

ANNO DECIMO SEPTIMO & DECIMO OCTAVO

# VICTORIÆ REGINÆ.

\*\*\*\*\*

## *Cap. 9.*

An Act for the Distribution of the Compensation paid under the *London Necropolis and National Mausoleum Act, 1852*, for the Extinction of the commonable or other Rights over and in *Woking Common*, and whereof the Short Title is "*Woking Commoners Act, 1854.*"

[24th *July* 1854.]

**W**HEREAS by the *London Necropolis and National Mausoleum Act, 1852*, with which Act the *Lands Clauses Consolidation Act, 1845*, except the Clauses thereof "with respect to Lands acquired by the Promoters of the Undertaking under the Provisions of that or the Special Act, or any Act incorporated therewith, but which shall not be required for the Purposes thereof," is incorporated, the *London Necropolis and National Mausoleum Company* were empowered to purchase the Lands in this Act called *Woking Common*, being Waste and Common Land in the Parish of *Woking*, and whereof in the Schedule to the Act *William Daw* and the Freeholders and Copyholders of the Manor of *Woking* are stated to be the Occupiers: And whereas the Company accordingly purchased those Lands, containing Two thousand one hundred and

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eighteen Acres One Rood and Four Perches, or thereabouts: And whereas, in pursuance of the Provisions "with respect to any such Lands being Common or Waste Lands," of the Lands Clauses Consolidation Act, 1845, *Thomas Drewett, George Smallpiece, Richard Collyer, Richard Hodd, and Henry Harris* were appointed, by a Meeting of the Parties entitled to commonable or other Rights over or in *Woking Common*, a Committee for the Purposes of the Company's Act: And whereas the Company have paid to the Committee Fifteen thousand Pounds as the Compensation for the Extinction of those commonable and other Rights over or in *Woking Common*, and the Committee have invested Fourteen thousand five hundred Pounds, Part of the Fifteen thousand Pounds, in the Purchase of Exchequer Bills, and those Exchequer Bills and Five hundred Pounds, the Balance of the Fifteen thousand Pounds, are now in their Hands: And whereas the Parties interested in that Compensation are very numerous, and it is expedient that such Provision as by this Act made be made for the Distribution thereof, and in order thereto for ascertaining and determining the Proportions in which they respectively are interested therein; but for that Purpose the Aid of Parliament is requisite: Wherefore Your Majesty's most dutiful and loyal Subjects the said *George Drewett, George Smallpiece, Richard Collyer, Richard Hodd, and Henry Harris* do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen'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, as follows:

Short Title. I. This Act may be cited for any Purpose as "*Woking Commoners Act, 1854.*"

Interpretation. II. In this Act the following Expressions have the following Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction; to wit,

"The Commissioners:" The Expression "the Commissioners" means the Inclosure Commissioners for *England and Wales* :

"The Committee:" The Expression "the Committee" means the Committee by this Act authorized to act in the Execution thereof :

"The Commoners." The Expression "the Commoners" means and includes the several Persons who on the First Day of *November* One thousand eight hundred and fifty-three were entitled to the commonable or other Rights over or in *Woking Common* for the Extinction whereof the Fifteen thousand Pounds was paid as Compensation by the Company, or the respective Representatives of those Persons, by Purchase or otherwise.

III. The

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III. The Commissioners, and their Assistant Commissioners, Secretary, Clerks, Messengers, and other Officers, may assist in executing this Act, as if the Objects of this Act were within the Provisions of the several Public General Acts from Time to Time in force relating to the Commissioners. Execution of Act by Inclosure Commissioners.

IV. Any One or more of the Assistant Commissioners may from Time to Time, if the Commissioners think fit and so order, exercise any of the Powers and Discretions by this Act given, whether expressly or by Implication, to the Commissioners, and for that Purpose the Expression in this Act "the Commissioners" includes the Assistant Commissioners, or any of them. Execution of Act by Assistant Commissioners.

V. The Commissioners, if they think fit, may require Security, by Bond or otherwise, and in such Form as they think fit, to be given by or on behalf of any Persons applying to the Commissioners under this Act for the Payment to the Commissioners of their Expenses of and incident to the entertaining of the Application, and all their Proceedings consequent thereon, and also, if and where the Commissioners think fit, for the Payment to any other Persons of all or any Part of their respective Expenses consequent on the Application, and any Proceedings thereunder or relating thereto. Security to Inclosure Commissioners for Expenses.

VI. The said *Thomas Drewett, George Smallpiece, Richard Collyer, Richard Hodd, and Henry Harris*, and the Survivors and Survivor of them, and such other Persons as are from Time to Time appointed under this Act in their or any of their Place, shall be the Committee for executing this Act, and Three Members of the Committee shall be a Quorum. Committee for Execution of Act.

VII. If and whenever, before the Powers of this Act are fully executed, the said *Thomas Drewett, George Smallpiece, Richard Collyer, Richard Hodd, and Henry Harris*, or any of them, or any Persons or Person appointed under this Act in their or any of their Place, die, resign, or become incapable to act in the Execution of this Act, the Commissioners may supply every such Vacancy by the Appointment to be a Member of the Committee of such One of the Commoners as the Commissioners think fit: Provided always, that the Number of the Committee shall never exceed Five. Inclosure Commissioners to supply Vacancies in Committee.

VIII. A Commoner may, by Writing under his Hand, appoint any Person to be an Agent to act for him for the Purposes of this Act, and all Things which by this Act shall or may be done by or with respect to the Commoner may be done by or with respect to the Agent so duly authorized of the Commoner, and every such Agent shall have full Power, Agents for Commoners.

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Power, in the Name and on behalf of his Principal, to act in all respects for the Purposes of this Act, and the Principal shall be bound by the Acts of the Agent according to the Authority committed to him, as if the Principal had so acted.

Form of Ap-  
pointment of  
Agent.

IX. The Instrument by which any such Agent is appointed may be in the Form in the Schedule (A.) to this Act annexed, or to the like Effect, and a Copy thereof, authenticated by the Signature of a Witness, shall be delivered to the Arbitrator, and kept with his Records.

Substitutes  
for Common-  
ers under  
Disability.

X. Where a Commoner is a married Woman, Infant, Minor, Lunatic, or Idiot, or under any other legal Disability, or beyond Seas, the Guardian, Committee of the Estate, Husband, or Attorney of the Commoner duly appointed, or in default thereof such Person as the Arbitrator nominates for that Purpose, and whom he is hereby empowered, on the Application of any Person in any way interested, to nominate, by Writing under his Hand, shall for the Purposes of this Act be deemed the Commoner.

Form of Ap-  
pointment of  
Substitute.

XI. The Instrument by which any such Nomination of a Substitute is made may be in the Form in the Schedule (B.) to this Act annexed, or to the like Effect, and shall be deposited with the Arbitrator, and kept with his Records.

Husbands,  
&c. may act  
for married  
Women, &c.

XII. All Husbands, Guardians, and Committees on behalf of married Women, Infants, Minors, Lunatics, and Idiots shall respectively have the same Rights and Powers of taking Proceedings under this Act as such married Women, Infants, Minors, Lunatics, and Idiots respectively would have if free from Disability.

Public  
Notices.

XIII. Every public Notice to be given under this Act shall be given on or near to the principal Door of the Parish Church of *Woking*, and by Advertisement in a Newspaper published in the County of *Surrey*, and circulating in *Woking*, and in a *London Daily Morning Newspaper*.

Meetings of  
Commoners.

XIV. Every Meeting of the Commoners for the Purposes of this Act shall be called by not less than Ten nor more than Twenty-one Days public Notice, and shall be held at some convenient Place within the Manor of *Woking*, and at some convenient Time respectively specified in the Notice: Provided always, that such Notice need not be given for a Meeting held by Adjournment of less than Fourteen Days.

XV. Forthwith

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XV. Forthwith after the passing of this Act, the Committee, by Writing under the Hands of the Members of the Committee or a Majority of them, and with the Approval of the Commissioners, signified in Writing under their Seal, shall appoint a competent and fit Person to be the Arbitrator for the Purposes of this Act, and if and whenever any Person appointed an Arbitrator dies, resigns, or becomes incompetent or unfit to act, or is removed from Office, the Committee, in like Manner and with the like Approval, shall appoint some other competent and fit Person to be the Arbitrator, and the Committee, in like Manner and with the like Approval, may from Time to Time remove any such Arbitrator from Office, for any Cause deemed by the Commissioners sufficient.

Committee,  
with Ap-  
proval of In-  
closure Com-  
missioners, to  
appoint Ar-  
bitrator.

XVI. The Committee, with the Approval of the Commissioners, signified in Writing under their Hands and Seal, may make any Agreement with the Arbitrator for the Payment of the Arbitrator for the Duties to be performed by him under this Act, and failing such Agreement the Commissioners may make such Order as they think fit for the Payment of the Arbitrator.

Payment of  
Arbitrator.

XVII. The Arbitrator shall be incapable of acting until he have made and subscribed before the Commissioners or an Assistant Commissioner or Justice of the Peace a Declaration in the Form in the Schedule (C.) to this Act annexed, or to the like Effect, which Declaration the Commissioners or any Assistant Commissioner or Justice may administer; and every such Declaration so made and subscribed shall be countersigned by the Person before whom the same is made, and shall be sent by him to the Office of the Commissioners; and a Certificate under the Seal of the Commissioners that the Person named in the Certificate is appointed an Arbitrator, and has made and subscribed the Declaration required by this Act, shall be conclusive Evidence of his Appointment, and of his having made and subscribed the Declaration.

Declaration  
by Arbi-  
trator.

XVIII. If any Person falsely or corruptly make and subscribe any such Declaration, knowing it to be untrue in any material Particular, or knowingly and wilfully act contrary thereto, he shall be deemed guilty of a Misdemeanor.

False Decla-  
ration a Mis-  
demeanor.

XIX. Forthwith after his Appointment, the Arbitrator shall, according to the Provisions of this Act, proceed to ascertain who are the Persons entitled, within the Meaning of the Lands Clauses Consolidation Act, 1845, to the commonable or other Rights over or in *Woking Common*, as Compensation for the Extinction whereof

General  
Duties of  
Arbitrator.

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the

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the Company paid the Fifteen thousand Pounds, and the several Proportions in which they respectively are so entitled.

General Powers of Arbitrator.

XX. For the Purposes of this Act, the Arbitrator may make such Surveys and Valuations, and such Inquiries, and such Investigations of Claims and of Titles, and may employ such Surveyors, Valuers, Solicitors, Counsel, and others, and may obtain such Advice, Attendance, and Assistance, and may do all such other Things as the Arbitrator from Time to Time thinks fit.

Commoner or Agent not to act as Assistant Commissioner, Arbitrator, &c.

XXI. Provided always, That a Commoner, or the Agent ordinarily entrusted with the Care, Superintendence, or Management of the Estate of a Commoner, shall not in anywise act as an Assistant Commissioner, or be appointed an Arbitrator, a Surveyor, or a Valuer, for the Purposes of this Act.

Power for Arbitrator to refer Questions to Inclosure Commissioners.

XXII. Where the Arbitrator entertains any Doubt as to the Course which he ought to pursue in the Execution of this Act, he may, if he think fit, submit the Question to the Commissioners, and the Arbitrator may and shall adopt and act on any Decision of the Commissioners on any Question so submitted to them.

Application to Inclosure Commissioners against Proceedings of Arbitrator.

XXIII. Where any Person interested is dissatisfied with any Proceeding or Determination of the Arbitrator, such Person may apply to the Commissioners in that Behalf; and every such Application shall be in Writing under the Hand of the Applicant, and shall contain a Statement of the Grounds of the Dissatisfaction, and such other Particulars as may enable the Commissioners to judge of the Expediency of entertaining the Application.

Proceedings of Inclosure Commissioners on such Application.

XXIV. Where the Commissioners, having regard to the Statements in the Application, think fit to entertain it, they shall make such Inquiries in relation thereto as they think fit; and after such Inquiry the Commissioners may make such Order in the Matter of the Application as the Commissioners think fit, and every such Order shall be binding on the Arbitrator.

Map.

XXV. For the Purposes of this Act, the Arbitrator may use and authorize the Use of a Copy of any Map or Plan confirmed under the Hands and Seal of the Tithe Commissioners, or of any other Map or Plan of the Accuracy of which the Arbitrator is satisfied, or may make a new Survey or Plan, if so directed by the Commissioners.

Arbitrator to hold Meet-

XXVI. The Arbitrator shall from Time to Time call and hold such Meetings of the Commoners, for the Examination of Claims and  
and

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and otherwise for the Execution of this Act, as Occasion requires, and if from any Cause the Arbitrator think fit to adjourn or postpone any such Meeting, he may adjourn or postpone it to any future Day.

ings of Com-  
moners.

XXVII. All Persons claiming any Interest in the Compensation shall deliver such Claims in Writing to the Arbitrator at such Meeting as he appoints for the Purpose; and every such Claim shall, originally or by Amendment, state therein the Place of Abode of the respective Claimant or his Agent at which Notices in respect of the Claim may be delivered; and the Arbitrator may require Persons delivering the Claims to amend the same in such Particulars, and on such Conditions as he thinks just and reasonable; and no such Claim shall be received by the Arbitrator after the last Meeting held for that Purpose, and whereof Notice shall be given, except for some special Cause allowed by the Commissioners.

Claims to be  
delivered to  
Arbitrator.

XXVIII. The Arbitrator shall make and deposit at some public Place within the Manor of *Woking* a Statement of all Claims delivered to him, and shall give public Notice of the Statement having been so deposited, and shall by such Notice limit such Time, not less than Twenty-one Days after the Notice, as he thinks reasonable, for the Delivery of Objections to Claims.

Arbitrator to  
deposit State-  
ment of  
Claims, and  
give Notice  
thereof.

XXIX. Every Person who objects to a Claim shall within the Time so limited for Delivery of such Objections deliver his Objection in Writing to the Arbitrator, and also deliver a Copy of such Objection at the Place of Abode of the Claimant or his Agent; and no Objection to any Claim shall be received by the Arbitrator after the Time so limited for the Delivery of Objections, except for some special Cause allowed by the Commissioners.

Objections to  
Claims to be  
delivered to  
Arbitrator  
and Claim-  
ants.

XXX. After the Expiration of the Time limited for the Delivery of Claims, the Arbitrator shall give Fourteen Days public Notice of the Time and Place of Meeting for the Examination of such Claims and Objections, and for the Attendance of all Parties concerned therein, and at such Meeting the Arbitrator shall proceed to examine into and determine such Claims and Objections, and may and shall allow or disallow such Claims, in whole or in part, and make such Order therein as he thinks fit.

Meeting for  
Examination  
of Claims and  
Objections.

XXXI. Where any Doubts or Difficulties arise respecting such Claims or Objections, or any Differences happen between any of the Claimants touching their respective Claims, or the relative Proportions of their Interests, the Arbitrator shall make such Order therein as he thinks

Determina-  
tion of Arbi-  
trator on  
Claims.

thinks

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thinks fit, which Order shall be final, unless any Person be dissatisfied therewith, and give Notice, as by this Act provided, of his Desire to have the Matter heard and determined by the Commissioners, or unless the Commissioners think fit to revise such Determination.

Arbitrator  
not to deter-  
mine Title  
to Land.

XXXII. Provided always, That this Act, or anything therein, shall not enable the Arbitrator or the Commissioners to determine the Title of any Land or Hereditaments, or to determine any Right between any Parties contrary to the actual Possession or Enjoyment of any such Party; but in every Case of disputed or doubtful Title the Arbitrator may declare what is the proportionate Interest in the Compensation of the Owner of any Land or Hereditament, without declaring by Name who was or is the actual Owner of such Land or Hereditament.

Claims in  
respect of  
Rights ap-  
pendant or  
appurtenant.

XXXIII. Where a Claim to an Interest in the Compensation is made in respect of any commonable or other Right appendant or appurtenant to any Land, Tenement, or Hereditament, the Person who on the First Day of *November* One thousand eight hundred and fifty-three was, as being the Owner thereof, in the actual Possession of such Land, Tenement, or Hereditament, or in the Receipt of the Rents thereof, or the Representative of such Person, by Purchase or otherwise, shall be deemed, by the Arbitrator and the Commissioners respectively, unless the contrary be shown to their respective Satisfaction, to be entitled to the Compensation in respect of such Right appendant or appurtenant.

Claims in  
respect of  
Rights in  
gross.

XXXIV. Where a Claim to an Interest in the Compensation is made in respect of any commonable or other Right in gross, the Person who on the said First Day of *November* exercised or enjoyed such Right, or the Representative of such Person, by Purchase or otherwise, shall be deemed by the Arbitrator and the Commissioners respectively, unless the contrary be shown to their respective Satisfaction, to be lawfully interested in the Compensation in respect of such Right in gross.

Arbitrator  
may award  
Costs.

XXXV. If the Arbitrator, on the Determination of any Claim objected to, or of any Objection made to any Claim, see Cause to award any Costs, he may, on Application, award such Costs as he thinks reasonable to be paid to the Person in whose Favour any Determination is made, and by the Person whose Claim or Objection is disallowed; and if any Person liable to pay any such Costs fail to pay the same on or within Fourteen Days after Demand, such Costs may be recovered in any Court of competent Jurisdiction.

XXXVI. The



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XXXVI. The Arbitrator may pay the Expenses of any Witnesses, or of the Production of any Writings, Maps, Plans, or Surveys, or Copies thereof, where such Witnesses attend, or such Writings, Maps, Plans, Surveys, or Copies are produced before the Arbitrator only at his Request, and for his Information or Guidance, and not on behalf of any Party in difference.

Expenses of Witnesses, and Production of Evidence.

XXXVII. After the Arbitrator has heard and determined all the Claims and Objections, he shall make a Schedule of the Claims and Objections, and his Determinations thereon, and shall deposit the Schedule at such Place or Places in the Parish of *Woking* as he may think fit, there to remain for at least Thirty Days, for the Inspection of all Persons interested therein, and he shall give public Notice of such Deposit, and shall send a Copy of the Schedule to the Commissioners, and shall furnish to them such Explanations and Information in relation thereto as they may require.

Schedule of Claims allowed by Arbitrator to be made, and deposited for Inspection.

XXXVIII. The Arbitrator shall determine and specify in the Schedule which of the Claimants whose Claims are allowed are shown to his Satisfaction to be entitled absolutely for their own Benefit to an Interest in the Compensation, or to be entitled at Law or in Equity to receive and give effectual Receipts for their respective Proportions of the Compensation, and which of the Claimants whose Claims are allowed are not shown to his Satisfaction to be so entitled.

Arbitrator to distinguish Claimants absolutely entitled from Claimants not so entitled.

XXXIX. At the Expiration of Thirty Days after Notice of the Deposit of the Schedule, but subject and without Prejudice to any Rehearing and Determination by the Commissioners, as by this Act provided, of all or any of the Claims and Matters specified in the Schedule, the Determination of the Arbitrator as expressed in the Schedule on the several Claims and Matters therein expressed shall be final and conclusive on all Parties interested.

Determination of Arbitrator to be final, subject to Re-hearing by Commissioners.

XL. Provided always, That where any Person dissatisfied with any such Determination of the Arbitrator, within Thirty Days after such Notice of Deposit of the Schedule applies to the Commissioners to hear and determine the Claim or Matter determined by the Arbitrator, and where the Commissioners, on the Representation of any Person interested, or on Information given by the Arbitrator, think that any such Determination of the Arbitrator is made without due Consideration of the Rights of Parties interested, or is erroneous, the Commissioners shall forthwith, by public Notice, call a Meeting of the Commoners for hearing and determining the Claim or Matter so desired to be reheard, or all or any of the Claims or Matters

Rehearing of Claims by Inclosure Commissioners.

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specified

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specified in the Schedule, as the Commissioners think fit, and the Commissioners shall rehear and determine such Claim or Matter, and their Determination thereon shall be final and conclusive on all Persons interested; and if their Determination differ from any such Determination of the Arbitrator, the Commissioners shall amend the Schedule accordingly.

Schedule of Claims, when finally settled, to be deposited with Inclosure Commissioners.

XXI. Forthwith after the final Settlement of the Schedule, the Arbitrator shall deposit it with the Commissioners, to be kept with their Records; and a Copy thereof, under their Seal, authenticated by the Signature of a Witness, shall be delivered to the Arbitrator, and kept with his Records.

Apportionment of 15,000*l.* Compensation.

XLII. Forthwith after the final Settlement of the Schedule, the Arbitrator shall proceed to apportion and award the Fifteen thousand Pounds Compensation unto and among the several Persons interested therein, in such Shares and Proportions as he determines to be proportionate to the Value of their respective Rights and Interests claimed, and allowed as specified in the Schedule.

Arbitrator's Report.

XLIII. Forthwith after the Apportionment of the Compensation, the Arbitrator shall draw up a Report in Writing, which shall specify all the Claims allowed, and the Nature of the several Claims, whether in respect of Rights appendant or appurtenant, or in respect of Rights in gross, and which of the Claimants are entitled absolutely for their own Benefit, or are entitled at Law or in Equity, to receive and give effectual Receipts for the respective Proportions of the Compensation, and which of the Claimants are not so entitled, and the Apportionment of the Compensation, and all such other Particulars with respect to the Execution of this Act as the Arbitrator thinks fit.

Map annexed to Report.

XLIV. The Arbitrator, if so directed by the Commissioners, shall annex to the Report a Map showing the Lands, Tenements, and Hereditaments in respect of which Claims of Rights appendant or appurtenant are allowed, or such of them as may be deemed necessary.

Deposit of Copy of Report for Inspection.

XLV. The Report, and the Map thereto annexed (if any), shall be respectively signed by the Arbitrator, and sent by him to the Commissioners, and the Commissioners shall thereupon deposit a Copy thereof at some convenient Place within the Manor of *Woking*, to remain there for Thirty Days at the least for the Inspection of all Persons interested therein, and shall forthwith give public Notice where the Copy may be inspected.

XLVI. So

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XLVI. So soon after such Deposit as the Commissioners think convenient, they shall by public Notice call a Meeting of the Commoners, to hear Objections to any Apportionment, Determination, or Matter in the Report; and if the Commissioners think fit they from Time to Time may, by public Notice, call further Meetings for such Purpose, and may adjourn any such Meeting to and without public Notice hold it on a future Day.

Meetings for  
Objections  
to Report.

XLVII. At such Meetings the Commissioners shall hear and determine any such Objections, and, if they think fit, may direct any further Survey, Valuation, or Investigation, and take such other Measures as they think fit for ascertaining the Justice and Accuracy of the Report, or any Apportionment, Determination, or Matter therein; and when the Commissioners have heard and determined all such Objections, and taken all such Measures in relation thereto as they think fit, they shall approve the Report, with such Amendments or Modifications, if any, of the Report, and the Map thereto annexed respectively, as they think fit.

Commission-  
ers to hear  
and deter-  
mine such  
Objections.

XLVIII. If the Commissioners, on the Determination of any such Objection, see Cause to award any Costs, they may, on Application, award such Costs as they think reasonable to be paid to the Person in whose Favour the Determination is made, or to the Arbitrator, and by the Person whose Objection is disallowed; and if any Person liable to pay any such Costs fail to pay the same on or within Fourteen Days after Demand, the Arbitrator may, by Warrant under his Hand and Seal, directed to any Person or Persons whomsoever, cause such Costs to be levied by Distress, or such Costs may be recovered in any Court of competent Jurisdiction: Provided always, that all such Costs paid to the Arbitrator shall be applied by him towards Payment of the Expenses of executing this Act.

Commis-  
sioners may  
award Costs.

XLIX. When the Report is so finally approved, the Arbitrator shall ascertain and certify to the Committee, and also to the Commissioners, the Expenses to be, as by this Act provided, paid out of the Compensation generally, or out of any particular Part thereof, and the Commissioners shall make such Inquiries with respect to the Propriety of such Expenses as they think fit, and the Committee and the Arbitrator respectively shall furnish the Commissioners with such Explanations and Information as they require; and, after such Investigation as the Commissioners think fit, they shall, by Writing under their Hands and Seal, certify to the Committee, and also to the Arbitrator, the Amount allowed by the Commissioners of such Expenses, and the Part or Share of the Compensation out of which such Expenses are to be paid, and such Certificate shall be final and conclusive;

Commission-  
ers to certify  
Expenses to  
be paid out  
of Compens-  
ation.

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conclusive; but before the Commissioners shall approve of such Expenses they shall submit the same to a Meeting of the Commoners called after Seven Days Notice, and shall take into consideration any Representations with respect to such Expenses which may be made to them on the Part of the Majority of the Persons present at such Meeting.

Amount so certified to be deducted from Compensation.

L. Forthwith after such Allowance and Certificate, the Arbitrator shall deduct the Amount so allowed and certified from the several Sums apportioned by the Report to the several Persons thereby appearing to be entitled to the Compensation, either in due rateable Proportion or from the Share of any Person entitled to a Part of the Compensation, as the Case may require; and the Commissioners, on being satisfied of the Accuracy of such Deduction, shall by Writing under their Hand and Seal confirm the same.

Arbitrator's Award.

LI. When the Report is so finally approved, and such Deduction is so confirmed, the Arbitrator, under the Direction of the Commissioners, shall draw up and ingross on Parchment his Award, which shall set forth the Report as so approved, or the Apportionment, Determinations, and Matters therein, and such Allowance and Deduction of such Expenses, and the net Sums payable to the several Persons finally determined to be interested in the Compensation, and shall annex to such Ingrossment the Map (if any) referred to by the Report, and so approved; and the Commissioners shall confirm the Award, with the Date of such Confirmation thereon, expressed under their Hands and Seal, and shall keep the Award with their Records, and shall deliver a Copy thereof under their Seal, authenticated by the Signature of a Witness, to the Arbitrator.

Confirmation to be conclusive as to Validity of Award.

LII. Such Confirmation shall be conclusive Evidence that all the Directions of this Act with respect to the Award, and to every Apportionment, Determination, and Matter therein set forth, which ought to have been obeyed and performed before such Confirmation was obeyed and performed, and of every other Matter requisite for the full legal Validity of the Award; and the Award shall not be impeached by reason of any Mistake, Irregularity, Informality, Defect, or Omission whatsoever with respect to the Execution of any of the Provisions of this Act; and the Award, and every Apportionment, Determination, and Matter set forth therein, shall be binding and conclusive on all Persons whomsoever.

Arbitrator to deliver Papers to Committee.

LIII. When the Arbitrator has performed his Duties in the Examination of the Act, and when any Person from Time to Time appointed an Arbitrator dies, or from any other Cause ceases to be an

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an Arbitrator, he, or his Executors or Administrators, shall deliver all the Maps, Books, Papers, and Writings in his or their respective Custody or Power, for the Purposes or relating to the Execution of this Act, to the Committee, to be kept with their Records.

LIV. Forthwith after the Confirmation of the Award, the Committee shall pay or satisfy all the Expenses to be paid out of the Compensation, and shall, pursuant to the Provisions of this Act, distribute the Residue of the Compensation according to the several net Sums apportioned by the Award, and for that Purpose shall sell the Exchequer Bills then in their Hands for the Purposes of this Act, and the net Amount, if any, by which the Compensation is increased by Interest, shall be deemed Interest on those net Sums, and be paid therewith.

Committee to distribute Compensation.

LV. Within Two Months after the Confirmation of the Award, the Committee shall give public Notice of the Award, and the Confirmation thereof, Three Times, with Intervals of at least Ten Days; and every such Notice shall specify a convenient Place and convenient Times for the Payment of the net Sums awarded.

Committee to give Notice of Award, &c., and Place for Payment.

LVI. Where any such net Sums, of whatever Amount, are awarded to any Parties absolutely entitled thereto in their own Right, such net Sums shall be paid, on Demand, to such Parties, or their respective personal Representatives.

Payment to Parties absolutely entitled.

LVII. Where any such net Sums, of whatever Amount, are awarded to any Parties competent at Law or in Equity to give valid and sufficient Receipts for the same, such net Sums shall be paid on Demand, to such Parties, or their respective Successors in Interest, or personal Representatives, being respectively so competent.

Payment to Parties competent to give Receipts.

LVIII. Where any such net Sums, not exceeding Twenty Pounds each, are awarded to any Parties under Coverture, Infancy, Idiocy, Lunacy, or other Incapacity, such net Sums shall be paid, on Demand, to their respective Husbands, Guardians, Committees, or Trustees.

Payment of Sums not exceeding 20l.

LIX. Where any such net Sums, exceeding Twenty Pounds each, are awarded to any Parties not absolutely entitled thereto in their own Right, and not competent at Law or in Equity to give valid and effectual Receipts for the same, such net Sums shall be paid into the Bank of *England*.

Payment into Bank of Sums exceeding 20l.

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LX. Where

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Payment  
into Bank  
of Sums  
awarded to  
Owners.

LX. Where any net Sums, of whatever Amount, are awarded, not to any Parties by Name, but to the Owners of any Lands or Hereditaments, such net Sums shall be paid into the said Bank.

Payment  
into Bank of  
Sums not  
demanded,  
&c.

LXI. Where any net Sums, of whatever Amount, are not lawfully demanded of the Committee within One Year after the last public Notice given by them, as by this Act provided, of the Award, and the Confirmation thereof, and the Place and Times for Payment of the net Sums awarded, and where the Payment of any net Sums is not by any other of the Provisions of this Act specifically provided for, and where any Doubts or Difficulties exist as to the Payment of any net Sums, such net Sums respectively may, at such Times after such last public Notice as the Committee think reasonable, and shall at the latest within Two Years after such last, be paid into the said Bank.

Payment  
into Bank.

LXII. Where any such net Sums are, pursuant to this Act, to be paid into the said Bank, such net Sums shall be paid, with the Privity of the Accountant General of the High Court of Chancery, into the Bank of *England*, to the Account of the Accountant General, according to the Provisions of the Act of the Eleventh Year of Her Majesty, Chapter Ninety-six, or any other Act from Time to Time in force for better securing Trust Funds, and for the Relief of Trustees; and shall be dealt with accordingly.

Receipts for  
Monies paid  
to Parties  
interested to  
discharge  
Committee.

LXIII. The Receipt of the Person to whom any Money is paid by the Committee pursuant to this Act, or of the Agent of such Person, shall be an effectual and conclusive Discharge to the Committee for the Money therein acknowledged to be received; and after paying any such Money, and taking any such Receipt for the same, the Committee shall not be answerable for the Misapplication or Non-application or be bound to see to the Application of the Money or any Part thereof.

Receipts for  
Sums paid  
into Bank to  
discharge  
Committee.

LXIV. The Receipt of any Cashier of the said Bank for any Money paid by the Committee into the Bank, pursuant to this Act, and the Certificate of the Accountant General annexed thereto, and filed therewith in the Register Office of the Court, shall be an effectual and conclusive Discharge to the Committee for the Money therein respectively acknowledged to be received; and after filing such Receipt and Certificate the Committee shall not be answerable for the Misapplication or Nonapplication or bound to see to the Application of the Money or any Part thereof.

LXV. Where

*Working Commoners Act, 1854.*

LXV. Where any such net Sums exceeding Twenty Pounds are awarded to be paid in respect of any Rights appendant or appurtenant to any Lands or Hereditaments, and are paid, pursuant to this Act, to any Trustees, or into the said Bank, the Money so paid shall be applied by such Trustees, or under the Order of the Court, to some One or more of the following Purposes; that is to say,

Application of Sums paid in respect of Rights appendant or appurtenant.

In the Purchase or Redemption of Land Tax, or Discharge of Incumbrances affecting such Lands or Hereditaments, or affecting any other Land or Hereditament settled therewith to the like Uses, Trusts, or Purposes;

Or in the Purchase of other Lands or Hereditaments to be settled to the like Uses, Trusts, or Purposes as the Lands or Hereditaments to which the Rights were appendant or appurtenant;

Or in Payment to any Person being or becoming absolutely entitled to such Money.

LXVI. The Committee shall, until the Time for the Distribution of the Compensation, invest the Money from Time to Time received by them for Interest on the Exchequer Bills now and hereafter in their Hands, and the Money received for such Bills when paid off, in the Purchase of other Exchequer Bills: Provided always, that whenever the Exchequer Bills of the Date of those in the Hands of the Committee are in course of Payment by Government, and new Bills are issued, the Committee may receive new Bills in exchange for the Bills in course of Payment.

Interim Investment of Compensation.

LXVII. The said *Thomas Drewett, George Smallpiece, Richard Collyer, Richard Hodd, and Henry Harris*, and the several other Persons from Time to Time appointed pursuant to this Act to be Members of the Committee, and the Person from Time to Time appointed to be the Arbitrator, and their respective Executors and Administrators, shall be chargeable only for such Monies as they respectively actually receive for the Purposes of this Act, notwithstanding their respectively giving or doing, or joining in giving or doing, any Receipt or Act for the sake of Conformity; and any One or more of them shall not be answerable for any other or others of them, or for involuntary Losses; and they respectively out of such Monies may reimburse themselves and each other respectively, all their respective Costs, Charges, Losses, Damages, and Expenses in or about the Execution of this Act, or incident thereto.

Indemnity of Committee and Arbitrator.

LXVIII. All the Costs, Charges, and Expenses of and incident to the preparing for, obtaining, and passing of this Act, and all the Costs, Charges, and Expenses, not exceeding in the whole Two hundred

Expenses of Act to be paid out of Compensation.

*Woking Commoners Act, 1854.*

hundred Pounds, already incurred by or on behalf of the Commoners or any of them with respect to the purchasing and taking by the Company of *Woking Common*, and the Proceedings relating thereto or consequent thereon, and otherwise for the Protection of the Interests of the Commoners as between them and the Company, when allowed and certified by the Commissioners, and also all the Expenses, allowed and certified by the Commissioners as by this Act provided, from Time to Time properly incurred and paid by the Committee and the Arbitrator respectively in and about the Execution of this Act, and incident thereto, and also the Expenses of the Assistant Commissioners, and all other Costs incurred by the Commissioners in the Execution of this Act, shall respectively be Expenses to be paid out of the Compensation, and shall be paid accordingly.

Application of 500*l.* in Payment of Expenses of Act.

LXIX. The Committee may apply the Balance of the Fifteen thousand Pounds now in their Hands as herein-before recited in or towards Payment of any of the Expenses by this Act authorized to be paid out of the Compensation.

Sale of Exchequer Bills for Payment of Expenses of Act.

LXX. The Committee from Time to Time, with the Approval or the Commissioners, under their Hands and Seal, may sell any of the Exchequer Bills from Time to Time in their Hands for the Purposes of this Act, and apply the Proceeds thereof in or towards Payment of any of the Expenses by this Act authorized to be paid out of the Compensation: Provided always, that the Interest on the Exchequer Bills, or the Proceeds of Exchequer Bills purchased with Interest, shall be applicable, in the first instance, for Payment of such Expenses, and the Committee shall keep their Accounts on that Footing.

Dissolution of Committee when Act executed.

LXXI. When the Committee have finally distributed the Compensation, pursuant to this Act, they shall deliver all the Maps, Books, Papers, and Writings in their Custody or Power, for the Purposes or relating to the Execution of this Act, to the Commissioners, to be kept with their Records; and on the Commissioners being satisfied that the Committee have fully executed this Act, the Commissioners shall give public Notice thereof, in the Form in the Schedule (D.) to this Act annexed, or to the like Effect, and thereupon the Committee shall be wholly and for ever dissolved.

General Saving.

LXXII. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all Persons and Bodies Politic and Corporate, and their respective Heirs, Successors, Executors, and Administrators, (other than and except the several Persons by this Act expressly



*Woking Commoners Act, 1854.*

expressly excepted from this General Saving,) all such Right, Title, Interest, Claim, and Demand whatsoever, of, in, to, or out of *Woking Common* or any Part thereof, as they or any of them had before the passing of this Act, or would or might have enjoyed in case this Act were not passed.

LXXIII. Provided always, That the following Persons are excepted from the General Saving in this Act, to wit, the several Persons who on the First Day of *November* One thousand eight hundred and fifty-three had or claimed to have, at Law or in Equity, any commonable or other Rights over or in the Lands in this Act called *Woking Common*, or any Part thereof, and in respect of which commonable or other Rights the Compensation was paid by the Company, and all and every other Persons and Person to whom any Right, Title, or Interest, at Law or in Equity, or any Charge, Claim, or Demand of, in, to, out of, upon, or affecting the Fifteen thousand Pounds paid by the Company as Compensation for the Extinction of such commonable or other Rights, or any Part thereof, is or hath been given or made, or hath descended or devolved, or shall descend or devolve.

Exception  
from General  
Saving.

LXXIV. This Act shall not be a Public Act, but shall be printed by the several Printers to the Queen'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.

Act as  
printed by  
Queen's  
Printers, to  
be Evidence.

SCHEDULES referred to in the foregoing Act.SCHEDULE (A.)*Form of Appointment of Agent.*

By virtue of the Woking Commoners Act, 1854, I, *A.B.* of, &c., hereby appoint *C.D.* of, &c., to be my Agent for the Purposes of that Act.

As witness my Hand, this                      Day of                      A.D. 18 .  
*A.B.*

SCHEDULE (B.)*Form of Nomination of a Substitute.*

By virtue of the Woking Commoners Act, 1854, I, *E.F.* of, &c., the Arbitrator under that Act; hereby nominate *G.H.* of, &c., to be the Substitute; for the Purposes of that Act, of *J.K.* of, &c., being [*as the Case may be*, under the legal Disability of, &c., or, beyond Seas].

As witness my Hand, this                      Day of                      A.D. 18 .  
*E.F.*,  
Arbitrator.

SCHEDULE (C.)*Declaration of Arbitrator.*

PURSUANT to the Woking Commoners Act, 1854, I, *L.M.* of, &c., do solemnly and sincerely declare, that I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, perform all the Duties of an Arbitrator under that Act.

Dated this                      Day of                      A.D. 18 .

*L.M.*

Made and subscribed before me,

*N.O.*

of, &c.

SCHE-

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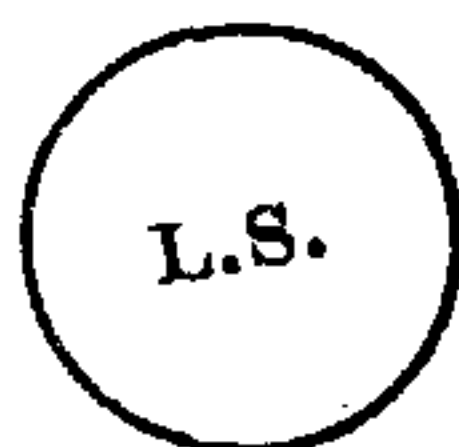
*Woking Commoners Act, 1854.*

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SCHEDULE (D.)*Public Notice of Dissolution of Committee.*

By virtue of the Woking Commoners Act, 1854, we, the Inclosure Commissioners for England and Wales, hereby give public Notice that the Committee appointed by that Act for the Execution thereof have shown to our Satisfaction that they have fully executed that Act, and that Committee is accordingly wholly and for ever dissolved.

As witness our Hands and Seal, this                      Day of  
A.D. 18 .



P. Q. }  
R. S. } Commissioners.  
T. V. }

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LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,  
Printers to the Queen's most Excellent Majesty. 1854.

