



ANNO QUINQUAGESIMO SECUNDO

GEORGI III. REGIS.

Cap. 166.

An Act for inclosing Lands in the Parish of *Windleham*, in the County of *Surrey*. [9th June 1812.]

WHEREAS there are within the Parish of *Windleham*, in the County of *Surrey*, divers Open and Common Fields, containing together by Estimation One hundred and fifty-six Acres or thereabouts; and there are also within the said Parish, divers Tracts of Commonable Grounds, Heath and Waste Lands, containing together by Estimation Four thousand Acres or thereabouts, and forming Part of a very large Tract of Land, commonly called or known by the Name of *Bagshot Heath*: And whereas the Master, Fellows, and Scholars of the College of *Saint John the Evangelist*, in the University of *Cambridge*, are Lords of the Manor of *Windleham*, within the Parish of *Windleham* aforesaid, and as such are Lords of the Soil of Part of the said Commonable Grounds, Heath, and Waste Lands in the said Parish; and the Right Honourable *George Earl of Onslow* is Lord of the Manor of *Forsters*, otherwise *Windleham*, within the said Parish, and as such is Lord of the Soil of other Part of the said Commonable Grounds, Heath and Waste Lands in the said Parish: And whereas the said Master, Fellows, and Scholars are Lords of the Manor of *Broomhall*, Part whereof extends itself into the said Parish of *Windleham*: And whereas the King's most Excellent Majesty is Patron of the Rectory and Parish Church of *Windleham* aforesaid, and the Reverend *Thomas Snell* Clerk, is the present Rector of the said Parish and Parish Church of *Windleham*, and as such is intitled to all Tythes arising and payable from, out of, and in respect of, the said Open and Common Fields, Commonable Grounds, Heath, and Waste Lands, and is also intitled to certain Rights of Common, in, over, and upon the same; and His said Majesty is seised in Fee of a Park in the said Parish, called or known by the Name of *Bagshot Park*: And whereas the

[*Loc. & Per.*]

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Owners

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Appointment
of Commis-
sioners.

Owners and Proprietors of the said Open and Common Fields, and inclosed Lands, Grounds, and Tenements, are entitled to, and enjoy in respect thereof, Rights of Common and other Rights, in, over, and upon the said Commonable Grounds, Heath, 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 Lands in the said Open and Common Fields lie so dispersed and intermixed that the same cannot be commodiously or advantageously enjoyed, and the same and also the said Commonable Grounds, Heath, and Waste Lands, are capable of great Improvement, by an Inclosure, and it would be for the Advantage of all Persons interested in the said Open and Common Fields, and in the said Commonable Grounds, Heath, and Waste Lands, if the same were divided, allotted, and inclosed to and amongst the several Persons interested therein, according to their respective Properties, Rights of Common, and other Interests; but the same 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 Parliament assembled, and by the Authority of the same, That *George Smallpiece of Stoke, next Guildford, in the County of Surrey; Thomas Denton of Ashford, in the County of Middlesex; and Richard Davis of Stokenchurch, near Nettled, in the County of Oxford, Gentlemen;* and their Successors to be appointed in Manner herein-after mentioned, shall be and they are hereby appointed Commissioners for dividing, allotting, and inclosing all the said Open and Common Fields, Commonable Grounds, Heath and Waste Lands, within the Parish of *Windleham* aforesaid, and for carrying this Act and the said recited Act into Execution, in such Manner and subject to such Regulations as are herein-after contained, and with such of the Powers, and subject to such of the Rules, Orders, Directions, Authorities, Regulations, Restrictions, and Provisions contained in the said recited Act, as are not controuled by, repugnant to, or otherwise provided for by any of the Clauses, Provisions, and Regulations contained in this Act; and that all Acts, Matters, and Things authorized or necessary to be done and executed by the said Commissioners, for effecting the Purposes aforesaid, may be done and executed by any Two of them, and the same shall be as good, valid, and effectual as if such Acts, Matters, and Things had been done and executed by all the Commissioners hereby appointed, or to be appointed, in Manner herein-after mentioned.

Commission-
ers additional
Oath.

II. And be it further enacted, That besides the Oath in the said recited Act directed to be taken by Commissioners, no Commissioner or Surveyor shall act in the Execution of any of the Powers hereby given, (except the Power of signing and giving Notice of the First Meeting of the said Commissioners), until he shall have also taken and subscribed the following Oath, to be administered and inrolled in like Manner as is directed in the said recited Act, as to the Oath thereby prescribed to be taken by the Commissioners; (that is to say),

“ I *A. B.* do swear [or, being one of the People called *Quakers*, do affirm] that I am neither Proprietor or Occupier of, nor to the best of my Knowledge am I concerned as Guardian, Steward, or Agent for
“ any

‘ any Proprietor of Messuages, Houses, Cottages, Lands, Grounds, or
 ‘ Tenements, or other Person having or claiming any Right of Common,
 ‘ or any Manerial Right or Interest whatsoever in, over, or upon the
 ‘ Open and Common Fields, Commonable Grounds, Heath, and Waste
 ‘ Lands to be inclosed by virtue of an Act of Parliament, intituled *An*
 ‘ *Act for inclosing Lands in the Parish of Windlesham, in the County of*
 ‘ *Surrey.*’

III. And be it further enacted, That when and so often as any of the
 said Commissioners, or any other Commissioner to be appointed in Manner
 herein-after mentioned, shall die, or shall neglect or refuse or become inca-
 pable to act as a Commissioner in the Execution of this Act, at any Time
 or Times before the same shall be wholly or compleatly executed, then and
 in every such Case a new Commissioner shall be nominated and appointed
 in the Manner herein-after mentioned; (that is to say), if the Commis-
 sioner for the Time being, dying, neglecting, refusing, or becoming
 incapable to act as aforesaid, shall be the said *George Smallpiece*, or
 any Commissioner to be appointed by the said Master, Fellows, and
 Scholars, or their Successors, and *George Earl of Onslow*, his Heirs or
 Assigns, as herein-after is mentioned, then it shall be lawful for the said
 Master, Fellows, and Scholars, and their Successors, Lords of the said
 Manor of *Windlesham* for the Time being, and for the said *George Earl of*
Onslow, his Heirs and Assigns, Lord or Lords of the said Manor of *For-*
sters otherwise *Windlesham*, for the Time being, by Writing under the
 Common Seal of the said Master, Fellows, and Scholars, or their Suc-
 cessors, and under the Hand of the said *George Earl of Onslow*, his Heirs
 or Assigns, jointly to nominate and appoint a proper Person (not interested
 in the said Division and Inclosure) to be a Commissioner in the Room or
 Stead of the Commissioner so for the Time being, dying, neglecting,
 refusing, or becoming incapable to act as aforesaid; but if the Commis-
 sioner so for the Time being, dying, neglecting, refusing, or becoming
 incapable to act as aforesaid, shall be the said *Thomas Denton*, or any
 Commissioner to be appointed by the Rector of *Windlesham* for the Time
 being, as herein-after is mentioned, then it shall be lawful for the
 Rector of *Windlesham* for the Time being, by Writing under his Hand,
 to nominate and appoint a proper Person (not interested in the said Divi-
 sion and Inclosure) to be a Commissioner in the Room or Stead of the
 Commissioner so for the Time being, dying, neglecting, refusing, or
 becoming incapable to act as aforesaid; but if the Commissioner so for
 the Time being, dying, neglecting, refusing, or becoming incapable to
 act as aforesaid, shall be the said *Richard Davis*, or any Commissioner to
 be appointed by such Majority as herein after is mentioned, then it shall
 be lawful for the Majority in Value (such Value to be ascertained and
 determined by the Assessment to the Poor's Rate) of Proprietors and Per-
 sons interested in the Lands and Grounds directed by this Act to be di-
 vided, allotted, and inclosed, or their known Agents or Attornies, (ex-
 cept the said Master, Fellows, and Scholars, and their Successors, and
 the said *George Earl of Onslow*, his Heirs and Assigns, and the Rector
 for the Time being of *Windlesham* aforesaid), who shall be present at a
 public Meeting, to be held for that Purpose, in the Parish of *Windlesham*
 aforesaid, in pursuance of a Notice to be given by Writing to be affixed
 upon the principal Door of the Parish Church of *Windlesham* aforesaid,
 at least Seven Days before such Meeting, and to be signed by any Two
 or

Appointment
 of new Com-
 missioners.

or more of the Proprietors and Persons interested as aforesaid, by Writing under their Hands, to appoint some proper Person (not interested in the said Division and Inclosure) to be a Commissioner in the Room or Stead of the Commissioner so for the Time being, dying, neglecting, refusing, or becoming incapable to act as aforesaid; and in case any of the said Parties shall not in pursuance of the Power herein-before given for that Purpose, appoint a new Commissioner within the Space of One Month after the Death of any Commissioner, or after any Commissioner shall so neglect, refuse, or become incapable to act as aforesaid, then and in every such Case it shall be lawful for the surviving or continuing Commissioner or Commissioners, and he and they is and are hereby required from Time to Time, within the Space of Seven Days next after the Expiration of the Time allowed to the said respective Parties for appointing such new Commissioner or Commissioners as aforesaid, by Writing under his or their Hand or Hands, to appoint some other fit and proper Person to be a Commissioner in the Room or Stead of the Commissioner so for the Time being, dying, refusing, neglecting, or becoming incapable to act as aforesaid; and every Commissioner who shall be appointed under any of the Powers herein-before given for that Purpose, shall have the like Powers and Authorities for carrying this Act into Execution, to all Intents and Purposes, as the Commissioner in whose Room or Stead he shall be appointed was invested with.

Notice of Meetings.

IV. And be it further enacted, That the said Commissioners shall, and they are hereby required to cause public Notice to be given in the Parish Church of *Windleham* aforesaid, upon some *Sunday* immediately after Divine Service, or by Writing to be affixed on the principal Door of the said Parish Church, and by Advertisement in *The County Chronicle*, if then published, and if not, then in some other Newspaper circulated in the County of *Surrey*, of the Time and Place of their First and every other Meeting, for the Execution of this and the said recited Act, at least Eight Days previous to every such Meeting (Meetings by Adjournment only excepted); and that such First Meeting shall be held within One Month after the passing of this Act, or as soon after as conveniently may be; and that the said Commissioners shall and may adjourn their Meetings from Time to Time as they shall see Occasion, without giving any public Notice of such Adjournment; and all the Meetings of the said Commissioners shall be held at some convenient Place in the Parish of *Windleham* aforesaid, or within the Distance of Eight Miles from the Boundaries thereof.

How other Notices are to be given.

V. 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*, if then published, and if not, then in some other Newspaper circulated in the County of *Surrey*.

Appointment of Surveyor.

VI. And be it further enacted, That the said Commissioners shall, within the Space of One Month after the passing of this Act, by some Writing under their Hands nominate and appoint some fit and proper Person to be the Surveyor, for the Purposes of this and the said recited Act; and in case the Person who shall be so appointed, or any other Surveyor to be appointed as herein-after mentioned, shall die, neglect, refuse, or become

become incapable to act as a Surveyor in the Execution of this and the said recited Act, before the same shall be wholly and completely executed, then and in every such Case, it shall be lawful for the said Commissioners, by Writing under their or his Hands or Hand, to nominate and appoint some fit and proper Person to be the Surveyor of this and the said recited Act, in the Place or Stead of the Surveyor so for the Time being dying, neglecting, refusing, or becoming incapable to act as aforesaid.

VII. 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.

Commissioners may appoint a Clerk.

VIII. 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 this or the said recited Act.

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

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 intended Division, Allotment, and Inclosure, touching or concerning their respective Rights and Interests, which they or any of them shall have or claim to have of or in the same, or touching or concerning any other Matter or Thing relating to the said Division, Allotment, and Inclosure, it shall be lawful for the said Commissioners, and they are hereby authorized to examine into, hear, and determine the same.

Commissioners may determine Differences with respect to Claims.

X. Provided always, That nothing herein contained shall authorize the said Commissioners to determine the Title to any Messuages, Cottages, Lands, Tenements, or Hereditaments whatsoever, nor any Right between any Parties contrary to the Possession of any such Parties, (except in Cases of Encroachments made within Twenty Years, as herein-after mentioned); but in case the said Commissioners shall be of Opinion against the Right of the Party or Parties so in Possession, they shall forbear to make any Determination thereupon, until Possession shall have been given up by or recovered from such Party or Parties, by Ejectment or other due Course of Law.

But not to determine Titles or Rights contrary to Possession.

XI. And be it further enacted, That in case the said Commissioners shall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of this or the said recited Act, see Cause to award any Costs, it shall be lawful for the said Commissioners, 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

Commissioners may award Costs on disputed Claims.

mination of the said Commissioners shall be made, by the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, whose Claim or Claims, Objection or Objections, shall be thereby disallowed or overruled; 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 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.

Power to try
disputed
Claims.

XII. 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 intended Division, Allotments, and Inclosure, shall be dissatisfied with any Determination of the said Commissioners, touching or concerning any Rights of Common, or other Rights or Interests in, over, and upon the said Open and Common Fields, Commonable Grounds, Heath, and Waste Lands, or any Part thereof, and shall by Writing signify the same to the said Commissioners, together with the Grounds or Reasons of his, her, or their Dissatisfaction within One Month next after such Determination shall be made, 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 of the Matter so determined by the said Commissioners; 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 cause an Action to be brought in One of His Majesty's Courts at *Westminster*, upon a feigned Issue, against the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, in whose Favour such Determination shall have been made, within Six Months next after such Determination of the said Commissioners; and the Defendant or Defendants in such Action shall, and he, she, or they is or are hereby required to appoint any 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 may be tried and determined, (such Issue or Issues to be settled by the proper Officer of the Court in which the said Action or Actions shall be commenced, in case the Parties or their Attornies shall differ about the same); and the Plaintiff or Plaintiffs in such Action or Actions shall proceed therein, so as to have the same tried and determined at the First or Second Assizes, at the latest, to be holden for the said County of *Surrey*, after the making of the Determination of the said Commissioners, which shall be thereby disputed, unless the Court shall think fit to grant further Time; and if at the Trial of any such Issue or Issues, it shall appear that the Party or Parties claiming is or are entitled to any more qualified or less Right or Rights, or Interests than was or were claimed by such
Party

Party or Parties, then it shall be lawful for the Jury by whom such Issue or Issues shall be tried, to find and declare the same by their Verdict, which shall be indorsed on the *Postea*, in addition to the Verdict given on the Issue or Issues joined; and the Verdict or Verdicts which shall be given in such Action or Actions, upon the Issue or Issues therein joined, in case there shall be no such Special Finding and Indorsement, or such Special Finding and Indorsement, if any such shall be made, shall be binding and conclusive upon and to all and every Persons and Person, Bodies and Body Politic, Corporate, and Collegiate whomsoever and whatsoever, (unless the Court wherein such Action or Actions shall be brought, shall set aside such Verdict or Finding and Indorsement, and order a new Trial or Trials to be had, which it shall be lawful for the Court to do upon Cause shewn as in other Cases); and that after such Verdict or Verdicts obtained, and not set aside by the Court, the said Commissioners shall and they are hereby required to act in Conformity thereto, and to allow or disallow the Claim or Claims thereby determined according to the Event of such Trial: Provided always, that the Determination of the said Commissioners touching such Rights or Interests in, over, or upon the said Open and Common Fields, Commonable Grounds, Heath, and Waste Lands hereby directed to be divided, allotted, and inclosed, or any Part thereof, in all Cases where the same shall not in due Time be objected to, or where the same being objected to, the Party or Parties objecting shall not cause such Action at Law to be proceeded in as aforesaid, shall be final and conclusive upon and to all Persons, Bodies Politic, Corporate and Collegiate interested therein: Provided also, that no such Action, Verdict, or new Trial, while the same shall be depending, shall in anywise impede or delay the said Commissioners in the Execution of the Powers hereby vested in them, but the Division, Allotments, and Inclosure hereby directed to be made shall be proceeded with in such and the same Manner as if no such Action, Suit, or Matter were pending.

XIII. And be it further enacted, That if any of the Parties in any Action to be brought in pursuance of this Act shall die, pending the same, such Actions shall not abate by Reason thereof, but shall be proceeded in as if no such Event had happened; and if any Person or Persons in whose Favour any such Determination shall as aforesaid 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, Body or 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 said Commissioners or their Clerk 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 be thereupon incumbent upon 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 Proceeding shall be thereupon had 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.

Actions may be proceeded in and brought after the Deaths of the Parties.

XIV. And

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

XIV. And be it further enacted, That all Inclosures and Encroachments, which at any Time within Twenty Years now last past have been made from and upon the said Commonable Grounds, Heath, and Waste Lands hereby directed to be divided, allotted, and inclosed, shall be deemed Part thereof, and shall be divided and allotted accordingly.

Encroachments for Twenty Years not to be allotted.

XV. Provided always, and be it further enacted, That no Inclosure or Encroachment which shall have been made from or upon the said Commonable Grounds, Heath, and 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 said recited Act, 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 Commonable Grounds, Heath, and Waste Lands, nor shall the Title or Titles derived under such Inclosure or Encroachment be disturbed by this Act, or any Thing herein contained.

Date of Encroachments to be determined by Commissioners.

XVI. 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 examined into and determined by the said Commissioners.

Commissioners to make Compensation to Persons who have made Encroachments within Five Years.

XVII. Provided always, and be it further enacted, That if any such Inclosures or Encroachments shall, within Five Years now last past, have been made by poor Persons or Labourers, and Houses and Cottages shall have been erected thereon for their Residence, and the said Commissioners shall be of Opinion that such Inclosures or Encroachments were made either by the express Consent of, or were not interrupted or prohibited by the Lords or principal Inhabitants of the said Manors of *Windleham*, and *Forsters* otherwise *Windleham*, or any or either of them, or that the Case of the Persons who made the same ought to be favourably considered, the said Commissioners are hereby empowered either to allot the same Inclosures or Encroachments to such poor or labouring Persons for such Estates and Interests therein as the said Commissioners shall think fit, or to permit them to take down any Houses, Buildings, or Trees erected or planted thereon, or to make them respectively any moderate or reasonable Compensation, either by the Allotment to them respectively of any other Part of such Commonable Grounds, Heath, and Waste Lands, or out of the Monies to be raised by virtue of this Act, as to the said Commissioners shall seem reasonable and expedient.

Power to Commissioners to sell Land towards defraying Expences.

XVIII. And be it further enacted, That, towards defraying the Costs, Charges, and Expences of obtaining this Act, and carrying the same and the said recited Act into Execution, the said Commissioners shall and they are hereby required, as soon as conveniently may be after the passing of this Act, to raise by a Sale or Sales of such Part or Parts of the said Commonable Grounds, Heath, and Waste Lands, as they shall judge most proper and expedient, any Sum or Sums of Money not exceeding in the whole the Sum of Five Thousand Pounds, and such Sale or Sales shall be made by the said Commissioners in the Manner herein-after directed; and in case any Surplus shall remain, after all such Costs, Charges, and Ex-

Surplus.

pences shall have been fully paid and satisfied, such Surplus shall be divided and apportioned between the several Proprietors of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, according to their several and respective Interests therein, or otherwise such Surplus shall be paid into the Bank of *England*, in Manner directed by the said recited Act, with respect to Money thereby directed to be paid into the Bank for the Purchase or Exchange of Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, 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.

XIX. And be it further enacted, That the said Commissioners shall, (if they shall think necessary, but not otherwise), after setting out such public and private Roads and Ways, and such other Allotments for public or general Purposes as the said Commissioners shall think proper to set out, in pursuance of the Powers for that Purpose given by the said recited Act, set out, allot, and award unto the Surveyor or Surveyors of the Highways of the said Parish of *Windleham*, for the Time being, such Part or Parts of the said commonable Grounds, Heath, and Waste Lands, hereby intended to be divided, allotted, and inclosed, as they shall think proper, as and for Gravel, Stone, Sand, and Clay Pits; and the same Allotment or Allotments, when set out, shall for ever thereafter be used by the Surveyor or Surveyors of the Highways for the Repairs of the public Roads for the Time being within the said Parish, and by the Proprietors of Lands and Tenements within the said Parish, and their Tenants, for the Time being, for their own private Uses, and for the Repairs of the private Roads, for the Time being, within the said Parish; and the Herbage or Produce of the said Allotment or Allotments shall be awarded to such Person or Persons, and for such Purposes as the said Commissioners shall in and by their Award direct or appoint.

Allotment for getting Materials to repair Roads, &c.

XX. And be it further enacted, That the said Commissioners shall, in the next Place, set out, allot, and award unto and for the Rector of *Windleham* afore said, and his Successors, so much and such Part or Parts of the said Commonable Grounds, Heath, and Waste Lands, hereby intended to be divided, allotted, and inclosed, and as near as may be to the Rectorial House of *Windleham* afore said, as by the said Commissioners shall be deemed, declared, and adjudged to be equal in Value to One Ninth Part of the said Commonable Grounds, Heath, and Waste Lands; and shall also set out, allot, and award unto and for the Rector of *Windleham* afore said, and his Successors, so much and such Part or Parts of the said Open and Common Fields hereby intended to be divided, allotted, and inclosed, and as near as may be to the Rectorial House of *Windleham* afore said, as by the said Commissioners shall be deemed, declared, and adjudged to be equal in Value to One Fifth Part of the said Open and Common Fields; and the said Allotment so to be set out, allotted, and awarded unto and for the said Rector and his Successors out of the said Commonable Grounds, Heath, and Waste Lands, hereby intended to be divided, allotted, and inclosed, shall be taken and accepted by him and them in Lieu of and as a full Discharge and Satisfaction for all Tithes issuing, arising, and payable, and to be issuing, arising, and payable out of, from, and in respect of all the said Commonable Grounds, Heath, and Waste Lands; and the said Allotment so to be set out, allotted, and

Allotments to the Rector of *Windleham* in Lieu of Tithes.

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awarded unto and for the said Rector and his Successors, out of the said Open and Common Fields hereby intended to be divided, allotted, and inclosed, shall be taken and accepted by him and them in Lieu of and as a full Discharge and Satisfaction for all Tithes issuing, arising, and payable, and to be issuing, arising, and payable, out of, from, and in respect of all the said Open and Common Fields; and immediately after the said Allotments unto and for the said Rector and his Successors shall have been respectively fenced round as herein-after directed, and Possession thereof respectively shall be given to the said Rector for the Time being, all Tithes issuing, arising, or payable out of, from, or in respect of the Grounds, Lands, and Fields hereby intended to be divided, allotted, 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 and his Successors 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 to the Lords of the Manor of Windlesham.

XXI. And be it further enacted, That the said Commissioners shall, in the next Place, set out, allot, and award unto and for the said Master, Fellows, and Scholars, and their Successors, as Lords of the said Manor of *Windlesham*, for and in Lieu of their Right, Title, and Interest in and to the Soil of such Part of the said Commonable Grounds, Heath, and Waste Lands hereby intended to be divided, allotted, and inclosed, as lie within the said Manor, so much and such Part or Parts of the said Commonable Grounds, Heath, and Waste Lands hereby intended to be divided, allotted, and inclosed as by the said Commissioners shall be deemed, declared and adjudged to be equal in Value to One Thirty-second Part of the said Commonable Grounds, Heath, and Waste Lands hereby intended to be divided, allotted, and inclosed, except such Part thereof as is situate within the Manor of *Broomhall* aforesaid.

Allotment to the Lord of the Manor of Forsters, otherwise Windlesham.

XXII. And be it further enacted, That the said Commissioners shall, in the next Place, set out, allot, and award unto and for the Lord or Lords, Lady or Ladies for the Time being, of the said Manor of *Forsters* otherwise *Windlesham*, for and in Lieu of his, her, or their Right, Title, and Interest in and to the Soil of such Part of the said Commonable Grounds, Heath, and Waste Lands, hereby intended to be divided, allotted, and inclosed, as lie within the same Manor, so much and such Part or Parts of the said Commonable Grounds, Heath, and Waste Lands, hereby intended to be divided, allotted, and inclosed, as by the said Commissioners shall be deemed, declared, and adjudged to be equal in Value to One Thirty-second Part of the said Commonable Grounds, Heath, and Waste Lands hereby intended to be divided, allotted, and inclosed, except such Part thereof as is situate within the Manor of *Broomhall* aforesaid.

Allotments to Saint John's College as Lords of the Manor of Broomhall.

XXIII. And be it further enacted, That the said Commissioners shall, in the next Place, set out, allot and award unto and for the said Master, Fellows, and Scholars, and their Successors, as Lords of the said Manor of *Broomhall*, for and in Lieu of their Right, Title, and Interest in and to the Soil of such Part of the said Commonable Grounds, Heath, and Waste Lands hereby intended to be divided, allotted, and inclosed, as lie within the said Manor of *Broomhall*, so much and such Part or Parts of the said Commonable

Commonable Grounds, Heath, and Waste Lands hereby intended to be divided, allotted, and inclosed, as by the said Commissioners shall be deemed, declared, and adjudged to be equal in Value to One Sixteenth Part of so much of the said Commonable Grounds, Heath, and Waste Lands hereby intended to be divided, allotted, and inclosed, as lie within the Manor of *Broomhall* aforesaid.

XXIV. And whereas Part of the Allotments of the said Heath and Waste Lands, to be made to the said Rector, will be of a barren and inferior Quality, and fit only for Planting or Pleasure Grounds, and will lie at a Distance from the said Parish Church, and of little Value to the said Rectory; but the same may be sold to great Advantage to Proprietors of adjoining Allotments, and the Purchase Money laid out in the Purchase of Messuages, Lands, and Tenements, which would be much more profitable and beneficial to the Rector, for the Time being, of the said Rectory: And whereas there is no Glebe Land belonging to the said Rectory of *Windleham*: And whereas the Parsonage House, belonging to the said Rectory, is exceedingly small, inconvenient, ancient, and in a ruinous State, and totally unfit for the Residence of the Incumbent of the said Rectory: And whereas there is within the said Parish of *Windleham*, and near to the Church, a good and substantial Messuage or Dwelling House, with Outhouses, Garden, and Lands, which would form a most convenient and desirable Parsonage House and Premises for the said Rectory, and which it is expected may soon be purchased; be it therefore further enacted, That the said Commissioners shall, and they are hereby required, upon the Request in Writing, of the Rector of *Windleham*, for the Time being, and with the Approbation of the King's most Excellent Majesty, His Heirs and Successors, Patrons of the said Rectory, and of the Ordinary of the Diocese in which the said Rectory of *Windleham* is situated, and either before or after the making of their said Award, to sell by Public Auction, or Private Contract, such Part or Parts of the said Allotments herein-before directed to be made to the said Rector of *Windleham*, out of the said Commonable Grounds, Heath, and Waste Lands, as the said Commissioners shall in their Judgment deem fit only for Planting, or less advantageous to the said Rectory than other Lands to be purchased might be, to any Person or Persons whomsoever, for the best Price or Prices that can be had or gotten for the same; and such Sale or Sales shall be made in the Manner herein-after directed; and the said Commissioners shall, with the Approbation of the King's most Excellent Majesty, His Heirs and Successors, and of the Ordinary of the Diocese in which the said Rectory of *Windleham* is situated, and of the Rector of *Windleham* for the Time being, lay out and invest so much Money, to arise from such Sale or Sales as shall remain after defraying the Expences attending the same, in the Purchase of any Freehold Messuages, Lands, Tenements, and Hereditaments, of an Estate of Inheritance in Fee Simple, situated within the said Parish of *Windleham*, or within Ten Miles thereof; and the said Commissioners shall cause the said Messuages, Lands, Tenements, and Hereditaments so to be purchased, to be conveyed to the Use of the Rector of *Windleham* and his Successors for ever, by any Deed or Deeds to be inrolled in such Manner, and within such Time as is directed by the Statute made in the Twenty-seventh Year of the Reign of *Henry* the Eighth, for the Inrolment of Bargains and Sales; and the said Rector shall have full Capacity and Ability to hold and enjoy

Power to the Commissioners on the Request of the Rector to sell Part of his Allotments, &c.

Produce of
Sales to be
paid into the
Court of
Chancery.

the Messuages, or Tenements, Lands, Tenements, and Hereditaments, so to be purchased, without any Licence or Writ of *Ad quod damnum*, the Statute of Mortmain, or any other Statute or Law to the contrary notwithstanding; and any Messuage or Tenement which shall be purchased within the said Parish, shall immediately after the same shall be so conveyed to the Rector of *Windleham* and his Successors as aforesaid, be and become the Parsonage House belonging to the said Rectory of *Windleham*, and be accordingly used and enjoyed as such by the said Rector of *Windleham* and his Successors; and the Money to be laid out in such Purchase or Purchases as aforesaid, and the Interest thereof shall, in the mean Time, and until the same shall be made, be applied and disposed of by the said Commissioners in the Manner directed by the said recited Act, 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; and that all Expences attending the Purchases and Conveyances of the Hereditaments to be purchased and settled as aforesaid, shall be defrayed by the Rector of *Windleham* aforesaid, for the Time being.

Allotment
for the Poor
of the Parish
of *Windleham*.

XXV And be it further enacted, That the said Commissioners shall, in the next Place, set out, allot and award, either in One Allotment or Two or more Allotments, for the Poor of the said Parish of *Windleham*, so much and such Part or Parts of the said Commonable Grounds, Heath, and Waste Lands hereby intended to be divided, allotted, and inclosed, not exceeding in the whole Five hundred Acres, as the said Commissioners shall think proper; and the said Allotment or Allotments shall, after the Execution of the said Award of the said Commissioners, be vested in the Rector, Churchwardens, and Overseers of the Poor of the said Parish of *Windleham* for the Time being, for ever, as Trustees of the Poor of the said Parish; and after the said Allotment or Allotments shall be set out, such of the poor Inhabitants of the said Parish of *Windleham* as shall be legally settled therein, and shall not respectively occupy Houses, Lands, or Tenements, of more than the yearly Value of Six Pounds, shall, both before and after the Execution of the said Award, be at Liberty to enter into and upon the said Allotment or Allotments, or any Part or Parts thereof, and to cut, dig, and carry away any Turves, Furze, Fern, or other Fuel in, upon, from, and out of the same, 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; and after the said Allotment or Allotments shall be set out, the said Trustees for the Time being, or the major Part of them, are hereby empowered and required, from Time to Time, and both before and after the Execution of the said Award, to let, subject to such Right of cutting and digging Turves, Furze, Fern, and other Fuel as aforesaid, the Herbage of the said Allotment or Allotments, or any Part or Parts thereof to any Person or Persons whomsoever, for any Term or Time not exceeding in the whole Three Years, at the best yearly Rent or Rents that can be reasonably had or gotten for the same, and upon such Terms and Conditions as the said Trustees, for the Time being, shall think proper; and the Rents of the said Herbage shall, from Time
to

to Time, be applied by the said Trustees, or the major Part of them, in the Purchase of Fuel for the Poor of the said Parish.

XXVI. And be it further enacted, That the said Commissioners shall, immediately after making the said Allotments herein-before directed to be made, set out, allot, and award the Residue of the said Open and Common Fields, Commonable Grounds, Heath and Waste Lands, hereby intended to be divided, allotted, and inclosed, unto and amongst the King's most Excellent Majesty, His Heirs and Successors, and all and every other the Persons and Person, Bodies and Body Politic, Corporate, and Collegiate, interested therein, in such Quantities, Shares, and Proportions, as by the said Commissioners shall be adjudged and determined to be a fair, just, and reasonable Compensation and Satisfaction for their several and respective Lands, Grounds, Rights of Common, and other Rights and Interests therein.

Allotment of Residue.

XXVII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to prejudice, or in anywise affect any exclusive or peculiar Right, Title, or Claim of the said Master, Fellows, and Scholars, or their Successors, to any particular Plot or Plots, or Parcel or Parcels of Common or Waste Land within the said Parish of *Windleham*.

This Act not to affect any peculiar Rights of St. John's College.

XXVIII. And whereas it is necessary to provide a Fund for defraying any Expence which may, in virtue of this Act, be or become chargeable on or incidental to any Allotments or Allotment, to be set out and awarded as aforesaid, to and for His Majesty, His Heirs and Successors; be it further enacted, That it shall and may be lawful for the Commissioners of His Majesty's Woods, Forests, and Land Revenues, or for the Surveyor General of His Majesty's Land Revenue, at any Time before or after the Execution of the said Award, to contract and agree with any Person or Persons, or any Bodies Politic or Corporate, for the Sale of so much and such Part or Parts of the said Allotments or Allotment, as shall be found necessary for providing the said Fund, for the best Prices or Considerations in Money, which the said Commissioners of His Majesty's Woods, Forests, and Land Revenues, or the said Surveyor General, shall be able to procure for the same; and the Purchase Money arising from such Sale, shall be applied and paid to and for the defraying of such Expences as in this Clause is specified; and whenever the said Commissioners of His Majesty's Woods, Forests, and Land Revenues, or the said Surveyor General, shall have contracted with any Person or Persons, Bodies Politic or Corporate, for the Sale of any Premises in virtue of this Act, such Sale or Sales shall be made by the said Commissioners of His Majesty's Woods, Forests, and Land Revenues, or the said Surveyor General, in the same Manner and Form, and under the like Rules, Regulations, and Provisions, excepting as to the Payment of the Consideration Money into the Bank of *England*, and the investing of such Consideration Money in Stock, as are contained in an Act passed in the Forty-eighth Year of His present Majesty, intituled *An Act to improve the Land Revenue of the Crown in England, and also of His Majesty's Duchy of Lancaster*; and if such Sale shall be made before the Execution of the said Award, it shall be lawful for the said Commissioners for executing this Act, and they are hereby authorized and required to

Power for the Commissioners of Woods, Forests, and Land Revenues to sell for the Purpose of defraying the Expences attending the Crown's Allotment.

set out and award the Premises so sold, as aforesaid, to the Purchasers or Purchaser thereof, their, his, or her Heirs and Assigns, or other Person or Persons who shall be entitled thereto by virtue of such Sale; and from and immediately after the Execution of the said Award, such Purchaser or Purchasers, and his, her, or their Heirs or Assigns, shall by force of this Act be adjudged, deemed, and taken to be in the actual Seizin and Possession of the Premises so by him, her, or them purchased, and shall hold and enjoy the same peaceably and quietly, freed and discharged of and from all Claims and Demands which can or may, could or might be made by His Majesty, His Heirs or Successors, or by any Person or Persons lawfully claiming by, from, or under him or them, as fully and amply to all Intents and Purposes, as His Majesty, His Heirs and Successors, might or could have held or enjoyed the same.

No such Sale to be made without a Warrant from the Treasury.

XXIX. Provided always, and be it further enacted, That no such Contract shall be made, unless by Special Warrant to be issued for that Purpose by the Lord High Treasurer or the Commissioners of the Treasury for the Time being, or some Three of those Commissioners; and that if any Surplus shall unavoidably arise beyond the Expences aforesaid, in consequence of such Sales, such Surplus shall by the said Commissioners of His Majesty's Woods, Forests, and Land Revenues, or the said Surveyor General, be paid into the Hands of the Receiver General of the Land Revenue for the said County of *Surrey*, and shall by the said Receiver General be paid and applied as Land Revenue; and the said Commissioners or Surveyor General shall give to the said Auditor Notice in Writing of such Payment, to the End that the said Auditor may charge the same on the said Receiver General in his Accounts.

Meeting for Objections to Allotments, such Objections to be determined by Commissioners.

XXX. And be it further enacted, That when and so soon as the said Commissioners shall have ascertained the respective Shares, Rights, and Interests of the said Owners or Proprietors in the Fields, Grounds, and Lands hereby intended to be divided, allotted, and inclosed, and also the respective Shares and Proportions by them proposed to be allotted to such Owners or Proprietors respectively in lieu thereof, the said Commissioners shall hold a Meeting, of which Eight Days previous Notice shall be given at some convenient Time and Place, when and where the said Owners or Proprietors may inspect a Map and Schedule of such intended Allotments; and, if any of the said Owners or Proprietors shall upon such Inspection, be dissatisfied with any of the proposed Allotments, the said Commissioners shall at such Time and Place as last aforesaid, or at some other Time and Place to be appointed by them for that Purpose, receive Statements in Writing of the Complaints and Objections of any Owner or Proprietor, or Owners or Proprietors against any of such Allotments, and shall forthwith or as soon after as conveniently may be, determine the same, and such Determination being reduced into Writing, and signed by them, shall be binding and conclusive upon all Parties interested in any such Allotment or Allotments.

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

XXXI. And be it further enacted, That the Allotments which in pursuance of the said recited Act shall be made for public or general Purposes, and also the Allotments which in pursuance of this Act shall be made to the Surveyor or Surveyors of the Highways, and to the Rector of *Windleham*, and for the Poor of *Windleham*, shall be respectively inclosed

closed 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.

of Windle-
sham, to be
fenced at the
General Ex-
pence.

XXXII. And be it further enacted, That it shall and may be lawful for any Person or Persons, who shall be entitled to any Allotment or Allotments by virtue of this Act, by any Deed or Deeds, Instrument or Instruments in Writing, to mortgage, sell, dispose of, convey and assure the same for all or any Part of his, her, or their Estate or Interest therein or Right thereto, at any Time before the Execution of the Award of the Commissioners; and every such Mortgage, Sale, Disposition, Conveyance, and Assurance, shall be of the same Force and Validity as if made after the Execution of the said Award; and also that it shall and may be lawful for any of the Owners or Proprietors of any Common Right upon the Commonable Grounds, Heath, and Waste Lands, hereby intended to be divided, allotted, and inclosed by any Deed or Deeds, Instrument or Instruments in Writing, to mortgage, sell, dispose of, convey, and assure the same, or the Allotment or Allotments to be made and set out in respect thereof by virtue of this Act, separate and distinct from the Estate in Right of which he or she is entitled to the same, in such Manner as he or she might have done at any Time after the Execution of the said Award.

Proprietors
may, before
Award, mort-
gage or sell
Allotments
and Common
Rights.

XXXIII. And be it further enacted, That if any Person or Persons after the passing of this Act, and while the same is carrying into Execution, shall cut, dig, or carry away any Gravel, Earth, Sand, Stone, Clay, or any Turves, Furze, Fern, or other Fuel in, upon, or from the said Commonable Grounds, Heath, and 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; then and in every such Case the said Commissioners upon Proof thereof made before them upon Oath of One credible Witness, shall and they are hereby required by Warrant under their Hands and Seals, directed to any Person or Persons whomsoever, to cause any Sum of Money not exceeding Five Pounds, to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so offending, rendering the Overplus, if any, upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale; and the Money so to be levied as aforesaid, shall be applied towards defraying the Costs and Charges of obtaining and executing this Act.

Gravel, Turf,
&c. not to be
dug and cut
without the
Consent of
the Commis-
sioners.

XXXIV. And be it further enacted, That where the Owner or Proprietor, or Owners or Proprietors of any of the Fields, Grounds, and Lands hereby intended to be divided, allotted, and inclosed, shall hold his, her, or their respective Estates under various Titles, the said Commissioners shall upon the Request of such respective Owners or Proprietors in Writing under their Hands, set out and distinguish in their said Award, distinct

Separate Al-
lotments for
separate
Titles.

distinct and several Allotments for the Lands or other Hereditaments held under each Title; and where, from the want of the necessary Information before the said Commissioners, or from any other Cause, their Award shall omit to make such Distinction as aforesaid in regard to different Titles, and at any Time within Twelve Calendar Months after making the said Award, Request shall be made to the said Commissioners, by any Person or Persons interested, by Writing under his, her, or their Hand or Hands, to have such Omission supplied by a separate Instrument, then and in every such Case the said Commissioners are hereby authorized and required to do every Thing necessary for supplying such Omission, and, so far as that Purpose shall require, to examine Witnesses, and in every other Respect to proceed and act as if the Award had not been made; and when they shall have obtained what they shall think sufficient Information, are hereby also authorized and required by any Instrument under their Hands and Seals, to ascertain and distinguish the various Titles, and accordingly to make distinct and several Allotments in the same Manner as is hereby required, where such Distinction shall be made in the said Award; and every such separate Instrument, after having been duly executed by the said Commissioners, shall have the same Effect as if it were contained in the said Award, and shall be delivered 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, most properly belong for the Time being; and all Expences which shall be reasonably incurred in or about any such Supplemental Instrument as aforesaid, shall be paid by the Person or Persons who shall have so requested the said Commissioners as aforesaid, or by his, her, or their Heirs, Executors, or Administrators, to such Person or Persons, and at such Time and Place, as the said Commissioners shall by Writing under their Hands appoint; and in case such 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 recited Act can or may be raised and levied.

Allotments to
be of the same
Tenure as
Lands allot-
ted.

XXXV. And be it further enacted, That all Lands and Hereditaments which shall be allotted by virtue of this or the said recited Act, to any Person or Persons, shall be held by such Person or Persons under the same Tenure, Rents, Customs, and Services, as the Messuages, Cottages, Lands, and other Hereditaments, in respect of which such Allotments shall be respectively made or given, were respectively held under or enjoyed by such Person or Persons as aforesaid, before the passing of this Act, or would have been held under and enjoyed by in case this Act had not passed; and the several Lands and Hereditaments which shall be allotted for any Freehold Messuages or Cottages, Lands or Hereditaments, shall be deemed Freehold, and shall be held of the Lord or Lords of the Fee thereof, under the same Rents or other Payments as the Freehold Messuages, Cottages, Lands, and Hereditaments for which they were allotted were before that Time held under; and the several Lands and Hereditaments which shall be allotted for Copyhold or Customary Messuages, Cottages, Lands or Hereditaments, shall in like Manner be deemed Copyhold or Customary Lands and Hereditaments, and shall be held of the Lord or Lords of the Fee thereof, under the same Rents, and by the same Customs and Services, as the Copyhold or Customary Messuages, Cottages,

Lands

Lands and Hereditaments for which they were so allotted were or ought to have been held under, and shall pass by the like Surrenders as the Copyhold or Customary Messuages, Cottages, Lands and Hereditaments in respect whereof such Allotments shall be made do now pass by; and that all and every Person and Persons to whom such Copyhold Lands and Hereditaments shall be allotted as aforesaid, may, at any Court which shall be holden for the Manor or Manors whereof such Copyhold Lands and Hereditaments shall be respectively holden, after the Execution of the said Award, be admitted Tenant and Tenants to the same, without paying any Fine or other Charge to the Lord or Lords, or to the Steward or Stewards of the said Manors (save and except for the Stamp Duties and Parchment requisite to be used for the Copies of such Admissions respectively, and the Customary Fees to the Stewards of the said Manors respectively); but in case the Person or Persons to whom such Copyhold Lands and Hereditaments shall be allotted shall die without Admission thereto, then the Customary Fines and other Payments shall be due and payable on the Admission of the Person or Persons entitled to such Copyhold Lands and Hereditaments; and after every such First Admission as aforesaid, the Copyhold Lands and Hereditaments so to be allotted as aforesaid, shall at all Times be held under and subject to the same Tenures, Fines, and other Payments as the present Copyhold Messuages, Cottages, Lands and Hereditaments, in respect whereof such Lands and Hereditaments were allotted are now held under and are subject to; any Law, Usage, or Custom, to the contrary notwithstanding.

Copyholders may be admitted to their Allotments without paying any Fine in respect of their first Admittance thereto.

XXXVI. Provided always, and be it further enacted, That in the making and setting out of the Copyhold Allotment, so to be allotted and awarded as aforesaid, due regard shall be had by the said Commissioners to the different Copyhold Estates or Tenements, for or in Lieu or in respect of which such Allotments shall be made, and the said Commissioners are hereby authorized and required to allot and award One or more distinct Allotment or Allotments for or in Lieu or in respect of each separate and distinct Copyhold Estate or Tenement.

Distinct Allotments to be made for each Copyhold Tenement.

XXXVII. And be it further enacted, That it shall and may be lawful for the said Commissioners to set out, allot, and award any Messuages, Lands, Old Inclosures, New Allotments, or Hereditaments, within the said Parish of *Windleham*, in Lieu of and in Exchange for any other Messuages, Lands, Old Inclosures, or Hereditaments within the said Parish of *Windleham*, or within any adjoining Parish, Hamlet, or Township, 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, for the Time being seized of or intitled in Possession to the Messuages, Lands, Old Inclosures, New Allotments, or Hereditaments, which shall be so respectively exchanged, or to the actual Receipt of the Rents, Issues, and Profits thereof, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politic, Corporate, or Collegiate, or 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 any Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Proprietors or Owners as aforesaid, who at the Time

Power to make Exchanges.

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: Provided further, that every Exchange which shall be made of any Messuages, Lands, Old Inclosures, New Allotments, or Hereditaments, held in Right of any Church, Chapel, or other Ecclesiastical Benefice, shall, in Addition to the Consent hereby in that Case required, be made with the Consents, testified as aforesaid, of the Patron thereof, and of the Lord Bishop of the Diocese, in which such Messuages, Lands, Old Inclosures, new Allotments, or Hereditaments, so to be exchanged, shall lie or be situate: Provided further, that every Exchange which shall be made of any Messuages, Lands, Old Inclosures, New Allotments, or Hereditaments, held by Lease for Life or Lives, or for Years determinable on a Life or Lives, shall, in Addition to the Consent hereby in that Case required, be made with the Consent, testified as aforesaid, of the Body Politic, Corporate, or Collegiate, or Person or Persons who shall be entitled to the First beneficial Estate in Reversion or Remainder, expectant on the Determination of such Lease or Leases respectively, or of the Guardians, Trustees, Feoffees for charitable and other Uses, Husbands, Committees, or Attornies of or acting for any such Person or Persons so entitled, in Reversion or Remainder as aforesaid, who, at the Time of making such Exchange or Exchanges, shall respectively be 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 respectively.

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

XXXVIII. And be it further enacted, That all Costs, Charges, and Expences attending the making of every Exchange, or Partition, to be made by virtue of this Act, or the said recited Act, shall be paid, borne, and defrayed by the several Persons making such Exchange or Partition in such Manner and in such Shares and Proportions as the said Commissioners shall, by their said Award, order and direct, and shall be recoverable in the same Manner as any Penalty or Forfeiture may be recovered by virtue of the said recited Act.

Allotments and Lands awarded in Exchange, and by way of Partition, to be held under the same Titles as the Lands in respect of which such Allotments, Exchanges, and Partitions shall be made.

XXXIX. 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, Deed, or other Instrument whatsoever, or to prejudice any Person or Persons having any Estate, Right, Title, Interest, Claim, or Demand whatsoever in, to, out of, upon, or affecting any Messuages, Grounds, Lands, or Hereditaments, which shall be allotted or exchanged, in pursuance of this Act or the said recited Act, or whereof Partition shall be made, in pursuance of the said recited Act; but the several Messuages, Grounds, Lands, or Hereditaments, which shall be so allotted or exchanged, or whereof Partition shall be made as aforesaid, shall, immediately after the making of such Allotments, Exchanges, and Partitions respectively, be, remain, and enure to such and the same Persons, for such and the same Estates and Interests, and to such and the same Uses, and for such and the same Intents and Purposes, and with, under, and subject to such and the same Powers, Provisoos, Limitations, Conditions, Covenants, Agreements, Debts, Charges, Incumbrances, and

and Provisions of every Kind as the Messuages, Grounds, Lands, or Hereditaments in respect or in lieu whereof such Allotments, Exchanges, or Partitions shall be respectively made would have respectively remained, limited, settled, or subject, or liable unto, if such Allotments, Exchanges, or Partitions respectively had not been made; except as to such Leases or Agreements for Leases at Rack Rent or from Year to Year as, at the Time of the Execution of the said Award of the said Commissioners, shall be subsisting of, in, or concerning any Messuages, Lands, Old Inclosures, or Hereditaments which are not intended to be hereby divided and inclosed, and which in pursuance of this Act or the said recited Act, shall be allotted and awarded in Exchange or by Way of Partition.

XL. And be it further enacted, That every Lease or Agreement for a Lease at Rack Rent, and from Year to Year, which, while this Act is carrying into Execution, shall be subsisting of, in, or concerning any Part or Parts of the Open and Common Fields hereby intended to be divided, allotted, and inclosed, either alone or together with other Lands or Hereditaments, shall, at such Time as shall be declared and determined by the said Commissioners, either by their said Award or by any Instrument in Writing under their Hands at any Time before the Execution of the said Award, cease and be void; and the Body or Bodies Politic, Corporate, or Collegiate, or Person or Persons who at the Time of the Execution of the said Award or such Instrument in Writing as aforesaid shall be entitled to the Premises comprized in every such Lease or Agreement for the first beneficial Estate in Reversion or Remainder expectant on the Determination of such Lease or Agreement, shall make such Satisfaction or Compensation to the Tenant or Tenants of the Premises therein comprized for the Loss or Damage which he, she, or they shall sustain thereby as the Commissioners shall deem fair and reasonable, and shall by their said Award or such Instrument in Writing as aforesaid order and direct; and such Satisfaction or Compensation shall be recovered in the same Manner as any Penalty or Forfeiture may be recovered by virtue of the said recited Act.

Leases at Rack Rent, and from Year to Year, of Open and Common Fields to be void.

XLI. Provided always, and be it further enacted, That if any Tenant or Tenants under any such Lease or Agreement shall be desirous of holding, for the Remainder of the Term mentioned therein, the Allotment or Allotments to be made in Lieu or in Respect of all or any Part or Parts of the Premises comprized in such Lease or Agreement, and of such his, her, or their Desire shall give Notice in Writing to the said Commissioners at any Time previously to the Execution of the said Award or such Instrument in Writing as aforesaid; then and in every such Case, the said Lease or Agreement shall, by the said Award or such Instrument in Writing as aforesaid, be declared to cease only as to such of the Premises therein comprized as shall consist of Open and Common Fields; and the Tenant or Tenants shall thenceforth, during the Remainder of the Term mentioned in such Lease or Agreement, hold and enjoy such Allotment or Allotments as aforesaid, together with the Premises (if any) in respect of which such Lease or Agreement shall not be declared to cease, paying to his, her, or their Landlord or Landlords, either by Way of Rent or otherwise, such Sum or Sums in Addition to the Rent reserved in such Lease or Agreement, and at such Time or Times and in such Manner as the said Commissioners shall deem fair and reasonable to be paid on his, her, or their Part for or towards the Expences of ditching, fencing off, and inclosing such Allotment or Allotments as aforesaid, and shall by their said Award

Power to Tenants, under such Leases, to hold Allotments for the Remainder of their Leases.

or

or such Instrument in Writing as aforesaid order and direct; and such Sum or Sums (if any as shall be directed to be paid in Addition to such Rent as aforesaid shall be recoverable in the same Manner as any Penalty or Forfeiture may be recovered by virtue of the said recited Act.

Leases for
Lives, &c. to
be void, &c.

XLII. And be it further enacted, That every Lease or Agreement for a Lease for Lives, or Years determinable on Lives, or for Years not exceeding Twenty-one Years, or from Year to Year, of any Messuages, Lands, Tenements, or Hereditaments in respect of which any Allotment or Allotments out of the Commonable Grounds, Heath, and Waste Lands hereby intended to be divided, allotted, and inclosed shall be made in pursuance of this Act, shall, so far as such Lease or Agreement shall relate to the Right of Common and other Right and Interest of the Tenant or Tenants under such Lease or Agreement, in, over, and upon the said Commonable Grounds, Heath, and Waste Lands, or to the Allotment or Allotments to be made in respect thereof, absolutely cease and be void as follows; (that is to say), if the said Commissioners shall in the Manner authorized and required by the said recited Act, direct all Rights of Common and other Rights by this Act intended to be extinguished in, over, and upon the said Commonable Grounds, Heath, and Waste Lands hereby intended to be divided, allotted, and inclosed, to cease and be extinguished at any Time previously to the Execution of the said Award of the said Commissioners, then and in such Case the said Lease or Agreement shall, to the Extent herein-before mentioned, cease and be void from the Time when such Rights of Common and other Rights shall be so directed to cease and be extinguished; but if the said Commissioners shall not so direct the said Rights of Common and other Rights to cease and be extinguished, then and in such Case the said Lease or Agreement shall, to the Extent aforesaid, cease and be void immediately after the Execution of the said Award of the said Commissioners.

Compensa-
tion to Te-
nants under
such Leases.

XLIII. Provided always, and be it further enacted, That if any Lease or Agreement for a Lease shall cease and be void to the Extent aforesaid, then and in every such Case, the Body or Bodies Politic, Corporate or Collegiate, and Person or Persons who, at the Time when such Lease or Agreement shall cease and be void to the Extent aforesaid, shall be entitled to the Premises therein comprized for the first beneficial Estate in Reversion or Remainder expectant on the Determination of such Lease or Agreement, shall allow and abate to the Tenant or Tenants under every such Lease or Agreement such Portion of the Rent thereby reserved and thenceforth to become payable, or make to such Tenant or Tenants such other Satisfaction or Compensation for the Loss or Damage which he, she, or they shall sustain in consequence of the Determination of such Lease or Agreement to the Extent aforesaid as the said Commissioners shall deem fair and reasonable, and shall, by their said Award, or by any Instrument in Writing, order and direct; and such Satisfaction or Compensation shall be recoverable in the same Manner as any Penalty or Forfeiture may be recovered by virtue of the said recited Act.

Rent reserved
on Leases of
exchanged
Lands to be
apportioned
between ex-
changing
Parties.

XLIV. And be it further enacted, That if any Messuages, Lands, Old Inclosures, or Hereditaments not intended to be hereby divided and inclosed shall, in pursuance of this Act or the said recited Act, be either awarded in Exchange or by Way of Partition, and at the Time of the Execution of the said Award of the said Commissioners, shall, together with any other
Lands

Lands or Hereditaments, be comprized in or subject to any Lease or Agreement for a Lease at Rack Rent or from Year to Year, then and in every such Case, the Rent reserved in every such Lease or Agreement, and which shall become due and payable after the Execution of the said Award, shall be apportioned and divided between the Parties exchanging or making Partition, as the Case may be, in such Shares and Proportions as the said Commissioners shall, by their said Award, order and direct.

XLV. And be it further enacted, That no Lease or Leases to be made by virtue of the said recited Act, of any Lands or Grounds to be allotted to the said Rector of *Windleſham*, and his Successors, for the Time being, shall be good, valid, or effectual, unless the Consent of the King's most Excellent Majesty, His Heirs and Successors, as Patron of the said Rectory, shall be had and obtained thereto previous to the Execution of such Lease or Leases.

The Rector not to grant Leases without the King's Consent.

XLVI. And be it further enacted, That if, within the Period of Seven Years from the passing of this Act, any Horses, Asses, Beasts, Sheep, Lambs, Goats, or Hogs, shall be found grazing in any Road, Lane, or Way which the said Commissioners shall set out and appoint, and which shall be fenced on both Sides, it shall be lawful for any Occupier or Proprietor of Lands within the said Parish of *Windleſham*, and his or her Servants and Labourers, or any of them, to take and impound all such Horses, Asses, Beasts, Sheep, Lambs, Goats, and Hogs, as shall be so found grazing as aforesaid.

Roads not to be depastured for the First Seven Years.

XLVII. And be it further enacted, That each Commissioner shall be allowed and receive the Sum of Three Guineas and no more, for each and every Day he shall actually attend for the Purpose of carrying this Act and the said recited Act into Execution; and that no Commissioner shall require or be intitled to receive any Fee, Reward, or Gratuity whatsoever beyond such Allowance; and that at all Meetings to be held in pursuance of this Act, or the said recited Act, the said Commissioners shall pay their own Expences; and that the Surveyor and Clerk to be appointed by the said Commissioners shall receive such Recompence or Remuneration for their respective Trouble and Expences in the Execution of this Act, and the said recited Act, as the said Commissioners shall think just and reasonable.

Allowance to Commissioners, Surveyor, and Clerk.

XLVIII. And be it further enacted, That the said several Owners or Proprietors, their Attornies and Agents, shall pay their own Expences when they shall respectively attend the said Commissioners at any Meeting to be held in pursuance of this Act, or the said recited Act.

Proprietors to pay their own Expences at Meetings.

XLIX. And be it further enacted, That the Costs, Charges, and Expences of obtaining this Act, and carrying the same and the said recited Act into Execution, and which shall not be defrayed with and out of the Monies to arise from the Sale or Sales to be made by the said Commissioners in pursuance of the Power herein-before given them for that Purpose, and which are not by this Act otherwise directed to be paid, shall be borne and paid by all the Owners or Proprietors of, and Bodies Politic, Corporate, and Collegiate, and Persons interested in the said Open and Common Fields, Commonable Grounds, Heath, and Waste Lands hereby intended to be divided, allotted, and inclosed (except the

Such of the Expences as the Monies arising from Sales shall be insufficient to defray, to be raised by a Rate on all the Proprietors, except the Rector.

Dean and Canons of *Windsor* and the Rector of *Windleham* aforesaid), in Proportion, as near as may be, to their respective Estates and Interests, due Regard being had to the Expences occasioned by each Person's Estate; and the Shares and Proportions of the said Costs, Charges, and Expences to be borne by the said respective Owners or Proprietors, and Bodies Politic, Corporate, and Collegiate, and Persons interested, shall be settled and ascertained by the said Commissioners, and shall be paid to such Person or Persons, and at such Time or Times, either before or after the Execution of the said Award, as the said Commissioners shall, from Time to Time, direct or appoint by Writing under their Hands, affixed on the Principal Door of the Parish Church of *Windleham* aforesaid; and in case any Person or Persons shall refuse or neglect to pay his, her, or their Share or Proportion of the said Costs, Charges, and Expences, according to such Direction and Appointment as aforesaid, the said Commissioners shall and may, for the recovering and compelling Payment thereof, use all or any of the Powers, Remedies, Ways, and Means which, by the said recited Act, are given in those Cases where it shall be provided by Acts of Inclosure, that the Expences of obtaining and carrying the same into Execution, shall be paid, in Proportion, by the Proprietors of Lands or Grounds to whom any Allotments shall be made.

Persons lending Money to Commissioners to be repaid with Interest.

L. And be it further enacted, That any Person or Persons who shall advance or lend any Sum or Sums of Money to the said Commissioners towards enabling them to defray the Costs, Charges, and Expences of obtaining this Act, and carrying the same and the said recited Act into Execution, shall be repaid the same out of the Monies which shall be raised and collected in pursuance of this Act, with Interest for the same after the Rate of Five Pounds for every One hundred Pounds by the Year, from the Time or respective Times of advancing or lending the same.

Power to the Commissioners, on Application by Proprietors having limited Interests, &c. to sell for defraying Expences.

LI. And be it further enacted, That it shall be lawful for the said Commissioners, either before or after the Execution of the said Award, on Application being made to them by any of the Owners or Proprietors for the Time being seized of or entitled in Possession to any Messuages, Lands, or Hereditaments in the said Parish of *Windleham*, or to the actual Receipt of the Rents, Issues, and Profits thereof, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politic, Corporate, or Collegiate, or Tenant or Tenants in Fee Simple, or for Life or Lives, or Fee Tail General or Special, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, or upon like Application being made to them by the Guardians, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Owners or Proprietors as aforesaid, who at the Time of such Application shall be respectively Infants, Femes 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 Application to be made to them the said Commissioners in Writing, under the Common Seal of the Body Politic, Corporate, or Collegiate, and under the Hands of the other applying Parties respectively, to sell any or any Part or Parts of the Allotment or Allotments which, by virtue of this Act, shall be set or marked out for or actually awarded to the Owner or Owners, Proprietor or Proprietors who, by himself, herself, or themselves, or such other

other Person or Persons as aforesaid, shall make such Application as aforesaid, for the Purpose of raising a Sum of Money sufficient to defray the Whole or Part of the Costs, Charges and Expences which such Owner or Owners, Proprietor or Proprietors as aforesaid shall, in consequence of this Act, or the said recited Act, incur or sustain or be subject or liable to; and such Sales shall be made by the said Commissioners in the Manner herein-after directed; and the said Commissioners shall, with and out of the Monies to arise from such Sale or Sales, pay all the Expences attending the same, or in anywise relating thereto, and shall with and out of the Residue of the said Monies, defray the Costs, Charges, and Expences for the defraying of which such Sale or Sales was or were respectively made; and if any Surplus Money shall remain in the Hands of the said Commissioners, such Surplus Money shall be applied and disposed of by them in the Manner directed by the said recited Act, 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 Sales respectively, any further or greater Sum of Money for the Purpose of defraying such Costs, Charges, and Expences as aforesaid, than the respective Owner or Proprietor, or Owners or Proprietors, or other Person or Persons making such Application as aforesaid, is or are by the said recited Act, empowered or authorized to borrow and charge, for the Purpose of defraying his, her, or their respective Share or Shares of Charges and Expences: Provided further, that nothing in this Act contained, shall extend or be deemed or construed to extend, to prevent or hinder any Owner or Proprietor, or other Person or Persons from exercising, in Preference to the said Power of selling, the Power of borrowing and charging, given by the said recited Act.

LII. And be it further enacted, That all the Sales to be made by the said Commissioners, in pursuance of this Act, (excepting such as are herein-before directed) to be made of a Part or Parts of the Allotment or Allotments to His said Majesty), shall be made precisely in the same Manner as Sales of Land for the Payment and Discharge of Expences attending Acts of Inclosure, are by the said recited Act directed to be made; and the Receipts of the said Commissioners for the Monies to arise from such Sale or Sales, shall be a sufficient Discharge or Discharges to the Person or Persons paying the same; and such Person or Persons, his, her, or their Heirs, Executors, Administrators, and Assigns, shall not be liable or obliged to see to the Application of such Monies, or be answerable or accountable for the Mis-application or Non-application thereof respectively; and the Allotments or Lands which shall be respectively sold by virtue of this Act, shall, on Payment to the said Commissioners of the full Purchase Money for the same, respectively be appointed and conveyed by the said Commissioners, by any Deed or Deeds, Instrument or Instruments, in Writing, to be by them sealed and delivered in the Presence of, and attested by Two or more credible Witnesses, to or in Trust for the Purchaser or Purchasers thereof respectively, his, her, or their Heirs or Assigns, or to such Uses and in such Manner as such Purchaser or Purchasers shall direct and require; and all the Allotments and

Manner in which Sales are to be made by the Commissioners.

Lands which shall be so respectively appointed and conveyed shall, immediately after the Appointment and Conveyance thereof respectively, be held in Fee Simple, and be absolutely discharged of and from all Right of Common and other Rights and Interests in, upon, and to the same respectively, and be subject and liable to such Orders, Directions, and Restrictions with respect to fencing, ditching, and inclosing the same, and such other Orders, Directions, and Restrictions, as shall be laid down and appointed in respect thereof by the said Commissioners, in and by their said Award, or by any Writing under their Hands.

Commissioners to annex Maps and Plans to their Award.

LIII. And be it further enacted, That the said Commissioners shall, and they are hereby required to form and draw on Parchment or Vellum, and annex to and inrol with their said Award, the Maps or Plans, which by the said recited Act they are authorized, if they should think necessary, to form, and draw, and annex to and inrol with their said Award.

A Copy of the Award to be deposited in Windlesham Church.

LIV. And be it further enacted, That within Six Calendar Months after the Award to be made by the said Commissioners shall have been inrolled in Manner directed by the said recited Act, a Copy thereof, fairly transcribed on Parchment or Vellum, and signed by the proper Officer of the Court wherein such Award shall be inrolled, or by the Clerk of the Peace of the said County of *Surrey*, or his Deputy, if the same shall be inrolled with him, shall, with a Plan annexed thereto, and within Three Years from the passing of this Act, be deposited in the Parish Church of *Windleham* aforesaid, so that Recourse may at any Time or Times be had thereto, by any Body Politic, Corporate, or Collegiate, or Person or Persons interested in the Premises.

Extracts of so much of the Award as relates to the King's Allotment, to be sent to the Commissioners of His Majesty's Woods, &c.

LV. And be it further enacted, That the said Commissioners shall and they are hereby required to make an Extract on Parchment, under their Hands and Seals, of so much of their said Award, as shall contain an accurate Description of the Allotments or Allotment to be made to His said Majesty, together with such Regulations or Provisions relative to such Allotments or Allotment, or to any other Rights or Interests of His Majesty, as may be contained in such Award, and also a Map or Plan of such Allotments or Allotment, and transmit the same to the Commissioners of His Majesty's Woods, Forests, and Land Revenues, or to the Surveyor General of His Majesty's Land Revenue, for the Time being, within Two Calendar Months next after the making and executing the said Award, to be by them or him filed and kept among the Muniments of their or his Office, and to be produced and admitted in Evidence on all Occasions where any Question, Doubt, or Controversy may arise relating to or affecting the Rights or Interests of His Majesty, His Heirs and Successors.

Commissioners to account.

LVI. And be it further enacted, That once at least in each and every Year during the Execution of this Act, to be computed from the Day of passing thereof, the said Commissioners shall and they are hereby required to make a true and just Statement or Account of all Sums of Money by them received and expended in or about the obtaining of this Act, and the carrying of the same and the said recited Act into Execution; and such Statement or Account when so made, together with the Vouchers relating thereto, shall be laid by the said Commissioners, before Two Justices of the Peace for the said County of *Surrey*, not interested in the Inclosure hereby

hereby intended to be made, to be by such Justices examined and balanced; and such Balance shall be stated by such Justices in the Books of Account to be kept in the Office of the Clerk to the said Commissioners; and no Charge or Item in such Account shall be binding on the Parties concerned or valid in the Law, unless the same shall have been duly allowed by the said Justices.

LVII. 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 this Act, or the said recited Act, (other than and except as to such Claims, Matters, and Things as are by this Act or the said recited Act directed or authorized to be ascertained, settled, tried, or determined by the Verdict of a Jury, or whereby any of the Provisions of this Act or the said recited 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 *Surrey*, 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, Thirty-one 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, or at any subsequent General Quarter Sessions, to which the said Justices shall adjourn any such Appeal, either for the want of such Notice having been given as aforesaid, or for any other Cause which to the said Justices shall seem a sufficient Cause to adjourn such Appeal, are hereby authorized and required to hear and determine the same, and to make such Order therein, 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 Charges 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.

Appeal to the
Quarter Ses-
sions for the
County of
Surrey.

LVIII. Provided always, and be it further enacted, That nothing herein contained shall any otherwise prejudice, lessen, or defeat the respective Rights, Titles, or Interests of the Lords of the said Manors of *Windleham* and *Forsters* otherwise *Windleham* and *Broomhall* respectively, for the Time being, of, to, or in any Royalties, Franchises, Privileges, Courts, Escheats, Forfeitures, Services, Rights, or Appurtenances whatsoever incident or belonging to the said Manors respectively, than as the Intent and Purpose of the Inclosure and Allotments hereby authorized to be made shall absolutely require.

Saving Ma-
norial Rights.

General
Saving.

LIX. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and all and every other Persons and Person, and Bodies and Body Politic, Corporate, and Collegiate, and his, her, and their Heirs, Successors, Executors, and Administrators, (except the several Persons and Bodies Politic, Corporate, or Collegiate to whom Allotments or other Compensations shall be made by virtue of this Act, or the said recited Act, in respect of the Rights, Estates, and Interests for or in lieu or in respect of which such Allotments or Compensations shall be respectively made; and except all Persons claiming by, through, from, or under them, or in Remainder or Reversion after them); all such Right, Estate, Title, and Interest as they, every, or any of them could or ought to have had and enjoyed in, to, or in respect of the said Open and Common Fields, Commonable Grounds, Heath, and Waste Lands hereby intended to be divided, allotted, and inclosed, or in, to, or in respect of any other Lands or Hereditaments in the said Parish of *Windleham*, in case this Act had not been passed.

Public Act.

LX. And be it further enacted, That this Act shall be printed by the several Printers to the King's most Excellent Majesty, duly authorized to print the Statutes of the United Kingdom; and that a Copy thereof, so printed by any of them, shall be admitted as Evidence thereof, by all Judges, Justices, and others.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1812.