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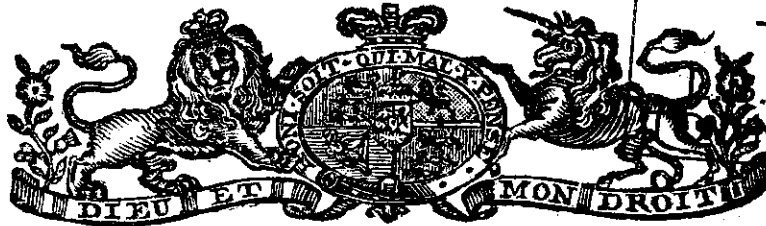
DAS Andrew P. 8.13
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B. C. WILLOUGHBY
Principal Planning Officer

RECEIVED

- 9 JUN 2005

LAMBETH
PLANNING



ANNO QUADRAGESIMO SEXTO

GEORGII III. REGIS.

Cap. 57.

An Act for inclosing Lands in the Manor of *Lambeth*
in the County of *Surrey*. [23d May 1806.]

WHEREAS there are within the Manor of *Lambeth*, in the County of *Surrey*, certain Common Lands, containing together Two hundred Acres and upwards: And whereas the most Reverend Father in God *Charles* by Divine Providence Lord Archbishop of *Canterbury*, in Right of his Archiepiscopal See, is Lord of the said Manor of *Lambeth*, and as such claims to be entitled to the Soil of the said Common Lands; and the said Lord Archbishop, and the Right Honourable *Edward Lord Thurlow*, *William Cole* Esquire, and divers other Persons, are the Owners of Lands or Tenements, Parcel or held of the said Manor of *Lambeth*, in respect of which they claim to be entitled to Rights of Common of Pasture, in, over, or upon the said Common Lands; And whereas the said Lord Archbishop of *Canterbury*, in Right of his Archiepiscopal See, is seised of and entitled to divers Woods and Wood Grounds lying within the said Manor of *Lambeth*, containing Two hundred Acres and upwards, and of, and to the Ground and Soil thereof, and all Timber and other Trees, Wood and Underwood, growing therein, subject to certain Claims of Rights herein-after mentioned: And whereas the said *Edward Lord Thurlow*, *William Cole*, and divers other Persons, as Owners of certain Tenements held of the said Manor of *Lambeth*, claim to be entitled to Rights of Common of Pasture, in, over, or upon certain of the said Woods or Wood Grounds, (except during such Seasons as the Lord of the said Manor is by ancient Usage entitled to hold the

[Loc. & Per.]

131.

same

Commission-
ers.

same inclosed and fenced for protecting the Growth of Wood thereon,) and also claim a Right of taking Bushes, Furzes, Broom, and certain Species of Wood therefrom for Firewood: 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 and Wood Grounds 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 *William Frere of the Middle Temple, London, Esquire, Barrister at Law; Abraham Purshouse Driver of Kent Road, Land Surveyor; and John Middleton of Lambeth afore-said, Land Surveyor, and their Successors to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Commissioners for dividing and inclosing the said Common Lands and Wood Grounds, and for carrying this Act into Execution, subject to the Rules, Orders, and Directions herein-after particularly mentioned, and also subject (except where the same are hereby altered or varied) to the Regulations and Provisions of the Act of Parliament herein-before mentioned or referred to; and it shall be lawful for any Two of the said Commissioners, and they are hereby fully authorized and empowered to execute, do, and perform every Act, Matter, and Thing required and necessary to be done and performed by the said Commissioners, by and in pursuance of this Act, or the said Act herein-before mentioned and referred to, as fully and effectually, to all Intents and Purposes, as if all the Commissioners herein-before appointed had been present, and had executed, done, and performed the same.*

New Com-
missioners to
be chosen.

II. And be it further enacted, That if any of the said Commissioners herein-before nominated and appointed, or any Commissioner to be appointed in the Stead of any of them, shall die, refuse, or become incapable to act as a Commissioner in pursuance of this Act, then and in such Case and from Time to Time, as often as the same shall happen, the surviving or continuing Commissioners or Commissioner shall and may, and they and he are and is hereby required, by Writing under their or his Hands or Hand, as soon as conveniently may be after every such Vacancy shall happen, to appoint One other Commissioner, not interested in the said Inclosure, in the Room or Stead of every such Commissioner so dying, refusing, or becoming incapable to act; and every such new Commissioner so to be appointed shall have the like Powers and Authorities in and for the Execution of this Act, as the Commissioner in whose place he shall succeed is hereby vested with.

Commission-
er's Clerk,

III. 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 some other fit and proper Person

Person or Persons to succeed him or them in such Office, as to the said Commissioners shall seem meet.

IV. And be it further enacted, That there shall be paid to each and every of the said Commissioners the Sum of Three Guineas for each and every Day's actual Attendance, touching the Execution of this Act, and no more, and that no Commissioner shall require or be entitled to receive any Fee, Reward, or Gratuity whatsoever, except the said Sum of Three Guineas *per Day*; and that at all Meetings to be held in pursuance of this Act, the said Commissioners shall pay their own Expences, and that the said Proprietors, their Attornies or Agents, shall pay their own Expences, when they or any of them shall attend the said Commissioners at any of their Meetings to be held in pursuance of this Act; and that the Surveyor and Clerk appointed and to be appointed by the said Commissioners shall be paid such Sum or Sums of Money *per Day* or otherwise, for their respective Pains and Trouble in attending the said Commissioners in the Execution of this Act, as to the said Commissioners shall seem just and reasonable.

Allowance
to Commis-
sioners.

Commis-
sioners and Pro-
prietors ex-
pences.

Allowance to
Surveyor and
Clerk.

V. And be it further enacted, That the said Commissioners shall cause Notice to be given in the Parish Church of *Saint Mary Lambeth* afore said, on some *Sunday* immediately after Divine Service, or otherwise in Writing to be affixed upon the Door of the said Church, of the Time and Place of their First and every other Meeting for the Execution of this Act, or of the Powers contained in the said Act of the Forty-first Year of His present Majesty, at least Fourteen Days before any such Meeting shall be held (Meetings by Adjournment only excepted); and the said Commissioners shall and may adjourn themselves from Time to Time as they shall see Occasion for the further Execution of this Act: Provided always, that if at any Meeting appointed to be holden by the said Commissioners, it shall happen that no more than One of the said Commissioners shall attend, such Commissioner may adjourn such appointed Meeting to such Time and Place as he shall think most convenient, not exceeding Twenty-one Days from the Time of such Adjournment, and shall give Notice of such Meeting to the absent Commissioners.

Notice of
Meetings.

Adjourn-
ment of
Meetings.

VI. Provided always, and be it further enacted, That all Meetings of the said Commissioners for putting this Act in Execution shall be held within the Parish of *Saint Mary Lambeth*, or within the Distance of Two Miles from the Boundary of the said Parish.

Place of
Meetings.

VII. Provided always, and be it further enacted, That all other Notices necessary or requisite to be given by the said Commissioners in pursuance of this Act shall be so given by Advertisements to be inserted in the Newspaper called *The County Chronicle*, or in some other Newspaper circulating in the said County of *Surry*.

Other No-
tices how to
be given.

VIII. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said intended Division and Allotments, touching or concerning the respective Rights and Interests which they or any of them shall have or claim to have in the same, it shall be lawful for the said Commissioners to examine into, hear, and determine the same, and such Determination shall

Commissi-
oners to settle
Differences.

shall be binding and conclusive upon all Parties concerned (except as herein-after is mentioned); but no such Determination shall hinder or prevent any Person or Persons from trying at Law any Matter of Right or Title, according to the Provisions herein-after contained.

Power to
add Costs

IX. 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 the said Act of the Forty-first Year of His present Majesty or this Act, see Cause to award any Costs, it shall be lawful for them 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 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 be lawful for the said Commissioners, and they are hereby authorized and required, by Warrant under their Hands directed to any Person or Persons whomsoever, to cause the same 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) on Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Expences attending such Distress and Sale.

Parties may
try their
Issue at Law

X. Provided always, and be it further enacted, That in case any Person or Persons interested, or claiming to be interested, in the said ~~Interest or Claim~~ ~~shall be dissatisfied with any Determination~~ of the said Commissioners, touching or concerning any Claim or Claims of Rights of Common, or other Rights or Interests, in, over, or upon the said Common Lands and Wood Grounds, or any Part thereof, it shall be lawful for the Person or Persons dissatisfied to proceed to a Trial at Law of the Matter so determined by the said Commissioners, at any Assizes to be holden for the said County of *Surrey* within the Space of Twelve Calendar Months next ensuing after such Determination, and for that Purpose the Person or Persons who shall be dissatisfied with the Determination of the said Commissioners shall cause an Action to be brought in some one of the Courts of Record at *Westminster*, upon a feigned Issue, against the Person or Persons in whose Favour such Determination shall have been made, or against the said Commissioners, within Six Calendar Months next after such Determination; 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, by which the Matter of such Determination of the said Commissioners may be tried (such Issue or Issues to be settled by the proper Officer of the Court in which the said Action or Actions shall be commenced, in case the Parties shall differ about the same); and the Verdict or Verdicts which shall be given in such Action or Actions, and the Judgement or Judgements to be entered thereon, shall be final, binding, and conclusive upon all and every Person and Persons whomsoever being Parties or Privies thereto, unless the Court wherein such Action or Actions shall be brought shall

shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall be lawful for the said Court to do as is usual in other Cases; and after such Verdict or Verdicts shall have been obtained, and Judgement shall be entered thereon, the said Commissioners shall and they are hereby required to act in conformity thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials: Provided always, that it shall be lawful for the said Commissioners to retain or pay all such Costs, Charges, and Expences as they shall incur or be put unto, or which shall be recovered against them in or by reason or in consequence of any such Action or Actions, out of any Monies which shall come to their Hands for the Purposes of this Act.

XI. Provided always, and it is hereby further enacted, That the Determination of the said Commissioners, touching every such Claim or Claims as aforesaid, which shall not be objected to, or which being objected to shall not be tried by such Action at Law as aforesaid, shall be final and conclusive on all Parties: Provided also, that the Plaintiff in every such Action, to which the said Commissioners shall not be made Parties, shall give or cause to be given Fourteen Days Notice of the Trial thereof in Writing to the said Commissioners; and in case such Notice as aforesaid shall be given, no Part of the said Lands and Grounds shall be divided or allotted until after such Trial shall have been had, and final Judgement obtained thereon.

Determina-
tion of Com-
missioners to
be final.

Notice of
Trial and
Allotments
suspended.

XII. And be it further enacted, That if, upon setting out the Roads and Ways by the said Act of the Forty-first Year of His present Majesty directed to be made and set out, it shall appear to the said Commissioners that any old Footway or Path, in, through, or over any of the ancient inclosed Grounds in the said Manor of *Lambeth*, shall, by reason of the said intended Division, Allotment, and Inclosure become unnecessary or inconvenient, it shall be lawful for the said Commissioners, by and with the Consent and Concurrence of any Two Justices of the Peace for the said County, and subject to Appeal, in the Manner directed by the said Act of the Forty-first Year of His present Majesty, and they are hereby authorized and required to stop up or turn such ancient Footway or Path; and if it shall appear to the said Commissioners that any Compensation ought to be made by the Owner of such inclosed Grounds, for whose Accommodation any Footpath or Way may be stopped up or turned as aforesaid, it shall be lawful for the said Commissioners to ascertain and receive such Compensation, and apply the same towards the General Purposes and Expences of this Act, and the said Commissioners are hereby directed to set forth in their Award a Description of such Footpath or Way so stopped up or turned; and from and after the Execution of the said Award, or at such other Time as the said Commissioners shall direct, (the said Compensation being first duly made,) such Footpath or Way shall be and is hereby declared to be discontinued, and from thenceforth for ever it shall not be lawful for any Person or Persons to make use of the same or any Part thereof: Provided always, that no Footpath leading through any inclosed Grounds shall be turned into any other inclosed Grounds without the Consent of the Owner or Owners of such last-mentioned Grounds respectively in Writing.

Power to turn
Footways.

[*Loc. & Per.*]

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XIII. And

New Roads
to be made
and repaired
at the Ex-
pence of the
Proprietors.

XIII. And be it further enacted by the Authority aforesaid, That all Roads, Ways, and Passages, which shall be set out by the said Commissioners upon any of the Common Lands or Wood Grounds hereby directed to be inclosed, except the Highways heretofore amended and repaired as Parish Highways, or such other Highways as may be set out by the said Commissioners in lieu thereof, and also except a proposed new Road from *Streatham Common*, by the *Rose and Crown* at *Norwood*, to the *Vicar's Oak* also at *Norwood*, shall be from Time to Time kept in Repair by the Owners or Occupiers of the Lands and Houses on either Side of or near adjoining to such Roads, Ways, and Passages respectively, in such Proportions and Manner as the said Commissioners shall direct, and the same shall be used and enjoyed by such Persons only as shall so contribute to the Repair thereof.

Roads divid-
ing Parishes
to be made
up in the
whole Thirty
Feet broad.

XIV. And be it further enacted, That in case any public Carriage Roads or Highways, to be set out under the Powers and Provisions of this or the said recited Act, shall be set out and continued in any Situation or Direction where the said Parish of *Saint Mary Lambeth* is divided from any adjoining Parish or Place, and where there now is or usually hath been a public Road or Way, and such adjoining Parish or Place hath hitherto been charged or liable to be charged with One-half Part of the Repairs and Support of the said Road or Way, then and in such Case the said Commissioners shall and they are hereby authorized and required to set out so many Feet only or so much Land from and out of the said Lands and Grounds hereby directed to be divided, allotted, and inclosed, as will enlarge the Breadth of such Road or Way to Thirty Feet at the least.

Commissioners
to make
Drains.

XV. And be it further enacted, That, for the better draining and improving the said Common Lands and Wood Grounds hereby directed to be divided, allotted, and inclosed, the said Commissioners shall and may scour out and widen all such ancient Brooks, Ditches, Drains, Watercourses, Tunnels, Gates, Banks, and Bridges in the said Manor of *Lambeth*, and also shall and may set out and appoint such new Ditches, Drains, Watercourses, Tunnels, Gates, Banks, and Bridges, as well in, through, and over the said Common Lands and Wood Grounds hereby directed to be divided and allotted, as also in, over, and through any other Part of the said Parish of *Saint Mary Lambeth*, as shall be necessary and proper for the Purpose aforesaid, but not further or otherwise, making reasonable Compensation or Satisfaction to all and every Person and Persons who may sustain any Damage thereby; and the said Brooks, Ditches, Drains, Watercourses, Tunnels, Gates, Banks, and Bridges shall and may be made, and afterwards from Time to Time cleaned, scoured, repaired and maintained, by and at the Costs and Expences of such Persons (being Persons interested in the said Inclosure) and at such Times and in such Manner as the said Commissioners shall in and by their said Award order and direct: Provided always, that no Brook or Watercourse shall be diverted or turned without the Consent in Writing of the Owner or Owners of the Lands from which such Brook or Watercourse shall be diverted, or into whose Land the same shall be turned.

Roads not to
be depastured.

XVI. And be it further enacted, That no Person or Persons whomsoever shall permit any Sort of Cattle, Sheep, Lambs, Goats, or Swine, to

to graze in any Highway, Lane, or Passage, which the said Commissioners shall order or direct to be laned off or fenced on both Sides, nor lay any Dung, Manure, Soil, or Compost in or upon the same, under a Penalty not exceeding Ten Shillings for every Beast or Horse, and One Shilling for every Sheep, Lamb, Goat, or Swine found therein, to be paid to the Person or Persons who shall take and impound the same, and under a Penalty not exceeding Five Shillings for every Load of Dung, Manure, Soil, or Compost so laid therein, to be recovered by any Person or Persons who will sue for the same, which said Penalties shall, if not paid on Demand, be levied and recovered in the Manner directed by the said Act of the Forty-first Year of His present Majesty; and any Occupier or Proprietor of Lands within the said Manor of *Lambeth*, and his, her, their, and any of their Servants and Labourers, and also the Hayward or Baliff of the said Manor for the Time being, and all other Persons whomsoever, are hereby empowered to take and impound all such Cattle, Sheep, Lambs, Goats, or Swine, so found grazing as aforesaid.

XVII. Provided always, and be it further enacted, That no Buildings or Erections above the Surface of the Earth, shall at any Time hereafter be erected upon the narrow Strip of Waste Land lying in Front of *Brixton Place*, or upon the Common called *Rush Common*, within the Distance of One hundred and fifty Feet from the Turnpike Road leading from *London* to *Croydon*, being the Boundary thereof on the One Side, or within the Distance of Two hundred Feet from the old Inclosures, being the Boundaries thereof on the East and South Sides; nor shall any such Erections or Buildings be erected upon any other of the said Common Lands or Wood Grounds intended to be divided or inclosed by this Act, within the Distance of One hundred Feet in front of any Messuage or Dwelling House already erected upon any Land adjoining thereto, without the Consent in Writing of the Owner or Owners of such last-mentioned Messuage or Dwelling House, and his or their Lessee or Lessees respectively; and in case any such Buildings or Erections shall at any Time or Times hereafter be built, contrary to the true Intent and Meaning of this Act, it shall be lawful for any Person or Persons, who shall be injured or affected thereby, to remove or abate the same, or otherwise to proceed against the Person or Persons so offending in like Manner as in Cases of Nuisance.

No Buildings to be erected on certain Parts of the Lands to be inclosed.

XVIII. Provided always, and be it enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized to leave open and uninclosed any Part or Parts of the said Common Lands or Wood Grounds, not exceeding in the Whole the Quantity of Three Acres, and to give such Directions, touching the Management, Use, Disposal, or Enjoyment of the same, as they shall in their Judgement and Discretion think proper; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Authorizing Commissioners to leave open any Part of the Lands to be affected by the Act, not exceeding Three Acres.

XIX. And be it further enacted, That the said Lands hereby directed to be divided and allotted, or any Part thereof, shall not be liable or subject to the Payment of Tythes of any Kind whatsoever, either Great or Small, to the Rector of the Parish of *Saint Mary Lambeth*, his Successors or Assigns, or any of them, during the Term of Seven Years, to commence and be computed from the First Day of January which will be

Composition for the Tythes of the Common Lands for the First Seven Years.

be in the Year of our Lord One thousand eight hundred and seven, but that the same or such Part thereof as is tytheable shall be subject and liable to pay during the said Term of Seven Years; and the Rector of the said Parish for the Time being shall and he is hereby empowered to ask, demand, sue for, and recover of and from every Occupier of the said Lands, or such Part thereof as is tytheable, as a Compensation for and in lieu of the Tythes thereof, the yearly Sums herein-after mentioned; (that is to say,) One Shilling for every Acre by Admeasurement, and so in Proportion for a less Quantity than an Acre of the said Lands, which shall not be broken up or converted into Tith, but shall remain as Pasture or mowing Ground, and Three Shillings for every Acre by Admeasurement, and so in Proportion for a less Quantity than an Acre of the said Lands which shall be broken up or converted into Tith; the first Payment of which first-mentioned Composition shall be deemed to be due, and the same shall become payable on the First Day of *January* next after the Date of the Award to be made pursuant to this Act; and the last-mentioned Composition shall be deemed to be due, and the same shall become payable on the First Day of *January* next immediately after the Expiration of Two Calendar Months from the Time of breaking up or converting the Land into Tith; and from and after the Expiration of the said Term of Seven Years, the several Allotments of the said Common Lands shall be subject and liable to such Tythes as the same would have been liable to in case this Act had not been made: Provided that nothing herein contained shall extend to charge with either of the said Compositions any other of the said Lands than such to the Tythes whereof the said Rector is now by Law entitled.

Allotment to
the Lord of
the Manor
for the Soil of
the Common
Lands.

XX. And be it further enacted, That the said Commissioners shall and they are hereby required to set out, allot, and award unto and for the said *Charles* Lord Archbishop of *Canterbury* and his Successors, as Lord of the said Manor of *Lambeth*, for and in lieu of his and their Right, Title, and Interest in and to the Soil of the said Common Lands, such Part or Parts thereof, (Quantity, Quality, and Situation being considered) as by the said Commissioners shall be deemed, declared, and adjudged to be equal in Value to One-sixteenth Part of so much thereof as shall remain after setting out such Parts as shall be required for publick Roads or Ways; and such Parts thereof, if any, as shall be sold by the said Commissioners for defraying the Expences of this Act, pursuant to the Powers for that Purpose herein and in the said recited Act contained.

Allotment of
the Residue.

XXI. And be it further enacted, That the said Commissioners shall set out, allot, and award the Residue of the said Common Lands hereby directed to be divided, allotted, and inclosed, unto and amongst the several Persons who at the Time of such Allotment shall be interested therein, according to their several or respective Rights and Interests therein, in lieu of and as a Compensation for all such their Claims, Rights, and Interests, such Proportions and Allotments to be settled and ascertained by such Ways and Means as to the said Commissioners shall seem most equitable and proper.

The Com-
missioners
may make
Compensa-

XXII. Provided always, and be it further enacted, That in case any Person or Persons shall be desirous of receiving a Compensation in Money for his, her, or their Rights and Interests in the said Common Lands,
in

in lieu of such Allotment in respect thereof as aforesaid, and shall signify such Desire to the said Commissioners by Writing under his, her, or their Hand or respective Hands, prior to any such Allotment being made as last aforesaid, and within such Time as the said Commissioners shall appoint for that Purpose, then and in every such Case it shall and may be lawful to and for the said Commissioners, and they are hereby required to estimate what Sum or Sums of Money ought to be awarded and allowed to such Person or Persons, as and for such Compensation as aforesaid; and in every Case in which such Compensation shall not exceed the Sum of Twenty Pounds, it shall and may be lawful to and for the said Commissioners, and they are hereby required, to pay the Sum or Sums so to be estimated to the Person or Persons entitled thereto, by and out of any Monies which shall come to their Hands for the general Purposes of this Act.

tion for small
Allotments
in Money.

XXIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required, to inquire into all and singular the Rights claimed or to be claimed in or upon the said Woods or Wood Grounds, and to settle, ascertain, and determine the Value of all such of the said Rights as shall be allowed or established; and that the said Commissioners shall set out and allot unto and for the Proprietors or Owners thereof respectively, so much and such Part or Parts of the said Woods or Wood Grounds; or in case it shall appear to the said Commissioners to be more convenient and beneficial for all Parties, then so much and such Part or Parts of any Allotment or Allotments of the said Common Land, which shall be made to the said *Charles Lord Archbishop of Canterbury* or his Successors as aforesaid, as shall in the Judgement of the said Commissioners be a full Equivalent and Compensation for such Rights as aforesaid: Provided always, that it shall and may be lawful to and for the said Commissioners, with the Consent of the said *Charles Lord Archbishop of Canterbury* or his Successors, and of the Person or Persons entitled to any such Allotment as last aforesaid, to estimate and ascertain what Sum or Sums of Money ought to be awarded and allowed to such Person or Persons, as and for a Compensation and Satisfaction for and in lieu of such Rights, and of the said Allotment in respect thereof; and in every Case in which such Compensation shall not exceed the Sum of Twenty Pounds, to award and allow the same accordingly; which Sums so to be awarded and allowed shall be paid to the Person or Persons entitled thereto, by the said *Charles Lord Archbishop of Canterbury*, his Successors or Assigns, or by them the said Commissioners, by and out of any Monies which shall be raised by them for that Purpose, in Manner herein-after directed, for defraying the Share and Proportion of the said Archbishop of *Canterbury* of the Charges and Expences of obtaining, passing, and executing this Act, at such Times as the said Commissioners shall in and by their said Award order, direct, or appoint.

Allotments
for Rights
on the Wood
Grounds.

XXIV. And be it further enacted, That, from and immediately after such Allotments and Compensation shall be made for such Rights of Common and other Rights in or upon the said Common Lands and Wood Grounds, all and singular the Rights of Common and other Rights, other than and except such Rights (if any) as the said Commissioners shall expressly allow and direct to be continued in and by their said Award, shall cease and be for ever utterly extinguished and abolished.

After such
Allotments,
the Rights
to be extin-
guished.

[Loc. & Per.]

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XXV. And

The Archbishop may enter upon Allotments of the Woodlands and cut down Trees, &c.

XXV. And be it further enacted, That it shall and may be lawful to and for the said *Charles* Lord Archbishop of *Canterbury* and his Successors, and his and their Servants or Agents, at any seasonable Time or Times within the Space of Twelve Calendar Months after the Execution of the said Award, or within any shorter Space of Time to be appointed by the said Commissioners, to enter into and upon such of the said Wood Lands as shall be allotted to any other Person or Persons whomsoever, other than and except as herein-after mentioned, and to fell, cut down, take, and carry away all Trees, Woods, Underwoods, Thorns, Bushes, Whins, Furze, and Shrubs standing or growing thereon, at his and their free Will and Pleasure, to and for his or their own Use and Benefit, save and except, and be it hereby further enacted, that it shall and may be lawful to and for the said Commissioners to include in their Estimate of the Value of any such Allotment of the said Woodland the Value of any Trees, Woods, Underwoods, Thorns, Bushes, and Shrubs standing and growing thereon, and to direct in and by their said Award that the Value thereof shall be paid by the Person or Persons to whom such Allotment shall be made, to the said Lord Archbishop or his Successors, within such Time as to them the said Commissioners shall seem reasonable, not exceeding Six Calendar Months from the Date of their said Award, and then and in such Case the Trees, Woods, Underwoods, Thorns, Bushes, and Shrubs standing and growing on such Allotment, and so included in the Value thereof as aforesaid, shall, from and after Payment of the Value thereof to the said Lord Archbishop and his Successors in such Manner as shall be directed by the said Commissioners as aforesaid, be deemed Part of such Allotment, and be held and enjoyed therewith accordingly; any Thing herein contained to the contrary notwithstanding.

Commissioners may extinguish or suspend Rights of Common, &c.

XXVI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized, from Time to Time and at any Time or Times before the Execution of the said Award, by Notice in Writing under their Hands, to be affixed upon the principal outer Door of the said Parish Church of *Lambeth*, to order or direct all or any Part of the Rights of Common or other Rights, in, over, or upon the said Common Lands and Wood Grounds, or any Part thereof, to cease and become extinguished or be suspended from or for and during such Time as shall be expressed in such Writing; and that all such Rights as the said Commissioners shall by such Writing order and direct to cease or be suspended as aforesaid, shall, from the Time of affixing such Writing on the said Church Door, cease and be extinguished or be suspended accordingly; any Law, Usage, or Custom to the contrary thereof notwithstanding.

Allotments to be of the same Tenure with the Lands in respect of which they are made.

XXVII. And be it further enacted, That the Allotments which shall be made under the Provisions of this Act and of the said Act of the Forty-first Year of the Reign of His present Majesty, shall, from and after the Execution of the said Award, and thenceforth for ever, be deemed and taken to be held by and under the same Tenures, Rents, Customs, and Services, as the Property in respect of which such Allotments respectively shall be made was held and enjoyed before the passing of his Act, or would have been held in case this Act had not been made; and the several Lands and Grounds which in the Award of the said Commissioners shall be declared to have been allotted in right of Freehold

hold Property, shall, from the Making and Execution thereof be deemed Freehold Lands, and shall thenceforth be held of the Lord of the Fee under the same Rents and by the same Services as the Freehold Property, in respect of which they were so allotted, was held before that Time; and the several Lands and Grounds which shall therein be declared to have been allotted in respect of Copyhold Property, shall in like Manner be deemed Copyhold or Customary Lands, and be held of the Lord of the same Manor under the same and no further or additional Rent or Rents, Heriot or Heriots, and by the same Customs, Duties, and Services as the Copyhold Property, in respect of which they were so allotted, was held, and shall by virtue of this Act, and of the Admissions to be granted as herein after mentioned, become legally and effectually vested in the Person or Persons to whom the same shall be so allotted; and that all and every Person or Persons to whom any Allotments shall be made in respect of or in exchange for any such Copyhold Lands and Premises, shall, at his and their own proper Costs and Charges, within Six Calendar Months next after the Execution of the said Award, be admitted Tenant or Tenants to the same, without paying any Fine to the Lord or Lords of the said Manor or Manors for or in respect of the same; but in case such Person or Persons shall die without Admission within the said Six Calendar Months, then the customary Fines shall be due and payable on the Admission of the Person or Persons entitled to such Lands and Premises; and after every such first Admission as aforesaid, the Copyhold Premises so to be allotted as aforesaid shall at all Times pass by the like Surrenders, and be subject to the like Fines in Cases of Death or Alienation; as the present Copyhold Messuages, Lands, Tenements, or Hereditaments, in respect whereof such Allotments shall be made, are now holden under and liable unto; any Law, Custom, or Usage to the contrary notwithstanding.

XXVIII. And be it further enacted, That it shall and may be lawful to and for the said *Charles* Lord Archbishop of *Canterbury*, and his Successors respectively, from Time to Time, to make and grant to any Person or Persons whomsoever any Lease or Leases of the Lands and Grounds to be allotted to him the said *Charles* Lord Archbishop of *Canterbury*, or his Successors respectively, by virtue of this Act, or of the said Act of the Forty-first Year of the Reign of His present Majesty, for such and the like Terms, Estates, and Interests respectively (but under and subject to such and the same Rules, Proviso's, and Restrictions, so far as the same shall be applicable) as he or they respectively are or shall be by Law enabled to make of other the Lands and Possessions of the said See of *Canterbury*, which have most commonly been let within Twenty Years now last past; so nevertheless as that upon every such Lease an annual Rent or Rents of not less than One Shilling for every Acre, and so in Proportion for any greater or less Quantity than an Acre of the Lands to be comprized in such Lease, be reserved and made payable to the said *Charles* Lord Archbishop of *Canterbury* and his Successors, which said Rent or Rents shall be deemed and taken to be the ancient accustomed yearly Rent or Rents, to all Intents and Purposes whatsoever.

XXIX. And be it further enacted, That in case at any Time or Times hereafter it shall be found expedient, by reason of the Increase of Population within the said Parish of *Saint Mary Lambeth*, to erect and endow One or more Chapel or Chapels for the publick Worship of Almighty God,

Power to the Archbishop of *Canterbury* to lease upon the usual Terms in Church Estates.

Empowering the Archbishop of *Canterbury*, with the Consent of the

Rector and
Bishop, to
appropriate
Lands for
Chapels and
Burial
Ground.

God, according to the Laws Ecclesiastical of this Realm, or to provide One or more Pieces of Ground for Burial Ground within the said Parish, then and in every such Case it shall and may be lawful to and for the Lord Archbishop of *Canterbury* for the Time being, if he shall think fit, at the Request of the Lord Bishop of *Winchester*, and of the Rector of the said Parish of *Saint Mary Lambeth* for the Time being, to be signified by Writing under their respective Hands, to agree on behalf of himself and his Successors with any Person or Persons whomsoever, that such Person or Persons shall and may erect and build One or more Chapel or Chapels for the Purposes aforesaid, and One or more House or Houses for the Residence of the Minister or Ministers who shall officiate therein, upon any Piece or Pieces of Ground, Parcel of the Lands which, under and by virtue of this Act or the said Act of the Forty-first Year of this present Majesty, shall be awarded in Severalty to the said Lord Archbishop and his Successors, or upon any other Lands of the said Lord Archbishop and his Successors, within the said Parish, or shall and may lease and inclose any such Piece or Pieces of Ground as and for Burial Ground; and it shall and may be lawful to and for the said Lord Archbishop for the Time being to appropriate Ground for Garden and other Grounds to be annexed to the Ministers Houses, so as such Ground so to be built upon and inclosed and appropriated as aforesaid do not exceed in the Whole the Quantity of Ten Acres; and when and so soon as any Ground and Buildings so to be appropriated for a Chapel or Burial Ground respectively shall be duly consecrated and set apart to the Purposes aforesaid, and adequate Provision shall be made to the Satisfaction of the said Lord Archbishop or his Successors for the Maintenance and Repair thereof, and for the Support of the Minister or Ministers who shall be appointed to officiate therein, and such Laws, Rules, and Regulations shall be framed for the good Government thereof, as shall be approved by the Lord Archbishop of *Canterbury*, the Lord Bishop of *Winchester*, and the Rector of the said Parish of *Saint Mary Lambeth* for the Time being, then and from thenceforth the said Grounds and Buildings shall be and remain vested in the said Lord Archbishop and his Successors for the Use and Benefit of such Person or Persons as may be from Time to Time duly appointed to officiate as such Minister or Ministers in the same as aforesaid, any Thing in this Act contained, or any Law, Usage, or Custom to the contrary thereof in anywise notwithstanding; and a Deed or Deeds of Settlement of the same shall be prepared accordingly, and shall be signed by the Lord Archbishop of *Canterbury*, the Lord Bishop of *Winchester*, and the Rector of the said Parish of *Saint Mary Lambeth* for the Time being, and shall be registered in the Archives of the See of *Canterbury*, and of the Diocese of *Winchester* respectively.

Usual Power
of granting
Leases for
Twenty-one
Years.

XXX. And be it further enacted, That it shall be lawful to and for the Rector of the said Parish of *Saint Mary Lambeth* for the Time being, and to and for all and every Person or Persons entitled to any Interest to be made by virtue of this Act, as Tenant for Life or Years, or for Years determinable on a Life or Lives, or as Tenant in Tail, or Tenant in Fee, and who shall be such Tenant either as Owner or as Mortgagee in Possession, or as Trustee, for and on Behalf of himself or themselves respectively, and their respective Heirs, Successors, and Assigns, Executors, Administrators, Mortgagees, and Assigns, and for and on Behalf of all Persons who have any Reversions or Remainders, or other Estates

Estates or Interests expectant or depending upon their respective Estates, and for and on Behalf of all Persons who have any Leases, Charges, or Incumbrances in or upon the same respectively; and also to and for every Husband of every or any such Tenant being under Coverture, for and on Behalf of his Wife, her Heirs, Executors, Administrators, and Assigns; and also to and for every Guardian of every or any such Tenant being under Age, for and on Behalf of the Person for whom he or she is or shall be Guardian, and the Heirs, Executors, Administrators, and Assigns of such Infant; and also to and for the Committee of the Estate of every or any such Tenant being an Idiot or Lunatick; and also to and for every Attorney thereunto duly authorized of every or any such Tenant being beyond the Sea; and also to and for every Corporation, sole or aggregate, being such Tenant or Tenants, for or on the Behalf of the Corporate Body and their Successors; and also to and for every such Husband, Guardian, Committee, Attorney and Corporation, for and on the Behalf of all Persons who have or shall have any Reversions or Remainders, or other Estates or Interests expectant or depending upon the several and respective Estates of the respective Persons or Corporate Bodies, to or for whom respectively, or on whose Behalf they respectively shall be Husbands, Guardians, Committees, Attornies, and Corporations; and all Persons who have or shall have any Leases or Charges in or upon the same respectively, by Indenture or Indentures to be by them respectively sealed and delivered in the Presence of, and attested by Two or more credible Witnesses from Time to Time, to lease or demise all or any Part or Parts of their said respective Allotments to any Person or Persons whomsoever, for any Term or Number of Years not exceeding Twenty-one Years from the Date of the said Award; so as the same shall commence in Possession and not in Reversion, or by Way of future Interest; and so as no such Lease be made without Impeachment of Waste by any express Words to be therein contained; and so as the Lessee or Lessees in every such Lease shall and do, at his or their own Costs and Charges, make, keep up, support and maintain the Subdivision Fences and Ring Fences belonging to the same Allotments respectively, and every of them, during his or their Term therein; and so as such Lessee or Lessees be obliged to spend and consume on the Premises in an husbandlike Manner during such Lease all the Dung and Manure arising from the Product thereof; and so as the best and most improved yearly Rent or Rents be reserved and may payable thereon, without any Fine or Premium being taken by the Person granting such Lease, or by any other Person or Persons whomsoever, for making or granting the same, except the Covenant for making the Subdivision Fences; and so as the usual Powers of Re-entry for Non-payment of Rent be inserted therein; and so as such Lessee or Lessees do seal, execute, and deliver a Counterpart of every such Lease.

XXXI. And be it further enacted, That all Encroachments which at any Time within Twenty Years now last past have been made upon the said Common Lands and Wood Grounds, shall be deemed Part thereof, and shall be divided and allotted accordingly.

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

XXXII. Provided nevertheless, and be it enacted, That such of the said Encroachments as adjoin to or abut upon any Lands or Tenements having Right of Common upon the Lands or Grounds hereby intended to be divided and inclosed, shall be allotted to the Owner or Owners of such

Encroachments to be allotted in certain Cases to the Owners of the Lands adjoining.

[Loc. & Per.]

such adjoining Lands, either as the Whole or Part of the Share or Proportion to which he, she, or they will be entitled by virtue of this Act; and in case any such Encroachments shall, in the Judgement of the said Commissioners, be of greater Value than his, her, or their Share and Proportion of the said Commons and Waste Grounds, then the Person or Persons to whom such Encroachments shall be allotted shall pay to the said Commissioners, at or within such Time as they shall appoint, such Sum of Money as the said Commissioners shall adjudge to be the Value of such Encroachments, over and above the Value of the Allotments to which such Person or Persons shall be entitled, and the same shall be applied towards Payment of the Expences of obtaining and executing this Act.

Those of
Twenty Years
standing not
to be deemed
Part thereof,
but

those within
Sixty Years
to be valued
as Common
Land.

And in case
the Possessors
shall pay the
Amount of
the Valuation
to the Com-
missioners,
the Encroach-
ment shall be
their Pro-
perty;

but in case
the Amount
of the Valua-
tion shall not
be paid Com-
missioners may

XXXIII. 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 Wood Grounds, or any Part or Parts thereof, for Twenty 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 Common 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 the present Act or the said Act of the Forty-first Year of His present Majesty, or by any Person or Persons claiming by prior Title; and if any such Inclosure and Encroachment as last aforesaid shall have been made within the Space of Sixty 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 Three 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 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 Three Calendar Months from the Delivery or affixing thereof as aforesaid, it shall and may be lawful for the said Commissioners,

and

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 this Act; and shall apply the Monies to arise by such Sale in or towards the Payment of such Charges and Expences accordingly.

sell the En-
croachment.

and apply
the Purchase
Monies for
the Expences
of the Act.

XXXIV. Provided always, and be it further enacted, That in case any such Encroachments which shall have subsisted for Twenty 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 such Person or Persons, the said Commissioners shall, at the Request of such Person or Persons, at any Time previous to or within Six Calendar Months after 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 Conditions 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 and defraying the Costs, Charges, and Expences of obtaining, passing, and executing this Act.

Frontage En-
croachments
may be pur-
chased by the
Owners of the
adjoining
Lands.

XXXV. Provided always, and it is hereby 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 Years or upwards, or of any Yard or Garden occupied therewith.

Dwelling
Houses not
to be affected
which have
stood Twenty
Years.

XXXVI. 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.

Commission-
ers to deter-
mine the
Date of the
Encroach-
ments.

XXXVII. And

Titles not to
be affected
by the Act.

XXXVII. And be it further enacted, That nothing in this Act contained shall extend to revoke, make void, impeach, annul, alter, or prejudice any Settlement, Will, Mortgage, or Deed, or other Instrument whatsoever, or to prejudice any Person or Persons having any Right to or Claim of Dower, Jointure, Rent, Services, Debt, Charge, or Incumbrance whatsoever, in, out of, upon, or affecting any Messuages, Lands, Tenements, or Hereditaments which shall be allotted or exchanged in pursuance of this Act, or the said Act of the Forty-first Year of His present Majesty, but that the several Messuages, Lands, Hereditaments, and other Estates so to be allotted or given in Exchange shall, from and after the making of such Allotments and Exchanges, be, remain, and enure, and be held and enjoyed, and the several Persons to whom the same shall be allotted or given in Exchange as aforesaid, shall from thenceforth stand and be seised and possessed thereof respectively, to such and the same Uses, and for such and the same Estates, and with such and the same Powers and Authorities for making Leases or otherwise, and subject to the same Wills, Limitations, Conditions, Settlements, Uses, Trusts, Powers, Provisions, Rents, Debts, Charges, and Incumbrances, as the several Messuages, Lands, Tenements, or other Hereditaments, in respect or in lieu whereof such Allotments or Exchanges shall be, respectively made, were and stood severally limited, or subject and liable unto at the Time of making such Allotment or Exchanges respectively.

Compensation
to be made
to Tenants
deprived of
Common
Rights.

XXXVIII. And be it further enacted, That where any Lease or Leases, or Agreement for a Lease or Leases, for the letting or holding of any of the Messuages, Lands, or Hereditaments, in respect of which any Allotment or Allotments shall be made by virtue of this Act, at Rack Rent for any Term or Number of Years not exceeding Twenty-one Years, shall either in express Terms or virtually include or comprise 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; and that where any such Lease or Agreement shall be for any longer Term than Twenty-one Years, or shall have been granted in Consideration of Buildings or other Improvements being made on the Lands thereby demised, or where any Fine, Premium, or other valuable Consideration shall have been given for the granting of the same, then and in every such Case as last aforesaid, the Lessee or Lessees shall hold and enjoy, during the Remainder of the Term in such Lease or Agreement, any Allotment or Allotments to be made in respect of the Premises therein comprized, paying to his or their Lessor or Lessors respectively such additional Rent or Rents as the said Commissioners shall, under all Circumstances deem reasonable.

The Expenses
of the Act
may be levied
by Rate upon
the Proprietors,
or be
raised by
Sale;

XXXIX. And be it further enacted, That the Charges and Expenses of obtaining, passing, and executing this Act, or such Part or Parts thereof as the said Commissioners shall direct, shall be paid by the several Persons to whom any Allotments shall be made by virtue of this Act, in Proportion to the Value of such Allotment, or the same Charges and

Expences.

Expences or any Part thereof, and also any other Monies required or authorized to be paid by the said Commissioners for the Purposes of this Act, shall and may be raised by Sale of such Part or Parts of the said Common Lands hereby directed to be divided, allotted, and inclosed, as the said Commissioners shall in their Judgement think most proper; and that in either of the Cases aforesaid, the Money shall be raised on the Land sold, as the Case may be, in the Manner, and with, under, and subject to the Powers, Rules, Orders, and Regulations, respectively expressed and contained in the said Act of the Forty-first Year of His said present Majesty: Provided always, that the Share or Proportion of the said Charges and Expences, which shall belong to and ought to be paid by the said Archbishop of *Canterbury* or his Successors, shall in no Case be raised by a Rate, but it shall and may be lawful for the said Commissioners to raise such Share or Proportion of the said Charges and Expences, and also such Sum or Sums of Money (if any) which shall be awarded as a Compensation for any Rights of Common or other Rights in or over the said Woods or Wood Grounds as aforesaid, by a Sale or Sales of such Part or Parts of the Allotment or Allotments to be made to the said Archbishop and his Successors, as they shall think sufficient and most proper for that Purpose; such Sale to be made in the Manner, and with, under, and subject to the Powers, Rules, Orders, and Regulations respectively mentioned and directed in and by the said Act of the Forty-first Year of His present Majesty.

except the
Share of the
Archbishop of
Canterbury,
which must be
raised by Sale.

XL. And be it further enacted, That in case any Surplus shall remain, in the Hands of the said Commissioners, of the Monies hereby authorized to be received by them, after answering the several Purposes aforesaid, such Surplus Money shall be divided and apportioned between 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 proportional 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, is by the said Act of the Forty-first Year of His present Majesty directed to be applied and disposed of.

Application
of Surplus
Mon.y, if
any.

XLI. And be it further enacted, That *Henry Dampier* Esquire, of the *Middle Temple, London*, Barrister at Law, 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 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 and Expences, shall, at least Once in every Year from the passing of this Act, until such Account shall be finally allowed,

Auditor ap-
pointed for
settling Com-
missioners
Accounts.

[Loc. & Per.]

13 N—O

together

together with the Vouchers relating to the same, be examined by the said Auditor, and the Balance 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.

Power to borrow Money till Sale of Land.

XLII. And be it further enacted, That it shall be lawful for the said Commissioners to borrow and take up at Interest, of any Person or Persons willing to advance and lend the same, such Sum or Sums of Money as shall from Time to Time be necessary for defraying the Charges and Expences of passing this Act, until the same shall be raised by Sale of Land or a Rate as herein-before is mentioned, which Sum or Sums so to be borrowed as aforesaid, shall be a Charge upon the Lands hereby directed to be divided, allotted, and inclosed, until the same shall be raised and repaid by such Sale or Rate as aforesaid, with Interest for the same.

Persons advancing Money for the Expences of the Act to be repaid with Interest.

XLIII. 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 and collected in pursuance hereof, with Interest after the Rate of Five Pounds *per Centum per Annum* from the Time of advancing the same.

Award to be made.

XLIV. And be it further enacted, That, as soon as conveniently may be after the Division and Allotment of the said Common Lands and Wood Grounds shall have been made and completed pursuant to the Directions of this Act, the Commissioners shall form and draw up, or cause to be formed and drawn up, an Award or Instrument 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 Instrument shall be fairly ingrossed or written on Parchment, and be signed by the said Commissioners, and shall, within Six 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 Surrey, 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 Guineas, and no more, 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 One Shilling 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 Two-pence *per Sheet*, reckoning Seventy-two Words to each Sheet, shall be paid, which said Copy, as also the original Award or Instrument, 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 deliver a Copy of the said Award or Instrument fairly written on Parchment, with a proper Plan or Plans thereto annexed, signed by the said Commissioners

as

as aforesaid, unto the Steward of the Courts of the said Manor of *Lambeth*, and another Copy thereof unto the Churchwardens of the said Parish of *Saint Mary Lambeth* for the Time being, to be by them the said Churchwardens deposited in the Parish Chest of the Parish Church aforesaid, to the End that Recourse may be had thereto by the several and respective Proprietors or Parties interested therein.

XLV. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to give or invest the said Commissioners with any Powers which may at all interfere with any Rights, Powers, or Authorities, heretofore granted to the *South London Waterwork Company* by an Act passed in the Forty-fifth Year of His present Majesty's Reign, intituled, *An Act for supplying the Inhabitants of the Parish of Saint Giles Camberwell, and Parts of the Parish of Saint Mary's Lambeth, and several other Parishes and Places in the County of Surrey, with Water.*

Act not to
affect Powers
of South
London
Waterwork
Company

XLVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to give or invest the said Commissioners with any Powers which may at all interfere with any Rights, Powers, or Authorities, heretofore granted to the Commissioners of the Court of Sewers, acting within the District from *East Moudsey* in the County of *Surrey*, to *Ravenborne* in the County of *Kent*.

Act not to
affect the
Powers of
Commissioners
of Sewers.

XLVII. And be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to give to or invest the said Commissioners with any Powers which may interfere with any of the Rights, Privileges, or Authorities, heretofore granted to the Company of Proprietors of the *Grand Surrey Canal*, by an Act passed in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for making and maintaining a navigable Canal from the River Thames, at or near a Place called Wilkinson's Gun Wharf, in the Parish of Saint Mary Rotherhithe in the County of Surrey, to the Town of Mitcham in the Parish of Mitcham in the said County, and also divers collateral Cuts or Branches communicating from the same to certain Parishes and Places within the Counties of Surrey and Kent; or to enable the said Commissioners, until after the Expiration of Six Months from the passing of this Act, to take or allot any of the Lands, Grounds, or Premises, which the said Company are allowed or entitled to take or purchase by virtue of the said Act for the Purposes of their Undertaking, or to take or divert any of the Waters or Watercourses belonging thereto.*

Act not to
affect the
Powers of the
Grand Surrey
Canal Com-
pany.

XLVIII. And be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to give to or invest the said Commissioners, or any other Person or Persons whomsoever, with any Right, Power, or Authority, which may at all interfere with the Rights, Powers, Authorities, or Provisions heretofore granted by certain Acts of Parliament, made and passed in the Twenty-sixth Year of the Reign of His present Majesty, intituled, *An Act for making, widening, and keeping in Repair, certain Roads in the several Parishes of Lambeth, Newington, Saint George Southwark, Bermondsey, and Christ Church, in the County of Surrey, and for watching and lighting the said Roads; and also of another Act of Parliament, made and passed in the Forty-second Year of*

Act not to affect
the Powers
of Trustees
of certain
Turnpike
Roads.

the

the Reign of His present Majesty, intituled, *An Act for repealing an Act passed in the Twenty-fifth Year of the Reign of His present Majesty King George the Third, for more effectually repairing the Roads leading from the Stones End in Blackman Street, in the Borough of Southwark, in the County of Surrey, to Highgate in the County of Sussex, and several other Roads therein mentioned, and for granting other Powers for those Purposes.*

Appeal to the
Quarter
Sessions.

XLIX. 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 Trial at Law as herein-before mentioned) he, she, or they may appeal to the General Quarter Sessions of the Peace which shall be held for the County of Surrey, within Six Calendar Months next after such Complaint shall have arisen; and the Justices at the same Quarter 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 to be 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 shall 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.

General
Saving.

I. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person and Persons, Bodies Politick 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, she, they, and every of them, had or enjoyed before the passing of this Act, or might or could have had or enjoyed in case this Act had not been made.

Public Act.

LI. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

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Beardle 17.11.