

(2)
9 Geo. IV.—Sess. 1828.



A

B I L L

FOR

Inclosing Dividing and Allotting certain Open and Inclosed
Common Fields in the Parishes of *Battersea* and *Wands-
worth*, in the County of *Surrey*.

WH **H**EREAS there are within the Parishes of *Battersea* Preamble.
and *Wandsworth* in the County of *Surrey*, certain
Common Fields, some of which are Open and some Inclosed,
and which, or the greater part of which, are usually distin-
guished by the names of *Battersea Open Fields*, *Battersea
Marsh*, *Bridge Field*, the *North Field* and *South Field*, and
which contain together Nine hundred and forty-two Acres or
thereabouts, that is to say, those in the said Parish of *Bat-
tersea* contain Four hundred and sixty-nine Acres or there-
abouts, and those in the said Parish of *Wandsworth* contain
Four hundred and seventy-three Acres or thereabouts:

And whereas the Right Honourable *George John* Earl
Spencer, Knight of the Most Noble Order of the Garter, is
Lord of the Manor of *Battersea* and *Wandsworth*, and is also
Lord of the Manor of *All Farthing Finches* and *Barking Fee*,
and also of the Manor of *Downe* or *Downe Buys*:

And whereas the Right Honourable George Viscount *Mid-
dleton* is Lord of the Manor of *Dunsford*:

6.

A

And

And whereas divers Parcels of Land in the said Common Fields are Copyhold, held of the said several Manors respectively :

And whereas the Right Honourable *William Venables*, Archbishop of *York*, (in right of his See of *York*) the Most Honourable *George Granville Levison*, Marquess of the County of *Stafford*, Knight of the Most Noble Order of the Garter, the said Right Honourable *George John* Earl Spencer, the said Right Honourable *George* Viscount *Middleton*, *Thomas Ponton*, *Southby*, *George Tritton*, *Edward Fletcher*, *Daniel Langton*, *Thomas Carter* and divers other Persons are or claim to be the Owners and Proprietors of the said Open and Inclosed Common Fields :

And whereas the Lands of the said Proprietors in the said Open and Inclosed Common Fields lie intermixed and dispersed in small and detached parcels which are very inconveniently situated for the occupation thereof, and are subject to rights of Intercommonage amongst the said Proprietors during a certain portion of the year :

And whereas the said Common Fields are in their present state incapable of any considerable improvement, and it would be advantageous to the several Persons interested in the said Common Fields if the said several Rights and all other Rights (if any), to which the same are now liable, were extinguished, and if the detached and intermixed parts thereof were divided apportioned and allotted unto and amongst the several persons interested therein, according to their respective estates rights and interests: BUT the several objects aforesaid cannot be effected without the Aid and Authority of Parliament :

And whereas an Act was passed in the Forty-first year of the reign of his late Majesty King *George* the Third, 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 in passing of such Acts":

And whereas another Act was passed in the Second year of the reign of His present Majesty King *George* the Fourth

Fourth, intituled, " An Act to amend the Law respecting the
" Inclosing of Open Fields, Pastures, Moors, Commons and
" Waste Lands in England" :

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 *Thomas James Tatham*, of *Bedford Place*, in the County of *Middlesex*, Gentleman, shall be and he is hereby appointed the Commissioner for Valuing, Dividing, Allotting and Inclosing all the said Open and Inclosed Common Fields within the said Parishes of *Battersea* and *Wandsworth*, and for carrying this Act into execution, according to the provisions and powers contained in this and the hereinbefore recited Acts, so far as the provisions and powers contained in the said recited Acts are not altered or controuled by or repugnant to this Act.

Commis-
sioner ap-
pointed.

Provided always, and be it further Enacted, That if the said *Thomas James Tatham*, or any future Commissioner to be appointed in manner hereinafter mentioned, shall die, or refuse or neglect to act, or in the opinion of the major part of the Proprietors of the said common fields hereby directed to be divided allotted and inclosed, (such major part to be ascertained according to the quantity of land possessed by such Proprietors in such common fields respectively), who shall attend as hereinafter is mentioned, shall become incapable of acting in the execution of this and the said recited Acts, before all the powers and authorities hereby reposed and vested in him shall be fully performed, then and in every such case it shall be lawful to and for the major part of the proprietors of the said common fields (to be ascertained as aforesaid), who shall attend by themselves or their agents or attornies appointed in writing, or their respective husbands in case of coverture, or their respective guardians or committees, in case of infancy or lunacy at a meeting to be holden for that purpose, of which meeting and of the purpose thereof, and of the place of holding the same, within one of the said parishes or within the Cities of *London* or

Westminster Twenty-one days notice at least shall be given by advertisement (signed with the names of any Four or more of the said owners or proprietors) in the *County Chronicle* or some other newspaper published in the County of *Surrey*, and such notice shall also be affixed on the principal outer door of each of the respective Parish Churches of *Battersea* and *Wandsworth* on one *Sunday* before divine service, to nominate elect and appoint by any instrument in writing under their respective hands, or under the hands of their agents or attornies (duly authorized in that behalf), from time to time another fit and proper person (not interested in the said division allotment and inclosure), to be a Commissioner in the place room and stead of such Commissioner so dying or refusing or neglecting to act or becoming incapable of acting as aforesaid; and so from time to time as often as any Commissioner who shall be appointed in the room of any Commissioner who shall die, refuse, neglect or become incapable of acting, and all such future vacancies in the said Commission shall be filled up in like manner, and the several writings appointing such new Commissioner shall be annexed to and enrolled and deposited with the award to be made by the said Commissioner; and every such Commissioner when elected nominated and appointed in manner aforesaid, shall after taking and subscribing the oath prescribed in that behalf, have power to adopt all the acts of every preceding Commissioner, and shall have the same powers and authorities in all respects for carrying this Act and the said recited Acts into execution, and shall be subject to the same rules orders and regulations as if he had been originally named and appointed a Commissioner in and by this Act.

What shall
be deemed a
neglect to
act.

And be it further Enacted, That in case any Commissioner hereby nominated or hereafter to be appointed shall not attend at any successive meetings which shall be appointed to be held for executing this Act, such Commissioner shall (unless prevented from attending by sickness or other unavoidable accident) be deemed and taken to have neglected to act within the intent and meaning of this Act, and a new Commissioner may thereupon be appointed as aforesaid.

Power to
appoint a
Surveyor.

And be it further Enacted, That it shall be lawful for the Commissioner for the time being, acting in the execution of this Act, if he shall find it necessary so to do, by writing under his hand, to nominate and appoint any person not interested,

terested in the said division and inclosure to be the Surveyor for the purposes of this Act and the said recited Acts, and out of the money to be raised for putting this Act in execution as hereinafter is mentioned, to allow such surveyor for his time and trouble any sum not exceeding Three guineas for each and every day he shall be actually and wholly employed either in surveying, measuring, mapping or planning, or otherwise, in the business of the said division and inclosure, which said sum of Three guineas per day shall be in full satisfaction for such his time and trouble, and for all travelling and other expences of every description to be incurred by such surveyor in and about the execution of this Act.

Provided always, and be it further Enacted, That no person shall be capable of acting as Surveyor, in the execution of the powers given by this or the said recited Acts, until he shall have taken and subscribed the Oath or Affirmation following, videlicet:

Surveyor to
take the fol-
lowing Oath.

" I, do swear, [*or*, being one of the people called
" Quakers, do solemnly affirm] that I will faithfully and
" impartially and honestly, according to the best of
" my skill and ability, execute and perform the several
" trusts powers and authorities, vested and reposed in
" me as Surveyor, by virtue of an Act for Inclosing Di-
" viding and Allotting certain Open and Inclosed Com-
" mon Fields in the Parishes of *Battersea* and *Wands-*
" *worth* in the County of *Surrey*, according to equity and
" good conscience, and without favour or affection preju-
" dice or partiality, to any person or persons whomsoever,

" So help me GOD."

And be it further Enacted, That the said Commissioner shall have power to appoint some fit person to be his Clerk, for assisting him in carrying this and the said recited Acts into execution, and such Clerk from time to time to remove, and to appoint some other fit person to succeed him in such office, as to the said Commissioner shall seem meet, and such clerk shall be paid or allowed out of the money to be raised for putting this Act in execution, such sum or sums of money as hereinafter mentioned for his time trouble and expences in the assistance to be given by him as aforesaid.

Commis-
sioner may
appoint a
Clerk.

Commis-
sioner need
not make
Surveys, &c.
unless they
think it
advisable.

May make
use of old
Maps, &c.

And be it further Enacted, That nothing in this Act or the said recited Acts contained, shall extend to require the said Commissioner to make or cause to be made any Survey Admeasurement or Plan (unless in those cases, in which it shall appear to the said Commissioner advisable so to do) of any messuages lands or hereditaments within the said Parishes of *Battersea* and *Wandsworth*, or either of them, other than the said open and inclosed common fields hereby directed to be divided allotted and inclosed: Provided always, That any Map or Survey made previous to the time of passing this Act, which shall be tendered to the Commissioner for the time being in the execution of this Act, and which shall be in his judgment and to his satisfaction, a just and true map or survey proper for the purpose of carrying this Act into execution, may be used for that purpose, if the said Commissioner shall think fit, without any new map or survey being made of such part of the lands and grounds as shall be comprised in any such approved map or survey thereof as aforesaid.

Notices of
Meetings to
be given.

And be it further Enacted, That the said Commissioner shall cause, and he is hereby required to cause Notice in writing of the time and place of holding his First and every other Meeting, (Meetings by adjournment only excepted) for the purpose of putting this Act and the said recited Acts into execution, to be inserted in the *County Chronicle* or some other newspaper published in the said County of *Surrey*, at least Fourteen days before his First and Second Meeting, and at least Ten days before every subsequent meeting, and also to cause such notice to be affixed on the principal outer door of each of the respective Parish Churches of *Battersea* and *Wandsworth*, on one previous *Sunday* before divine service, and the said Commissioner shall and may adjourn such meetings from time to time as he shall see occasion: Provided always, That every meeting of the said Commissioner in the execution of this and the said recited Acts, shall be held within one of the said Parishes of *Battersea* and *Wandsworth* or within the Cities of *London* or *Westminster*, the same being within eight miles of the said parishes respectively, or one of them.

Manner of
giving
Notices.

And be it further Enacted, That in all cases where Notices are required to be given under this Act or the said recited Acts, for any purpose whatsoever (except such Notices as are in and by this Act authorized or particularly directed to be given

given in any other manner), the delivery of the same so far as concerns the said Commissioner, at his usual place of abode or at the office or usual place of abode of his Clerk, and so far as concerns all other persons at the usual places of abode of such persons respectively, shall be deemed good service of the same; and Notice of the Meetings (except those by adjournment) of the said Commissioner, and all other Public Notices directed by this Act or the said recited Acts, shall be in writing and shall be given by advertizement in the *County Chronicle* or some other newspaper published in the said County of *Surrey*; and all such Notices so given shall be deemed to be well and sufficiently published and given, and full and sufficient notice to all parties concerned respecting all the matters and things to which such Notices respectively shall relate, any thing in the said recited Acts contained to the contrary thereof in anywise notwithstanding.

And be it further Enacted, That all Orders Notices and Proceedings of the said Commissioner relating to the said intended division allotment and inclosure, and the several periods at, on, for, and during which any meeting shall be holden for the purposes of this Act and the said recited Acts, and the business done and transacted at such respective meetings, and also the hours at which the Commissioner Surveyor and Clerk or either of them shall respectively arrive at and depart from the place appointed for such respective meetings, or be otherwise engaged in carrying this Act into execution, shall be entered in a Book or Books to be provided for that purpose, and shall be signed by the said Commissioner; and such orders notices and proceedings so entered and signed, may be received in evidence in all actions suits and proceedings at law or in equity concerning any thing done in relation to the execution of this Act and the said recited Acts.

Commis-
sioner to
enter Pro-
ceedings in
a Book.

And be it further Enacted, That if any Dispute or Difference shall, before the making of the Award of the said Commissioner, arise between any of the parties interested or claiming to be interested in the said intended division allotment and inclosure, touching or concerning the respective rights, interests, shares or proportions which they or any of them shall have or claim to have of in or over the said common fields hereby directed to be divided allotted and inclosed, or touching or concerning any timber, wood, underwood or other produce growing thereon,

Commis-
sioner to
determine
Differences.

or concerning any allowance for folding, ploughing, digging, sowing with corn, grain, pulse, turnips and other vegetables, laying down with grass, manuring, cultivating or improving, feeding or cropping, or forbearing to feed or crop the said common fields or any part thereof, or touching or concerning any other matter or thing relating to the said division allotment and inclosure, it shall and may be lawful to and for the said Commissioner and he is hereby authorized and required, as well by examination of witnesses upon oath (which oath the said Commissioner is hereby authorized to administer) as upon any other proper and sufficient inquiry evidence and satisfaction, to examine into 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, cottages, lands, tenements or hereditaments whatsoever.

Commis-
sioner to
assess Costs.

Provided also, and be it further Enacted, That in case the said Commissioner shall upon the hearing or determination of any claim or claims, objection or objections to be delivered to him in pursuance of this or the said recited Acts, or upon the hearing or determination of any difference or dispute as aforesaid, see cause to award any costs, it shall be lawful for the said Commissioner to assess and award such costs and charges (if any) as he shall think reasonable to be paid to the party in whose favour any such determination shall be made, or in case of any body politic corporate or collegiate, to some officer of such body by the person or body politic corporate or collegiate whose claim or objection shall be disallowed or overruled, or against whom such determination shall have been made; and in case the person or persons, body or bodies politic corporate or collegiate, who shall be liable to pay such costs and charges shall neglect or refuse to pay the same on demand, the said Commissioner is hereby authorized and required by warrant under his hand and seal 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 body politic corporate or collegiate so refusing or neglecting to pay the same, rendering the overplus (if any) upon demand to the person or body politic corporate or collegiate whose goods and chattels shall have been so distrained and sold, after deducting the costs and charges attending such distress and sale.

Provided

Provided always, and be it Enacted, That the objection or objections to the accounts or claims by the said recited Acts directed to be delivered to the said Commissioner as therein mentioned, shall also be delivered to such person or persons whose account or accounts, claim or claims shall be objected to, or his her or their agent or agents, in such manner and at such time or times as the said Commissioner shall direct or appoint for that purpose.

Objections
to Claims to
be delivered
to Parties
whose
Claims
shall be ob-
jected to.

And be it further Enacted, That in case any person or persons, or body or bodies politic corporate or collegiate interested or claiming to be interested in the said intended division allotment and inclosure shall be dissatisfied with any determination of the said Commissioner concerning any claims or claim of any right or interest in over or upon the common fields hereby directed to be divided allotted and inclosed, or any part thereof, it shall be lawful to and for such person or persons, body or bodies politic corporate or collegiate so dissatisfied to cause an action to be brought in one of His Majesty's court of record at *Westminster*, upon a feigned issue against the person or persons, body or bodies politic corporate or collegiate in whose favour such determination shall have been made within Three calendar months next after such determination of the said Commissioner shall have been notified in writing to the party or parties against whom such determination shall have been made, or to his her or their known agent or attorney, and thereupon the person or persons, body or bodies politic corporate or collegiate so dissatisfied shall proceed to a trial at law of the matter so determined by the said Commissioner at the next assizes or at the next assizes but one to be holden for the County of *Surrey*, after such action shall have been so commenced; and the defendant or defendants in such action shall name, and he she or they is and are hereby required to name an attorney or attorneys who shall appear thereto or file common bail, and accept one or more issue or issues whereby such claim or claims, objection or objections, and the right or rights thereby insisted on may be tried and determined (such issue or issues to be settled by the proper officer of the court in which such action or actions shall be commenced, in case the party or parties shall differ about the same) and the verdict or verdicts which shall be so given in such action or actions shall be upon all and every person or persons whomsoever final and conclusive, unless the court wherein such action or actions shall be brought shall set aside such verdict or verdicts, and order a

Parties may
try Rights
in an issue
at Law.

Determina-
tion of the
Commis-
sioner not
overruled
by the event
of an Action
to be final.
Pendency of
Action not
to prevent
the execu-
tion of this
Act.

Proceedings
not to abate
by deaths of
Parties, and
in case of
deaths of
Parties be-
fore Action
brought,
the same to
be carried
on and de-
fended in
their Names.

new trial or new trials to be had therein, which it shall be lawful for the court to do; and after such verdict or 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 allow or disallow the claim or claims right or rights, interest or interests thereby determined according to the event of such trial or trials: Provided always, That if no such action or actions shall be commenced as aforesaid, or if any such action or actions shall be commenced and the plaintiff shall not proceed to trial within the time hereinbefore limited for that purpose, the determination of the said Commissioner shall be final and conclusive on all parties: Provided also, That the pendency of any such action shall not prevent the said Commissioner from proceeding in the execution of the powers of this Act.

Provided also and be it Enacted, That if any of the Parties in any Action to be brought in pursuance of this Act shall die pending the same, such action shall not abate by reason thereof, but shall be proceeded in, as if no such death had happened; and in case any person or persons in whose favour any such determination of the said Commissioner shall have been made, and against whom any such 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 hereinbefore limited for bringing such action or actions, it shall be lawful for the party or parties who might have brought such action or actions against the person so dying, to bring the same within the time so limited as aforesaid against such person or persons so deceased, as if he she or they was or were actually living, and to serve the clerk of the said Commissioner with process for commencing such action or actions in the same manner as the party or parties so dying might have been served therewith if living; and it shall thereupon be incumbent on the heir or heirs of the person so dead, or other persons who shall claim the benefit of such determination, to appear and defend such action or actions in the name or names of the person or persons so dead, and proceedings shall be had therein in the same manner as if such deceased person or persons had been actually living, and the rights of all parties shall be equally bound and concluded by the event of such action or actions as if such person or persons had been actually living and had appeared and defended such action or actions.

And

And be it further Enacted, That the Costs of all such Actions, which in the consequences thereof may extend to the general interest of the parties concerned in the carrying of this Act into execution, shall be considered part of the general expences of this Act, and shall be repaid and reimbursed by the said Commissioner to the parties to such actions out of the money to be raised in manner hereinafter mentioned for paying the expences of carrying this Act into execution, and the said Commissioner is hereby required as to all and every such action or actions to adjudge whether the questions therein raised or any of them would or would not tend to increase the rights and interests of the parties interested in the division allotment and inclosure hereinafter directed; and if it shall appear to the said Commissioner that any such action would affect or has affected only the parties thereto, and that the general interest of the parties concerned in the said division allotment and inclosure would not or could not be affected thereby, then the said costs shall be paid borne or reimbursed by the party or parties who shall appear to the said Commissioner to be interested in each such action, or benefited thereby, in such proportions and manner as the said Commissioner shall by writing under his hand direct, and shall not be deemed part of the said general expences.

Costs of
Actions.

And be it further Enacted, That nothing in this Act contained shall enable the said Commissioner to determine any Right between any Parties contrary to the possession of any such parties; but if the said Commissioner shall be of opinion against the right of the Person so in possession, and any proceedings shall be instituted by any parties for determining such right, the said Commissioner shall forbear to make any determination thereupon until the possession shall have been given up by or recovered from such person or persons by ejectment or other due course of law.

Rights of
Persons not
to be deter-
mined by
the Com-
missioner
against pos-
session.

And be it further Enacted, That if any Person interested in the said intended division, or in any allotment to be made in pursuance of this Act, shall die before the same be perfected, the powers herein contained shall not be suspended, but the share of the person so dying shall be allotted or assigned to or for the use of such person, as by descent devise or otherwise would have been entitled to the same in case such allotment had been completed previous to the death of the person so dying, and every such person to whom such share shall

Powers of
Act not sus-
pended by
deaths of
Parties in-
terested.

shall be so allotted or assigned shall be liable to the charges expences and other conditions of this Act and the said recited Acts, and it shall be lawful for the said Commissioner to execute all the powers hereby given as he might have done in case no such death had happened.

For extinguishing or suspending Rights of Common before the execution of the Award of the Commissioner.

And be it further Enacted, That it shall and may be lawful to and for the said Commissioner and he is hereby authorized and empowered at any time or times before the execution of the Award directed to be made by him by the said first recited Act, by a notice in writing under his hand to be affixed on the principal doors of the Parish Churches of *Battersea* and *Wandsworth* aforesaid, to order and direct all or any Rights of Sheep-walk and Common (if any there be) in over and upon the common fields hereby directed to be divided allotted and inclosed, or any part thereof, to be extinguished, or the exercise thereof to be suspended for and during such time or times as shall be expressed in such notice, and all such rights as the said Commissioner shall by such notice order and direct to be extinguished, or the exercise thereof to be suspended as aforesaid, shall from the time of affixing such notice cease determine and be extinguished, or the exercise thereof be suspended accordingly, any law usage or custom to the contrary notwithstanding.

Inclosures of twenty years standing not to be affected.

And be it further Enacted, That all Inclosures which at any time within twenty years now last past shall have been made in the said common fields shall be deemed part thereof, and shall be divided and allotted accordingly: Provided nevertheless, That where the whole of the land in any such inclosure shall belong to one owner, the same shall be allotted to such owner either as the whole or part of the share or proportion to which he will be entitled by virtue of this Act; and in case it shall in the judgment of the said Commissioner exceed in value such share or proportion, it shall nevertheless be allotted to such owner who shall pay to the said Commissioner at or within such time as he shall appoint, such excess in value to be determined by the said Commissioner, who in estimating the value of such inclosure shall not include the improvements and erections which shall have been made or built thereupon, or trees growing thereupon, and such sum shall be applied towards payment of the expences of this Act.

And

And be it further Enacted and declared, That if any dispute shall arise as to the space of Time during which the said Inclosures shall have been made or subsisted, the same shall be determined by the said Commissioner, who shall proceed therein in the manner in which by the said Act of the forty-first year of the reign of his late Majesty King *George* the Third, Commissioners of Inclosure are directed to proceed in matters or things left to their determination.

Commis-
sioner to
determine
the Date of
Inclosures.

Provided also, and be it further Enacted, That the buildings, erections, fences, timber and other trees, thorns and bushes standing and growing upon any lands to be allotted by virtue of this Act, shall be allotted and go along with the lands whereon they respectively stand, and shall be deemed the property of the several persons to whom the same lands shall be respectively allotted, such persons paying to the owner or owners of the said buildings, erections, trees and bushes such sums of money and at such time or times place or places, as the said Commissioner shall by writing under his hand direct; but if the said parties who are to make such respective payments shall neglect or refuse to make the same accordingly, the said Commissioner is hereby authorized and required by warrant under his hand and seal directed to any person or persons whomsoever, to cause such sums of money to be levied by distress and sale of the goods and chattels of the parties neglecting or refusing to pay the same, and to pay such sums of money, when levied, to the parties entitled to receive the same, ending the overplus (if any) upon demand to the parties whose goods and chattels have been so distrained and sold, after deducting the costs and charges attending such distress and sale.

Buildings,
&c., to be
allotted with
the Lands
on which
they stand.

And be it further Enacted, That the said Commissioner shall and he is hereby authorized and required in the first place, before he shall proceed to make any of the divisions and allotments directed by this Act, to set out and appoint all such public Carriage-roads Highways and Foot-roads in through and over the common fields hereby directed to be divided allotted and inclosed as the said Commissioner shall adjudge necessary, so as such roads and highways shall be and remain, as respects public carriage roads and highways, feet wide, and as respects foot-roads feet wide at the least, and be set out in such directions as shall upon the whole appear to the said Commissioner most commodious for the public; and the

Commis-
sioner pre-
vious to
making
Allotments,
to set out
Roads.

said Commissioner further required to ascertain the same by marks and bounds, and prepare and sign a map on which such intended roads and highways and foot-roads shall be accurately laid down and described, and to cause the same, when so signed, to be deposited with their clerk, for the inspection of all parties concerned: Provided nevertheless, That nothing herein contained shall authorise the said Commissioner to set out or appoint any new carriage road highway or footroad which shall branch off immediately from any part of the *London and Kingston Road* over the said field called *South Field*.

Commis-
sioner may
divert or
stop up
Public
Roads or
Footpaths.

And be it further Enacted, That it shall be lawful for the said Commissioner to divert or stop up any of the Public Roads or Footpaths in through or over the said common fields hereby directed to be divided allotted and inclosed: Provided always, That no such public road highway or footpath shall be diverted or stopped up without the concurrence and order of Two Justices of the peace acting in and for the said County of *Surrey*, and not interested in the matter thereof, such order to be made upon and after such notice as is directed and required by an Act passed in the fifty-fifth year of the reign of his late Majesty King *George* the Third, intituled "An Act to amend an Act of the Thirteenth year of His present Majesty for the amendment and preservation of the Public Highways, so far as the same relates to notices of Appeal against turning or diverting a Public Highway, and to extend the provisions of the same Act to the stopping up of unnecessary Roads," and every such order so to be made by such two Justices of the peace as aforesaid shall be subject to an appeal in the manner directed by the said last mentioned Act: Provided also, That none of the present Roads in through or over the said common fields hereby directed to be divided allotted and inclosed, shall be shut up or discontinued until the roads which shall be intended to remain or be the public roads in future, shall be duly set out, and until the same be properly formed and made safe and convenient for horses, carts, carriages or for foot-passengers, as the case may require.

Commis-
sioner to
make
Drains, &c.

And be it further Enacted, That it shall be lawful for the said Commissioner to cause any Ditches, Fences, Drains, Brooks or Watercourses within the said common fields in the Parishes of *Battersea* and *Wandsworth*, to be cleansed, opened,

opened, scoured, widened, deepened or enlarged, and to stop up and discontinue any ditches, fences, drains, brooks or watercourses which shall appear to the said Commissioner to be unnecessary; and also to cause any new ditches, fences, bridges, drains, brooks or watercourses to be made within the same, and to make such orders for maintaining such ditches, fences, bridges, drains, brooks or watercourses in repair as he shall think proper, provided that no such Works shall be made upon any inclosed land without the consent in writing of the owner or owners thereof; and no such brook or watercourse shall be diverted or turned without the consent in writing of the owner or owners of any inclosed land, from which any such brook or watercourse shall be diverted or turned, or into which the same shall be intended to be carried or conveyed.

And be it further Enacted, That the said Commissioner shall in the next place assign set out and allot all the Residue and remainder of the common fields hereby directed to be divided allotted and inclosed, unto and amongst all and every person and persons, and body and bodies politic corporate or collegiate, being the owner or owners of or having any rights of common or other rights or interests (if any such there be), in over or upon the same common fields or any part or parts thereof, (unless in the case hereafter provided for, where any such allotment would not amount to statute acres and be of less value than the sum of pounds), in such parts and shares as the said Commissioner shall adjudge and determine to be proportionate to the value of, and a full satisfaction and compensation to him her or them respectively, for his her or their respective shares, rights of common or other rights or interests, in over or upon the said common fields or any part or parts thereof.

Allotment of
Residue.

Provided always, and be it further Enacted, That nothing in this Act or the said recited Acts shall be taken to authorize or empower the said Commissioner (unless under and by virtue of the provision hereinafter contained relative to exchanges) to make any Allotment to any person or persons whomsoever, of any part of such of the said common fields as are situated in any one of the said Parishes of *Battersea* and *Wandsworth*, for or in lieu of any lands or rights to which such person or persons is or are entitled in or over such of the said common fields as are situated in the other of the said Parishes.

Commis-
sioner not
empowered
(unless with
consent) to
make Allot-
ment in
different
Parish from
where ori-
ginal Lands,
&c. lay.

Power to
Vicar to
grant Build-
ing Leases.

Provided also, and it is hereby further Enacted, That it shall be lawful for the Vicar of *Battersea* for the time being, with the consent and approbation of the Bishop of *Winchester* for the time being, and the Patron of the said Vicarage of *Battersea* for the time being, by any deed or deeds, instrument or instruments in writing, to be sealed and delivered by him in the presence of and to be attested by two or more credible witnesses, and either referring or not referring to this present power, to demise or lease all or any part or parts of the allotment or allotments to be set out and allotted to him by virtue of this Act, in lieu of his glebe land, to any person or persons who shall be willing to improve the same, and shall covenant and agree to improve the same by erecting or building thereon any new house or houses, erections or buildings, to rebuild or repair any of the messuages, tenements, erections and buildings whatsoever which hereafter shall be on the same allotments or any part or parts thereof, or to expend such sums of money on the improvements thereof respectively as shall be thought adequate to the interest therein respectively to be departed with for any term or number of years not exceeding years, to take effect either in possession or immediately after the determination of the subsisting leases for the time being of the same allotments, so that in every such demise or lease there be reserved the best and most improved yearly rent or rents to be payable during the continuance of the estate or estates to be created thereby to the Vicar of *Battersea* for the time being, that can be reasonably had or gotten for the same, without taking any fine premium or foregift or anything in the nature of a fine premium or foregift for the making thereof, and so that no such demise or lease as aforesaid shall be valid in the law unless there be inserted therein a clause in the nature of a condition of re-entry, in case the rent shall remain unpaid for any space not exceeding days, and also covenants on the part of the lessee for the due payment of such rent and for the repairing rebuilding and insuring the buildings to be erected on the lands comprized in such lease and so that the lessee do execute a counterpart thereof.

Power for
Enfranchisement of
Copyhold
Lands.

And be it further Enacted, That in case any customary tenant or tenants of any manor or manors in the said Parishes of *Battersea* and *Wandsworth*, or either of them by whom any parcels of land in the said common fields hereby directed to be divided allotted and inclosed, or (in case he she or they shall by virtue

virtue of this Act be entitled to an equivalent allotment of the same fields) by whom any messuages, cottages, lands or tenements in the said parishes or either of them shall be respectively holden, or the husbands trustees or guardians, committees or attornies of and for any such tenant or tenants being femmes covert, minors, lunatics, beyond the seas, or under any other disability or incapacity, shall be desirous that the allotment to be made to him or them in respect of such land in the said fields, or (as the case may be) that the messuages, cottages, lands or tenements aforesaid, should be Enfranchised, and the tenures by which the same respectively are holden, and the fines heriots and other services incident thereto should be discharged and extinguished, and shall give notice in writing of such desire to the said Commissioner on or before a day to be appointed by him for receiving such notices, and the same notice shall be subscribed by the lord or lords, lady or ladies of the respective manor or manors of which the same shall be holden, or by the husbands trustees or guardians, committees or attornies, of and for any such lord or lords, lady or ladies being femmes covert, minors, lunatics, beyond the seas, or under any other disability or incapacity, in testimony of his or their consent to such enfranchisement, it shall be lawful for the said Commissioner, and he is hereby empowered and required to assign and set out to and for such lord or lords, lady or ladies from and out of every such allotment so desired to be enfranchised, or (as the case may or shall be) from and out of some part of the allotment or allotments to which the owners of the messuages, cottages, lands or tenements so desired to be enfranchised, is entitled, such quantity of land as in the judgment of the said Commissioner shall be an equivalent and satisfaction for the customary payments, burthens and services to which such copyhold parcels of land or messuages, cottages, lands or tenements respectively, shall have been theretofore subject or liable, or would have been subject or liable in case such enfranchisements had not been made; and the said Commissioner shall thereupon declare in and by his award, such residue of the said allotment, or (as the case shall be) such messuages, cottages, lands or tenements to be enfranchised, and the tenures by which the same shall be then holden, and the fines heriots and other services incident thereto to be discharged and extinguished, and from and after the execution of the said award and such compensation shall have been assigned for such copyhold tenure, the lands and tenements thereby expressed to be

6. E enfranchised,

enfranchised, shall be held possessed and enjoyed by the owner or owners thereof, of the lord or lords of such manor or manors in free and common socage, discharged of the tenure by copy of court roll and of all services and duties incident to such tenure, and the lands or hereditaments so to be allotted to such lord or lords, lady or ladies shall be by him her or them, and by his her and their heirs successors and assigns, or by the person or persons who shall be entitled in reversion or remainder to such manor or manors held and enjoyed in compensation for the tenure so to be extinguished for such and the like estates, and upon and for such and the like uses, trusts, intents and purposes (if any) as the seignory of the manor or manors of which the copyhold hereditaments so enfranchised shall be holden, shall at the time of every such enfranchisement stand settled and limited.

Money
Allotments
in cases not
exceeding
one Acre.

Provided always, and be it further Enacted, That in case the said Commissioner shall determine that any allotment ought to be made to any person whatever not being an owner of land in the said common fields hereby directed to be divided allotted and inclosed, for or in lieu of any right of common, upon or over the same fields or any part thereof, which determination shall not be disturbed by the decision to the contrary of any court of law, upon such proceeding to be instituted for trying the validity thereof as in the provision hereinbefore contained in that behalf is directed, and such intended allotment would in the opinion of the said Commissioner, contain less than One statute Acre, and be of less value than Fifty pounds, then the said Commissioner is hereby authorized and required to award to such person aforesaid in lieu thereof, such sum or sums of money (to be paid within such time or times as he shall think fit out of any monies which shall come to his hands for the general purposes of this Act) as in his judgment shall be deemed a fair and adequate recompence for the same right or rights respectively.

Plan of
Allotments
to be shown
to Proprie-
tors.

And be it further Enacted, That as soon as the said Commissioner shall have ascertained the respective rights and interests of the respective Proprietors, and other person and persons, body and bodies politic corporate or collegiate, interested in the common fields to be divided allotted and inclosed by virtue of this Act, and also the respective shares and proportions by him proposed to be allotted to such person and persons, body and bodies politic corporate or collegiate respectively, in lieu thereof,

thereof, he shall give public notice in manner aforesaid of some convenient time and place when and where the said proprietors and other persons aforesaid may peruse a Schedule of such intended allotments, and inspect a Map or Plan whereon the same shall be set out and delineated, and may have a copy of such Schedule, so far as the same relates to each such proprietor and person or persons respectively; and inasmuch 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 meeting at the 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 on all parties.

And be it further Enacted, That it shall be lawful for the said Commissioner (if he shall think fit so to do), by writing under his hand to determine any Lease or agreement for Lease for any term of years, or from year to year, at rack rent now subsisting, of any messuages lands or tenements in respect whereof, or of any part whereof any allotments shall be made in pursuance of this Act, so far as such lease or leases may affect any portion of the said common fields hereby directed to be divided inclosed and allotted, or right of common thereon, at such time as he shall think fit; and the said Commissioner is hereby required in such case to adjudge and determine what sum of money (if any) ought to be paid by the landlord to such lessee or lessees, tenant or tenants, or (if the case shall so require) by the lessee or lessees, tenant or tenants to such landlord by way of satisfaction or compensation for the determining of any such lease or interest, and when and by whom such payment ought to be made, and every such landlord lessee or tenant shall pay such sum accordingly, to be recoverable in the same manner as is hereinbefore directed as to any costs to be awarded by the said Commissioner, and upon payment of such sum or sums of money, the interest of such tenant shall cease: Provided always, That where such lease shall be determined as to part only of the hereditaments thereby demised, the rent reserved by such lease shall be apportioned by the said Commissioner, and shall thenceforth issue out of the residue of the same hereditaments, and the covenants provisoes and agreements contained in such lease shall also be apportioned;

Commis-
sioner may
vacate
Leases

or direct
Increase of
Rent.

so that the rights and remedies of each of the parties may be preserved in respect of the remaining rent and hereditaments in as full force and effect as the same previously were with regard to the whole of the said original rent and hereditaments respectively : Provided always, That in all cases wherein the said Commissioner shall not determine such lease or agreement as aforesaid, the lessee or tenant shall hold and enjoy such lands and grounds as shall be allotted in lieu or in respect of the former lands or rights of common respectively during the residue of his term, and shall pay to the landlord thereof such further rent as the said Commissioner shall think reasonable between landlord and tenant, and shall by writing under his hand direct, and all such further rent shall be paid, and may be recovered at such times, in such proportions and in such manner, and by such remedies ways and means as the rents originally recovered shall be payable or recoverable.

Not to
vacate bene-
ficial Leases.

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 corporate or collegiate, or other person or persons, of any lands, tenements, tythes or hereditaments in the parishes 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 common fields, 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.

Commis-
sioner to
direct
course of
Husbandry.

And be it further Enacted, That from and after the passing of this Act, until the execution of the award of the said Commissioner, no part of the meadow or pasture ground by this Act directed to be divided and allotted, shall be ploughed up or dug or converted into tillage without the consent in writing of the said Commissioner first had and obtained for that purpose, and all the arable and tillage lands by this Act directed to be divided and allotted, shall during the said period be subject and liable to such directions and regulations as the said Commissioner shall from time to time by writing under his hand prescribe and appoint, as well with regard to the stocking as to the ploughing, digging, tilling, sowing, cropping and folding, laying down the same ; and it shall be lawful for the said Commissioner to order and

and direct such sum or sums of money to be paid in respect thereof by any person interested in the said arable and tillage lands or any part thereof, or by his or her tenant, to any other person also interested therein, or to his or her tenant as he the said Commissioner, shall think reasonable, and in case any person who shall be directed to pay any sum of money on any of the accounts aforesaid shall neglect or refuse to pay the same upon demand, then and in such case it shall be lawful for the said Commissioner, and he is hereby authorized and required to raise and levy the same for the use and benefit of the person or persons entitled thereto, by such ways and means as any of the costs charges and expences of obtaining and executing this Act or any part thereof, can or may be raised or levied.

And be it further Enacted, That the said Commissioner shall from time to time as he shall find it convenient, before the execution of his Award, deliver to the several persons or body or bodies politic corporate or collegiate interested in the said divisions and allotments hereby directed to be made and set out, Possession of any part of their respective divisions and allotments hereby directed to be made and set out, and such possession shall be retained by the respective parties entitled thereto in like manner as if the said award of the said Commissioner at the time of delivering such possession had been executed.

Commis-
sioner may
deliver up
Possession
before
Award.

And be it further Enacted, That the common fields hereby directed to be divided and allotted shall be Inclosed Hedged and Ditched and Fenced by such persons and body or bodies politic corporate or collegiate, within such time and in such manner as the said Commissioner shall in and by his award, or in and by any writing or writings under his hand before the execution of his said award order direct and appoint, and the hedges, ditches, drains and fences which shall be made pursuant to such order, shall at all times be for ever preserved, repaired, maintained and cleansed by and at the expence of the respective person or persons, body or bodies politic corporate or collegiate to whom the same shall be allotted or appointed to belong, within such time and times and in such proportions and manner as the said Commissioner shall by his award order and direct.

Allotments
to be Fenced
as Commis-
sioner shall
direct.

And be it further Enacted, That if any Sheep shall be kept in or upon any of the allotments to be made by virtue of this

Fences of
Land on
which Sheep

shall be kept during the Term of Seven Years from the date of the Award, to be guarded with Hurdles,

this Act, whereon any new fence shall be raised during the term of Seven years to be computed from the date of the Award of the said Commissioner; the owner or owners occupier or occupiers for the time being of the allotment or allotments upon which sheep shall be kept as aforesaid, shall during so long a time as the sheep shall be kept thereupon, effectually guard the fences belonging or adjoining to such allotment or allotments with Hurdles proper for that purpose, and in case such fences shall not be so guarded, it shall be lawful for the owner or owners, or occupier or occupiers of any adjoining allotment or allotments to enter upon the allotment or allotments where such sheep shall be kept, and take, drive away and impound the same.

Proprietors may sell before Award, in which case Allotments be made to Purchasers.

And be it further Enacted, That it shall be lawful for any person or persons body or bodies politic corporate or collegiate, (save and except the Vicar of the said Vicarage of *Battersea*) who shall be the Owner or Owners of any land in the said common fields hereby directed to be divided allotted and inclosed, or other right thereupon, to demise, mortgage, convey or dispose of the same, and the land or common right (if any) in respect of which the said allotment shall be made for all or any part of his estate therein or right thereto, either distinct from or along with any estate in right of which he is or shall be entitled to the same, at any time before the execution of the Award of the said Commissioner, and every such demise, mortgage, conveyance or disposition shall be of the same force as if the same were made after the execution of the said award, and it shall be lawful for the said Commissioner to award such allotment so sold and disposed of, or set out in lieu of any such common or other right as aforesaid so sold or disposed of, to the purchaser or other persons entitled to the same, by virtue of any such demise, mortgage, conveyance or disposition; and if any person shall, before the execution of the said award, have sold and conveyed or shall sell and convey his right interest or property in over or upon the said common fields hereby directed to be divided allotted and inclosed or any part thereof to any other person, the said Commissioner is hereby required to make an allotment or allotments of land unto the purchaser under every such sale and conveyance, or to his heirs or assigns, as convenient to any other allotment or estate of such purchaser as reasonably may be in respect of such right interest and property so sold, and every such purchaser his heirs or assigns shall,

shall, after the execution of the said award, hold the land so to be allotted to him as aforesaid in the same manner and for the same estate as the vendor in every such sale might have held the same in case such sale had not been made.

And be it further Enacted, That all the allotments which shall be set out and allotted to any person or persons, body or bodies corporate or collegiate, by virtue of this Act or the said recited Acts, (other than such allotments as shall be enfranchised by virtue of the provision hereinbefore contained) in lieu of any parcels of land in the said common fields, or in lieu of any rights of common in respect of any hereditaments within the Parishes of *Battersea* and *Wandsworth*, which parcels of land or hereditaments shall be holden of any manor or manors by copy of court roll, shall from and after the execution of the award of the said Commissioner be deemed or taken to be Copyhold, and shall be held as such by and under the same rents, payments, fines, customs (whether of descent or of any other nature) and services, as the copyhold parcels of land and hereditaments respectively, for or in respect of which such allotments shall be made, are at the time of passing of this Act holden; and that all and every person and persons, body and bodies politic corporate or collegiate, to whom such copyhold premises shall be allotted as aforesaid, shall within Twelve calendar months next after the execution of the said award, be admitted tenant or tenants to the same, without paying any fine or other charge to the lord or lords, lady or ladies, or to the stewards of the manor or manors of which the same shall be declared to be holden (save and except for the stamp duties and parchment necessary to be used for the copies of such admissions respectively, and such reasonable fees to the respective steward or stewards of the said manor or manors (by way of compensation for his or their trouble only, as the said Commissioner shall by his said award order and direct); but in case any person or persons to whom such lands and tenements shall be allotted, shall die without admission thereto, then the customary fines and other payments shall be due and payable on the admission of the person or persons then 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 be held under and subject to the same tenures, customs, fines and other payments as the copyhold parcel of land and hereditaments, for or in lieu or in respect whereof such land and premises shall be allotted are now held under and sub-

Allotments
to be of
same tenure
as Land, &c.
in respect of
which they
are made.

ject to, and the said Commissioner shall by his award, and by the said map or plan, maps or plans (if any) to be thereto annexed, determine describe and abut the lands and grounds respectively which are to be and remain copyhold, and all other lands and grounds to be allotted by virtue of this Act or of the said recited Acts, except what shall be ascertained by the said Commissioner to be copyhold, shall be from thenceforth deemed taken and enjoyed as freehold lands and grounds, subject nevertheless to such rents and services as are now payable out of the respective lands tenements or hereditaments for or in lieu or in respect whereof the same shall be allotted.

Award to
distinguish
Allotments
in respect of
Estates held
under
different
Titles.

And be it further Enacted, That all parties claiming to be entitled to any allotment under this Act, shall in their claims to be delivered to the said Commissioner set forth the nature of the tenures of the several lands or hereditaments in right or respect of which they respectively claim such allotments, and shall also distinguish in the said claims such of their said lands or hereditaments as may be held for different estates or under different Titles; and the said Commissioner shall in his award set out and appoint distinct and separate allotments in right or respect of such respective lands or hereditaments so held for different estates or under different titles.

Supple-
mental
Award for
supplying
Omissions
as to dis-
tinct Titles.

And be it further Enacted, That when the proprietor of any lands or other hereditaments in lieu of which allotments are directed to made by this or the said first recited Act, shall hold the same for different Estates or by different tenures or under different Titles, and the said Commissioner shall have omitted in his award to make such distinction as last aforesaid, and after the making the said award, request in writing shall be made to the said Commissioner by any person interested to have such Omission supplied by a separate instrument, the said Commissioner is hereby authorized, at any time not exceeding Two years from the date of the said award, to do every thing necessary for supplying such omission, and so far as that purpose shall require, to examine witnesses and in every other respect to proceed as if his award had not been made; and when he shall have obtained what he shall think sufficient information touching the matter, he is hereby also authorized by deed under his hand and seal to distinguish the land and hereditaments held for such different estates and under such different tenures and titles respectively, and accordingly to distinguish
and

and separate the allotments in the same manner as is hereby required where such discrimination should be contained in the said award, and every such separate instrument shall be inrolled in the same place, and evidence thereof shall be given in the same manner as by the said recited Act and this Act or either of them is directed concerning the said award; and all reasonable expences incurred in or about such separate instruments as aforesaid, shall be payable by the person who shall have so requested the said Commissioner to make the same, or by his heirs executors or administrators, and every such separate instrument shall immediately after the execution thereof by the said Commissioner have the same effect as if the contents thereof had been contained in the said award, and the same shall after such inrolment as aforesaid be delivered to the person or persons upon whose request any such omission shall have been supplied, or to the person or persons to whom the custody of the deeds and writings concerning the Title to the premises in question shall in the opinion of the said Commissioner most properly belong.

And be it further Enacted, That it shall be lawful for the said Commissioner to set out allot and award any lands tenements or hereditaments whatsoever within the said Parishes of *Battersea* and *Wandsworth* respectively in lieu of and in Exchange for any other lands tenements and hereditaments whatsoever within the said parishes, or within any adjoining parish township or place, so that every such exchange be ascertained specified and declared in and by the award of the said Commissioner, and be made with the consent of the owner or owners, proprietor or proprietors of the lands tenements or hereditaments which shall be so exchanged, whether such owner, or owners, proprietor or proprietors shall be a body or bodies politic corporate or collegiate, or a tenant or tenants in fee simple, or for life or lives or in fee tail general or special, or by the courtesy of *England*, or lessee for years absolute or determinable on any life or lives, and by and with the consent of his respective lessor or lessors, but not otherwise, or with the consent of the guardians trustees or feoffees for charitable or other uses, husbands committees or attornies of or acting for any such proprietors or owners as aforesaid who at the time of making such exchange or exchanges shall be respectively infants, femmes covert, lunatics, or under any other legal disability, or who shall be beyond the seas, or otherwise disabled to act for themselves himself or herself, such consent to be testified in writing under

6. G the

Exchanges may be made.

the common seal of the body or bodies politic corporate or collegiate, and under the hands of the other consenting parties respectively, and all and every such exchange and exchanges so to be made shall be good valid and effectual in the law to all intents and purposes whatsoever: Provided nevertheless, That no exchange shall be made of any lands tenements or hereditaments held in right of any church chapel or other ecclesiastical benefice, without the consent, testified as aforesaid, of the patron thereof, and of the bishop of the diocese in which such lands tenements or hereditaments to be exchanged shall lie or be situate: Provided also, That no such exchange shall be made of copyhold lands or tenements without the consent of the lord or lords, lady or ladies of the manor or manors whereof the same shall be holden: Provided also, That every person to whom any copyhold lands or tenements shall be allotted in exchange shall within Twelve calendar months next after the execution of the said award be admitted tenant of the copyhold lands or tenements so allotted.

Payment of
Expences of
Exchanges.

Provided always, and be it further Enacted, That all the costs charges and expences attending any Exchange which shall be made under and by virtue of this Act, or any agreement matter or thing relating thereto, shall be borne and defrayed by the several parties making or interested in any such exchange or any agreement relating thereto, in such manner and proportions and at such time and place as the said Commissioner shall by his said award or any other writing under his hand order and direct; and in case such costs charges and expences shall not be paid according to such order and direction, it shall be lawful for the said Commissioner and he is hereby required to cause the same to be raised and levied by such ways and means and in such manner as the costs charges and expences of obtaining and passing this Act, and executing the said first recited Act and this Act, can and may be raised and levied.

Settlements,
Wills, &c.
not to be
affected.

And be it further Enacted, That nothing in this Act contained shall extend to revoke, make void, alter or annul any Settlement Deed or Will, or to prejudice any person or persons having any right or claim of dower, jointure, portion, debt, rent or incumbrance out of upon or affecting any of the lands grounds or hereditaments to be divided and allotted or exchanged by virtue of this Act or the said recited Acts, or any part thereof, but that the several messuages lands or hereditaments

ments to be so as aforesaid divided and allotted or exchanged shall immediately after such allotments and exchanges be remain and enure, and the several persons to whom the same shall be allotted or given in exchange, shall from thenceforth stand and be seised or possessed thereof respectively to for and upon the same estates uses and trusts, and subject to such and the same wills, settlements, limitations, remainders, charges and incumbrances, and no other, to for upon and subject to which the lands, grounds, rights or hereditaments in lieu or in respect whereof such allotments and exchanges shall be made, would or ought to have been held in case this Act had not been passed.

And be it further Enacted, That all Costs Charges and Expences incident to and attending the obtaining and passing of this Act, and of surveying, admeasuring, planning, valuing, dividing and allotting the lands grounds and premises hereby directed to be divided allotted and inclosed, and of preparing enrolling and depositing the said award and the copy thereof, and all the charges and expences of the said Commissioner and his clerk, and any sum and sums of money which may be wanted to make compensation in lieu of such small allotments as hereinbefore are mentioned, and all the expences of forming and completing the public carriage roads highways and foot-roads to be set out and appointed by the said Commissioner, and all other expences of carrying this Act and the said recited Acts, into execution, shall be borne and defrayed by the several persons, body or bodies politic corporate or collegiate to whom any allotment or allotments either in land or money shall be made by virtue of this Act, in proportion or as near as may be to the value of their respective allotments (save and except such persons whose property in lands or tenements shall not exceed the yearly value of or who shall not be possessed of personal property to the amount of at the time of making the said allotments in the judgment of the said Commissioner), which said costs charges and expences, shares and proportions, shall be settled and adjusted by the said Commissioner, and shall be paid at such time or place, to such person or persons and in such manner as the said Commissioner shall direct and appoint, and shall and may be recovered in manner directed by the said first recited Act; and in settling and adjusting the proportions to be paid by the said several persons body or bodies politic corporate or collegiate, the Commissioner shall have due regard to the expences
6. occasioned

For defray-
ing the
Costs,
Charges,
and Ex-
pences of
obtaining
and execut-
ing this Act.

occasioned by each person's estate, and shall charge such payments and expences as shall be made and incurred in respect of or relating to the common fields of *Battersea*, upon the parties entitled to allotments therein, and such payments and expences as shall be made and incurred in respect of or relating to the common fields of *Wandsworth*, upon the parties entitled to allotments therein.

Money
advanced to
be repaid
with
Interest.

And be it further Enacted, That in case any Money shall be advanced by any person for defraying the expences of obtaining this Act, or in the execution of any of the powers hereby or by the said first recited Act given for carrying the objects of this Act into execution, or in any manner relative thereto, such money shall be repaid with lawful Interest out of the first money to be raised by the said Commissioner in pursuance of this Act.

Directions
for charging
Copyholds
with Ex-
pences.

And be it further Enacted, That when and so often as it may be necessary to charge any lands tenements or hereditaments which shall be allotted by virtue of the said first recited Act or of this Act, and which are or shall become Copyhold, with any sum or sums of money by way of mortgage for paying and defraying any share or shares of the costs charges and expences of obtaining and executing this Act and the said recited Acts, then and in such case such copyhold premises shall be surrendered (and in case such charge shall be made by the said Commissioner, it shall be by deed, which shall operate as a surrender of the same) to the use of the person or persons who shall advance and lend such sum and sums of money, and his her or their heirs and assigns (according to the custom or customs of the manor or manors whereof the same shall be holden), by way of mortgage for securing such sum or sums of money and interest, instead of being mortgaged and surrendered to such person or persons, his her or their executors administrators or assigns, for a term of years as mentioned in the said recited Acts.

A part of
the Allot-
ment to in-
capacitated
Persons
may be sold
to pay
Expences.

And be it further Enacted, That it shall be lawful for the said Commissioner on application being made to him in writing by any of the husbands, guardians, trustees, committees or attornies of or for any of the proprietors or persons interested in the premises, being under coverture, minors, idiots, lunatics, or beyond the seas, or under any other disability or incapacity, or by the persons acting as such guardians, trustees, committees

or

or attornies respectively, or by any of the said proprietors of the lands hereby directed to be divided and allotted, or any part or parts thereof, who are or shall be tenant or tenants in tail, or for any life or lives, or on any other contingency (save and except the said Vicar of *Battersea* for the time being) to sell any part of the Allotment or Allotments to be made by virtue of this Act to such incapacitated Proprietor or Proprietors, or other person or persons by whom or on whose behalf any such application shall be made as aforesaid, for the purpose of raising a sum of money sufficient to defray the respective shares and proportions of the Costs and Expences of obtaining and passing this Act, and of executing the said recited Acts and this Act, which shall be charged upon or payable by such incapacitated proprietors or other person or persons respectively, and of fencing, inclosing, subdividing and draining his her and their allotment or allotments, and of making and completing such sale, and such sale shall be made by the said Commissioner in such and the like manner and subject to such and the like rules and regulations as are mentioned and prescribed in and by the said first recited Act in respect to the sale of any lands authorized to be sold for paying the expences of obtaining and carrying into execution any Act for dividing allotting and inclosing any lands or grounds; and each and every allotment for which the full purchase-money shall be paid, shall be conveyed by the said Commissioner, at the expence of such purchaser or purchasers, unto and to the use of or in trust for such purchaser and purchasers, and his her or their heirs respectively, or as he she or they shall appoint, and shall be inclosed and held by such purchaser or purchasers respectively in severalty; and the receipt of the said Commissioner shall be a good and sufficient discharge to such purchaser or purchasers for the said purchase-money, which shall be applied by the said Commissioner in or towards defraying such last-mentioned costs charges and expences: Provided always, That it shall not be lawful to raise by such sale any further or greater sum of money than the person or persons, part of whose allotment or allotments shall be sold as aforesaid, would have been empowered or authorized to borrow or charge upon his her or their allotment or allotments under or by virtue of the said first recited Act, not exceeding Five pounds for each and every acre thereof: Provided also, That in all cases where any money shall be raised for the purpose aforesaid, it shall not be lawful for the person or persons, part of whose allotment or allotments shall be sold as aforesaid,

to charge his her or their lands tenements or hereditaments, by virtue of the said first recited Act or this Act, with any money towards payment of his her or their share of the expences of obtaining this Act or of executing the said recited Acts or this Act, unless the money to arise by such sale shall not amount to the sum of Five pounds per acre of such allotment or allotments, and then and in such case it shall be lawful for such person or persons to charge his her or their allotment or allotments, or to raise by mortgage thereof, or by such other ways and means as mentioned in the said first recited Act or this Act, the remainder of such money for the payment of the expences of obtaining this Act and of executing the said recited Acts and this Act, so that the whole Sum to be raised by virtue of this Act shall not exceed the sum of Five pounds per acre, according to the number of acres contained in such allotment or allotments.

Allowance
to Com-
missioner.

And be it further Enacted, That out of the Monies which shall be raised for defraying the expences of obtaining and passing this Act and executing the same and the said recited Acts, the said Commissioner and the Clerk to be appointed by him as hereinbefore directed, shall respectively be paid for each and every day they shall travel or be employed in any business relating to the execution of this Act or the said recited Acts, during the first three years next after the passing of this Act, the respective sums of Four pounds and Four shillings and Three pounds and Three shillings, (that is to say, as to the said Commissioner the sum of Four pounds and Four shillings, and as to the said Clerk the sum of Three pounds and Three shillings) and no more ; and after the expiration of the said Three years until the powers granted by this Act shall be fully executed and performed, the respective sums of Three pounds and Three shillings and Two pounds and Two shillings (that is to say, as to the said Commissioner the sum of Three pounds and Three shillings, and as to the said clerk the sum of Two pounds and Two shillings) and no more, for each and every day they shall be respectively employed as aforesaid, in full satisfaction for their time and trouble, and for the several expences which they shall be put to during their several journies and attendances in the execution of this Act or the said recited Acts, other than and except the expences for the use of the room in which the meetings shall be holden for carrying this Act and the said recited Acts into execution, and the costs and expences of drawing, preparing, copying, engrossing and enrolling the award of the said Commissioner, and of advertisements.

And

AND for regulating the duration of all Meetings to be holden for the purposes of this Act; BE it Enacted, that a day shall be deemed to consist of eight hours in all meetings to be held between the Twenty-fifth day of *March* and the Twenty-ninth day of *September*, and of six hours between the Twenty-ninth day of *September* and the Twenty-fifth day of *March*; and that any Meeting to be holden for the purposes of this Act of less duration than Eight hours or Six hours, as the case may be, shall be charged as only Half a Day, and the said Commissioner and the said Clerk shall be paid accordingly; Provided also, That it shall not be lawful for the said Commissioner to retain or pay himself or such Clerk out of any monies to be received by him or over which he may have any controul in the execution of this Act, any sum or sums of money on account of the allowance hereinbefore directed to be made to such Commissioner and Clerk respectively beyond one-third of such allowance as they shall be entitled to as aforesaid, until after the expiration of Six calendar months from the date of the Award hereinafter directed to be made, or in case the accounts of the said Commissioner shall be appealed against, then not until such appeal shall have been heard and decided. Provided nevertheless, That in case of the decease of the said Commissioner or of the said Clerk previous to the execution of the Award hereinafter directed to be made, the Commissioner for the time being shall after the expiration of the period allowed for, appeal against the accounts hereinafter directed to be made and stated, pay to the executors or administrators of such Commissioner, or of such deceased Clerk such sum of money as shall appear by the said accounts to be due to them.

For regulating the Duration of Meeting.

Provided also, and be it further Enacted, That the several Proprietors their Attornies or Agents, shall pay their own Expences when they or any of them shall attend the said Commissioner at any of the meetings to be holden in pursuance of this Act or the said recited Acts.

Proprietors and Agents to pay their own Expences on attending Commissioner.

And be it further Enacted, That the said Commissioner shall not at any time permit or suffer any just claims or demands upon him, as such Commissioner, to remain unpaid for a longer period than Three calendar months, except such sums as may from time to time be due and owing to the said Clerk for attendances at meetings to be held in pursuance of this Act, and once at least in every year during the execution of this

Commissioner to lay his Accounts before Justices.

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 sums of money by him received and expended, or due to him or to the clerk for their respective trouble and expences in the execution of this Act, and such statement or account, when so made, together with the vouchers relating thereto, shall be by him laid before one or more of His Majesty's Justices of the Peace for the County of *Surrey*, (not interested in the said Inclosure) to be by him or them examined and balanced, and such balance shall be by such Justice or Justices stated in the books of accounts to be kept in the office of the clerk to the said Commissioner, and an abstract of such account so examined and balanced shall be from time to time published in the County Chronicle or some other newspaper circulated in the County of *Surrey*, 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 by such Justice or Justices, and until such account or the abstract thereof shall have been published in such newspaper as aforesaid, subject nevertheless to the power of appeal hereinafter contained.

Copy of
Award to be
deposited
with the
Clerk of the
Peace, and
in the Parish
Churches of
Battersea
and *Wands-*
worth.

And be it further Enacted, That copies of the Award of the said Commissioner and of the Supplemental Award (if any) which shall or may have been made pursuant to the provision in that behalf hereinbefore contained, after the same awards respectively shall have been inrolled in manner directed by the said recited Act, shall together with a map or plan annexed thereto, be deposited with the Clerk of the Peace for the County of *Surrey*, and also in the Parish Churches of *Battersea* and *Wandsworth* aforesaid.

Appeal to
the Quarter
Sessions.

And be it further Enacted, That if any person or persons body or bodies politic corporate or collegiate, shall think himself herself or themselves aggrieved, by any thing done or omitted to be done in pursuance of this Act or the said recited Acts, except such determinations as are by this Act or the said recited Acts declared to be conclusive, and except in cases wherein an issue at law shall be tried as hereinbefore is mentioned, he she or they may appeal to the General Quarter Sessions of the Peace which shall be holden for the said County of *Surrey* within Six calendar months next after the cause of complaint shall have arisen, on giving to the said Commissioners and to the party concerned at least Fourteen days notice in writing
of

of such Appeal and of the matter thereof, and the Justices (not interested in the premises) in such sessions assembled are hereby required to hear and determine every such Appeal, and to make such order therein, and to award such costs and damages as to them shall seem reasonable, and by their order or warrant to levy the costs and damages which shall be awarded by distress and sale of the goods and chattels of the party liable to pay the same, rendering the overplus (if any) to the owners of such goods and chattels, after deducting the reasonable charges of such warrant distress and sale, and every order and determination of the said Justices upon every such Appeal shall be conclusive, and shall not be removable by *certiorari* or any other writ or process whatsoever into any of His Majesty's Courts of Record at *Westminster* or elsewhere; and in case such Appeal shall appear to the said Justices to be vexatious, then the said Justices are hereby required to award such costs to be paid by the appellant as to them shall seem reasonable, and which costs shall be levied in manner aforesaid.

Provided always, and be it further Enacted, That nothing in the said recited Acts or in this Act contained shall authorize or enable the said Commissioner to remove or alter any part of the *Surrey* Iron Railway, made in pursuance of an Act passed in the Forty-first year of the reign of his late Majesty King *George* the Third, intituled, "An Act for making and maintaining a Railway from the Town of *Wandsworth* to the Town of *Croydon*, with a collateral Branch into the Parish of *Carshalton*, and a navigable communication between the River *Thames* and the said Railway at *Wandsworth*, all in the County of *Surrey*," which passes through or over any of the said common fields, or to disturb the possession by them of any parcels of the same common fields, which they shall have taken and appropriated under the powers and for the purposes of the same Act; but the said Commissioner shall allot such parcels to the Company of Proprietors of the said Iron Railway, to be held by them in trust for the purposes of the last recited Act, freed and discharged from all rights of common in upon or over the same; nevertheless the said Commissioner may make and establish such roads and ways across, and such drains channels and watercourses under, any part or parts of the said Iron Railway or the lands last mentioned, for the purposes of the first recited Act and of this

Restrictions
as to the
Surrey Iron
Railway.

ON LEAD TO
LONDON COUNTY
CORPORATION
A/3m/630

**BATTERSEA & WANDSWORTH
INCLOSURE.**

B I L L

FOR

Inclosing Dividing and Allotting certain Open
and Inclosed Common Fields in the Parishes
of Battersea and Wandsworth, in the County
of Surrey.

*Bill brought into the House
of Commons and read a first
time Tuesday 11 March 1828
and thrown out on the second
reading Monday 31 March 1828
the numbers as follows
For the Amendment 92
For second reading 72*

May 1828 20

The Bill was read a second time

**GEO. IV.
ss. 1828.**

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

SPEDDING,

Solicitor.

DORINGTONS & JONES,

Parliamentary Agents,

House of Commons.

Bills brought into the House
 of Commons and read a first
 time Tuesday 11 March 1828
 and thrown out on the second
 reading Monday 31 March 1828
 the numbers as follows
 For the Amendment — 92
 For second reading — 72

Inclosing 1
 and Incl
 of Batten
 of Surre

Magistry — 20
 The Bills consequently lost
 Wm

acted, That this Act shall be printed
 The King's most Excellent Majesty,
 the Statutes of the United Kingdom.