



ANNO QUINQUAGESIMO QUARTO

GEORGI II. REGIS.

Cap. 158.

An Act for inclosing Lands in the Parish of *Bexley* in
the County of *Kent*. [17th June 1814.]

WHEREAS there are within the Parish of *Bexley* in the County of *Kent*, certain Commons and Waste Lands, containing Three hundred Acres or thereabouts: And whereas the Chancellor, Master, and Scholars of the University of *Oxford* are Lords of the Manor of *Bexley*; and *Richard Leigh* Esquire is the Lessee thereof; and the said Chancellor, Master, and Scholars, and their said Lessee respectively, are entitled to the Soil of the said Commons and Waste Lands, and to all Manorial Rights within the said Manor: And whereas the said Chancellor, Master, and Scholars of the University of *Oxford*, the Viscount *Sydney*, the Honourable *Thomas William Coventry*, the said *Richard Leigh*, *Miles Barne* Esquire, *John Johnstone* Esquire, *John Smith* Esquire, and divers other Persons, are Owners and Proprietors of the Messuages, Lands, and Hereditaments within the said Parish of *Bexley*, and claim to be entitled to Right of Common in, over, and upon the said Commons and Waste Lands: And whereas the said Commons or Waste Lands, in their present uncultivated State, afford little Profit or Advantage; but if inclosed, divided, and allotted amongst the several Persons interested therein, would be of great Benefit and Advantage to them, and the Improvement thereof would be thereby promoted; which Division and Inclosure cannot be established and rendered effectual without the Aid and Authority of Parliament: And whereas an Act 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*
[Loc. & Per.] 32 T Mode

Mode of proving the several Facts usually required on the passing of such Acts: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the said Commons and Waste Lands shall be divided and allotted by *John Trumper* of *Harefield*, in the County of *Middlesex*, Gentleman, who is hereby appointed the Commissioner for setting out, dividing, and allotting the same, and for putting this Act in Execution; subject nevertheless to such Orders, Regulations, and Directions as are herein-after contained, and with such of the Powers, and subject to such of the Rules, Directions, Regulations, and Provisions contained in the said recited Act, as are not hereby varied or altered.

Appointment
of Commis-
sioner.

Appointment
of new Com-
missioner.

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

Commissioner
to appoint a
Clerk.

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

Commissioner
to give No-
tice of Sit-
tings.

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

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

Other Notices how to be given.

VI. And be it further enacted, That if any Difference or Dispute shall arise between any of the Parties interested or claiming to be interested in the said intended Division, Allotment, and Inclosure, touching or concerning their respective Rights and Interests therein, or touching or concerning any Matter or Thing relating to the said intended Division, Allotment, and Inclosure, it shall be lawful for the said Commissioner, and he is hereby authorized and required to hear and determine the same: Provided always, that nothing in this Act contained shall authorize the said Commissioner to determine the Title to any Messuages, Lands, Tenements, or Hereditaments whatsoever.

Commissioner to settle Disputes;

but not to determine Titles.

VII. And be it further enacted, That in case the said Commissioner shall upon the Hearing and Determination of any Difference or Dispute, or of any Claim or Claims, Objection or Objections, to be delivered to him in pursuance of this or of the said recited Act, see Cause to award any Costs, it shall be lawful for the said Commissioner, and he is hereby empowered, upon Application made to him for that Purpose, to settle, assess, and award such Costs and Charges as he shall think reasonable, to be paid to the Party or Parties in whose Favour any such Determination shall be made, by the Person or Persons against whom any such Determination shall have been made; and in case any Person or Persons, who shall be liable and ordered to pay such Costs and Charges, shall neglect or refuse to pay the same on Demand, then and in such Case it shall be lawful for the said Commissioner, and he is hereby authorized and required, by Warrant or Warrants under his Hand directed to any Person or Persons whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) of the Monies arising from such Sale (after deducting the Costs and Charges attending such Sale and Distress) to the Person or Persons whose Goods or Chattels shall have been so distrained and sold.

Power to assess Costs.

VIII. Provided always, and be it further enacted, That in case any Person or Persons interested or claiming to be interested as aforesaid, shall be dissatisfied with any Determination of the said Commissioner, touching or concerning any Claim or Claims of any Rights of Common, or other Rights or Interests, in, over, upon, or out of the Commons or Waste Lands intended to be divided, allotted, and inclosed in pursuance of this Act, or any Part thereof, it shall be lawful for the Person or Persons so dissatisfied to proceed to a Trial at Law of the Matter so determined by the said Commissioner, at the First or Second Assizes to be holden for the County of *Kent* next after the Determination of the said Commissioner; and for that Purpose the Person or Persons who shall be dissatisfied with such Determination, shall cause an Action to be brought upon a feigned Issue, in the Court of King's Bench at *Westminster*, against the Person or Persons in whose Favour such Determination shall have been made, within Three Calendar Months next after the Determination of the said Commissioner

Allowing Parties to try their Rights at Law.

tioner shall have been made; and the Defendant or Defendants in such Action or Actions shall, and he, she, and they is and are hereby required to name an Attorney or Attornies, who shall appear thereto, or file Common Bail, and accept One or more Issue or Issues, whereby such Claim or Claims, and the Rights thereby insisted on, may be tried and determined (such Issue or Issues to be settled by the proper Officer of the said Court in case the Parties shall differ about the same); and the Verdict or Verdicts which shall have been given in such Actions, shall be final, binding, and conclusive upon all and every Person and Persons whomsoever, unless the said Court shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall be lawful for the Court to do, as is usual in other Cases; and that after such Verdict and Verdicts shall be obtained, and not set aside by the Court, the said Commissioner shall and he is hereby required to act in Conformity thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials: Provided always, that the Determination of the said Commissioner, touching such Claim or Claims to such Rights of Common, or other Rights or Interests, over, upon, or out of the said Commons or Waste Lands hereby directed to be divided, allotted, and inclosed, or any Part thereof, which shall not be objected to, or being objected to, the Party or Parties objecting not causing such Action at Law to be brought and proceeded in as aforesaid, shall be binding, final, and conclusive upon all Parties interested.

Death of Parties not to abate the Action.

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

Provision in case of Death of Parties before Action brought.

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

Commissioner not to determine contrary to Possession.

XI. Provided also, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioner to determine any Right between any Parties, contrary to the Possession of any such Parties, (except

(except in Cases of Encroachments made within the Period herein-after mentioned); but in case the said Commissioner shall be of Opinion against the Right of the Person or Persons so in Possession, he shall forbear to make any Determination thereupon until the Possession shall have been given up by such Person or Persons, or recovered from such Person or Persons by Ejectment or other due Course of Law.

XII. And be it further enacted, That all Encroachments which by the Inclosure or Fencing of any Part of the said Commons or Waste Lands shall have been made at any Time within Twenty Years before the passing this Act, shall be deemed Part thereof, and shall be divided and allotted accordingly; save and except and in such Cases only where Encroachments have been made thereon with the Consent of the Lord or Lords of the Manor, or his or their Lessee or Lessees, or entered on the Court Rolls of such Manor; which last mentioned Encroachment, and also such Inclosure which may have been made for the Space of Twenty Years and upwards, although originally Encroachments, shall be deemed and considered as old Inclosures, and not subject to the Powers and Operations of this Act; and in case any Dispute shall arise, touching any such Encroachment or Encroachments or the Extent thereof, such Dispute shall be determined by the said Commissioner.

Encroachments made within 20 Years deemed Common.

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

Commissioner may erect Fences.

XIV. And be it further enacted, That the said Commissioner shall and he is hereby required to appoint a Time and Place for receiving Applications from the Proprietors and Persons interested, touching the Situations where they would chuse to have their Allotments set out; and the said Commissioner shall give Fourteen Days Notice at the least of such Sitting; and the said Commissioner is hereby directed to comply with such Applications, as far as the general Convenience of all the Parties interested will allow, according to the Directions of the said recited Act.

Commissioner to appoint Time and Place to receive Applications respecting Situation of Allotments, &c.

XV. And be it further enacted, That when and so soon as the said Commissioner shall have ascertained the respective Rights of the Persons interested in the said intended Inclosure, and also the respective Shares and Proportions by him proposed to be allotted to such Persons respectively in lieu thereof, he the said Commissioner shall give Notice in Manner aforesaid, of the Day or Days and Place where all Persons interested may peruse a Schedule of such intended Allotments, and inspect the Map or Plan whereon the same shall be delineated, and may have and receive a Copy of such Schedule, so far as the same relates to each Person respectively; and as some Persons may, upon Perusal of the said Schedule or Inspection of such Map or Plan, be dissatisfied with their intended Allotments, the said Commissioner shall give Notice of One Sitting at least to be held by him for hearing Complaints and Objections against such intended Allotments, and for hearing and determining all such Objections; and his Determination in the Premises shall be binding and conclusive upon all Parties; and if any Person after such Determination shall refuse to accept his or her Share or Allotment within the Space of Two Calendar Months,

For determining Objections to Allotments, and accepting the same on Notice.

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or shall molest or disturb the Possession of any other Proprietor or Proprietors who shall have accepted of and entered upon his, her, or their Allotment, every such Person shall be and is hereby divested of all Rights of Possession, Right of Pasturage and Common, and all other Right, Estate, and Interest whatsoever, of and in any of the Commons, Moors, and Waste Grounds, which shall be allotted to any other Person or Persons by virtue of this Act, and shall be liable to Damage as a Trespasser, in case he or she shall trespass upon any of the said Allotments.

Watering
Places, and
Allotments
for Materials.

XVI. And be it further enacted, That it shall be lawful for the said Commissioner, and he is hereby required, to set out, allot, and award, such and so many Ponds for watering Cattle; and also such Plot or Plots of the said Commons or Waste Lands, and in such Place or Places as he may judge most expedient, as and for Public Sand and Gravel Pits, with convenient Roads thereto, for the Repairs of the Public Roads directed to be made within the said Parish; and also to award and direct to whom the Herbage of such Plots shall belong.

Allotments
to the Lord
of the Manor.

XVII. And be it further enacted, That the said Commissioner shall and he is hereby authorized and required (before setting out the Public and Private Roads, and making an Allotment for getting Stone and Gravel as aforesaid), to assign, set out, and allot, unto and to the Use of the Person or Persons entitled to the Right of Soil of the Commons and Waste Lands to be inclosed under this Act, a Quantity equal to One Sixteenth Part of the said Commons and Waste Lands intended to be inclosed by virtue of this Act, as a Satisfaction for his, her, or their Right and Interest in the Soil or Waste Lands; and also shall assign, set out, and allot, unto such Person or Persons as aforesaid, so much of the Remainder of the said Commons and Waste Lands as, upon Division thereof with the Person or Persons therein interested, he or they shall be entitled to in respect of any Right of Common or Pasturage in and upon the said Commons and Waste Lands attached to or appurtenant to or usually enjoyed with his or their Messuages, Premises, and Lands in the said Parish, or any of them.

Allotments
to the Rest of
the Persons
interested.

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

Exchanges
may be made
with Consent
of Parties.

XIX. And be it further enacted, That it shall be lawful for the said Commissioner to set out, allot, and award, any Lands, Tenements, or Hereditaments, within the said Parish, in lieu of and in Exchange for any other Lands, Tenements, or Hereditaments within the said Parish, or any adjoining Township, Parish, Hamlet, or Place; provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioner, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, or Hereditaments

ments which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors shall be a Body or Bodies Politic, Corporate, or Collegiate, or a Tenant or Tenants in Fee Simple, or for Life, or in Fee Tail General or Special, or by the Courtesy of *England*, or for Years determinable on a Life or Lives, by and with the Consent of the Lessor or Lessors, but not otherwise, or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Owners or Proprietors as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Females Covert, Lunatics, or under any legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself; such Consent to be testified in Writing under the Common Seal of the Body Politic, Corporate, or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every such Exchange and Exchanges so to be made, shall be good, valid, and effectual in Law to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Lands, Tenements, or Hereditaments, held in Right of any Church or Chapel, or other Ecclesiastical Benefice, without the Consent testified as aforesaid of the Patron thereof, and of the Lord Bishop of the Diocese in which such Lands, Tenements, or Hereditaments so to be exchanged shall lie and be situate.

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

Expences of Sale and Exchanges, by whom to be paid.

XXI. Provided always, and be it further enacted, That in case it shall happen that the same Person or Persons is or are seized of Messuages, Lands, or Hereditaments for Life or Years only, and of the Fee Simple and Inheritance of other Messuages, Lands, or Hereditaments within the aforesaid Manor, and shall be entitled or claim to be entitled to Right of Common in respect of both such Estates, then and in such Case the said Commissioner, upon the Request in Writing of such Person or Persons, or of his, her, or their Agent or Attorney, shall set out and allot the Share or Proportion of such Person or Persons, in respect of his, her, or their different Estates, in distinct and separate Parcels from each other; so that the Proportion of Common Lands awarded in respect of the Messuages, Lands, and Hereditaments held for Life or Years, or Settled Estate, be no way intermixed with, but kept separate from, the Portion awarded in respect of the unsettled Estate.

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

XXII. And be it further enacted, That the said Commissioner may and he is hereby directed and authorized to declare void all and every Lease and Leases, and all other Agreements and Tenures at Will or Rack Rent subsisting, of any Messuages, Lands, or Tenements, in respect whereof any Allotment shall be made in pursuance of this Act, so far as such Lease or Leases may affect all or any Part of the said Commons or Waste Lands hereby directed to be divided, allotted, or inclosed, or Right of Common

Leases at Rack Rent to be void, as to the Commons or Waste Lands.

Common thereon; and the said Commissioner is hereby empowered to order and adjudge such Satisfaction as to him shall appear reasonable, to be made by the respective Owners or Proprietors of the said Messuages, Lands, and Hereditaments to such Lessee or Lessees, and to order, adjudge, and determine when and by whom such Satisfaction shall be made: Provided always, that if there shall be any Lease of Lands, Part of which shall lie in the said Parish, and Part in any adjoining Parish, all and every Lease and Leases upon Rack Rent now subsisting may be vacated; but where any Land shall be taken in Exchange, which Land shall be under Lease, and wholly situate in any adjoining Parish, the Lease of such last-mentioned Land shall not be vacated.

Not to vacate
beneficial
Leases.

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

Lease from
Chancellor,
&c. of Oxford
to Richard
Leigh, on
what Terms
to be vacated.

XXIV. And be it further enacted, That the Lease now subsisting from the said Chancellor, Master, and Scholars to the said *Richard Leigh*, so far only as the same may operate to demise or let all or any Part of the Commons and Waste Lands hereby directed to be divided, allotted, and inclosed, shall become void at such Time as the said Commissioner shall by Writing under his Hand direct; and that it shall and may be lawful to and for the said Chancellor, Master, and Scholars, to enter upon and retain the Possession of all such Allotments as they may be entitled to under this Act, both in Right of the Soil of the said Commons and Waste Lands, and as the Owners or Proprietors of the Messuages, Lands, and Hereditaments comprized in the said Lease, from the Time such Allotments shall be made or set out by the said Commissioner; and that the said Chancellor, Master, and Scholars shall make such Satisfaction in Money to the said *Richard Leigh*, as shall be agreed upon between him and them, or upon Application made in Writing by either of the said Parties to the said Commissioner, then as the said Commissioner shall order and direct, as an Equivalent for relinquishing and giving up the Possession of the said Allotments to the said Chancellor, Master, and Scholars, during the Term of such Lease as aforesaid.

Where Les-
sees are
entitled to
Right of
Common
only whilst
uninclosed,
the Allot-
ments to go
to the Lessors.

XXV. And be it further enacted, That all Allotments which shall be made in respect of any Messuages, Tenements, Lands, and Hereditaments, in Grant or Lease, where the Grantee or Grantees, Lessee or Lessees, Tenant or Tenants, is or are not entitled to Right of Common upon the said Commons or Waste Lands any longer than whilst the same shall be open and uninclosed, shall be held, inclosed, and enjoyed by the Grantor or Grantors, or Owner or Owners of the said Messuages, Tenements, Lands, and Hereditaments, so in Grant or Lease respectively, according to their several Estates and Interests therein respectively, and the Grantees, Les-
sees,

fees, or Tenants, shall have no Right to such Allotment or Allotments, or any Part thereof; and it shall be lawful for the said Commissioner to determine upon and settle all Contracts, Covenants, Agreements, Claims, and Demands whatsoever, touching the said Commons or Waste Lands, or any Part or Parcel thereof, or any Right or Benefit of, in, or to the same, between all and every or any Landlord and Tenant, or Landlords and Tenants respectively.

Commissioner
to settle
between
Landlords
and Tenants.

XXVI. And be it further enacted, That nothing in this or the said recited Act contained shall extend or be construed to extend to revoke, make void, alter, or annul, any Will, Deed, or Settlement, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Debts, Rents, or Incumbrances, out of, upon, or affecting any of the Lands, Grounds, and Hereditaments to be divided or allotted, or which shall be exchanged or assigned in Compensation for any other Estate or Right, by virtue of this or the said recited Act, or any Part or Parts thereof respectively; but as well the Lands allotted as the Tenements and other Hereditaments which shall be assigned in Exchange or in Compensation for any other Estate or Right, shall immediately after such Allotment, Exchange, or Assignment shall be made, be vested, remain, and enure, and the several Persons to whom the same shall be allotted, assigned, or given in Exchange as aforesaid, shall thenceforth stand and be seized and possessed thereof respectively, and subject and liable to such and the same Wills, Deeds, Settlements, Dowers, Jointures, Portions, Debts, Rents, or Incumbrances, as the Messuages, Tenements, Lands, Grounds, and Hereditaments, in respect whereof such Allotments, Assignments, and Exchanges shall be made, would have been subject to be charged with or affected by in case this Act had not been passed; except as to such Leases, or Agreements for Leases at Rack Rent, or from Year to Year, as shall be determined by virtue of this Act, or where any of the Provisions of the said recited Act or of this Act shall be to the contrary, and also except such Charges and Incumbrances as shall be made thereon by virtue of this Act.

Wills and
Settlements
not to be
affected.

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

Proprietors
to fence their
Allotments.

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

For repaying
Money ad-
vanced with
Interest.

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XXIX. And

Expences of
this Act to be
raised by
Rates, to be
paid as the
Commissioner
shall direct.

XXIX. And be it further enacted, That all and every the Costs, Charges, and Expences preparatory to and attending the obtaining and passing of this Act, and of the Surveys, Admeasurements, and Plans of the said Commons and Waste Lands hereby directed to be inclosed, and all other Surveys, Plans, and Admeasurements which shall be made by Order of the said Commissioner; and also of valuing, dividing, setting out, and allotting the said Commons and Waste Lands or any Part thereof; and of forming, making, and completing the Public Roads and Ways which shall be set out by virtue of this or the said recited Act; and of preparing, enrolling, and depositing the Award of the said Commissioner, and making Copies thereof; and all the Costs, Charges, and Expences of the said Commissioner, and of the several Persons employed and consulted by the said Commissioner, in carrying the several Powers of this and the said recited Act into Execution, or in anywise concerning the same, either before or after the Execution of the said Award, shall be paid, borne, and defrayed by the several Owners and Proprietors of and the Persons interested in the said Commons and Waste Lands, which shall by virtue hereof be divided and inclosed, in such Shares, Parts, and Proportions, and shall be paid to such Person or Persons, and at such Time or Times, Place or Places, and in such Manner as the said Commissioner or his Successor shall in and by his Award, or by any other Writing or Writings under his Hand, either previous to or after the Execution of his Award, order, direct, and appoint, according to the Value of their respective Allotments in the said Commons and Waste Lands; and the said Commissioner is hereby authorized and required from Time to Time and at any Time or Times hereafter, as often as he shall deem it necessary and proper, to make and form Estimates of all such Costs, Charges, and Expences, and to raise the Amount of such Estimates by a Rate or Rates accordingly; and in case any Proprietor or Proprietors shall, either before or after the Execution of the Award in which such Proprietor or Proprietors shall be interested, refuse or neglect to pay his, her, or their Share, Part, or Proportion, Shares, Parts, or Proportions, of such Costs, Charges, and Expences, according to such Order, Direction, and Appointment as aforesaid, then and in such Case the same shall and may be levied and recovered in Manner directed by the said recited Act, and that as well after as before the Execution of such Award.

Commissioner may call on any Tenants for the Shares of Expences, who may deduct the same out of the Rent to be paid to their Landlords.

XXX. And be it further enacted, That it shall and may be lawful to and for the said Commissioner to call upon and demand, from all or any Occupier or Occupiers of any Lands, Tenements, or Hereditaments, being respectively Tenants of the same, and in respect of which any Allotment or Allotments shall be made, the Payment of the Share and Proportion, and Shares and Proportions of the Costs, Charges, and Expences which shall be so ordered, directed, and appointed to be paid by the said Commissioner for the Purpose of this Act as aforesaid; and all such Occupiers respectively, being respectively Tenants as aforesaid, who shall pay such Shares and Proportions as aforesaid, shall deduct the same out of the first Payment thereafter to be made on account of Rent to their respective Landlords, being Owners or Proprietors of any Lands, Tenements, or Hereditaments, in respect of which any Allotment or Allotments shall be made as aforesaid; and all Landlords, and their respective Heirs, Executors, Administrators, and Assigns, being such Owners or Proprietors as aforesaid, according to their respective Interests, and their respective Re-
ceivers

ceivers or Agents, shall allow such Deductions and Payments upon Receipt of the Residue of the Rents to be paid by such Occupier or Occupiers respectively being respectively Tenants as aforesaid; and such Occupier or Occupiers respectively, being respectively Tenants as aforesaid, who shall pay such Shares and Proportions as aforesaid, shall be acquitted and discharged of so much Money, as if the same had actually been paid unto the Person or Persons to or for whom his, her, or their Rent shall have been due and payable.

XXXI. And whereas it may be for the Interest and Convenience of some Persons to raise Money for effecting the Purposes of this Act, by Sale of Part of the Allotments made to them by virtue of this Act; be it therefore enacted, That it shall be lawful for any Bodies Politic, Corporate, or Collegiate, the Husbands, Guardians, Trustees, or Committees of any of the said Owners or Proprietors, being under Coverture, Infants, Lunatics, or Persons beyond the Seas, or otherwise incapacitated, Tenants in Tail or for Life only, or any of them, with the Consent of the said Commissioner testified in Writing under his Hand and Seal, to sell and convey to any Person or Persons, such Part and so much of the Lands and Grounds which shall be so set out, assigned, and allotted unto and for them respectively, by virtue of this Act, as will raise Money sufficient for the Purpose of defraying their respective Share or Shares, Proportion or Proportions of the Expences of obtaining this Act, the subsequent Expences of carrying the same into Execution, and for other the Purposes herein-before mentioned: Provided always, that no greater Sum or Sums of Money shall be raised by the Sale or Sales of any Part of the Allotment or Allotments set out or appointed for any Proprietor or Proprietors, than he, she, or they is or are enabled to raise on Mortgage by virtue of the said recited Act.

Power to sell Allotments to defray Expences.

XXXII. And be it further enacted, That it shall be lawful for the said Commissioner, upon the Request of the Owner or Proprietor or Persons entitled thereto, to deduct from any Allotment or Allotments to be set out by virtue of this Act, or other Hereditaments or Premises to be affected thereby, so much Land as in the Judgment of the said Commissioner shall be equivalent to the Part or Proportion of the Expences of passing and executing this Act, which ought to be paid in respect of such Allotment or Allotments; and the Lands so deducted shall be allotted to or amongst the Proprietor or Proprietors, who shall pay the same Expences, in Proportion to the Sums they shall respectively pay or contribute thereto.

Lands may be deducted towards paying Expences.

XXXIII. Provided always, and be it further enacted, That in all Cases where any Land shall be deducted from the Allotment of any of the said Proprietors or Persons, towards Payment of Expences as aforesaid, it shall not be lawful for the said Commissioner to deduct from any Allotment to be made to any Proprietor or Proprietors, any further or greater Quantity of Land than would be equal in Value to the Sum of Money that such Proprietor or Proprietors is or are by this or the said recited Act empowered to borrow and charge on his, her, or their Lands, Tenements, or Hereditaments; nor shall it be lawful for the Proprietor or Person from whose Allotment Land shall be deducted as aforesaid, to charge his, her, or their Lands, Tenements, or Hereditaments, by virtue of the said recited Act or this Act, with any Money towards Payment of such Expences; Provided

Persons from whose Allotments Land shall be deducted, not to charge their Lands with Money towards Payment of Expences.

Provided also, that in case the Land deducted from such Allotment or Allotments shall not be equal in Amount to the Sum of Money that such Proprietor or Proprietors is or are by the said recited Act or this Act empowered to borrow and charge on his, her, or their Allotment or Allotments, then and in such Case it shall be lawful for the Proprietor or Person from whose Allotment Land shall be deducted as aforesaid, to charge his, her, or their Lands, Tenements, or Hereditaments, by virtue of the said recited Act or this Act, with any Sum of Money not exceeding the Excess or Difference towards Payment of such Expences.

Power for Proprietors to sell their Allotments.

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

Commissioner's Allowance.

XXXV. And be it further enacted, That the said Commissioner shall be allowed the Sum of Three Pounds Three Shillings and no more for every Day he shall be actually employed in any Business required of him as Commissioner by the said recited Act or this Act, including Days of necessary travelling as well as others, in full Satisfaction for his Time, Trouble, and Expences respecting such Business.

Commissioner to lay his Account before Justices.

XXXVI. And be it further enacted, That once at least in each and every Year during the Execution of this Act (such Year to be computed from the Day of the passing thereof) the said Commissioner shall and he is hereby required to make a true and just Statement or Account of all and every Sum or Sums of Money by him received and expended, or due to him for his own Trouble and Expences in the Execution of this and the said recited Act ; and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by him laid before any Two of His Majesty's Justices of the Peace for the said County of *Kent*, (not interested in the said Division and Inclosure), to be by them examined and balanced, and such Balance shall be by such Justices stated in the Book of Accounts to be kept in the Office of the Clerk to the said Commissioner ; and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed in Writing by such Justices.

Persons aggrieved may appeal to the Quarter Sessions.

XXXVII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved, by any Thing done in pursuance of this or the said recited Act, (other than and except such Determinations of the said Commissioner as are hereby or by the said recited Act declared to be final, binding, or conclusive, and except in such Cases where an Issue at Law may be tried, as herein-before is mentioned), then and in every such Case he, she, or they may appeal to the General Quarter Sessions of the Peace to be holden in and for the said County of *Kent*, within Four Calendar Months next after the Cause of Complaint shall

shall have arisen, on giving to the said Commissioner and to the Party or Parties concerned Fourteen Days Notice in Writing of such Appeal, and of the Matters thereof; and the Justices (not interested in the Premises) in such Sessions assembled, are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein, and award such Damages and Costs, as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy such Damages and Costs, by Distress and Sale of the Goods and Chattels of the Party or Parties made liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale; and every Order and Determination of the Justices upon every such Appeal shall be final and conclusive, and shall not be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without Foundation, then and in such Case the said Justices shall award such Costs to be paid by the Appellant or Appellants, as to them in their Discretion shall seem reasonable, and such Costs shall be levied in Manner aforesaid.

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

XXXIX. Provided always, and be it further enacted, That nothing in this Act contained shall prejudice, lessen, or defeat the Right or Title or Interest of the Chancellor, Masters, and Scholars of the University of *Oxford*, or their Successors as Lords of the said Manor of *Bexley*, or any future Lord or Lords thereof, in or to the Royalties, Seigniorities, or Services incident or belonging to the said Manor, except as herein-after mentioned; but that the said Chancellor, Masters and Scholars, and their Successors, and all and every Person and Persons claiming under or in Trust for them as Lord or Lords of the said Manor for the Time being, shall and may at all Times for ever hereafter hold and enjoy all Royalties, Rights, and Privileges whatsoever to the said Manor belonging or appertaining, (other than and except the Right of Soil in such of the Wastes and Commons as shall by virtue of this Act be allotted to any Person or Persons) in as full, ample, and beneficial Manner, to all Intents and Purposes whatsoever, as they or any of them could have held and enjoyed the same in case this Act had not been made. Saving Rights of University of Oxford, as Lords of the Manor.

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

Evidence
Clause.

XLI. And be it further enacted, That this Act shall be printed by the several Printers to the King's most Excellent Majesty, duly authorized to print the Statutes of the United Kingdom; and a Copy thereof, so printed by any of them, shall be admitted as Evidence thereof, by all Judges, Justices, and others.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1814.