



ANNO QUINQUAGESIMO SECUNDO

GEORGI II. REGIS.

Cap. 208.

An Act for inclosing Lands in the Manor of *Beddington*, with the Manor of *Bandon*, in the County of *Surrey*. [22d July 1812.]

WHEREAS there are within the Manors of *Beddington* and *Bandon*, in the County of *Surrey* (both comprized in the said Manor of *Beddington*, and now indistinguishable from each other), certain Common Field Lands, containing Five hundred Acres or thereabouts, the Properties in which are very much intermixed, so as to render the Occupation and Cultivation thereof inconvenient, and likewise several Commonable Lands and Waste Grounds, and it would be advantageous if the said Common Field Lands, Commonable Lands and Waste Grounds, were divided amongst and allotted to the several Persons interested therein, in lieu of and according to their respective Interests therein, and such Allotments inclosed: And whereas *Richard Carew* Esquire is Lord of the said Manors of *Beddington* and *Bandon*, and of each of them, and the said *Richard Carew*, and also the Reverend *John Bromfield Ferrers* Clerk, Rector of *Beddington*, *James Richard Benson*, *James Pigot*, Esquires, *John Bristow*, *William Bristow*, *William Charrington*, and others, are Proprietors of Lands in the same Manors, or one of them, and have Rights of Common and other Rights therein: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent

41G.3 c.209.

[*Lac. & Per.*]

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of

Commissioners appointed.

of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled; and by the Authority of the same, That *Joseph Pennington* of *Leigh Place*, in the Parish of *Godstone*, in the said County of *Surrey*, Gentleman, *Thomas Bainbridge* of *Guildford Street, Russell Square*, in the County of *Middlesex*, Gentleman, and *George Smallpeice* of *Stoke, near Guildford*, in the said County of *Surrey*, Gentleman, and their Successors, to be appointed as herein-after mentioned, be and they are hereby appointed Commissioners for dividing, allotting, and inclosing the said Common Field Lands, Commonable Lands and Waste Grounds, and for putting this Act into Execution, subject to the Directions herein contained, and with such of the Powers and Directions contained in the said recited Act as are not altered by this Act; and that the said Commissioners may employ such Assistants therein, and allow them respectively such Compensations as the said Commissioners shall think fit; and that all Acts done by any Two of the said Commissioners shall be as effectual, to all Intents and Purposes, as if the same had been done by all the said Commissioners.

For appointing new Commissioners.

II. And be it further enacted, That if the said *Joseph Pennington*, or any succeeding Commissioner to be appointed in his Stead, shall die, or neglect or refuse to act, or become incapable of acting in the Execution of this Act, the said *Richard Carew*, or the Lord of the said Manor of *Beddington* for the Time being, or his Agent or Attorney, shall by Writing under his Hand appoint a Person, not interested in the said Inclosure, to be a Commissioner in the Room of the said *Joseph Pennington*, or of any such succeeding Commissioner; and that if the said *George Smallpeice*, or any succeeding Commissioner to be appointed in his Stead, shall so die, or neglect or refuse to act, or become incapable of acting, the Majority in Value of the Proprietors of Estates in the said Manors of *Beddington* and *Bandon*, to be ascertained by the Land Tax Assessment, exclusive of the said *Richard Carew*, of the Lord of the said Manor for the Time being, shall by Writing under his, her, or their Hand or Hands respectively, appoint another Person, not interested in the said Inclosure, to be a Commissioner in the room of the said *George Smallpeice*, or of any such succeeding Commissioner as last mentioned; and that if the said *Thomas Bainbridge*, or any succeeding Commissioner to be appointed in his Stead, shall so die, or neglect or refuse to act, or become incapable of acting, then the other of the Commissioners for the Time being shall by Writing under their Hands appoint another Person, not interested in the said Inclosure, to be a Commissioner in the room of the said *Thomas Bainbridge*, or of any such succeeding Commissioner as last mentioned; and if in either of the said Cases respectively the said Parties shall not for the Space of Fourteen Days next after Notice in Writing of every such Vacancy respectively shall have been affixed on the principal outer Door of the Parish Church of *Beddington* aforesaid, upon Two several *Sundays* during Divine Service, appoint in Manner aforesaid another Commissioner to supply any such Vacancy respectively, then the surviving or acting Commissioners or Commissioner for the Time being shall, by Writing under their or his Hands or Hand, appoint another Person, not interested in the said Inclosure, to be a Commissioner to supply such Vacancy; and that every new Commissioner appointed as aforesaid shall have the same Powers as if he had been expressly appointed by this Act.

III. And be it further enacted, That the said Commissioners shall cause Notice in Writing to be affixed upon the principal outer Door of the said Parish Church of *Beddington* upon a *Sunday* before Divine Service, of the Time and Place of holding their First and every subsequent Meeting for putting this Act into Execution, Fourteen Days at least before the holding of every such Meeting respectively, (Meetings by Adjournment excepted), and that the said Commissioners may adjourn themselves as they shall see Occasion; provided that all such Meetings be holden in the said Parish of *Beddington*, or within Eight Miles thereof.

Notices of Meetings.

IV. And be it further enacted, That all Notices required by the said recited Act and this Act to be given in some public Newspaper, shall be published in the Newspaper called *The County Chronicle*, or if that Newspaper shall not be published, then in some other Newspaper circulated in the said County of *Surrey*.

V. And be it further enacted, That if any Difference shall arise between any of the Persons interested or claiming to be interested in the said Division and Inclosure, touching their respective Rights, Interests, Shares or Proportions of and in the Lands hereby directed to be divided, allotted and inclosed, it shall be lawful for the said Commissioners to examine into, hear, and determine the same; provided that the said Commissioners shall not determine the Title to any Messuages, Lands or Hereditaments whatsoever.

Commissioners to determine Differences.

VI. Provided also, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioners to determine any Right between any Parties, contrary to the Possession of any of such Parties, (except in Cases of Encroachments as herein-after mentioned); but in case the said Commissioners shall be of Opinion against the Right of the Person or Persons so in Possession, they shall forbear to make any Determination thereupon, until the Possession shall have been given up by such Person or Persons, or recovered from such Person or Persons by Ejectment, or other due Course of Law.

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

VII. And be it further enacted, That the said Commissioners may, upon the Determination of any Claim or Claims, Objection or Objections, award such Costs in respect thereof, and to be paid by and to such Person or Persons, and at such Time or Times, and in such Manner as the said Commissioners shall think fit; and on Failure of Payment thereof to cause the same, by Warrant under their Hands and Seals, directed to any Person or Persons whomsoever, to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons, Body or Bodies Politic or Corporate so failing, together with the Charges attending such Distress and Sale.

Commissioners may award Costs.

VIII. Provided always, and be it further enacted, That if any Person or Persons, Body or Bodies Politic or Corporate, interested or claiming to be interested in the said Division and Inclosure, shall be dissatisfied with any Determination of the said Commissioners on any such Claim or Objection respectively, touching his, her, or their said Rights, Interests, Shares or Proportions, and shall, within Two Calendar Months next after such Determination shall have been made, give Notice in Writing to the said Commissioners, and also to the Party or Parties in whose Favour such Determination

For trying Rights at Law.

termination shall have been made, or his, her, or their respective Agent or Agents, stating the particular Nature and Matter of his, her, or their Objection or Objections to such Determination, it shall be lawful for such Person or Persons, Body or Bodies Politic or Corporate, or their respective Heirs, Successors or Assigns, to proceed to a Trial at Law of the Matter so determined at the First or the Second Assizes to be holden for the said County of *Surrey* next after such Notice; and for that Purpose such Person or Persons, Body or Bodies Politic or Corporate, shall cause an Action to be brought in One of His Majesty's Courts of Record at *Westminster*, upon a feigned Issue, against the Party or Parties in whose Favour such Determination shall have been made, or against any or either of the said Commissioners, where such Determination shall have been in Favour of the general Interests under the said Inclosure; and the Defendant or Defendants in such Action shall appear by Attorney thereto, who shall accept an Issue, whereby such Claim or Claims, and the Right or Rights thereby insisted on, may be tried and determined, (every such Issue to be settled by the proper Officer of the Court in which the Action shall be brought, in case the Parties differ about the same); of every of which Trials respectively Fourteen clear Days Notice in Writing shall be given in the usual Manner previously to the Assizes at which such Issue shall be tried; and it shall be lawful for the Court wherein such Action shall be brought to put off the Trial of any such Issue, and to set aside any Verdict, and order a new Trial to be had therein; and after any such Verdict shall have been given, and final Judgment obtained therein, the said Commissioners shall act in Conformity thereto, and allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial; any Thing in this or the said recited Act contained to the contrary notwithstanding.

Allowing
Persons dis-
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at Law.

IX. Provided always, and be it further enacted, That the said Commissioners, when they shall have set out the Boundary of the said Manors of *Beddington* and *Bandon*, or either of them, shall cause a Description of such Boundary, as so set out by them to be published in the said Newspaper called *The County Chronicle*; or if that Newspaper shall not then be published, then in some other Newspaper usually circulated in the said County of *Surrey*, Twice at the least after such Boundary shall have been so set out; and if any Person or Persons shall be dissatisfied with the Boundary so described, or any Part or Parts thereof, such Person or Persons shall and may, within Two Calendar Months after such Description of such Boundary shall have been so published the Second Time in such Newspaper as aforesaid, give Notice in Writing, signed by the Parties or Party, or their, his, or her Agent or Agents, to the said Commissioners, stating the particular Nature and Matter of his, her, or their Objection or Objections to such Boundary, and the particular Part or Parts thereof which shall be so objected to, and the particular Line or Lines in which the Party or Parties so objecting shall insist that such Boundary ought to have been set out by the said Commissioners in the Part or Parts so objected to, a Copy of which Notice shall be immediately delivered by the said Commissioners to the Party or Parties interested therein, in Manner required by the said recited Act, as to Notices to be given to adjoining Districts; and thereupon it shall be lawful for such Person or Persons so objecting, their respective Heirs or Assigns, to proceed to a Trial at Law thereon, in an Action or Actions to be brought for that Purpose at the first or second Assizes to be holden for the County of *Surrey* next after such

such Notice shall have been given, if the Time shall not be enlarged by the Court in which such Action or Actions shall be brought, and for that Purpose to cause an Action or Actions to be brought in one of His Majesty's Courts of Record at *Westminster*, upon a feigned Issue or Issues, against One or more of the said Commissioners, without first submitting any Question on such Line or Lines of Boundary so objected to, to the Judgment of the said Commissioners, which Issue or Issues shall be to try whether the Line or Lines of Boundary so set out by the said Commissioners, and objected to, or the Line or Lines of Boundary so insisted on by the Party or Parties objecting as aforesaid, or any and what Part or Parts of such Line or Lines respectively, or any other and what Line or Lines be the Boundary of the said Manors of *Beddington* and *Bandon*, or either of them, in the Part or Parts so objected to and insisted upon respectively, and the Commissioner or Commissioners who shall be made the Defendant or Defendants in such Action, shall appear by Attorney thereto, and give Notice to the Party or Parties interested to defend such Action, that such Action has been so brought, and that such Party or Parties may defend such Action in the Name or Names of the said Commissioner or Commissioners; which Notice shall be given in the Manner required by the said recited Act as to Notices to be given to adjoining Districts; and such Party or Parties shall defend such Action, and shall accept an Issue, whereby the Question respecting such Boundary may be fairly tried between the Parties, and determined; and every such Issue shall be settled by the proper Officer of the Court in which such Action shall be brought, in case the Parties differ about the same; of which Trial, Fourteen Days Notice shall be given in the usual Manner previously to the Assizes at which such Issue shall be tried; but it shall be lawful for the Court where such Action shall be brought to put off the Trial of any such Issue, and to set aside any Verdict, and order a new Trial to be had therein; and if any special Matter shall be found by the Jury on the Trial of any such Issue, it shall be lawful for the Judge who shall try the same, to order such special Matter to be inserted in the *Postea*, or indorsed on the Record of *Nisi Prius*; and also to reserve any special Matter for the Judgment of the Court, and Judgment shall thereupon be given by the Court according to the Verdict in such Action and the special Matter aforesaid, if such Judgment shall be deemed by the Court necessary to settle the Rights between the Parties; and after any Verdict or Verdicts shall have been given in any such Action or Actions, and final Judgment shall have been obtained thereon, the said Commissioners shall act in Conformity thereto: Provided always, that in case several Actions shall be brought, whether by or against the same, or different Parties, upon or respecting any one Part of the said Boundary, it shall be lawful for the Court in which any such Actions shall be depending, to consolidate such Actions so as that the Verdict and Judgment to be obtained in such Consolidated Action or Actions respectively, shall determine all Claims, Questions, and Disputes arising on such Part of the said Boundary.

X. Provided always, and be it further enacted, That the Determination of the said Commissioners touching any Rights or Interests in, over, or upon the said Common Field Lands, Commonable Lands and Waste Grounds, or any Boundaries to be set out by the said Commissioners, and which shall not be objected to in Manner directed by this or the said recited Act, or which being so objected to, the Party or Parties objecting

[*Loc. & Per.*]

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shall

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shall not cause such Issue at Law to be tried thereon as aforesaid, shall be final and conclusive.

Action not to abate by Death.

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

Action may be brought and proceeded in, though the Party die.

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

Suits respecting Titles not to impede the Execution of this Act.

XIII. And be it further enacted, That if any Suit or Suits shall be commenced or prosecuted, touching or concerning the Title of any Person or Persons in or to any Lands, Tenements, or Hereditaments, for or in respect of which any Right or Interest in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, shall be claimed, such Suit or Suits shall not impede, delay, or hinder the said Commissioners from proceeding in the Execution of the Powers vested in them by this Act, but the said Division, Allotment and Inclosure, shall be proceeded in notwithstanding such Suit or Suits, and the Allotment may be had and taken by the Person or Persons who upon the Determination of such Suit or Suits shall become entitled to the same.

Death of Parties not to suspend the Execution of the Act.

XIV. And be it further enacted, That if any of the Parties interested in the said intended Division or Inclosure shall die before the same shall be completed, the Powers and Authorities hereby given to the said Commissioners shall not be thereby determined or suspended, but that the said Commissioners shall proceed in the Execution of the Powers given to them by this Act or the said recited Act, in such Manner as they might have done in case such Parties had not died; and that the Share or Shares of the Person or Persons so dying shall be allotted to such Person or Persons who by Law shall become entitled to the same, and shall be accepted and fenced by him, her, or them, according to the Directions of this or the said recited Act; and he, she, or they shall be liable to the Charges and Expences and other Conditions of this and the said recited Act.

Surveys not to be made, unless expedient.

XV. Provided, and be it further enacted, That no Valuation, Survey, Admeasurement or Plan, shall be made of any of the Lands or Grounds within

within the said Manors, or either of them, except such as the said Commissioners shall find to be expedient for the Purposes of this and the said recited Act.

XVI. And be it further enacted, That it shall be lawful for the said Commissioners, at any Time or Times after the passing of this Act, by Writing under their Hands, to be affixed on the principal outer Door of the Parish Church of *Beddington* aforesaid, to direct that all Rights of Common upon the said Common Field Lands, Commonable Lands and Waste Grounds, or any Part or Parts thereof, shall cease upon and after a Day or Days to be named for that Purpose in every such Notice respectively, and also to give such Directions, and to establish such Regulations from Time to Time for the Use and Exercise of such Rights of Common, and for the depasturing of Cattle, Sheep, or other Stock upon the said Commonable Lands and Waste Grounds, and for the Cultivation, Management, Ordering, and Treatment thereof, or of all or any of the Matters or Things growing or being thereon, or within or under the same, until the same shall be divided, allotted and inclosed by virtue hereof and of the said recited Act, as the said Commissioners shall think proper; and such Rights of Common shall cease according to every such Notice respectively; and any Person or Persons doing any Act contrary to or in Violation of any of such Directions or Regulations, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, to be levied, recovered and applied in the same Manner as herein-after is mentioned as to Persons cutting or taking Turf or other Matters from the said Common Field Lands, Commonable Lands and Waste Grounds, and it shall be lawful to seize and impound any Cattle, Sheep, or other Stock found on the said Common Field Lands, Commonable Lands and Waste Grounds, or any Part thereof, contrary to any of such Directions or Regulations: Provided always, that if any Person or Persons who shall in Manner aforesaid dispute the Boundary of the said Manors, or either of them, shall require that such Boundary so disputed shall be tried by an Issue at Law, as herein-before mentioned in respect thereof, without first proceeding before such Commissioners to decide thereon, it shall be lawful for such Person or Persons to require such Issue to be so tried; and until the Boundaries of the said Manor of *Beddington* and *Bandon* shall be ascertained, fixed, and determined by the said Commissioners, or by such Trial at Law as is herein-before mentioned, nothing in this or the said recited Act contained shall authorize the said Commissioners to give or make any Directions or Regulations touching or concerning the said Rights of Common, or otherwise to intermeddle with the Lands and Grounds hereby intended to be inclosed and allotted or any Part thereof, other than and except the said Common Field Lands.

Commissioners may direct Common Rights to cease, and make Regulations of the Commons in the mean Time.

XVII. And be it further enacted, That after such Division and Allotment shall be made as aforesaid, all Rights of Common, and other Rights in or upon the said Common Field Lands, Commonable Lands and Waste Grounds, shall become and be utterly and for ever extinguished and abolished, from such Time as the said Commissioners shall appoint, by Writing under their Hands.

After Allotment all Common Rights to be extinguished.

XVIII. And be it further enacted, That if any Person or Persons shall after the passing of this Act, and before the Execution of the Award of

Not to cut or take any Thing from the Commons till inclosed.

the said Commissioners, cut, dig, take, pare, or carry away any Furze, Heath, Fern, Soil, Earth, Gravel, Clay, Sand, Turf or Sods, or any Timber or other Trees, or the Branches thereof, or any other Matter or Thing whatsoever, upon, out of, off or from the said Common Field Lands, Commonable Lands and Waste Grounds, or any Part thereof, without the Licence of the said Commissioners in Writing under their Hands for every such Purpose respectively first had and obtained, every such Person so offending, shall for every such Offence forfeit and pay any Suma not exceeding Ten Pounds, to be levied and recovered as any Penalty may be levied and recovered by the said recited Act, One Half whereof shall be paid to the Informer or Informers, and the other Half thereof shall be applied for the Use of the Poor of that Part of the said Parish of *Beddington* which is situated within the said Manors of *Beddington* and *Bandon*, or either of them, in such Manner as the said Commissioners shall by Writing under their Hands direct.

As to Encroachments.

XIX. And be it further enacted, That all Encroachments which shall have been made within the Space of Twenty Years next before the passing of this Act, upon the said Common Field Lands, Commonable Lands and Waste Grounds, shall be deemed Part thereof, and be divided and allotted accordingly, and any Differences which shall arise touching any of such Encroachments, shall be investigated and determined by the said Commissioners.

Encroachments to be awarded pro tanto in lieu of Allotment.

XX. Provided always, and be it further enacted, That where any Person or Persons who shall have made any such Encroachment or Encroachments as herein-before described, shall be entitled to any Allotment or Allotments of Land, by virtue of this Act, so much of any such Encroachment or Encroachments as shall, without Regard to any Improvement made thereon, not exceed the Value of such Allotment or Allotments, shall be allotted to such Person or Persons in or towards Satisfaction of such Allotment or Allotments respectively, if the said Commissioners shall think it reasonable and proper so to do.

Houses built within 20 Years, except, &c. not entitled to Allotments.

XXI. Provided also, and be it further enacted, That no House or Houses within the said Manors of *Beddington* and *Bandon*, which shall have been erected within Twenty Years next preceding the passing of this Act, except such as shall have been built upon ancient Sites of Houses, shall be entitled to any Allotment or Allotments, as a House or Houses, or Site or Sites of a House or Houses, by virtue of this or the said recited Act.

Power to stop and alter Roads.

XXII. And be it further enacted, That it shall be lawful for the said Commissioners, with the Concurrence and Order of Two Justices of the Peace for the said County of *Surrey*, (subject to Appeal as in the said recited Act is mentioned), to stop up and discontinue any of the public Roads or Ways, not being Turnpike Roads, within the said Manors or either of them, which shall be deemed unnecessary, and to widen, turn, or alter any of such Roads or Ways as shall be deemed proper to be widened, turned, or altered, but so as not to interfere with any Fences or inclosed Grounds, without the Consent of the Proprietor or Proprietors thereof respectively for the Time being, in Writing under his, her, or their Hand or Hands, for every such Purpose respectively, first had and obtained;

obtained; and all such public Roads as shall be stopped up or discontinued which shall not pass through any inclosed Lands, shall be deemed Part of the Lands hereby intended to be divided, allotted and inclosed, and shall be allotted to such of the Proprietors of the adjoining Lands respectively as the said Commissioners shall think fit.

XXIII. And be it further enacted, That it shall be lawful for the said Commissioners to set out, allot, and award, out of the said Commonable Lands and Waste Grounds, one or more Plot or Plots of Land not exceeding in the Whole Two Acres, as and for Sand, Gravel, Chalk or Flint Pits, with convenient Road or Roads thereto, to be used for the Repairs of the public Roads within the said Manors, and to award and direct to whom the Herbage of such Allotment or Allotments shall belong, and which shall be fenced in such Manner as the said Commissioners shall by their Award direct.

Allotment
for Gravel.

XXIV. And be it further enacted, That it shall also be lawful for the said Commissioners to set out, allot, and award any Part of the said Commonable Lands and Waste Grounds, not exceeding the annual Value of Twenty Pounds, to be ascertained by the said Commissioners, and shall cause the same to be suitably inclosed and fenced in; which Land so to be allotted as last-mentioned, shall thenceforth be vested in the Lord of the said Manor of *Beddington*, and the Rector and Churchwardens of the Parish of *Beddington* for the Time being; and the Rents and Profits thereof shall for ever thereafter be applied for the Benefit of the Poor of that Part of the said Parish of *Beddington* as is situated within the said Manors of *Beddington* and *Bandon*, or one of them, in such Manner, and subject to such Rules and Regulations, as the Lord of the said Manors, and the said Rector and Churchwardens, shall from Time to Time direct and appoint.

Allotment
for the Poor.

XXV. And be it further enacted, That the said Commissioners shall set out, allot and award, unto the said *Richard Carew*, as Lord of the said Manors of *Beddington* and *Bandon*, and of each or either of them, such Part or Parts of the said Commonable Lands and Waste Grounds as in the Judgment of the said Commissioners shall be equal to One Eighteenth Part thereof, in lieu of and in full Compensation for his Rights in or to the Soil of the said Commonable Lands and Waste Grounds.

Allotment to
the Lord of
the Manor.

XXVI. And be it further enacted, That the said Commissioners shall set out and allot all the said Common Field Lands, and all the Residue of the said Commonable Lands and Waste Grounds, unto and amongst the several and respective Persons, Bodies Politic and Corporate, who at the Time of making such Allotments shall be entitled to any Estate, Property or Interest in, over, or upon the same, or any Part thereof, according to their respective Rights and Interests, and in such Quantities, Shares and Proportions, as the said Commissioners shall deem to be a full Compensation for their several and respective Shares, Rights, Interests and Properties in, to, over, or upon the same.

Allotment of
the Residue.

XXVII. And be it further enacted, That any Allotment or Allotments to be made and set out to or for the Rector of the Parish of *Beddington*, in respect of his Right in the said Common Field Lands, and of the Right of Common in the said Commonable Lands and Waste Grounds, as such

Allotment to
the Rector to
be fenced in.

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Rector,

Rector, and also any Allotment or Allotments to be made to the Churchwardens of the said Parish of *Beddington*, in Right of the Church of the said Parish, shall be fenced in, by, or under the Directions of the said Commissioners, and the Expences thereof shall be paid out of the Monies to be raised for the Purposes of this Act.

Common Rights may be sold.

XXVIII. And be it further enacted, That it shall be lawful for any Person or Persons who shall or may be entitled to any Allotment or Allotments in or upon the said Commonable Lands and Waste Grounds by virtue of this Act, to give, grant, bargain, sell, demise, mortgage, limit, convey and dispose of the same for all or any Part of his, her, or their Estate or Interest therein, but no further or otherwise, either separate and distinct from or along with any Estate in right of which he or she shall be entitled to the same, at any Time before the settling and ingrossing the Award of the said Commissioners; and that in every such Case the said Commissioners do award such Allotment or Allotments to the Purchaser or Purchasers thereof respectively, his Heirs or Assigns, according to the Title and Interest acquired by him or them therein respectively, by any such Purchase or Purchases.

Allotment to be of the same Tenure.

XXIX. And be it further enacted, That the several Lands which shall be allotted by virtue of this Act shall be held by and under the same Rights, Titles, Tenures, Rents, Customs and Services, as the Property in respect of which such Allotments shall be made were respectively held before the passing of this Act, or would have been held and enjoyed in case this Act had not been passed.

Distinct Allotments to be made for different Interests.

XXX. And be it further enacted, That where any Person or Persons shall be seised or possessed of or interested in Lands or Hereditaments in the said Manors of *Beddington* and *Bandon*, or either of them, held by different Tenures, or for, by, or under different Estates, Titles, or Interests, the said Commissioners shall upon Request of any of the Persons so seised or possessed, or interested respectively, inquire into, ascertain and determine the respective Lands, or other Hereditaments held by such several Tenures, or for, by, or under such different Estates, Titles or Interests respectively, and shall set out distinct Allotments in respect thereof, in the said Common Field Lands, Commonable Lands and Waste Grounds.

Exchanges may be made.

XXXI. And be it further enacted, That it shall be lawful for the said Commissioners to set out, allot and award any old inclosed or other Lands, Messuages, Tenements or Hereditaments within the said Manors, or either of them, or any Allotment or Allotments of the said Common Field Lands, Commonable Lands and Waste Grounds, in lieu of and in Exchange for any other old inclosed or other Lands, Messuages, Tenements or Hereditaments within the said Manors or either of them, or of any Allotment or Allotments of the said Common Field Lands, Commonable Lands and Waste Grounds; provided that all such Exchanges be made with the Consent of the Proprietor or Proprietors of the Allotment or Allotments, Lands, Messuages, Tenements or Hereditaments which shall be so exchanged, whether such Proprietor or Proprietors shall be a Body or Bodies Politic or Corporate, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail, General or Special, or by the Courtesy of *England*, or by Copy of Court Roll for any Life or Lives, 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 for any such Proprietors as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Females Covert, Lunatics, or under any other legal Disabilities, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself, such Consent to be testified in Writing under the Common Seal of the Body Politic, Corporate or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every Exchange and Exchanges so to be made shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever; provided nevertheless, that no Exchange shall be made of any Lands, Messuages, Tenements or Hereditaments, Allotment or Allotments held in right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent, testified as aforesaid, of the Patron of such Church, Chapel, or Benefice, and also of the Lord Bishop of the Diocese in which such Lands, Messuages, Tenements or Hereditaments shall lie or be situate; and all such Exchanges shall be ascertained and specified in the Award of the said Commissioners.

XXXII. And be it further enacted, That all Charges and Expences attending the making of any Exchanges by virtue of this Act, and of all Matters incident thereto respectively, shall be paid by the several Persons making such Exchanges, in such Manner and Proportions as the said Commissioners shall by their Award direct.

Expences of Exchanges to be paid by the Parties.

XXXIII. Provided always, and be it enacted, That all such Allotments and exchanged Lands, Messuages, Tenements and Hereditaments respectively, shall be, enure and remain, and the several Persons to or for whom the same Allotments and Exchanges respectively shall be made as aforesaid, shall thenceforth stand and be seized of the said Allotments and exchanged Lands, Messuages, Tenements, and Hereditaments respectively, to and for such and the same Uses, Trusts, Estates, Intents and Purposes, and subject to such and the same Powers, Provisoos, Limitations, Remainders, Reversions, Jointures, Dower, Courtesy, Charges, Mortgages, Debts and Incumbrances respectively, as the several Lands, Messuages, Tenements and Hereditaments, in respect or in lieu whereof such Allotments and Exchanges respectively shall be made as aforesaid, are or were, or would have been vested in, or subject or liable to, and charged with or affected by, in case this Act had not been passed.

Allotments and exchanged Lands to enure to the same Uses, &c. as the original Lands were liable to.

XXXIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to discharge, alter, affect or vary the Right or Title of the said *John Bromfield Peters*, as Rector of the said Parish of *Beddington*, or his Successors, of, in, or to the Great or Small Tythes issuing, arising or renewing out of and from all or any of the said Lands and Grounds to be divided and allotted under or by virtue of this Act, or of any other Lands, Tenements and Hereditaments lying within the said Parish of *Beddington*, or of any Ecclesiastical Payments or Benefits arising or renewing for or in respect of the same, but the same shall respectively remain, continue, and be in as full Force and Effect as if this Act had not been passed.

Protecting the Right of Rector.

XXXV. And

Expences to
be paid by
the Parties
interested.

XXXV. And be it further enacted, That the Charges and Expences incident to and attending the obtaining and passing this Act, and also those of the said Commissioners, and of all Persons employed by them, or otherwise incurred in, about, or incident to the carrying into Execution the Powers and Authorities in this and the said recited Act contained (except as by this Act is otherwise directed), be paid by the several Persons interested in the said Common Field Lands, Commonable Lands and Waste Grounds (other than and except the Rector and Churchwardens of the Parish of *Beddington* for the Time being, as such Rector and Churchwardens respectively), in such Shares and Proportions, and to such Person or Persons, and at such Time or Times, and Place or Places, and in such Manner as the said Commissioners shall by any Writing or Writings under their Hands from Time to Time direct and appoint; and in case any Person made subject to the Payment of any Money towards such Charges and Expences, shall neglect or refuse to pay his or her Share or Proportion thereof in the Manner to be so appointed, the same may be levied and recovered in the Manner directed by the said recited Act.

Parties to pay
their own
Expences at
Meetings.

XXXVI. And be it further enacted, That at all Meetings to be held in pursuance of this Act, as well the Commissioners, as also the Clerk, Surveyor, and all other Persons attending the same, do pay all their own respective Expences.

Money ad-
vanced to be
repaid with
Interest.

XXXVII. And be it further enacted, That all Money which shall be advanced for the Purpose of defraying the Expences of obtaining this Act, or for carrying the same into Execution, shall be paid with lawful Interest to the Person or Persons who shall have advanced the same, out of the first Money to be raised or received by virtue of this Act.

Allowance to
the Commis-
sioners.

XXXVIII. And be it further enacted, That each of the said Commissioners shall be paid the Sum of Three Pounds and Three Shillings, and no more, for each Day that he shall attend to act for the Purpose of or touching the Execution of this Act, the same to be in full Satisfaction for his Time, Trouble and Expences.

Copy of the
Award to be
deposited in
Beddington
Church.

XXXIX. And be it further enacted, That a true Copy of the Award to be made by the said Commissioners, pursuant to the said recited Act and this Act, fairly transcribed in a Book, with a proper Map or Plan of the Allotments set out by such Award, and certified by the said Commissioners to be correct, shall within Six Calendar Months next after the Execution of the said Award be deposited in the Parish Church of *Beddington* aforesaid, and there kept in a Tin or Iron Box to be provided for that Purpose, under Three distinct Locks with different Wards and separate Keys, one of which Keys shall be at all Times kept by the Lord of the said Manor of *Beddington* for the Time being, another by the Rector, and the other by the Churchwardens of the said Parish of *Beddington* for the Time being; and every Proprietor of or Person interested in any Land situate within the said Manors, or either of them, shall be at Liberty at all seasonable Times to inspect the same, and take Extracts thereof, not removing the same out of the said Church.

Accounts to
be settled by
Justices.

XL. And be it further enacted, That once at least in each and every Year during the Execution of this Act, (such Year to be computed from the

the Day of the passing thereof), the said Commissioners shall and they are hereby required to make a true and just Statement or Account, signed by them respectively, of all and every Sum and Sums of Money by them received and expended, and due to them for their own Trouble and Expences in the Execution of this Act, and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by them laid before any Two Justices of the Peace for the County of *Surrey*, usually acting in the Hundred of *Wallington*, and not interested in the same, to be by them examined and balanced, and shall give Notice in Writing to be affixed on the Church Door of the said Parish of *Beddington*, on a *Sunday* before Divine Service, of their having so done, and of the Names of the Justices before whom the same shall be so laid, and of the Time and Place of passing the same, One Calendar Month at least, before the allowing and passing thereof, in order that any Parties interested therein may inspect the same in the mean Time, as they are hereby authorized and empowered at all reasonable Times to do; and such Balance shall be by such Justices stated in the Book of Accounts to be kept in the Office of the Clerk to the said Commissioners; and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed by such Justices, at the Time and in the Manner aforesaid.

XLII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done, or omitted to be done, in pursuance of this or the said recited Act, that then and in every such Case (except where the Orders, Determinations, and Proceedings of the said Commissioners are by this or the said recited Act declared to be final and conclusive, and except in such Cases where an Issue at Law is authorized to be tried as herein-before mentioned), he, she, or they may appeal to the General Quarter Sessions of the Peace which shall be holden for the said County of *Surrey* within Six Calendar Months next after the Cause of Complaint shall have arisen, such Appellant or Appellants first giving to the said Commissioners, and to the Party or Parties interested therein, Twenty-one Days Notice at least in Writing of such Appeal, and of the Matter thereof, and the Justices at such General Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein, and award such Costs as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale; which Determination of the said Justices shall be final and conclusive upon all Parties concerned, and shall not be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

Appeal to the Sessions.

XLII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every Person or Persons, Bodies Politic and Corporate, his, her, and their Heirs, Successors, Executors and Administrators, all such Estate, Right, Title and Interest (other than those meant or intended to be barred or destroyed by this Act), which they, every, or any of them had and enjoyed, of, in, to, or out of the said Common Field Lands, and Commonable Lands and Waste Grounds intended to be divided

General Saving.

and inclosed as aforesaid, before the passing of this Act, or would or could or might have had and enjoyed in case the same had not been passed.

Restriction as
to the River
Wandle.

XLIII. Provided, and be it further enacted, That nothing in the said recited Act or in this Act contained shall authorize or enable the said Commissioners to alter, change, or divert the Course of the River *Wandle* passing through the said Manors, or any of the Waters, Springs, Streams, Feeders, Channels, Inlets, Watercourses, Banks, Dams, Pools or other Matters belonging or appertaining thereto, or any of them, in any Manner howsoever, without the Consent of the said *Richard Carew*, his Heirs or Assigns, in Writing under his or their Hand or Hands for every such Purpose respectively first had and obtained; nor without the Consent in Writing of the Person or Persons into or through whose Lands the same shall now of Right pass, and of the Person or Persons into whose Lands the same shall be proposed to be diverted.

Restrictions
as to the
Surrey Iron
Railway.

XLIV. Provided also, and be it further enacted, That nothing in the said recited Act or in this Act contained shall authorize or enable the said Commissioners to remove or alter any Part of the *Surrey Iron Railway*, made in pursuance of an Act, passed in the Forty-first Year of the Reign of His present Majesty, intituled *An Act for making and maintaining a Railway from the Town of Wandsworth to the Town of Croydon, with a collateral Branch into the Parish of Carshalton, and a navigable Communication between the River Thames and the said Railway at Wandsworth, all in the County of Surrey*, which passes through or over any of the said Commonable Lands or Waste Grounds, save and except that the said Commissioners may make and establish such Roads or Ways across, and such Drains, Channels, or Watercourses under any Part or Parts of the said Iron Railway for the Purposes of the said recited Act, and of this Act, and for the Accommodation of the Lands hereby intended to be inclosed, or any Road or Way passing through or over the same Lands, as the said Commissioners shall think fit, not varying or altering the Course or Level of the said Iron Railway, and executing all such Matters respectively so as to create as little Interruption to the free Passage of Carriages upon the said Iron Railway in the usual Course as possible, and thereafter as soon as can or may be, effectually and completely making good and restoring any Part or Parts of such Iron Railway which shall have been taken up, removed, or affected for any such Purpose or Purposes respectively, so as to put the same respectively in as good State as the same shall have been in immediately preceding, and at the Time or Times when the same shall have been so taken up, removed, or affected respectively; and making Satisfaction to the Company of Proprietors of the said Railway for any Loss or Damage which shall be sustained by the said Company, by or by Means of the Execution of any of the said Matters respectively, and so from Time to Time as often as the same shall happen; and that in case the said Railway shall at any Time or Times hereafter be injured or impeded by any of the said Drains being stopped up, or by repairing the same, or otherwise by Means of any of the Matters aforesaid, all Damage and Loss which shall be sustained by the said Company thereby respectively, shall be made good to them by the Person or Persons who for the Time being shall be liable to keep the said Drains and Matters respectively in Repair, or who shall have actually occasioned such Damage or Loss respectively; provided also, that nothing in this Act, or in the said recited Act contained, shall pre-

judice

judice or affect the Rights, Powers and Interests of the said Company, or of any Person or Persons concerned or interested in the said Railway in any Manner howsoever.

XLV. And be it further enacted, That this Act shall be printed by the several Printers to the King's most Excellent Majesty, and a Copy thereof so printed by any of them, shall be admitted as Evidence thereof by all Judges, Justices, and others. Evidence Clause.

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

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF CHEMISTRY

REPORT OF THE
COMMISSION ON THE ORGANIZATION
OF THE DEPARTMENT OF CHEMISTRY

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