



ANNO QUINQUAGESIMO TERTIO

GEORGI III. REGIS.

Cap. 174.

An Act for inclosing Lands in the Parishes of *Isleworth*, *Heston*, and *Twickenham*, in the Manor of *Isleworth Syon*, in the County of *Middlesex*.

[22d June 1813.]

WHEREAS there are within the several Parishes of *Isleworth*, *Heston*, and *Twickenham*, in the Manor of *Isleworth Syon*, in the County of *Middlesex*, divers Open and Common Fields, Meadows, and Pastures, and other Commonable Lands and Grounds, containing together by Estimation Seven hundred Acres or thereabouts; and divers Waste Lands and Grounds, containing together about One thousand eight hundred and seventy Acres or thereabouts; and also divers inclosed Lands and Grounds, containing together Five thousand three hundred Acres or thereabouts: And whereas the King's most Excellent Majesty, in Right of His Crown, is Lord of the Manor of *Twickenham*, and as such is entitled to the Soil of the Waste Grounds and Commons within the said Manor, if any such there be; and is also Proprietor of divers Tenements and inclosed Lands in the said Parishes of *Isleworth*, *Heston*, and *Twickenham*, or in some or one of them, and in respect thereof is or claims to be entitled to Right of Common or other Rights in the said Lands, Grounds, and Commons: And whereas *Hugh Duke of Northumberland* is Lord of the said Manor of *Isleworth Syon*, and as such is entitled to the Soil of the Waste Grounds and Commons within the said Manor; and *George Earl of Jersey* and *Sarah Sophia* his Wife, in Right of the said *Sarah Sophia*, the Dean and Canons of His

[Loc. & Per.] 34 T Majesty's

41 G. 3. c. 109.

Commissioners Names.

Majesty's Free Chapel of *Saint George* within His Castle of *Windsor*, and *Sophia Bulstrode*, are the Owners and Proprietors of divers Manors or reputed Manors within the said Manor of *Isleworth Syon*; and who, together with the Right Honourable Sir *Joseph Banks* Baronet, Knight of the Bath, *Laura* Countess Dowager of *Waldegrave*, Lord Viscount *Clifden*, *Mary* Countess Dowager *Powlett*, *George Gostling* and *Alexander Baring*, Esquires, with divers other Persons, are also the Owners and Proprietors of Messuages, Cottages, inclosed Lands and Grounds, and of the said Open and Common Fields, Meadows and Pastures, and other Commonable Lands and Grounds; and as such Owners and Proprietors, in respect of their several Lands are entitled, in different Proportions, to Rights of Common or other Rights therein: And whereas *John* Lord Bishop of *London* is the appropriate Rector, and *Henry Scott Trimmer* is Vicar for the Time being of the Parish of *Heston*, and *Mathilda Hodfoll* Spinster is Lessee of the said appropriate Rectory, and as such are entitled to the Great and Vicarial Tithes of the said Parish respectively: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas the said Common Lands are in their present State incapable of any considerable Improvement, and the same if divided and inclosed might be greatly improved; but such Division and Inclosure cannot be effected without the 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 the said Open and Common Fields, Common Meadows, and Common Pastures, and other Commonable Lands and Grounds, and also the said Waste Lands and Grounds, within the Parish of *Isleworth*, shall, so soon as conveniently may be after the passing of this Act, be divided, set out, and allotted by *William James* of *Boswell Court, Caney Street*, in the County of *Middlesex*, and *Thomas Chapman* of *Richmond*, in the County of *Surrey*, Land Surveyors; and that the Open Fields, Open Meadows, Lammas Lands, and other Commonable and Waste Lands within the Parish of *Heston*, in the said County of *Middlesex*, may be in like Manner set out, allotted, and divided by the said *William James*, and the said *Thomas Chapman*, and *John Trumper* of *Harefield*, in the County of *Middlesex*, Land Surveyors; and that the Open Fields, Open Meadows, Lammas Lands, and other Commonable and Waste Lands within the Parish of *Twickenham*, may be in like Manner set out, allotted, and divided by the said *William James* and the said *Thomas Chapman*, or their respective Successors, to be nominated and appointed in the Manner herein-after mentioned; and the said *William James*, and *Thomas Chapman*, and *John Trumper*, or their respective Successors, are hereby appointed Commissioners for carrying this Act and the said recited Act into Execution, within the Parishes of *Isleworth*, *Heston*, and *Twickenham*, respectively; namely, the said *William James* and the said *Thomas Chapman*, for the Parish of *Isleworth*; the said *William James*, and the said *Thomas Chapman*, and the said *John Trumper*, for the Parish of *Heston*; and the said *William James*, and the said *Thomas Chapman* for the Parish of *Twickenham*; under and subject to such of the

the Regulations and Provisions contained in the said recited Act, as are not varied or altered, or controuled by, or repugnant to any of the Provisions of this Act.

II. And be it further enacted, That *Peter Henderson* of *East Bedford*, in the said County of *Middlesex*, Esquire, be, and he is hereby constituted and appointed to act as Umpire in and concerning all and every Case where the said Commissioners shall differ in Opinion, but not in any other Case; and where any Difference of Opinion shall arise, the Matter or Thing, Matters or Things in Difference between the respective Commissioners, shall be referred to and be determined by the said *Peter Henderson* as Umpire, and the Judgment and Determination of the said Umpire shall be deemed and taken to be the Judgment and Determination of the said Commissioners: Provided always, that the said *Peter Henderson*, or any future Umpire to be appointed as herein-after directed, shall not be capable of acting as an Umpire in the Execution of this Act, until he shall have taken and subscribed the following Oath; (that is to say),

Appoint-
ment of
Umpire.

I do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill, Ability, and Judgment, execute the several Powers, Authorities, and Trusts reposed in me as an Umpire, by virtue of an Act of Parliament made in the Fifty-third Year of the Reign of His present Majesty King *George* the Third, intituled *An Act for inclosing Lands in the Parishes of Isleworth, Heston, and Twickenham, in the Manor of Isleworth Syon, in the County of Middlesex*, according to Equity and good Conscience, and without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever.

Umpire's
Oath

So help me GOD.

III. And be it further enacted, That in case One or more of the said Commissioners shall die, or refuse, or neglect, or decline to act or qualify themselves or himself, or shall be rendered incapable of acting as such Commissioner, then and so often, and from Time to Time, as the said Cases or either of them shall happen before this Act shall be fully performed and carried into Execution, a new Commissioner or Commissioners shall be nominated and appointed in Manner following; (that is to say), in case the said *William James*, or any succeeding Commissioner to be nominated and appointed in his Stead, shall die, or refuse, neglect or decline to act or qualify, or shall be rendered incapable of acting as aforesaid, it shall be lawful for the said *Hugh Duke of Northumberland*, or the Person or Persons who for the Time being shall be entitled to the Freehold and Inheritance of the said Manor of *Isleworth Syon*, and he or they are hereby required, by Writing under their Hands, from Time to Time, within Thirty Days next after every such Death, Refusal, Neglect, Declension, or Incapacity as aforesaid shall happen, to nominate and appoint One other Person, not interested in the said Inclosure, to be a Commissioner in the Stead of the said *William James* or of any succeeding Commissioner to be nominated and appointed in his Place, who shall so die, or refuse, or neglect, or decline to act or qualify, or shall be rendered incapable of acting as aforesaid; and in case the Commissioner or Commissioners nominated and appointed for any or either of the said respective Parishes, or any succeeding Commissioner to be nominated in his Stead, shall die, or refuse, or neglect, or decline to act or qualify, or shall be rendered incapable of acting

For choosing
new Commis-
sioners.

acting as aforesaid, it shall be lawful for the major Part in Value (such Value to be ascertained by the Land Tax Assessment) of the several Owners and Proprietors for the Time being of the said Open and Common Fields, Common Meadows, and Common Pastures, and other Commonable Lands and Grounds, and of the said Waste Lands and Grounds so directed to be set out, divided, allotted, and inclosed, within the Parish for which such Commissioner so dying shall have been nominated a Commissioner as aforesaid, other than the said Duke, his Heirs or Executors respectively, who shall, by themselves or Agents duly authorized, attend the Meeting or Meetings to be appointed for that Purpose as herein-after is mentioned, and such major Part in Value of the said several Owners and Proprietors within the Parish for which such Commissioner so dying was appointed, are hereby required, from Time to Time, within Thirty Days next after every such last-mentioned Death, Refusal, Neglect, Declension, or Incapacity as aforesaid shall happen, by Writing under their Hands to nominate and appoint some other fit Person (not interested in the said Division, Allotment, or Inclosure) to be a Commissioner in the Place or Stead of such last-mentioned Commissioner who shall so die, or refuse, or neglect, or decline to act or qualify, or shall be rendered incapable of acting as aforesaid; and every such last-mentioned Commissioner, so to be appointed, shall have the like Powers and Authorities as the Commissioner in whose Place or Stead he shall be so nominated and appointed was vested with under or by virtue of this Act; and in case the said *Thomas Chapman* or his Successors shall die, or refuse, or neglect, or decline to act, or shall be rendered incapable to act, it shall be lawful for the said Lord Bishop of *London* for the Time being, and his Lessee, together with the Vicar of *Heston*, in like Manner to nominate another Commissioner in the Place of the said *Thomas Chapman*, or his Successor or Successors so dying, or refusing, or neglecting, or declining to act or qualify, or who shall be rendered incapable of acting as aforesaid.

Any Five Owners shall give Notice of the Time of Meeting.

IV. Provided always, That any Five or more of the said Owners or Proprietors shall cause Notice to be given of the Time and Place of every such Meeting for every such last-mentioned Nomination and Appointment, at the least Twenty Days before the Time of holding such Meetings respectively; such Notice to be given and published in the Parish Church of that Parish for which such Commissioner so dying shall have been nominated and appointed, on some *Sunday* immediately after Divine Service, and to be affixed on the Doors of such Parish Church, and also published in the Newspaper called *The County Chronicle*; and in case Default shall be made in appointing any new Commissioner within the respective Times herein-before appointed for that Purpose, then and in every such Case it shall be lawful for the surviving or remaining Commissioner, and he is hereby required and directed from Time to Time, by Writing under his Hand, within Thirty Days next after the Expiration of the respective Times allowed to the respective Parties for nominating and appointing such new Commissioners as aforesaid, to nominate and appoint some other Person or Persons (not interested in the said Inclosure) to be a Commissioner or Commissioners in the Place or Stead of every such Commissioner who shall so die, or refuse, or neglect, or decline to act or qualify.

V. And

V. And be it further enacted, That if the said *Peter Henderson* the Umpire appointed, or any other Umpire to be appointed in his Stead, shall die, or refuse, or decline to act or qualify himself as Umpire in pursuance of this Act, then and so often and from Time to Time as the said Cases or either of them shall happen, before this Act shall be fully performed and carried into Execution, it shall be lawful for the said Commissioners, and they are hereby required, within Fourteen Days after the Death, Refusal, or declining to act as aforesaid, by Writing under their Hands, to nominate and appoint some other fit Person (not interested in the said Division, Allotment and Inclosure) to be an Umpire; and every such Umpire so nominated and appointed shall have the like Powers and Authorities as the Umpire, in whose Stead or Place he shall be so elected and appointed, was or were vested with under and by virtue of this and the said recited Act.

For choosing
new Umpire.

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

For choosing
Clerk.

VII. And be it further enacted, That all Notices required to be given in a Public Newspaper by this Act, or by the aforesaid recited Act, shall be published in a certain Newspaper called *The County Chronicle*, or in the Event of that Paper ceasing to be published, then in the *London Gazette*.

Notices how
to be adver-
tised.

VIII. 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 Churches of *Isleworth*, *Heston* and *Twickenham* aforesaid, upon some *Sunday* immediately after Divine Service, and also to affix a like Notice in Writing upon the Doors of the same Parish Churches respectively, of the Time and Place of their First and every subsequent Meeting, for executing the Powers and Trusts hereby vested in them at least Ten Days before every such Meeting (Meetings by Adjournment only excepted); and if at any Time appointed for any such Meeting only One of the said Commissioners shall attend, then and in every such Case such One Commissioner shall adjourn the said Meeting to such future Time, not exceeding the Space of Ten Days, as he shall think fit; and every Owner or Proprietor attending every or any such Meeting or Meetings shall pay and defray his or her own Expences; and all Meetings of the said Commissioners for putting this Act into Execution, shall be held at some House in one of the said Parishes of *Isleworth*, *Heston* and *Twickenham* aforesaid.

Notice of
Meetings to
be published
at Church.

IX. And be it further enacted, That each of the said Commissioners and the Umpire, who shall act in the Execution of the Powers and Trusts hereby vested in them or him, shall be paid the Sum of Three Guineas, and no more, for each Day he shall be employed therein; and which said Sum of Three Guineas is to include all Expences of travelling to and from the said Meetings respectively, and to be in full Satisfaction

Allowance to
Commission-
ers.

faction of all the Trouble and Expences which every such Commissioner or Umpire shall be put unto at or on every such Meeting for the Purpose of executing this Act.

Notice of
Claims.

X. And be it further enacted, That the said Commissioners shall as soon as conveniently may be after the passing of this Act, cause Notices in Writing to be affixed on the Doors of the respective Parish Churches of *Isleworth*, *Heston* and *Twickenham* aforesaid, on some *Sunday* before Divine Service, of the Day or Days, and Place or Places appointed by them for receiving Claims of Rights or Interests in or over the Lands and Grounds by this Act directed to be divided, allotted, and inclosed, which Meetings respectively shall be at least Fourteen Days from the Time of giving such Notices thereof respectively; and at such Meeting or Meetings all and every Person or Persons having or claiming to have any Rights of Common or any other Rights, Property or Interest in or to or over any of the said Lands and Grounds, shall and they are hereby required, by themselves or their Agents, to deliver in their respective Claims in Writing, under their Hands, or the Hands of their Agents respectively, to such Commissioners, distinguishing in such Claims the Estate, Lands and Hereditaments, and the Tenure of the Estate, Lands and Hereditaments in respect whereof such Claims shall be so made, and stating therein such further Particulars as shall be necessary to describe such Claims with Precision; and no such Claims shall be received by the said Commissioners after the Meeting, which in the Notice thereof shall be expressed to be the last Meeting for receiving such Claims, except for some special Cause to be allowed by the said Commissioners; and after the said Claims shall have been so delivered in, the said Commissioners shall give Notice in the Manner herein before described, of the Day or Days, and Place or Places by them appointed for hearing and determining the same, when and where all Parties concerned may appear before the said Commissioners, and shew Cause for or against the Allowance or Disallowance of the said Claims; and in case any Doubt or Difficulty shall arise respecting such Claims, or if any Dispute or Difference shall happen between any Proprietors of Estates, Lands and Hereditaments, touching their said respective Rights or Interests in the Lands and Grounds hereby directed to be divided, allotted and inclosed, or any Part or Parts thereof, or touching or concerning any other Matter or Thing relating to the said Division and Inclosure, it shall and may be lawful for the said Commissioners, and they are hereby authorized and required, by Examination of Witnesses upon Oath (which Oath the said Commissioners, or any One of them, are and is hereby empowered to administer), and by such other Evidence as they may think proper, to examine into, hear, and determine the same.

Commission-
ers not to
determine
Titles, nor
molest Posses-
sion.

XI. Provided always, and be it further enacted, That nothing in this Act contained shall extend to authorize or enable the said Commissioners or Umpire to determine the Title to any Messuages, Lands, Tenements or Hereditaments whatsoever, nor to determine any Right between any Party contrary to the Possession of any such Parties (except in Cases of Encroachments); but in case the said Commissioners or Umpire 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

have been given up by such Person or Persons, or recovered from such Person or Persons by Ejectment or other due Course of Law.

XII. 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 Act, see Cause to award any Costs, it shall and may be lawful for the said Commissioners, and they are hereby empowered, upon Application made to them for that Purpose, to settle, assess, and award such Costs and Charges as they shall think reasonable, to be paid to the Party or Parties in whose Favour any Determination of the said Commissioners or Umpire shall be made by the Person or Persons whose Claim or Claims, Objection or Objections shall be thereby disallowed or over-ruled; and in case the Person or Persons 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 and may 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 so neglecting or refusing to pay the same, 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.

Commissioners may award Costs.

XIII. Provided always, and be it further enacted, That in case any Person or Persons interested or claiming to be interested in the said intended Division and Inclosure, shall be dissatisfied with any Determination of the said Commissioners or Umpire, touching or concerning Boundaries, or any Rights of Common or other Rights or Interests in, over, or upon the said Commons and Waste Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, it shall and may be lawful for the Person or Persons so dissatisfied, to proceed to a Trial at Law of the Matter so determined by the said Commissioners or Umpire, in the next or following Sittings after Term, to be held at *Westminster*, in and for the said County of *Middlesex*, after the Issue or Issues hereby directed shall have been settled as hereafter mentioned; and for that Purpose the Person or Persons who shall be so dissatisfied with the Determination of the said Commissioners or Umpire, shall cause an Action to be brought, upon a feigned Issue, against the Person or Persons in whose Favour such Determination shall have been made, within Six Calendar Months next after such Determination of the said Commissioners or Umpire; and the Defendant or Defendants in such Action or Actions shall, and he, she, or they is and are hereby required to name an Attorney or Attornies, who shall appear thereto or file Common Bail, and accept One or more Issue or Issues, whereby such Claim or Claims and the Right or Rights thereby insisted on may be tried and determined; such Issue or Issues to be settled by the proper Officer of the Court in which such Action or Actions shall be commenced, in case the Parties or their Attornies shall differ about the same; 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 qualified or less Right or Rights, or Interest or Interests, than was or were claimed by such Party or Parties, then it shall and may be lawful for the Jury by whom such Issue or Issues shall be tried, to find and declare the same by their Verdict, which

Parties may try their Rights at Law.

which shall be endorsed on the Postea, in addition to the Verdict given on the Issue or Issues joined, but nevertheless the Costs of such Action or Actions shall abide and be determined by the Verdict given upon the Issue or Issues joined, as if no such special Finding had been made; and the Verdict or Verdicts which shall be given in such Action or Actions, upon the Issue or Issues joined, in case there shall be no such special Finding or Indorsement, or such special Finding or Indorsement, if any such shall be made, shall be binding upon all Persons and Bodies Politic and Corporate whomsoever, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, or Finding or Indorsement, and order a new Trial or new Trials to be had, which it shall be lawful for the Court to do, and also upon sufficient Cause shewn to put off the Trial of such Issue, as is usual in other Cases; and that after such Verdict or Verdicts, or special Finding or Indorsement shall be obtained, and not set aside by the Court, the said Commissioners shall and they are hereby required to act in conformity thereto, and to allow or disallow such Claim or Claims accordingly.

Deaths not
to abate
Actions.

XIV. Provided always, 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 Action shall not abate by reason thereof, but shall be proceeded in as if such Event had not happened.

In case of
Death of
Parties be-
fore Actions
brought, the
same to be
brought in
their Names.

XV. Provided always, and be it further enacted, That if any Person or Persons in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions, Suit or Suits, might have been brought if living, shall die before any such Action or Actions, Suit or Suits, shall have been brought, and before the Expiration of the Time herein-before limited for bringing such Action or Actions, Suit or Suits, it shall be lawful for the Person or Persons, Bodies Politic, Corporate, or Collegiate, who might have brought such Action or Actions, Suit or Suits 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 or Clerks to the said Commissioners with Process for commencing such Action or Actions, Suit or Suits, 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, Suit or Suits, in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein in like Manner as if such Person or Persons had been actually living; and the Rights of the Parties shall be equally bound and concluded by the Event of such Action or Actions, Suit or Suits.

Suits not to
impede the
Act.

XVI. 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 or Umpire from proceeding in the Execution of the Powers vested in him by this Act, but the said Division, Allotment,
and

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.

XVII. 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 or Umpire shall not be thereby determined or suspended, but that the said Commissioners or Umpire 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 Act or the said recited Act; and he, she, or they shall be liable to the Charges and Expences and other Conditions of this Act and the said recited Act.

Deaths not to impede the Act.

XVIII. And be it further enacted, And the said Commissioners are also hereby empowered and directed, before they proceed to allot the said Common Fields, Common Meadows, Common Pastures, or Lammas Land as aforesaid, to set out and allot an Equivalent in Value for any Rights of Common existing over the same: Provided nevertheless, that the inclosing and fencing of the Common Fields as aforesaid shall be made at the Expence of the Parties interested in the same, distinct and apart from the other Expences attending the Execution of this Act, in such Manner as the said Commissioners shall direct, and not at the Expence of the Proprietors of Lands within the said Manor of *Isleworth Syon*, not interested in such Common Fields.

Equivalent for Rights of Common to be set out before the Common Fields are allotted.

XIX. And be it further enacted, That the Proprietors whose Allotments on the said Division shall have been tilled, ploughed, sown, folded or manured by any former Proprietor or Occupier thereof, shall pay unto the Person or Persons respectively who shall have tilled, ploughed, sown, folded or manured the same, or any Part thereof, his, her, or their Executors or Administrators, such Sum and Sums, and at such Time and Times, as the said Commissioners shall think reasonable, and shall by Writing under their Hands ascertain and direct; and if by reason of the Mismanagement of any former Occupier, or of the preceding Crop or Crops, or by any other Means, it shall happen that the Allotment or Allotments to any Proprietor shall not contain a due and reasonable Proportion of Land in a proper State for Wheat, or other tilth Crop; or if any such Allotment or Allotments shall in the Judgment of the said Commissioners be from any Cause in a worse Condition to be occupied than the Average of the Land allotted by virtue hereof, then the Person or Persons to whom any such Allotment or Allotments shall be made, shall receive such Compensation and Satisfaction from any other of the Proprietors, or from the former Occupier, as the said Commissioners shall determine and adjudge to be just and equitable; and in case any of the Sums which shall by the said Commissioners be directed to be paid as aforesaid, shall not be paid to the Person or Persons, and at the Time or Times to be appointed by the said Commissioners for Payment thereof, it shall be lawful for them, and

Satisfaction to be made for Tillage, &c.

[*Loc. & Per.*]

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they

they are hereby required to levy the same in like Manner as the Expences of passing this Act, and carrying the same into Execution, are directed to be raised and levied.

Commissioners to set out Drains.

XX. And be it further enacted, That the said Commissioners shall and they are hereby required to set out such Common Drains, Common Sewers and Watercourses, as well in, through, over and upon the present Inclosures within the said Parishes of *Isleworth*, *Heston*, and *Twickenham* (save and except within any Park or Pleasure Grounds, or any House, Homestead, Garden, Paddock or Orchard, without Leave being first had and obtained in Writing under his Hand from the Owner thereof), as also in, through, over, and upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, as they shall think proper, making such Allowances to the several Owners or Proprietors of the several Inclosures, as shall in the Judgment of the said Commissioners be an adequate Compensation or adequate Compensations for the Damages (if any) which may be sustained thereby; and the said Commissioners are hereby also authorized and empowered, with the Consent in Writing of the Owners and Occupiers of the adjoining Lands, to widen and deepen any present Drains, Sewers, and Watercourses running between the said several Parishes of *Isleworth*, *Heston*, and *Twickenham* (except as aforesaid), and any adjoining Parish, Township, or Place; and the Common Drains, Common Sewers, and Watercourses within the said Parishes of *Isleworth*, *Heston*, and *Twickenham*, shall for ever afterwards be cleared or scoured out by or at the Expence of such Person or Persons in the said Parishes of *Isleworth*, *Heston*, and *Twickenham*, and in such Manner and at such Times as the said Commissioners shall in and by their Award, herein-after directed to be made, or by any other Writing under their Hands to be executed by them, previous to the Execution of the said Awards, order and direct: Provided always, that nothing herein contained shall extend or be construed to extend to authorize or empower the said Commissioners to turn, divert, or alter the Course of any Drain, Sewer, Brook, Stream or Watercourse, without the Consent in Writing of the Owner or Owners of the Land from which such Drain, Sewer, Brook, Stream or Watercourse shall be intended to be diverted or turned, and of the Owner or Owners of the Land in which the same shall be intended to be turned.

For Protection of Quick Fences.

XXI. Provided always, and be it further enacted, That in order to preserve and prevent Damage to the Fences hereby directed or empowered to be made, no Person or Persons whomsoever shall, for the Space of Seven Years after the Execution of the Award of the said Commissioners, permit or suffer any Sort of Cattle, Asses, Sheep, Lambs, Swine or Goats to graze in any Highways, Lanes or Passages, which the said Commissioners shall order or direct to be laned off or fenced on both Sides; and any Occupier or Proprietor of Lands within the said respective Parishes, and his, her, and their or any of their Servants and Labourers, and also the Haywards of the respective Parishes of *Isleworth*, *Heston*, and *Twickenham* for the Time being, and all other Persons whomsoever, is and are hereby empowered to take and impound any such Beast, Horse, Ass, Sheep, Lamb, Swine, Goat, or other Cattle, which shall be so found grazing as aforesaid.

XXII. And

XXII. And be it further enacted, That nothing herein contained shall extend or be construed to extend to authorize the said Commissioners, or any other Person or Persons, to alter, vary, divert, or change the Course of any Part or Portion of the Water of His Majesty's River, called *The Hampton Court Cut*, or to put or convey into the said River any Drain, Watercourse, or Waste Water, for the Purpose of draining the Lands intended to be divided, allotted, and inclosed, or otherwise to interfere with the said River or the Banks thereof, nor to place any Fence or Fences, Stakes or other Things, nearer the Edge of the said River than the Space or Distance of Seven Yards; but that His Majesty, His Heirs and Successors, shall retain for his and their sole Use all his and their Rights and Interests in and to the said River and the Banks thereof, in such Manner as he or they might or could have done if this Act had not been passed; and also the Space or Distance of Seven Yards at the least on each Side of the said River, the whole Length the same extends within the Waste Lands hereby directed to be divided, allotted, and inclosed, for the more effectually securing the said River from Damage, and repairing the Banks thereof, and the Bridges thereon, and taking the Mud out of the said River, and other Uses and Purposes relative thereto; in which said Space or Distance of Seven Yards on each Side of the same River, no Person or Persons whatsoever other than His Majesty, His Heirs and Successors, and his and their Officers and Servants for the Time being, shall have any Right of Road, or any other Right whatever.

Not to alter or vary the Course of His Majesty's River called the Hampton Court Cut.

XXIII. And be it further enacted, That nothing herein contained shall extend or be construed to extend to authorize the said Commissioners, or any other Person or Persons, to alter, vary, divert, or change the Course of any Part or Portion of the Water of the River called the *Isleworth Mill River*, or to put or convey into the said River any Drain, Watercourse, or Waste Water, for the Purpose of draining the Lands intended to be divided, allotted, or inclosed, or otherwise to interfere with the said River, its Fishery or Banks, nor to place any Fence or Fences, Stakes or other Things nearer the Edge of the said River, than the Space or Distance of Eight Yards; but that the Owner of the said River, and the Person or Persons who shall be entitled to the Freehold and Inheritance of the said River, and the Fishery thereof, shall retain to himself and themselves, for his and their sole Use, the Space or Distance of Eight Yards at the least on each Side of the said River, the whole Length the same extends within the Waste Lands hereby directed to be divided, allotted, and inclosed, for the Purpose of fishing the said River, and for more effectually securing the same from Damage, and repairing the Banks thereof, and the Bridges thereon, and taking the Mud out of the said River, and other Uses and Purposes of the Owner or Owners of the said River relative thereto, on which said Space or Distance of Eight Yards on each Side of the River, no Person or Persons whatsoever, other than the Owner or Owners thereof for the Time being, his and their Agents and Servants, shall have any Right of Road, or any other Right whatever.

Not to alter or vary the Course of the Isleworth Mill River.

XXIV. And be it further enacted, That the said Commissioners shall and they are hereby authorized, empowered, and required to set out and allot one or more Plot or Plots of the said Waste Grounds and Lands so directed to be divided, allotted, and inclosed as aforesaid, as they shall think

Commissioners to set out one or more Plot or Plots of Waste

Ground for
Stone and
Gravel Pits.

think proper, not exceeding in the whole Five Acres in each of the said respective Parishes of *Isleworth*, *Heston*, and *Twickenham*, as and for public Stone Pits and Gravel Pits, with convenient Roads, to and from the same, to be used in common by the Proprietors of Lands and Estates in the Parish wherein such Pit or Pits are situate, and their respective Tenants, as well for their own necessary Uses, as for the Repairs of the public and private Roads and Ways within that Parish; and the Herbage growing and renewing in and upon such Plot or Plots of Lands and Grounds shall be and the same is hereby vested in the Surveyor or Surveyors for the Time being of the Highways of the said respective Parishes, in Trust for the Purposes aforesaid.

33G.3.c.80.

Satisfaction
to be made
for Land used
by the Grand
Junction
Canal Com-
pany, to be
received by
the Com-
missioners for
Inclosure.

XXV. And whereas by virtue of an Act passed in the Thirty-third Year of the Reign of His present Majesty, intituled *An Act for making and maintaining a Navigable Canal from the Oxford Canal Navigation at Braunston in the County of Northampton, to join the River Thames at or near Brentford in the County of Middlesex, and also certain Collateral Cuts from the said intended Canal*, by which certain Persons therein named were incorporated by the Name and Style of 'The Company of Proprietors of the Grand Junction Canal,' and were enabled to make use of certain Lands and Grounds for forming the said Canal, and other Purposes of said Act, making Satisfaction for all such Damages as should be sustained by the Owners and Occupiers of, and other Persons interested in the Lands and Hereditaments which should be taken and used by the said Company of Proprietors, sundry Parts of the said Commonable Lands and Waste Grounds within the said Manor of *Isleworth Syon* have been taken and used by the said Company of Proprietors for the Purposes of the said Canal, and for other the Purposes of the said Act, and no Recompence or Satisfaction hath been yet made for or in respect of the same; be it therefore further enacted, That the same Company of Proprietors shall and they are hereby required to pay to the said Commissioners for executing this Act such Sum or Sums of Money as the said Company of Proprietors and the said Commissioners shall mutually agree to be a fair Recompence and Satisfaction for and in respect of such Parts of the said Commonable Lands and Waste Grounds within the said Manor of *Isleworth Syon*, as have been so taken and used by the said Company of Proprietors; and in case the said Company of Proprietors shall not agree with the said Commissioners, as to the Amount of such Recompence and Satisfaction, within Twenty-one Days after they shall have been required by Notice in Writing, signed by the said Commissioners, and given to the Clerk or Treasurer, or known Agent or Agents of the said Company of Proprietors, to meet and settle with them such Recompence and Satisfaction, then the Commissioners named in or appointed under and by virtue of the several Acts passed for making the said Grand Junction Canal shall, within Twenty-one Days next after Application shall have been made to them in Writing by the said Commissioners for executing this Act, and the said Company of Proprietors, determine the Amount of such Recompence and Satisfaction; and in case the said Company of Proprietors shall be dissatisfied with such Determination of the said Commissioners named and appointed by virtue of the said Acts, and shall express such Dissatisfaction in Writing, signed by their Clerk, Treasurer, or known Agent or Agents, within Ten Days after such Determination shall be made known to such Clerk or Treasurer; or if the said Commissioners for executing this Act shall express such their Dissatisfaction in Writing signed by them, within

Ten Days after such Determination shall be made known to them (the Party or Parties so dissatisfied delivering one Copy thereof to the other Party or Parties, and another Copy thereof to the said Commissioners so determining as aforesaid); or if the said Company of Proprietors, or the said Commissioners for executing this Act, shall refuse to submit the Determination of such Recompence and Satisfaction to the said Commissioners appointed by the said Act for making the Grand Junction Canal; or if the said last-mentioned Commissioners shall not, within the Time for that Purpose herein-before limited, determine the Amount of such Recompence and Satisfaction, then and in any of the Cases aforesaid the said Company of Proprietors shall and they are hereby required to pay such Sum or Sums of Money to the said Commissioners for executing this Act, as shall be assessed and ascertained by a Jury to be a fair Recompence and Satisfaction for and in respect of the said Commonable Lands and Waste Grounds so taken and used by the said Company of Proprietors as aforesaid; such Jury to be impannelled, summoned, and returned in the same Manner and under the same Restrictions, and to be guided by the same Rules, Orders, and Regulations, as are directed and contained in the said Act passed in the Thirty-third Year of the Reign of His present Majesty, with respect to Land thereby authorized to be taken or used for the Purpose of such Acts; and that when it shall have been so agreed, determined, or assessed and ascertained as aforesaid, what Sum or Sums of Money will be such fair Recompence and Satisfaction as aforesaid; the said Company of Proprietors shall, within Ten Days after Notice in Writing under the Hands of the said Commissioners for executing this Act for that Purpose shall have been delivered to the Clerk, Treasurer, or known Agent or Agents of the said Company of Proprietors, pay such Sum or Sums of Money to the said Commissioners for executing this Act; and if the said Company of Proprietors shall omit to pay or cause to be paid such Sum or Sums of Money as shall have been so agreed on, determined, or assessed, or ascertained as aforesaid (as the Case may be), it shall and may be lawful to and for the Clerk of the said Commissioners for executing this Act, in his own Name to sue for and recover the same from the said Company of Proprietors in any of His Majesty's Courts of Record at *Westminster*; and no such Action or Suit shall abate or be discontinued by the Death of any such Clerk, but shall be proceeded in as if no such Death had happened: Provided always, that the Costs of and attending the Determination or Assessment of such Recompence and Satisfaction by the said Commissioners or Jury shall be borne and paid by and to such of the said Parties respectively, and shall be ascertained and recovered, as in and by the said Act passed in the Thirty-third Year of the Reign of His present Majesty is directed in Cases where Land may be taken or used for the Purposes of such Act.

Costs of
ascertaining
Recompence.

XXVI. And be it further enacted, That from and immediately after the Payment by the said Company of Proprietors of such Sum or Sums of Money as may be agreed upon or assessed as aforesaid, and upon their receiving a Discharge for the same (and which Discharge the said Commissioners for executing this Act are hereby empowered and required to give), or from and after Tender of such Sum or Sums of Money by the said Company of Proprietors to, and Refusal to receive the same by the said Commissioners for executing this Act, the Fee Simple and Inheritance of and in such Parts of the said Commonable Lands and Waste Grounds respectively, within the said Manor of *Isleworth Syon*, as have

Lands to be
vested in
Company on
Payment of
Money.

[*Loc. & Per.*]

34 r

been

been so taken and used by the said Company of Proprietors, shall be and remain absolutely and indefeasibly vested in the said Company of Proprietors, freed and discharged of and from all further and other Claims and Demands and Incumbrances whatsoever.

Directing the Application of Money to be paid by Canal Company.

XXVII. And be it further enacted, That the said Commissioners for executing this Act shall and they are hereby required to apply and dispose of the Sum or Sums of Money to be by them received from the Proprietors of the said Grand Junction Canal Company, for or on account of the Waste Lands taken off *North Hyde Heath*, after deducting the Lords Sixteenth Part in Payment and Discharge of the Expences of obtaining this Act and carrying the same into Execution, as far as such Sum and Sums of Money will extend exclusively, in Aid of the Expences of the Parish of *Heston*: And it shall be lawful for the said Commissioners for executing this Act to sell by private Contract, unto any Person or Persons, any Parcel or Parcels of the said Commonable Lands and Waste Grounds fronting or adjoining to his or their Dwelling House, Gardens, or Pleasure Grounds; and the Purchase Money of the said Lands so to be sold as aforesaid shall be paid to the said Commissioners at such Time or Times as they shall appoint, and the Receipt or Receipts of the said Commissioners shall be a sufficient Discharge to the Purchaser or Purchasers for the same; and the Parcel or Parcels of Land so purchased shall be allotted to the Purchaser or Purchasers thereof in and by the Award of the said Commissioners, and shall be considered as Freehold of Inheritance; and the said Commissioners shall apply the Monies to arise by such Sale or Sales in or towards the defraying Part of such Costs, Charges, and Expences as aforesaid; but if any Person so entitled to purchase the Frontages to his or her Dwelling House, Garden, or Pleasure Ground as aforesaid, should refuse to take the same at the Valuation of the said Commissioners, then it shall be lawful for the said Commissioners to sell the same by public Auction to the highest Bidder or Bidders, at some of their Meetings to be held in pursuance of this Act, of which public Notice shall be given by the said Commissioners in the Newspaper called *The County Chronicle*, Twenty-one Days at least before such Sale or Sales shall be made; and the Purchaser or Purchasers at every such Sale shall immediately pay to the Commissioners One Tenth Part of his, her, or their Purchase Money as and for a Deposit, and shall enter into an Agreement to pay the Residue of the Purchase Money at the Time to be limited by the Conditions under which such Land shall be sold, into the Hands of the said Commissioners, who are hereby authorized to give Receipts for the same, and also for the Money to be paid as and for a Deposit as aforesaid: Provided always, that if any Purchaser having paid such Deposit as aforesaid shall not pay the whole of the Purchase Money within the Time appointed for Payment thereof by the said Conditions of Sale, the Money so to be deposited shall become forfeited to the said Commissioners, and shall be by them applied for the Purposes of this Act; and it shall be lawful for the said Commissioners, giving such Notice as aforesaid, to put up again to Sale such Lot or Lots, for which the whole of such Purchase Money shall not have been paid, and so *toties quoties*, until the same shall be sold; or the said Commissioners may, if they think proper, sell and dispose of such Lot or Lots by private Contract, for the best Price or Prices that can be gotten for the same; and the Lands so to be sold under or by virtue of this Act, on Payment of the full Purchase Money for the same, shall be allotted to the Purchaser or Purchasers thereof
by

by the said Commissioners, in and by their Award, by the said Act of the Forty-first Year of the Reign of His present Majesty directed to be made; and the said Commissioners shall, after Payment of the Costs, Charges, and Expences attending such Sale or Sales, or in anywise relating thereto, pay and apply the Residue of the Monies arising therefrom for the Purposes above mentioned.

XXVIII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required, in the next Place, to set out and allot unto and for the Bishop of *London* as appropriate Rector of the Parish of *Heston*, and (his Lessees) his Successors and Assigns, and unto and for the said *Henry Scott Trimmer* and his Successors, Vicars for the Time being of the same Parish, for and in lieu, and in full Satisfaction of, and Compensation and Commutation of all Tithes issuing, arising, and payable to them respectively from, out of, or for all and every the said Open and Common Fields, Common Meadows, and Common Pastures, and other Commonable Lands and Grounds hereby directed to be divided, allotted, and inclosed, and all other Tithable Lands and Grounds within the same Parish, such Plot or Parcel, Plots or Parcels of the said Open and Common Fields, Common Meadows, and Common Pastures, and other Commonable Lands and Grounds, subject to the Payment of Tithes, and of the said Waste Lands and Grounds, having Regard to a due Proportion of the said Open and Common Fields, Common Meadows, and Common Pastures, and other Commonable Lands and Grounds, and of the said Waste Lands and Grounds as (after deducting the aforesaid Plots of Waste Lands and Grounds so to be set apart for Stone and Gravel Pits, and Roads to be set out, pursuant to this and the said recited Act) shall be equivalent or equal in Value to One Fifth Part of all the Arable or Tillage Lands and Grounds, and to One Eighth Part of all the Grass Lands and Grounds, Meadows, and Pastures, and other Commonable Lands and Grounds, as well inclosed as uninclosed, within the same Parish, subject to the Payment of Tithes; which said Plot or Parcel, Plots or Parcels of the said Open and Common Fields, Common Meadows, and Common Pastures, and other Commonable Lands and Grounds, and of the said Waste Lands and Grounds to be set out and allotted to and for the said Bishop of *London*, his Successors and Assigns, and the said *Henry Scott Trimmer*, and his Successors, Vicars as aforesaid, shall be in full Satisfaction and Discharge of and for all Tithes issuing, arising, and payable to them respectively from, out of, or for as well all and every the said Open and Common Fields, Common Meadows, and Common Pastures, and other Commonable Lands and Grounds, and the said Waste Lands and Grounds hereby directed to be divided, allotted, and inclosed, as also all other the Lands and Grounds whatsoever within the same Parish, and the Boundaries, Limits, and Precincts thereof (the present Glebe Lands, and all Mortuaries, Endowments, Augmentations, *Easter Offerings*, and Surplice Fees payable to the said Vicar, only excepted); and all such Tithes shall, from Three Calendar Months next following the setting out, allotting, and inclosing such last-mentioned Plots or Parcels of Lands and Grounds, determiné and be forever extinguished, and be no longer paid or payable.

Commissioners to set out Land in lieu of Tithe in the Parish of *Heston*.

XXIX. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to subdivide, assign, and allot

Commissioners to divide Lands set out

in Satisfaction
of Tithe, &c.

allot the said several Plots or Parcels of Lands and Grounds herein-before directed to be set out, for and in Satisfaction of all Tithes within the Parish of *Heston* aforesaid, unto and between the said Bishop of *London*, his Successors and Assigns, and the said *Henry Scott Trimmer* and his Successors, Vicars as aforesaid, in the Proportions and Manner following; (that is to say), unto the said *Henry Scott Trimmer* and his Successors, Vicars as aforesaid, such Parts and Shares of the several Plots or Parcels of Lands and Grounds last mentioned, and as contiguous or convenient as may be to the Vicarage House of the same Parish, as shall be fully equivalent or equal in Value to the Agistment and other Vicarial Tithes arising and issuing, or payable out of or from all the Arable or Tillage Lands and Grounds, and the Meadow and Pasture Lands and Grounds in the said Open and Common Fields, and the said Waste Lands and Grounds hereby directed to be divided, allotted, and inclosed within the same Parish, considering the same as inclosed, and also fully equivalent or equal in Value to all Tithes payable to the said *Henry Scott Trimmer* and his Successors, Vicars as aforesaid, for or in respect of Homesteads, Gardens, Orchards, and other ancient or present inclosed Lands and Grounds in the same Parish, and unto the said Lord Bishop of *London* and his Lessee, all the Residue of such several last-mentioned Plots or Parcels of Lands and Grounds.

Allotment in
lieu of Tithe
to be fenced.

XXX. And be it further enacted, That the Allotments herein-before directed to be made for and in lieu of Tithes as aforesaid, together with all Glebe Lands within the said Parish, shall be respectively inclosed and fenced round the Boundaries thereof (except such Parts thereof as shall adjoin upon any other Allotments, or any other Lands or Grounds belonging to the said respective Tithe Owners) with Ditches and Quickset Hedges, and other proper Fences, within such Time and in such Manner as the said Commissioners shall order and appoint, the Costs and Charges whereof shall be raised in like Manner as the Costs and Charges of applying for, obtaining, and passing this Act, are herein-after directed to be raised, in order thereby to avoid the Difficulty of apportioning such Costs and Charges amongst the Proprietors of Lands within the said Parish; and such Ditches, Hedges, or other Fences, after the same shall have been so made as aforesaid, shall be preserved, repaired, and maintained by and at the Expence of the several Persons to whom the same shall for the Time being belong.

Allotments
in lieu of
Glebe Lands.

XXXI. And with respect to such Part of the Glebe Lands of or belonging to the aforesaid Rectory and Vicarage as are Parts of and lie intermixed with the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or which may otherwise lie within the Limits of the Division or Inclosure hereby authorized and directed to be made, but at a Distance from or inconvenient to be enjoyed with the said Rectory and Vicarage respectively; be it further enacted, That the said Commissioners shall and may and they are hereby required to take all such Parts of the said Glebe Lands, and the Rights of Common belonging thereto, into the Division or Inclosure hereby authorized and required to be made, and to divide and allot the same accordingly; and to allot and set out unto and for the said Lord Bishop of *London* and his Successors, Rectors of the said Parish Church of *Heston* aforesaid, and the said *Henry Scott Trimmer* and his Successors, Vicars of the said Parish Church of *Heston* aforesaid,

aforesaid; by and out of the other Parts or Remainder of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, for or in lieu of the said respective Glebe Lands, and of such Rights of Common thereto respectively belonging, such Plots of the said respective Lands and Grounds so hereby directed to be divided, allotted, and inclosed, and as contiguous or convenient as may be to the Rectory House of the Rector of *Heston* aforesaid, and the Vicarage House of the said Parish of *Heston*, as in the Judgment of the said Commissioners shall (upon the said Inclosure) be deemed the respective Shares or Proportions of the said Lord Bishop of *London*; and the said *Henry Scott Trimmer* and his Successors, Vicars as aforesaid, of and in the said respective Lands and Grounds so hereby authorized and directed to be divided, allotted, and inclosed, in respect of and as full Equivalents, Compensations, and Satisfactions for the said Glebe Lands and Rights of Common, considering the same as free from Tithes: Provided nevertheless, that the said Commissioners shall and may and they are hereby required to permit such Parts of the respective Glebe Lands of or belonging to the said Rectory and Vicarage respectively as lie together, and are convenient to the Rectory House of the said Rector, or Vicarage House of the said respective Vicar, to continue as such respective Glebe Lands.

XXXII. And be it further enacted, That it shall and may be lawful for the Rector for the Time being of the said Parish of *Heston*, and for the Vicar for the Time being of the said Vicarage of *Heston*, or any Person or Persons to whom any Allotment or Allotments shall be made, in Right of any Church or Chapel, by and with the Consent of the Bishop of the Diocese, and of the Patron of the said Living respectively, signified in Writing under their respective Hands and Seals, attested by Two or more credible Witnesses, to grant any Lease or Leases to any Person or Persons of the Lands and Grounds to be allotted to the said Rector and Vicar respectively by virtue of this Act, or any Parts or Part of such Lands and Grounds respectively, together with the Glebe Lands (except Ten Acres at the least, lying most convenient for Occupation with the said Vicarage House of the Parish of *Heston* aforesaid, and most convenient for Occupation with the said Vicarage House), for any Term or Number of Years not exceeding Twenty-one Years, to be computed from the Day of the Date and Execution of the same, so as upon every such Lease there be reserved and made payable, during the Continuance thereof, the best improved Rent or Rents that may be reasonably had or gotten for the same, without taking any Premium, Income, Fine, or Foregift for or in respect of any such Lease, and so as the Lessee or Lessees therein be not made punishable of or for Waste, and so as there be contained in every such Lease a Clause of Re-entry for Non-payment of the Rent or Rents to be thereby respectively reserved, and also a Covenant for the due Payment of such Rent or Rents, and all other necessary and proper Covenants usually inserted in Leases of the like Nature, and so as the Rent or Rents to be by such Leases respectively reserved be made payable to the Vicar of the said Vicarage for the Time being, and his Successors, by Four equal Quarterly Payments in every Year, during the Term to be thereby respectively granted, and so as the Lessee or Lessees therein respectively do execute a Counterpart or Counterparts thereof respectively;

Power for Rector and Vicar to grant Leases of their Allotments.

tively; and every Lease so to be made as aforesaid shall be valid and effectual against the said Rector and Vicar respectively, and their Successors.

Compensation for Tithes of old Inclosures to be made in Money, when there is not sufficient Land for that Purpose.

XXXIII. And be it further enacted, That in case any One or more of the Proprietors of any Homesteads, Gardens, Orchards, Homecloses, or other inclosed Lands and Grounds in the said Parish of *Heston*, subject or liable to the Payment of Tithes, shall not be entitled to any or to a sufficient Quantity of the said Open and Common Fields, Common Meadows, and Common Pastures, and other Commonable Lands and Grounds, and of the said Waste Lands and Grounds hereby directed to be divided, allotted, and inclosed, to make Compensation for the Tithes of all such Homesteads, Gardens, Orchards, Homecloses, and other inclosed Lands and Grounds, such Proprietors shall respectively pay or cause to be paid to the said Commissioners such Sum or Sums of Money as the said Commissioners shall judge to be a full Compensation and Satisfaction for the Inheritance in Fee Simple of the Tithes of such Homesteads, Gardens, Orchards, Homecloses, and Inclosures respectively, or of such Part or Parts thereof for which a Compensation cannot be made in Land as aforesaid, and in such Shares and Proportions and at such Time or Times as the said Commissioners shall order, direct, or appoint; and in case of Default in Payment thereof as aforesaid, the said Sum or Sums of Money shall and may be raised, levied, and recovered by such Ways and Means as the Costs, Charges, and Expences of obtaining and executing this Act can or may be levied and recovered, and the Receipt or Receipts of the said Commissioners shall be a full and sufficient Discharge for all and every Sum and Sums of Money so to be paid to the said Commissioners; and all such Sums of Money, when so received by the said Commissioners, shall be by them applied in defraying the Costs, Charges, and Expences of the several Persons from whose Share or Allotments any Deduction shall have been made for making Compensation for Tithes as aforesaid, attending the obtaining and executing this Act; and the Surplus (if any) after paying and defraying such Costs, Charges, and Expences, shall be distributed amongst and paid to the several Persons from whose Allotments any Deduction shall have been so made as aforesaid (in case they shall be Tenants thereof in Fee Simple) in such Shares and Proportions as the said Commissioners shall think right and proper, or shall be applied and disposed of by the said Commissioners in Manner directed by the said recited Act with respect to Money to be paid for the Purchase or Exchange of Lands, Tenements, or Hereditaments, or the Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other good Lands, Tenements, or Hereditaments to be settled to the same Uses: Provided always, that the said Commissioners shall or may, with the Consent of the Rector and Vicar of *Heston* aforesaid, and of the Owners of any old Inclosures within the Parish of *Heston* aforesaid, to be signified in Writing, allot and appoint any of such old Inclosures to the said Rector or Vicar, in lieu and in Discharge of any Improprate or Vicarial Tithes payable from or out of any Lands or Hereditaments in the said Parish of *Heston*, the Property of the Owners of such Lands to be given in lieu of such Tithes.

Old Inclosures may be discharged from Tithes by Consent, by allotting Part thereof in lieu of Tithes.

Lessors may take Tithes or a Compensation.

XXXIV. Provided always, and be it further enacted, That in case such Proprietors of Homesteads, Gardens, Orchards, Homecloses or other

other inclosed Lands and Grounds in the said Parish of *Heston*, upon which any Lease or Leases are existing, shall so pay or cause to be paid to the said Commissioners such Sum or Sums of Money as a Compensation for the Inheritance in Fee Simple of the Tithes of such Homesteads, Gardens, Orchards, Home-closes and other inclosed Lands and Grounds as aforesaid, that then and in that Case such Proprietor shall be entitled, for and during the Remainder of the Lease or Leases so existing upon such Lands and Hereditaments, to have, receive, and take to his own Use and Benefit all the Tithes of such Homesteads, Gardens, Orchards, Home-closes or other inclosed Lands, in the same Manner as the Person or Persons entitled to the same Tithes might or could have taken the same in case they had not been so purchased, or that it shall be at the Option of such Proprietor to receive and take from the Lessee of such Lands and Hereditaments a Sum of Money in lieu and Compensation of such Tithes, to the Amount of Five Pounds *per Centum per Annum*, on the Sum of Money paid by such Proprietor for the Fee Simple and Inheritance of such Tithes; and such Sum of Money so to be received by such Proprietor from such Lessee shall be considered in the Nature of additional Rent, and be recoverable by the same Means and Remedies.

XXXV. And be it further enacted, That the said Commissioners shall and they are hereby required, as soon after the passing of this Act as they shall think necessary, by some Writing or Writings under their Hands, to be affixed on one of the principal Doors of the Church of *Heston* aforesaid, to order and direct the Course of Husbandry that shall be used in, over, and upon the said Open Fields and Waste Grounds hereby intended to be divided, allotted, and inclosed, until the Time when they shall have completed the respective Allotments thereof, as well with respect to the ploughing, sowing, fallowing, tilling, and laying down thereof, as to the Stocking and Pasturage thereof, and by the same or any other Writing or Writings under their Hands, to be affixed in Manner aforesaid, shall and may make such Orders, Rules, and Regulations as to them shall seem expedient, touching the Conduct of the Farmers and Occupiers within the said Parish of *Heston*, for preventing them from ploughing up or tilling any Meadow, Pasture, or fresh Ground, or committing any Waste or Destruction upon any Part of the said Lands or Grounds hereby intended to be divided, allotted, and inclosed, and in the mean Time, and until the setting out, assigning, and allotting thereof shall be completed as aforesaid; all which Rules, Orders, and Regulations of the said Commissioners shall be binding and conclusive upon all the said Farmers and Occupiers, and all other Persons interested therein; and the said Commissioners shall set and impose such Penalties and Forfeitures, not exceeding Twenty Shillings *per Acre* for each Offence, on every Person not conforming to such Rules, Orders, and Regulations, as they shall think necessary; which Penalties and Forfeitures shall be paid to such Person or Persons, and for such Uses and Purposes, as the said Commissioners shall by any Writing or Writings under their Hands, or by their Award, direct or appoint; and the said Commissioners are hereby authorized and required, by Warrant or Warrants under their Hands, directed to any Person or Persons whomsoever, to cause the same Penalties and Forfeitures to be levied by Distress and Sale of the Goods and Chattels of such Offender or Offenders, together with the Costs and Charges of such

Commissioners to direct the Course of Husbandry.

such Distress and Sale, rendering the Overplus (if any) upon Demand to the Owner or Owners of such Goods and Chattels.

Expences of
this Act.

XXXVI. And be it further enacted, That the said Commissioners shall and they are hereby empowered and directed to make out or cause to be made out an Account of all the Costs, Charges and Expences of applying for, preparing, obtaining, and passing this Act; and also an Account of all the Costs, Charges, and Expences of surveying, measuring, mapping, planning, valuing, appraising, dividing and allotting the Lands and Grounds to be surveyed, measured, mapped, planned, valued, appraised, set out, allotted, divided, and inclosed; and of forming, making, and putting into good and sufficient Condition and Repair the public Roads and Ways, and of widening and raising the present public Roads and Ways, and of erecting and building Bridges thereon; and of making Drains, Sewers, and Watercourses; and of preparing and inrolling the Award by the said recited Act directed to be made; and all other the Costs, Charges, and Expences arising and accruing in carrying this Act into Execution (except the Costs, Charges, and Expences of inclosing the said Lands and Grounds, not being Allotments for or in lieu of Tithes), and which are to be borne and paid by the respective Proprietors of such Lands and Grounds; and in order to raise a sufficient Sum or Sums of Money to defray all such Costs, Charges, and Expences, it shall be lawful for the said Commissioners, and they are hereby authorized and required in the next Place, as soon as may be after the making the several Allotments aforesaid, and before making the Division of the Residue of the said Lands and Grounds, or before making any of the Allotments aforesaid, if the said Commissioners shall think proper, and so from Time to Time, on giving Ten Days previous Notice, to be published in the same Manner as the Notices of the Meetings of the said Commissioners are herein-before directed to be published, to sell by Public Auction such Part or Parts of the said Waste Lands and Grounds in the said Parish of *Isleworth*, and *Twickenham*, and *Heston*, and at the greatest Distance that conveniently may be from the respective Messuages of the respective Proprietors of Lands within the said Parish, and in Lots not exceeding Twenty Acres in each Lot, as they shall deem sufficient for the Purposes aforesaid, to any Person or Persons for the best Price or Prices that can or may be reasonably had or gotten for the same, and to receive the Purchase Monies to arise therefrom, such Purchase Monies to be paid at such Time or Times as the said Commissioners shall appoint for the Payment thereof; and the Receipt or Receipts of the said Commissioners for such Purchase Monies shall be a sufficient Discharge to the Purchaser or Purchasers for the same, and the same shall be thereupon immediately vested in such Purchaser or Purchasers, his, her, and their Heirs and Assigns, in Fee Simple; and the said Commissioners shall and they are hereby directed to pay and apply the Monies to arise by such Sale or Sales in defraying all such Costs, Charges, and Expences as aforesaid; and if any Surplus of such Monies arising from such Sale or Sales as aforesaid shall remain in the Hands of the said Commissioners after all such Payments as aforesaid, such Surplus shall be distributed amongst and paid to the several Persons interested in the said intended Division, Allotment, and Inclosure (in case such Persons shall be Tenants thereof in Fee Simple), in such Shares and Proportions as the said Commissioners shall think
right

right and proper ; or otherwise shall be applied and disposed of by the said Commissioners in Manner directed by the said recited Act with respect to Money to be paid for the Purchase or Exchange of Lands, Tenements, or Hereditaments, or the 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.

XXXVII. And be it further enacted, That it shall be lawful for the several Proprietors of any Lands or other Hereditaments which shall be allotted by virtue of this Act, being Tenants for Life or Lives, or for any Term of Years exceeding Ninety-nine Years, either absolute or determinable on any Life or Lives, or for any Estate of Freehold or Inheritance, or for the Trustees for any charitable or public Uses, or the major Part of any such Trustees respectively, and also for the Husbands, Guardians, Trustees and Committees of any such Proprietors being under Coverture, Minors, Lunatics, Idiots, or beyond the Seas, or under any Disability (except the said Appropriators and their Lessee or Lessees, and the said Vicar for the Time being), to charge such Allotment or Allotments with such Sums of Money as the said Commissioners shall by their Award or any Writing under their Hands, either before or after the Execution of such Award, adjudge necessary to pay such respective Proprietors Proportions of the Expences of obtaining and executing this Act, and of ringfencing and dividing their respective Allotments, and also the Expences of making such Charges, with lawful Interest for the same, so that the Principal Money to be charged shall not in any Case exceed the Rate of Five Pounds for every Acre of the Lands charged ; and to grant, mortgage, surrender, lease, or demise the Lands and Hereditaments so to be charged, to the Person or Persons who shall lend or advance the same Money, or to any other Person or Persons in Trust for him, her, or them, his, her, or their respective Heirs, Executors, Administrators, and Assigns, for any Term of Years, or greater Estate, so that every such Grant, Mortgage, Surrender, Lease, or Demise, be made with a Covenant to keep down the Interest accruing thereon ; and that no Person afterwards becoming entitled to any such Lands shall be liable to pay any larger Arrear of Interest than for Six Calendar Months preceding the Time when the Title to such Possession shall have commenced.

XXXVIII. And be it further enacted, That it shall be lawful for the said Commissioners, in case they shall be requested, by Writing under the Hand or Hands of any Person or Persons being Tenant for Life or in Tail, or other Person being in Possession of, but not having the absolute Estate or Interest in any Messuages, Lands, Tenements, or Hereditaments within the said Parishes or Manor, to sell and dispose of so much of the respective Allotment or Allotments to be made to such Person or Persons, in respect of such Messuages, Lands, Tenements, or Hereditaments, as shall, in the Judgment of the said Commissioners, be equal in Value to the respective Proportions of the Expences of obtaining this Act, and carrying into Execution this Act and the said recited Act, which such Person or Persons may be charged with, and the Expences of fencing, ditching, and inclosing the Allotment or Allotments of such Person or Persons ; and the said Commissioners shall assign, allot, and award the said Lands to be sold to

[Loc. & Per.]

35 A

such

Power to
borrow
Money.

Tenants for
Life, &c.
may sell.

such Person or Persons as they shall think proper, upon Payment of the Value thereof by such Person or Persons to the said Commissioners; and such Money shall be applied by the said Commissioners in or towards the Payment of such Expences, and in fencing, ditching, and inclosing the said Allotment or Allotments respectively: Provided always, that in case any Surplus shall remain after Payment of such Expences as aforesaid, such Surplus shall be paid into the Bank of *England*, in the Manner directed by the said recited Act with respect to Money to be paid for the Purchase or Exchange of Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the same Uses.

Not to deduct and borrow above 5l. per Acre.

XXXIX. Provided always, and be it further enacted, That it shall not be lawful to raise by such Sale or Sales as aforesaid any further or greater Sum of Money than the Person (Part of whose Allotment shall be so sold as aforesaid) would have been empowered or authorized to borrow or charge upon his, her, or their Estate or Estates, under or by virtue of the said recited Act of the Forty-first Year of His present Majesty; nor shall it be lawful for the Person or Persons from whose Allotment Land shall be deducted as aforesaid to charge his, her, or their Lands, Tenements, or Hereditaments, by virtue of the said recited Act or this Act, with any Money towards Payment of such Expences, unless the Money to arise by such Sale shall be less than the Sum of Five Pounds per Acre of the Lands and Grounds to be divided, allotted, and inclosed by virtue of this Act; and then and in such Case it shall be lawful for such Person or Persons to charge his, her, or their Allotment or Allotments, or to raise by Mortgage thereof or other Ways and Means, as mentioned in the said recited Act or this Act, the Remainder of such Money for Payment of the Expences of obtaining and executing this Act.

Tenants for Life may charge Lands with Money paid in Exoneration of Tithes.

XL. And be it further enacted, That it shall be lawful for the Husbands, Guardians, Trustees, Committees, or Attornies of any of the Proprietors of the Lands which shall by virtue of this Act be exonerated from Tithes by a Money Payment or Money Payments, who shall be under Coverture, Minors, Lunatics, beyond the Seas, or under any Disability or Incapacity, or for any of the said Proprietors being Tenants in Tail, or for Life or Lives, or for Years determinable on a Life or Lives, or on any other Contingency, or Trustees for charitable Uses, or the major Part of such Trustees respectively, to charge such Lands and Grounds with such Sum or Sums of Money as the said Commissioners shall direct to be paid for such Exoneration from Tithes, and for his, her, or their Share or Shares of the Costs and Charges of passing and executing this Act; and for the Security of any Person who shall advance or lend the same, to grant, mortgage, surrender, lease, or demise such Lands, in such Manner, and subject to such Conditions and Restrictions, as are lastly herein-before mentioned with respect to any Lands or Hereditaments which shall be allotted by virtue of this Act: Provided always, that in case the Money arising by Sale of such Lands or Grounds aforesaid shall not be sufficient to defray all the Charges and Expences as aforesaid, then the Deficiency shall be made up by the several Persons interested in the said Inclosure,

The Deficiency to be raised by the Proprietors.

and shall be paid in such Shares and Proportions, and within such Time or Times, and to such Person or Persons, as the said Commissioners shall direct, nominate, and appoint; and in case any Expences shall be incurred in the Execution of any of the Powers and Provisions of this Act, which ought to be borne and defrayed by any particular Person or Persons, and not out of any Money to be raised for the general Purposes of this Act, then the same shall be paid in such Shares and Proportions, and by such Person or Persons, and within such Time, and to such Person or Persons, as the said Commissioners shall direct, nominate, or appoint.

XLI. And be it further enacted, That when any Lease or Leases, or Agreement for a Lease or Leases, for the letting or building of any Messuages, Lands, or Hereditaments, in respect of which any Allotment or Allotments shall be made by virtue of this Act, shall include or comprize any Rights of Common or other Rights or Interests, for or in lieu of which the same Allotment or Allotments shall be made, then and in every such Case, the respective Owners and Proprietors of the same Messuages, Lands, or Hereditaments, shall allow and abate to such Lessee or Lessees, Tenant or Tenants, such Portion of his or their Rent or Rents, as the said Commissioners shall award to be a reasonable Compensation or Satisfaction to him or them, for the Deprivation of such Rights of Common or other Rights or Interests as aforesaid.

Compensation to be made to Tenants deprived of Rights of Common.

XLII. And be it further enacted, That in case any Person or Persons shall refuse or neglect to pay any Sum or Sums of Money by virtue of this Act ordered and directed to be paid by him, her, or them to the said Commissioners, or any other Person or Persons, at such Time or Times as he, she, or they shall be directed to pay the same, then and in every such Case the said Commissioners shall and may, by Warrant or Warrants under their Hands and Seals, directed to any Person or Persons whomsoever, cause all and every such Sum or Sums of Money to be levied by Distress and Sale of the Goods and Chattels, wheresoever the same shall be found, of the Person or Persons so neglecting to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of taking and making such Distress and Distresses, Sale and Sales; or otherwise it shall be lawful for the said Commissioners to enter into and upon the Lands to be allotted to such Person or Persons so neglecting and refusing to pay as aforesaid, and to receive the Rents and Profits thereof, until thereby or therewith such Sum or Sums of Money, and all Costs, Charges, and Expences occasioned by and attending such Entry upon and Reception of the Rents and Profits of the said Premises, shall be fully paid and satisfied; or may let or demise such Allotment or Allotments to any Person or Persons whomsoever, who shall pay to the said Commissioners such Sum and Sums of Money, Charges, and Expences, for such Term and Number of Years as the said Commissioners shall think sufficient to reimburse to such Person or Persons the Money by him or them advanced respectively.

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

XLIII. And be it further enacted, That it shall be lawful for any of the Owners or Proprietors of any Common Right upon the Lands and Grounds hereby directed to be divided and inclosed, to sell and dispose

Allotments and Common Rights may be sold before of

the Execu-
tion of the
Award.

of all his, her, or their Estate, Right, and Interest in and to the Allotment or Allotments to be made and set out in respect thereof by virtue of this Act, separately and distinctly from the Estate in right of which he or she is or may be entitled to the same, in such Manner as he or she might have done at any Time after the Execution of the said Award; and it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, to award all and every such Allotment and Allotments, which shall be so sold and disposed of, to the Purchaser or Purchasers thereof, or other Person or Persons who shall be entitled to the same by any such Sale or Disposition.

Commission-
ers to set out
Parochial
Boundaries
within the
Manor of
Isleworth
Syon, and
Division of
Common to
be made
thereby.

XLIV. And be it further enacted, That the said Commissioners shall and they are hereby directed and required, previous to their proceeding to the Division and Allotment of the Common and Waste Lands hereby intended to be divided, to fix, ascertain, and distinctly mark out by Metes and Bounds, or by some effectual Ways or Means, the Limits or Boundaries of the several Parts of the said Common or Waste Lands, lying or being within the respective Parishes of *Isleworth*, *Heston*, and *Twickenham*, pointing out distinctly within which of the said Parishes the several Parts of the said Common or Waste Lands respectively lie; and the said Commissioners shall divide, assign, set out, and allot all such Parts of the said Commons or Waste Lands as lie within the said Parish of *Isleworth*, unto and amongst the Owners and Proprietors of Estates, Lands, and Hereditaments within the Parish of *Isleworth* aforesaid only; and shall in like Manner divide, assign, set out, and allot all such Parts of the said Common or Waste Lands as lie within the said Parish of *Heston*, unto and amongst the Owners and Proprietors of Estates, Lands, and Hereditaments within the Parish of *Heston* aforesaid only; and all such Parts of the said Commons or Waste Lands as lie within the said Parish of *Twickenham* shall in like Manner be by the said Commissioners divided, assigned, set out, and allotted unto and amongst the Owners and Proprietors of Estates, Lands, and Hereditaments within the said Parish of *Twickenham*.

Allotment to
the Lords of
the Manor.

XLV. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required, in the next Place, out of the then Residue of the said Waste Lands and Grounds hereby directed to be divided, allotted, and inclosed, within, of, or belonging to the said Manor of *Twickenham*, if any such there be, and to the said Manor of *Isleworth Syon* aforesaid respectively, to set out and allot unto and for the King's most Excellent Majesty, His Heirs and Successors, as Lord of the said Manor of *Twickenham*, and unto and for the said *Hugh Duke of Northumberland*, as Lord of the Manor of *Isleworth Syon* aforesaid, and to the Person or Persons who for the Time being should be entitled to the Freehold and Inheritance of the said Manor of *Isleworth Syon*, such Plot or Plots of the said then Residue of the said Waste Lands and Grounds within each of the said Parishes respectively, as shall be equal in Value to One Sixteenth Part of such of the said Waste Lands and Grounds within such respective Parishes as shall be within or belong to such of the said Manors respectively, in lieu of and as a full Compensation for the Right to the Soil of the said Waste Grounds so to be divided and allotted, over and above and exclusive of such Share or Allotments of the said Waste Land or Ground as the
King's

King's Majesty and the Duke respectively shall be entitled to in respect of any other Right or Interest whatsoever.

XLVI. And be it further enacted, That it shall be lawful for the said Commissioners of His Majesty's Woods, Forests, and Land Revenues, or for the said Surveyor General of His Majesty's Land Revenue for the Time being, by and with the Consent of the Lord High Treasurer, or the Commissioners of the Treasury for the Time being, 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, Corporate, or Collegiate, for the Sale of all or any Allotments or Allotment to be made to His Majesty, His Heirs and Successors, by virtue of this Act, for the best Prices or Considerations in Money which the said Commissioners or Surveyor General shall be able to procure for the same; and the Purchase Money arising from such Sale shall be paid into the Bank of *England*, to the Account of the Commissioners of His Majesty's Treasury, in like Manner as the Monies arising from the Sales of certain Parts of the Property of the Crown, authorized by the 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*, are directed to be made; and the Sale of such Allotments or Allotment shall be made in the same Manner and Form, and under the like Rules, Regulations, and Provisions, and shall be to all Intents and Purposes as valid and effectual, as if the same were made under the last recited Act; and if such Sale shall be made before the Execution of the said Award, it shall be lawful for the said Commissioners hereby appointed, and they are hereby authorized and required, to assign, set out, and allot such Allotments or Allotment 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 they, he, or she shall immediately after the Execution of the said Award as aforesaid have, hold, use, occupy, and enjoy such Allotments or Allotment, and shall use and exercise any Act of Ownership in and upon the same, in as full, large, ample, and beneficial a Manner, to all Intents and Purposes, as His Majesty, His Heirs or Successors, or His or their Lessees or Grantees, could or might have done in case such Sale had not been made; but subject nevertheless to the Rights or Interests in or to any Mines, Ores, Minerals, Coal, Limestone, or Matter whatsoever, in or under the same, as herein-after saved and reserved to His Majesty, His Heirs and Successors.

Power for
the Crown
to sell the
Allotment.

XLVII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to set out, allot, and award unto the said *Sophia Bulstrode*, and to such Person or Persons who for the Time being may be entitled to the Manor or reputed Manor of *Hounslow*, within the said Manor of *Isleworth Syon*, One Acre of Waste Land within the Parish of *Isleworth*, and One Acre of Waste Land within the Parish of *Heston*, hereby directed to be divided, allotted, and inclosed, in respect of her Right to hold a Fair on Part of the said Waste Lands, as Lady of the said Manor or reputed Manor of *Hounslow*.

Allotment
to Mrs. Bul-
strode.

XLVIII. And be it further enacted, That the said Commissioners shall and they are hereby directed to set out, allot, and award unto and for such

[*Loc. & Per.*]

35 B

Person

Allotment
to Hospitals,
&c.

Person or Persons respectively, who at the Time of the Allotments to be made in pursuance of this Act shall be seized of any Land, Ground, or Common Right in and upon the said Open and Common Fields, Meadows and Pastures, and other Commonable Lands and Grounds, and the said Waste Lands and Grounds, in Right of or in Trust for any Hospital, School, or other public Use or Charity, or in Right of any Church or Chapel, such Plot or Plots of the said Open and Common Fields, Meadows and Pastures, and other Commonable Lands and Grounds, and of the said Waste Lands and Grounds, as shall in the Judgment of the said Commissioners be a just and reasonable Proportion or Proportions for the Right or Interest of such Person or Persons therein or thereto.

Allotment to the Parishes of Isleworth, Twickenham, and Heston, for Workhouses, &c.

XLIX. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to set out, allot, and award unto the Vicar, Churchwardens, and Overseers of the respective Parishes of *Isleworth*, *Twickenham*, and *Heston*, for the Time being, the following Pieces or Parcels of Waste Land; *videlicet*, to the Vicar, Churchwardens, and Overseers of the Poor of the Parish of *Isleworth* for the Time being, Four Acres of Waste Land within the said Parish of *Isleworth*; to Vicar, Churchwardens, and Overseers of the Parish of *Twickenham* for the Time being, Four Acres of Waste Land within the said Parish of *Twickenham*; and to the Vicar, Churchwardens, and Overseers of the Poor of the Parish of *Heston* for the Time being, Four Acres of Waste Land within the said Parish of *Heston*, in Addition to the present Scite of the Workhouse of the said Parish, in Addition to and exclusive of any Allotment or Allotments to which the Poor of the said respective Parishes or their Trustees may be entitled in respect of the Land within the said Parish called *The Poor's Land*, and also in Addition to and exclusive of any Allotment or Allotments which shall be set out or allotted to the Poor of the said Parish for Fuel; and the same respective Allotments shall, on the Execution of the Award to be made up by the said Commissioners, be vested in the Vicar, Churchwardens, and Overseers of the said respective Parishes for the Time being, as Trustees for the Poor of the same Parishes respectively, as a Scite for a Workhouse, or any other Building for the Use of the Poor of the said respective Parishes thereon; and until such Workhouse or other Building shall be so built as aforesaid, the said Trustees for the Time being, or the major Part of them respectively, are hereby empowered to demise and let from Year to Year such Allotments respectively, or so much thereof as they shall think proper, to any Person or Persons whomsoever, at the most improved yearly Rent or Rents that can be obtained for the same, and to apply and dispose of the Rents and Profits arising therefrom for the Benefit of the Poor of the said respective Parishes of *Isleworth*, *Twickenham*, and *Heston*, in such Manner as the said Trustees, or the major Part of them, shall think proper.

Allotment to the Poor for Fuel.

L. And be it further enacted, That the said Commissioners, after having made all the several Allotments herein-before directed to be made, shall and they are hereby authorized and directed, in the next Place, out of the other Parts and Residue of the said Waste Lands and Grounds in the Parish

Parish of *Isleworth*, to set out and allot such Parts of the said Waste Lands and Grounds as the said Commissioners shall in their Discretion think reasonable and proper, not exceeding Thirty Acres, nor less than Ten Acres, for the Benefit of the Poor of the said Parish of *Isleworth*, in lieu of and in full Satisfaction for any and every Right which might be claimed by such Poor respectively, of cutting Furze and Heath on such Waste Lands and Grounds, or any Part thereof, for Fuel; and in like Manner in the said Parish of *Heston* to set out and allot such Plots of the said Waste Lands and Grounds as the said Commissioners shall in their Discretion think reasonable and proper, not exceeding Thirty Acres, nor less than Ten Acres, for the Benefit of the Poor of the said Parish, in lieu of and in full Recompence and Satisfaction for any and every Right which might be claimed by such Poor respectively, of cutting Furze and Heath on the said Waste Lands and Grounds, or any Part thereof, for Fuel; and the said Commissioners are directed in like Manner in the said Parish of *Twickenham* to set out and allot such Parts of the said Waste Lands and Grounds as the said Commissioners shall in their Discretion think reasonable and proper, not exceeding Thirty Acres, nor less than Ten Acres, for the Benefit of the Poor of the said Parish of *Twickenham*, in lieu of and full Satisfaction for any and every Right which might be claimed by such Poor respectively, of cutting Furze and Heath on the said Waste Lands and Grounds, or any Part thereof, for Fuel; which last-mentioned Plots of Waste Lands and Grounds shall be and the same are hereby vested in the Vicar, Churchwardens, and Overseers of the Poor of the said respective Parishes, and their respective Successors for the Time being for ever, upon Trust, to be by them respectively from Time to Time let by public Auction for any Term or Number of Years not exceeding the Term of Twenty-one Years, at the best Rents that can or may be reasonably gotten for the same, with and upon all and every usual and necessary Covenants and Conditions; and which said Rents are to be by the said Vicar, Churchwardens, and Overseers for the Time being, from Time to Time applied or laid out in the Purchase of Fuel for the Use of the Poor of the said Parish, or otherwise, for their Benefit, in case of any Surplus after such an Allowance of Fuel shall be made, as shall by the said Trustees be considered a reasonable and proper Allowance, to be distributed to and amongst the said Poor of the said Parish, in such Proportions and Manner, and at such Times, as the said Vicar, Churchwardens, and Overseers for the Time being of the same Parish, shall in their Discretion think reasonable and proper; and the said Vicar, Churchwardens, and Overseers of the Poor, shall account annually to the succeeding Overseers for all Sums of Money by them received in respect of such Rents, and paid to and amongst the Poor, in the same Manner as the Surveyor of the Highways is directed to account for the Money which shall come to his Hands.

LI. And be it further enacted, That after the making all the several Allotments of the Residue. Allotment of the Residue.
Allotments aforesaid, the said Commissioners shall and they are hereby directed to divide, set out, and allot the then Residue of the said Waste Lands and Grounds within each respective Parish, hereby directed to be divided, allotted, and inclosed, unto the King's most Excellent Majesty, and amongst the several Persons who at the Time of their making such Division or Allotment

Messuages,
Cottages.

Allotment shall be entitled to or interested in the Estates, Lands, Messuages, Cottages, and Hereditaments within such respective Parish, in Proportion to their respective Rights, Shares, Interests, and Proportions therein, in the making of which said last-mentioned Division and Allotment, as well as in the making all the aforesaid Divisions and Allotments of the aforesaid Open and Common Fields, Meadows and Pastures, and other Commonable Lands and Grounds, the said Commissioners are to have due Regard to the Quantity, Quality, Value, Situation, and other Circumstances of the said Waste Lands and Grounds within the said Parishes respectively, and also due Regard to the Situation of the respective Houses or Homesteads and other Estates of the several Persons, Owners, or Proprietors of Houses and Estates within the said Parishes respectively, so as to make all such Allotments as equitable as possible, and as convenient to the said Houses, Messuages, Cottages, Barns, and inclosed Property, and to the several Owners and Proprietors of such Houses, Messuages, Cottages, Barns, and inclosed Property, or Persons entitled to the same respectively, as the respective Situations of the same will admit; which said Allotments shall be in full bar of and Compensation for all Rights of the several Parties interested in, over, and upon the said Waste Lands and Grounds by this Act directed to be divided, allotted, and inclosed.

Exchanges.

LII. And be it further enacted, That it shall be lawful for the said Commissioners to set out, allot, and award any Messuages, Buildings, Lands, Tenements, or Hereditaments within the said Parishes or Manor, or either of them, in lieu of and in Exchange for any other Messuages, Buildings, Lands, Tenements, or Hereditaments within the said Parishes or Manor, or either of them, or within any adjoining Parish, Manor, Hamlet, Township, or Place; provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioners, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, or Hereditaments which shall be 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 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 Owners or Proprietors as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Females Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself; such Consent to be testified in Writing under the Common Seal of the Body Politic, Corporate, or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every such Exchange and Exchanges so to be made shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Lands, Tenements, or Hereditaments held in Right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent, testified as aforesaid, of the Patron thereof, and of the Bishop of the Diocese in which such
Lands,

Lands, Tenements, or Hereditaments so to be exchanged shall be and be situate.

LIII. Provided also, and be it further enacted, That in case any Exchange shall be made in pursuance of this Act, of any Messuages, Lands, Tenements, or Hereditaments now belonging or which shall be allotted to His Majesty in Right of His Crown, every such Exchange shall be made by and with the Consent of the Lord High Treasurer, or of the Commissioners of the Treasury for the Time being, or of the Commissioners of His Majesty's Woods, Forests, and Land Revenues for the Time being, to be testified in Writing under their or some of their Hands, which Consent shall be good, valid, and sufficient to authorize every such Exchange, and to empower the Commissioners acting in Execution of this Act to make any such Exchange, without any further or other Consent, Warrant, or Authority whatsoever, other than and except the Consent of the Owner or Proprietor of the Messuages, Buildings, Lands, or Hereditaments for or in lieu of which such Exchange shall be made.

Exchanges of His Majesty's Land to be made with His Consent.

LIV. Provided always, and be it further enacted, That the Costs, Charges, and Expences attending the making of any Exchange or Exchanges, Partition or Partitions, or Sale or Sales, to be made by virtue of this Act or the said recited Act, shall be borne, paid, and defrayed by the several Persons making such Exchanges, Partitions, or Purchases, in such Shares and Proportions as the said Commissioners shall in and by their Award order and direct.

Expences of Exchanges how paid.

LV. And be it further enacted, That all such Lands and Grounds as shall be allotted to any of the said Proprietors under or by virtue of this Act, shall be of the same Tenure as the Lands and Grounds, and other Hereditaments and Premises, in respect of which such Allotments shall be made, were respectively held and enjoyed at or immediately before the making such Allotments; and the several Lands and Grounds which shall be so allotted in respect of Freehold Lands and Grounds and other Hereditaments, shall from the making of such Allotment be deemed Freehold, and shall be held of the Lord or Lords, Lady or Ladies, of the Fee or Fees of the said respective Manors, under the like Rents and by the like Services as the Freehold Lands and Grounds, and other Hereditaments, in lieu of or for which the same were so allotted, were theretofore held; and the several Lands and Grounds which shall be allotted in respect of Copyhold or Customary Lands and Grounds and other Hereditaments, shall in like Manner be deemed Copyhold or Customary Lands and Grounds, and shall be held of the Lord or Lords, Lady or Ladies, of the same Manors respectively, under the like Rents, and by the like Customs, Duties, Fines, Fees, and Services, as the Copyhold and Customary Lands and Grounds, and other Hereditaments, in respect of which the same were so allotted, were or ought to have been held and enjoyed in case this Act had not been made or passed; and the several Persons to whom any such Lands and Grounds shall be so allotted, in respect of Copyhold or Customary Lands and Grounds and other Hereditaments, shall be duly admitted thereto by the Lord or Lords, Lady or Ladies, or their

Lands allotted to be of the same Tenure as the Lands for which they were allotted.

[Loc. & Per.]

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respective

respective Stewards, of the respective Manors of which the said Lands and other Hereditaments are held, or wherein the same Lands and Grounds and other Hereditaments are situate, at some Court or Courts to be held in and for the said Manors respectively for that Purpose, within Twelve Calendar Months next after the making the said Award, on paying the usual and customary Fees of Admission, and paying the usual Fees due and payable in such respective Manors; and the several Lands and Grounds which shall be so allotted, in respect of or for Leasehold Lands and Grounds and other Hereditaments, shall in like Manner be deemed Leasehold, and shall be held for the same Number of Years, and under and subject to the same Conditions, as the Leasehold Lands and Grounds and other Hereditaments, in respect of which the same were so allotted, were or ought to have been held or enjoyed in case this Act had not been made or passed; and the Reversion or Remainder thereof shall be vested in the same Persons respectively as the Reversion or Remainder of such other Lands and Grounds and other Hereditaments was vested in at or immediately before the making of such Allotments.

The Lords of Manors to have the same Remedies for Recovery of Rents, &c. as heretofore.

LVI. And be it further enacted, That all and every Allotment or Allotments of Lands and Grounds which shall be made, set out, or appointed in pursuance of this Act, shall be held by the same Tenure, and shall be subject to the same yearly and other Rents and Payments, Reliefs, Heriots, Fines, Fees, Dues, Duties, Suits, and Services, except where any of the Provisions of this Act shall be to the contrary, as the several and respective Messuages, Lands, Grounds, Tenements, and other Hereditaments and Premises, in respect of which the said several Allotments or Parcels of Ground shall be so set out or allotted, are and have heretofore been holden respectively; and the King's most Excellent Majesty, as Lord of the Manor of *Twickenham* aforesaid, and the Lord or Lords of the said Manors of *Isleworth Syon*, or any other Manor within the said Manor of *Isleworth Syon*, for the Time being, shall have such and the same Remedies and Powers for recovering the Rents or Arrears of Rent to become due and payable for or upon the Lands and Grounds and other Hereditaments so to be allotted in respect of such ancient Copyhold or Customary Lands and Grounds, and other Hereditaments respectively, as the respective Lord and Lords, Lady and Ladies, of the said several Manors, had or might have had, enjoyed, or been entitled to, for recovering the Rents and Arrears of Rent issuing out of and payable for or upon the said ancient Copyhold or Customary Lands and Grounds, and other Hereditaments, before the passing of this Act.

Tenants of Copyholds to be admitted without paying any Fine to the Lords.

LVII. And be it further enacted, That all and every Person or Persons to whom any Copyhold Lands, Tenements, or Hereditaments, within the respective Manors shall be allotted, shall within Twelve Calendar Months next after the Execution of the said Award be admitted Tenant or Tenants to the same, without paying any Fine or other Charge to the Lords of the said respective Manors, or to the Steward or Stewards of the Manor of which the same shall be holden, in respect of such Admission, except the usual and reasonable Fees to the Steward of the said Manor for such Admission, and for the drawing, enrolling, and Copies thereof, and for the

Stamp Duties requisite to be used upon such Copies, as the said Commissioner or Commissioners shall by Writing under his Hand or their Hands direct; but in case the Person or Persons to or with whom such Lands, Tenements, or Hereditaments shall be allotted, shall die without being so admitted, then the customary Fines, Fees, and other Payments shall be due and payable on the Admission of the Person entitled to such Lands, Tenements, and Hereditaments; and after every such first Admission as aforesaid, and until the same shall be enfranchised, the Copyhold Lands and Tenements to be allotted as aforesaid shall be held under and subject to the same Tenure, Fines, Fees, and other Payments, as the present Copyhold Messuages, Lands, Tenements, and Hereditaments, in lieu or in respect of which such Lands and Tenements were allotted, shall at the Time of the Execution of the said Award be held under and subject to; and the said Commissioner or Commissioners shall, by his or their said Award, determine, describe, and abut the Messuages, Lands, Tenements, and Hereditaments respectively so to be allotted as aforesaid, which are to be and remain Copyhold.

LVIII. And be it further enacted, That all Encroachments which at any Time within Twenty-five Years now last past have been made on the said Waste Lands and Grounds, shall be deemed Part thereof, and shall be divided and allotted accordingly.

Encroachments within Twenty-five Years to be deemed Part of Waste.

LIX. Provided always, and be it further enacted, That no Inclosure or Encroachment which shall have been made from or upon the said Common Lands and Grounds, or any Part or Parts thereof, for Twenty-five Years or upwards antecedent to the passing of this Act, shall be thrown open or divided, allotted or inclosed, under the Provisions of this present Act, or the Provisions of the said Act of the Forty-first Year of His present Majesty; nor shall any such Inclosure or Encroachment as last aforesaid, nor the Houses, Cottages, Buildings, and other Erections thereupon, be considered as forming Part of the said Commons and Waste Lands, nor shall the Title or Titles derived under such Inclosure or Encroachment be disturbed, save and except in the Cases herein-after mentioned, either under the Provisions of this present Act or the said Act of the Forty-first Year of His present Majesty; and if any such Inclosure and Encroachment as last aforesaid shall have been made within the Space of Twenty-five Years previous to the passing of this Act, the same shall be valued by the said Commissioners according to the Value of the Part of the said Commons and Waste Lands next adjoining or contiguous to the same, without taking into Consideration or estimating the Improvements or Erections which shall have been made thereon; and upon such Valuation being made, the said Commissioners shall deliver the Particulars and Amounts thereof in Writing to the Person or Persons by whom such Inclosures or Encroachments shall be then possessed; or in case such Person or Persons cannot conveniently be found, shall affix the said Writing upon some conspicuous Part of the Premises; and in case such Person or Persons shall within the Space of Six Calendar Months from the Time of the Delivery or affixing of such Particular or Value, pay the Amount thereof to the said Commissioners, the said last-mentioned Inclosures and Encroachments, and all Dwelling Houses, Cottages, Buildings and Erections thereupon, shall,

Those of above Twenty-five Years not to be deemed Part of Waste.

shall, immediately upon such Payment, and upon the Commissioners giving a Receipt in Writing for the Amount thereof, belong to and be the absolute Property of such Person or Persons respectively, for such Estates and Interests, and with and subject to such Powers, Provisoos, and Limitations over, as the same Premises would respectively have been subject or liable to in case the First Owner or Possessor of the same had been seised thereof to him and his Heirs in Fee Simple; but in case such Person or Persons shall refuse or neglect to pay the Amount of such Valuation to the said Commissioners, within the said Space of Six Calendar Months from the Delivery or fixing thereof as aforesaid, it shall be lawful for the said Commissioners, and they are hereby authorized and required, to sell and dispose of the said Inclosures and Encroachments, and all Dwelling Houses, Buildings, and other Erections thereon, in such and the same Manner as they are by the said Act of the Forty-first Year of His present Majesty empowered to sell Lands for the Payment of the Charges and Expences attending the obtaining, passing, and executing of this Act, and shall apply the Monies to arise by such Sale in or towards the Payment of such Charges and Expences accordingly: Provided that no Cottage or Building or Inclosure, which has been erected and built or inclosed on the Common by any Person or Persons, by the Licence of the Lord or Homage, shall be pulled down; but such Person or Persons are hereby declared not to have any Right to an Allotment on the Division in respect thereof, except such of them as shall have been erected, built, or inclosed above Sixty Years.

Frontage Encroachments may be purchased by Owners of adjoining Lands.

LX. Provided always, and be it further enacted, That in case any such Encroachments which shall have subsisted for Twenty-one Years or upwards before the passing of this Act, or any Part or Parcel thereof, shall adjoin or abut upon or cause any Impediment or Obstruction to the free Use or Enjoyment of any Freehold or Copyhold Lands of any Person or Persons whomsoever, who shall be desirous of purchasing the same, or upon or to any Lands to be by virtue of this Act allotted to any Person or Persons, the said Commissioners shall, at the Request of such Person or Persons, at any Time previous to making and depositing their Award as herein-after mentioned, ascertain the Value of any such Encroachment, or of so much thereof as shall adjoin or abut or cause Impediment or Obstruction as aforesaid, and shall put a separate Value upon the Land as Common, and upon the Buildings and Improvements erected or made thereon, and shall direct at what Time and under what Condition the Person or Persons so desiring to purchase the said Encroachment shall pay to them the said Commissioners the Sum so to be ascertained for the Value of the said Land, without Regard to the Buildings or Improvements made thereon, and to the Owner or Possessor, of the said Encroachment the Sum so to be ascertained for the Value of such Buildings and Improvements; and upon such Payment so to be made according to the Directions of the said Commissioners as aforesaid, every such Encroachment, or so much thereof as shall be valued and purchased as aforesaid, shall be absolutely vested in the Person or Persons so purchasing the same, any Thing in this Act contained to the contrary notwithstanding; and any Money which shall be paid to the said Commissioners by virtue of the last-mentioned Directions, shall be by them paid or applied in or towards
paying

paying and defraying the Costs, Charges, and Expences of obtaining, passing, and executing this Act.

LXI. Provided always, and be it further enacted, That nothing herein contained shall extend to authorize the Sale of any Dwelling House, which at the Time of passing this Act shall be actually occupied by the Owner or Possessor of any such Encroachment which shall have been made for the Space of Twenty-one Years or upwards, or of any Yard or Garden occupied therewith.

No Dwelling-House erected Twenty-one Years on an Encroachment, to be sold by Commissioners.

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

Commissioners to determine Date of Encroachments.

LXIII. And be it further enacted, That in case any Surplus Money arising from the Sale of any Lands and Grounds made by the said Commissioners shall remain after all the Costs, Charges, and Expences attending the obtaining and passing and executing this Act, shall have been fully paid and satisfied, such Surplus Money shall be divided and apportioned between the King's most Excellent Majesty and the several Proprietors of the Lands and Grounds hereby directed to be divided and inclosed, according to their several and respective Interests therein, and such proportionable Parts and Shares of such Surplus Money shall be paid to those Proprietors who are Tenants in Fee Simple of the Estates in Right of which they shall be entitled to such Surplus Monies; but the Surplus Money to which any Proprietor not being Tenant in Fee Simple may be entitled, shall be applied and disposed of in the same Manner as any Money to be paid for the Purchase or Exchange of Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase or Exchange of other Lands, Tenements, or Hereditaments, to be settled to the same Uses, as the same by the said Act of the Forty-first Year of His present Majesty is directed to be applied and disposed of.

Application of Surplus Money.

LXIV. And be it further enacted by the Authority aforesaid, That for the better Security of the Village of *Whitton* and Town of *Twickenham*, there shall not at any Time hereafter be any Powder Mill, Drying House, Corning House, or Magazine or Building wherein shall be made or deposited any Gunpowder, or any Materials used in the making of Gunpowder, erected or built beyond the Boundaries or Limits of those already erected, belonging to *John Butts*, or the Owner thereof for the Time being; which Boundaries or Limits shall be set forth and described in the Award of the Commissioners to be appointed under and by virtue of this Act, and also in a Map or Plan to be annexed thereto; and in case any such Building shall be erected or built beyond the said Boundaries or Limits, contrary to the true Intent and Meaning of this Act, the same shall be and be deemed and taken to be a common Nuisance, and shall

Powder Mills.

and may be abated accordingly; and the Commissioners are hereby required to allot to the Duke of *Northumberland* such Proportion of his Allotment of Waste Land adjoining the Powder Mills, as he shall desire for the Security of the same; and if the whole of his Allotment should not be found sufficient to afford proper Protection and Security to the same, and to the Neighbourhood, then to allot such further Quantity of Land as may appear to be necessary to guard against those Accidents which might be occasioned by the too near Approach of Buildings which might be erected, or by the common Practice of burning Weeds, whereby the said Mills might be destroyed, and the Neighbourhood injured; the Land so allotted to be paid for by the Duke of *Northumberland*, according to the fair Value thereof, to be settled by the said Commissioners.

Dean and
Canons of
Windsor may
try their
Rights by an
Issue at Law.

LXV. And whereas the Dean and Canons of *Windsor* claim to be Lord of the Rectory Manor of *Isleworth*, and as such to be entitled to the Soil of a Part of the Waste Grounds and Commons hereby directed to be inclosed, and to an Allotment in respect thereof out of the Waste within the said Manor; but the said Duke of *Northumberland* disputes the Right of the said Dean and Canons to the Soil of any such Waste, Waste Grounds, or Commons, as belonging to the said Rectory Manor; be it further enacted, That it shall and may be lawful for the said Dean and Canons, at any Time before the Expiration of Twelve Calendar Months after the passing of this Act, to try their Right to the Soil of any such Waste Grounds or Commons, as belonging to the same Manor, by a feigned Issue at Law, wherein the said Dean and Canons shall be the Plaintiffs, and shall describe the Parcels of Waste and Commons so claimed by them; and the said Duke of *Northumberland* shall be the Defendant, who is hereby required to name an Attorney, who shall appear and accept an Issue, whereby such Claim may be tried and determined, such Issue to be settled by the proper Officer of the Court wherein the same is to be tried, in case the Parties differ thereon; and on the Trial thereof, there shall be the like Power of finding and declaring any qualified or less Right or Interest than the said Dean and Canons claim, and of endorsing such Finding and Declaration on the Postea, in addition to the Verdict on the said Issue; and there shall be the same Right to Costs on either Side, and Consequences, as are herein-before directed in respect of any Issue or Finding upon any Matter determined by the said Commissioners, or their said Umpire; and in case upon the Trial of such Issue, the Verdict shall be in Favour of the said Dean and Canons, the said Commissioners shall award and allot unto the said Dean and Canons One-sixteenth Part of such Waste Lands as shall be found to belong to the said Lord of the Rectory Manor of *Isleworth*, out of the Sixteenth Part hereby directed to be allotted to the Lord of the Manor of *Isleworth* *Syon*.

No Person
shall dig Turf
or Sods.

LXVI. And be it further enacted, That from and after the passing of this Act, no Person shall pare, dig, or take away any Turf, Sods, or Soil, in, upon, or from any Part of the said Commons or Waste Grounds, until the same shall be set out and allotted as aforesaid, under a Penalty of Five Pounds for every such Offence; the same to be recovered and levied by the said Commissioners in such and the same Manner, and with the like Powers and Remedies for the Recovery thereof, as in and by this Act or

the

the said herein recited Act are provided and given to the said Commissioners with respect to any Sum or Sums of Money herein or in the said recited Act directed to be paid to them; and the same, when received, after deducting the Expences occasioned thereby, to be applied towards defraying the Expences of carrying this Act and the said recited Act into Execution, with respect to the particular Parish wherein such Penalty shall have been incurred.

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

Appointment
of Auditor.

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

Persons ad-
vancing Mo-
ney to be re-
paid with
Interest.

LXIX. Provided always, and be it further enacted, That no Brooks, Streams, Ditches, Watercourses, or Tunnels now running into or forming Part of the Works of the Grand Junction Canal, or the Navigable Cut to *Paddington*, or either of them, shall be diverted, turned, or altered, so as to prevent the Water running through the same from flowing into the said Canal or Cut, or some Part thereof, nor any new Bridge ordered to be made over or across the said Canal and Cut, or either of them, by virtue of the said recited Act, without the Consent of the Company of Proprietors of the said Canal, under their Common Seals; and that nothing herein contained shall extend, or be construed to extend, to enable the said Commissioners to do, or order or cause to be done, any Act, Matter, or Thing which shall hinder or prejudice the Navigation or Works of the said Canal or Cut, or either of them, in the said respective Parishes, but that the same shall in every other Respect continue as if this Act had not been made.

To prevent
the turning of
any of the
Streams run-
ning into the
Grand Junc-
tion Canal.

LXX. And be it further enacted, That as soon as conveniently may be after the Division and Allotment of the said Common Lands and Grounds shall

Award to be
made.

shall have been made and completed, pursuant to the Directions and before the Expiration of Five Years from the passing of this Act, the Commissioners shall form and draw up, or cause to be formed and drawn up, an Award or Awards, Instrument or Instruments, in Writing, with One or more proper Plan or Plans thereto annexed, in the Manner prescribed by the said Act of the Forty-first Year of the Reign of His present Majesty, which said Award or Awards, Instrument or Instruments, shall be fairly engrossed or written on Parchment, and be signed by the said Commissioners, and shall, within Twelve Calendar Months next after the same shall have been signed as aforesaid, be deposited with the Clerk of the Peace of the said County of *Middlesex*, who is hereby required to receive, keep, and deposit the same amongst the Records of the said County, for the depositing of which the Sum of Three Pounds and Three Shillings shall be demanded and paid, to the End that Recourse may be had thereto by all Persons interested in the said Division and Inclosure; for the Inspection of which said Award or Awards, Instrument or Instruments, One Shilling each shall be paid and no more; and a true Copy thereof, or of any Part thereof, when and as often as the same shall be required, shall be delivered to any Person or Persons, signed by the Clerk of the Peace or his Deputy for the Time being, purporting the same to be a true Copy, for which no more than Sixpence *per* Sheet, reckoning Seventy-two Words as each Sheet, shall be paid; which said Copy, as also the original Award or Awards, Instrument or Instruments, and the Copies herein-after directed to be written on Parchment and signed by the said Commissioners, shall at all Times hereafter be admitted as legal Evidence in all Courts whatsoever; and the said Commissioners are hereby directed and required to deposit a Copy of the said Award or Awards, Instrument or Instruments, fairly written on Parchment, with a proper Plan or Plans thereto annexed, signed by the said Commissioners as aforesaid, as also Copies of the Accounts of the Inclosure, in the respective Parish Chests of the Parish Churches aforesaid; to the End that Recourse may be had thereto by the several and respective Proprietors or Parties interested therein.

Extract of
Award to be
sent to the
Land Revenue
Office.

LXXI. 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 Award as shall contain an accurate Description of the Allotment or Allotments to be made to His said Majesty, together with such Regulations or Provisions relative to such Allotment or Allotments, 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 Allotment or Allotments, 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 and Interests of His Majesty, His Heirs and Successors.

LXXII. And

LXXII. And be it further enacted, That if any Person or Persons shall think him, her, or themselves aggrieved by any Thing done in pursuance of the said Act of the Forty-first Year of His present Majesty, or of this Act; then and in every such Case (except where the Orders and Determinations of the said Commissioners are directed to be final and conclusive, and also where Provision is made for a Trial at Law, as herein-before mentioned) he, she, or they may appeal to the Quarter or General Quarter Sessions of the Peace which shall be held for the County of *Middlesex*, within Four Calendar Months next after such Complaint shall have arisen; and the Justices at the same Sessions are hereby required to hear and determine the Matter of such Complaint, and to make such Order therein, and award such Costs, as they may think reasonable, and to direct such Costs so awarded, if not paid upon Demand, to be levied 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, after deducting the reasonable Charges of such Distress and Sale; which Determination of the said Justices should be final and conclusive to 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*.

Appeal to the
Quarter
Sessions.

LXXIII. Provided always, That nothing in this Act contained shall prejudice, lessen, or defeat the Right, Title, or Interest of any Lord or Lords, Lady or Ladies of the Manor or Manors, or reputed Manor or Manors, Lordship or Lordships, within the Jurisdictions or Limits whereof respectively the said Lands and Grounds hereby directed to be divided, allotted, or inclosed, or any Part or Parts thereof, are situate, lying, and being, of, in, and to the Seignories incident or belonging to such Manor or Manors respectively; but that all such Lord or Lords, Lady or Ladies for the Time being, shall and may from Time to Time and at all Times hereafter hold and enjoy all Courts Baron, Perquisites, and Profits of Courts, Rents and Services, and all other Rights, Royalties, and Privileges to the said Manor or Manors respectively incident, appendant, belonging, or appertaining (other than such Rights of Common and other Rights as are or are intended to be barred, extinguished, or destroyed by this Act), in as full, ample, and beneficial Manner to all Intents and Purposes whatsoever as he, she, or they could or might have held and enjoyed the same in case this Act had not been made.

Saving of
Manorial
Rights to the
Lords of
Manors.

LXXIV. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person and Persons, Bodies Politic or Corporate, his, her, and their Heirs, Successors, Executors, and Administrators (other than and except such as are meant and intended to be barred and destroyed by this Act), all such Estate, Right, Title, and Interest of, in, to, or in respect of the Commons and Waste Lands to be divided, allotted, and exchanged by virtue of this Act, as he, they, or every of them had or enjoyed before the passing of this Act, or might or could have had or enjoyed the same in case this Act had not been made.

General
Saving.

Evidence
Clause.

LXXV. 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. 1818.