



ANNO QUINQUAGESIMO PRIMO

GEORGI II. REGIS.

Cap. 100.

An Act for inclosing Lands in the Parish of *Woolhampton*, and other Parishes and Places therein mentioned, in the County of *Berks*.

[14th May 1811.]

WHEREAS there are within the Parishes of *Woolhampton*, *Brimpton*, and *Aldermaston*, in the County of *Berks*, certain Open and Common Fields, Common Meadows, Common Pastures, and other Commonable Lands, containing by Estimation Six hundred and fifty Acres or thereabouts; and there are within the said Parish of *Brimpton* certain Common Marshes, and Tracts or Parcels of Common, Heath, and Waste Lands, containing by Estimation Two hundred and thirty-five Acres or thereabouts; and there are also within the said Parish of *Aldermaston* certain Tracts or Parcels of Common, Heath, and Waste Lands, containing by Estimation Eight hundred Acres, or thereabouts: And whereas there are within the said Parishes of *Woolhampton*, *Aldermaston*, and the adjoining Parishes of *Beenham* and *Padworth*, certain other Open and Common Fields, Common Meadows, and other Commonable Lands, lying very much intermixed, called *Woolhampton Field* or *Inglefield*, *Barr Field*, and *Wharf Field*; and there are also certain Pieces or Parcels of Land situate in the said Parish of *Aldermaston*, lying intermixed with other Lands in the said Parish of *Woolhampton*, in Three Common Meadows, called *Horsehead Mead*, *Ash Mead*, and *Woolhampton Mead*; and there are also certain other Pieces or Parcels of Land situate in the said Parishes of *Woolhampton* and *Beenham*, lying

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intermixed with other Lands in the said Parish of *Aldermaston*, in a certain Meadow called *Aldermaston East Mead*; all which said Lands and Grounds contain together Three hundred and ten Acres, or thereabouts, and the same lie so dispersedly, and are so intermixed with each other, and the Common Rights are so blended together, that it has been found very difficult to ascertain and define the Boundaries of the said Four several Parishes with Accuracy and Precision; and it would be highly beneficial to the Persons interested therein if the said Lands and Grounds were laid together in parochial Allotments, and the Allotments sub-divided and inclosed: And whereas there are within the Township or Tything of *Midgham*, in the said County of *Berks*, certain Open and Common Fields, Common Meadows, Common Pastures, Common Marshes, Commonable Lands and Waste Grounds, containing by Estimation Six hundred and thirty-five Acres, or thereabouts: And whereas the said Open and Common Fields, Common Meadows, Common Pastures, Common Marshes, Commons, Commonable Lands, and Waste Grounds in the said several Parishes of *Woolhampton*, *Brimpton*, *Aldermaston*, *Beenham* and *Padworth*, and the said Township of *Midgham*, contain together by Estimation Two thousand six hundred and thirty Acres, or thereabouts: And whereas the Right Honourable *Edward* Viscount *Falmouth* is Lord of the Manors of *Woolhampton* and *Brimpton*, and the Manor of *Shalford* in the said Parish of *Brimpton*: And whereas *William Congreve* Esquire is Lord of the Manor of *Aldermaston* with its Appendages: And whereas the said *Edward* Viscount *Falmouth*, and *William Stephen Poyntz* Esquire, are Lords, or One of them is Lord of the Manor of *Midgham*: And whereas *Peter William French*, *Adam Askew*, *Fletcher Rigge*, and *Stephen Moore*, Esquires, claim to be Lords of the Manor of *Midgham*, alias *Madgham*, alias *Halls Manor* in *Midgham*, alias *Halls Court* in *Midgham*, within the said Township of *Midgham*: And whereas the Reverend *Edward Cove*, and the Reverend *Launcelot Green Thwaite Halton*, are seised or entitled to the Advowson, Right of Patronage, and Presentation of, in and to the Rectory and Parish Church of *Woolhampton* aforesaid, and are also Patrons of the Vicarage of the Parish of *Brimpton* aforesaid; and the said *Edward Cove* is the present Rector of *Woolhampton*, and as such is entitled to certain Glebe Lands and Common Rights, and to the Tithes within the said Parish of *Woolhampton* (except the Tithes of about Five Acres of Land,) and the said *Edward Cove* is the present Vicar of *Brimpton*, and as such is entitled to certain Tithes and Glebe Lands and Common Rights within the said last mentioned Parish: And whereas *William Congreve* Esquire claims to be Lessee under the Provost and Scholars of *Queen's College*, in the University of *Oxford*, and as such to be possessed of the Great and Small Tithes arising and renewing within the said Parish of *Aldermaston*, and also to be Patron of the Vicarage of *Aldermaston* aforesaid; and the Reverend *George Henry Deane* is the present Incumbent: And whereas the said *William Stephen Poyntz* is the Lay Impropiator of the Rectorial or Great Tithes within the said Township of *Midgham*: And whereas *Catherine Thompson* Widow is Patron of the Vicarage of *Thatcham*, with the Chapel of *Midgham* annexed; and the Reverend *Joseph Lowthian* is the present Vicar, and as such is entitled to certain Vicarial Tithes arising within the said Township of *Midgham*: And whereas the said *Edward* Viscount *Falmouth*, *William Congreve*, *William Stephen Poyntz*, *William Mount*, *John Hide*, and several other Persons, are Owners and Proprietors of Lands in the said several Parishes and Township: And whereas the Lands and Grounds of the
respective

respective Proprietors in the said Open and Common Fields, Common Meadows, and Common Pastures, lie very much intermixed and dispersed in small Parcels, so as to render the Occupation and Cultivation thereof very inconvenient, and the said Common Marshes, Commons and Waste Grounds, in their present State, yield very little Profit, but if the same were divided and allotted in severalty to and among the several Persons interested therein, according to their several and respective Rights and Interests, and the said Lands and Grounds inclosed, the same would be rendered of much greater value, and might be much improved; but such Division, Allotment and Inclosure 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 present Majesty, intituled, *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*; 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 *Richard Richardson* of *Lincoln's-Inn-Fields*, in the County of *Middlesex*, *George Barnes* of *Andover*, in the County of *Southampton*, and *John Davis* of *Bloxham*, in the County of *Oxford*, Gentlemen, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Commissioners for dividing, allotting and inclosing the said Open and Common Fields, Common Meadows and Pastures, Marshes, Commons, Heaths, Waste and Commonable Lands and Grounds in *Woolhampton*, *Brimpton*, *Aldermaston*, and *Midgham*, and in *Beenham* and *Padworth* afore said, and for carrying this Act into Execution, pursuant to the Powers, Regulations and Directions hereinafter contained; and to such of the Powers, Regulations, Restrictions and Provisoos contained in the said recited Act, as are not controlled by or repugnant to any of the Clauses, Provisoos or Regulations contained in this Act: Provided always, That all Powers, Authorities, Directions, Acts, Matters and Things, hereby or by the said recited Act vested in them or authorized or directed to be done or executed by or before the said Commissioners, may be done and executed by or before any Two of them, and the same shall be as valid and effectual as if done and executed by or before all the said Commissioners.

Commissioners.

Two Commissioners may act.

II. And be it further enacted, That if any of the said Commissioners, or any Person to be nominated and appointed a Commissioner by virtue of this Act, shall, before he hath begun to act as a Commissioner, or before the Execution of all the Powers and Authorities hereby in him vested, die or decline, or refuse to act, or become incapable of acting, it shall be lawful for the Majority in value (such Value to be ascertained by the Land Tax Assessment) of the Proprietors and Persons interested in the said Division, Allotment and Inclosure, who shall be present at a Publick Meeting to be holden for that Purpose at *Woolhampton* or *Aldermaston*, in the County of *Berks*, (in pursuance of a Notice to be given in Writing for that purpose, by the Person or Persons acting as Clerk or Clerks to the Commissioners, in the Newspaper called *The Reading Mercury*, or in some other Newspaper circulated in the County of *Berks*, at least Fourteen Days before such Meeting) by Writing under their Hands, to nominate and

Appointment of New Commissioners.

appoint a proper Person, not interested in the said Division and Inclosure, to be a Commissioner in the Room of every such Commissioner so dying, declining, or refusing to act, or becoming incapable of acting, for executing the Powers and Authorities of this and the said recited Act, and so from time to time as often as any Commissioner so to be appointed shall die or decline, or refuse to act, or become incapable of acting; and in Default of such Nomination and Appointment, it shall and may be lawful for the surviving or remaining Commissioner or Commissioners, and he and they is and are hereby required from time to time, within Twenty-one Days next after the Expiration of such Time allowed for appointing such new and succeeding Commissioner or Commissioners as aforesaid, by Writing under his or their Hand or Hands, to appoint some other fit and proper Person to be a Commissioner in the Room or Stead of every Commissioner so dying, declining, or refusing to act, or becoming incapable of acting as aforesaid; and every such new Commissioner so to be nominated and appointed as aforesaid shall, after taking the Oath prescribed in that Behalf, have the like Power and Authority for carrying this and the said recited Act into Execution, and shall be subject and liable to the like Rules, Regulations and Restrictions, as if he had been originally named a Commissioner in and by this Act; and every new Appointment so made shall be annexed to the Awards of the said Commissioners.

Commis-
sioners to
give Notice
of Meeting.

Other
Notices how
to be given.

Place of
Meeting.

One Com-
missioner may
adjourn.

Proprietors
and Agents

III. And be it further enacted, That the said Commissioners shall, and they are hereby required to cause Notice in Writing to be affixed on the principal outer Door of the Three several Parish Churches of *Woolhampton*, *Brimpton*, and *Aldermaston*, and on *Midgham* Chapel, on some *Sunday* immediately before or after Divine Service, and also a like Notice to be inserted in the Newspaper called *The Reading Mercury*, or in some other Newspaper circulated in the said County of *Berks*, of the Time and Place of holding their First Meeting, and all subsequent Meetings for executing the Powers hereby and by the said recited Act vested in them, at least Fourteen Days before any such Meeting (Meetings by Adjournment only excepted); and it shall be lawful for the said Commissioners to adjourn any Meeting from time to time as they shall think proper for the due Execution of this Act: Provided always, that all other Notices necessary or requisite to be given by the said Commissioners shall be given in Writing to be affixed upon the principal outer Door of the said Three several Parish Churches, and the said Chapel respectively, or by Advertisement to be inserted in the said *Reading Mercury*, or other Newspaper so circulated as aforesaid: Provided also, that all Meetings of the said Commissioners for executing the Powers of this and the said recited Act shall be held at some convenient Place within the said Parishes of *Woolhampton*, *Brimpton*, and *Aldermaston*, and Township of *Midgham*, or One of them, or within Eight Miles of one of them: And if at any Meeting appointed to be holden by the said Commissioners not more than One of the said Commissioners shall attend, the Commissioner so attending may adjourn such Meeting to such Time within the Space of Fourteen Days as shall by him be deemed most convenient; and if no Commissioner shall attend, it shall be lawful for the Person or Persons who shall act as Clerk or Clerks to the said Commissioners to adjourn such Meeting to any future Day, not exceeding Fourteen Days, and such Clerk or Clerks shall give Notice of such Adjournment to the said Commissioners: Provided always, that the said

faid Proprietors, their Attornies and Agents, shall pay their own Expences when they or any of them shall attend the Commissioners at any Meeting to be held in pursuance of this or the said recited Act. to pay their own Expences.

IV. And be it further enacted, That all Orders, Proceedings, and Determinations of the said Commissioners, at any of their Meetings to be holden in pursuance of this Act, shall be entered in a Book or Books to be provided for that Purpose, and shall be signed by the said Commissioners at such Meetings; and being so signed shall be deemed and taken as Originals; and all such Books shall and may be read in Evidence in all Cases of Appeal, Suits, Actions, and other Proceedings, touching any Matter or Thing done in relation to or in pursuance of this Act. All Orders; &c. to be entered in a Book.

V. And be it further enacted, That if any Dispute shall arise between any of the Parties interested, touching their Rights or Claims, Estates or Interests in the Lands or Grounds hereby directed to be divided and inclosed as aforesaid, the said Commissioners are hereby authorized and empowered to hear and determine the same: Provided always, that nothing herein contained shall authorize or empower the said Commissioners to determine any Dispute that shall or may affect the Right or Title to any Lands, Tenements or Hereditaments, within the said Parishes and Township respectively. Commissioners to settle Disputes, &c.
But not to determine Disputes as to Titles, &c.

VI. And be it further enacted, That in case the said Commissioners shall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of this or the said recited Act, see Cause to award any Costs, it shall be lawful for the said Commissioners, and they are hereby empowered, upon Application made to them for that Purpose, to settle, assess, and award such Costs and Charges as they shall think reasonable to be paid to the Party or Parties in whose Favour any Determination of the said Commissioners shall be made, by the Person or Persons, Body or Bodies Politick, Corporate or Collegiate, whose Claim or Claims, Objection or Objections, shall be thereby disallowed or over-ruled; and in case the Person or Persons, Body or Bodies Politick, Corporate or Collegiate, who shall be liable to pay such Costs and Charges, shall neglect or refuse to pay the same on Demand, then and in such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required, by Warrant under their Hands, directed to any Person or Persons whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons, Body or Bodies Politick, Corporate or Collegiate, so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand to the Person or Persons, Body or Bodies Politick, 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. Power to assess Costs, &c.

VII. Provided always, and be it further enacted, That if any Person or Persons, Body or Bodies Politick, Corporate or Collegiate, interested or claiming to be interested in the said Division and Inclosure, shall be dissatisfied with any Determination of the said Commissioners, touching or Power to try Rights at Law.

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concerning any Claim or Claims to any Rights of Common or other Rights or Interests in, over, or upon the Lands and Grounds hereby directed to be divided, allotted and inclosed, or any Part thereof, or touching or concerning any Matter or Thing relating to the said Division and Inclosure, and shall by Writing under the Hand of his, her or their Clerk or Agent, signify the same to the said Commissioners, together with the Grounds or Reasons of his, her or their Dissatisfaction, within Three Calendar Months next after such Determination shall be made, then, and in every such Case (but not otherwise) it shall be lawful for the Person or Persons, Body or Bodies Politick, Corporate or Collegiate, so dissatisfied, to proceed to a Trial at Law of the Matters so determined by the said Commissioners at the then next or at the next following Assizes to be holden for the County of *Berks*; and for that Purpose the Person or Persons, Body or Bodies Politick, Corporate or Collegiate, who shall be dissatisfied with the Determination of the said Commissioners, shall cause an Action or Actions to be brought upon a feigned Issue against the Person or Persons, or Body or Bodies Politick, Corporate or Collegiate, in whose Favour any Determination shall have been so made, within Three Calendar Months next after such Determination shall have been made; and the Defendant or Defendants in such Action or Actions shall, and he, she and they is and are hereby required to name an Attorney or Attornies who shall appear thereto or file common Bail, and accept one or more Issue or Issues, whereby such Claim or Claims, and the Rights or Interests thereby insisted on, may be tried and determined; such Issue or Issues to be settled by the proper Officer of the Court in which the said Action or Actions shall be commenced (in case the Parties shall differ about the same); and the Verdict or Verdicts which shall be given upon the Trial of such Action or Actions shall be final, binding and conclusive upon all and every Person and Persons, Body and Bodies Politick, Corporate and Collegiate; unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial or Trials therein, which it shall be lawful for the Court to do in case the said Court shall think proper; and it shall also be lawful for the said Court to put off the Trial or Trials of such Issue or Issues upon sufficient Cause shewn, as is usual in other Cases; and after such Verdict or Verdicts shall be obtained and not set aside by the said Court, the said Commissioners shall and they are hereby required to act in Conformity thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials: Provided always, that all such Determinations of the said Commissioners as shall not be objected to within the Time and in Manner aforesaid, or being so objected to, the Party or Parties objecting not causing such Action at Law to be brought and proceeded in within the Time and in Manner aforesaid, shall be absolutely binding, final and conclusive upon all Parties whomsoever.

ACTIONS not
to abate by
Death of
Parties,

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

IX. And

IX. And be it further enacted, That if any Suit or Suits shall be commenced or prosecuted touching or concerning the Title of any Person or Persons, Body or Bodies Politick, Corporate or Collegiate, in or to any Manors, Messuages, Lands, Tenements or Hereditaments within the said Parishes and Township, or any of them, such Suit or Suits shall not impede, delay, hinder or prevent the said Commissioners from proceeding in executing the Powers vested in them by this and the said recited Act; but the said Division, Allotment and Inclosure shall be proceeded in notwithstanding any such Suit or Suits, and may be had and taken by the Person or Persons, Body or Bodies Politick, Corporate or Collegiate, who upon the Determination of such Suit or Suits shall become entitled to the same.

Suits respecting Titles not to impede the Execution of this Act.

X. 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 Persons, Bodies Politick, Corporate or Collegiate, who might have brought such Action or Actions against the Person or Persons so dying, to bring the same within the Time so limited as aforesaid against such Person or Persons as if actually living, and to serve the Clerks or Clerk of the said Commissioners 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 in the same Manner as if such 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.

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

XI. Provided also, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioners to determine any Right between any Parties contrary to the Possession of any of such Parties, (except in Cases of Encroachments as hereinafter mentioned,) but in case the said Commissioners shall be of Opinion against the Right of the Person or Persons so in Possession, they shall forbear to make any Determination thereupon until the Possession shall have been given up by such Person or Persons, or recovered from such Person or Persons by Ejectment or other due Course of Law.

Persons in Possession not to be molested without due Course of Law.

XII. And be it further enacted, That immediately after making the said Division and Allotments, and the Execution of the Award of the said Commissioners, or at such other Time as soon after the passing of this Act as the said Commissioners, by Writing under their Hands, to be affixed on the principal outer Door of the said Three Parish Churches of *Woolhampton*, *Brimpton*, and *Aldermaston* respectively, and the Chapel of *Midgham*, on a *Sunday* before and after Divine Service, shall direct or appoint, all Rights of Common, and all other Rights and Interests whatsoever belonging to or claimed by any Person or Persons whomsoever, Bodies Politick, Corporate,

Rights of Common to cease.

Corporate or Collegiate, in, over or upon the said Lands and Grounds so to be divided, allotted and inclosed, shall cease, determine, and be for ever extinguished.

For shorten-
ing boundary
Fences
against
adjoining
Parishes.

XIII. And be it further enacted, That if the said Commissioners shall deem it expedient or proper to shorten the boundary Fences between the Lands and Grounds by this Act directed to be divided, allotted and inclosed, and the Lands and Grounds in any Parish or Parishes, Tithing or Tithings, adjoining thereto, or to make the same boundary Fences respectively regular, it shall be lawful for the said Commissioners (with the Consent in Writing under the Hand or Hands of the Lord or Lords, Lady or Ladies of the Manor or Manors in which the Land is situate, and of the Owner or Owners of the Land upon which any Fence or Fences shall or may be intended to be made), to set out the Boundary between the Lands and Grounds by this Act directed to be divided, allotted and inclosed, and the Lands and Grounds in any adjoining Parish or Parishes, Tithing or Tithings, in such Manner as they shall judge proper for the Purpose aforesaid; and after such Boundaries shall be so set out as aforesaid, the same shall be fenced by such Person or Persons, in such Manner and at such Time or Times as the said Commissioners shall direct, and shall for ever thereafter be deemed and taken to be the Boundaries between the Lands and Grounds by this Act directed to be divided and inclosed, and such adjoining Parish or Parishes, Tithing or Tithings respectively, any Law, Usage or Custom to the contrary notwithstanding.

Commission-
ers to in-
quire into
Encroach-
ments.

XIV. And be it further enacted, That it shall be lawful for the said Commissioners to inquire and determine what Inclosures and Encroachments have been from time to time made upon or taken from the said Commons, Heaths and Waste Grounds, or any of them, or any Part or Parts thereof, by any Person or Persons whomsoever; and that all such Inclosures and Encroachments as shall have been peaceably and quietly enjoyed for the Space of Twenty Years and upwards next before the passing of this Act, without any Interruption or Payment of any Acknowledgment, or having been presented by the Jury as an Inclosure or Encroachment, at any of the Courts holden for the said Manors respectively within such Space of Twenty Years as aforesaid, shall and may be allotted to the respective Persons who shall have made or shall be in Possession thereof; and shall after the passing of this Act be absolutely vested in the Person or Persons holding the same in such Manner as he, she or they have hitherto enjoyed such Inclosures and Encroachments respectively; and that all other Inclosures and Encroachments shall be deemed Part and Parcel of the said Commons or Wastes.

Commission-
ers may
divert and
stop up
Roads, &c.

XV. And be it further enacted, That it shall be lawful for the said Commissioners, with the Concurrence and by the Order or Orders of Two Justices of the Peace acting in and for the said County of *Berks* (such Order or Orders being hereby declared to be subject to Appeal in Manner as in the said recited Act is mentioned) to divert, stop up, alter or change any of the publick Roads, (not being a Turnpike Road,) or any ancient Bridleway, Footway, or Path passing or leading through or over any of the inclosed Lands and Grounds within the said several Parishes of *Wool-*
hampton,

hampton, Brimpton, and Aldermaston, and the said Township of *Midgham*, as the said Commissioners shall think proper; and such Roads, Bridleways, Footways and Paths so stopped up, shall be deemed and taken as Part of the Lands and Grounds hereby intended to be divided and inclosed, and shall be divided, allotted and inclosed accordingly; and the said Commissioners are hereby required to set forth in their Awards hereinafter mentioned a Description of such publick Roads, Bridleways, Footways and Paths respectively so diverted, stopped up, altered or changed; and that from and after the Execution of the said Awards, or at such earlier Period as the Commissioners shall direct, such publick Roads, Bridleways, Footways and Paths respectively shall be and are hereby ordered to be discontinued, and that from henceforth it shall not be lawful for any Person or Persons to make Use of the same or any Part thereof.

XVI. And be it further enacted, That in case any publick Roads or Highways shall be set out or continued in any Situation or Direction where the said Parishes of *Woolhampton, Brimpton, and Aldermaston*, and the said Township of *Midgham*, or any of them, are or is divided from each other, or from any other adjoining Parish or Place, and where there now is or usually hath been a publick Road or Highway, then, and in such Case the said Commissioners shall, and they are hereby authorized and required to set out One-half only of such Road or Way from and out of the Lands and Grounds directed by this Act to be divided and inclosed for such Road or Way; and the said Commissioners are hereby authorized and required to set out and allot what particular Apportionment of the Length of such boundary Roads or Lanes shall be for ever thereafter respectively repaired by such Parishes, Townships or Places severally, and to distinguish the same by proper Bound Marks, and that from thenceforth the Part or Parts of the said boundary Roads or Lanes so allotted to the said Parishes or Places severally, shall be deemed and considered as Part or Parts of such respective Parishes, Townships or Places.

Where the Parishes are divided by Roads they are to be set out of the Lands of each.

XVII. And be it further enacted, That it shall be lawful for the said Commissioners to cause any Ditches, Fences, Drains, Brooks or Watercourses within the said Parishes of *Woolhampton, Brimpton, and Aldermaston*, and the said Township of *Midgham* respectively, or which run between or divide the said Parishes or Township, and any other Parish or Place adjoining them or any of them, to be cleansed, opened, scoured, widened, deepened, made, diverted, turned, enlarged or conveyed in such Course, and through such Lands and Grounds as they shall judge necessary and convenient, and to make such Orders for maintaining and keeping the same in Repair as they shall think proper: Provided, that no Works shall be made upon any inclosed Land without the previous Consent of the Owner or Owners thereof, testified by Writing under his, her or their Hand, or Hands; and that no such Brook or Watercourse shall be made, 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.

Commissioners to make Drains, &c.

XVIII. And for better ascertaining what Lands shall be divided, allotted and inclosed pursuant to this Act, be it further enacted, that all Fields

Several Inclosures or within one

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Fence to be deemed Part of Lands to be allotted.

or Inclosures, containing the Property of Two or more Persons within one Fence, shall be deemed Part of the Lands to be divided, allotted and inclosed by virtue of this Act; and shall be divided, allotted and inclosed accordingly.

Commissioners may break up Soil to search for Peat.

XIX. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized and required, before they shall set out, allot and divide any of the Lands and Grounds hereby directed to be set out, allotted and divided, to break up or cause to be broken up the Soil of the same Lands and Grounds in such Parts and Places thereof as they shall think proper, in order to search for the Peat and Peat Earth, and the Depth and Extent thereof, regard being always had in making the Division and Allotments of the said Lands and Grounds to the Quantity and Value thereof, as well as to the Quantity and Quality of such Peat and Peat Earth contained therein, and likewise to Situation and Convenience.

Allotments for Watering Places and for getting Materials for Repair of Roads.

XX. And be it further enacted, That the said Commissioners shall, and they are hereby required to set out, assign and allot unto the respective Surveyors of the Highways of the said Parishes and Township, and their respective Successors for the time being, such Parts and Parcels of the said Lands and Grounds by this Act intended to be divided and inclosed as they shall think proper and sufficient for the Purpose of Common Watering Places for Cattle, and as and for Publick Stone, Chalk and Gravel Pits, for the Purpose of getting Materials for the forming, completing and repairing of the Publick and Private Roads and Ways in the said Parishes and Township respectively, and to and for such other Uses and Purposes, and in such Quantities, and at such Times and Seasons, and subject to such Rules, Orders and Regulations, as the said Commissioners in their Award by this or the said recited Act directed to be made, shall appoint.

Allotment to Viscount Falmouth for Manorial Rights in Brimpton.

XXI. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required (after the Publick and Private Road, and Allotments for Watering Places, and for Stone, Chalk and Gravel Pits shall be set out,) to set out, allot and award, unto and for the said *Edward Viscount Falmouth*, as Lord of the said Manors of *Brimpton* and *Shalford*, or the Person or Persons who shall be Lord or Lords for the time being of the same Manors, One full Sixteenth Part in value (the Whole into Sixteen equal Parts to be divided) of the said Common, Heath and Waste Grounds situate within and Parcel of the said Manors respectively, and such Part or Parts of the Common Marsh Lands in *Brimpton* aforesaid, not exceeding One-twentieth Part thereof, as in the Judgment of the said Commissioners shall be in Compensation for and in full Satisfaction of his or their Right, as Lord or Lords of the said Manors respectively, to the Soil of the said Common Marsh Lands respectively.

Allotment to the Lord of the Manor of Aldermaston.

XXII. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required (after such Allotments shall be made as aforesaid) to set out, allot, award and confirm unto and for the said *William Congreve*, as Lord of the Manor of *Aldermaston*, or the Person or Persons who shall be Lord or Lords for the time being of the said

faid Manor, such Part or Parts of the Common, Heath and Waste Grounds as is or are situate within and Parcel of the faid Manor, as in the Judgment of the faid Commissioners shall be in full Compensation and Satisfaction for his or their Right as Lord or Lords of the faid Manor to the Soil thereof.

XXIII. And be it further enacted, That the faid Commissioners shall, and they are hereby required to set out, allot and award unto and for the Lords of the Manors in *Midgham* aforefaid, or the Person or Persons who shall be Lord or Lords of the faid Manors, such Part or Parts of the Common Marsh Lands in *Midgham* aforefaid, as in the Judgment of the faid Commissioners shall be in Compensation for and in full Satisfaction of his or their Right as Lord or Lords of the faid Manors to the Soil thereof.

Allotment to the Lord of the Manor of Midgham.

XXIV. And be it further enacted, That the faid Commissioners (after making such Allotment and Allotments as aforefaid) shall, and they are hereby required to set out and allot unto and for the faid *Edward Cove*, and his Successors, Rectors of *Woolhampton* and Vicars of *Brimpton* respectively, and also unto and for the Rector and Vicar of *Aldermaston* for the time being respectively, such Parcel or Parcels of the Lands and Grounds within the faid Parishes of *Woolhampton*, *Brimpton*, and *Aldermaston* respectively, hereby intended to be divided, allotted and inclosed, as in the Judgment of the faid Commissioners shall be in full Equivalent and Compensation for all the uninclosed Glebe Lands and Rights of Common belonging to the same respectively: Provided always, that the faid Allotment or Allotments shall be laid in such Places, as shall in the Judgment of the faid Commissioners contain the least Quantity of Peat or Peat Earth.

Allotment to the Rector of Woolhampton and Vicar of Brimpton in respect of their Glebe.

XXV. And be it further enacted, That the faid Commissioners shall (after making such Allotments as aforefaid) set out, allot and award unto the Lord of the faid Manor of *Brimpton*, the Vicar of *Brimpton*, and the Churchwardens and Overseers of the Poor of the faid Parish of *Brimpton*, for the time being, such Part or Parts of the faid Common and Waste Lands in *Brimpton*, not being Peat Lands, aforefaid, as in the Judgment of the faid Commissioners shall be equal to One-sixteenth Part thereof; and unto the Lord of the faid Manor of *Aldermaston*, the Incumbent of the Parish Church of *Aldermaston*, and the Churchwardens and Overseers of the Poor of the faid Parish of *Aldermaston* for the time being, Fifty Statute Acres of the faid Common and Waste Lands in *Aldermaston* aforefaid; and the faid Allotments shall, from and after the Execution of the Awards of the faid Commissioners, be vested in the Lords of the faid Manors, the faid Vicar and Curate or Incumbent, and the Churchwardens and Overseers of the Poor of the faid Parishes respectively for the time being for ever as Trustees for the Poor of the same Parishes respectively, and the faid Trustees, or the major Part of them, are hereby empowered from time to time, by Writing under their Hands and Seals, to lease or demise to any Person or Persons whomsoever the faid Allotments, or any Part or Parts thereof, for any Term of Years not exceeding Twenty-one Years, so that in every such Lease there be reserved and made payable to the faid Trustees, or the major Part of them, by equal Half-yearly Payments in every Year, the best and most improved Yearly Rent or Rents that

Allotments for the Poor of Brimpton and Aldermaston.

that can be obtained for the said Allotments, or such Part thereof as shall be thereby demised, without taking any Income, Fine, Premium or Foregift in consideration of granting such Lease or Leases, and so that in all such Leases there be contained the usual Covenants and Stipulations between Lessors and Lessees, and such other Covenants and Stipulations, and such Security for the Performance of the same as the said Trustees, or the major Part of them, shall think proper to be inserted therein; and the Rents and Profits arising from the said Allotments shall from time to time be laid out in purchasing Fuel, and such Fuel shall be distributed among the poor Inhabitants of the said Parishes of *Brimpton* and *Aldermaston* respectively, who shall be legally settled and resident therein respectively, in such Shares and Proportions, at such Times in every Year, and according to such Rules and Directions as shall from time to time be made and prescribed by the said Trustees, or the major Part of them, for that purpose, and not otherwise; and the Part or Parts of the said Allotments which shall not be leased or demised shall be used and enjoyed solely and exclusively by such poor Inhabitants of the said Parishes respectively as aforesaid, either as a Common of Pasture or Turbary, or shall be held, used and appropriated by the said Trustees for the Purpose of sowing Furze, planting Wood, and of cutting Fuel, which Fuel shall be distributed in Manner aforesaid, in such Shares and Proportions, and in such Manner, and at such Time or Times, and according to such Rules and Directions as the said Trustees for the time being, or the major Part of them, shall appoint and prescribe for that Purpose, and not otherwise.

Lords of the Manor, &c. to act by Proxy.

XXVI. Provided always, and be it further enacted, That it shall be lawful for the Lords of the said last-mentioned Manors, and the Vicar of *Brimpton*, and the Incumbent of *Aldermaston* aforesaid, for the time being respectively, to act in Execution of the Trusts hereby reposed in them by their Agents or Proxies, such Agents or Proxies respectively being appointed by Writing or Writings under the Hands of the respective Lords of the said Manors, and the respective Vicar and Curate aforesaid for the time being, and producing their respective Appointments as Proxy at the Time of their acting by virtue thereof.

The Poor Allotments to be exempt from Parochial Taxes.

XXVII. Provided also, and be it further enacted, That the Lands hereinbefore respectively directed to be allotted in Trust for the Poor shall, from and after the Execution of the said Award, be for ever freed, exonerated and discharged of and from all Parochial Taxes, Rates, Charges, Assessments, Burthens or Impositions whatsoever.

The intermixed Lands in the Common Fields and Meadows in Woolhampton, Aldermaston, Beenham and Padworth, to be laid together in Parochial

XXVIII. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required, by Examination of Witnesses on Oath, or by such other legal Ways and Means as they shall think proper, to inquire into the Particulars of the several Farms, Lands, Tithes and Estates, lying and being in the said Open and Common Fields and Common Meadows called *Woolhampton Field* or *Inglefield*, *Barr Field*, *Wharf Field*, *Horsehead Mead*, *Asb Mead*, *Woolhampton Mead*, and *Aldermaston East Mead*, in order to ascertain and determine whether all or what Part or Parts, Proportion or Proportions of the same are lying and being within the said several Parishes of *Woolhampton*, *Aldermaston*, *Beenham* and *Padworth*, or in which of the same Parishes the same are respectively lying

lying and being; and when the same shall have been so ascertained as aforesaid, the said Commissioners shall, and they are hereby authorized and required to set out, allot and lay together so much and such Part and Parts of the said Lands and Grounds as now lie dispersedly and intermixed in and over the same Common Fields and Common Meadows, in Parochial Allotments, in Proportion to the Quantity, Number of Acres, and Value of such Lands and Grounds respectively, and to set out the said Allotments respectively, contiguous to and adjoining to the said Four several Parishes of *Woolhampton*, *Aldermaston*, *Beenham* and *Padworth*, and to ascertain the same by Marks and Bounds; and that from and after the said several Parochial Allotments shall have been so made, ascertained and set out as aforesaid, the said Commissioners shall sub-divide and set out the same respectively in separate and distinct Allotments in Severalty, and such of the said separate and distinct Allotments as shall by the said Commissioners be set out and awarded unto any of the Proprietors of Estates in *Woolhampton* aforesaid, for or in respect of his, her and their Lands and Hereditaments within that Parish, shall from and after the Execution of the Award of the said Commissioners be held in Severalty, and for ever deemed and taken to be situate, lying and being within the Parish of *Woolhampton* aforesaid, and shall be subject to all Tithes, Parochial Dues, Payments and Burthens whatsoever, within the same Parish; and such of the said separate and distinct Allotments as shall by the said Commissioners be set out and awarded unto any of the Proprietors of Estates in *Aldermaston* aforesaid, for or in respect of his, her or their Lands and Hereditaments within that Parish, shall from and after the Execution of the Award of the said Commissioners be held in Severalty, and for ever deemed and taken to be situate, lying and being within the Parish of *Aldermaston* aforesaid, and shall be subject to all Tithes, Parochial Dues, Payments, and Burthens within the same Parish; and that such of the said separate and distinct Allotments as shall by the said Commissioners be set out and awarded unto any of the Proprietors of Estates in *Beenham* aforesaid, for or in respect of his, her and their Lands and Hereditaments within that Parish, shall from and after the Execution of the Award of the said Commissioners be held in Severalty, and deemed and taken to be situate, lying and being within the Parish of *Beenham* aforesaid, and shall be subject to all Tithes, Parochial Dues, Payments and Burthens within the same Parish; and that such of the said separate and distinct Allotments as shall by the said Commissioners be set out and awarded unto any of the Proprietors of Estates in *Padworth* aforesaid, for or in respect of his, her and their Lands and Hereditaments within that Parish, shall from and after the Execution of the Award of the said Commissioners be held in Severalty, and for ever deemed and taken to be situate, lying and being within the Parish of *Padworth* aforesaid, and shall be subject to all Tithes, Parochial Dues, Payments and Burthens within the same Parish: Provided always, that such separate and distinct Allotments so to be made to the different Owners and Proprietors of Estates in Severalty as aforesaid, shall by the said Commissioners be laid as contiguous or near to the other Allotments of the said Owners and Proprietors within the said Four several Parishes, or any of them, as the Nature of Circumstances shall admit, and as the said Commissioners shall, according to the best of their Skill and Judgment, fix and determine.

Allotments,
and respec-
tively allot-
ted among
the Proprie-
tors in each
Parish.

Allotments
of the Resi-
due in Wool-
hampton,
Brimpton,
Alder-
maston, and
Midgham.

XXIX. And be it further enacted, That after the several Divisions and Allotments herein-before directed to be made shall have been set out and allotted in the Manner and for the Purposes aforesaid, the said Commissioners shall, and they are hereby authorized and required, to set out, allot, award and confirm the Residue and Remainder of the said Open and Common Fields, Common Meadows, Common Pastures, Common Marshes, Commons, Heaths and other Commonable Lands and Waste Grounds in *Woolhampton, Brimpton, Aldermaston* and *Midgham* aforesaid, hereby directed to be divided and inclosed, unto and amongst the several Proprietors thereof and Persons interested therein, in such Quantities, Parts, Shares and Proportions as the Commissioners shall adjudge and determine to be a full and just Compensation, Equivalent and Satisfaction for their several and respective Lands and Grounds, Rights of Common, and other Rights and Interests therein.

Allotment to
William
Congreve
Esq. of cer-
tain Lands
in Alder-
maston.

XXX. Provided always, and be it further enacted, That the said Commissioners shall, and they are hereby authorized and required, in setting out the aforesaid Allotments, to set out, allot and confirm unto the said *William Congreve* certain Common Meadows in the said Parish of *Aldermaston*, called *Aldermaston East Mead* and *Church Mead*, and certain Common Fields called *Lye Field*, *Ham Field*, and *Long Furlong Field*, or so much, or such Part or Parts thereof, as in the Judgment of the said Commissioners shall be the Proportion of the Allotments so to be set out by them as aforesaid unto the said *William Congreve*.

Allotment to
William
Mount Esq.
of certain
Lands in
Aldermaston.

XXXI. Provided also, and be it further enacted, That the said Commissioners shall, and they are hereby required, in setting out the aforesaid Allotments, to set out, allot and confirm unto the said *William Mount* a certain Meadow in the said Parish of *Aldermaston*, called the *Box Mead* (excepting thereout the Land now belonging to the said *William Congreve*) and certain Common Fields called *Rowley Field* and *Half Furlong Field*, or so much, or such Part or Parts thereof, as in the Judgment of the said Commissioners shall be the Proportion of the Allotment so to be set out by them as aforesaid unto the said *William Mount*.

Vadey Mead
in Midgham.

XXXII. Provided always, and be it further enacted, That Two Pieces of Land, called *Vadey Mead*, in *Midgham* aforesaid, (One Piece whereof contains Five Acres, Two Roods and Twenty-eight Perches (more or less), and the other Piece contains Two Acres, Two Roods and Twenty Perches (more or less), shall be deemed and taken as Part of the old inclosed Lands; but all Rights of Common in and over the same respectively shall, from and after the passing of this Act, be extinguished.

Peat Land
to be allotted
to the Pro-
prietors
thereof.

XXXIII. Provided always, and be it further enacted, That the said Commissioners shall, and they are hereby required to set out, allot and divide such of the said Common Fields and Common Meadows, wherein Peat and Peat Earth shall be found or contained as herein-before mentioned, unto and amongst the several Owners and Proprietors thereof, according to their several and respective Rights therein, in just and fair Proportions, and as near to the present Situation thereof as the same may or can be conveniently allotted.

XXXIV. And

XXXIV. And be it further enacted, That in case any of the Proprietors entitled to Rights of Common in or over the Common Marshes, Commons and Waste Lands hereby directed to be divided and inclosed, or any Part thereof, shall request to have their Common Rights compensated by a Common Pasture instead of distinct Allotments of Land, and shall give Notice thereof to the said Commissioners within such Time as the said Commissioners shall for that Purpose appoint, and the Commissioners shall be of Opinion that the Number of Proprietors who have made such Request shall be sufficient to enable the said Commissioners to set out such Allotment or Allotments as will answer the Purpose of a Common Pasture, then it shall be lawful for the said Commissioners, and they are hereby required to set out and allot to and for the Proprietors making such Request, from and out of such Parts of the Common Marshes, Commons and Waste Lands aforesaid, most convenient for that Purpose, such Parcel or Parcels thereof as shall in the Judgment of the said Commissioners be an Equivalent and Compensation for the Rights of Common to which the Proprietors making such Request shall be entitled; and in case it shall appear to the said Commissioners (without any such Request to them made) that any of the Common Marshes, Commons or Waste Lands, by reason of Situation, the Smallness of the Quantity or Interfection by Roads or other Circumstances, cannot be divided and inclosed to the Advantage of the Persons interested therein, the said Commissioners are hereby authorized to set out and allot the Herbage of such Common Marshes, Commons and Waste Lands, as and for Common Pastures, to such of the Proprietors or Persons having Common Rights or other Interests in the Lands and Grounds hereby directed to be divided and inclosed, to whom the same shall, in the Judgment of the said Commissioners, be most convenient and valuable in Situation, in or towards Satisfaction for the Rights and Interests of such Proprietors respectively; and the Land so to be allotted for Common Pastures, whether the same shall be allotted at the Request of such Proprietors as aforesaid, or without such Request shall be used and enjoyed by the respective Proprietors to whom the same shall be allotted, and by their Successors and Tenants respectively, in such Proportions, and shall be stocked with such Kinds and Number of Cattle, and at such Seasons and Times in the Year, and subject to such Regulations and Orders as the said Commissioners by the Awards to be by them made shall establish and direct.

Commissioners empowered to set out Common Pastures.

XXXV. And be it further enacted, That if from the Nature or Necessity of Situation, or from any other Circumstance, it shall happen that One or more of the said Proprietors shall not have a fair or proportionable Share of Boundary or other Fencing, or of making, maintaining and supporting Gates, Stiles and Drains allotted to him, her or them on the said intended Inclosure, it shall be lawful for the said Commissioners, where they shall judge it necessary and reasonable, to award, ascertain, order and appoint a Sum or Sums of Money to be paid or contributed by such Proprietor or Proprietors respectively, towards making the Fences, and making, maintaining and supporting the Gates, Stiles and Drains of the Allotments of such other of the Proprietor or Proprietors who shall or may have a greater Proportion thereof allotted to him, her or them by virtue of this Act, the same Sum to be settled by the said Commissioners

Satisfaction for unequal Fencing, &c.

in such Manner as they shall think proper, and the Money so ordered, directed and appointed to be paid shall be raised, levied and recovered in such and the same Manner as the Expences of this Act are herein ordered and directed to be levied and recovered.

Allotments to be of the same Tenure as the ancient inclosed Lands for which they shall be allotted.

XXXVI. And be it further enacted, That all and singular the Common Marshes, Commons, Heath and Waste Grounds which shall be allotted under and by virtue of this Act shall (immediately after such Allotments are made) be held by and be subject to such and the same Tenures, Customs, Heriots, Rents and Services as the several and respective Messuages, Buildings, Lands, Tenements and Hereditaments, in respect whereof such allotted Lands shall be made are now subject to.

Discrimination of Tenures to be made by separate Allotments, and supplemental Instruments may be executed by the Commissioners for supplying Omissions in certain Cases.

XXXVII. And be it further enacted, That where the Proprietor or Proprietors of any Lands or Hereditaments, which shall be allotted, inclosed, partitioned or exchanged by virtue of this or the said recited Act, shall hold their respective Lands or Hereditaments by different Tenures or for different Estates, or under different Titles, the said Commissioners shall, upon the Request of such respective Proprietors in Writing under their Hands, ascertain and distinguish the Lands or other Hereditaments held by each of such Tenures for each of such Estates respectively, and shall accordingly in their Awards distinguish and set out distinct and several Allotments for such respective Lands or other Hereditaments; and where, from the want of the necessary Information before the Commissioners, or from any other Cause, their Awards shall omit discriminating as hereinbefore is mentioned, such Titles, different Estates, and different Tenures, and within Twelve Calendar Months after making the said Awards, Request shall be made to the said Commissioners by any Person or Persons interested, by Writing under his, her or their Hand or Hands, to have such Omissions supplied by a separate Instrument or Instruments, then, and in every such Case, the said Commissioners are hereby authorized 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 and act in the Cases aforesaid as if the Awards had not been made; and when they shall have obtained what they shall think sufficient Information, they are hereby also authorized by any Deed or Deeds under their Hands and Seals, to ascertain and distinguish the Difference of Tenures, Estates and Titles respectively, and accordingly to make distinct and several Allotments in the same Manner as they are hereby required to do in Cases where such Discrimination is directed to be contained in the said Awards; and every such separate Instrument, after having been duly executed by the said Commissioners, shall have the same Effect as if it was contained in the said Awards; and such Instrument shall be deposited, and Evidence thereof shall be given in the same Manner as by this Act is directed concerning the Awards of the said Commissioners hereinafter mentioned; and all Expences which shall be reasonably incurred in and about any such supplemental Instrument as aforesaid shall be payable by the Person or Persons who shall have so requested the said Commissioners as aforesaid, or by his, her or their Heirs, Executors or Administrators.

XXXVIII. And

XXXVIII. And be it further enacted, That it shall be lawful for any Person or Persons who shall be entitled to any Allotment to be made by virtue of this Act, to sell, mortgage, demise, and dispose of all his, her or their Estate, Right, Title and Interest therein, at any Time before the Execution of the Awards, by proper Conveyances and Assurances in the Law; and also that it shall be lawful for any Person or Persons interested in the said Allotment, Division and Inclosure, at any Time (not being less than Three Calendar Months before the Execution of the Award) to sell and dispose of all such Estate, Right, Title, Interest and Property which he, she or they shall have in or to the said Lands and Grounds hereby intended to be divided, allotted and inclosed, or in or to any Allotment or Allotments to be made thereof by virtue of this Act; and it shall be lawful for the said Commissioners, and they are hereby authorized and required to allot the same to the Purchaser or Purchasers thereof respectively.

Proprietors
may sell
their Allot-
ments before
the Execu-
tion of the
Award.

XXXIX. And be it further enacted, That it shall be lawful for the said Commissioners to set out, allot and award any Messuages, Lands, Tenements, Tithes, Hereditaments, New Allotments or Old Inclosures within the said several Parishes of *Woolhampton*, *Brimpton* and *Aldermaston*, and the Township of *Midgham* aforesaid, or any or either of them, in lieu of and in exchange for any other Messuages, Lands, Tenements, Tithes, Hereditaments, New Allotments or Old Inclosures within the same Parishes or Township, or any or either of them, or within any adjoining Parish, Hamlet, Township or Place, provided that all such Exchanges be ascertained, specified and declared in the Award of the said Commissioners, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Messuages, Lands, Tenements, Tithes and Hereditaments which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors, be a Body or Bodies Politick, Corporate or Collegiate, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail, General or Special, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for Charitable or other Uses, Husbands, Committees or Attornies acting for any such Proprietors or Owners as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Females 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 the Common Seal of the Body Politick, Corporate or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every such Exchange or 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, Tithes 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 Lord Bishop of the Diocese in which such Lands, Tenements or Hereditaments so to be exchanged shall lie or be situate; and that all such Exchanges shall take place at such Time or Times, certain or contingent, as the said Commissioners shall in and by their said Awards order and direct.

Exchanges
may be made.

[Loc. & Per.]

23. F.

XL. Provided

Costs of
Exchanges
to be paid
by the
Parties
making the
same.

For deter-
mining
Leases at
Rack Rent.

XL. Provided always, and be it further enacted, That all the Costs, Charges and Expences attending the making of any Exchange or Partition, shall be paid, borne and defrayed by the several Persons making such Exchanges or Partitions, in such Manner, and in such Proportion as the said Commissioners shall by their said Award order or direct.

XLI. And be it further enacted, That it shall be lawful for the said Commissioners, at any Time previous to the Execution of their said Awards, in all Cases where in their Discretion they shall deem it necessary or expedient for the due Execution of this Act, by any Writing or Writings under their Hands, to determine and make void all or any of the Leases and Agreements for any Term or Terms of Years, at Rack Rent now subsisting, or from Year to Year or at Will, of all or any Part of the Lands and Grounds within the said Parishes and Township respectively hereby intended to be divided and inclosed, and of any of the Messuages, Old Inclosures, Lands or Grounds, Hereditaments and Premises, to be exchanged by virtue of this or the said recited Act, either as to the Whole or as to some Part or Parts only of the Hereditaments comprised in such Leases or Agreements respectively, and at such Time or Times in the Year as the said Commissioners shall in their Discretion think most convenient, according to the Circumstances of the Case; and where such Leases or Agreements shall be so determined as aforesaid, the said Commissioners shall ascertain and describe whether any and what Sums of Money in gross ought to be paid, or any and what Deduction or Abatement in the reserved Rent or Rents ought to be made by the Lessors or Landlords to the Lessees or Tenants, as a Compensation or Satisfaction for such total or partial Determination of their respective Leases or Agreements; and such Sums in gross, and reduced Rents so ascertained and declared as aforesaid, shall respectively become payable or commence at such Time or Times, and in such Manner as the said Commissioners shall direct and appoint; and all such Sums in gross shall be charged upon the Lands in respect of which the same shall be payable, and shall and may be levied and recovered in like Manner as is herein-after provided with respect to the levying and recovering the Expences of passing and executing this Act; and all such reduced Rents shall, after the Commencement thereof, be payable and recoverable in like Manner as the Rents originally reserved would have been payable and recoverable if this Act had not been made; and in all Cases where such subsisting Leases or Agreements shall continue as to the Whole or any Part or Parts of the Hereditaments therein comprised, it shall be lawful for the said Commissioners in like Manner to ascertain and declare whether any, and what additional Rent or Rents ought to be paid by the Lessees or Tenants, to the Lessors or Landlords for or in respect of any Improvement in the annual Value of the Hereditaments comprised in such Leases or Agreements respectively, by reason of the same being divided and allotted and exchanged respectively by virtue of this Act; and such additional Rents so ascertained and declared as last aforesaid, shall commence at such Time and Times as the said Commissioners shall direct and appoint, and shall afterwards be payable and recoverable in like Manner as the Rents originally reserved would have been payable and recoverable if this Act had not passed; and it shall be lawful for the said Commissioners in like Manner to settle, ascertain and declare the
Course.

Course of Husbandry to be used by such Lessees or Tenants during the Remainder of their subsisting Leases or Agreements, in all Cases where they shall deem it necessary and proper so to do: Provided always, that where there shall be any Lease of Lands, Part of which shall lie in either of the said Parishes, and Part in any adjoining Parish, all and every such Lease or Leases upon Rack Rent now subsisting may be vacated; but where any Lands shall be taken in Exchange, which Land shall be under Lease, and wholly situate in an adjoining Parish, the Lease of such last-mentioned Lands shall not be vacated.

XLII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to, set aside or make void any beneficial Lease or Leases from any Bodies Politick or Corporate, or other Person or Persons, of any Lands, Tenements, Tithes or Hereditaments, in the Parishes or Township aforesaid, or any of them, 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 or their several and respective Allotments of such Lands, Tenements, Tithes or Hereditaments, for his, her or their several and respective Terms, and under the same Rents and Covenants, as is, or are specified in his, her or their respective Leases, from the same Bodies Politick or Corporate, or other Person or Persons, to him, her or them respectively.

Not to vacate beneficial Leases.

XLIII. Provided always, and be it further enacted, That nothing in this or the said recited Act contained shall extend, or be construed, deemed, adjudged or taken to extend, to revoke, make void, alter or annul any Will or Settlement, or to prejudice any Person having or claiming any Jointure, Dower, Portion, Debt, Rent or Incumbrance, out of, upon or affecting any of the Lands or Grounds hereby intended to be divided, allotted and inclosed, or any Messuages, Lands or Hereditaments, which shall be exchanged in pursuance of this or the said recited Act, or any Part or Parts thereof respectively, but that the respective Persons, to whom any Lands or Hereditaments shall be allotted or given in Exchange by virtue of this, or the said recited Act, shall thenceforth stand and be seised thereof, for such and the same Uses, Trusts and Estates, with the same Powers, and subject to such and the same Wills, Settlements, Limitations, Remainders, Charges, Rents and Incumbrances, and no other, as the several Lands, Grounds, Tenements and Hereditaments, whereof such Person was seised or possessed at or immediately before the Execution of the Award of the said Commissioners, or for which or in respect or in lieu whereof such Allotments and Exchanges shall be made as aforesaid, would have been subject or liable to in case the same had remained uninclosed or unexchanged, or this Act had not been made.

Wills and Settlements not to be affected.

XLIV. Provided always, and be it enacted, That nothing in this Act, or the said recited Act contained, shall prejudice, lessen, defeat, or in any wise affect the Right, Title or Interest of the respective Tithe Owners for the time being respectively, in or to any Tithes, Moduses, Dues, Payments, Mortuaries, *Easter* Offerings, Surplice or other Fees, happening, arising and renewing, out of or payable in respect of any Lands, Tenements

Not to affect Tithes, &c.

ments or Hereditaments within the said Parishes and Township respectively, but that such Tithes, Moduses, Dues, Payments, Mortuaries, *Easter Offerings*, Surplice and other Fees, shall be payable, and paid at all Times hereafter, in the same Manner as if this Act or the said recited Act had not been passed.

Allotments
in respect of
Tithe-free
Land to be
Tithe-free.

XLV. Provided also, and be it further enacted, That all and every such Allotment and Allotments as shall be made, either of the said Common Fields and Common Meadows, or of the said Common Marshes, Commons and Waste Grounds, in respect of any Messuages, Lands and Hereditaments, which are wholly or in Part Tithe-free or exempt from Tithes, shall in like Manner also be Tithe-free or exempt from Tithes; and that all and every such Allotment or Allotments as shall be made, either of the said Common Fields and Common Meadows, or of the said Common Marshes, Commons and Waste Grounds, in respect of any Messuages, Lands and Hereditaments, which are subject to any Tithes, Moduses or other Payments in lieu of Tithes, shall in like Manner be and remain subject to Tithes, Moduses or other Payments in lieu of Tithes.

Corn Rent
for Peat
Land at
Woolhamp-
ton, Brimp-
ton, Alder-
maaston and
Midgham.

XLVI. Provided always, and be it further enacted, That in case the respective Tithe Owners, within the said Parishes of *Woolhampton*, *Brimpton*, and *Aldermaaston*, and the said Township of *Midgham*, or any or either of them for the time being, shall within Twelve Calendar Months next after the passing of this Act, respectively signify in Writing unto the said Commissioners their Intention of commuting for a Corn-Rent the Tithes yearly arising and renewing out of, or from all or any of the Allotments of the Lands and Grounds, within the said Parishes and Township respectively hereby directed to be divided and inclosed, wherein there shall be found Peat, and which shall or may hereafter be cut, dug out, or taken for the Peat or Peat Earth therein, or used for the drying the same thereon, that then the said Commissioners shall, and they are hereby required to calculate and ascertain the Value of all such Tithes; and after making such Valuation, the said Commissioners shall, by the *London Gazette*, or by such other Ways and Means as they shall think proper, inquire what hath been the Average Price of the *Winchester* Bushel of good marketable Wheat in the County of *Berks*, during the last Fourteen Years preceding the Twenty-fifth Day of *December* One thousand eight hundred and ten, and shall in and by their Awards to be made for the said Parishes of *Woolhampton*, *Brimpton* and *Aldermaaston*, and the said Township of *Midgham* respectively, ascertain and set forth what Quantity of such Wheat shall, in their Judgment, according to the Average Price aforesaid, be equal in Value to all the Tithes of the said Allotments respectively; and the Sum and Sums of Money, when so ascertained by the said Commissioners as aforesaid, shall be paid to the said Tithe Owners respectively and their Successors for ever, by the Person or Persons who for the time being shall be in the Possession or Occupation of the aforesaid Allotments respectively, out of which the said Sum and Sums of Money, by way of Corn-Rent, shall be issuing, rateably and in proportion to the Part or Parts thereof, so to be cut, dug out, taken or used as aforesaid, only by Two Half-Yearly Payments in every Year, that is to say, the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September*; the First Payment

Payment whereof shall commence from such Time and Times, and be paid or payable out of such Allotments respectively, or such Part or Parts thereof, and in such Proportions as the said Commissioners shall in and by their said Awards respectively order and direct; and such Sum and Sums of Money, by way of Corn Rent, shall be in lieu of, and as a full Recompence and Satisfaction for all Tithes in kind, both Great and Small, whatsoever, arising or renewing out of or from the said Allotments respectively.

XLVII. And be it further enacted, That it shall be lawful for the said Tithe Owners respectively for the time being, or the Owners or Proprietors of such Allotments as aforesaid, by Writing under their respective Hands, to apply at the First General Quarter Sessions of the Peace, to be holden in and for the said County of *Berks*, after the Twenty-fifth Day of *December*, after the Expiration of Fourteen Years from the Execution of the said Awards respectively, or at some Adjournment thereof; (Notice of such intended Application being First given in the *London Gazette*, or in some Newspaper usually circulated in the said County of *Berks*, or by Notice affixed on the Doors of the Churches of *Woolhampton*, *Brimpton* and *Aldermaston*, and the Chapel of *Midgham* respectively, on a *Sunday* in the Month of *August* preceding, to have a proper Person named or appointed by the Justices then and there assembled, a Referee for the Purpose of inquiring and ascertaining from, or by Means of the *London Gazette*, or by such other Ways and Means as he shall think equitable, the Average Price of a *Winchester* Bushel of good marketable Wheat within the said County of *Berks* for the Fourteen Years then last past; and the said Justices shall, and they are hereby required to nominate and appoint the said Referee, and the said Referee shall, from and after such Inquiry and Ascertainment as aforesaid, make and deliver a Report thereof, stating such Average Price to the Court of Quarter Sessions to be holden in and for the said County of *Berks*, then next ensuing, or some Adjournment thereof; and in case it shall appear by such Report, that such Average Price of a Bushel of such Wheat as aforesaid is more or less than the Average Price thereof, set forth in the said Awards respectively, by the Value of Three-pence, then and in such Case such Sum or Sums of Money, by way of Corn Rent, shall be increased or diminished in such Proportion as shall be declared by Order of the said Court; and the same shall, from the Half-yearly Day of Payment preceding such Order, remain and continue issuing and payable as aforesaid out of the said respective Allotments, until such Sum and Sums of Money shall, at the End of Fourteen Years then next ensuing, be again varied by such Application, and in such Manner as herein-before mentioned, and so from time to time at the End of every Fourteen Years for ever.

For re-ascertaining Corn Rent.

XLVIII. And be it further enacted, That it shall be lawful for the said Tithe Owners respectively, for the time being, to recover the said several Sums of Money by way of Corn Rent, when in Arrear, together with the Costs, Charges and Expences of Recovery thereof, from the Owners or Occupiers respectively of the aforesaid Allotments respectively, by such Ways and Means as by the Laws and Statutes of this Realm any

For Recovery of the Corn Rent.

Tithes or Rack Rents in Arrear may or can be recovered; and that upon the Death of the said Tithe Owners respectively for the time being, their respective Executors or Administrators shall be entitled to, and receive so much and such Part of the several Sums of Money by way of Corn Rent, as shall be in proportion to the Number of Days elapsed between the Day of such Death and the then last preceding Day of Payment.

Schedule to be made of Lands subject to Corn Rent.

XLIX. And in order to prevent any Difficulty to the said Parties entitled to the said Corn Rents, and to regulate the future Payments, be it further enacted, That the said Commissioners shall, and they are hereby required to make, or cause to be made, Four complete Schedules or Descriptions of the aforesaid Allotments respectively subject to the Payment of the said Corn Rents, with the Name of the Owners thereof, the exact Statute Measure in Acres, Roods and Perches, the yearly or Corn Rents, or Sums of Money issuing out of each respectively, and the Quantity of Wheat which is to govern each of the said future yearly or other Corn Rents, payable to the said Tithe Owners respectively, and the Rate by the Acre by which the said yearly or Corn Rents shall be charged as aforesaid; and such other Requisites as shall be judged proper and necessary by the said Commissioners, to render every Matter respecting the same clear and plain in future; which Schedules shall be signed by the Commissioners, and annexed to the said Awards respectively.

For determining the Corn Rent.

L. Provided always, and be it further enacted, That it shall and may be lawful to and for the said respective Tithe Owners, upon giving Six Months Notice in Writing to the Owners or Occupiers of the said last-mentioned Allotments respectively, previously to the End of the first Term of Fourteen Years, or previously to the End of any subsequent Term of Fourteen Years, to determine all or any Part or Parts of the said yearly Corn Rents or annual Sums so chargeable upon the said Allotments respectively, or any Part or Parts thereof; and that from and immediately after the Expiration of the said respective Notices so to be given as aforesaid, the said Allotments, or such Part or Parts thereof, in respect whereof such Notice or Notices shall be so given as aforesaid, shall thenceforth again become subject and liable to Tithes in kind, in such and the same Manner as if such yearly Corn Rents or annual Sums had not been ordered and directed to be paid as aforesaid.

Commissioners to direct the Course of Husbandry.

LI. And be it further enacted, That the said Commissioners shall, and they are hereby required, as soon after the passing of this Act as they shall think necessary, by some Writing or Writings under their Hands, to be affixed on the principal outer Door of the said several Parish Churches, and the said Chapel of *Midgham*, to order and direct the Course of Husbandry that shall be used in, over and upon the said Open and Common Fields, and other Grounds hereby intended to be divided, allotted and inclosed, until the Time when they shall have completed the respective Allotments thereof, as well with respect to the ploughing, sowing, fallowing, tilling and laying down, as to the Stocking and Pasturage thereof, and by the same, or any other Writing or Writings under their Hands, to be affixed

in Manner aforesaid, shall and may make such Orders, Rules and Regulations as to them shall seem expedient, touching the Conduct of the Farmers and Occupiers within the said several Parishes and Township, for preventing them from ploughing up or tilling any Meadow, Pasture or fresh Ground, or committing any Waste or Destruction upon any Part of the said Lands or Grounds hereby intended to be divided, allotted and inclosed until the setting out and allotting thereof shall be completed as aforesaid; all which Rules, Orders and Regulations of the said Commissioners shall be binding and conclusive upon all the said Farmers and Occupiers, and all other Persons interested therein; and the said Commissioners shall order and direct such Sum and Sums of Money in respect thereof to be paid by any Person or Persons interested in the said Division and Inclosure as the said Commissioners shall think reasonable, which Sum or Sums of Money it shall be lawful for the said Commissioners, and they are hereby authorized and required to raise and levy for the Use and Benefit of the Person or Persons entitled thereto, by such Ways and Means as the Costs, Charges and Expences of obtaining and executing this Act may be raised and levied.

LII. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and empowered, by any Writing or Writings under their Hands, to ascertain, order and appoint what Recompence and Satisfaction in Money shall be made to the Owner or Owners of any Crops growing upon the Lands and Grounds hereby intended to be divided and inclosed at the Time such Allotment and Division shall be made, for the said Crops, by the Person or Persons to whom the Lands and Grounds on which such Crops are growing shall be allotted, unless such Owner or Owners shall within the Time to be appointed by the said Commissioners for that Purpose declare his, her, or their Intention to cut, reap, and carry away the same; and in case of Non-payment of such Recompence and Satisfaction for such Crops at the Time and in the Manner to be directed by the said Commissioners, or in case of such Election to reap and take away the same, then it shall be lawful for such Owner and Owners, and his, her and their Agents, Servants and Workmen, with Horses, Carts and Carriages, to enter into and upon the Lands and Grounds whereon such Crops shall be growing, and to cut, reap, and carry away the same for his, her and their own Use; and the said Commissioners shall also, and they are hereby authorized and empowered, by any Writing or Writings under their Hands, to ascertain, order and appoint what Recompence and Satisfaction in Money shall be paid, and to whom, for the Standage of such Crops, by the Owner or Owners neglecting to carry away the same as aforesaid, and also what Recompence and Satisfaction in Money shall be paid, and by whom, to any Tenant or Tenants, Occupier or Occupiers of Land within the Parishes and Township aforesaid, as well for ploughing, tilling and manuring of any of the Lands and Grounds which shall be divided and allotted by virtue of this Act, for the Benefit and Advantage accruing thereby to the Person or Persons to whom such Lands and Grounds shall be allotted, as for any Loss or Disadvantage which any such Tenant or Tenants, Occupier or Occupiers shall or may sustain by the Loss of their following or way-going Crops upon the Lands and Grounds by this Act intended to be

Satisfactions
to be made
for growing
Crops and
for tilling
the Land.

be divided and inclosed; and if in any or either of the said Cases the Money due for such Recompence and Satisfaction shall not be paid at the Time and in the Manner to be appointed as aforesaid by the said Commissioners, it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required to raise and levy the same for the Use of the Person or Persons entitled thereto, by such Ways and Means as the Costs, Charges and Expences of obtaining and executing this Act may be raised and levied.

No Cattle,
&c. to be
kept in the
new Inclo-
sures for
Seven Years.

LIII. Provided always, and be it further enacted, That no Cattle, Horses, Cows, Asses, Pigs, Sheep or Lambs shall be kept in any of the Allotments to be made by virtue of this Act (whereon any new Fence shall be raised) during the Space of Seven Years next after the Execution of the said Awards, unless the Person keeping the same shall first, at his, her or their own Expence, make and maintain a sufficient Fence to guard and protect the young Fences belonging or adjoining to such Allotments respectively, from being hurt or damaged by such Cattle, Horses, Cows, Asses, Pigs, Sheep or Lambs, (whether such young Fences be made or set up by the Owner or Occupier of such Allotments as aforesaid, or by the Owner or Occupier of the Allotment or Allotments adjoining thereto,) and in case any Person shall turn in or keep any Cattle, Horses, Cows, Asses, Pigs, Sheep or Lambs in any such Allotment or Allotments, without raising and keeping up such Fences as aforesaid, it shall be lawful for the Owner or Owners of any adjoining Allotment or Allotments to enter into such Allotment or Allotments, when, where, and so often as such Cattle, Horses, Cows, Asses, Pigs, Sheep or Lambs shall be so turned in or kept, and from time to time to take, drive away and impound the same as Damage Feasant.

For paying
the Expences
of passing
and exe-
cuting this
Act.

LIV. And be it further enacted, That as well the Fees and Payments to the said Commissioners, as also the Charges and Expences incident to and attending the soliciting, obtaining and passing of this Act, and of the surveying, planning, dividing, allotting and inclosing of the said Open and Common Field Lands, Common Meadows and Pastures, Marshes, Tracts or Parcels of Common Heath, Commonable Lands and Waste Grounds, and of preparing, making and depositing the Awards of the said Commissioners, and of all other Plans, Maps, Surveys, Instruments, Papers, Writings, Extracts, Schedules and Copies of the same, or any of them respectively, directed by the said Commissioners to be prepared and made out, and all other Costs, Charges and Expences whatsoever in anywise attending the Execution of this and the said recited Act, or any of the Powers, Authorities, Provisoos or Declarations therein contained, shall be borne and defrayed at such Times as the said Commissioners shall by any Writing or Writings under their Hands, to be affixed on the principal outer Door of the said respective Churches and Chapels on some *Sunday*, at least Twenty-one Days before the Day appointed for Payment of the same, order and direct, but subject to the Regulations, Proportions and Restraint hereinafter mentioned (that is to say) that so much of the said Costs, Charges and Expences as shall be incurred previous to and up to the Time of the passing of this Act, and all such other Costs, Charges and Expences as shall thereafter be incurred, which shall relate

to

to or affect the said Parishes and Township jointly, shall be paid by the several Proprietors of Estates and other Persons within the said several Parishes and Township respectively, to whom Allotments shall be made by virtue of this Act, in proportion to the Value of the Lands to be allotted to them respectively, to be ascertained by the said Commissioners, and that from the Time of the passing of this Act the said Commissioners shall keep a general Account of all Costs, Charges and Expences jointly affecting the said Parishes and Township, and also a separate Account of all such Costs, Charges and Expences as separately relate to or affect the said Parishes and Township, which last mentioned Costs, Charges and Expences shall be paid by the Proprietors of Estates and other Persons in the said Parishes and Township respectively to whom Allotments shall be made by virtue of this Act, in proportion to the Value of the Lands to be allotted to them respectively, to be ascertained by the said Commissioners; and in case any Person or Persons shall refuse or neglect to pay his, her or their Share or Proportion of such Charges and Expences within the Times and to such Person or Persons as the said Commissioners shall appoint, then and in such Case the said Commissioners shall cause the same to be levied and recovered in Manner directed by the said recited Act: Provided always, that the said Commissioners shall, in ascertaining the Proportion of the Costs, Charges and Expences to be paid by every Proprietor, take into their Consideration and Calculation the Surface Valuation only of the Land under which there may be found Peat or Peat Earth, and the extra Expences which may be incurred in valuing the same as Peat Land, which last mentioned Expences shall be borne and defrayed by the respective Proprietors to whom such Peat Land shall be allotted: Provided always, that nothing in this Act contained shall extend, or be construed to extend, to charge any of the Proprietors of Lands and Hereditaments in *Beenham* and *Padworth* aforesaid, with any Costs, Charges and Expences whatever, prior to the passing of this Act.

In ascertaining the Expences, the Value of the Peat Land to be considered.

LV. And be it further enacted, That it shall be lawful for the several Owners and Proprietors for the time being of any of the Allotments to be made in pursuance of this Act, or of any Part thereof, and to and for the Husbands, Guardians, Trustees, Committees or Attornies of or for any of the said Owners or Proprietors who may be under Coverture, Minors, Lunaticks, or beyond the Seas, or under any other Disability or Incapacity, and to and for all Persons acting as Guardians, Trustees, Committees or Attornies for any of the same Owners or Proprietors, and to and for any of the said Owners and Proprietors, being Tenants in Tail, or for Life or Lives, or Years determinable on a Life or Lives, or upon any other Contingency, or otherwise interested as aforesaid, and to and for every of them respectively (other than and except the said Rector and Vicar and their Successors) by and with the Consent of the said Commissioners, in Writing under their Hands and Seals from time to time, to charge such respective Allotments, or any Part or Parts thereof respectively, with any Sum or Sums of Money at the Discretion of the said Commissioners, not exceeding Five Pounds for every Acre of Land or Ground so to be allotted, to be paid to such Person or Persons as the said Commissioners shall nominate and appoint, in order to

Proprietors enabled to borrow Money.

be applied in defraying the several Shares and Proportions of such respective Proprietors of the Charges and Expences of obtaining and executing this Act, and of dividing and inclosing the respective Allotments, and subdividing the same if proper; and, for securing the Re-payment of such respective Sums with Interest, to grant, mortgage, surrender, or demise such Lands and Tenements respectively to such Person or Persons as shall respectively advance and lend such Sum and Sums, and to his, her and their respective Heirs, Executors, Administrators and Assigns, in Fee or for any Term or Number of Years, so that every such Grant, Mortgage, Surrender or Demise be made with a Proviso or Condition to cease and be void, or with an express Trust to be re-conveyed or surrendered when such Sum or Sums of Money thereby to be secured, and the Charges occasioned by preparing and executing such Security, and of borrowing such Sum and Sums of Money, with Interest for the same respectively, shall be paid and satisfied; and so that in every such Grant, Mortgage, Surrender or Demise, which shall by virtue of this Act be made by any Tenant in Tail, or for Life or Lives, or Years determinable on any Life or Lives, or upon any other Contingency, there be contained a Proviso or Condition to pay and keep down the Interest, so that no Person who shall afterwards become entitled in Remainder or Reversion to the Lands or Tenements therein comprised, shall be liable to pay any further or larger Arrear of Interest, in respect of the Money so to be charged as aforesaid, than for One Year preceding the Time that the Title to such Possession shall have commenced.

Charging
the Lands
with the
Proportion
of the
Expences.

LVI. Provided always, and be it further enacted and declared, That in the Place of any such Grant, Mortgage, Surrender or Demise as aforesaid, it shall be lawful for the said Commissioners, by any Deed or Deeds, Writing or Writings under their Hands and Seals, to be attested by Two or more credible Witnesses, at the Request of any of the said Owners and Proprietors, being Tenants in Tail, or for Life or Lives, or Years determinable on a Life or Lives, or on any other Contingency, or otherwise interested as aforesaid, who shall respectively pay and discharge his, her or their Part and Proportion of the Payment, Charges and Expences aforesaid, to authorize and empower such Owners and Proprietors, or either of them making such Request, to charge and subject the said Lands and Grounds so to be allotted to or for them respectively, with any Sum or Sums of Money not exceeding the Sum herein-before limited, with Interest for the same as aforesaid, which Sum or Sums of Money, so to be charged as last aforesaid, shall be payable within Two Years next after the Decease of every such Tenant in Tail, or for Life or Lives, or Years determinable on a Life or Lives, or after the Determination of any such contingent Estate or Interest respectively, with Interest, to be computed from his, her or their respective Decease, or from the Determination of such contingent Estate or Interest unto such Person or Persons as such respective Tenants in Tail, or for Life or Lives, or Years determinable on a Life or Lives, or upon such other Contingency respectively, by any Deed or Will duly executed and attested, shall direct or appoint, and in default of such Direction or Appointment to such Person or Persons, his, her or their
Executors

Executors or Administrators: Provided always, that nothing in this Act contained shall extend, or be construed to extend, to render the Rector of *Woolhampton*, the Vicar of *Brimpton*, or the Patron or Vicar of *Thatcham*, any or either of them, or their respective Successors, or the said Trustees for the Poor, subject or liable to the Payment of any Part of the Charges and Expences incident to and attending the obtaining and passing of this Act, or any other Charges and Expences; and that all and every Allotment and Allotments which shall be made to the said Rector or Vicars respectively, or to the said Trustees for the Poor, shall be inclosed and fenced round the Boundary thereof, in such Manner as the said Commissioners shall by their said Awards direct; and for Seven Years, commencing from such Time as the said Commissioners shall appoint, the Fences thereof shall be preserved, repaired or maintained by and at the Expence of the several Proprietors of Lands and Grounds within the same Parishes and Township respectively, in such Manner and Proportions as the said Commissioners shall order and appoint.

Rector and Vicar and Trustees of Poor's Allotments exempted from Expences of this Act.

LVII. And be it further enacted, That if any Person or Persons shall advance and pay any Money in Discharge of the Fees or other Expences in or about the applying for and obtaining of this Act, or carrying the same into Execution, such Person or Persons shall be repaid the same with Interest, after the Rate of Five Pounds *per Centum per Annum*, out of the Monies which shall be first raised to defray the Expences of this Act.

Persons advancing Money to pay the Expences of this Act, to be repaid with Interest.

LVIII. And be it further enacted, That out of the Monies that shall be raised for defraying the Expences of obtaining and executing this Act, there shall be paid to each of the Commissioners, as a Recompence for his Time, Trouble, Journies and Expences in and about the dividing, allotting and inclosing of the said Lands and Grounds, and determining Disputes, and all other Matters whatsoever incident to his said Office as a Commissioner, the Sum of Three Guineas and no more, for each Day he shall be attending in the Execution of this and the said recited Act, and in travelling to and from the Place or Places of Meeting: and at all Meetings the said Commissioners shall defray their own Expences.

Allowance to Commissioners.

LIX. And be it further enacted, That Once at least in each and every Year during the Execution of this Act, (such Year to be computed from the Day of the passing thereof,) the said Commissioners shall, and they are hereby required to make a true and just Statement or Account of all Sums of Money by them received and expended, or due to them for their own Trouble or Expences in the Execution of this and the said recited Act; and such Statement or Account, when so made out, together with the Vouchers relating thereto, shall be by them laid before any Two or more of His Majesty's Justices of the Peace for the said County of *Berks*, to be by them examined and balanced, and such Balance shall be by such Justices stated in the Book of Accounts to be kept at the Office of the Clerk or Clerks to the said Commissioners, and no Charges or Items in such Account shall be binding on the Parties concerned, or valid in Law, unless

Commissioners to lay their Accounts before Two Justices once in every Year.

unless the same shall have been duly allowed by such Justices as aforesaid.

Award.

LX. And be it further enacted, That as soon as conveniently may be, after the said Commissioners shall have finished and completed the said intended Division and Inclosure, they shall and are hereby authorized and required to form and draw up, or cause to be formed and drawn up, Four separate and distinct Awards in Writing, One for each of the said Parishes of *Woolhampton*, *Brimpton*, and *Aldermaston*, and One for the said Township of *Midgham*, and which said Awards for the said Parishes of *Woolhampton* and *Aldermaston* shall respectively contain all such Particulars, Matters and Things relating to the said Lands and Grounds in *Beenham* and *Padworth* aforesaid, as the said Commissioners shall think necessary, which said Awards, together with the Maps, Plans and Surveys to be annexed thereto, shall, within Six Calendar Months next after the Execution of the said Awards, by the said Commissioners be inrolled with the Clerk of the Peace for the said County of *Berks*, and the said Awards, when so inrolled in Manner directed by the said recited Act, shall be deposited as herein-after mentioned, that is to say, the Award for the Parish of *Woolhampton* shall be deposited in the Parish Church of *Woolhampton*; the Award for the Parish of *Brimpton* in the Parish Church of *Brimpton*; the Award for the Parish of *Aldermaston* in the Parish Church of *Aldermaston*; and the Award for the Township of *Midgham* in *Midgham* Chapel; to which said Awards respectively all Persons interested in the said Inclosures and Allotments may at all Times have Access.

Allowing an Appeal to the Quarter Sessions.

LXI. And be it further enacted, That if any Person or Persons, Body or Bodies Politick, Corporate or Collegiate, shall think himself, herself or themselves aggrieved by any Thing done by virtue or in pursuance of this or the said recited Act, (other than and except as to such Claims, Matters and Things as are herein-before or by the said recited Act directed or authorized to be tried, settled or determined by the Verdict of a Jury, or an Issue at Law, or where any of the Clauses of the said recited Act, or of this Act, shall express that the same shall be by the Order and Determination of the said Commissioners final and conclusive), then, and in every such Case, he, she or they may appeal to the General Quarter Sessions of the Peace, which shall be held in and for the said County of *Berks*, within Three Calendar Months next after the Cause of Complaint shall have arisen; and the Justices of the Peace in such Sessions are hereby required to hear and determine the Matter of every such Appeal, provided that Notice in Writing of every such Appeal, specifying the Cause of Complaint, be given to the said Commissioners, and to the Party interested in the Matter of any such Appeal, or their Agent or Agents for the time being, Ten Days at least before such Sessions; and the said Justices in their said Sessions assembled may, if they see sufficient Cause, respite every such Appeal to the next General Quarter Sessions to be holden in and for the said County; and the said Justices shall make such Order touching the Matter of such Appeal, and Award such Damages and Costs as to them in their Discretion shall seem reasonable, and by their

their Order or Warrant 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 every such Distress and Sale; and every Order and Determination of the said Justices upon every such Appeal 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.

LXII. And be it further enacted, That nothing in this Act contained shall prejudice, lessen or defeat the Rights, Titles or Interests of the Lords of the aforesaid Manors respectively, or any future Lords thereof, of, in or to the Seignories and Royalties incident or belonging to the aforesaid Manors respectively, but that the Lords of the said Manors respectively for the time being shall and may, from time to time, and at all Times hereafter, have, hold, receive and enjoy all Rents, Services, Courts and Profits of Courts, and all other Rights, Royalties and Privileges to the said Manors respectively, incident and appendant, belonging or appertaining (other than and except such Common of Pasture, Right of Common, Right of Soil, and other Property, as is or are mentioned, and intended to be barred by this Act), in as full, large, ample and beneficial Manner, to all Intents and Purposes, as he or they might or ought to have held and enjoyed the same before the passing of this Act, or in case this Act had not been made.

Saving to
Lords of
Manors.

LXIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to bar, destroy, extinguish or affect any Estate, Right, Title or Interest of, in or to the said Improprate Rectory of *Aldermaston*, and the Advowson of the Vicarage thereof, or either of them, or of, in or to any Glebe Lands within the said Parish of *Aldermaston*, which the said Provost and Scholars of *Queen's College*, in the University of *Oxford*, have or ever had or enjoyed, or could or might have had or enjoyed if this Act had not been made, or of, in or to any Rights of Common, or of, in or to any Allotment or Allotments to be made by virtue of this Act in respect of such Glebe Lands or any Part thereof.

Saving Rec-
torial Rights
in *Alderma-
ston*.

LXIV. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all other Persons, Bodies Politick, Corporate and Collegiate, their Heirs, Executors, Administrators and Assigns, (other than and except the several Persons, Bodies Politick, Corporate or Collegiate, to whom any Allotment or Compensation shall be made, their Heirs, Successors, Executors, Administrators and Assigns respectively, and except such other Rights and Interests, as the Intent and Purpose of the Inclosure hereby authorized shall absolutely require to be barred, destroyed or extinguished, by virtue of this Act), all such Estates, Rights, Titles and Interests as they, every, or any of them had or enjoyed; of, in, to or out of the said Open and Common Fields, Common Meadows, Commons, Heaths, Marshes, Commonable Lands and Waste Grounds, hereby

General
Saving.

directed to be divided, allotted and inclosed, before the passing of this Act, or could or might have been had or enjoyed if this Act had not been made.

This Act
may be given
in Evidence.

LXV. And be it further enacted, That this Act shall be printed by the Printer to the King's most Excellent Majesty; and a Copy thereof so printed shall be admitted as Evidence thereof by all Judges, Justices and others.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1811.