Time aforesaid the said Commissioners shall and they are hereby required to rate, charge, and assess the Owners of such ancient inclosed Lands with the Amount thereof, and the same shall be thereby effectually charged on such ancient inclosed Lands, and shall be recoverable in such and the like Manner as the Rate hereby directed or authorized to be made in the Event herein-after for that Purpose mentioned is directed to be recovered.

Allowance to Commissioners.

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

Surveyor and Clerk.

in the Execution of this Act as the said Commissioners shall think just and reasonable.

VII. And be it further enacted, That the said Commissioners shall cause Notice to be given in the Parish Church of *Finchley* aforesaid, on some *Sunday* immediately after Divine Service, or in Writing to be affixed upon the outer Door of the said Church, and in such other Manner as they may think fit, of the Time and Place of their first and every other Attendance or Meeting for the Execution of this Act, or of the Powers contained in the said Act herein-before referred to, at least Ten Days before any such Attendance or Meeting (Meetings by Adjournment only excepted); and the said Commissioners shall and may adjourn their Attendances or Meetings from Time to Time as they shall see Occasion, for the further Execution of this Act.

Notice of Meetings.

Adjournment of Meetings.

VIII. Provided always, and be it further enacted, That all other Notices necessary or requisite to be given by the said Commissioners in pursuance of this Act shall be given by Advertisement to be inserted in the *County Chronicle*, or in some other Newspaper circulated in the said County of *Middlesex*: Provided also, that all Meetings of the said Commissioners for executing this Act shall be held at some convenient Place in the Parish of *Finchley* aforesaid, or within the Distance of Eight Miles from the Boundaries thereof.

How other Notices are to be given.

Meetings to be within Eight Miles of the Parish.

IX. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said Commons and Waste Lands, touching or concerning the respective Rights and Interests which they or any of them shall have or claim to have in the same, or touching or concerning any Allotment or Compensation to be made in lieu thereof, or touching or concerning any other Matter or Thing relating to the Division or Allotment hereby directed to be made, it shall be lawful for the said Commissioners, and they are hereby authorized and required, to examine into, hear, and determine the same: Provided always, that nothing in this Act contained shall authorize the said Commissioners to determine the Title to any Lands, Tenements, or Hereditaments whatsoever.

Commissioners to determine Differences;

but not to determine Titles.

X. And be it further enacted, That in case the said Commissioners shall, upon the Hearing or Determination of any Claim or Claims or Objection or Objections to be delivered to them in pursuance of this Act or the said Act herein-before referred to, 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 shall be made by the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, whose Claim or Claims or Objection or Objections shall be thereby disallowed or over-ruled; and in case the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, 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

Power to assess Costs.

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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, Body or Bodies Politic, Corporate, or Collegiate, so neglecting or refusing to pay the same, rendering the Overplus (if any), upon Demand, to the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Allowing Parties to try their Rights at Law.

XI. Provided always, and be it further enacted, That in case any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, interested or claiming to be interested in the said Commons and Waste Lands, shall be dissatisfied with any Determination of the said Commissioners touching or concerning the respective Rights and Interests which they or any of them shall have or claim to have in the said Commons and Waste Lands, it shall be lawful for the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, so dissatisfied, to proceed to a Trial at Law in any of His Majesty's Courts of Record at *Westminster*, of the Matter so determined by the said Commissioners, at any Sittings to be holden for the County of *Middlesex*, within the Space of Twelve Calendar Months next ensuing such Determination; and for that Purpose the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who shall be dissatisfied with the Determination of the said Commissioners, shall, within Three Calendar Months next after such Determination, cause an Action to be brought upon a feigned Issue against the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, in whose Favour such Determination shall have been made; 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 and more Issue or Issues, whereby the Claim or Claims and the Right or Rights thereby insisted on may be tried and determined (such Issue or Issues to be settled by the proper Officer of the Court in which such Action or Actions shall be commenced, in case the Parties differ about the same); and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding, and conclusive upon all and every Person and Persons whomsoever, Body or Bodies Politic, Corporate, or Collegiate, unless the Court in which such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall be lawful for the Court to do as is usual in other Cases; and after such Verdict or Verdicts shall be given, and final Judgment obtained thereon, the said Commissioners shall and they are hereby required to act in conformity thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials: Provided always, that the Determination of the said Commissioners touching such Rights or Interests in, over, or upon the said Commons and Waste Lands, which shall not be objected to, or which being objected to the Party or Parties objecting not causing such Action at Law to be brought and proceeded in as herein-before directed, shall be final and conclusive upon all Parties: Provided also, that before any Trial shall be had, the

Commissioners Determination, not objected to, to be final.

Party or Parties desiring the same shall give Fourteen Days Notice of Trial in Writing to the said Commissioners of his, her, or their Desire to proceed to such Trial; and in case such Notice as aforesaid shall be given, no Part of the said Commons and Waste Lands shall be divided and allotted until after such Trial be had and final Judgment obtained thereon.

Notice to be given of Trial, and Allotments suspended.

XII. And be it further enacted, That if any or either of the Parties in any Action to be brought in pursuance of this Act shall die pending the same, such Action shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened.

Suits not to abate on the Death of the Parties.

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

In Cases of Death of Parties before Actions brought, the same to be carried on and defended in their Names.

XIV. 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 as herein-after particularly mentioned); but in case the said Commissioners shall be of Opinion against the Right of the Person or Persons so in Possession, they shall forbear to make any Determination thereupon until the Possession shall have been taken from such Person or Persons by Ejectment or other due Course of Law.

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

XV. And be it further enacted, That in case any public Carriage Roads or Highways, to be set out under the Powers and Provisions of this Act or the said Act herein-before referred to, shall be set out and continued in any Situation or Direction where the said Parish of *Finchley* is divided from any adjoining Parish or Place, and where there now is or usually hath been a public Road or Meerway, and such adjoining Parish or Place hath hitherto been charged or liable to be charged with One Half Part of the Repairs and Support of the said Road or Meerway, then and in such Case the said Commissioners shall and they are hereby authorized and required to set out so many Feet only, or so much Land from and out of the said Commons and Waste Lands hereby directed to be divided and inclosed,

Roads dividing Parishes or Places to be made up in the whole Forty Feet broad.

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as will enlarge the Breadth of such Road or Way to Forty Feet at the least.

Commissioners may alter Roads through ancient Inclosures.

XVI. And be it further enacted, That in case it shall appear to the said Commissioners that there are or is any public Highways or Highway, Bridleroads or Bridleroad, Footways or Footway, in, through, over, or on the Sides of any of the old inclosed Lands or other Lands within the said Parish, which may in their Judgment be diverted or turned, without Inconvenience to the Public, into any other public Highways or Highway, Bridleroads or Bridleroad, Footways or Footway, or be diverted or turned so as to make the same more convenient to the Public, or be stopped up and destroyed as superfluous and unnecessary, it shall be lawful for them, with the Concurrence and Order of Two Justices of the Peace acting in and for the said County of *Middlesex* (not being interested in the said Inclosure), and in manner and subject to Appeal as in this or the said Act herein-before referred to is mentioned, in and by their Award to order and direct such public Highways or Highway, Bridleroads or Bridleroad, Footways or Footway, to be altered, turned, stopped up, or discontinued, in such Manner as the said Commissioners shall think proper.

Roads not to be depastured for Nine Years.

XVII. And be it further enacted, That no Person or Persons whomsoever shall, within the Period of Nine Years from the passing of this Act, permit any Sort of Cattle, Sheep, Lambs, Goats, or Swine to graze in any Highway, Lane, or Passage which the said Commissioners shall order or direct to be laned off or fenced on both Sides, nor lay any Dung, Manure, Soil, or Compost in or upon the same; and any Occupier or Proprietor of Lands within the said Parish of *Finchley*, and his, her, their, and any of their Servants and Labourers, are hereby empowered to take and impound all such Cattle, Sheep, Lambs, Goats, or Swine so found grazing as aforesaid.

To prevent cutting of Turf.

XVIII. And be it further enacted, That if any Person or Persons, after the passing of this Act, and before the Allotments to be made in pursuance of this Act shall be set out, shall cut, dig, take, pare, grave, or carry away any Land, Soil, Earth, Turf, Sand, or Sods, in, upon, or from the said Commons or Waste Lands or any Part thereof, without the Licence of the said Commissioners first had and obtained in Writing for that Purpose, which Licence the said Commissioners are hereby empowered to grant, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered in the same Manner as any Penalty may be levied and recovered by the said Act herein-before referred to; and no Person shall be precluded from giving Evidence of such Offence, by reason of his or her being a Proprietor or Occupier of Lands within or an Inhabitant of the Parish of *Finchley* aforesaid; one Moiety of which Penalty or Penalties shall go and be paid to the Informer or Informers, and the other Moiety thereof shall be paid to the Overseers of the Poor of the said Parish, for the Benefit of such Poor.

Commissioners to make Drains.

XIX. And be it further enacted, That the said Commissioners shall and may scour out, deepen, widen, amend, and repair all such ancient  
Ditches,



Ditches, Drains, Watercourses, Banks, Sluices, Staunches, Tunnels, and Bridges in the said Parish of *Finchley*, and also shall and may make or cause to be made such new Ditches, Drains, Watercourses, Banks, Sluices, Staunches, Tunnels, and Bridges, and other Requisites, as well in, through, over, and across the said Commons and Waste Lands hereby directed to be divided and inclosed, as also in, over, and through any ancient Inclosures, or other Lands or Grounds within the said Parish of *Finchley*, as shall be necessary and proper, making reasonable Satisfaction to all and every Person and Persons who may sustain any Damage thereby, of such Dimensions and in such Directions respectively as the said Commissioners shall think proper; and the said Commissioners shall and may and they are hereby directed and required, in and by any Writing or Writings under their Hands, or in and by their said Award, to order and determine by whom and at whose Expence, at what Time or Times, and in what Manner the said Ditches, Drains, Watercourses, Banks, Sluices, Staunches, Tunnels, Bridges, and other Requisites shall be made, scoured out, deepened, widened, amended, and repaired, and by whom the same shall afterwards be respectively cleansed, scoured out, repaired, and maintained.

XX. And be it further enacted, That for providing a Fund for defraying the Costs, Charges, and Expences of obtaining and executing this Act, the said Commissioners shall and they are hereby required, as soon as conveniently may be after the passing of this Act, from Time to Time to sell and dispose of, in manner directed by the said Act herein-before referred to, such Parts and Parcels of the said Commons and Waste Lands as they shall judge most proper and expedient, and as shall be requisite for the Purposes aforesaid; and all Lands to be sold under or by virtue of this Act, on Payment of the full Purchase Money for the same, shall be conveyed as Freehold of Inheritance in Fee Simple unto the Purchaser or Purchasers thereof respectively; and a Conveyance or Conveyances of the same by Lease and Release, made and executed by the said Commissioners, shall be valid and effectual in the Law to vest the same in such Purchaser or Purchasers, and his, her, and their respective Heirs and Assigns, absolutely for ever, subject and liable to such Orders, Directions, and Restrictions as shall be laid down and appointed by the said Commissioners in and by their Award to be made by virtue of this Act; and the said Commissioners shall, after Payment of the Costs, Charges, and Expences attending such Sale or Sales, or in anywise relating thereto, pay and apply the Residue of the Monies arising therefrom for the Purposes above mentioned.

Land to be sold for defraying Expences.

XXI. Provided always, and be it further enacted, That in case the Money arising by Sale or Sales to be made in pursuance of this Act shall not be sufficient to defray all the Costs, Charges, and Expences aforesaid, then the Deficiency shall be made up by the several Persons interested in the said Commons and Waste Lands (except the Rector of the said Rectory), and shall be paid in such Shares and Proportions, within such Time, and to such Person or Persons, as the said Commissioners shall direct, nominate, and appoint; and in case any Person herein-before made subject to the Payment of any Money towards such Charges and Expences as aforesaid shall neglect or refuse to pay his or her Share or Proportion thereof

Deficiency, if any, to be made good by a Rate.

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within the Time to be appointed as aforesaid; or at any Time after upon Demand, the same shall and may be levied and recovered in the Manner directed by the said Act herein-before referred to.

Application  
of Surplus  
Money.

XXII. And be it further enacted, That in case any Surplus Money shall remain after all such Costs, Charges, and Expences as aforesaid shall have been fully paid and satisfied, such Surplus Money shall be divided and apportioned between the several Persons interested in the said Commons and Waste Lands, according to their several and respective Rights and Interests therein, and such proportional Parts and Shares of such Surplus Money shall be paid to those Proprietors who are Tenants in Fee Simple of the Estates in right of which they shall be entitled to such Surplus Money; but the Surplus Money to which any Proprietor not being Tenant in Fee Simple may be entitled shall be applied and disposed of in the same Manner as any Money to be paid for the Purchase or Exchange of Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase or Exchange of other Lands, Tenements, or Hereditaments, to be settled to the same Uses, is by the said Act herein-before referred to directed to be applied and disposed of.

Allotment to  
the Parish of  
Finchley for  
Stone and  
Gravel Pits.

XXIII. And be it further enacted, That the said Commissioners shall and they are hereby required to set out, allot, and award unto and for the Surveyors of the Highways of *Finchley* aforesaid for the Time being One or more Plot or Plots of the said Commons and Waste Lands as they shall think proper, not exceeding in the whole Two Acres, as and for public Stone and Gravel Pits, with convenient Roads to and from the same; and which Plot or Plots of Land so to be set out as aforesaid shall be used in common by the Surveyors of the Highways of the said Parish of *Finchley* for the Time being, and by the Proprietors of Lands and Estates within the said Parish, and by their Tenants, for their own private Uses, and for the Repairs of the public and private Roads only within the same, including the Roads to be set out in pursuance of this Act and the said Act herein-before referred to; and such Surveyor or Surveyors for the Time being are hereby authorized and required to let and set the Grass and Herbage from Time to Time growing and renewing upon such Plot or Plots of Land or Ground for the best Rent that can reasonably be gotten for the same, and to apply the Rents and Profits thereof in repairing the public Roads to be set out in pursuance of this Act or the said Act herein-before referred to, and to account touching the Application of such Rents and Profits at such Time and in such Manner as they are and shall be accountable by Law for any other Monies which come to their Hands as Surveyors of the Highways as aforesaid.

Allotment  
for the Poor.

XXIV. And be it further enacted, That the said Commissioners shall, upon the Application of the Overseers for the Time being of the said Parish of *Finchley*, to be made at any Time within the Space of One Year from the passing of this Act, assign, set out, and allot unto the said Overseers of the Poor for the Time being of the said Parish, on behalf or on account of whom such Application shall be made, such Part or Parts of the said Commons and Waste Lands as the said Commissioners shall think

think proper, not exceeding Twenty Acres, and the said Allotment or Allotments shall, from and after the Execution of the Award of the said Commissioners, be vested in the Lord of the said Manor, the Rector of the said Rectory, and the Churchwardens and Overseers of the Poor of the said Parish for the Time being, for ever, as Trustees for the Poor of the said Parish; and the said Trustees or the major Part of them are hereby empowered and required from Time to Time, by Writing under their Hands and Seals, to lease or demise to any Person or Persons whomsoever the said Allotment or Allotments, or any Part or Parts thereof, for any Term of Years not exceeding Twenty-one Years, so that in every such Lease there be reserved and made payable to the said Trustees, or the major Part of them, by equal Half-yearly Payments in every Year, the best and most improved yearly Rent or Rents that can be obtained for the said Allotment or Allotments, or such Part thereof as shall be thereby demised, without taking any Income, Fine, Premium, or Foregift in consideration of granting such Lease or Leases; and so that in all such Leases there be contained the usual Covenants and Stipulations between Lessors and Lessees, and such other Covenants and Stipulations, and Security for the Performance of the same, as the said Trustees or the major Part of them shall think proper to be inserted therein; and the Rents and Profits arising from the said Allotment or Allotments shall from Time to Time be laid out in purchasing Fuel, and such Fuel shall be distributed amongst the poor Inhabitants of the said Parish of *Finchley*, who shall be legally settled and resident therein, in such Shares and Proportions, at such Times in every Year, and according to such Rules and Directions, as shall from Time to Time be made and prescribed by the said Trustees or the major Part of them for that Purpose, and not otherwise; and the Part or Parts of the said Allotment or Allotments which shall not be leased or demised shall be used and enjoyed solely and exclusively by such poor Inhabitants of the Parish aforesaid as a Common of Pasture, in such Manner, at such Time or Times, and according to such Rules and Directions, as the said Trustees for the Time being, or the major Part of them, shall appoint and prescribe for that Purpose, and not otherwise.

XXV. And be it further enacted, That it shall be lawful for the Lord of the said Manor of *Finchley*, and the Rector of the said Rectory for the Time being, to act in the Execution of the Trusts hereby reposed in them by their Agents or Proxies, such Agents or Proxies respectively being appointed in Writing under the Hands of the Lord of such Manor and the Rector of the said Rectory for the Time being, and producing their respective Appointments at the Time of their acting by virtue thereof.

Trustees may act by Proxy.

XXVI. And be it further enacted, That the said Commissioners shall and they are hereby authorized to set out, allot, and award unto and for the said Lord Bishop of *London* or the Lord of the Manor of *Finchley* aforesaid for the Time being, and unto and for the said *Thomas Allen* as Lord of the Manor of *Bibsworth* within the said Parish of *Finchley*, for and in lieu of their Right, Title, and Interest in and to the Soil of such Part of the said Commons and Waste Lands as lie within their respective Manors, such

Allotment to the Lords of the Manors of *Finchley* and *Bibsworth*.

such Part or Parts thereof as by the said Commissioners shall be deemed, declared, and adjudged to be equal in Value to One Eighteenth Part of so much of the said Commons and Waste Lands as lie within their respective Manors, as shall remain after the public Roads or Ways for the Parish of *Finchley* aforesaid and the Allotments for the Poor shall have severally been set out, and such Parts thereof as shall be necessary to be sold for defraying the Expences of this Act shall have been set out and deducted.

Allotment to the Rector of Finchley in lieu of Tithes of Common.

XXVII. And be it further enacted, That the said Commissioners shall and they are hereby required to set out and allot unto and for the said *Ralph Worsley* and his Successors, Rectors of the said Parish of *Finchley*, so much and such Parts of the said Commons and Waste Lands, and as near as may be to the Rectorial House of *Finchley* aforesaid, as in the Judgment of the said Commissioners shall be a full and fair Equivalent for the Rights of Common of the said Rector in, over, or upon the said Commons and Waste Lands, and also for all Tithes now issuing, arising, or payable, or which may hereafter issue, arise, and become payable out of or in respect of the said Commons and Waste Lands; which said Allotment so to be set out for the said Rector and his Successors shall be taken and accepted by him and them in lieu of and as a full Discharge and Satisfaction for all Rights of Common in, over, and upon the said Commons and Waste Lands, and for all Tithes issuing, arising, and payable, or to be issuing, arising, and payable out of, from, and in respect of all and every the Commons and Waste Lands by this Act directed to be divided and inclosed; and from and immediately after such Allotment shall have been fenced round as herein-after directed, and Possession thereof shall be given to the Rector of the said Rectory, all Tithes issuing, arising, or payable out of, from, or in respect of the Lands hereby directed to be divided and inclosed, shall cease, determine, and be no longer paid or payable: Provided always, that nothing in this Act contained shall affect the Right or Title of the said Rector to any Tithes of ancient inclosed Lands, nor to any Surplice Fees, *Easter Offerings*, or Mortuaries, but the same shall be paid and payable in like Manner as they would have been if this Act had not been passed.

Allotment of the Residue.

XXVIII. And be it further enacted, That the said Commissioners shall then set out and allot the Residue and Remainder of all the said Commons and Waste Lands hereby directed to be divided and inclosed unto and amongst all and every Person and Persons, Body and Bodies Politic, Corporate, or Collegiate, having any Right or Rights of Common or other Rights or Interests in, over, or upon the same or any Part thereof, in such Parts and Shares and in such Manner as the said Commissioners shall think fit, and shall adjudge and determine to be proportionate to the Value of his, her, or their respective Shares, Rights of Common, or other Rights or Interests in, over, or upon the said Commons and Waste Lands hereby directed to be divided and inclosed, or any Part thereof.

Allotments to the Rector, Poor, and for public Purposes, to be

XXIX. And be it further enacted, That the Allotments herein directed to be made to the Surveyors of the Highways for the said Parish of *Finchley*, and also all Allotments to be made to the Rector of the said Rectory

Rectory in respect of the said Rectory and in lieu of Tithes as hereinbefore directed, and also the Allotment for the Use of the Poor of the said Parish, shall be respectively inclosed and fenced round with such Hedges, Ditches, Mounds, or other Fences as the said Commissioners shall think proper; and the Expences thereof shall be raised and paid in like Manner as the Expences of obtaining this Act and carrying the same into Execution are herein directed to be raised and paid; and that such Hedges, Ditches, Mounds, and Fences shall for ever thereafter be maintained and supported by and at the Expence of such Person or Persons and in such Manner as the said Commissioners shall in and by their Award direct and appoint.

fenced at the general Expence.

XXX. And be it further enacted, That from and immediately after such Allotments and Compensation shall be made for such Rights of Common and other Rights in or upon the said Commons and Waste Lands, all and singular such Rights of Common and other Rights shall cease and be for ever utterly extinguished and abolished; and it shall and may be lawful for the said Commissioners, from Time to Time and at any Time or Times before the Execution of the said Award, by Notice in Writing under their Hands to be affixed upon the principal outer Door of the Parish Church of *Finchley* aforesaid, to order and direct all or any Part of the Rights of Common in, over, or upon the said Commons and Waste Lands to cease and become extinguished or be suspended from or for and during such Time as shall be expressed in such Writing; and that all such Rights of Common as the said Commissioners shall by such Writing order and direct to cease or be suspended as aforesaid shall, from the Time of affixing such Notice in Writing on the said Church Door, cease and be extinguished or be suspended accordingly, any Law, Usage, or Custom to the contrary notwithstanding.

After such Allotments, Rights to be extinguished;

or Commissioners may, previously thereto, suspend the Rights of Common.

XXXI. Provided always, and be it further enacted, That if any Person or Persons hath or have sold, or shall at any Time before the Execution of the Award to be made by the said Commissioners sell, his, her, or their Right, Interest, and Property in the Commons and Waste Lands hereby directed to be divided and inclosed, or any Part or Parts thereof, to any other Person or Persons, then and in every such Case it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required, to make an Allotment of Land unto the Vendee or Purchaser mentioned in every such Sale, or to his, her, or their Heirs and Assigns, for and in respect of such Rights, Interest, and Property so sold as aforesaid; and every such Vendee or Purchaser, or his, her, or their Heirs and Assigns, may and shall, from and after the Execution of the said Award, hold and enjoy the Lands so to be allotted to him, her, or them as aforesaid, in the same Manner to all Intents and Purposes as the Vendor named in every such Sale might, could, or ought to have held and enjoyed the same in case such Sale had not been made, or such Rights, Interest, or Property had been vested in such Vendor at the Time of making such Allotment as aforesaid.

If Common Rights be sold, Allotment to be made to the Purchaser.

XXXII. And be it further enacted, That in case any Proprietor or Proprietors of any Messuages, Lands, or Tenements within the Parish of

[*Loc. & Per.*]

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*Finchley*

Separate Allotments to be made

for different  
Estates held  
under dif-  
ferent Titles.

*Finchley* aforesaid, shall hold the same by different Tenures or for different Estates, or in different Rights or under different Titles, the said Commissioners shall, upon the Request of any such Proprietor or Proprietors, ascertain and distinguish the Messuages, Lands, and Tenements held by each of such Tenures, for each of such Estates, and under each of such Rights or Titles respectively, and shall accordingly in their Award assign, set out, and allot distinct and several Allotments by distinct and several Descriptions for such respective Messuages, Lands, or Tenements, and shall declare in right of what Estate or Estates such Allotments respectively shall have been made; and in case the said Commissioners, from Want of necessary Information or from any other Cause, shall not discriminate and distinguish such different Rights or Titles, different Estates and different Tenures, in their Award, it shall be lawful for them at any Time within Twelve Calendar Months after the Execution of their Award, upon the Request in Writing of any Person or Persons interested, to do or cause to be done all proper and necessary Acts for the Purposes of enabling them to make such Discrimination and Distinction as aforesaid, in the same Manner as they might or could have done by their said Award; and when and so soon as the said Commissioners shall have obtained sufficient Information for the Purpose, by any Deed or Instrument in Writing under their Hands and Seals, to ascertain and distinguish the Difference of such Tenures, Estates, Rights, and Titles respectively, and shall make distinct and several Allotments in the same Manner as they are hereby authorized to do by their said Award; and every such Deed or Instrument shall have the same Force and Effect as if the same was contained in their said Award, and shall be delivered to the Person or Persons upon whose Request the same shall have been executed, or to the Person or Persons to whom the Custody of the Deeds and Writings concerning the Title to the Premises in question shall, in the Opinion of the said Commissioners, properly belong for the Time being; and all the Costs, Charges, and Expences which shall be occasioned by the Proceedings of the said Commissioners in making such Discrimination and Allotment or Allotments, and of preparing and executing any such Deed or Instrument, or in anywise relating thereto, shall be ascertained and settled by the said Commissioners; and shall be paid by the Person or Persons who shall make such Request as aforesaid, or by his, her, or their Heirs, Executors, or Administrators, to such Person and at such Time and Place as the said Commissioners shall by Writing under their Hands appoint; and in case such Costs, Charges, and Expences shall not be so paid, it shall be lawful for the said Commissioners and they are hereby required to raise and levy the same by such Ways and Means as any Penalty or Forfeiture imposed by the said Act herein-before referred to and this Act can or may be raised and levied.

Allotments  
to be of the  
same Tenure.

XXXIII. And be it further enacted, That all such Parts of the said Commons and Waste Lands as shall be assigned or allotted to any Person or Persons by virtue of this Act, for or in respect of any Messuages, Cottages, Lands, Tenements, and Hereditaments which are holden by Copy of Court Roll of the Manor aforesaid, or of any other Manor or Manors respectively, shall be stated and described in the said Award as Copyhold, and shall be deemed and taken to be Copyhold of the said  
Manor

Manor or Manors respectively, and shall be subject and liable to, and the Proprietors thereof respectively for the Time being shall pay to the Lord or Lords, Lady or Ladies of the said Manor or Manors respectively, for ever, a yearly Quit Rent at and after the Rate of One Penny for every Acre of the said Commons and Waste Lands which shall be allotted in respect of such Copyhold Messuages, Cottages, Lands, Tenements, and Hereditaments, and so in proportion for any less Quantity than an Acre; and the several Persons to whom any Copyhold Allotments shall be made as aforesaid of and in all or any of the Lands and Grounds intended to be allotted and inclosed, shall, within the Space of Six Calendar Months next after the Execution of the Award of the said Commissioners, or at the first General Court for the Admission of Copyholders to be holden for the said Manor or Manors respectively next after the Expiration thereof, be admitted Tenants to the same Allotments respectively, without paying any Fine or other Charges to the Lord or Lords, Lady or Ladies of the said Manor or Manors (save and except the Stamp Duties and Parchment requisite to be used for the Copies of such Admissions respectively, and such reasonable Fees to the Stewards of the said Manors as the said Commissioners shall in and by their said Award order and direct); but in case any Person or Persons, his, her, or their Heirs or Assigns, to whom any such Copyhold Allotment or Allotments shall be made, shall neglect or refuse to be admitted Tenant or Tenants thereto within the said Six Calendar Months, or at the first General Court Baron for the Admission of Copyholders to be holden for such Manors next after the Expiration thereof, then it shall and may be lawful to and for the Lord or Lords, Lady or Ladies of the said Manor or Manors respectively for the Time being, to take and use all Measures for compelling such Admission or Admissions to the said Allotment or Allotments respectively, as the Lord or Lords, Lady or Ladies of any Manor or Manors is or are now by Law and according to the Customs of the said Manor or Manors empowered to take and use for Want of a Tenant to any Lands, Tenements, or Hereditaments holden by Copy of Court Roll of the said Manor or Manors; and in such Case the same Fines, Fees, and other Payments shall be due and payable on such Admission or Admissions respectively, as the Lord or Lords, Lady or Ladies, and Stewards of the said Manor or Manors are now by Law and the Custom of the same Manor or Manors entitled to take and receive upon Admissions to any Lands, Tenements, or Hereditaments holden by Copy of Court Roll of the said Manor or Manors respectively; and from and after the first Admission all the said Copyhold Allotments shall for ever thereafter be held under and subject to the same Fines, Rents, and Services as the said Copyhold Lands and Tenements respectively in respect whereof such Allotments shall be made are now subject and liable to, together with the said Quit Rent, at and after the Rate of One Penny *per* Acre yearly, for and in respect of such Parts of the said Commons and Waste Lands as shall be so allotted as Copyhold as aforesaid; and that all other Parts of the said Lands and Grounds which shall be assigned or allotted unto any Person or Persons by virtue of this Act, for and in respect of any Freehold or Leasehold Messuages, Cottages, Lands, Tenements, and Hereditaments, shall be deemed and taken to be Freehold and Leasehold, and shall be held and enjoyed as such accordingly, subject nevertheless to such Rents, Payments, Customs, and Services as the respective Lands and Tenements  
in

in respect whereof the same shall be assigned or allotted are now subject and liable to.

Power to the Bishop of London to lease upon the usual Times in Church Estates.

XXXIV. And be it further enacted, That it shall and may be lawful to and for the said *John* Lord Bishop of *London* and his Successors respectively from Time to Time to make and grant to any Person or Persons whomsoever any Lease or Leases of the Lands and Grounds to be allotted to him the said *John* Lord Bishop of *London* or his Successors respectively by virtue of this Act or of the said Act herein-before referred to, for such and the like Terms, Estates, and Interests respectively (but under and subject to such and the same Rules, Provisoos, and Restrictions, so far as the same shall be applicable,) as he or they respectively are or shall be by Law enabled to make of other the Lands and Possessions of the said See of *London*, which have most commonly been let within Fourteen Years now last past, so nevertheless as that upon every such Lease an annual Rent or Rents of not less than Five Shillings for every Acre, and so in proportion for any greater or less Quantity than an Acre of the Lands to be comprised in such Lease, be reserved and made payable to the said *John* Lord Bishop of *London* and his Successors, which said Rent or Rents shall be deemed and taken to be the ancient accustomed yearly Rent or Rents to all Intents and Purposes whatsoever.

Power to make Exchanges.

XXXV. And be it further enacted, That it shall be lawful for the said Commissioners to set out, allot, and award any Lands, Tenements, or Hereditaments whatsoever within the said Parish of *Finchley*, in lieu of or in exchange for any other Lands, Tenements, or Hereditaments whatsoever within the said Parish, or within any adjoining Parish, Hamlet, or Place, provided that all such Exchanges be ascertained, specified, and declared in and by the Award of the said Commissioners, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, or Hereditaments which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politic, Corporate, or Collegiate, or a Tenant or Tenants in Fee Simple, or for Life or Lives, 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 and other Uses, 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, Femes Coverts, 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 every such 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 or 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 be situated.

XXXVI. And



XXXVI. And be it further enacted, That all Costs, Charges, and Expences attending the making of any Sales, Exchanges, or Partitions to be made by virtue of this Act or the said Act herein-before referred to, shall be paid, borne, and defrayed by the several Persons making such Sales, Exchanges, and Partitions, in such Manner and in such Shares and Proportions as the said Commissioners shall by their said Award, or any other Writing or Writings under their Hands, order and direct, and shall be recovered in the same Manner as any Penalty may be recovered by virtue of the said Act herein-before referred to, or of this Act.

Expences of Sales and Exchanges to be paid by the Persons making the same.

XXXVII. And be it further enacted, That all Inclosures and Encroachments which at any Time within Twenty Years now last past have been made upon the said Commons or Waste Lands, shall be deemed Part thereof, and shall be divided and allotted accordingly.

Encroachments within Twenty Years.

XXXVIII. Provided nevertheless, and be it enacted, That such of the said Inclosures and Encroachments as adjoin to or abut upon any Lands or Tenements having Right of Common upon the Commons and Waste Lands hereby directed to be divided and inclosed, shall be allotted to the Owner or Owners of such adjoining Lands, either as the Whole or Part of the Share or Proportion to which he, she, or they will be entitled by virtue of this Act; and in case any such Inclosures and Encroachments shall, in the Judgment of the said Commissioners, be of greater Value than his, her, or their Share and Proportion of the said Commons and Waste Lands, then the Person or Persons to whom such Inclosures and Encroachments shall be allotted shall pay to the said Commissioners, at or within such Time as they shall appoint, such Sum of Money as the said Commissioners shall adjudge to be the Value of such Encroachments, over and above the Value of the Allotments to which such Person or Persons shall be entitled, and the same shall be applied towards Payment of the Expences of obtaining and executing this Act; and in case any Surplus shall remain after Payment of such Expences, such Surplus shall be applied in the same Manner as any Surplus of the Monies to be raised by Sale of Land for defraying the Expences of this Act is herein-before directed to be applied.

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

XXXIX. Provided always, and be it further enacted, That no Inclosure which shall at any Time before the passing of this Act have been made or continued, from or upon the said Commons or Waste Lands, or any Part or Parts thereof, by or with the Grant or Licence of the Lord or Lords of the Manors of *Finchley* or *Bibsworth*, with the Consent of the Homage of the said Manors respectively, and that no Inclosure or Encroachment which shall have been made from or upon the said Commons or Waste Lands, or any Part or Parts thereof, for Twenty Years or upwards antecedent to the passing of this Act, shall be thrown open, divided, allotted, or inclosed under the Provisions of this present Act, or the Provisions of the Act herein-before referred to; nor shall any such Inclosure or Encroachment as last aforesaid, nor the Houses, Cottages, Buildings, and other Erections thereupon, be considered as Part of the said Commons or Waste Lands; nor shall the Title or Titles derived under such Inclosure or Encroachment be disturbed by this Act or any thing herein contained.

Encroachments of Twenty Years not to be allotted.

Date of Encroachments to be determined by Commissioners.

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

Act not to affect Wills or Settlements.

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

Empowering Commissioners, on Application of Trustees and others, under Restrictions, to sell Part of their Allotments to defray Expences of fencing and subdividing.

XLII. And be it further enacted, That it shall be lawful for the said Commissioners, on Application being made to them in Writing by the said *John Lord Bishop of London* or his Successors, or by any of the Husbands, Guardians, Trustees, Committees, or Attornies of or for any of the said Owners or Proprietors or Persons interested in the said Commons and Waste Lands, being under Coverture, Minors, Idiots, Lunatics, or beyond the Seas, or under any other Disability or Incapacity, or by the Persons acting as such Guardians, Trustees, Committees, or Attornies respectively, or by any of the said Owners or Proprietors who are or shall be Tenant or Tenants in Tail or for any Life or Lives or on any other Contingency, to sell any Part of the Allotment or Allotments to be made from or out of any of the said Commons or Waste Lands by virtue of this Act, to the said *John Lord Bishop of London* or his Successors, or to such incapacitated Proprietor or Proprietors or other Person or Persons by whom or on whose Behalf any such Application shall be made as aforesaid, for the Purpose of raising a Sum of Money sufficient to defray the Costs, Charges, and Expences of fencing, inclosing, and subdividing his, her, or their Allotment or Allotments, and of making and completing such Sale; and such Sale shall be made by the said Commissioners in such and the same Manner and subject to such and the like Rules and Regulations as are mentioned and prescribed in and by the said Act herein-before referred to, in respect to the Sale of any Lands authorized to be sold

For paying the Expences of obtaining and carrying into Execution any Act for dividing, allotting, and inclosing any Lands and Grounds; and each and every Allotment for which the full Purchase Money shall be paid shall be conveyed by the said Commissioners, at the Expence of such Purchaser or Purchasers, unto and to the Use of or in Trust for such Purchaser or Purchasers, and his, her, or their Heirs respectively, or as he, she, or they shall appoint, and shall be inclosed and held by such Purchaser or Purchasers respectively in Severalty; and the Receipt of the said Commissioners shall be a good and sufficient Discharge to such Purchaser or Purchasers for the said Purchase Money, which shall be applied by the said Commissioners in or towards defraying such last-mentioned Costs, Charges, and Expences; and if any Surplus shall remain in the Hands of the said Commissioners, such Surplus Money shall be applied and disposed of in manner directed by the said Act herein-before referred to, with respect to Money which is thereby directed to be paid into the Bank of *England* for the Purchase or Exchange of any Lands, Tenements, or Hereditaments to be settled to the same Uses, or of any Timber or Wood growing thereon, and which ought to be laid out in the Purchase of other Lands, Tenements, and Hereditaments as therein mentioned: Provided always, that it shall not be lawful by virtue of this Act to raise by such Sale any further or greater Sum of Money for the Purpose of defraying the Costs, Charges, and Expences of fencing and inclosing such Allotment or Allotments as aforesaid, than the said *John Lord Bishop of London* or his Successors, or the Person or Persons Part of whose Allotment or Allotments shall be sold as aforesaid, would have been empowered or authorized to borrow or charge upon his, her, or their Estate or Estates, under or by virtue of the said Act herein-before referred to, for the Purpose of defraying the Costs, Charges, and Expences of obtaining and executing this Act, in case the Expences of obtaining and executing this Act had been directed to be paid in proportion by the Proprietors of Lands or Grounds to whom Allotments shall be made, instead of being raised by Sale of Land as by this Act is directed; provided always, that in all Cases where any Part of the Allotments of any of the said Proprietors or Persons shall be so sold for the Purposes last mentioned, it shall not be lawful for the Proprietor or other Person, Part of whose Allotment shall be sold as aforesaid, to charge his or her Lands, Tenements, or Hereditaments, by virtue of the said recited Act or this Act, with any Money towards Payment of any Costs, Charges, and Expences of obtaining and executing this Act.

XLIII. And be it further enacted, That where any Lease or Leases or Agreement for a Lease or Leases for the letting or holding of any of the Messuages, Lands, or Hereditaments, in respect of which any Allotment or Allotments shall be made by virtue of this Act, at Rack Rent, for any Term or Number of Years not exceeding Twenty-one Years, shall either in express Terms or virtually include or comprise any Rights of Common or other Rights or Interests for or in lieu of which the same Allotment or Allotments shall be made, then and in every such Case the respective Owners and Proprietors of the same Messuages, Lands, or Hereditaments shall allow and abate to such Lessee or Lessees, Tenant or Tenants, such Portion of his or their Rent or Rents as the said Commissioners shall award to be a reasonable Compensation or Satisfaction to him or them for

Compensation to be made to Tenants deprived of Common Rights.

for the Deprivation of such Rights of Common or other Rights or Interests as aforesaid; and that where any such Lease or Agreement shall be for any longer Term than Twenty-one Years, or shall have been granted in consideration of Buildings or other Improvements being made on the Lands thereby demised, or where any Fine, Premium or other valuable Consideration shall have been given for the granting of the same, then and in every such Case as last aforesaid the Lessee or Lessees shall hold and enjoy, during the Remainder of the Term in such Lease or Agreement, any Allotment or Allotments to be made in respect of the Premises therein comprised, paying to his or their Lessor or Lessors respectively such additional Rent or Rents as the said Commissioners shall under all Circumstances deem reasonable.

Appointment  
of Auditor.

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

Persons advancing  
Money to be repaid, with  
Interest.

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

Award to be  
made.

XLVI. And be it further enacted, That the Award to be made by the said Commissioners, under the Authority of this Act and the said Act herein-before referred to, together with a proper Map or Plan of the said Commons and Waste Lands thereto annexed, shall, within Twelve Calendar Months after the Execution thereof, be delivered to the Clerk of the Peace for the said County of *Middlesex*, who is hereby required to deposit and keep the same among the Records of the said County, so that Recourse may be had thereto by any Person or Persons interested in the Premises; for the Reception whereof the Fee of Three Guineas shall be paid, and no more; and for the Inspection and Perusal whereof the Sum of One Shilling and no more shall be paid; and the said Award shall, from and after the Delivery thereof to the said Clerk of the Peace,  
be

be deemed and taken to be inrolled according to the Directions and within the Meaning of the said Act herein-before referred to, and a Copy of the said Award fairly transcribed in a Book, with a proper Map or Plan of the Allotments to be set out for the Proprietors of Estates in the said Parish, shall within the Time aforesaid be deposited in the Parish Church of *Finchley* aforesaid, and there kept in a Tin Box to be provided for that Purpose; and the said Award and Copy thereof, and any other Copy of the said Award, or any Part or Parts thereof, attested by the said Clerk of the Peace or his Deputy, (for every Sheet of which Copy containing Seventy-two Words Four-pence and no more shall be paid,) shall from Time to Time and at all Times thereafter be admitted and allowed as legal Evidence of the Matters and Things therein contained in all Courts whatsoever.

XLVII. And be it further enacted, That if any Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, shall think himself, herself, or themselves aggrieved by any thing done or omitted to be done in pursuance of the said Act herein-before referred to or this Act, (other than and except as to such Claims, Matters, and Things which shall be ascertained, settled, tried, or determined by the Verdict of a Jury under the Power and Authority herein-before contained, or where by any of the Provisions or Clauses of the said Act herein-before referred to or this Act the Determinations, Orders, Acts, or Proceedings of the said Commissioners are declared or directed to be final and conclusive,) then and in every such Case he, she, or they may appeal to the Justices at the 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, on giving to the said Commissioners and to the Party or Parties concerned Ten Days Notice in Writing of such Appeal, and of the Matter thereof; and the Justices (not interested in the Premises) at 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, as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs and Damages which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any), upon Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale; and the Determination of such Justices shall be final and conclusive to all Parties concerned, 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; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without sufficient Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants, as to the said Justices in their Discretion shall seem reasonable, and to be levied in manner aforesaid.

XLVIII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person or Persons, and Body or Bodies Politic, Corporate, and Collegiate, and his, her, and their Heirs, Successors, Executors, and Administrators (except these several Persons, and Body or Bodies Politic,

[*Loc. & Per.*]

5 E

Politic,

Appeal to  
the Sessions.

General  
Saving.

Politic, Corporate, or Collegiate, to whom any Allotment or Allotments shall be made by virtue and in pursuance of the said Act herein-before referred to or of this Act, for and in respect of such Rights or Interests as are hereby meant and intended to be barred, destroyed, and extinguished, and all Persons respectively claiming under them or in Remainder after them), all such Right, Estate, Title, and Interest as they or any of them could or ought to have had and enjoyed of, in, to, or in respect of the Commons and Waste Lands hereby directed to be divided and inclosed, in case this Act had not been passed.

A Copy  
printed by  
the King's  
Printer to be  
Evidence.

XLIX. 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.

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LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,  
Printers to the King's most Excellent Majesty. 1829.