

Lands, in their present uncultivated State afford but little Profit; and it would be of great Benefit and Advantage to the several Persons interested therein; and the Improvement thereof would be considerably promoted if the same were divided, allotted and inclosed; but such Division and Inclosure cannot be established and rendered effectual without the Aid and Authority of Parliament: And whereas an Act was passed in the Forty first Year of the Reign of His present Majesty, intituled *An Act for consolidating in One Act, certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: May it therefore please Your Majesty that it may be enacted; and be 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 all the said Commons and Waste Lands shall be divided and allotted by *Thomas Brown* of *Luton* in the County of *Bedford*, who is hereby appointed Commissioner for setting out, dividing, and allotting the same, and for putting this Act in Execution, and also the said recited Act, subject nevertheless to such Orders, Provisions, Regulations and Directions, as are herein-after contained, and with such of the Powers, and subject to such of the Rules, Directions, Regulations, and Provisions contained in the said recited Act, as are not hereby varied or altered.

Appointment
of Commis-
sioner

Appointment
of new Com-
missioner in
case of Death.

II. And be it further enacted, That in case the said *Thomas Brown*, or his Successor or Successors to be appointed in Manner herein-after mentioned, shall die or become incapable of acting, or shall refuse to act as Commissioner as aforesaid, or shall for the Space of One Calendar Month wilfully neglect to act as Commissioner before all the Powers vested in him by this and the said recited Act are executed and completed, then and from Time to Time as often as Occasion may require, it shall be lawful for the Majority in Value (such Value to be ascertained by the Land Tax Assessment) of the several Persons interested in the said Commons or Waste Lands in the said Parish of *Crayford*, or their respective Agents or Attornies, who shall be present at a Meeting to be held for that Purpose, in pursuance of Notice in Writing, signed by One or more of the said Proprietors, and inserted in the *Maidstone* Newspaper, or some other Newspaper circulated within the County of *Kent*, Fourteen Days at least before such Meeting, to appoint a new Commissioner (not interested in the said Inclosure) in the Room of the said *Thomas Brown*, or in the Room of any Person so appointed in the Room of the said *Thomas Brown*, or any of his Successors; and every such new Commissioner so to be appointed, shall have and be vested with the same Powers and Authorities for the Execution of this Act and the said recited Act, as the Commissioner hereby appointed is by this Act invested with.

Commis-
sioner to ap-
point a Clerk.

III. And be it further enacted, That the said Commissioner shall have Power and he is hereby authorized to appoint a Clerk to assist him in the Execution of the Powers of this Act; and in case of the Death of such Clerk, from Time to Time to appoint another Clerk, and him to remove and another to appoint, as to him the said Commissioner shall seem meet.

IV. And be it further enacted, That the said Commissioner shall and he is hereby required to cause Notice to be inserted in the *Maidstone* Newspaper, or some other Newspaper circulated within the said County of *Kent*, of the Time and Place of holding his First and Second Sitting or Meeting to put this Act in Execution, at least Fourteen Days before every such Sitting, and shall also cause Ten Days Notice at least to be given in Writing, and affixed on the principal Outer Door of the Parish Church of *Crayford* aforesaid, of every subsequent Sitting or Meeting for the like Purposes, (Sittings by Adjournment only excepted); and that all Sittings of the said Commissioner shall be held within the said Parish of *Crayford*, or at some convenient Place or Places within Eight Miles thereof.

Commis-
sioner to give
Notice of
Sittings.

V. And be it further enacted; That all other Notices necessary or requisite to be given by the said Commissioner shall be given by Advertisement in the *Maidstone* Newspaper, or some other Newspaper circulated within the said County of *Kent*, and signed by the Commissioner, or by his Clerk or Clerks by his Order.

Other Notices
how to
given.

VI. 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 therein, or touching or concerning any Matter or Thing relating to the said intended Division, Allotment and Inclosure, it shall be lawful for the said Commissioner and he is hereby authorized and required to hear and determine the same: Provided always, that nothing in this Act contained shall authorize the said Commissioner to determine the Title to any Messuages, Lands, Tenements or Hereditaments whatsoever.

Commis-
sioner to set-
tle Disputes.

VII. Provided also, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioner to determine any Right between any Parties contrary to the Possession of any of such Parties, (except in Cases of Encroachments made within the Period of Twenty Years as herein-after mentioned); but in case the said Commissioner shall be of Opinion against the Right of the Person or Persons so in Possession, he 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.

Commissioner
not to molest
Possession.

VIII. And be it further enacted, That in case the said Commissioner shall, upon the Hearing and Determination of any Difference or Dispute, or of any Claim or Claims, Objection or Objections, to be delivered to him in pursuance of this or the said recited Act, see Cause to award any Costs, it shall be lawful for the said Commissioner and he is hereby empowered, upon Application made to him for that Purpose, to settle, assess, and award such Costs and Charges as he shall think reasonable, to be paid to the Party or Parties in whose Favour any such Determination shall be made, by the Person or Persons against whom any such Determination shall have been made; and in case any Person or Persons who shall be liable and ordered

Power to
assess Costs.

ordered 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 Commissioner, and he is hereby authorized and required, by Warrant or Warrants under his Hand, directed to any Person or Persons whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) of the Monies arising from such Sale, (after deducting the Costs and Charges attending such Sale and Distress), to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Allowing
Parties to try
their Rights
at Law.

IX. Provided always, and be it further enacted, That in case any Person or Persons interested or claiming to be interested in the said Commons or Waste Lands, shall be dissatisfied with any Determination of the said Commissioner, touching or concerning any Claim or Claims of any Right of Common, or other Rights or Interests in, over, upon, or out of the Commons or Waste Lands intended to be divided, allotted and inclosed, in pursuance of this Act or any Part thereof, it shall be lawful for the Person or Persons so dissatisfied to proceed to a Trial at Law of the Matter so determined by the said Commissioner, at the First or Second Assizes to be holden for the County of *Kent* next after the Determination of the said Commissioner; and for that Purpose the Person or Persons who shall be dissatisfied with such Determination, shall cause an Action to be brought upon a feigned Issue in the Court of King's Bench at *Westminster*, against the Person or Persons in whose Favour such Determination shall have been made, within Three Calendar Months next after the Determination of the said Commissioner shall have been made; and the said Defendant or Defendants in such Action or Actions shall, and he, she, and they is and are hereby required to name an Attorney or Attornies, who shall appear thereto, or file Common Bail, and accept one or more Issue or Issues, whereby such Claim or Claims, and the Right or Rights thereby insisted on, may be tried and determined, (such Issue or Issues to be settled by the proper Officer of the said Court, in case the Parties shall differ about the same); and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding and conclusive upon all and every Person or Persons whomsoever, unless the said Court shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall be lawful for the Court to do, as is usual in other Cases; and that after such Verdict or Verdicts shall be obtained, and not set aside by the said Court, the said Commissioner shall and he is hereby required to act in Conformity thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials: Provided always, that the Determination of the said Commissioner, touching such Claim or Claims to such Rights of Common or other Rights and Interests over, upon, or out of the said Commons or Waste Lands hereby directed to be divided, allotted and inclosed, or any Part thereof, which shall not be objected to, or being objected to, the Party or Parties objecting not causing such Action at Law to be brought and proceeded in within the Time and in Manner aforesaid, shall be final, binding, and conclusive upon all Parties interested.

X. And

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

Death of Parties not to abate Action.

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

Provision in case of Death of Parties before Action brought.

XII. 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 of 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 Commissioner from proceeding in the Execution of the Powers vested in him 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.

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

XIII. 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 Commissioner shall not be thereby determined or suspended, but that the said Commissioner shall proceed in the Execution of the Powers given to him by this Act or the said recited Act, in such Manner as he 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 a Proportion of the

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

[*Lac. & Per.*]

15 T

Charges

Charges and Expences and to the other Conditions of this and the said recited Act.

Commissioner may extinguish Rights of Common.

XIV. And be it further enacted, That the said Commissioner shall and he is hereby empowered, by Writing under his Hand to be published as aforesaid, to appoint the Day or Time when all Rights of Common and of intercommoning, and of all other Rights in and over the several Commons and Waste Lands intended by this Act to be divided and inclosed, shall cease and be extinguished, and such Rights shall from and after such Publication cease and be for ever extinguished; and also that the said Commissioner may by any such or other Writing to be published as aforesaid, make such Orders and Regulations for preventing all Person from committing Waste or Destruction upon any Part of the said Lands and Grounds in the mean Time and until the Division and Allotment thereof shall be effected, as to the said Commissioner shall seem expedient; all which Directions, Orders, and Regulations of the said Commissioner shall be binding and conclusive upon all Parties claiming to be interested; and the said Commissioner shall set and impose such Penalties or Forfeitures on Persons not conforming thereto, not exceeding Five Pounds, on any One Person for One Offence, as he shall think necessary; which Penalties or Forfeitures shall be paid to such Person or Persons, and for such Uses and Purposes as the said Commissioner by any Writing or Writings under his Hand, or by his Award, shall order or appoint; and if Default shall be made in Payment thereof, then the said Commissioner shall, by Warrant or Warrants under his Hand and Seal directed to any Person or Persons whomsoever, cause the same to be levied by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, together with reasonable Costs, rendering the Overplus (if any) on Demand to the Owner or Owners of such Goods and Chattels.

Commissioner may erect Boundary Fences.

XV. And be it further enacted, That it shall be lawful for the said Commissioner and he is hereby authorized, in case he shall think proper, to make and set up or cause to be made and set up, good and sufficient Fences next or against any adjoining Parish, Township or Place.

Encroachments made within Twenty Years deemed Common.

XVI. And be it further enacted, That all Encroachments which by the Inclosure or fencing of any Part of the said Commons or Waste Lands shall have been made at any Time within Twenty Years before the passing of this Act, shall be deemed Part thereof, and shall be divided and allotted accordingly, save and except in such Cases only where Encroachments have been made with the Consent of the Person or Persons entitled to the Right of Soil of the said Commons and Waste Lands to be inclosed under this Act; which last-mentioned Encroachments, and also such Inclosures which may have been made for the Space of Twenty Years and upwards, although originally Encroachments, shall be deemed and considered as old Inclosures; and in case any Dispute shall arise touching any such Encroachment or Encroachments, or the Extent thereof, such Dispute shall be determined by the said Commissioner, whose Determination thereupon shall be final and conclusive.

XVII. And

XVII. And be it further enacted, That the said Commissioner shall and he is hereby required, with all convenient Speed, to set out and allot so much and such Part or Parts of the said Commons and Waste Grounds as in his Judgment will be sufficient by the Sale thereof to pay and defray all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, and all Charges and Expences necessary for carrying all the Purposes of this Act and the said recited Act into Execution, and shall sell and dispose of such Part or Parts of the said Commons and Waste Lands by public Auction, and either in One Lot or separate Parcels, or otherwise, in the Manner and subject to the Directions and Regulations prescribed and contained in the said recited Act, to any Person or Persons willing to become or be the Purchaser or Purchasers thereof, for the best Price or Prices that can be obtained for the same; and the said Commissioner shall and he is hereby required to sign and give to such Purchaser or Purchasers a Receipt or Receipts in Writing for his or their Purchase Money; and the Piece or Pieces, Lot or Parcels of the said Commons and Waste Lands which shall be so sold, shall by virtue of this Act, on Payment of such Purchase Money be vested and is and are hereby declared to be vested in Fee Simple in the Purchaser or Purchasers thereof respectively; and the Receipt or Receipts of the said Commissioner shall be a sufficient Discharge to such respective Purchasers for the Payment of his or their Purchase Money, free from any Obligation of seeing to the Application thereof.

Allotments
for paying
Expences.

XVIII. And be it further enacted, That it shall be lawful for the said Commissioner and he is hereby required to set out, allot, and award out of the said Commons or Waste Lands so intended to be divided, allotted, and inclosed as aforesaid, such Plot of the same Commons or Waste Lands adjoining or near to the Turnpike Road on *Bexley Heath*, as he shall judge most fit and proper for the Situation of a Workhouse or House of Industry for the said Parish of *Crayford*, not exceeding in the whole Five Acres; and which said Allotment shall, after the Execution of the Award of the said Commissioner, be vested in the Churchwardens and Overseers of the Poor of the said Parish of *Crayford* for the Time being for ever, as Trustees for the Poor of the said Parish.

Allotments
for a Work-
house for the
Parish of
Crayford.

XIX. And be it further enacted, That the said Commissioner shall and he is hereby authorized and required, after setting out the public and private Roads, and the Allotment for Sale to pay Expences, and making an Allotment for a Workhouse for the said Parish of *Crayford* as aforesaid, to assign, set out, and allot unto and to the Use of the Person or Persons entitled to the Right of Soil of the several Commons and Waste Lands to be inclosed under this Act, a Quantity equal to One Sixteenth Part of the said Commons and Waste Lands intended to be inclosed by virtue of this Act, as a Satisfaction for his, her, or their Right and Interest in the Soil; and also shall assign, set out, and allot unto such Person or Persons, and his, her, or their Heirs, so much of the Remainder of the said Commons or Waste Lands, as upon Division thereof with other Persons therein interested, he, she, or they shall be entitled in respect of his, her, and their Freehold Estates, having Right of Common in or upon the said Commons or Waste Lands.

Allotment to
the Lord of
the Manor.

XX. And

Allotments to the rest of the Persons interested.

XX. And be it further enacted, That after such Allotments shall be made as aforesaid, the said Commissioner shall and he is hereby authorized and required to assign, set out, and allot all the Rest, Residue, and Remainder of the said Commons and Waste Lands, unto and amongst the several Persons who, at the Time of making such Division and Allotment, shall be interested therein, in such Quantities, Shares and Proportions, and in such Manner as the said Commissioner shall adjudge and determine to be a full and just Compensation and Satisfaction for, and equal to their several and respective Rights and Interests of, in, and over the said Commons and Waste Lands (Quantity, Quality, and Situation considered).

Proprietors to fence their own Allotments.

XXI. And be it further enacted, That all and every Person and Persons to or for whom any Allotment or Allotments of any Part or Parts of the said Commons or Waste Lands shall be set out, allotted or awarded, shall respectively at his, her, and their own Expence fence in and inclose the same, in such Manner and within such Time, as the said Commissioner shall in and by his Award, or any other Writing under his Hand direct or appoint; and such Fences shall for ever afterwards be preserved and kept up by the Owner or Owners of the said Allotment or Allotments respectively.

Power for Proprietors to sell their Allotments.

XXII. And be it further enacted, That it shall be lawful for any Person or Persons who shall be entitled to any Allotment or Allotments by virtue of this Act, to give, grant, bargain, sell, limit, convey and assure the same, or all or any Part of his, her, or their Estates or Interests therein or Right thereto, at any Time before the Execution of the Award of the said Commissioner; and every such Gift, Grant, Bargain, Sale, Limitation, Conveyance and Assurance, shall be of the same Force and Validity as if made after the Execution of the said Award; and it shall be lawful for the said Commissioner and he is hereby authorized to award the Allotments so sold to the Purchaser or Purchasers thereof respectively.

Allotments to be of the same Tenure.

XXIII. And be it further enacted, That all the several Allotments which shall be allotted under and by virtue of this Act, shall (immediately after such Allotments are made) be held by and under, and be subject to such and the same Tenures, Customs, Heriots, Rents and Services, as the several and respective Messuages, Buildings, Lands, Tenements and Hereditaments, in respect whereof such Allotment shall be made, are now subject to.

Allotments to Tenants for Life and in Fee Simple to be distinct.

XXIV. Provided always, and be it further enacted, That in case it shall happen that the same Person or Persons is or are seised of Messuages, Lands, or Hereditaments for Life only, and of the Fee Simple and Inheritance of other Messuages, Lands or Hereditaments within the said Manors of *Newberry* and *Howberry*, or either of them respectively, and any such Person or Persons shall have or claim to have Rights or Interests in the Lands and Grounds hereby directed to be divided and inclosed, and shall be entitled or claim to be entitled to Right of Common in respect of

both such Estates, then and in such Case the said Commissioner, upon the Request in Writing of such Person or Persons, or of his, her, or their Agent or Attorney, shall set out and allot the Share or Proportion of such Person or Persons, in respect of his, her, or their different Estates, in distinct and separate Parcels from each other, so that the Proportion of Common Lands awarded in respect of the Messuages, Lands and Hereditaments held for Life, or settled Estate, be no way intermixed with, but kept separate from the Portion awarded in respect of the unsettled Estate.

XXV. And be it further enacted, That it shall be lawful for the said Commissioner to set out, allot and award any Lands, Tenements, or Hereditaments whatsoever within the said Parish, in lieu and in Exchange for any other Lands, Tenements or Hereditaments whatsoever within the said Parish, or within any adjoining Parish, Hamlet, Township or Place, provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioner, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements or Hereditaments which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politic, Corporate or Collegiate, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail General or Special, or by the Courtesy of *England*, or for Years determinable on a Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Owners or Proprietors as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Females Covert, Lunatics, or under any legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself or herself, such Consent to be testified in Writing under the Common Seal of the Body Politic, Corporate or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every such Exchange and Exchanges so to be made, shall be good, valid and effectual in Law to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Lands, Tenements, or Hereditaments held in Right of any Church or Chapel, or other Ecclesiastical Benefice, without the Consent, testified as aforesaid, of the Patron thereof, and of the Lord Bishop of the Diocese in which such Lands, Tenements or Hereditaments so to be exchanged shall lie and be situate.

Exchanges may be made with Consent of Parties.

XXVI. And be it further enacted, That all Costs, Charges and Expences attending the making of any Sales, Exchanges or Partitions, to be made by virtue of this Act or the said recited Act, shall be paid, borne, and defrayed by the several Persons making any such Sales, Exchanges or Partitions, in such Manner and in such Proportion as the said Commissioner shall by his said Award, or any other Writing under his Hand, order and direct, and such Costs, Charges, and Expences may be recovered in the same Manner as the Costs and Charges of obtaining and executing this Act can or may be recovered.

Expences of Sale and Exchanges by whom to be paid.

Leases at
Rack Rent
to be void, as
to new In-
closures.

XXVII. And be it further enacted, That the said Commissioner may and he is hereby directed and authorized to declare void all and every Lease and Leases, and all other Agreements and Tenures at Will or Rack Rent subsisting, of any Messuages, Lands, or Tenements, in respect whereof any Allotment shall be made in pursuance of this Act, so far as such Lease or Leases may operate to demise or let all or any Part of the said Commons or Waste Lands hereby directed to be divided, allotted or inclosed, or Right to Common thereon; and the said Commissioner is hereby empowered to order and adjudge such Satisfaction, as to him shall appear reasonable, to be made to such Lessee or Lessees by the respective Owners or Proprietors of the said Messuages, Lands and Hereditaments, and to order, adjudge and determine when and by whom such Satisfaction shall be made.

Not to vacate
beneficial
Leases.

XXVIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to set aside or make void any beneficial Lease or Leases whatsoever from any Bodies Politic or Corporate, or other Person or Persons, of any Lands, Tenements, Tythes or Hereditaments to any Person or Persons whomsoever; but the Person or Persons entitled to such beneficial Lease or Leases may hold and enjoy his, her, or their several and respective Allotments of the said Commons or Waste Lands which shall be set out for or in respect of such Messuages, Lands, and Hereditaments, for his, her, or their several and respective Terms, and under the same Rents and Covenants as is or are specified in such beneficial Lease or Leases respectively.

Where
Lessees are
entitled to
Right of
Common.

XXIX. And be it further enacted, That all Allotments which shall be made in respect of any Messuages, Tenements, Lands, and Hereditaments in Grant or Lease, where the Grantee or Grantees, Lessee or Lessees, Tenant or Tenants is or are not entitled to Right of Common upon the said Commons or Waste Lands any longer than whilst the same shall be open and uninclosed, shall be allotted to and shall be held and enjoyed by the Grantor or Grantors, or Owner or Owners of the said Messuages, Tenements, Lands and Hereditaments so in Grant or Lease respectively, according to their several Estates and Interests therein respectively, and the Grantees, Lessees, or Tenants shall have no Right to such Allotment or Allotments, or any Part thereof; and it shall be lawful for the said Commissioner to determine upon and settle all Contracts, Covenants, Agreements, Claims and Demands whatsoever, touching the said Commons or Waste Lands, or any Part or Parcels thereof, or any Right or Benefit of, in, or to the same, between all and every or any such Landlord and Tenant, or Landlords and Tenants respectively.

Wills and
Settlements
not to be
affected.

XXX. And be it further enacted, That nothing in this or the said recited Act contained shall extend or be construed to extend to revoke, make void, alter, or annul any Will, Deed or Settlement, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Debts, Rents, or Incumbrances out of, upon, or affecting any of the Lands, Grounds, and Hereditaments to be divided and allotted, or which shall be exchanged or assigned in Compensation for any other Estate

Estate or Right by virtue of this or the said recited Act, or any Part or Parts thereof respectively; but as well the Lands allotted, as the Tenements and other Hereditaments which shall be assigned in Exchange, or in Compensation for any other Estate or Right, shall immediately after such Allotment, Exchange or Assignment shall be made, be vested, remain and enure, and the several Persons to whom the same shall be allotted, assigned, or given in Exchange as aforesaid, shall thenceforth stand and be seised and possessed thereof respectively, to such and the same Uses, and for such and the same Estates, and subject and liable to such and the same Wills, Deeds, Settlements, Jointures, Dowers, Portions, Debts, Rents and Incumbrances, as the Messuages, Tenements, Lands, Grounds, and Hereditaments in respect whereof such Allotments, Assignments, and Exchanges shall be made, would have been subject to, charged with, or affected by, in case this Act had not been passed; except as to such Leases or Agreements for Leases at Rack Rent, or from Year to Year, as shall be determined by virtue of this Act, or where any of the Provisions of the said recited Act or of this Act shall be to the contrary, and also except such Charges and Incumbrances as shall be made thereon, by virtue of this Act or the said recited Act.

XXXI. And be it further enacted, That the first Three Crops of Corn or other Produce obtained by Tillage in all and every the said Allotments shall be exempt from all Payment of Tythes, provided such Crops be raised within Three Years next after the Execution of the aforesaid Award. First Crops to be exempt from Tythes.

XXXII. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, and of carrying this and the said recited Act into Execution, and of the surveying, planning, valuing, dividing, and allotting the Commons and Waste Lands so intended to be inclosed, and of preparing, ingrossing, enrolling and depositing the Award of the said Commissioner, and of forming and making the several public or private Roads or Ways, Ditches, Fences, Drains, Banks, Bridges, Gates, Stiles, and other Requisites as aforesaid, and all other Charges and Expences of the said Commissioner and Clerk, and other necessary Expences in and about the Premises, together with Interest for any Monies advanced for obtaining or effecting the Purposes of this Act, shall be paid by the said Commissioner out of the Money arising by Sale of Part of the said Commons and Waste Lands herein-before directed, or out of any Money by this Act authorized to be raised. For defraying Expenses.

XXXIII. Provided always, and be it further enacted, That in case the Money arising by the Sale of any Part or Parts of the said Commons and Waste Lands, by this Act directed to be sold as aforesaid, shall be more than will be required to defray such Charges and Expences as aforesaid, then and in such Case the Surplus Money arising by such Sale, shall be divided and apportioned between and among the several Persons who shall have Allotments made to them of the Lands hereby directed to be divided and inclosed, according to their several and respective Interests therein, and Surplus Monies how to be disposed of.

shall be paid to them respectively in case they shall be seized in Fee Simple of their respective Estates, but otherwise such Surplus Money shall be paid into the Bank of *England*, in the 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 Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the same Uses.

A Rate to be made, if Pieces allotted for Sale should not be sufficient to defray the Expences.

XXXIV. And be it further enacted, That in case it shall happen that the Purchase Money arising from the Sale of such Part or Parts of the said Commons and Waste Lands shall not be sufficient to pay and discharge such Charges and Expences as aforesaid, then the said Commissioner shall and he is hereby authorized and empowered to make a Rate or Rates for the Residue of such Costs and Expences upon the several Persons to whom any Allotment or Allotments shall be made by virtue of this Act, according to and in Proportion to such Allotment or Allotments; and the said Commissioner is hereby authorized and empowered to levy and recover such Rate or Rates in the same Manner as other Expences and Payments are by the said recited Act or this Act directed to be levied and recovered.

For repaying Money advanced, with Interest.

XXXV. Provided always, and be it further enacted, That the Money which shall be advanced by any Person or Persons for the Purpose of defraying the Charges and Expences incident to and attending the obtaining and passing this Act, or which shall be advanced or lent to the said Commissioner for carrying the same into Execution, shall be repaid with lawful Interest, from the Time such Money shall have been actually advanced, to the Person or Persons who shall have advanced the same, his, her, or their Executors or Administrators, out of the first Monies to be raised under and by virtue of this Act for defraying the Expences of obtaining and executing the same.

Commissioner's Allowance.

XXXVI. And be it further enacted, That the said Commissioners shall be allowed the Sum of Three Pounds and Three Shillings for every Day he shall be actually employed in any Business required of him as Commissioner by the said recited Act or this Act, and also for every Day of necessary travelling for the Execution of this Act, in full Satisfaction for his Time, Trouble, and Expences.

Commissioner to lay his Accounts before Justices.

XXXVII. 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 Day of the passing thereof,) the said Commissioner shall and he is hereby required to make a true and just Statement or Account of all and every Sum and Sums of Money by him received and expended, or due to him for his Time, Trouble and Expences in the Execution of this and the said recited Act; and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by him laid before any Two or more of His Majesty's Justices of the Peace for the said County of *Kent*, (not interested in the said intended Division and Inclosure) to be by them examined and balanced, and such Balance

Balance shall be by such Justices stated in the Book of Accounts to be kept in the Office of the Clerk to the said Commissioner, 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 in Writing by such Justices.

XXXVIII, And be it further enacted, That the Award to be made by the said Commissioner, when enrolled in Manner directed by the said recited Act, and such Plans or Surveys, as may be annexed thereto, shall be deposited in the Parish Church of *Crayford* aforesaid, for the Perusal of all Persons interested therein. Award to be deposited.

XXXIX. 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, (other than and except such Determinations of the Commissioner as are hereby or by the said recited Act declared to be final, binding, or conclusive, and except in such Cases where an Issue at Law may be tried as hereinbefore is mentioned), then and in every such Case he, she, or they may appeal to the General Quarter Sessions of the Peace which shall be holden in and for the said County of *Kent*, within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioner and to the Party or Parties concerned Fourteen Days Notice in Writing of such Appeal, and of the Matter thereof; and the Justices, not interested in the Premises, in such Sessions assembled, are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein, and award such Damages and Costs, as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy such Damages and Costs by Distress and Sale of the Goods and Chattels of the Party or Parties made 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 Warrant, Distress and Sale; and every Order and Determination of the said Justices upon every such Appeal shall be final and conclusive, and shall not be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without Foundation, then and in such Case the said Justices shall award such Costs to be paid by the Appellant or Appellants as to them in their Discretion shall seem reasonable, and such Costs shall be levied in Manner aforesaid. Persons aggrieved may appeal to the Quarter Sessions.

XL. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and also to all and every Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, his, her, or their Heirs, Executors or Administrators, (except such whose Rights are hereby intended to be barred), all such Right, Title, and Interest as they, any, or every of them had and enjoyed of, in, to, or out of the said Commons or Waste Lands at the Time of passing this Act, or could or might have had or enjoyed in case this Act had not been made. General Saving of Rights.

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52° GEORGII III. *Cap. 67.*

Act to be
printed by
the King's
Printers.

XLI. 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 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.