



ANNO QUINQUAGESIMO PRIMO

# GEORGI III. REGIS.

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## Cap. 84.

An Act for enclosing Lands in the Parish of *Fyfield*  
in the County of *Berks*. [14th May 1811.]

**W**HEREAS there are, within the Parish of *Fyfield* in the County of *Berks*, divers Open and Common Fields, Common Meadows, Common Pastures, and Common Lands and Waste Grounds, containing together by Estimation One thousand and one hundred Acres, or thereabouts: And whereas the President and Scholars of Saint *John Baptist* College in the University of *Oxford*, are Lords of the Manor of *Fyfield* aforesaid, and are entitled to the greatest Part of the said Lands and Grounds, which are held of them by Leases for Twenty Years usually renewed, and by Copies of Court Roll for Lives: And whereas the said President and Scholars of Saint *John Baptist* College are also seised of the impropriate Rectory of *Fyfield* aforesaid; and *Elizabeth Dalton* Widow, is Lessee of the said Rectory, and in Right thereof is entitled to certain Rectorial Glebe Lands, and to all the Great and Small Tythes yearly arising, renewing, or increasing, from and out of all the Lands and Grounds within the said Parish: And whereas the said President and Scholars are the Patrons of the Perpetual Curacy of *Fyfield* aforesaid; and the Reverend *Thomas Whitfield* Clerk, is the Curate of the said Perpetual Curacy, and as such is entitled to certain annual Stipends or Allowances of Twelve Pounds, Four Pounds, and Sixteen Pounds: And whereas

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*Adam Blandy* Esquire, *Mary Gallaway* Widow, and others, are seized of or entitled to the Residue of the said Lands and Grounds: And whereas the Lands of the respective Proprietors of the said Open and Common Fields and Common Meadows, lie very much intermixed and dispersed in small Parcels, and in their present State are incapable of any considerable Improvement, and if the same, together with the Common Pastures and other Commonable Lands and Waste Grounds were divided, and specific Parts thereof allotted unto and amongst the several Persons interested therein, according to their several and respective Rights and Interests; and such Allotments inclosed, they might be much improved and rendered of greater Value; 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 *Hoxe-field*, in the County of *Middlesex*, and *John Davis* of *Bloxham*, in the County of *Oxford*, Gentlemen, and their Successors, to be nominated and elected in Manner herein-after mentioned, shall be and they are hereby appointed Commissioners for the valuing, dividing, allotting and inclosing, the Open and Common Fields, Common Meadows, Common Pastures, and Commonable Lands and Waste Grounds within the said Parish of *Fyfield*, and carrying this Act into Execution; subject to the Powers, Regulations, and Provisions of the said recited Act, except in such Cases where the same are repugnant to or varied by this Act.

Commission-  
ers.

Appoint-  
ment of an  
Umpire.

II. And for obviating the Delays and Inconveniences which might arise by any Difference of Opinion between the said Commissioners, touching any of the Matters and Things to be done in pursuance of this Act, be it further enacted, That the said *John Trumper* and *John Davis*, or the Commissioners who shall carry this Act into Execution, shall, at their First Meeting to be held in pursuance of this Act, before they shall proceed to act in the Execution thereof, (otherwise than by taking the Oath in that behalf prescribed), nominate and appoint, by Writing under their Hands, some fit and proper disinterested Person to act as an Umpire concerning the Premises; and in case of any such Difference of Opinion between the said Commissioners as aforesaid, the same shall be referred to and determined by such Umpire, whose Judgement and Determination therein shall be deemed and taken to be the Judgement and Determination of the said Commissioners.

Umpire to  
take an Oath.

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

‘ I Do swear, that I will faithfully, impartially and honestly, according to  
 ‘ the best of my Skill and Judgement, 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 enclosing Lands in the Parish*  
 ‘ of

of Eyfield, 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 are hereby authorized and required to administer to such Umpire; and the said Oath, so taken and subscribed by the said Umpire, shall be annexed to and inrolled 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 when and so often as either of the said Commissioners, or any Umpire to be appointed as herein mentioned, shall die or refuse or become incapable to act as a Commissioner or Commissioners, or Umpire respectively, for the Purposes of this or the said recited Act, then and in every such Case a new Commissioner or Commissioners, or Umpire, not being in any Manner interested in the said Allotment and Inclosure, shall and may be nominated, elected and appointed in Manner following; (that is to say), if the said *John Trumper* shall die, or refuse, or become incapable to act as aforesaid, it shall be lawful for the said President and Scholars, and their Successors, within Twenty-eight Days from the Time of such Death, Refusal or Incapacity, to nominate and appoint another Commissioner in the Room of the said *John Trumper*; and in case the said *John Davis* shall die, or refuse or become incapable to act as aforesaid, it shall be lawful for the major Part in Value (such Value to be ascertained by the Land Tax Assessment) of the Proprietors or Persons interested in the said Lands and Grounds intended to be divided and inclosed, (except the said President and Scholars and their Successors), by any Writing under their Hands, within Twenty-eight Days next after such Death, Refusal or Incapacity as last aforesaid, to nominate and appoint a proper Person, not interested in the said Lands and Grounds hereby intended to be divided and inclosed, to be a Commissioner in the Room of the said *John Davis*; and as often as any Person or Persons so to be nominated and appointed a Commissioner or Commissioners shall die or refuse, or become incapable to act, the said President and Scholars and their Successors, and the Proprietors or Persons aforesaid, shall respectively in like Manner appoint another Commissioner or other Commissioners, in his or their Room, according to the Regulation herein-before mentioned; and if any Umpire to be appointed as herein-before mentioned shall die, or refuse or become incapable to act, then and in every such Case a new Umpire, not interested in the said Allotment and Inclosure, shall and may be chosen in the stead of every Umpire so dying, refusing or becoming incapacitated, by the Commissioners who shall then or next afterwards be acting in the Execution of this Act; but if the said President and Scholars and their Successors, or the said Proprietors or Persons aforesaid, shall refuse or neglect to make such Appointment or Appointments as aforesaid, within the respective Times aforesaid, then and so often as the Case shall happen, the surviving or remaining Commissioners shall, within Twenty-eight Days after the Expiration of the respective Times herein-before allowed for appointing a Commissioner or Commissioners in case of any Vacancy, or as soon after as Occasion may require, by Writing under his Hand, appoint another Commissioner, not interested in the said Division and Inclosure, in the Room of every such Commissioner so dying, refusing, or becoming incapable to act as aforesaid; and every such Commissioner and Umpire so

Appointment  
of new Com-  
missioners.

to be appointed as aforesaid, shall have the same Powers and Authorities for putting this Act and the said recited Act into Execution, in all Respects whatsoever, as any Commissioner or Umpire had or was invested with by virtue of this Act: Provided always, that the Power hereby given to the surviving or remaining Commissioners, to appoint a new Commissioner, in the Event of any Vacancy not being filled up by the said President and Scholars and their Successors, or the said Proprietors or Persons aforesaid hereby respectively authorized to fill up the same, shall not invalidate or vitiate the Power so hereby given to the said President and Scholars and their Successors, and the said Proprietors or Persons aforesaid, until the aforesaid Power shall be actually executed by the said surviving or remaining Commissioner.

Commissioners or Umpire's Non-attendance, to be deemed a Refusal to act.

V. Provided also, and be it further enacted, That if any of the said Commissioners shall refuse or neglect to attend at the First or Second Meeting appointed to be holden for putting this Act into Execution, and duly qualify himself by taking the Oath in that Behalf prescribed, or if any one of the said Commissioners shall at any Time after the said First or Second Meeting, wilfully absent himself from any Two succeeding Meetings appointed to be holden as aforesaid, (such Meetings being known to him by his being present at the Appointment thereof, or Notice thereof in Writing having been Eight Days previously given or left at his usual Place of Abode, by the Clerk to the said Commissioners, and such Commissioner not being prevented by Sickness or other reasonable Cause, to be allowed by the other Commissioner, from attending at such subsequent appointed Meeting); or if any Commissioner hereafter to be elected and appointed in Manner aforesaid, shall not attend and qualify himself at the First or Second Meeting after his Election, to be appointed by the surviving or remaining Commissioner for putting this Act in Execution, or shall thereafter absent himself in Manner aforesaid, (having first known of such Meeting, or after such Notice and without such Cause as herein-before mentioned); and in like Manner if any Umpire to be elected and appointed as aforesaid, shall refuse or neglect to attend at any Two succeeding Meetings, to be appointed by the said Commissioners, at which his Presence shall be required by them, Eight Days Notice in Writing of the Time and Place of holding such Meetings having been given him, or left at his usual Place of Abode, and he not being prevented by Sickness or other reasonable Cause, to be allowed by the said Commissioners; every such Absence or Non-attendance shall be deemed and taken to be a Refusal to act.

Power to appoint a Clerk.

VI. And be it further enacted, That the said Commissioners shall appoint a Clerk or Clerks to assist them in the Execution of this and the said recited Act; and shall or may remove such Clerk or Clerks, and appoint another or others in his or their Room, as to them shall seem meet; and in case of the Death or Refusal, Neglect or Incapacity to act, of any such Clerk or Clerks, then and in such Cases the said Commissioners shall and may appoint any other Person or Persons they may think proper to be their Clerk or Clerks.

Notice to be given of Commissioners Meetings.

VII. And be it further enacted, That the said Commissioners shall and they are hereby required to cause a public Notice to be given in the Newspaper called *The Reading Mercury and Oxford Gazette*, or in some other

other Newspaper circulating within the County of *Berks*, and also in Writing to be affixed on the principal outer Door of the Parish Church of *Fyfield* aforesaid, of the Time and Place of the First Meeting of the said Commissioners for executing the Powers vested in them by this and the said recited Act, at least Eight Days before such Meeting, and also cause Eight Days Notice at the least to be given in Writing, to be affixed on the principal outer Door of the aforesaid Church, of every subsequent Meeting for the like Purposes, (Meetings by Adjournment only excepted), and all the Meetings of the said Commissioners shall be held at some convenient Place within the said Parish of *Fyfield*, or within Eight Miles of the Boundary of the said Parish: Provided always, that if at any Meeting to be held as aforesaid, it shall happen that only One of the said Commissioners shall attend, such Commissioner may adjourn such Meeting to such Time within the Space of Twenty-one Days from the Day of Adjournment, and to such Place within the said Parish of *Fyfield*, or within Eight Miles thereof, as he shall think most convenient, and shall give Notice thereof to the absent Commissioner; and in case no one of the said Commissioners shall be present at any such Meeting, then it shall be lawful for their Clerk to adjourn such Meeting, and appoint the same to be held at the same or any other Place within the said Parish, or within Eight Miles of the Boundary of the said Parish, on any future Day not exceeding Twenty-one Days from the Day of Adjournment, and shall give timely Notice thereof to the Commissioners.

VIII. And be it further enacted, That all other Notices necessary or requisite to be made and given by the said Commissioners, shall be so made and given by Advertisement in the said Newspaper, or in some other Newspaper circulated in the said County of *Berks*, or by affixing the same on the principal Outer Door of the said Parish Church of *Fyfield* aforesaid.

Other Notices, how to be given.

IX. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said Lands and Grounds, touching or concerning any Rights or Interests therein, or touching or concerning any other Matter or Thing relative to the said Division, Allotment or Inclosure, it shall be lawful for the said Commissioners, or the Umpire, to hear and determine such Disputes and Differences: Provided always, that nothing in this Act contained shall authorize the said Commissioners to determine the Title to any Messuages, Cottages, Lands, Tenements or Hereditaments whatsoever.

Commissioners to determine Differences.

But not to determine any Title.

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

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

XI. Provided also, and be it further enacted, That the said Commissioners shall and they are hereby empowered and required, upon Request made to them, to assess such Costs and Charges as they shall think

Commissioners may assess Costs.

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think reasonable to be paid the Party or Parties in whose Favour any Determination of the said Commissioners shall be made, by the other Party or Parties in such Dispute and Difference; and in case the Person or Persons who shall be liable to pay such Costs and Charges, shall refuse or neglect to pay the same on Demand, it shall be lawful for the said Commissioners and they are hereby authorized and required, by Warrant under their Hands and Seals 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 such 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 of such Distress and Sale.

Persons dissatisfied with Determination of Commissioners, may try their Rights at Law.

XII. And be it further enacted, That if any Person or Persons, Body or Bodies Politic or Corporate, 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 the Umpire, touching or concerning any 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, it shall be lawful for the Person or Persons, Body or Bodies Politic or Corporate, so dissatisfied, to proceed to a Trial at Law of the Matter so determined by the said Commissioners or Umpire 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 or Corporate, who shall be dissatisfied with the Determination of the said Commissioners or Umpire, shall cause an Action or Actions to be brought upon a feigned Issue, against the Person or Persons, Body or Bodies Politic or Corporate, in whose Favour such Determination shall have been made, within Three Calendar Months next after such Determination of the said Commissioners or Umpire shall be so made; and the Defendant or Defendants in such Action or Actions 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 properly tried and determined, (such Issue or Issues to be settled by the proper Officers of the Court wherein such Action or Actions shall be commenced, if the Parties shall differ about the same), and the Verdict or Verdicts which shall be given in the said Action or Actions, shall be final and conclusive upon all and every Person and Persons, Body and Bodies Politic and Corporate whomsoever, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial or Trials to be had therein, which it shall be lawful for the Court so to do, as is usual in other Cases; and after any Verdict or Verdicts shall have been obtained, and not set aside by the Court, the said Commissioners or Umpire shall and they are hereby required to conform thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial: Provided always, that the Determination of the said Commissioners or Umpire, touching such Claim or Claims to any 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 objecting not causing such Action or Actions at Law to be brought and proceeded in as aforesaid, shall be final and conclusive upon all Parties:

Provided

Provided also, that no Difference or Suit touching the Matters aforesaid, shall impede or delay the Commissioners or Umpire in the Execution of the Powers vested in them by this Act; but the Division, Allotment and Inclosure, hereby directed to be made, shall be proceeded in notwithstanding such Differences or Suits: Provided also, 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.

Suits not to impede Division.

Death of Parties not to abate Proceedings.

XIII. Provided always, and be it further enacted, That if any Person or Persons in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought, if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time herein-before limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Bodies Politic or Corporate, 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 Commissioners with Process for commencing such Action or Actions, in the same Manner as the Party or Parties might have been served therewith if living; and it shall thereupon be incumbent on the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein in the same Manner as if such Person or Persons had been actually living, and the Rights of all such Parties shall be equally bound and concluded by the Event of such Action or Actions.

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

XIV. And be it further enacted, That if any Person or Persons interested in any Allotment or Compensation to be made, or Exchange to take Place pursuant to this or the said recited Act, shall die before the same is perfected, the Powers and Authorities contained in this or the said recited Act shall not be determined or suspended, but the Share or Shares in the Premises of the Person or Persons so dying, shall be allotted or assigned to or for the Use of the Person or Persons who by Descent, Will, or otherwise, would have been entitled to the same, in case such Allotment, Compensation or Exchange, had been completed previous to the Death of such Person or Persons; and the Person or Persons to whom such Share or Shares shall be so allotted or assigned, shall be liable to the Charges, Expences, Conditions and Contingencies of this Act; and it shall be lawful for the said Commissioners to execute all the Powers and Authorities hereby given, in such Manner as they might have done if no such Death had happened.

Death of Parties not to prevent the Execution of this Act.

XV. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby required, at such Time hereafter as they in their Judgment shall think convenient and necessary, by Notice for that Purpose to be given in the Manner before mentioned, to suspend or totally extinguish all or any Part of the Rights of Common in and over the Commonable Lands and Grounds within the said Parish of *Fyfield*; and from and after the Time to be prescribed in the said Notice, all such Rights of Common over the said Lands and Grounds as by such Notice

Commissioners to extinguish or suspend Rights of Common.

Penalty for letting Cattle feed upon Lands after Right of Common suspended or extinguished.

or Notices shall be directed or declared to be suspended or extinguished, shall be suspended for such Time, or be utterly and for ever extinguished, as the said Commissioners shall in and by such Notice or Notices direct; and if any of the said Owners or Occupiers, during such Suspension, or after such Extinguishment of the said Rights of Common, shall permit his, her, or their Cattle to go, depasture, or feed, upon any of the Lands or Grounds the Right of Common over and upon which shall be so suspended or extinguished, it shall and may be lawful for any of the other of the said Owners or Occupiers to distrain and impound the Cattle being upon the said Lands or Grounds contrary to the aforesaid Order or Notice, until the Person or Persons so offending shall pay unto the Person or Persons distraining the said Cattle, any Sum not exceeding Ten Shillings for each Head of Cattle so distrained and impounded, to be determined by the said Commissioners at their next Meeting; and in case the same shall not be paid within such Time as the said Commissioners shall direct, then the said Commissioners shall and they are hereby authorized and empowered upon Proof of the said Offence or Offences having been committed, and the Non-payment of the Penalty imposed therein, to cause the Cattle so distrained, or such Part thereof as they shall think necessary, or other Goods and Chattels of the Person or Persons so offending, to be sold for raising and paying the Penalty aforesaid, together with the Costs and Charges attending the Distress and Sale, rendering the Overplus (if any) upon Demand, to the Owner or Owners of the said Cattle.

No Turves to be cut without Consent of the Commissioners.

XVI. And be it further enacted, That if any Person or Persons shall, after the passing of this Act, cut, dig, pare or carry away, any Turves, Furze or Fuel, in, upon, or from the said Commons or Waste Lands, or any Part thereof, without or contrary to the Licence of the said Commissioners first had and obtained in Writing for that Purpose, (which Licence the said Commissioners are hereby empowered to grant, under such Orders, Rules, Regulations and Restrictions, as they shall think just and proper to be inserted therein), then and in every such Case the said Commissioners, upon due Proof made before them upon Oath (which Oath any One of the said Commissioners 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, after deducting the Costs and Charges attending such Distress and Sale; and the Money so 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.

XVII. 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 any Parish or Parishes adjoining thereto, or to make the same Boundary Fences regular, it shall be lawful 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 in which the Lands are situate, and of the Owner or Owners of the said Land, upon which any Fence or Fences shall or may be intended to be made, to set out the Boundaries between the Lands and Grounds, by this Act



Act directed to be divided, allotted and inclosed, and any adjoining Parish or Parishes, in such Manner as they shall think proper for the Purpose aforesaid; and after such Boundary shall be so set out as aforesaid, the same shall be fenced by such Person or Persons in such Manner and at such Time or Times as the said Commissioners shall direct, and shall for ever thereafter be deemed and taken to be the Boundary between the said Parish of *Fyfield* and such adjoining Parish or Parishes respectively; any Law, Usage or Custom, to the contrary notwithstanding.

XVIII. And be it further enacted, That in setting out and appointing the several public Carriage Roads and Highways, Bridleroads and Footpaths, in pursuance of this or the said recited Act, the said Commissioners or Umpire shall, and they and he are and is hereby authorized and empowered, if they shall think it necessary or proper, to continue such Roads and Highways, or any of them, through or over any of the old inclosed Lands or Grounds within the said Parish of *Fyfield*, and also to divert, turn or stop up any the of old public Carriage Roads or Highways, Bridleroads and Footpaths, passing or leading through or over any such old inclosed Lands or Grounds; provided, that no such Road or Highway be so set out or appointed, or diverted, turned, or stopped up respectively, without the Consent in Writing of the Owners of the respective old inclosed Lands or Grounds, through or over which such Road or Highway doth or is intended to pass; nor without the Concurrence and Order of Two Justices of the Peace acting for the said County of *Berks*, and such Order so to be made by such Justices, shall be subject to an Appeal in Manner directed by the said recited Act.

Power to set out Roads across old Inclosures.

XIX. And be it further enacted, That the said Commissioners shall and may enlarge, widen, divert, turn, scour and cleanse, any of the Brooks, Drains, Ditches, Watercourses, Tunnels and Bridges, in the said Parish of *Fyfield*, and set out such new Ditches, Drains, Watercourses, Tunnels, Watergates, Banks and Bridges, as well in, through and over the Lands and Grounds hereby directed to be divided, allotted and inclosed, as also in, over and through any ancient Inclosures in the said Parish, as to them shall seem proper and necessary, (they the said Commissioners making such Satisfaction to the Proprietors of such ancient Inclosures for the Damage done thereby, as they in their Discretion shall think reasonable), of such Breadth and Depth, and in such Directions, as the said Commissioners shall think proper; and the said Commissioners shall and may and they are hereby directed, in and by their said Award, to order by whom and at whose Expence, and at what Time and in what Manner, the said Brooks, Ditches, Drains, Watercourses, Tunnels, Watergates, Banks and Bridges, shall be made, and hereafter repaired, cleansed, scoured and maintained: Provided always, that no Brook or Stream of Water 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 Brook shall be diverted, or into which any such Stream or Brook shall be turned.

Power to enlarge Watercourses, &c.

XX. And be it further enacted, That the said Commissioners or Umpire shall and they are hereby required in the first Place, to set out and allot, unto and for the Surveyors of the Highways of the said Parish of *Fyfield*, such Part or Parts of the Lands and Grounds by this Act intended

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Allotments for Materials to repair Roads, and for other Purposes.

to be divided, allotted and inclosed, for the Purpose of getting Stone, Sand, Gravel and other Materials, for the Repairs of the several public and private Roads and Ways within the said Parish of *Fyfield*, as they the said Commissioners or Umpire shall think necessary and proper for that Purpose, and for such other Uses as the said Commissioners shall direct; which said Allotment or Allotments shall be fenced in and inclosed, and the Fences thereof for ever maintained and supported, in such Manner, and by such Person or Persons in the said Parish, as the said Commissioners shall order or direct; and the same shall and may be annually let out at Rack Rent by the said Surveyors, subject to the Purposes aforesaid, for the best Rents that can be gotten for the same; which Rents shall be applied to the Repairs of the several Roads in the said Parish of *Fyfield* for ever.

Allotment to the Lords of the Manor, for the Rights of Soil.

XXI. And be it further enacted, That the said Commissioners or Umpire shall and they are hereby authorized and required, in the next Place, to set out, allot and award, unto and for the said President and Scholars and their Successors, as Lords of the Manor of *Fyfield* aforesaid, such Plot or Parcel of the said Open and Common Fields, Common Meadows, Common Pastures, Commonable Lands and Waste Grounds, as by the said Commissioners or Umpire shall be deemed and adjudged to be a fair Equivalent and Compensation for their Right and Interest in and to the Soil of the said Commons and Waste Grounds.

Allotments for Rectorial Glebe Lands.

XXII. And be it further enacted, That the said Commissioners or Umpire shall and they are hereby authorized and empowered to set out and allot, to and for the said President and Scholars and their Successors, or their Lessee or Lessees, such Plot or Plots of the said Lands and Grounds by this Act intended to be divided, allotted and inclosed, as shall in the Judgment of the said Commissioners or Umpire be a full Equivalent and Compensation for the Glebe Lands and Right of Common belonging to the said President and Scholars and their Lessees, in, over, or upon the Lands and Grounds hereby directed to be divided, allotted and inclosed.

Allotment in lieu of Tythes.

XXIII. And be it further enacted, That the said Commissioners or Umpire, shall and they are hereby authorized and required to set out and allot, unto and for the said President and Scholars, as Impropropriators as aforesaid, or their Lessee or Lessees, such Part or Parts of the Lands and Grounds hereby directed to be divided, allotted and inclosed, as in the Judgment of the said Commissioners or Umpire shall be equal in Value to One-fifth Part of all the Arable or Tillage Lands, open and inclosed, including the Sward Balks and Heads of, and intermixed with the said Arable Lands, and to One-eighth Part of all the Commons and Waste Grounds, and to One-ninth Part of all the Residue of the Lands and Grounds, open and inclosed, within the said Parish of *Fyfield*, after deducting the Roads, and the Allotments for the Surveyors and for Glebe; which said Plot or Plots, Allotment or Allotments, shall be in lieu of and a full Satisfaction and Compensation for all Tythes, both great and small, arising, issuing or renewing, as well from and out of the said Lands and Grounds hereby directed to be divided, allotted and inclosed, as out of the Homesteads, Gardens, Orchards, and other inclosed and several Lands and Grounds, within the Parish of *Fyfield* aforesaid, (save and except

Easter Offerings, Mortuaries and Surplice Fees, which shall remain due and payable in the same Manner as before the passing of this Act.)

XXIV. And whereas the Improprate Rectory of *Fyfield* aforesaid is subject to and charged with the perpetual Payment of the clear yearly Stipends or Allowances of Twelve Pounds, Four Pounds, and Sixteen Pounds, unto the Curate of the Curacy or Church of *Fyfield* aforesaid, which it would be desirable to commute by a fair and adequate Equivalent in Land; be it therefore further enacted, That the said Commissioners or Umpire shall, from and out of the Allotment herein-before directed to be made to and for the said President and Scholars of *Saint John Baptist* College, or their Lessee or Lessees of the said Improprate Rectory, for and in lieu of the Tythes herein-before mentioned, set out and allot unto and for the Curate of the said Curacy or Church of *Fyfield* and his Successors, such Piece or Pieces of Land as in the Judgment of the said Commissioners shall be of the full yearly Value of Thirty-two Pounds; and which Piece or Pieces of Land shall be accepted and enjoyed by the said Curate and his Successors, for and in lieu of the said yearly Stipends or Allowances of Twelve Pounds, Four Pounds, and Sixteen Pounds, which shall thereupon, or at such Time as the said Commissioners or Umpire shall direct, cease to be paid and payable to the said Curate, from and out of the said Improprate Rectory.

Allotments to the Curate, in lieu of Stipends payable out of the Rectory.

XXV. And be it further enacted, That the said Commissioners or Umpire shall, and they and he are and is hereby authorized and required, to set out and allot, unto and for the Curate and Churchwardens of the Parish of *Fyfield* aforesaid for the Time being, such Plot of Land or Ground, Part of the Lands or Grounds by this Act intended to be divided, allotted and inclosed, as the said Commissioners shall deem to be a Compensation and Equivalent for any Right which the poor Inhabitants of the said Parish of *Fyfield* are entitled to, or for any Indulgence granted to them in cutting and taking away Furze Bushes and Thorns from any of the Commons or Waste Grounds hereby intended to be divided, allotted and inclosed, upon the following Trusts; (that is to say), upon Trust to let and set the said Plot of Land or Ground, or so much thereof as they shall think fit, for any Term not exceeding Twelve Years, and to apply the Rents, Issues and Profits, arising therefrom, in purchasing Apparel, Fuel, and other Necessaries, as the said Trustees or their Successors, or the major Part of them, at their Discretion shall think fit to distribute amongst and unto the Poor Inhabitants of the said Parish of *Fyfield*, over and above any Alms, Allowance or Relief whatsoever, which they or any of them may receive from the said Parish or otherwise, in such Shares and Proportions, and to such poor Families, at such Time or Times and in such Manner as the said Trustees or the major Part of them shall think proper; and so much of the said Plot of Land or Ground as shall not be let or set as aforesaid, shall be held, used and appropriated, by the said Trustees, for the Purpose of sowing Furze, planting Wood, and of cutting Fuel; which Fuel shall be distributed amongst the poor Inhabitants of the said Parish of *Fyfield* as herein-before 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; which said Plot of Land or Ground shall be well and sufficiently mounded and fenced in such

Allotment to the Poor for Furze.

Manner,

Manner, and by such Person or Persons as the said Commissioners shall award or direct.

Allotments of the Residue amongst the several Proprietors.

XXVI. And be it further enacted, That the said Commissioners or Umpire shall, and they and he are and is hereby authorized and required to set out, allot and award, all the Residue and Remainder of the Lands and Grounds hereby directed to be divided, allotted and inclosed, unto and amongst the several Owners and Proprietors thereof and Persons interested therein, in such Quantities, Shares and Proportions, as the said Commissioners shall adjudge and determine to be a just Compensation and Satisfaction for their several and respective Lands, Grounds, Rights of Common, and other Rights and Interests therein.

Allotments in respect of Copyholds, to be made to Persons admitted or having a Right to Admission.

XXVII. Provided always, and be it further enacted, That the said Commissioners or Umpire shall set out, allot and award, all and every the Allotments to be made by virtue of this Act, in Right or in respect of the Copyhold Estates within the said Manor, unto the Persons who are respectively admitted, or ought to be admitted Tenants to the said Copyhold Estates, in Right or in respect whereof the said Allotment shall be respectively made, at the Courts of the Lords of the said Manor, according to the Custom thereof.

Distinct Allotments to be made for Lands holden by different Titles.

XXVIII. And be it further enacted, That in Case the Proprietor or Proprietors of any Lands, Tenements or Hereditaments, by this or the said recited Act authorized to be allotted, exchanged, or exonerated from Tythes, shall hold their respective Lands, Tenements or Hereditaments, for different Estates, or by different Tenures, or subject to different Trusts, Charges or Incumbrances, the said Commissioners or Umpire shall ascertain and distinguish the Lands, Tenements or Hereditaments so held, and shall also set out and distinguish the different Allotments, Tenements or Hereditaments, to be accepted and taken as an Equivalent in respect of each of them so circumstanced; and the said Commissioners or Umpire shall, and they or he are and is hereby authorized and empowered to set forth and declare in and by their said Award, in Right of what Lands, Tenements or Hereditaments in particular, such Allotments shall have been respectively made, and therein also separately describe and ascertain the Situation and Boundaries, of every such Allotment; and if for Want of Information or from any other Cause, the said Commissioners shall have omitted in their Award to distinguish and ascertain the Allotments in respect of Lands, Tenements or Hereditaments so circumstanced, and, within Twelve Calendar Months after the making of such Award, Request shall be made to the said Commissioners, by any Person or Persons interested, by Writing under his, her or their Hand or Hands, to have such Omission supplied by a separate Instrument, then and in every such Case the said Commissioners shall and they are hereby authorized to do every Thing necessary for supplying such Omission, and so far as that Purpose shall require, to examine Witnesses, and in every other Respect to proceed and act as if their Award had not been made; and having obtained what they shall think sufficient Information, they are hereby also authorized by any Deed under their Hands and Seals, to make distinct and several Allotments in respect of the Lands, Tenements or Hereditaments so circumstanced, in the same Manner as they might have done in their Award; and every such separate Instrument shall be inrolled in the same Place, and  
Evidence

Evidence thereof given in the same Manner, as by the said recited Act or this Act, or either of them, are or is directed concerning the said Award; and all reasonable Expences which shall be incurred in or about such separate Instrument or Instruments as aforesaid, shall be payable by the Person or Persons who shall have so requested the said Commissioners to make and execute the same, or by his, her, or their Heirs, Executors or Administrators; and every such separate Instrument shall, from and immediately after the due Execution thereof by the said Commissioners, have the same Effect to all Intents and Purposes as if the Contents or Substance thereof had been inserted and contained in their said Award; and the same shall, after such Enrollment 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 Commissioners, most properly belong.

XXIX. And be it further enacted, That the Allotment or Allotments to be set out unto and for the said Presidents or Scholars, as Impropriators, or their Lessee or Lessees, and the said Curate of *Fyfield*, shall be ring-fenced with Quickset Hedges and Ditches, and substantial Posts and Rails, on each Side thereof, or other proper Mounds or Fences, with good Gates and Stiles in the said Fences, where necessary, in such Manner as the said Commissioners shall direct, and the same shall be supported and maintained for the Term of Seven Years, by or at the Expence of all the Proprietors to whom the other Allotments of the said Lands and Grounds shall be set out or allotted, in such Manner and in such Shares and Proportions as the said Commissioners shall, by their Award or any Writing under their Hands order and direct; and the Money to defray the Expence thereof, shall be raised and levied in Manner and by the Means herein-after directed for raising the Expences of obtaining and executing this Act, and shall be by them the said Commissioners paid to such Person or Persons as shall be by them appointed, and who, with one or more good and sufficient Surety or Sureties, shall undertake and engage to make such Ring Fences, and keep the same in Repair for Seven Years, and until the same shall be good and sufficient Fences; which said Fences, or such Part thereof as shall be allotted to the said President and Scholars, or their Lessee or Lessees, as aforesaid, shall thenceforth be maintained and kept in Repair by and at the Expence of the said President and Scholars, or their Lessee or Lessees; and that all the other Allotments to be made by virtue of this or the said recited Act shall be inclosed and fenced in such Manner, by the several Persons to or for whom the same shall be set out (except herein otherwise directed), and in such Shares and Proportions, and at and before such Time or Times, as the said Commissioners, by their Award or any Writing under their Hands, shall order or direct, and the same Fences shall afterwards be repaired, preserved and maintained, by such Proprietors respectively.

Impropriators Fences shall be made and raised by the other Proprietors.

Fences of the other Allotments.

XXX. And be it further enacted, That it shall be lawful for the said Commissioners, on Application being made to them in Writing by the President and Scholars of *Saint John's* College aforesaid, under their Common Seal, to sell all or any Part of the Allotment or Allotments, to be made from or out of any of the said Lands or Grounds by virtue of this Act, to the said President and Scholars, for the Purpose of raising a Sum of Money

Power for *Saint John's* College to sell their Allotments.

sufficient to defray the Share and Proportion of the Costs, Charges and Expences, of obtaining and passing this Act, and executing the said recited Act and this Act; which shall be charged upon or payable by the said President and Scholars, either in Respect of their own Estate or of the Estate or Interest of any Person holding by, from or under them, and of fencing, inclosing and subdividing, such Allotment or Allotments, and of making and completing such Sale; and such Sale shall be made by the said Commissioners in such and the same Manner, and subject to such and the like Rules and Regulations, as are mentioned and prescribed in and by the said recited Act in respect to the Sale of any Lands authorized to be sold for paying the Expences of obtaining and carrying into Execution any Act for dividing, allotting and inclosing any Lands and Grounds; and each and every Allotment for which the full Purchase Money shall be paid, shall be conveyed by the said Commissioners, at the Expence of such Purchaser or Purchasers, unto and to the Use of, or in Trust for such Purchaser or Purchasers, and his, her, or their Heirs respectively, or as he, she, or they shall appoint, and shall be inclosed and held by such Purchaser or Purchasers respectively in severalty; and the Receipt of the said Commissioners shall be a good and sufficient Discharge to such Purchaser or Purchasers for the said Purchase Money, which shall be applied by the said Commissioners in or towards defraying such last-mentioned Costs, Charges and Expences; and if any Surplus shall remain in the Hands of the said Commissioners, the same shall be applied and disposed of by them in Manner directed by the said recited Act with respect to Money which is thereby directed to be paid into the Bank of *England*, for the Purchase or Exchange of any Lands, Tenements or Hereditaments, to be settled to the same Uses, or of any Timber or Wood growing thereon, and which ought to be laid out in the Purchase of other Lands, Tenements and Hereditaments, as therein mentioned: Provided always, that it shall not be lawful to raise by such Sale any further or greater Sum of Money than is allowed to be raised, borrowed or charged, upon any Estate or Estates for such Purposes as aforesaid, under or by virtue of the said recited Act: Provided also, that in Case any Land shall be deducted from the Allotment or Allotments of the said President and Scholars, for the Payment of such Expences as aforesaid, it shall not be lawful for the said President and Scholars, or their Successors, to charge their Lands, Tenements or Hereditaments, by virtue of the said recited Act or this Act with any Money for the Payment of such Expences.

Persons selling their Rights before the Execution of the Award, Commissioners to allot to the Purchasers,

XXXI. Provided always, and be it further enacted, That if any Person or Persons, at any Time before the said Commissioners shall have executed their Award, shall sell his, her or their Right, Interest, or Property in, over or upon, the said Open and Common Fields, Common Meadows, Common Pastures, Commonable Lands and Waste Grounds, or any Part thereof (except the Copyholders in Respect of their Copyhold Estates), to any other Person or Persons, then and in every such Case it shall be lawful for the said Commissioners, and they are hereby required, upon the Request in Writing under the Hand or Hands of the said Vendor or Vendors respectively, to make an Allotment or Allotments of Land unto the Purchaser or Purchasers respectively, and to his, her or their respective Heirs, Executors, Administrators and Assigns, for and in Respect of such Right or Rights, Interest or Interests, and Property so sold as aforesaid; and every such Purchaser, and his or her Heirs or Executors, Administrators

trators or Assigns, shall and may, from and after the Execution of the said Award, hold and enjoy the Land so to be allotted to him, her or them, respectively as aforesaid, in the same Manner to all Intents and Purposes as the Vendor or Vendors in every such Sale might, could, or of Right 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 or Vendors respectively at the Time of making the said Award as aforesaid, but subject nevertheless to all Incumbrances affecting the same, and to the Charges of the said Division, Allotment and Inclosure.

XXXII. And be it further enacted, That the several Lands, Tenements and Hereditaments, which shall be allotted by virtue of this Act, shall from and immediately after the Execution of the Award of the said Commissioners, be held under and subject to such and the like Tenures, Rents, Customs and Services, as the Lands, Tenements, and Hereditaments, in Respect of or for which such Allotments shall be respectively made, are now held under and subject to. Allotments to be of the same Tenure as Lands in Respect of which the same shall be allotted.

XXXIII. And be it further enacted, That the several Lands, Tenements and Hereditaments, which shall be allotted or exchanged as aforesaid by virtue of this Act, shall immediately after the Execution of the Award of the said Commissioners, be, remain, and enure; and the several Persons to whom the same shall be respectively allotted and awarded, shall from thenceforth stand and be seised and possessed thereof, to such and the same Uses, Estates, Trusts and Purposes, and subject to such and the same Wills, Settlements, Limitations, Powers, Remainders, Leases (except at Rack Rent), Charges and Incumbrances, as the several and respective Lands, Tenements and Hereditaments, in lieu whereof such Allotment and Exchanges shall be respectively made as aforesaid are now held under or subject to, or liable to be charged with or affected by, or might or could have been held under or subject to, or liable to be charged with or affected by, in Case this Act had not been passed. New Allotments to remain to the same Uses.

XXXIV. And be it further enacted, That it shall be lawful for the said Commissioners or Umpire to set out, allot and award any Lands, Tenements or Hereditaments whatsoever, within the said Parish of *Fyfield*, in lieu of and in Exchange for any other Lands, Tenements and Hereditaments whatsoever, within the said Parish, or within any adjoining Parish, Township, Hamlet 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 any such Owners or Proprietors as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Females Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself or herself; Exchanges may be made.

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 nevertheless, that no Exchange shall be made of any Lands, Tenements or Hereditaments, held in Right of any Church, Chapel, or any Ecclesiastical Benefice, without the Consent testified as aforesaid of the Patron thereof, and of the Bishop of the Diocese in which the Lands, Tenements or Hereditaments, so to be exchanged, shall lie and be situate.

Expences of Exchanges, by whom to be paid.

Proprietors to pay their own Expences.

Leases at Rack Rent, including any Common Right, to be void.

XXXV. Provided always, and be it further enacted, That all Costs, Charges and Expences, attending the making and completing any Exchanges or Partitions, shall be paid and borne by the several Persons making such Exchanges or Partitions, in such Manner and in such Proportions as the said Commissioners shall order and direct; and that the several Proprietors, their Attornies or Agents, shall pay their own Expences, when they or any of them shall attend the said Commissioners at any of their Meetings to be holden in pursuance of this Act.

XXXVI. And be it further enacted, That all Leases, Demises or Agreements, at Rack Rent now subsisting, for any Term or Terms of Years, or from Year to Year or at Will, of or for any Part or Parts of the Lands and Grounds intended to be divided and allotted, or exchanged, by virtue of this Act or the said recited Act, within the said Parish of *Fyfield*, and of all or any of the Common Rights upon, or Tythes issuing out of, or arising from the said Lands and Grounds or any of them, and of all Messuages, Cottages, Lands, Tenements and Hereditaments, in the Parish of *Fyfield* aforesaid, held therewith, or included in such Leases, Demises or Agreements, shall, at such Time or Times respectively as the said Commissioners shall appoint by any Writing under their Hands, cease and be void; and the respective Lessees or Tenants thereof, shall thereupon be entitled to demand and receive, of and from the respective Landlords, Owners or Proprietors, of the same Premises, such Allowance or Satisfaction in Money, and at such Time or Times, as such Commissioners shall ascertain, order and direct, (in Case the Parties cannot agree upon the same), as reasonable to be paid to such Lessees or Tenants on Account thereof, or as an Equivalent for the same; and such Lessees or Tenants respectively shall, upon the Determination of every such Lease or Agreement, be liable to pay the respective Landlords, Owners and Proprietors of the same Premises, such Rents or Sums of Money, up to the Time of vacating such Leases or Agreements respectively, for the Use and Occupation thereof, as the said Commissioners shall in like Manner ascertain, order and direct, (in Case the Parties cannot agree upon the same), as reasonable and proper in that Behalf: Provided always, that in ascertaining and settling the Sum or Sums of Money to be paid by or to such Lessee or Lessees as aforesaid, the said Commissioners shall have due Regard to the several Covenants and Stipulations of the Lease or Leases, Agreement or Agreements, to be vacated, and shall make such Addition thereto or Abatement therefrom as they shall judge to be just, in case any of such Covenants or Stipulations shall not have been fulfilled.

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

Wills and Settlements not to be affected.

XXXVIII. And be it further enacted, That until the Execution of the Award to be made by the said Commissioners, or until such previous Time as the said Commissioners shall by Writing under their Hands direct or appoint, the said President and Scholars, or their Lessee or Lessees, shall be entitled to, and shall have, receive, enjoy and recover, all and singular the Tythes belonging to the said Improprate Rectory, in the same Manner as if this Act had not been passed.

Tythes to be received till the Execution of the Award.

XXXIX. Provided always, and be it further enacted, That in case any of the said Owners or Proprietors of any such Messuages, Tenements, Gardens, Orchards, or other inclosed or several Lands and Grounds within the said Parish, shall not be entitled to Lands or Common Right in the said Lands by this Act intended to be divided, allotted and inclosed, sufficient to make such Compensation for the Tythes thereof as aforesaid, then and in every such Case Compensation shall be made for such Deficiency, by and out of the Property in the said Lands hereby intended to be divided, allotted and inclosed, belonging to the said several other Proprietors, in such Manner as the said Commissioners shall appoint; and such Person or Persons who shall be entitled to or possessed of any such Messuages, Tenements, Gardens, Orchards, or other inclosed or several Lands and Grounds, shall pay or cause to be paid to such Person or Persons, and at such Time or Times as the said Commissioners or Umpire shall direct or appoint, such Sum or Sums of Money as the said Commissioners shall think equivalent to, and a full-Satisfaction and Compensation for the Tythes of the said Messuages, Tenements, Gardens, Orchards, or other inclosed or several Lands and Grounds; which Sum or Sums of Money, shall and may be levied and recovered in like Manner as the Costs, Charges and Expences, of obtaining and passing this Act, and carrying the same into Execution, can or may be levied or recovered, and shall be applied towards Payment of such Parts and Proportions of the said Costs, Charges and Expences, as ought to be paid by the respective Persons whose Land may be set out and allotted for discharging from Tythes

Compensation for Tythes of old Inclosures, where Owners have not Land in the Common Field sufficient to discharge the same.

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such Messuages, Tenements, Gardens, Orchards or other inclosed several Lands and Grounds; and in case any Surplus shall remain after Payment of such Expences as aforesaid, such Surplus shall be divided between the several Persons interested in the Lands and Grounds hereby intended to be divided, allotted and inclosed, whose Lands have been taken and appropriated for the Purpose of discharging such last-mentioned Old Inclosures from Tythes, in such Proportions as they shall be respectively entitled thereto, and the Shares of such of them as shall be Tenants in Fee Simple, shall be paid to them respectively, and the Shares of such other Proprietors of and in such Surplus Money, shall be applied and disposed of in Manner directed by the said recited Act in those Cases where any Money is to be paid for the Purchase or Exchange of any Lands, Tenements or Hereditaments, or any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands, Tenements or Hereditaments, to be settled to the same Uses.

Commissioners to direct the Course of Husbandry.

**XL.** And be further enacted, That from and after the passing of this Act, until the Execution of the Award of the said Commissioners, all the Lands and Grounds hereby directed to be divided, allotted, and inclosed, shall be subject and liable to such Directions and Regulations as the said Commissioners shall from Time to Time by Writing under their Hands appoint, as well with Regard to the stocking, as to the ploughing, folding, tilling, sowing, and laying down the same; and it shall and may be lawful for the said Commissioners to order and direct such Sum or Sums of Money, as well in Respect thereof as for any Seeds, Crop, Tillage, Manure or Preparation for a Crop or Crops on any of the said Lands or Grounds, to be paid by any Person or Persons interested therein, or by his, her, or their Tenant or Tenants, and to such Person or Persons, as they the said Commissioners shall think reasonable and direct; and in case any Person or Persons who shall be directed to pay any Sum or Sums of Money on any of the Accounts aforesaid, shall neglect or refuse to pay the same accordingly within the Space of Fourteen Days after the same shall have been ordered and demanded, then it shall be lawful for the said Commissioners, and they are hereby required, by Warrant under their Hands and Seals, directed to any Person or Persons whomsoever, to cause the same to be levied by Distress and Sale of the Goods and Chattels of such Person or Persons so refusing or neglecting to pay such Sum or Sums of Money as aforesaid, rendering the Overplus (if any) upon Demand, to such Person or Persons respectively, after deducting the Costs and Charges of taking and making every such Distress and Sale; and in case such Distress cannot be taken as aforesaid, it shall be lawful for the said Commissioners, or any Person authorized by them for that Purpose, to enter into and upon such Lands or Grounds as aforesaid, or any Part thereof respectively, and receive the Rents, Issues, and Profits thereof respectively, until thereby and therewith, or otherwise, the full Amount of such Sum or Sums of Money as aforesaid, and all Costs, Charges and Expences, occasioned by or attending such Entry upon and receiving the Rents and Profits of the same Premises, shall be respectively fully paid and satisfied; which Sum or Sums of Money so to be levied, recovered or raised, shall, after discharging such Costs, Charges, and Expences as aforesaid, be applied in making such Recompence and Satisfaction to the Person or Persons entitled thereto as aforesaid.

XLI. And be it further enacted, That no Sheep or Lambs shall be kept in any of the Allotments to be made by virtue of this Act, during the Space of Seven Years next after the Execution of the Award of the said Commissioners, unless the Person or Persons so keeping the same shall first, at his, her, or their own Expence, make and maintain a Fence sufficient to guard the young Quickset Fences upon any adjoining Allotment, from being cropped or injured in any Manner by such Sheep or Lambs.

Lambs not to be kept in the new Inclosures for Seven Years.

XLII. And be it further enacted, That each of the said Commissioners and Umpire, who shall act in the Execution of the Powers and Authorities vested in them by this Act, shall be paid the Sum of Three Pounds Three Shillings for every Day he shall so act, or travel for the Purpose of acting, or be returning home from acting, in full Satisfaction for the Trouble and Expence which he shall be put unto in the Execution of the said Powers and Authorities; and that the same, together with all Costs, Charges and Expences, of applying for, obtaining, and passing this Act, and the Costs and Charges of surveying, measuring, planning, dividing, valuing and allotting, the Lands and Grounds so intended to be divided, allotted and inclosed, and of ring-fencing the several Allotments for Glebe and Tythes, and for Materials for Roads, and for the Poor, and the Expence of preparing, executing and inrolling the Award of the said Commissioners, and other necessary Charges and Expences of the said Commissioners, their Clerk and Assistants, and all other necessary Expences about and concerning the Premises, either before or after the Execution of the said Award, shall from Time to Time be borne, paid and defrayed by and at the Expence of all the said Proprietors, or other Persons interested in general, (except the said President and Scholars, and their Lessee or Lessees, for or in Respect of any Allotment in lieu of Tythes and Glebe Lands, and the said Vicar of *Fyfield*, and also except the Surveyors of the Roads and Trustees for the Poor), by a proportionate Rate or Rates, in such Shares and Proportions, and to be paid to such Person or Persons, and at such Time or Times, and in such Manner, as the said Commissioners shall at any Time or Times by any Writing or Writings under their Hands, previous to making their Award, or by their Award, order, direct or appoint; and in case any Person 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 or her Share or Proportion thereof, within the Time to be appointed as aforesaid, or at any Time after upon Demand, the same shall and may be levied and recovered in the Manner directed by the said recited Act: Provided always, that the Rates, Shares and Proportions of all the said Costs, Charges and Expences, to be paid for or in Respect of the Leasehold and Copyhold Estates held under the said President and Scholars, and also the Expences of ring-fencing the new Allotments to be made for such Estates or any Part thereof by virtue of this Act, shall be paid, borne and defrayed by and between the said President and Scholars and their Successors, and their said Lessees and Copyholders, or other Persons having any Estate or Interest in such Copyhold Estates by Custom or otherwise, in such Proportions as the said Commissioners shall adjudge and determine to be equal to their respective Interests in the said Copyhold and Leasehold Estates respectively.

Commissioners Allowance, and for paying Expences of passing and executing the Act.

XLIII. And

Power to  
borrow  
Money.

XLIII. And be it further enacted, That it shall be lawful for the Husbands, Guardians, Trustees, Committees or Attornies, of any of the Owners or Proprietors of any Lands or Grounds to be allotted or exchanged by virtue of this Act, being under Coverture, Minors, Lunatics, beyond the Seas, or under any other Disability, and for any of the said Owners and Proprietors, being Tenants in Tail, or for Life or Lives, or for Years determinable on a Life or Lives, or any other Contingency, or otherwise interested in the said Lands and Grounds, (except the said Curate of *Fyfield* or his Successors, and also the Tenants of the said President and Scholars, by Lease or Copy of Court Roll), so as to affect the said President and Scholars, to charge such Allotments, or exchanged Lands and Premises, with such Sum or Sums of Money as the said Commissioners shall, by their Award, or by Writing under their Hands either before or after the Execution of such Award, adjudge necessary to pay and defray the said respective Shares of the Charges and Expences incident to and attending the obtaining this Act and carrying the same into Execution, and of charging the said Lands as aforesaid, so that the same shall not exceed Five Pounds for every Acre of such Allotments or exchanged Lands; and to grant, mortgage, surrender, lease or demise, or otherwise subject the said Lands, Tenements and Hereditaments, so to be charged unto such Person or Persons who shall advance and lend the same respectively, his, her, or their Executors, Administrators and Assigns, for any Term or Number of Years; or in case any Person in Possession, who shall or may be liable to and charged with a Share of the Expences as aforesaid, or be enabled by this Act to charge such Lands and Grounds with the same, shall choose to advance, pay and discharge such Sum or Sums of Money, then it shall be lawful for the said Commissioners, by any Deed or Writing under their Hands and Seals, to be attested by Two or more credible Witnesses, in like Manner to grant, mortgage, surrender, lease, demise, or otherwise subject the said Lands, Tenements and Hereditaments, to such Person or Persons respectively paying and discharging the same, his, her, or their Executors, Administrators and Assigns, for any Term or Number of Years, to and for the Payment of such Sum and Sums of Money so advanced, paid and discharged, by him, her or them, with Interest for the same, to commence on the Termination of his, her or their Right in the Premises, so as every such Grant, Mortgage, Surrender, Lease or Demise, be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered or re-assigned when such Sum or Sums of Money thereby to be secured, shall be fully paid and satisfied; and also with a Covenant to pay and keep down the Interest, so that no Person or Persons afterwards becoming possessed of, or entitled to any such Lands, Tenements or Hereditaments, shall be liable to pay any further or larger Arrear of Interest, than for Six Calendar Months preceding the Time when the Title to such Possession shall have commenced; and that every such Charge, Grant, Mortgage, Surrender, Lease or Demise, shall be good, valid, and effectual in the Law.

Proprietors  
or others ad-  
vancing  
Money  
towards de-  
fraying Ex-  
pences of ob-

XLIV. Provided always, and be it further enacted, That all the Money which shall be advanced by any Person or Persons, for the Purpose of defraying the Expences of applying for and obtaining this Act, or for carrying the same into Execution, shall be repaid, with lawful or less Interest to such Person or Persons, Body or Bodies Politic or Corporate, advancing

advancing or paying the same, out of the first Monies to be raised for defraying the Expences of obtaining and executing the same.

taining this Act, to be paid first, with Interest.

XLV. And be it further enacted, That once in every Year during the Execution of this Act, (such Year to be computed from the Day of passing thereof), the said Commissioners shall and they are hereby required to make a true and just Statement or Account of all Sums of Money by them received and expended, or due to them for their own Trouble and Expences in the Execution of this Act, and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by them laid before any Two or more of His Majesty's Justices of the Peace for the County of *Berks*, (not interested in the said Division, Allotment or Inclosure), 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 that 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 Justices.

Commissioners to account.

XLVI. And be it further enacted, That the Award to be made by the said Commissioners, when inrolled in Manner directed by the said recited Act, shall be deposited in the Parish Church of *Fyfield* aforesaid.

Award to be deposited.

XLVII. And be it further enacted, That if any Person or Persons, Body or Bodies Politic or Corporate, shall think himself, or herself, or themselves, aggrieved by any Thing done in pursuance of this Act or the said recited Act, then and in every such Case (except where the Orders and Determinations of the said Commissioners or Umpire are directed to be final and conclusive, and except in such Cases where an Issue at Law shall be tried as herein-before directed) he, she, or they may appeal to any General Quarter Sessions of the Peace which shall be holden in and for the said County of *Berks*, within Four Calendar Months next after such Cause of Complaint shall have arisen, on giving to the said Commissioners and to the Party or Parties concerned Ten Days Notice of such Appeal, and of the Matter thereof; and the Justices (not being interested in the Premises) at the said General Quarter Sessions, are hereby required to hear and determine the Matter of every such Appeal, and make Orders therein, and to award such Costs and Damages as to them in their Discretion shall seem reasonable, and by their Warrant to levy the Costs and Damages which shall be so awarded, by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) upon Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress and Sale; which Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed by *Certiorari*, or any Writ or Process whatsoever into any of His Majesty's Courts of Record at *Westminster* or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, and without Foundation, then the said Justices shall award such Costs to be paid by the Appellant as to them in their Discretion shall seem reasonable, and to be levied in Manner aforesaid.

Persons aggrieved, may appeal to the Quarter Sessions.

For saving  
Manorial  
Rights.

XLVIII. Provided always, and it is hereby further enacted, That nothing in this Act contained shall prejudice, lessen or defeat, the Right, Title or Interest, of the Lords of the said Manor of *Fyfield*, or of any Manor or Lordship or reputed Manor or Lordship within the Jurisdiction or Limits whereof the said Lands or Grounds hereby directed to be divided, allotted and inclosed, or any Part or Parts thereof, are situate, lying and being, of, in, or to the Seigniories, Royalties, or other Manerial Rights, of or belonging to the said Manor or Manors; but that the said Lords for the Time being shall and may at all Times hereafter hold and enjoy all Courts Leet, Courts Baron or Customary Courts, or other Courts, Rents, Chief Rents, Quit Rents and other Rents, Services, Rights, Royalties, Perquisites and Profits of Courts, Reversions, and all other Jurisdictions and Privileges, to the said Manor or Manors incident, appendant or appertaining, (save only their Right of Soil in the Open and Common Fields, Common Meadows, Common Pastures, Commonable Lands and Waste Grounds, of the said Manor or Manors, or the Inheritance in the Waste Lands), in as full, ample and beneficial Manner, to all Intents and Purposes whatsoever, as they could, ought, or might have held and enjoyed the same before the passing of this Act, or in Case the same had not been passed.

General  
Saving.

XLIX. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every Person and Persons, Body and Bodies Politic, Corporate or Collegiate, his, her, and their Heirs, Successors, Executors and Administrators, (other than and except the Person or Persons to whom or to whose Use or Benefit 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 to be barred, destroyed and 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, had or enjoyed, or could or ought to have had or enjoyed, of, in, to or out of the Lands or Grounds hereby directed to be divided, allotted and inclosed, before the passing of this Act, or would or ought to have had and enjoyed in case this Act had not been passed.

Act may be  
given in Evi-  
dence.

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

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