



ANNO QUINQUAGESIMO PRIMO

GEORGI III. REGIS.

\*\*\*\*\*

Cap. 141.

An Act for inclosing Lands in the Parish of *Tilehurst*,  
in the County of *Berks*. [3<sup>rd</sup> May 1811.]

**W**HEREAS there are within the Parish of *Tilehurst*, in the County of *Berks*, several Common Fields, Common Meadows, and Common Pastures, containing by Estimation Six hundred Acres; and also several Commons or Waste Lands, containing by Estimation Six hundred Acres: And whereas *John Blagrove* Esquire, is Lord of the Manor of *Tilehurst* aforesaid; and is Owner of the Soil of the said Commons and Waste Grounds, and is also seised of divers Parts of the said Common Fields, Common Meadows, and Common Pastures, and several inclosed Lands within the said Manor and Parish: And whereas *Richard Benyon* Esquire, is Lord of the Hundreds of *Reading* and *Theale*, in the County of *Berks*, within which Hundreds the said Parish of *Tilehurst* lies: And whereas the said *Richard Benyon*, the Reverend *Henry Wilder* Doctor of Laws, *John Engelberts Liebenrood* Esquire, *Ambrose Serle* Esquire, *William Stone* Esquire, the Mayor and Corporation of the Borough of *Reading*, and divers other Persons, are seised of or entitled to the Residue of the said Common Fields, Common Meadows, Common Pastures, and inclosed Lands; and are entitled to Rights of Common in and upon the said Commons and Waste Grounds, in Right of their respective Estates: And whereas the Reverend *Thomas Sheppard* Doctor of Divinity, is Patron of the Rectory of the Parish of *Tilehurst* aforesaid, and the Reverend *Martin Joseph Routh* Doctor of Divinity, is Rector and Vicar of the said Parish, and as such is entitled to the

[*Loc. & Per.*]

Tythes, both great and small, of the said Parish: And whereas the said *John Blagrove, Richard Benyon, Henry Wilder, John Engelberts Liebenrood, Ambrose Serle, William Stone*, and others, interested in the said Common Fields, Common Meadows, Common Pastures, and Commons or Waste Lands, are desirous that the same shall be divided and inclosed, and specific Parts and Shares thereof allotted to the several Persons interested therein, whereby the same would be rendered capable of much greater Improvement than in their present State, and much more beneficial to the Owners thereof; 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 *John Trumper, of Harefield, in the County of Middlesex, and John Slade, of Aston Upton, in the County of Berks*, Gentlemen, and their Successors, to be appointed in Manner hereinafter mentioned, shall be, and they are hereby appointed Commissioners for carrying the Purposes of this Act into Execution, subject to the Powers, Provisions, Rules and Regulations of the said recited Act, except in such Cases where the same are hereby varied and altered.

Commis-  
sioners.

Appoint-  
ment of Um-  
pire.

II. Provided always, and be it further enacted, That if the Commissioners for the Time being for executing this Act and the said recited Act, shall disagree in their Opinion upon any Point or Matter relating to the Execution of this Act or the said recited Act, then, as often as it shall so happen, the said Commissioners shall and may, and they are hereby authorized and required to refer such Difference to the Judgment and Determination of an Umpire, not interested in the said Inclosure, to be chosen by the said Commissioners; and in case the said Commissioners shall, for the Space of Fourteen Days next after such Difference shall arise, neglect to appoint an Umpire as aforesaid, or if such Umpire shall die, or being appointed, shall refuse to act, or become incapable of acting as such Umpire as aforesaid, then, and in such Case, an Umpire not interested in the said Inclosure shall be nominated and appointed by a Majority in Value of the Proprietors of Estates in the said Parish, (to be ascertained by the Land-Tax Assessments) or their Agents duly authorized by Writing under their Hands, who shall be present at any Meeting to be appointed for that Purpose by Order of any Person or Persons interested in the said Division or Inclosure, within Twenty-eight Days next after such Death, Refusal, Neglect or Incapacity shall be known to him or them; of which Meeting Fifteen Days' Notice at the least shall be given in the Parish Church of *Tilehurst* aforesaid, upon a *Sunday*, during or immediately after Divine Service, and by Writing to be affixed on or at the Outside of the most public outer Door of the same Church; and every such Appointment of an Umpire shall be reduced into Writing, and signed by the Persons making the same; and such Umpire shall be invested with and have the same Powers and Authorities for carrying this and the said recited Act into Execution as if he had been originally nominated an Umpire in and by this Act.

III. Provided

III. Provided always, and be it further enacted, That no Person shall be capable of acting as an Umpire in the Execution of this Act or the said recited Act, until he shall have taken and subscribed an Oath, in the Form or to the Effect following:

I do swear, that I will faithfully, impartially and honestly, according to the best of my Skill and Judgment, execute and perform the several Trusts, Powers and Authorities vested and reposed in me as an Umpire, by virtue of an Act passed in the Fifty-first Year of the Reign of King George the Third, intituled, *An Act for inclosing Lands in the Parish of Tilehurst, in the County of Berks,* according to Equity and good Conscience, and without Favour or Affection, Prejudice or Partiality to any Person or Persons whomsoever.  
‘ So help me GOD.’

Which Oath the said Commissioners, or either of them, are and is hereby authorized and required to administer to the said Umpire; and the several Writings appointing such new Umpire shall be annexed to and inrolled and deposited with the Award of the said Commissioners, and a Copy of the Inrolment thereof shall be admitted as legal Evidence.

IV. And be it further enacted, That in case the said Commissioners, or either of them, their or either of their Successors, to be appointed as hereinafter mentioned, shall die or neglect to act for the Space of Two Calendar Months, when Occasion shall require their or his Attendance on the Business of the said Division and Inclosure, or shall refuse to act, or shall be rendered incapable of acting by Sickness or any other Cause whatsoever, before the Powers and Authorities hereby vested in them or him are fully accomplished, then, and in every such Case, a new Commissioner, not interested in the said Inclosure, shall be chosen in the Stead of such Commissioner so dying, refusing, neglecting or becoming incapable to act, by a Majority in Value of the Proprietors of Estates in the said Parish, to be ascertained by the Land-Tax Assessments, (or their Agents duly authorized by Writing under their Hands) who shall be present at any Meeting to be appointed for that Purpose, by Order of any Person or Persons interested in the said intended Division or Inclosure, within Two Months next after such Death, Refusal, Neglect or Incapacity shall be known to him or them; of which Meeting Fifteen Days Notice at the least shall be given in the Parish Church of *Tilehurst* aforesaid, upon a *Sunday*, during or immediately after Divine Service, and by Writing to be affixed on or at the Outside of the most public outer Door of the same Church; and every such Appointment of a new Commissioner shall be reduced into Writing, and signed by the Persons making the same; and such Commissioner shall be invested with and have the same Powers and Authorities for carrying this and the said recited Act into Execution, as if he had been originally nominated and appointed a Commissioner in and by this Act.

V. And be it further enacted, That the said Commissioners shall cause public Notice to be given in the Parish Church of *Tilehurst* aforesaid, upon some *Sunday*, immediately after Divine Service, or by Notice in Writing to be affixed on or at the principal outer Door of the said Church, and also by Advertisement, to be inserted in the Newspaper called the *Reading Mercury*, or any other Newspaper published or circulated in the said County

Appointment  
of new Com-  
missioners.

Commission-  
ers to give  
Notice of  
Meetings.

County of *Berks*, of the Time and Place of their first Meeting for the Execution of this Act; at least Fifteen Days before such Meeting shall be held, and give at least Fifteen Days' Notice, in the same Manner of every subsequent Meeting (Meetings by Adjournment only excepted); and all Meetings of the said Commissioners shall be held at some convenient Place in the said Parish of *Tilbury*, or within Six Miles thereof.

Meeting to receive Claims.

VI. And be it further enacted, That all Persons having or claiming any Estate or Interest in or upon any of the Lands and Grounds hereby directed to be divided, allotted and inclosed, shall by themselves, or their Agents, deliver their respective Claims in Writing to the said Commissioners, at a Meeting to be holden for that Purpose, in Manner directed by the said recited Act; of which Fifteen Days' Notice in Writing, under the Hands of the said Commissioners, expressing the Purpose of such Meeting, shall be given in Manner hereinbefore directed.

Other Notices how to be given.

One Commissioner or Clerk may adjourn.

VII. Provided always, and be it further enacted, That all other Notices necessary to be made and given by the said Commissioners, shall be made and given by Advertisement, to be inserted in the said Newspaper called the *Reading Mercury*, or in any other Newspaper published or circulated in the said County of *Berks*: Provided also, that if at any Meeting appointed to be holden as aforesaid, only one of the said Commissioners shall attend, such Commissioner so attending shall and may adjourn such Meeting; and if no Commissioner shall attend, it shall be lawful for the Clerk to the said Commissioners to adjourn such Meeting to such Time and Place, within Eight Miles of the said Parish, as such Commissioner or Clerk respectively shall think most convenient, and causing Notice of such Adjournment to be given to the absent Commissioner or Commissioners.

Proceedings to be entered in a Book.

VIII. And be it further enacted, That all Orders, Proceedings and Determinations of the said Commissioners or Umpire, 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 or Umpire respectively at such Meeting, and being 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.

Appointment of Surveyor.

IX. And be it further enacted, That *William Church* of *Abingdon*, Land Surveyor, shall be, and is hereby nominated and appointed the Surveyor to admeasure, plan and value upon Oath, (pursuant to the Provisions of the said recited Act) the said Open Fields, Commonable Lands, Commons and Waste Grounds, the Quantity or Value which it may be necessary to ascertain for the Purposes of this Act; the said Survey, Admeasurement, Plan, and Valuation to be subject nevertheless to the Opinion, Correction and Determination of the said Commissioners; and in case of the Death, Inability, Neglect or Refusal to act of the said *William Church*, then, and in such Case, a new Surveyor, not interested in the said Inclosure, shall be chosen and appointed by the said Commissioners, by Writing under their Hands; and such new Surveyor shall be invested with and have the same Powers and Authorities for carrying this and the said recited

recited Act into Execution, as if he had been originally nominated and appointed Surveyor in and by this Act.

X. And be it further enacted, That if any of the Parties interested in the said intended Division shall die before the same shall be completed, the Powers and Authorities hereby given to the said Commissioners or Umpire shall not be determined or suspended, but that the said Commissioners or Umpire shall and may proceed to execute the Powers given to them by this Act or the said recited Act, in such Manner as they might have done if such Parties had not died; and that the Share or Shares of the Person or Persons so dying, shall be allotted to such Person or Persons who by Descent, Will or otherwise shall become entitled to the same, and shall be accepted by him, her or them according to the Directions of this or the said recited Act, and he, she or they shall be liable to the Charges, and Expences, and other Conditions of this and the said recited Act.

Deaths of Parties not to suspend the Execution of the Act.

XI. And be it further enacted, That in case any Dispute or Difference shall arise between any of the Parties interested, or claiming to be interested in the said intended Division, Allotment and Inclosure, touching or concerning the respective Rights and Interests which they or any of them shall have, or claim to have in the same, or touching or concerning any other Matter or Thing relating to the said Division, Allotment and Inclosure, it shall be lawful to and for the said Commissioners or Umpire, and they and he are and is hereby authorized to examine into, hear and determine the same: Provided always, that nothing in this Act contained shall authorize the said Commissioners or Umpire to determine the Title to any Messuages, Cottages, Lands, Tenements or Hereditaments whatsoever.

Power of Commissioners to settle Disputes.

XII. Provided also, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioners or Umpire to determine any Right between any of the Parties, contrary to the Possession of any such Parties (except in Cases of Encroachment made within Twenty Years, as hereinafter mentioned); but in case the said Commissioners or Umpire shall be of Opinion against the Right of the Person or Persons so in Possession, they shall forbear to make any Determination as to such Right, 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.

Right of Possession not to be determined by the Commissioners.

XIII. And be it further enacted, That in case the said Commissioners or Umpire shall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them or him in pursuance of this or the said recited Act, see cause to award any Costs, it shall be lawful for the said Commissioners or Umpire, and they and he are and is hereby empowered, upon Application made to them for that Purpose, to settle, assess and award such Costs and Charges as they or he shall think reasonable to be paid to the Party or Parties in whose Favour any Determination of the said Commissioners or Umpire shall be made, by the Person or Persons whose Claim or Claims, Objection or Objections, shall be thereby disallowed or overruled; and in case the Person or Persons who shall be liable to pay such Costs and Charges, shall neglect or refuse to pay the same for the Space of Ten Days next after Demand

Power to assess Costs.

[Loc. & Per.]

33 K

shall

shall be thereof made, then, and in such Case, it shall be lawful to and for the said Commissioners or Umpire, and they and he are and is hereby authorized and required, by Warrant under their Hands and Seals, or his Hand and Seal, directed to any Person or Persons whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale: Provided always, that in case the Person or Persons whose Claim shall have been so overruled or disallowed by the said Commissioners or Umpire, shall, within the like Space of Ten Days next after such Demand shall be made, cause an Action to be brought in Manner hereinafter mentioned, and shall upon the Trial of such Action, establish the Claim which shall have been so overruled or disallowed by the said Commissioners or Umpire, the Costs and Charges so assessed and awarded by the Commissioners or Umpire, shall not, nor shall any Part thereof, be paid by or be levied upon the Goods and Chattels of the Person or Persons by whom the said Commissioners or Umpire shall have awarded the same to be paid as aforesaid.

Allowing  
Parties to try  
their Rights  
at Law.

XIV. Provided always, and be it further enacted, That in case any Person or Persons, interested or claiming to be interested in the said intended Division, Allotment and Inclosure, shall be dissatisfied with any Determination of the said Commissioners or Umpire touching or concerning any Claim or Claims, or other Rights or Interest in, over or upon the Lands and Grounds hereby intended to be divided, allotted and inclosed or any Part thereof, it shall be lawful for the Person or Persons so dissatisfied to proceed to a Trial at Law of the Matter so determined by the said Commissioners or Umpire at the first or second Assizes to be holden for the said County of *Berks*, next after such Determination, first giving Fifteen Days Notice of his, her or their Intention to the said Commissioners or their Clerk; and for that Purpose, the Person or Persons who shall be dissatisfied with the Determination of the said Commissioners or Umpire, shall cause an Action to be brought upon a feigned Issue, against the Person or Persons in whose Favour such Determination shall have been made, within Six Calendar Months next after such Determination of the said Commissioners or Umpire; and the Defendant or Defendants in such Action or Actions shall, and he, she or they is and are hereby required to name an Attorney or Attornies, who shall appear thereto, or file Common Bail, and accept One or more Issue or Issues, whereby such Claim or Claims, and the Right or Rights thereby insisted on, may be tried and determined; such Issue or Issues to be settled by the proper Officer of the Court, in which the said Action or Actions shall be commenced, in case the Parties shall differ about the same; and the Verdict or Verdicts which shall be given in such Action or Actions, shall be final, binding and conclusive, upon all and every Person and Persons whomsoever, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall be lawful for the Court to do, as is usual in other Cases; and after such Verdict or Verdicts shall be obtained, and not set aside by the Court, the said Commissioners or Umpire respectively shall, and they are hereby required to act in Conformity thereto,

thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials: Provided always, that the Determination of the said Commissioners or Umpire touching such Claim or Claims, 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, which shall not be objected to, or being objected to, the Party or Parties not causing such Action at Law to be brought and proceeded in as aforesaid, shall be final and conclusive upon all Parties.

XV. And be it further enacted, That no such Difference, Suit or Proceeding as aforesaid, or any Difference, Suit or Proceeding, touching the Title to any Lands, Tenements or Hereditaments, shall impede and delay the Commissioners or Umpire respectively in the Execution of this Act, but the Division and Inclosure hereby directed to be made, shall be proceeded in notwithstanding such Difference, Suit or Proceeding; and if any of the Parties in any Action to be brought in pursuance of this Act shall die pending the same, such Action shall not abate by reason thereby, but shall be proceeded in as if no such Event had happened.

If any of the Parties die, Proceedings not to abate.

XVI. 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 hereinbefore limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Body or Bodies Politic or Corporate, who might have brought such Action against the Person or Persons so dying, to bring the same within the Time so limited as aforesaid, against such Person or Persons as if actually living, and to serve the Clerk to 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 Right of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

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

XVII. And be it further enacted, That it shall be lawful for the said Commissioners or Umpire, and they or he are and is hereby authorized at any Time previous to the Execution of the said Award, by Notice in Writing under their or his Hand, to be affixed upon or at the principal outer Door of the Parish Church of *Tilehurst* aforesaid, to order and direct all or any Part of the Rights of Common in, over or upon the said Commons or Waste Grounds respectively, or any Part thereof, to be extinguished, or the Exercise thereof to be suspended during such Time as shall be expressed in such Writing; and that all such Rights of Common as the said Commissioners shall by such Writing order and direct to be extinguished, or the Exercise thereof to be suspended as aforesaid, shall, from the Time of affixing such Writing on or at the Church Door, cease, determine and be extinguished, or the Exercise thereof be suspended accordingly, any Law, Usage or Custom to the contrary thereof notwithstanding.

For extinguishing or suspending Rights of Common.

notwithstanding; and all and every Person and Persons whomsoever using and exercising such Rights of Common, or any of them, in, over and upon the said Commons and Waste Grounds, or any Part of either of them, contrary to such Order and Direction, without the Licence of the said Commissioners or Umpire first had and obtained in Writing for that Purpose (which Licence the said Commissioners or Umpire are and is hereby empowered to grant under such Orders, Rules, Restrictions and Regulations as they shall think proper to be inserted therein); then, and in every such Case, the said Commissioners or Umpire, upon due Proof before them on Oath (which Oath either of the said Commissioners or the said Umpire is hereby authorized to administer), shall, and they are hereby required by Warrant under their Hands and Seals directed to any Person or Persons whomsoever; to cause any Sum of Money, not exceeding Five Pounds, to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so offending in the Premises, rendering the Overplus (if any) upon Demand, to the Person or Persons whose Goods and Chattels shall be so distrained and sold, deducting the Costs and Charges attending such Distress and Sale; and the Money to be levied as aforesaid, shall be applied towards the Payment of the Costs and Charges of obtaining and executing this Act.

Power to shorten Boundary Fences.

XVIII. And be it further enacted, That in order 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 adjoining Parish, or to make the same Boundary Fences respectively regular, it shall and may be lawful to and for the said Commissioners or Umpire, with the Consent in Writing under the Hand or Hands of the Lord or Lords, Lady or Ladies, of the Manor or Manors, or Owner or Owners of the Soil, and under the Hands of the major Part in Value of the Land Owners in any Parish or Parishes interested in any Commons or Waste Grounds adjoining to the said Parish of *Tilehurst*, and also under the Hand or Hands of the Owner or Owners of any adjoining Lands upon which such Fence or Fences are intended to be made, to set out and ascertain the Boundary Fences to be made between the said Commons and Waste Grounds, or other Lands and Grounds adjoining to the Lands and Grounds hereby intended to be divided, allotted and inclosed, and any Parish or Parishes, Tything or Tythings, in such Manner as they or he may judge proper for the Purposes aforesaid, and after such Boundary Fences shall be set out and ascertained 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 or Umpire shall order and direct in and by their or his Award; and shall be for ever thereafter deemed and taken to be the Boundaries between the said Lands and Grounds, and the Lands and Grounds in such adjoining Parish or Parishes as aforesaid; any Law, Usage or Custom to the contrary notwithstanding.

Encroachments.

XIX. And be it further enacted, That it shall be lawful for the said Commissioners to enquire and determine what Inclosures and Encroachments have been from Time to Time made upon or taken from the said Commons or Waste Lands, or any of them, 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 previous to the passing of this Act, without any Interruption, shall, after the passing of this Act, be absolutely vested in the Person or  
Persons



Persons holding the same, in such Manner as he, she or they have hitherto enjoyed such Inclosure and Encroachment respectively; and that all other Inclosures and Encroachments shall be deemed Part and Parcel of the said Commons or Waste Lands; and that it shall be lawful for the said Commissioners, where the same can be done without Prejudice or Inconvenience to the Proprietors or Occupiers of Messuages or Lands within the said Parishes respectively, to allot such last-mentioned Inclosures and Encroachments to the Person or Persons who shall, at the Time of the passing of this Act, or of the Execution of the Award of the said Commissioners or Umpire be in Possession thereof, or in the Receipt of the Rents and Profits thereof, as the whole or part of the Share or Proportion of the said Commons or Waste Lands to which such Person or Persons will be entitled by virtue of this Act, without considering the Value of any Buildings therein; and if such Person or Persons shall not be entitled to any Allotment or Allotments under this Inclosure, equal to the Value of such Encroachment, but shall be willing to purchase the same, then the said Commissioners or Umpire shall (where the same can be done without such Prejudice or Inconvenience as aforesaid) ascertain the Price thereof, or of such Part thereof as shall exceed the Rights of such Possessor or Possessors thereof, in respect of any other Property as aforesaid; in ascertaining of which Price, the said Commissioners or Umpire shall not value the Buildings thereon, but shall value the Land only, and that at so much Money *per* Acre as shall be the highest and best Price for the Land by this Act directed to be sold for defraying the Expences of applying for and obtaining this Act, and carrying the same into Execution; and upon such Person or Persons paying such Price *per* Acre to the said Commissioners or Umpire at such Time and Place as they shall for that Purpose appoint, and taking their Receipt or Receipts for the same, every such Encroachment, or such Parts thereof as shall be so purchased, and also all Buildings thereon, shall thereupon become vested in such Purchaser or Purchasers, and his and their respective Heirs and Assigns, in Fee Simple, without any further or other Conveyance, Assurance, Instrument or Writing whatsoever; and the said Commissioners shall apply such Purchase Money as aforesaid, as Part of the Monies to be raised for defraying the Expences of applying for and obtaining this Act, and carrying the same into Execution; and where such Person or Persons, in Possession of any Encroachments as last aforesaid, shall not be entitled to any Allotment equal to the Value of such Encroachment, and by reason of the Poverty of such Person or Persons, he, she or they shall not be enabled to purchase such Encroachments as aforesaid, it shall be lawful for the said Commissioners or Umpire, and they or he are and is hereby authorized (where the same can be done without such Prejudice or Inconvenience as aforesaid) either to allot such last-mentioned Inclosures or Encroachments to such respective Persons as last aforesaid, in Fee, or for Term of their Lives, or otherwise, or to permit them to remove any Houses or Buildings erected, or Trees planted thereon, or to make them any reasonable Compensations, either by Allotments to them of any other Part of such Commons or Wastes, or in Money, to be paid by the Persons to whom the Residue of such Commons or Waste Lands shall be allotted, as to the said Commissioners shall seem reasonable and expedient; and in case any Difference or Dispute shall arise, touching any such Inclosures or Encroachments, or the Extent thereof, such Difference or Dispute shall be determined by the said Commissioners or Umpire: Provided always, that no Person or Persons who hath or

[*Loc. & Per.*]

33 L

have

have made, or who is or are in Possession of any such Inclosures or Encroachments, shall, in respect thereof, be entitled to any Part or Share of or in the Commons and Waste Grounds intended to be divided, allotted and inclosed by virtue of this Act.

Old Roads may be stopped or diverted.

XX. And be it further enacted, That it shall and may be lawful for the said Commissioners or Umpire, and they are hereby authorized and empowered, in case they think proper, by and with the Order and Concurrence of any Two or more of His Majesty's Justices of the Peace for the said County of *Berks*, and in Manner and subject to Appeal as in the said recited Act is directed, to stop up, divert, turn or vary the Direction of any old or accustomed Road or Roads, Way or Ways, Path or Paths, Track or Tracks, passing or leading through any Part of the old Inclosures, or over any other Part or Parts of the said Parish of *Tilehurst*, subject nevertheless to such Provisions and under such Regulations, Directions and Conditions as are contained in the said recited Act respecting the stopping up any old or accustomed Road or Roads: Provided always, that none of the present Roads, Ways, Paths or Tracks, within the said Parish, shall be shut up or discontinued until the several Roads or Ways intended to be and remain public Roads or Highways shall be set out in Manner by the said recited Act and this Act directed; and until the same shall be properly fenced, and made safe and convenient for the Passage of Horses, Cattle and Carriages.

But not till new Roads are made.

The Commissioners may scour old Drains, and direct new Drains to be made.

XXI. And be it further enacted, That the said Commissioners or Umpire shall and may scour out and widen all such ancient Ditches, Drains, Watercourses, Tunnels and Bridges, in the said Parish of *Tilehurst*; and also shall, and may set out and appoint such new Ditches, Drains, Watercourses, Tunnels and Bridges, as well in, through and over the Lands and Grounds under and by virtue of this Act intended to be divided, allotted and inclosed, as also in, over and through any ancient Inclosures within the said Parish (making such Satisfaction to the Proprietors of such ancient Inclosures, for the Damage done thereby, as they shall think reasonable, the Expences thereof to be borne and defrayed as the Expences of executing this Act are hereby directed to be borne and defrayed), and of such Depth, Breadth and Dimensions, and in such Directions, as the said Commissioners or Umpire shall think proper; and the said Commissioners or Umpire shall and may, and they or he are hereby directed and required in and by their or his Award, to order and determine by whom and at whose Expence, and at what Time and in what Manner, the said Ditches, Drains, Water-courses, Tunnels and Bridges, shall be made, and afterwards cleansed, scoured and maintained; and also shall and may direct, order and award all or any of the Streams, Springs of Water and Watercourses within the said Open and Common Fields, Meadows and Pastures, Commons and Waste Grounds hereby directed to be divided, allotted and inclosed, to be carried, diverted and turned in such Courses, and through, over, and across such Parts of the Lands and Grounds hereby directed to be divided, allotted and inclosed as they the said Commissioners or Umpire shall in their or his Discretion judge proper: Provided that such Streams, Springs and Watercourses be not diverted or turned without the Consent in Writing of the respective Person or Persons from or out of whose Lands the same shall be diverted, and of the Person or Persons through or into whose Lands the same shall be turned.

XXII. And

XXII. And, for the better ascertaining what Lands shall be divided, allotted and inclosed, pursuant to this Act; be it further enacted, That all Fields 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. What Lands shall be allotted.

XXIII. And be it further enacted, That the said Commissioners or Umpire shall also, if they or he shall judge it expedient and necessary, but not otherwise, set out and allot unto the Surveyors of the Highways within the said Parish of *Tilehurst* for the Time being, for ever, such Part of the Commons and Waste Grounds hereby directed to be divided, allotted and inclosed as the said Commissioners or Umpire shall judge necessary, as and for Watering-Places for Cattle, and as and for public Gravel, Stone and Clay Pits; and the same Allotment or Allotments, when set out, shall thereafter be used by the Surveyors of the Highways, and by the Proprietors of Lands and Tenements within the said Parish, and their Tenants for the Time being, in such Manner and under such Rules and Regulations as the said Commissioners or Umpire shall by their Award direct or appoint. Allotments for Materials and Pits.

XXIV. And be it further enacted, That the said Commissioners or Umpire shall, and they or he are and is hereby required to set out, allot and award unto and for the said *John Blagrove*, as Lord of the Manor of *Tilehurst* aforesaid, or to the Lord of the said Manor for the Time being, such Parts and so much of the said Commons and Waste Grounds within the said Manors, and hereby directed to be inclosed, as in their or his Judgment shall be equal in Value to One-sixteenth Part of the said Commons and Waste Lands, as a Compensation and Satisfaction for his Rights and Interests in and to the Soil of the same. Allotments to the Lord of the Manor, for the Soil.

XXV. And be it further enacted, That the said Commissioners shall and they are hereby required, in the next place, to set out, allot and award unto the said *Martin Joseph Routh*, and his Successors, Rectors of the said Parish of *Tilehurst*, all that Piece or Parcel of Ground, being a triangular Piece, containing by Estimation One Acre, (little more or less) being Part or Parcel of that Part of the said Commons or Waste Lands hereby directed to be divided, allotted and inclosed, which is called *Tucker's Green*, and bounded by the Roads leading from the Church to *Northcot* on the South-west, and to *Grove* Lands on the South-east, and by Lands in the Occupation of *Richard Parker* on the North. Allotment to Rector.

XXVI. And be it further enacted, That the said Commissioners or Umpire shall, in the next place, assign, set out and allot unto the Lord of the said Manor of *Tilehurst*, and the Rector, Churchwardens and Overseers of the Parish of *Tilehurst*, so much of the said Commons and Waste Grounds, as in the Judgment of the said Commissioners or Umpire shall be equal in Value to One-sixteenth Part of the said Commons and Waste Grounds; and the same Allotment shall, on the Execution of the Award of the said Commissioners or Umpire, be vested in the Lord or Lady of the said Manor of *Tilehurst*, and the Rector, Churchwardens and Overseers of the said Parish of *Tilehurst* for the Time being, for ever, as Trustees of the Poor of the same Parish; and the said Trustees, Allotment to the Poor.

tees, or the major Part of them, are hereby empowered, from Time to Time, by Writing under their Hands and Seals, to lease and demise such Allotment, or so much thereof as they shall think proper, to any Person or Persons whomsoever, for any Term not exceeding Twenty-one Years, so as in every such Lease there be reserved and made payable to the said Trustees, or the major Part of them, by Four Payments in every Year, the most improved yearly Rent or Rents that can be obtained for the Land thereby demised, without taking any Income, Fine, Premium or Foregift, as a Consideration for granting such Lease or Leases, and that in all such Leases there be contained the usual Covenants and Stipulations as the Trustees, or the major Part of them, shall think proper to be inserted therein; and the Rents and Profits arising from such Allotments, or from so much thereof as shall be demised as aforesaid, shall from Time to Time be laid out in purchasing Fuel, and such Fuel shall be distributed among the poor Inhabitants of the said Parish of *Tilehurst* who shall be legally settled therein, and shall occupy Lands or Tenements under the yearly Value of Ten Pounds, in such Proportions and Quantities, and at such Times in the Year, and according to such Rules and Regulations, as the said Trustees for the Time being, or the major Part of them, shall appoint and prescribe for that Purpose, and not otherwise; and so much of the said last-mentioned Allotment as shall not be leased or demised as aforesaid, shall be held, used and appropriated by the said Trustees, for the Purpose of sowing Furze, planting Wood, and cutting Fuel; which Fuel shall be distributed among such poor Inhabitants of the said Parish of *Tilehurst* as are hereinbefore mentioned, in such Shares and Proportions, and according and subject to such Rules, Orders and Regulations as the said Trustees for the Time being, or the major Part of them, shall appoint and prescribe for that Purpose, and not otherwise: Provided always, that in case the Rents and Profits of the last-mentioned Allotment, or of the Part or Parts thereof which shall be demised or leased as aforesaid, shall at any Time or Times be more than sufficient to answer the Purposes for which the same is hereby directed to be set out, then, and so often it shall and may be lawful for the Trustees thereof for the Time being, or the major Part of them, to apply and dispose of the Overplus of such Rents and Profits for the Relief and Benefit of the Poor for whose Benefit such Allotment shall be set out, in such Manner as the said Trustees, or the major Part of them, shall think proper: Provided also, that it shall be lawful to and for the Lord or Lady of the Manor of *Tilehurst*, and the Rector of the said Parish of *Tilehurst* for the Time being, to act, in the Execution of the Trusts hereby reposed in them, by their respective Agents or Proxies, such Agents or Proxies being appointed by Writing under the Hand or Hands of the Person or Persons for whom such Agents or Proxies shall act, and producing such his or their Appointment at the Time of acting by virtue thereof.

Allotments for the Poor to be exclusive of the Land on which the Workhouse now stands.

XXVII. Provided also, and be it further enacted, That the said Part or Parts of the said Commons and Waste Lands so to be set out, allotted and awarded as last aforesaid, shall be over and above the Piece or Parcel of Ground which hath been heretofore and now is inclosed and held in Severalty by the Churchwardens and Overseers for the Time being of the said Parish of *Tilehurst*, for the Benefit of the said Parish, and on Parts whereof a Workhouse and other Buildings have been erected; and that the same Piece or Parcel of Ground shall from henceforth for ever be,  
and

and remain vested in the said Churchwardens and Overseers, for the Benefit of the Poor of the said Parish of *Tilehurst*.

XXVIII. And be it further enacted, That as well the Lands so hereinbefore directed to be set out, allotted and awarded as last aforesaid, as also the said Piece or Parcel of Ground so now inclosed and held in Severalty, 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.

Exonerating  
Poor Allot-  
ments from  
Payment of  
Tythes and  
Parochial  
Taxes.

XXIX. And be it further enacted; That the Tythes or other Payments, or Compositions in lieu of Tythes, arising and to arise from the Lands so hereinbefore directed to be set out, allotted and awarded as last aforesaid, and from the said Piece or Parcel of Ground so now inclosed and held in Severalty, shall be, in the first place, paid and accounted for by the Occupiers of the said Allotment and Ground to the Rector for the Time being of the said Parish; and that the said Rector for the Time being shall yearly, within One Month after taking up the said Tythes, or compounding for the same at the full and fair Value thereof, as the Case may be, and receiving the clear Profit or Amount thereof, pay such clear Profit or Amount to the said Trustees, who shall and are hereby authorized and required, upon the Receipt of the said clear Profit or Amount of the said Tythes from the said Rector for the Time being, to pay and distribute the whole of such clear Profit or Amount among the poor Inhabitants of the said Parish of *Tilehurst*, who shall be legally settled therein, and shall occupy Lands or Tenements under the yearly Value of Ten Pounds, in such Parts and Proportions, and at such Times in the Year, and according to such Rules and Regulations as the said Trustees for the Time being, or the major Part of them, shall appoint and prescribe for that Purpose, and not otherwise.

XXX. And be it further enacted, That the said Commissioners or Umpire shall, out of the said Commons and Waste Grounds, mark and set out any and such Part and Parts of the said Commons and Waste Grounds, as they or he in their or his Discretion shall think proper for the Purpose; and the said Commissioners or Umpire shall, and they or he are and is hereby required to sell the Lands and Grounds so marked and set out in such Allotment or Allotments, as to them or him shall seem right and proper, to any Person or Persons, for the best Price or Prices that can be gotten for the same, by private Contract, or public Auction or Auctions, to be holden for that Purpose, of which Six Weeks' previous Notice shall be given; and the Person or Persons so purchasing the same shall immediately pay by way of Deposit, into the Hands of the Commissioners or such Person or Persons as they shall direct and appoint, One-tenth Part of his, her or their Purchase Money, and pay the Remainder thereof within Three Calendar Months then next ensuing, or at such other Time as the said Commissioners shall appoint; and in Default thereof, the Money so deposited shall be forfeited, and shall be applied in carrying this Act into Execution; and the Allotment or Allotments for which the whole of such Purchase Money shall not have been so paid, or for which there shall be no Bidding at such Auction, shall be again put up to Sale, and sold in Manner aforesaid for the best Price or Prices that can be

Allotment of  
Land to pay  
Expences of  
this Act.

[*Loc. & Per.*]

33 M

gotten

gotten for the same, or be sold by the said Commissioners or Umpire, by private Contract, for any Sum or Sums not less than the remaining Nine-tenths of the Price or respective Prices for which the same was or were respectively before sold, or the Amount of One Bidding above the Sum or respective Sums at which the same was or were respectively put up in the said former Auction; and every Allotment for which the full Purchase Money shall be paid, shall immediately thereupon be absolutely discharged of and from all Common and other Rights thereon or therein, and be vested in Fee Simple, and be inclosed and thenceforth held in Severalty, by such Purchaser or Purchasers thereof respectively, as his, her or their private and absolute Property, and shall be allotted accordingly by the said Commissioners or Umpire; and the said Purchase Money shall be applied, by the said Commissioners or Umpire, in defraying and discharging all the Costs, Charges and Expences attending the obtaining and passing this Act, and of surveying, admeasuring, planning, and valuing all the Lands and Grounds to be divided, allotted and inclosed by virtue of this Act, and also of all the Messuages, Cottages, Orchards, Gardens, Homesteads and ancient inclosed Lands and Grounds within the said Parish, pursuant to the said recited Act, and of dividing, fencing and allotting the said Commons and Waste Grounds to be divided, allotted and inclosed, by virtue hereof, and all the Charges of the said Commissioners or Umpire, their Assistants and Servants, and all the Expences of forming, completing and repairing the public Carriage Roads and Highways to be set out and appointed by the said Commissioners or Umpire, and all other Expences of carrying this Act into Execution (other than and except such Expences as are herein otherwise directed to be paid); and the Overplus of such Purchase Money (if any) after defraying such Costs, Charges and Expences shall be equally distributed amongst the several Persons interested in the said Commons and Waste Grounds, in proportion to their several Rights and Interests therein, or otherwise such Surplus shall be paid into the Bank of *England*, in Manner directed by the said recited Act, with respect to Money thereby directed to be paid into the Bank, for the Purchase or Exchange of Lands, Tenements or Hereditaments, or of any Timber or Wood growing thereon, and which Sum of Money ought to be laid out in the Purchase of other Lands, Tenements or Hereditaments, to be settled to the same Uses.

Allotments of  
Residue of  
Waste, and of  
Open Fields,  
Meadows,  
and Pastures.

XXXI. And be it further enacted, That the said Commissioners or Umpire shall, and they or he are and is hereby authorized and required to divide, set out and allot the Residue and Remainder of the said Commons and Waste Lands, and also the said Open and Common Fields, Meadows and Pastures, unto and amongst the respective Owners thereof, and to Persons entitled to Rights and Interests arising therein or therefrom, in such Quantities, Shares and Proportions, and in such Parts and Places as the said Commissioners or Umpire shall adjudge and determine to be a just Compensation and Satisfaction for, and equal to their several and respective Lands, Grounds, Rights or other Interests in and over the same, due Consideration being had to the Quantity, Quality and Convenience of Situation for such Owners and Persons respectively, and so as the Land set out and allotted to each respective Owner and Person interested in any of the Common Meadows by this Act intended to be divided, allotted and inclosed, be a Part or Parts of the said Common Meadows, unless the same be otherwise set out and allotted with the Consent and Approbation in Writing of such Owner or Owners.

XXXII. And

XXXII. And be it further enacted, That nothing in this Act or the said recited Act contained shall extend, or be construed to extend, to oblige or compel any Person or Persons to whom any Allotment or Allotments of the Arable Land hereby directed to be divided and allotted shall be made by virtue of this Act, to fence or mound such Allotment or Allotments of Arable Land, or any Part thereof; nor shall any Thing herein contained extend, or be construed to extend, to prevent or hinder the inclosing or fencing any such Allotment or Allotments; and as the inclosing and fencing such Allotments may in various Instances take place by the voluntary Act of the said Proprietors, or some of them, the said Commissioners, shall and they are hereby required to lay down and prescribe in their Award such Rules and Regulations as they may think fit and necessary to be observed by any Proprietor or Proprietors, in inclosing, fencing and maintaining the Inclosures and Fences of any such Allotment or Allotments of Arable Land, when the same shall be done; and such Rules and Regulations shall be observed by, and at all Times thereafter be binding upon the said Proprietors and other Persons interested in such Allotment or Allotments; and all such Inclosures and Fences, when made and put up, shall be deemed to be made and put up under the Authority and for the Purposes of this Act and the said recited Act.

XXXIII. And be it further enacted, That the several Allotments of the Meadow or Pasture Ground to be made pursuant to and by virtue of this Act, shall be fenced by and at the Expence of the respective Proprietors thereof, in such Manner, within such Time, in such Shares and Proportions, and the Mounds and Fences be for ever after maintained and kept in Repair, as the said Commissioners shall, in and by their said Award, order and direct.

XXXIV. And be it further enacted, That if any Person or Persons hath or have sold, or shall at any Time before the Execution of the said Award sell his, her or their Right, Interest or Property in, over or upon the Lands or Grounds to be divided, allotted and inclosed by virtue of this Act, to any other Person or Persons, then, and in every such Case, it shall be lawful for the said Commissioners or Umpire, and they or he are and is hereby authorized and required to make the Allotment or Allotments of the Vendor, unto the Vendee or Purchaser in every such Sale, or to his or her Heirs or Assigns, for, or in respect of such Right, Interest or Property so sold, and every such Vendee or Purchaser, and his, her or their Heirs and Assigns shall and may, from and after the Execution of the Award of the said Commissioners, hold and enjoy the Lands so to be allotted to him, her or them as aforesaid, in the same Manner, to all Intents and Purposes, as the Vendor in every such Sale might, could or ought to have held and enjoyed the same, in case such Sale had not been made, or such Right, Interest or Property had been vested in such Vendor at the Time of making such Allotment or Allotments as aforesaid.

Persons  
selling their  
Allotments  
before Exe-  
cution of  
Award.

XXXV. And be it further enacted, That when and so soon as the said Commissioners or Umpire shall have ascertained the respective Rights and Interests of the said Proprietors, in the Lands and Grounds to be divided, allotted and inclosed by virtue of this Act, and also the respective Shares and Proportions by them proposed to be allotted to such Pro-

Allotments to  
be delineated  
upon a Plan,  
and one given  
to Proprie-  
tors.

rietors

prietors respectively, in lieu thereof, the said Commissioners or Umpire shall give Notice, in Manner aforesaid, of a convenient Time and Place, when and where the said Proprietors may be informed of such intended Allotments, and see the same as they are then set out and delineated upon a Map or Plan thereof, to be produced for their Inspection; and as some Proprietors may, upon Inspection of such Map, be dissatisfied with the intended Allotments, the said Commissioners or Umpire shall, at such Time and Place as last aforesaid, or some other Time or Place to be appointed by them for that Purpose, receive Statements in Writing of the Complaints and Objections against such Allotments and shall forthwith, or as soon after as may be, determine the same; and their Determination as to the Quantity and Situation of such Allotments, shall be final and conclusive upon all Parties.

Power to  
make Ex-  
changes.

XXXVI. And be it further enacted, That it shall be lawful for the said Commissioners to set out, allot and award any Lands, Tenements or Hereditaments whatsoever, within the said Parish of *Tilehurst*, in lieu of and in exchange for any other Lands, Tenements and Hereditaments whatsoever, within the said Parish, 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 Lands, Tenements or Hereditaments, which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politic, Corporate or Collegiate, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail General or Special, or by the Courtesy of *England*, or for Years determinable on a Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees or Attornies of or acting for such Owners or Proprietors as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Females Coverts, or 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 Politic, Corporate or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every such Exchange and Exchanges so to be made shall be good, valid and effectual in the Law to all Intents and Purposes whatsoever: Provided always, that no Exchange shall be made of any Lands, Tenements or Hereditaments held in Right of any Church, Chapel or other Ecclesiastical Benefice, without the Consent testified as aforesaid of the Patron thereof, and of the Bishop of the Diocese in which such Lands, Tenements or Hereditaments so to be exchanged, shall lie or be situate.

Costs of Ex-  
changes to be  
borne by the  
Parties.

XXXVII. Provided always, and be it further enacted, That all the Costs, Charges and Expences attending the making and completing of any Exchanges or Partitions, or of making any Allotment or Allotments to any Vendee or Purchaser as last mentioned, shall be borne, paid and defrayed by the several Persons making such Exchanges and Partitions, or selling or purchasing such Allotment or Allotments, in such Manner and in such Proportions as the Parties making such Exchanges and Partitions, or such Vendor and Purchaser shall agree; and in Default of such Agreement, as the said Commissioners shall, by their Award, order and direct; and shall be recovered in the same Manner as is herein before directed



directed respecting the Recovery of any Penalty or Sum of Money by this Act directed to be levied.

XXXVIII. And be it further enacted, That the several Lessees or Tenants who have on Lease any Estate or Estates, of which, or of any Part or Parts whereof, there shall be any Division, Allotment or Inclosure, by virtue of the Powers of this Act, or in respect of which any Allotment or Allotments of the said Commons or Waste Grounds shall be made as aforesaid, shall, at such Time or Times as the said Commissioners or Umpire shall by Writing under their Hands order and direct, surrender and yield up to the Person or Persons to whom any Part of the Estate or Estates so on Lease to him or them as aforesaid shall be allotted, such Part or Parts as shall be so allotted to such Persons; such Lessees or Tenants receiving from the Owners or Proprietors of such allotted or exchanged Lands or Hereditaments, such Compensations as the said Commissioners or Umpire shall ascertain, order and direct; and it shall and may be lawful for such Lessees or Tenants, during the Continuance of their respective Leases, to have, hold and enjoy the several Lands so to be allotted to his or their respective Lessor or Lessors, in respect of the Lands so allotted from, or exchanged by him or them as aforesaid; and also during the Continuance of their respective Leases (unless it be otherwise provided for) to have, hold and enjoy the Allotment or several Allotments of the said Commons or Waste Grounds that shall be allotted and set out for and in respect of such Estates, or as a Right appurtenant to the same, upon paying such additional Rent to the Lessors or Owners thereof as the said Commissioners shall, in and by their said Award or any other Writing, fix and appoint; and in ascertaining and affixing such Rent, the said Commissioners shall take into Consideration as well the Expence such Lessors or Owners may be put unto in fencing such Allotments, as also the Loss such Lessees or Tenants may sustain, by being deprived of their Common Rights, in respect of which the Allotment or Allotments was or were made: Provided, that nothing in this Act contained shall extend to the vacating of any Lease of Lands taken in Exchange, if such Lands taken in Exchange shall be wholly situate in an adjoining Parish.

XXXIX. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to revoke, annul, make void or alter any Will, Codicil, Settlement, Jointure, Dower, Portion, Debt, Mortgage, Charge or Incumbrance affecting any of the Lands, Grounds or Hereditaments intended to be divided, allotted and inclosed as aforesaid, or which shall be exchanged as aforesaid, further or otherwise than by substituting the Lands, Grounds, Tenements or Hereditaments, so to be allotted or received in Exchange for and instead of the Lands, Grounds, Tenements and Hereditaments, in lieu of which the same shall be so allotted or received in Exchange.

XL. And be it further enacted, That the Person or Persons who shall have advanced and lent, or who shall advance and lend, any Sum or Sums of Money for defraying the Expences of applying for and obtaining this Act, and of carrying the same into Execution, shall be repaid the same out of the first Monies which shall be raised and collected in pursuance hereof, with Interest at the Rate of Five Pounds *per Centum*

[*Loc. & Per.*]

33 N

*per*

Lands held  
under Lease.

Wills and  
Settlements  
not to be af-  
fected.

Persons ad-  
vancing Mo-  
ney, to be  
paid legal  
Interest.

*per Annum*, from the Time of advancing and paying the same respectively.

Allowance to  
Commissioners' Clerk  
and Surveyor, &c.

XLI. And be it further enacted, That out of the Money that shall be raised or paid for defraying the Expences of obtaining and executing this Act, there shall be paid to each of the Commissioners appointed or to be appointed as aforesaid, and their Clerk, as a Recompence for his Pains, the Sum of Three Pounds and Three Shillings, and no more, for each Day he shall be employed in attending any Meeting, or adjourned Meeting, or otherwise, for the Execution of this Act; and that the said Commissioners and Clerk shall defray their travelling Expences, and also their own Expences (except the Money paid for the Use of Rooms) at all such Meetings and adjourned Meetings as aforesaid; and that every Proprietor, Attorney, or Agent, who shall attend the said Commissioners at any of their Meetings to be held in pursuance of this Act and the said recited Act, shall pay his own Expences at all such Meetings; and that there shall be paid to the Surveyor appointed as aforesaid, such Sum or Sums of Money as the said Commissioners shall consider just and reasonable, for his Pains, Trouble and Expences in the Execution of this and the said recited Act.

Auditing  
Commissioners' Accounts.

XLII. 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 or Umpire shall, and they or he are hereby required to make a true and just Statement or Account of all Sums of Money by them or him received and expended, or due to them or him for their own Trouble or Expence in the Execution of this Act; and such Statement or Account, when so made, 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 in the Office of the Clerk to the said Commissioners; and no Charge or Item in such Accounts shall be binding on the Parties concerned or valid in Law, unless the same shall have been allowed by such Justices.

Award.  
where to be  
deposited.

XLIII. And be it further enacted, That the Award directed to be made by the said Commissioners or Umpire (after the same shall have been inrolled in the Manner directed by the said Act) shall be deposited in the Parish Church of *Tilehurst* aforesaid.

Appeal.

XLIV. And be it further enacted, That if any Person or Persons shall think himself, herself or themselves, aggrieved by any Thing done in pursuance of this or the said recited Act, then, and in every such Case, (except where the Orders, Determinations and Proceedings of the said Commissioners or Umpire are hereby or by the said recited Act declared to be final and conclusive, and excepting such Cases where an Issue at Law shall be tried as hereinbefore mentioned) 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 Six Calendar Months next after the Cause of Complaint shall have arisen, such Appellant or Appellants first giving to the said Commissioners or their Clerk, and to the Party or Parties interested therein, Fourteen Days' Notice in Writing  
of

of such Appeal and of the Matter thereof; and the Justices at such General Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein, and award such Costs, as to them in their Discretion shall seem reasonable; and by their Order and Warrant to levy the Costs 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) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale; which Determination of the said Justices shall be final and conclusive upon all Parties concerned, and shall not be removed by *Certiorari* or any other Writ or Process whatsoever, into His Majesty's Courts of Record at *Westminster*, or elsewhere.

XLV. Provided always, and be it further enacted, That nothing in this Act contained shall prejudice, lessen or defeat the Right, Title or Interest of the Lord or Lords, Lady or Ladies of the said Manor of *Tilehurst* for the Time being, of, in, or to the Seignories, Royalties, Rights and Services, incident to or belonging to such Manor; but the Lord or Lords, Lady or Ladies of the said Manor shall and may, from Time to Time and at all Times hereafter, hold, receive, take and enjoy, all the Rents, Fines, Services and Profits of Courts, and all the Rights, Royalties and Privileges to such Manor incident, appendant, belonging or appertaining, in as full, ample and beneficial Manner, to all Intents and Purposes, as he, she or they might or ought to have held and enjoyed the same in case this Act had not been made.

Saving to  
Lords of the  
Manor.

XLVI. Saving always to the King's most Excellent Majesty, his Heirs and Successors, to all and every other Person or Persons, Body or Bodies Politic, Corporate or Collegiate, his, her and their Heirs, Successors, Executors and Administrators (except the several Persons to whom any Allotment or Allotments shall be made in pursuance of this Act, for and in respect of such Rights and Interests as are hereby meant and intended to be barred, destroyed or extinguished, and all Persons respectively claiming under them, or in Remainder after them (all such Estate, Right, Title and Interest, as they, every or any of them could or ought to have had and enjoyed of, in to or out of the Lands and Grounds hereby directed to be divided, allotted and inclosed, before the passing of this Act, or in case this Act had not been passed.

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

