ANNO QUARTO

GEORGII IV. REGIS.

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causing the present Roads along the remaining Sides of *Kew Green* to be put in good State and Condition; and also of causing the said Roads and Footpaths, and all other the Highways and Footpaths in the said Parish of *Kew*, to be for ever hereafter kept in good Repair: And whereas His Majesty and *William Selwyn* Esquire, and other Persons, are Owners of certain Meadow Lands in the said Parish of *Kew*, adjoining the Towing Path of the River *Thames*, and containing Nineteen Acres Three Roods and Fourteen Perches, or thereabouts: And whereas *John Haverfield* Esquire, and other Persons, are Occupiers of Estates in the said Parish of *Kew*, and respectively are or claim to be entitled to Rights of Common of Pasturage over the said Meadow Lands during Half of every Year: And whereas an Act was passed in the Forty-first Year of the Reign of His late Majesty, intituled *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas an Act was passed in the First and Second Years of the Reign of His present Majesty, intituled *An Act to amend the Laws respecting the inclosing of Open Fields, Pastures, Moors, and Waste Lands in England*: And whereas the said Meadow Lands are in their present State incapable of any considerable Improvement, and it would be advantageous to the several Persons interested therein if the same were divided, and specific Shares allotted to the several Proprietors thereof, and if the Persons entitled to Rights of Common during Half the Year over the same were in lieu thereof to have the same Rights of Common at all Times of the Year over a Part thereof: But inasmuch as the several Purposes aforesaid cannot be effected without the Aid and Authority of Parliament; May it 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 from and immediately after the said Roads and Footpaths, in lieu of the said present Road to *Brentford Ferry*, shall be made as herein-after is mentioned, His Majesty, His Heirs and Successors, shall and may, at His and their own Costs and Charges, inclose and continue inclosed, freed and discharged of and from all Common Rights of what Nature or Kind soever, all that Piece or Parcel of Land, Part of the said Waste or Common called *Kew Green*, and the Road from thence to His Majesty's Palace and *Brentford Ferry*, and the Waste Ground adjoining thereto, bounded at the East End thereof by a straight Line drawn from the North-east Corner of the Messuage belonging to His Majesty, lately in the Occupation of *Barbara Meyer* Widow, to the Entrance into the Royal Gardens on the opposite Side of the said Common, as the same hath been marked by a Stone Dwarf Wall, with an Iron Railing, lately erected by His Majesty; on the North Side thereof by Messuages and Grounds lately in the Occupation of the said *Barbara Meyer* and *Robert Hunter* Esquire, and now belonging to His Majesty, and on Part by the said intended Footpath next the Towing Path, extending from the said Iron Railing, at the South-east Corner of the said Ground lately in the Occupation of the said *Barbara Meyer*, Westward, to the South-west Corner of the said Ground lately in the Occupation of the said *Robert Hunter*, as then

41 G. 3. c. 109.

1 & 2 G. 4. c. 23.

His Majesty may inclose Part of Kew Green;

then proceeding Northward to the North-west Corner of the said last-mentioned Ground, and running from thence Westward along the South Side of the said intended Footpath to the said Ferry, and bounded at the West End and on the South Side thereof by Walls and other Erections inclosing the Palace and Royal Gardens belonging to His Majesty, and Ways or Entrances into the same, extending from the Ferry aforesaid, in an irregular Line, to the South-east Corner of the said Iron Railing; and also to cause to be discontinued the Road through that Part of the said Common herein-before authorized to be inclosed, and from thence to His Majesty's Palace and the said Ferry called *Brentford Ferry*; and it shall not be lawful for any Person or Persons at any Time after the said Roads and Footpaths shall be raised and completed, to make use of the said Road or any Part thereof, on Foot or otherwise; any Right, Claim, Usage, or Custom to the contrary thereof in anywise notwithstanding.

and shut up the present Road to the Ferry.

II. Provided always, That the King's most Excellent Majesty shall, at His and Their own proper Costs and Charges, cause to be made, in lieu of the said Road to *Brentford Ferry*, the Roads and Footpaths herein-after mentioned; (that is to say), a good and substantial Road for Carriages from the End of *Kew Bridge*, Westward, along the Side of the Footpath in Front of the Houses on the North Side of *Kew Green* aforesaid, to the North-eastward of the said Stone Dwarf Wall and Iron Railing, and a good and substantial Road and Path for Carriages and Persons on Foot, continued from the End of the said last-mentioned Road, and the Footpath by the Side of which it shall be made, Northward, along the East Side of the said Grounds of His Majesty, to the Towing Path of the River *Thames*, and a good and substantial raised Footpath and Road for Carriages by the Side thereof, continued from the End of the said last-mentioned Road, Westward, along or on the Side of the said Towing Path, to *Brentford Ferry* aforesaid; and shall also cause to be made a good and substantial Footpath along the Eastern End of the remaining Part of *Kew Green* aforesaid, by the Side of the said Stone Dwarf Wall and Iron Railing, and shall also cause the present Road on the North Side of *Kew Green* aforesaid, Eastward from *Kew Bridge*, and the present Roads along the West and Southern Sides of *Kew Green* aforesaid, to be put in good and substantial State and Condition; and that His Majesty, His Heirs and Successors, or any Person or Persons claiming by, from, or under or in Trust for His Majesty, His Heirs and Successors, who shall for the Time being respectively hold, occupy, possess, or enjoy the Gardens and Grounds belonging to His Majesty at *Kew*, do and shall keep the said Roads and Footpaths aforesaid, and all other the Highways and Footpaths in the said Parish of *Kew*, in such good and sufficient Repair as that the said Footpaths and all other Footpaths shall be convenient at all Times hereafter for Passengers on Foot, and that the said Roads and all other Highways shall at all Times hereafter be convenient for Passengers on Foot and on Horseback, and for the passing and repassing of Carriages.

His Majesty to cause a Footway to be made to the Ferry, and Roads to be made round Kew Green, and all the Highways and Footpaths in the Parish to be kept in Repair.

III. And be it further enacted, That *Thomas Crowter* the elder, of *Cobham* in the said County of *Surrey*, Land Surveyor, shall be and is hereby appointed the sole Commissioner for dividing, allotting, and

Commissioner appointed.

and inclosing the said Meadow Lands, and for putting this Act in Execution, subject to the Rules, Orders, Directions, and Regulations of the said recited Acts, which shall be applied and taken as Part of this Act, except only in Cases where the same are hereby varied or altered.

Power to elect a future Commissioner.

IV. And be it further enacted, That if the said *Thomas Crawter*, or any Commissioner to be appointed in his Stead, shall die or refuse to act, or become incapable of acting as a Commissioner in the Execution of this Act, it shall be lawful for the major Part in Value (such Value to be ascertained by the Poors Rate Assessment) of the Owners of or Persons interested in the said Meadow Lands, within Twenty Days next after such Death, Refusal, or Incapacity shall be known, at a public Meeting to be called for that Purpose by any Two of the said Owners or Persons interested, (of which Meeting Ten Days previous Notice shall be given in the Church of *Kew* aforesaid, and inserted in One of the Newspapers published in the County of *Surrey*, or as soon after as conveniently may be, by Writing under their Hands, to appoint a proper Person (not interested in the said Division) to be a Commissioner in the Room of the said *Thomas Crawter*, and in the Room of any Commissioner so appointed in his Stead, who shall die, or refuse to act, or become incapable of acting as aforesaid; and every such future Commissioner so to be appointed shall have the like Powers and Authorities for putting in Execution this Act and the said recited Acts, as if he had been named a Commissioner in and by this Act.

Appointment of a Surveyor.

V. And be it further enacted, That *Thomas Crawter* the younger of *Cobham* aforesaid, Land Surveyor, shall be and he is hereby appointed Surveyor for making such Survey, Admeasurement, or Plan, and for reducing the same into Writing, and specifying and setting forth such Particulars as are in that Behalf required, under and by virtue of the said first recited Act; and in case the said *Thomas Crawter* the younger shall die, or refuse or neglect to act, or be or become incapable of acting, the said Commissioner is hereby authorized and required forthwith to appoint such Surveyor in his Stead, and so from Time to Time, as often as any Surveyor for the Purposes of this Act shall die, or refuse to act, or be or become incapable of acting; and no Person shall act as such Surveyor until he shall have taken and subscribed the Oath or Affirmation following; that is to say,

'I *A. B.* do swear [*or*, being One of the People called *Quakers*, do solemly affirm], That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the Duties incumbent on me as a Surveyor, by virtue of an Act passed in the Fourth Year of the Reign of His present Majesty, intituled [*here insert the Title of this Act*] according to Equity and good Conscience, and without Partiality, Favour, or Affection, Prejudice or Malice, to any Person or Persons whomsoever.

'So help me GOD.'

Which Oath or Affirmation the said Commissioner is hereby authorized and required to administer; and the said Oath or Affirmation,

so taken and subscribed by such Surveyor or Surveyors, shall be annexed to the Award of the said Commissioner.

Notice of the Commissioner's Attendance.

VI. And be it further enacted, That the said Commissioner shall cause Notice to be given upon some *Sunday* immediately before Divine Service, by Writing to be affixed upon the principal Door of the Church of *Kew* aforesaid, of the Time and Place of his first and every subsequent Attendance for the Execution of this Act, Ten Days at least before any such Attendance, and the said Commissioner may adjourn such Attendance from Time to Time as he shall see Occasion; and in case he shall not be present at the Time and Place appointed for such Attendance, it shall be lawful for any Person who shall act as Clerk to the said Commissioner to adjourn the same to any future Day: Provided always, that all Attendances of the said Commissioner by virtue of this Act shall be given at some convenient Place in the said Parish of *Kew*.

Meetings to be held in the Parish of Kew.

Other Notices to be given in the County Herald Newspaper.

VII. And be it further enacted, That all other Notices necessary to be given by the said Commissioner shall be given by Advertisement, to be inserted in *The County Herald*, or in some other Newspaper usually circulated in the Neighbourhood of the said Inclosure.

Commissioner to determine Differences;

VIII. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested in the said Meadow Lands concerning their respective Rights or Interests therein, or any Allotment to be made in lieu thereof, or any other Matter or Thing relating to the Division hereby directed to be made, it shall be lawful for the said Commissioner, and he is hereby required to examine into and determine the same: Provided always, that nothing in this Act contained shall authorize the said Commissioner to determine the Title to any Lands, Tenements, or Hereditaments whatsoever.

but not Questions of Title.

Rights of Possession not to be determined by the Commissioner.

IX. 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; but if 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 or recovered from such Person or Persons, by Ejectment or other due Course of Law.

Power to the Commissioner to assess Costs.

X. And be it further enacted, That whenever the said Commissioner shall, upon Determination of any Claim or Objection to be delivered to him in pursuance of this or the said first recited Act, see cause to award any Costs, it shall be lawful for him, upon Application made for that Purpose, to settle, assess, and award such Costs as he shall think reasonable, to be paid to the Party or Parties in whose Favour any Determination shall be made by the Party or Parties whose Claim or Objection shall be thereby rejected; and in case such Costs shall not be paid on Demand, it shall be lawful for the said Commissioner, and he is hereby required, by Warrant under his Hand and Seal, directed to any Person whomsoever, to cause such Costs to be levied by Distress and Sale of the Goods and Chattels

of the Party neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand to the Party whose Goods and Chattels shall have been so distrained and sold, after deducting the Charges attending such Distress and Sale.

Power to try Claims at Law.

XI. Provided always, and be it further enacted, That in case any Person or Corporation claiming to be interested in the said Meadow Land shall be dissatisfied with any Determination of the said Commissioner, concerning any Rights or Interests in or over the same, and shall, by Writing under his or her Hand, or the Hand of his or her Agent, or under their Common Seal respectively, signify the same to the said Commissioner within Three Calendar Months next after any such Determination shall have been made, and signified by Writing under the Hand of the said Commissioner, to the Person or Corporation against whom the same shall have been so made, or his, her, or their Agent, or Attorney, it shall be lawful for the Person or Corporation so dissatisfied with such Determination, to have the Subject thereof tried at Law, by an Action to be brought by him, her, or them, against any Person or Persons, or Corporation, in whose Favour such Determination shall have been made, or against the said Commissioner, upon a feigned Issue, to be settled by the proper Officer of the Court where such Action shall be brought, in case the Parties differ about the same, such Action to be brought within Three Calendar Months next after any such Determination shall have been made, and Notice thereof given as before directed; and the Defendant or Defendants in such Action is and are hereby required to name an Attorney or Attornies who shall appear thereto, or file Common Bail, and accept One or more Issue or Issues, by which the Matter of such Determination of the said Commissioner may be tried, and the Plaintiff or Plaintiffs shall thereupon proceed in such Action so as to have the same tried and determined at the First or Second Assizes, to be holden for the said County of *Surrey*, next after the Commencement of the said Action, and the Verdict of the Jury on such Trial shall be binding and conclusive upon all the Parties interested therein, unless the Court wherein such Action shall be brought shall set aside such Verdict, and order a new Trial to be had thereupon, which it shall be lawful for the Court to do, as is usual in other Cases; and also upon sufficient Cause shewn to put off the Trial of such Issue, and that after such Verdict shall have been given, and final Judgment obtained thereon, 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 that all such Determinations of the said Commissioner as shall not be objected to as aforesaid, or in respect of which the dissatisfied Party shall not cause such Action at Law to be brought and proceeded in as aforesaid, shall be absolutely final and conclusive.

Determination of the Commissioner not objected to, to be final.

Suits not to abate on the Death of Parties.

XII. And be it further enacted, That if any or either 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 be proceeded in as if no such Event had happened.

XIII. Pro-

XIII. Provided always, and be it further enacted, That if any Person or Persons in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions 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 Corporation who might have brought such Action or Actions 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 to the said Commissioner with Process 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 Person or Persons so dead, and Proceedings shall be had therein as if such Person or Persons had been actually living, and the Right of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

In case of the Death of Parties before Actions brought, the same to be carried on and defended in their Names.

XIV. And be it further enacted, That the said Commissioner shall set out, divide, and allot the said Meadow Lands unto and amongst His Majesty and the several other Persons who, at the Time of such Allotment, shall be Owners of any Parts, Shares, or Lots thereof, according to their several Shares, Parts, Lots, and Interests therein, in such Proportions and Allotments, to be settled and ascertained by such Ways and Means as to the said Commissioner shall seem most equitable and proper, and to be held in Severalty in lieu of the Shares, Parts or Lots, and Interests to which they are now respectively entitled of and in the same.

The Meadow Lands to be allotted among the Owners according to their Shares.

XV. And be it further enacted, That all Lands which shall be allotted by virtue of this or the said first recited Act shall be held under the same Tenure, Rents, Customs, and Services as the Lands in lieu of which such Allotments shall be made were respectively held before the passing of this Act, or would have been held in case this Act had not been made.

Allotments to be of the same Tenure.

XVI. And be it further enacted, That the said Commissioner shall, after setting out the said Allotments, set out, allot, and award such Part or Parts of the Allotment or Allotments of the said Meadow Lands which shall be made to His Majesty as aforesaid, for the Enjoyment of such Right of Common of Pasturage over the same at all Times of the Year, by the Persons who, if this Act had not been made, would have been entitled to such Rights during Half the Year over all the said Meadow Lands, as the said Commissioner shall adjudge to afford a fair Equivalent and Compensation for such Rights of Common as such Persons are now entitled to over all the said Meadow Lands; and the Persons who would for the Time being respectively have been entitled to Right of Common over the said Meadow Lands during Half the Year, if this Act had not been passed, shall, in full Satisfaction of such Rights, have and enjoy exclusively, and at all Times of the Year, such and the like Rights of Common for such and the

Allotment of Part of the King's Allotment for a Common at all Times of the Year.

the like Cattle, and under such and the like Regulations and Restrictions (as far as Circumstances will permit) as they respectively are now entitled to over the said Meadow Lands during Half the Year; and from and after the Execution of the Award by the said Commissioner, all such Rights of Common over all the Parts of the said Waste and Common, and of the other Parts of the said Meadow Lands to be inclosed and divided as aforesaid, shall cease and be for ever extinguished.

Value of Discharge from Common Right of every Allotment to be awarded, and paid by the Owners to the King.

XVII. And be it further enacted, That the said Commissioner shall also award and determine the Amount or Value in Money of the Discharge from the said Right of Common during Half the Year, of every Allotment to be made of the said Meadow Land to every Person except His Majesty; and such Amount or Value shall be paid by the Person or Persons entitled to such Allotment respectively to His Majesty, His Successors or Assigns, and the Receipt of any One of the Commissioners of His Majesty's Woods, Forests, and Land Revenues, shall be an effectual Discharge for the same respectively.

If Default is made in Payment to the Crown of the Sums awarded, the Commissioner shall sell the Allotment, or a sufficient Part to pay the same.

XVIII. And be it further enacted, That in case the Person or Persons to whom any Allotment shall have been made shall neglect or refuse to pay the Sum of Money so awarded to be paid by him or them to His Majesty, His Successors or Assigns as aforesaid, or any Part thereof, for the Space of Two Calendar Months next after the Execution of the Award of the Commissioner, then and in such Case the said Commissioner shall and he is hereby required to sell the Allotment in respect of which such Sum of Money ought to have been paid, or a sufficient Part thereof, by Public Auction or Private Contract, and out of the Money which shall be produced by such Sale to retain all the Costs and Expences attending such Sale, and pay the said Sum of Money, or so much thereof in Payment of which Default shall have been made as aforesaid, unto His Majesty, His Successors or Assigns, in Manner aforesaid; and the Residue or Surplus, if any, of such Money, shall be paid to the Person or Persons to whom such Allotment shall have been made: And the said Commissioner shall and he is hereby empowered to convey such Allotment, or such Part thereof as shall be sold, and the Fee Simple and Inheritance thereof, by a Deed under his Hand and Seal, to the Purchaser or Purchasers thereof, his or their Heirs and Assigns, or as he or they shall direct, at the Expence of such Purchaser or Purchasers, and the Receipt of the said Commissioner on the Back of such Deed respectively shall effectually discharge the Purchaser or Purchasers from seeing to the Application of the Purchase Money, or being answerable for the same.

Commissioner may direct Ditches to be made.

XIX. And be it further enacted, That the said Commissioner may set out and direct such new Ditches and Watercourses to be made, of such Depth and Breadth, and in such Situation and Direction as the Commissioner shall think proper, in, through, or upon the Land hereby directed to be divided and inclosed, or any Part or Parts thereof; and the said Commissioner shall, and he is hereby directed, by his Award, to direct by whom and at whose Expence, and at what Time and in what Manner the present Ditches or any such Ditches

and Watercourses shall be thereafter repaired, scoured, and maintained.

Commissioner to direct within what Time Fences are to be made.

XX. And be it further enacted, That the said Commissioner for the Time being shall, and he is hereby required, by the Award to be executed by him, to direct and declare within what Time, and how and in what Manner, the Fences for dividing and inclosing the several Allotments to be set out and inclosed under and by virtue of this Act shall be made, and by whom the same shall for ever thereafter be kept in Repair.

Wills and Settlements not to be affected.

XXI. And be it further enacted, That nothing in this Act contained shall extend to revoke, make void, alter, or prejudice any Settlement, Will, Mortgage, or Deed, or other Instrument whatsoever, or to prejudice any Person or Persons having any Right to or Claim of Dower, Jointure, Portion, Debt, Charge, or Incumbrance whatsoever in, out of, upon, or affecting any Lands or Hereditaments which shall be divided and allotted in pursuance of this Act or the said first recited Act, but that the several Lands so to be allotted shall from and after the making of such Allotments be, remain, and be held and enjoyed, and the several Persons to whom the same shall be allotted shall from henceforth stand and be seised and possessed thereof respectively, to such and the same Uses, and for such and the same Estates, and with such and the same Powers and Authorities for making Leases or otherwise, and subject to the same Wills, Limitations, Conditions, Settlements, Uses, Trusts, Powers, Provisoes, Debts, Charges, and Incumbrances as the several Lands, Tenements, or other Hereditaments, in respect or in lieu whereof such Allotments shall be respectively made, were and stood severally limited, or subject and liable unto, at the Time of making such Allotments respectively.

Award with Plan of Meadow Land to be deposited among the Records of the County,

and a Copy thereof deposited in the Church of Kew.

XXII. And be it further enacted, That the Award to be made by the said Commissioner under the Authority of this Act and the said first recited Act, together with a proper Map or Plan of the said Meadow Land thereto annexed, shall, within Twelve Calendar Months after the Execution thereof, be delivered to the Clerk of the Peace for the said County of *Surrey*, who is hereby required to deposit and keep the same among the Records of the said County, so that Recourse may be had thereto by any Person or Persons interested in the Premises, for the Reception whereof the Sum of Three Pounds Three Shillings shall be paid and no more, and for Inspection and Perusal whereof the Sum of One Shilling and no more shall be paid; and the said Award shall from and after the Delivery thereof to the said Clerk of the Peace be deemed and taken to be enrolled, according to the Directions and within the Meaning of the said first recited Act; and a Copy of the said Award, fairly transcribed in a Book, with a proper Map or Plan of the Allotments, shall within the Time aforesaid be deposited in the Church of *Kew* aforesaid, and there be kept in a Tin Box to be provided for that Purpose; and the said Award and Copy thereof, as well as any other Copy of the said Award, or any Part or Parts thereof, which shall be attested by the said Clerk of the Peace or his Deputy, (for every Sheet of which Copy, containing Seventy-two Words, Four-pence and no more shall be paid), shall from Time to Time and at all Times thereafter

be admitted and allowed as legal Evidence of the Matters and Things therein contained in all Courts whatsoever.

Allowance to the Commissioner, &c.

XXIII. And be it further enacted, That the Commissioner for the Time being shall be allowed and paid the Sum of Three Pounds and Three Shillings, and no more, for every Day which he shall travel or be employed, and actually attend in any Business relating to the Execution of the Powers and Authorities hereby in him reposed, which Sum shall include all his Expences; and that the Surveyor appointed by the said Commissioner shall be paid such Sum or Sums of Money for his Pains, Trouble, Expences, and Attendances on the said Commissioner in the Execution of this Act, as the Commissioner shall think just and reasonable.

Appeal to the Quarter Sessions.

XXIV. And be it further enacted, That if any Person or Persons, or Body or Bodies Politic, or Corporate, or Collegiate, shall think himself, herself, or themselves aggrieved by any thing done or omitted to be done in pursuance of the said recited Acts or this Act (other than and except as to such Claims, Matters, and Things as shall be ascertained, settled, tried, or determined by the Verdict of a Jury, under the Power and Authority herein-before contained, or where by any of the Provisions of the said recited Acts or this Act the Determinations, Orders, Acts, or Proceedings of the said Commissioner are declared or directed to be final or conclusive), then and in every such Case he, she, or they may appeal to the Justices at the General or Quarter Sessions of the Peace which shall be held for the said County of *Surrey*, within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioner, and to the Party or Parties concerned, Ten Days Notice in Writing of such Appeal, and of the Matter thereof; and the Justices (not interested in the Premises), at the said General Quarter Sessions, are hereby required to hear and determine the Matter of every such Appeal, and to make such Order, and award such Costs and Damages as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs and Damages which shall be so awarded, by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any), upon Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale; and the Determination of such Justices shall be final and conclusive to all Parties concerned, 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 sufficient Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants as to the said Justices in their Discretion shall seem reasonable, and to be levied in manner aforesaid.

Auditor of the Commissioner's Accounts.

XXV. And be it further enacted, That the Accounts of the Commissioner for the Time being, containing a true Statement of all Sums received and expended, or due to him for his own Trouble and Expences, shall, at least once in every Year after the passing of this Act,

until such Accounts shall be finally allowed, together with the Vouchers relating to the same, be examined and audited by one of His Majesty's Justices of the Peace for the said County of *Surrey*, and the Balance by him stated in the Book of Accounts to be kept in the Office of the Clerk to the said Commissioner, and that no Charge or Item in such Accounts shall be binding on the Parties concerned, or be valid in Law, unless the same shall be duly allowed by the said Auditor.

For paying the Expences of this Act.

XXVI. And be it further enacted, That all the Costs, Charges, and Expences of the said Commissioner, and the Allowances to be made to him, and all other incidental Expences attending the obtaining and passing of this Act, and of the valuing, surveying, planning, measuring, dividing, and allotting the Lands and Grounds hereby directed to be divided, allotted, and inclosed, and of preparing the Award of the said Commissioner, and all other Charges and Expences of carrying this Act and the said first recited Act into Execution, shall be paid by His Majesty, His Successors or Assigns.

General Saving.

XXVII. Saving always to all and every other Person or Persons, and Body or Bodies Politic, Corporate, or Collegiate, and his, her, and their Heirs, Successors, Executors, and Administrators (except His Majesty, and the several Persons to whom any Allotment or Allotments shall be made in pursuance of the said first recited Act or this Act, or who shall be entitled to Rights of Common upon the Allotment or Allotments to be awarded for the Enjoyment of such Rights, for and in respect of such Rights or Interests as are hereby meant and intended to be barred and destroyed and extinguished; and all Persons respectively claiming under them, or in Remainder after them), all such Right, Estate, Title, and Interest as they, every or any of them could or might have had and enjoyed of, in, to, or in respect of the Lands hereby directed to be divided and inclosed, in case this Act had not been passed.

Public Act.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1823.