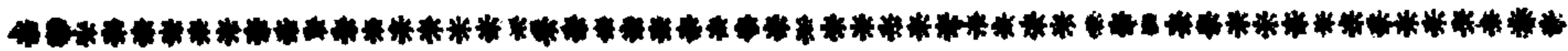




ANNO QUINQUAGESIMO PRIMO

# GEORGI II. REGIS.



## Cap. 83.

An Act for allotting and inclosing Lands in the Parish of *Brightwell*, in the County of *Berks*.

[14th May 1811.]

**W**HEREAS there are within the Parish of *Brightwell*, in the County of *Berks*, several Open and Common Fields, Common Meadows, Common Pastures, Waste Grounds, and other Commonable Lands: And whereas the Right Reverend Father in God *Brownlow* Lord Bishop of *Winchester*, in Right of his See is Lord of the Manor of *Brightwell* aforesaid, and *Robert Dalzell* Esquire is, or claims to be, Lord of the Manor of *Mackney*, within the said Parish of *Brightwell*: And whereas the said Lord Bishop, or his Lessees for Lives, the Warden and Scholars of New College in the University of *Oxford*, the Reverend *Thomas Wintle*, *Robert Dalzell*, *Edward Wells*, *Charles Morrell*, *Henry Flüdger*, *James Parker*, and divers other Persons, are seised and possessed of, or interested in the Lands and Grounds by this Act directed to be divided, allotted and inclosed, and they or some of them, or their respective Tenants, are or claim to be entitled, and do enjoy Common of Pasture for their Cattle, in and over the said Open and Common Fields, Common Meadows, Common Pastures, Waste Grounds, and other Commonable Lands, or some Part thereof respectively: And whereas the Lands and Grounds of the different Proprietors in the said Open and Common Fields, and Common Meadows, lie intermixed and dispersed, so as to render the Cultivation thereof very inconvenient, and the same, in their present State, are incapable of any considerable

Lords of Manors.

Proprietors.

Advantage of the Inclosure.

[*Loc. & Per.*]

19 D

Improve-



General In-  
closure Act  
of 41 G. 3.  
c. 109.

Commis-  
sioner.

For appoint-  
ing a new  
Commis-  
sioner.

Improvement, and it would be beneficial to the several Persons interested in the said Open and Common Fields, Common Meadows, Common Pastures, Waste Grounds, and other Commonable Lands, if the same were divided, and specific Parts and Shares thereof allotted and awarded unto and amongst the several Proprietors thereof, in severalty, in lieu of and in Proportion to their several and respective Lands, Grounds, Rights of Common, and other Rights and Interests therein, and certain Parts thereof inclosed: 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 Davis of Bloxham, in the County of Oxford, Gentleman*, shall be and he is hereby appointed the Commissioner for valuing, qualitying, dividing, allotting, laying in severalty, and inclosing the said Open and Common Fields, Common Meadows, Common Pastures, Waste Grounds, and other Commonable Lands, and for carrying this Act into Execution, under and subject to all and every the Powers, Authorities and Provisions, herein-after contained, and also under and subject to such of the Powers, Authorities, Directions and Provisions, contained in the said recited Act, as are not altered or varied by this Act.

II. And be it further enacted, That in case the said Commissioner herein-before named, or to be appointed as herein-after directed, shall, before the finishing and completing of the said Division and Inclosure, die, or neglect or refuse to act, or become incapable of acting in the Execution of the Powers and Authorities hereby vested in him, then and from Time to Time, so often as the same shall happen, it shall be lawful for the Majority in Value (such Value to be ascertained by the Land Tax Assessment for the said Parish) of the Proprietors or Persons interested in the said Division, Allotment and Inclosure, who shall by themselves or Agents attend a Public Meeting to be holden for that Purpose at *Brightwell* aforesaid, or within Eight Miles thereof, (in pursuance of a Notice to be given by any Two or more of the said Proprietors, in the Newspaper called *The Reading Mercury*, if then published, or if not, then in some other Newspaper circulated in the said County of *Berks*, and also by Writing to be affixed on the principal outer Door of the Parish Church of *Brightwell* aforesaid, at least Fourteen Days before the Time appointed for holding any such Meeting), by Writing under their Hands, to nominate and appoint some other fit and proper Person, not interested in the Premises, to be a Commissioner in the Place and Stead of him so dying, refusing, neglecting, or becoming incapable to act as aforesaid; and every such new Commissioner so to be appointed as aforesaid, shall, after taking the Oath prescribed by the said recited Act, have the like Powers and Authorities in all Respects for carrying this and the said recited Act into Execution, as if he had been originally named and appointed a Commissioner in and by this Act.

III. And



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

For appointing a Clerk.

IV. And be it further enacted, That the said Commissioner shall and he is hereby required to cause public Notice to be given in Writing, to be affixed on the principal outer Door of the Parish Church of *Brightwell* aforesaid, and by Advertisement in the said Newspaper called *The Reading Mercury*, or such other Newspaper as aforesaid, of the Time and Place of his first and every other Sitting for the Execution of this and the said recited Act, at least Seven Days previous to every such Sitting (Sittings by Adjournment only excepted), and the said Commissioner shall and may adjourn every or any such Sitting from Time to Time as he shall think proper, without giving any public Notice of such Adjournment; and all the Sittings of the said Commissioner shall be held within the said Parish, or within Eight Miles thereof; and the said Commissioner and the several Proprietors, their Agents and Solicitors, shall, at all Meetings for executing this and the said recited Act, pay and defray their own Expences.

Commissioner's Notice of Sittings, &c.

V. And be it further enacted, That all other Notices necessary or requisite to be made and given by the said Commissioner, in pursuance of this Act or the said recited Act, shall be so made and given, either by Advertisement in the said Newspaper called *The Reading Mercury*, if then published, and if not, then in some other Newspaper circulated in the said County of *Berks*, or by affixing the same on the principal outer Door of the Parish Church of *Brightwell* aforesaid.

Other Notices how to be given.

VI. And be it further enacted, That *William Church*, of *Abingdon*, in the County of *Berks*, Land Surveyor, shall be and he is hereby appointed the Surveyor for the Purposes of this and the said recited Act; and in case of his Death, Neglect, Refusal, or Incapacity to act, it shall be lawful for the said Commissioner for the Time being, by Writing under his Hand, to nominate and appoint some other fit and proper Person to be Surveyor in the Place or Stead of the said *William Church*, and so from Time to Time, as often as there shall be Occasion.

Surveyor appointed.

VII. Provided always, and be it further enacted, That no Person shall be capable of acting as a Surveyor as aforesaid, until he shall have taken and subscribed the Oath following; (that is to say,)

Surveyor to take an Oath.

‘ I *A. B.* do swear, that I will faithfully, impartially and honestly, act according to the best of my Skill and Judgement, in surveying and admeasuring the Lands and Grounds intended to be divided, allotted and inclosed, by virtue of an Act passed in the Fifty-first Year of the Reign of King *George* the Third, intituled, An Act, [*here set forth the Title of this Act*], and in making true Maps or Plans thereof, to be laid before the Commissioner for putting the said Act into Execution.

‘ So help me GOD.’

Which Oath the said Commissioner is hereby authorized and required to administer, when and as often as Occasion shall require; and the said Oath



to taken and subscribed, shall be annexed to and inrolled with the Award of the said Commissioner.

Commissioner to settle Disputes,

VIII. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested in the said intended Division, Allotment, and Inclosure, touching or concerning the respective Rights or Interests which they or any of them shall have or claim in, upon, or over the Lands and Grounds hereby directed to be divided, allotted and inclosed, or any Part thereof, or touching or concerning the respective Shares and Proportions which they or any of them ought to have of or in the said intended Division and Allotment, or touching or concerning the Admeasurement or Valuation of any Part of the Premises, or any other Matter or Thing relating to the said intended Division and Inclosure, it shall be lawful for the said Commissioner, and he is hereby authorized and required to examine into, hear, and determine the same: Provided always, that nothing in this Act contained shall authorize the said Commissioner to determine the Title to any Messuages, Lands, Tenements or Hereditaments whatsoever.

but not to determine Titles.

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

IX. Provided also, and be it further enacted, That nothing in this Act contained, shall extend to enable the said Commissioner to determine any Right between any Parties contrary to the Possession of any such Parties (except in Cases of Incroachments made within the Period of Twenty Years); but in case the said Commissioner shall be of Opinion against the Right of the Person or Persons so in Possession, he shall forbear to make any Determination thereupon until the Possession shall have been given up by, or recovered from such Person or Persons, by Ejectment or other due Course of Law.

Power to assess Costs.

X. And be it further enacted, That in case the said Commissioner, on the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to him in pursuance of this or the said recited Act, or of any Dispute or Difference between any of the said Parties interested, or claiming to be interested in the said Division and Allotment, shall see cause to award any Costs, then and in every such Case it shall be lawful for the said Commissioner, and he is hereby empowered, upon Application made to him for that Purpose, to settle, assess, and award such Costs and Charges as he shall think reasonable to be paid to the Party or Parties in whose Favour any Determination of the said Commissioner shall be made, by the Person or Persons, Body or Bodies Politic, 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 Politic, 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 every such Case it shall be lawful for the said Commissioner, and he is hereby authorized and required, by Warrant under his Hand directed to any Person or Persons whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons, Body or Bodies Politic, 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 Politic, Corporate or Collegiate, whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attend-  
ing



ing such Distress and Sale; which Costs and Charges, should any Dispute arise touching the same, shall be ascertained and finally settled by the said Commissioner.

XI. Provided always, and be it further enacted, That in case any Person or Persons, Body or Bodies Politic, Corporate or Collegiate, interested or claiming to be interested in the said intended Division and Allotment, shall be dissatisfied with any Determination of the said Commissioner, touching or concerning any Claim or Claims of the Right to the Soil of the said Commons and Waste Grounds, or any of them, or of 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, then and in every such Case it shall be lawful for the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, so dissatisfied, to proceed to a Trial at Law of the Matter so determined by the said Commissioner, at the then next or at the following Assizes to be holden for the said County of *Berks*, and for that Purpose the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, who shall be so dissatisfied with the Determination of the said Commissioner, shall cause an Action to be brought, upon a feigned Issue, against the Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, in whose Favour such Determination shall have been made, within Three Calendar Months next after such Determination of the said Commissioner, 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 or their Attornies shall differ about the same); and the Verdict or Verdicts which shall be given in such Action or Actions, shall be binding, final and conclusive, upon all and every Person and Persons, Body and Bodies Politic, 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 new Trials therein, which it shall be lawful for the said Court to do, 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 Commissioner shall and he is hereby required to act in conformity thereto, and to allow or disallow the Claim or Claims thereby determined according to the Event of such Trial or Trials: Provided also, that the Determination of the Commissioner for the Time being, touching such Claim or Claims, which shall not be objected to within the Time and in Manner aforesaid, or being objected to, the Party or Parties objecting not causing such Action or Actions at Law to be brought and proceeded in as aforesaid, shall be final, binding and conclusive on all Parties.

Persons dissatisfied with the Commissioner's Determination, may try their Rights at Law.

Determination of Commissioner to be final, if not objected to, or no Action brought.

XII. Provided always, and be it further enacted, That no Difference, Suit, Action or Proceeding, touching or concerning the Title to any Manor, Lands, Tenements, Rights of Common or other Rights or Hereditaments, shall in anywise impede or delay the said Commissioner in the Execution of the Powers vested in him by this or the said recited Act; but the Division, Allotment and Inclosure, hereby di-

Suits not to impede Proceedings of Commissioners

[*Loc. & Per.*]

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irected



directed to be made, shall be proceeded in notwithstanding any such Difference, Suit, Action, or Proceeding.

ACTIONS may be brought or proceeded in, after the Deaths of the Parties.

XIII. And be it further enacted, That if any of the Parties in any Action to be brought in pursuance of this Act, shall die pending the same, such Action shall not abate by Reason thereof, but shall be proceeded in as if no such Event had happened; and 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, Body or Bodies Politic, 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 Clerk to the said Commissioner with Process for commencing such Action or Actions, in the same Manner as the Party or Parties might have been served therewith if living; and it shall thereupon be incumbent on the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be thereupon had 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.

For shortening Boundary Fences against adjoining Parishes.

XIV. And be it further enacted, That if the said Commissioner shall deem it expedient or proper to shorten the Boundary Fences between the Lands and Grounds by this Act directed to be divided and allotted, and the Lands and Grounds in any Parish or Parishes, Tything or Tythings adjoining thereto, or to make the same Boundary Fences respectively regular, it shall be lawful for the said Commissioner, with the Consent in Writing under the Hands of the Lord or Lords of the Manor or Manors in which the Lands are situate, and of the Owner or Owners of the Lands upon which any Fence or Fences shall or may be intended to be made, to set out and ascertain the Boundary between the Lands and Grounds by this Act directed to be divided and allotted and the Lands and Grounds in any adjoining Parish or Parishes, Tything or Tythings, in such Manner as he shall judge proper for the Purposes aforesaid; and after such Boundaries 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 Commissioner shall direct, and shall for ever thereafter be deemed and taken to be the Boundaries between the said Parish of *Brightwell* and such adjoining Parish or Parishes, Tything or Tythings respectively; any Law, Usage or Custom, to the contrary notwithstanding.

Commissioner to set out Drains, and enlarge and turn Water-courses, &c.

XV. And be it further enacted, That the said Commissioner shall and may set out and appoint such Common Ponds, Drains, Ditches, Streams, Watercourses, Tunnels, Banks and Bridges, in, through, over and upon the Lands and Grounds hereby directed to be divided, allotted and inclosed, and also enlarge, widen, alter, turn, scour and cleanse, all or any of the

the present Drains, Ditches, Streams or Watercourses, as well in, through, and over the same Lands and Grounds, as in, through, and over any ancient Inclosures in the said Parish of *Brightwell*, as to him the said Commissioner shall seem proper and necessary, making such Satisfaction to the Proprietors of such ancient Inclosures for the Damage done thereby, as he the said Commissioner shall in his Discretion think reasonable; and the Costs and Expences of making, enlarging, widening, altering, turning, scouring and cleansing, of such Ponds, Drains, Ditches, Streams, Watercourses, Tunnels, Banks and Bridges, when the same shall be first made and done in pursuance of this Act, shall be raised and levied by the said Commissioner, in the same Manner and by the same Means as the other Costs and Expences of carrying this Act into Execution; but all such Ponds, Drains, Ditches, Streams, Watercourses, Tunnels, Banks and Bridges, shall at all Times afterwards be repaired, cleansed, leoured and maintained, by such Person or Persons, Body or Bodies Politick, Corporate or Collegiate, and in such Manner as the said Commissioner shall in and by his said Award order and direct: Provided always, that no Stream or Watercourse shall be diverted or turned without the Consent in Writing of the Owner or Owners of the ancient Inclosures from which any such Stream or Watercourse shall be so diverted or turned, or into which the same shall be carried or conveyed.

XVI. And be it further enacted, That in case it shall appear to the said Commissioner that there are or is any Public Highways or Highway, Bridleroads or Bridleroad, Footways or Footway, in, through, over or on the Sides of any old inclosed Lands or other Lands within the Parish of *Brightwell* aforesaid, which may, in the Judgement of the said Commissioner, be diverted and turned without Inconvenience to the Public, into any other Public Highways or Highway, Bridleroads or Bridleroad, Footways or Footway, or be diverted or turned so as to make the same more convenient for the Public, or be stopped up and destroyed as superfluous and unnecessary, it shall be lawful for the said Commissioner, with the Concurrence and Order of Two Justices of the Peace acting in and for the Hundred or Division of the said County in which the said Parish of *Brightwell* is situated, in Manner and subject to Appeal as in this or the said recited Act is mentioned, by any Writing or Writings under his Hand, to order and direct such Public Highways or Highway, Bridleroads or Bridleroad, Footways or Footway, to be altered, turned, stopped up or destroyed, in such Manner as the said Commissioner shall think proper and reasonable; and in case such Highways, or Highway, Bridleroads or Bridleroad, Footways or Footway, so to be diverted, turned, stopped up or destroyed, do not lead through any of such old inclosed Lands or other Lands, but on the Sides of the same, to sell and dispose of the Land and Soil of such Roads to the Person or Persons whose Lands lie contiguous thereto, and apply the Money arising thereby towards repairing the Public Highways within the said Parish.

Commissioner  
may alter  
Roads  
through an-  
cient Inclo-  
sures.

XVII. And be it further enacted, That the said Commissioner shall and he is hereby required, as soon as conveniently may be after he shall have valued the Lands and Grounds by this Act directed to be divided, allotted, and inclosed, to reduce the Valuation thereof into Writing, and to lodge  
a Copy

Quality of  
Lands may  
be inspected.



a Copy thereof, signed by him, with his Clerk, for the Inspection of all Persons interested therein or their Agents, and the said Commissioner shall appoint a Sitting for receiving and hearing any Objections that may be made to such Valuation, and shall then receive and hear such Objections; and the Determination of the said Commissioner, as to such Valuation, shall be final, binding, and conclusive on all Parties.

Allotments  
to Lords of  
Manors for  
Rights of  
Soil.

XVIII. And be it further enacted, That the said Commissioner (after setting out such publick and private Roads and Ways, and such other Allotments for publick or general Purposes, as are by the said recited Act or this Act directed to be set out) shall and he is hereby required to set out, allot, and award, unto and for the Lord or respective Lords of the Manors of *Brightwell* and *Mackney* aforesaid, according to their respective Rights and Interests, such Parts and Parcels of the then Residue of the Commons and Waste Grounds hereby directed to be divided, allotted and inclosed, (except the Common called *Mackney Gore*, which is now in Tillage), as shall, in the Judgement of the said Commissioner (Quantity, Quality, and Situation considered) be equal in Value to One-twentieth Part of such Residue of the said Commons and Waste Grounds, except as aforesaid; and which Allotments shall be accepted and taken by the said Lord or Lords respectively as a full Satisfaction and Compensation for their respective Rights in or to the Soil of all the said Commons and Waste Lands respectively.

Allotment to  
the Rector of  
*Brightwell*  
for Glebe and  
Common  
Rights.

XIX. And be it further enacted, That the said Commissioner shall and he is hereby authorized and required to set out and allot unto and for the said *Thomas Wintle* and his Successors, Rectors of the Parish of *Brightwell* aforesaid, the Three several Pieces of Arable Land lying in the Fields of *Brightwell* aforesaid, herein-after mentioned; (that is to say), one Piece containing by Estimation Seventeen Acres and a Half, called *Abwell* Piece; one other Piece called *Coomb* Piece, containing by Estimation Nineteen Acres; and one other Piece in Part adjoining thereto, called *Haddon* Piece, containing by Estimation Thirteen Acres, with such Meers as belong to the said several Pieces or either of them (being Part of the present uninclosed Glebe Land belonging to the Rectory of the Parish Church of *Brightwell* aforesaid), together also with such Plot or Plots of Land or Ground adjoining to the said Pieces, some or one of them, as in the Judgement of the said Commissioner shall, with the said Three several Pieces before mentioned, and Meers belonging thereto, be a full Equivalent and Compensation for all the Uninclosed Glebe Arable Lands belonging to the said Rectory, except a Piece containing by Estimation Five Acres, lying in a Furlong called *Post Furlong*; and shall also set out and allot unto and for the said *Thomas Wintle* and his Successors, Rectors as aforesaid, such other Plot or Plots of Land (other Part of the Lands hereby directed to be divided and allotted) as in the Judgement of the said Commissioner shall be a just and fair Compensation and Satisfaction as well for the said Five Acres of Arable Land by Estimation, in *Post Furlong*, as for Four Acres by Estimation, of Meadow Ground, also belonging to the said Rectory, lying in a Common Meadow called *Priest Mead*, in the Parish of *Brightwell* aforesaid, and all Common Rights to the said Glebe Land belonging.



XX. And be it further enacted, That after the several Allotments shall have been set out and allotted according to the Directions herein-before contained, the said Commissioner shall and he is hereby authorized and required to set out, divide, and allot the Residue and Remainder of the Lands and Grounds by this Act directed to be divided, allotted, and inclosed unto and amongst the several Proprietors thereof and Persons interested therein, in such Shares, Quantities, Proportions, and Manner as the said Commissioner shall adjudge and determine to be a just and fair Compensation and Satisfaction for their several and respective Shares, Property, Rights of Common and other Rights, of, in, to, and over the same Lands and Grounds.

Allotment of the Residue.

XXI. And be it further enacted, That when and as soon as the said Commissioner shall have ascertained the respective Shares, Rights, and Interests of the Proprietors in the said Lands and Grounds to be divided, allotted, and inclosed by virtue of this Act, and also designed upon the Plan to be made the respective Shares and Proportions by him proposed to be allotted to such Proprietors respectively in Lieu thereof, the said Commissioner shall give Notice in Manner aforesaid of some convenient Time and Place, when and where all Persons interested may inspect the said Plan, whereon the same shall be sketched out and delineated; and as some Persons may, upon the Inspection of such Map or Plan, be dissatisfied with the proposed Allotments, the said Commissioner shall at such Time and Place as last aforesaid, or some other Time or Place to be appointed for that Purpose, receive Statements in Writing of the Objections against such Allotments, and shall forthwith or as soon after as conveniently may be, determine the same: Provided always, that nothing herein contained shall extend to prevent any Appeal against the Determination of the said Commissioner, under the Provisions of this or the said recited Act.

Allotments to be marked on the Plan and shewn to the Proprietors.

XXII. And be it further enacted, That nothing in this 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 shall be made by virtue of this Act, to fence or mound such Allotment or Allotments, (except any Allotment or Allotments of the said Common Meadows, Commons or Waste Lands, which the said Commissioner shall adjudge proper, and accordingly direct to be fenced and mounded, and which shall be fenced and mounded by such Persons, at such Times, and in such Manner as he shall appoint); nor shall any Thing herein contained extend, or be construed to extend, to prevent or hinder the inclosing or fencing of any such Allotment or Allotments; but 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 Commissioner shall and he is hereby required to lay down and prescribe in his Award, such Rules and Regulations as he may think fit or necessary to be observed by any Proprietor or Proprietors, in inclosing and fencing, and in maintaining and preserving the Inclosures and Fences of any such Allotment or Allotments 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.

This Act not to compel or prevent Inclosures.



Proprietors  
not to be lia-  
ble to fence  
against old  
Inclosures.

XXIII. Provided always, and be it further enacted, That no Proprietor whose Allotment or Share to be set out by virtue of this Act shall adjoin any Land already inclosed, or to any Mound, Bank, Drain, or Sewer, which shall in the Opinion of the said Commissioner be a sufficient Fence, shall be obliged to make any new Fence against any such old Inclosure, Mound, Bank, Drain, or Sewer.

Openings to  
be left in  
Fences.

XXIV. And be it further enacted, That convenient Gaps or Openings shall be left in the Fences to be made by virtue of this Act, for the Space of One Year next after the Execution of the Award of the said Commissioner, for the Passage of Persons, Cattle, Carts, and Carriages, unless the said Commissioner shall order and direct the contrary, and then for such Time only as he shall order and direct.

Satisfaction  
for unequal  
Share of  
Fencing.

XXV. And be it further enacted, That in case, through the Necessity of Situation or any other Circumstance, it shall happen that any 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 Division and Inclosure, then and in every such Case it shall be lawful for the said Commissioner, where he shall judge it necessary and reasonable, to ascertain, order and appoint what Sum or Sums of Money such Proprietor or Proprietors shall respectively pay and contribute towards making the Fences, and making, maintaining and supporting the Gates, Stiles, and Drains, of the Allotment or Allotments of such other of the said Proprietors, or any of them, who shall or may have too great a Share or Proportion thereof allotted to him, her, or them by virtue of this Act, the same to be settled by the said Commissioner in such Manner as he shall think proper; and in case the Money so ordered, directed, and appointed, shall not be paid on Demand, then and in every such Case the same shall and may be raised, levied, and recovered, in such and the same Manner as the Expences of this Act may be raised, levied, and recovered.

Allotments  
to be of the  
same Tenure  
as the Lands,  
&c. in lieu  
whereof the  
same shall be  
made.

XXVI. And be it further enacted, That all the several Allotments which shall be set out and allotted by virtue of this Act, shall be deemed and taken to be held under and subject to such and the like Tenures, Rents, Customs, and Services, and either subject to or exempted from Tithes, in like Manner as the Lands and Hereditaments in lieu or in respect of which such Allotments respectively were made, were previously held by, or subject unto, or exempted from.

Not to pre-  
judice the  
Rector's  
Right of  
Tythes.

XXVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to prejudice or affect the Right or Title of the Rector of the Parish of *Brightwell* aforesaid, for the Time being, to any Tythes whatsoever arising, growing, renewing, or increasing, out of, upon, or from any of the Lands by this Act directed to be divided, allotted, or inclosed.

Allotments to  
Proprietors  
having Lands  
held under  
different Te-  
nures, may be  
distinguished

XXVIII. And be it further enacted, That where the Proprietor or Proprietors of, or Persons interested in any Lands or other Hereditaments which shall be allotted, 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 Commissioner



missioner shall, upon Request of such respective Proprietors or Persons interested, in Writing under their Hands, ascertain and distinguish the Lands or other Hereditaments held by each of such Tenures, for each of such Estates and under each of such Titles respectively, and shall accordingly, in his said Award, set out and distinguish distinct and several Allotments for such respective Lands or other Hereditaments; and where, from the Want of necessary Information or from any other Cause, the said Commissioner shall have omitted in his Award, to discriminate as hereinbefore is mentioned such different Titles, different Estates, and different Tenures, and Request shall, within Twelve Calendar Months after the Execution of the said Award, be made to the said Commissioner by any Person or Persons interested, by Writing under his, her, or their Hand or Hands, to have such Omission supplied by a separate Instrument or Instruments; then and in every such Case the said Commissioner shall and he is hereby authorized to do every Thing necessary for supplying such Omission, and so far as that Purpose shall require, to summon and examine Witnesses, and in every other Respect to proceed and act as if his Award had not been made; and when he shall have obtained what shall appear to him sufficient Information, he is hereby also authorized, by any Deed or Deeds, under his Hand and Seal, to distinguish and ascertain such different Tenures, Estates and Titles respectively, and accordingly to make distinct and several Allotments, in the same Manner as is hereby required where such Discrimination should be contained in the said Award; and every such separate Instrument, after having been duly executed by the said Commissioner, shall have the same Effect as if the Contents thereof were contained in the said Award, and the same shall be inrolled; and Evidence thereof given, in like Manner as by the said recited Act and this Act, or either of them, are or is directed concerning the said Award, and shall, after such Inrollment as aforesaid; be delivered to the Person or Persons upon whose Request any such Omission shall have been so supplied, or to the Person or Persons to whom the Custody of the Deeds and Writings concerning the Title to the Premises in Question shall, in the Opinion of the said Commissioner, most properly belong; and all Expences which shall be reasonably incurred in and about such Supplementary Instrument as aforesaid, shall be payable by the Person or Persons so requesting the said Commissioner to make and execute the same, or by his, her, or their Heirs, Executors or Administrators.

in the Award, and Commissioner, on Request in Writing, may execute a Supplemental Award in certain Cases.

XXIX. And be it further enacted, That it shall be lawful for any Person or Persons, who shall be entitled to any Allotment or Allotments by virtue of this Act, to give, grant, bargain, sell, demise, limit, convey or assure, and dispose of the same, for all or any Part of his, her, or their Estate or Interest therein, or Right thereto, at any Time before the Execution of the Award of the said Commissioner; and every such Gift, Grant, Bargain, Sale, Demise, Limitation and Disposition thereof, shall be of the same Force and Validity as if made after the Execution of the said Award; and also that it shall be lawful for any of the Owners or Proprietors of any Common Rights upon all or any of the Lands and Grounds hereby directed to be divided, allotted and inclosed, to sell and dispose of the same, or the Allotment or Allotments to be made and set out in respect thereof by virtue of this Act, separate and distinct from the Estate in Right of which he, she, or they is or are entitled to the same, in such Manner

Proprietors may sell their Allotments before the Execution of the Award, and their Rights of Common, separate from other Property.



Manner as he, she, or they might or could have done at any Time after the Execution of the said Award; and it shall be lawful for the said Commissioner, and he is hereby authorized and empowered, to award all and every such Allotment or Allotments which shall be so sold or disposed of, to the Purchaser or Purchasers thereof, or other Person or Persons who shall be entitled to the same by virtue of any such Sale or Disposition.

Allotments  
in lieu of  
Quit Rents  
or other  
Rents.

XXX. And be it further enacted, That it shall be lawful for the said Commissioner, at the Request and with the Consent in Writing of the Parties interested, to assign and set out unto such Person or Persons as is or are entitled to any Fee Farm Rents, Chief Rents, Quit Rents, or other dry and unimprovable Rents arising or payable from or out of any Lands or Hereditaments belonging to any of the Proprietors of, or Persons interested in the Commons and Waste Lands hereby directed to be allotted and inclosed, such Portion or Portions of the Allotment or Allotments to be made of the said Commons and Waste Lands, to such Person or Persons respectively, who shall be desirous of being exonerated from any such Rents as aforesaid, as shall in the Judgement of the said Commissioner be equivalent to the Fee Simple and Inheritance of such Rents, and in Lieu of and full Compensation for all the Fee Farm Rents, Chief Rents, Quit Rents, or other dry and unimprovable Rents, arising or due or payable, or which could or might arise or become due or payable, from or out of any Lands or Hereditaments belonging to any of the Proprietors of, or Persons interested in the said Commons and Waste Lands hereby intended to be allotted and inclosed, and that such Rents to be respectively compensated for as aforesaid, and the Lands to be allotted in Lieu thereof, shall be specified in the Award of the said Commissioner; provided that no Allotment or Allotments shall be made of the said Commons or Waste Lands, for or in Lieu of any such Rents as aforesaid, held in Right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent in Writing of the Patron thereof, and of the Bishop of the Diocese in which the Lands, Tenements or Hereditaments, out of which such Rents shall arise or be payable, shall lie and be situated.

Tenure to  
the same  
Uses.

XXXI. Provided always, and be it further enacted, That all Lands which shall be allotted in Lieu of and as a Compensation for any such Rents as aforesaid, shall from and after the Execution of the said Award go, remain and be, to, for and upon such and the same Uses, Estates, Trusts, Intents and Purposes, and be subject to such and the same Charges and Incumbrances as the respective Rents, in Lieu whereof the same shall be allotted, would have been held under or subject or liable to in case this Act had not been made.

Course of  
Husbandry.

XXXII. And be it further enacted, That in the mean Time and until such Division, Partition and Allotment, shall be made as aforesaid, all the Meadow, Pasture, Tillage and other Lands, hereby directed to be divided and allotted, shall be stocked with such Cattle, and sown by the respective Owner or Owners, Occupier or Occupiers thereof, with such Sort of Corn, Grain, or Grass Seeds, and shall be kept, ordered, tilled and continued, in such Course of Husbandry as the said Commissioner, by any Writing or Writings under his Hand in that Behalf, shall order, direct or appoint, any Usage or Custom of stocking and sowing to the contrary notwithstanding;



notwithstanding; and the Expences of such Tillage and sowing with Grass Seeds, and all such other Expences as shall be occasioned by any such Order of the said Commissioner, shall be duly ascertained by him, and apportioned upon the several Persons who shall in the Judgement of the said Commissioner be benefited thereby, in such Manner as the said Commissioner shall think reasonable, and shall, in Default of Payment, be recovered in like Manner as the Costs and Charges of passing this Act and carrying the same into Execution are to be recovered; and that no Meadow, Pasture, or Waste Ground, Part of the Lands and Grounds hereby directed to be divided and allotted, and not now in Tillage, shall before that Time be ploughed, broken up, or converted into Tillage; and also that it shall be lawful for the said Commissioner, at any Time hereafter when he in his Judgement shall think it convenient and necessary, by Notice in Writing for that Purpose under his Hand, to be affixed on the principal Outer Door of the Parish Church of *Brightwell* aforesaid, to suspend or totally extinguish all or any Part of the Rights of Common in and over the Lands and Grounds hereby directed to be divided and allotted; and from and after such Notice given, all such Rights of Common over the Lands and Grounds, as by such Notice or Notices shall be directed or declared to be suspended or extinguished, shall cease and be entirely extinguished, or the Exercise thereof suspended for such Time as the said Commissioner shall in and by such Notice direct; and if during such Suspension or after such Extinguishment of such Right of Common as aforesaid, any of the said Proprietors or Occupiers shall permit his, her, or their Cattle to go, depasture or feed, upon any of the Lands or Grounds, the Rights of Common over and upon which shall be so suspended or extinguished, then it shall be lawful for any other of the said Proprietors or Occupiers to distrain the Cattle being upon such Lands or Grounds contrary to such Order, and to impound the same, until the Person or Persons so offending, shall pay to the Person or Persons so distraining, any Sum not exceeding Ten Shillings for each Head of Cattle so distrained, to be determined by the said Commissioner at his next Sitting; and in case the same, together with all Costs and Charges, shall not be paid within such Time as the said Commissioner shall fix, then the said Commissioner shall and he is hereby authorized and empowered, on Proof of such Offence or Offences having been committed, and Non-payment of the Penalty hereby imposed, to cause the Cattle so distrained, or such Part thereof as he shall think necessary, or other the Goods and Chattels of the Person or Persons so offending, to be sold for raising and paying the Penalty aforesaid, with the Costs and Charges attending such Distress and Sale, rendering the Overplus (if any) upon Demand, to the Owner or Owners of the said Cattle and Chattels.

No Meadow or Pasture to be broken up before Allotment.

For extinguishing Rights of Common.

XXXIII. And be it further enacted, That it shall be lawful for the said Commissioner to set out, allot and award, any of the Lands or Grounds hereby directed to be divided and allotted, or any other Lands, Tenements, Rents, Tythes or Hereditaments whatsoever, within the said Parish of *Brightwell*, in lieu of and in Exchange for any other Lands, Tenements, Rents, Tythes or Hereditaments whatsoever, within the same Parish, or within any adjoining Parish, Hamlet, Township or Place, so that every such Exchange be ascertained, specified and declared, in and by the Award of the said Commissioner, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the said Lands, Tenements, Rents, Tythes,

[Loc. & Per.]

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Tythes,



Tythes, or Hereditaments, which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politic, Corporate or Collegiate, or a Tenant or Tenants in Fee Simple, or for Life or Lives, or in Fee Tail general or special, or by the Courtesy of *England*, or 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 of or acting for any such Proprietors or Owners as aforesaid, who, at the Time of making such Exchange or Exchanges, shall be respectively Infants, Femes Coverts, 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 or Bodies Politic, Corporate or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every Exchange and Exchanges so to be made shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Lands, Tenements or Hereditaments, held in Right of any Church, Chapel or other Ecclesiastical Benefice, without the Consent testified as aforesaid of the Patron thereof, and of the Lord Bishop of the Diocese in which such Lands, Tenements or Hereditaments, so to be exchanged shall lie and be situate.

Expences of Exchanges and Partitions to be borne by the Parties.

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

Allowing the Bishop of Winchester to grant Leases.

XXXV. And be it further enacted, That it shall be lawful for the said Lord Bishop of *Winchester*, and his Successors for the Time being, from Time to Time to grant any Lease or Leases of all or any Part or Parts of the Allotment or Allotments hereby directed to be made to him, either for Three Lives or for Twenty-one Years, in such Manner and Form in all respects, as the said Lord Bishop is enabled to lease his other Lands and Estates in the said County of *Berks* and elsewhere.

Leases at Rack Rent to be vacated.

XXXVI. And be it further enacted, That all and every Lease and Leases at Rack Rent now subsisting, of all or any Part or Parts of the Land and Grounds to be divided, allotted, inclosed or exchanged, by virtue of this or the said recited Act, either alone, or jointly with any other Lands, Tenements or Hereditaments, and all Agreements for any Term or Terms of Years at Rack Rent, or from Year to Year, shall, as to the whole of the Lands, Tenements or Hereditaments, comprized in such Lease or Leases, Agreement or Agreements, cease, determine and be utterly void, at such Time or Times as the said Commissioner shall by Writing or Writings under his Hand direct; and the respective Owners or Proprietors of the Hereditaments and Premises so let, shall make such Satisfaction in Money to their respective Lessees or Tenants as the respective Owners and Proprietors and their Lessee or Lessees, Tenant, or Tenants, shall



shall agree upon; or, upon Application made by either Party in Writing to the said Commissioner, then as the said Commissioner shall by any Writing or Writings under his Hand order or direct to be paid to such Lessee or Lessees, Tenant or Tenants, as an Equivalent or Satisfaction for the Loss or Losses he, she or they shall respectively suffer on Account of the Determination of such Lease or Leases, Agreement or Agreements, proper Allowance being made for such Conditions in the same as shall not have been fulfilled by the Lessee or Lessees, Tenant or Tenants; and if the Money so directed by the said Commissioner to be paid as aforesaid, shall not be paid at the Time by him appointed, the same shall be recoverable at the Suit of the Person or Persons respectively to whom the same shall be directed to be paid, by Action of Debt in any of His Majesty's Courts of Record at *Westminster*, in which no Protection, Essoign, Wager of Law, or more than One Imparance shall be allowed, or at the Request in Writing of the Person or Persons entitled thereto, it shall be lawful for the said Commissioner, and he is hereby authorized and required, to raise and levy the Money so ordered to be paid for the Use and Benefit of the Person or Persons entitled thereto, by such Ways and Means as the Expences of obtaining and executing this Act can or may be raised, levied or recovered; and such Lessee or Lessees, Tenant or Tenants respectively, or their or any of their Assigns, shall not after the passing of this Act, do or commit any Waste, Spoil or Damage, upon or to their respective Lands or Premises, but shall in all Things conform, as far as may be, to the Terms and Conditions of their respective Leases, Demises and Agreements, up to the Time of the same being vacated as aforesaid: Provided always, that if there shall be any Lease or Leases of Lands, Part of which shall be in the Parish of *Brightwell* aforesaid, and Part in any adjoining Parish, all and every such Lease or Leases upon Rack Rent, and all such Agreements as aforesaid now subsisting, shall be vacated; but where any Lands shall have been taken in Exchange, which Lands shall be under any Lease or Agreement, and wholly situate in an adjoining Parish, the Lease or Agreement respecting such last-mentioned Lands shall not be vacated.

XXXVII. Provided always, and be it further enacted, That nothing herein contained shall extend to make void any beneficial Lease or Leases from any Body or Bodies Politic or Corporate, or other Person or Persons, of any Lands, Tenements or Hereditaments, in the Parish of *Brightwell* aforesaid, but the Person or Persons entitled to such beneficial Lease or Leases, shall hold and enjoy his, her, or their several and respective Allotments for his, her, or their several and respective Terms, at and under the same Rents and Covenants as are specified in his, her, or their respective Leases from the said Body or Bodies Politick, Corporate, or other Person or Persons respectively.

XXXVIII. And be it further enacted, That nothing herein or in the said recited Act contained shall extend or be construed to extend to revoke, make void, alter or annul, any Will, Deed, Contract, Agreement, or Settlement, of or concerning any of the Lands, Tenements or Hereditaments, which shall be allotted or exchanged by virtue of this Act, or to prejudice any Person or Persons having any Claim or Interest of, in, to, or out of the same, or any Part or Parts thereof respectively; but that the respective Persons unto or for whom any Lands or Hereditaments shall be

Not to vacate  
beneficial  
Leases.

Settlements,  
&c. not to be  
affected.



be set out and allotted, or given in Exchange by virtue of this Act, shall stand and be seized and possessed thereof, to, for and upon such and the same Uses, Estates, Trusts, Intents and Purposes, and subject to such and the same Wills, Deeds, Contracts, Settlements, Dowers, Jointures, Limitations, Powers, Remainders, Debts, Rents, Charges and Incumbrances, and no other, as the several and respective Messuages, Lands, Grounds, and Hereditaments, in lieu whereof such Allotments or exchanged Premises shall be respectively made and taken as aforesaid, would have been held under or subject or liable to, or be charged with or affected by in case this Act had not been made; save and except such Leases and Tenancies at Rack Rent as shall become void or be determined by virtue of this or the said recited Act, and subject nevertheless to all such Mortgages or Leases as shall be made by Authority of this Act.

Sheep or  
Lambs not to  
be depastured  
for Seven  
Years.

XXXIX. And be it further enacted, That for the Term of Seven Years after the Execution of the Award of the said Commissioner, no Sheep or Lambs shall be depastured or kept in any of the new Inclosures to be made by virtue of this Act, unless the Person or Persons respectively so depasturing or keeping such Sheep or Lambs, do, at his, her or their own Expence, effectually guard and fence the Quicksets of the Proprietor or Proprietors of the Lands and Grounds adjoining to such Inclosures respectively, where such Sheep or Lambs shall be depastured or kept, so as to prevent any Damage or Injury being done to such Fences or Quicksets by such Sheep or Lambs; nor shall any Person or Persons, for the Space of Seven Years next after the making and executing the Award of the said Commissioner, depasture or keep any Sort of Cattle whatsoever in or upon any of the Roads or Ways to be set out by virtue of this or the said recited Act, which shall be made into Lanes, or fenced on either Side.

Roads not to  
be stocked for  
Seven Years.

Allowing the  
Lessees under  
the Bishop of  
Winchester,  
to borrow  
Money for  
paying Ex-  
pences.

XL. And whereas the several Lessees or Tenants for Life or Lives of and under the said Lord Bishop of *Winchester*, may have Occasion to borrow Money for the Purpose of paying and defraying their respective Shares and Proportions of the Charges and Expences incident to and attending the obtaining this Act, and carrying the same into Execution, and of making Boundary and Subdivision Fences on the Lands to be allotted to them, in lieu of their several Lands and Rights held for one or more Life or Lives; be it therefore enacted, That it shall and may be lawful to and for all and every or any of such Lessees or Tenants for One or more Life or Lives, from Time to Time to borrow upon and charge the Lands and Grounds which shall be set out and allotted to him, her, or them respectively, in lieu of Lands held by them respectively for Life or Lives by virtue of this Act, with such Sum or Sums of Money as the said Commissioner shall judge necessary for the Purposes aforesaid, so that the same shall not exceed the Sum of Five Pounds for each Acre thereof; and for securing the Repayment of such Money, with Interest for the same, to mortgage or otherwise subject the Lands so to be charged to such Person or Persons as shall advance and lend the same respectively, his, her, or their Executors, Administrators and Assigns, for any Term or Number of Years not exceeding Five hundred Years, so that every such Mortgage be made with a Proviso, to cease and be void, or with an express Condition to be surrendered, when such Sum or Sums of Money thereby to be secured, with the Interest thereof, shall be fully paid and satisfied; and so that every such Mortgage be made with a Covenant or Condition, that  
such



such Tenant for Life or Lives shall, at the End of every Year after the making of such Mortgage, pay to the Person or Persons to whom such Mortgage shall be made, his, her, or their Executors, Administrators or Assigns, One Twentieth Part of the Principal Money so to be borrowed for the Purpose aforesaid; until the Whole thereof shall be paid off and discharged; and also pay and keep down the Interest of the said Money so to be borrowed, by Quarterly Payments; so that no Person or Persons afterwards becoming possessed of such Lands, shall be subject or liable to pay any further or larger Share of such Principal Money than his, her, or their Proportion thereof, according to such last-mentioned Condition, nor any further or larger Arrear of Interest than Three Calendar Months next preceding the Time when the Title to such Possession shall have commenced.

XLI. And be it further enacted, That the said Commissioner shall be paid the Sum of Three Pounds Three Shillings for each Day he shall be employed in or about the Execution of this Act, or in travelling to and from any Meeting for that Purpose, so as the same do not exceed one Day in travelling to, and one Day from any such Meeting, in full Satisfaction for the Trouble and Expences which he shall be put unto in the Execution of the Powers and Authorities of this and the said recited Act; and that the same, with all the Charges and Expences incident to and attending the obtaining and passing this Act, and of setting out, forming, and making such Publick Roads, Ditches, Drains, Sluices, Watercourses, Banks, and Bridges, as aforesaid, and of surveying, measuring, planning, valuing, dividing, and allotting the Lands and Grounds so intended to be divided and allotted, and of preparing and inrolling the Award of the said Commissioner, and the reasonable Charges for the Trouble and Expences of the Clerk to be appointed by the said Commissioner, and of the Surveyor, and all other Costs, Charges, and Expences, attending the Execution of this and the said recited Act, (except such as are herein otherwise provided for), shall from Time to Time be borne, paid and defrayed, by the several Owners and Proprietors of, and Persons interested in the Lands and Grounds hereby directed, to be divided, allotted and inclosed, (other than and except the Rector of the Parish of *Brightwell* aforesaid, for and in respect of the Allotment or Allotments herein directed to be made for his Glebe Lands), in such Shares and Proportions, at such Time or Times, to such Person or Persons, and in such Manner as the said Commissioner, either before or after the Execution of his said Award, shall by any Writing or Writings under his Hand, order, direct or appoint, and the Determination of the said Commissioner thereon shall be final and conclusive; and in Case any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, herein-before made subject to the Payment of any Money towards such Costs, Charges, and Expences as aforesaid, shall refuse or neglect to pay his, her, or their Share or Proportion thereof, within the Time to be appointed as aforesaid, then and in every such Case the said Commissioner shall and may cause the same to be levied and recovered in Manner directed in and by the said recited Act.

For paying  
the Expences  
of this Act.



Depositing  
Award.

XLII. And be it further enacted, That the Award to be made by the said Commissioner, when inrolled according to the Directions of the said recited Act, shall be deposited in the Church Chest of *Brightwell* aforesaid, or some other safe Place in the said Parish Church.

Commissioner  
to account.

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

Persons ad-  
vancing  
Money to be  
repaid with  
Interest.

XLIV. And be it further enacted, That if any of the Proprietors or Persons interested in the Lands or Grounds hereby directed to be allotted and inclosed, or any other Person or Persons, shall advance and pay any Sum or Sums of Money in discharge of the Fees or other Expences of obtaining this Act, or carrying the same into Execution, every such Proprietor, or other Person or Persons, his, her, or their Executors or Administrators, shall be repaid the same, with lawful Interest, out of the first Money to be raised by virtue of this Act.

Persons ag-  
grieved may  
appeal to  
the Quarter  
Sessions.

XLV. 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, (except in such Cases where the Orders and Determinations of the said Commissioner are by this or the said recited Act directed to be final, binding and conclusive, and except in such Cases where an Issue at Law shall be tried, as herein-before mentioned), he, she, or they may appeal to the General Quarter Sessions of the Peace which shall be holden for the said County of *Berks*, within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioner and to the Party or Parties concerned, at least Fourteen Days Notice in Writing of such Appeal and 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 or Warrant to levy the Costs and Damages which shall be so awarded, by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) on Demand to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale; which Determination of the said Justices shall be final and conclusive to and upon all Parties concerned, and shall not be removed or removeable by



*Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majesty's Courts of Record at *Westminster*, or elſewhere; and in caſe ſuch Appeal ſhall appear to the ſaid Juſtices to be frivolous, vexatious, or without Foundation, the ſaid Juſtices ſhall award ſuch Coſts to be paid by the Appellant or Appellants, as to them in their Diſcretion ſhall ſeem reaſonable, to be levied in Manner aforeſaid.

XLVI. Saving always to the King's moſt Excellent Maſteſty, His Heirs and Succeſſors, and to all and every other Perſon and Perſons, Body and Bodies Politick or Corporate, his, her, and their Heirs, Succeſſors, Executors, Adminiſtrators and Aſſigns, all ſuch Eſtates, Rights and Interests, (other than and except ſuch as are hereby meant and intended to be barred, deſtroyed and extinguished), as they, every or any of them had or 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 could or might have had, held, or enjoyed if this Act had not been paſſed.

General  
Saving.

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

To be print-  
ed by the  
King's  
Printer.

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



