



ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 143.

An Act for inclosing Lands in the Parish of *Welford*, in the County of *Berks*. [17th June 1814.]

WHEREAS there are in the Parish of *Welford*, in the County of *Berks*, several Open and Common Fields, Common Meadows, Pastures, Commons, Wastes, and other Commonable Lands and Grounds, containing by Estimation One thousand four hundred Acres, or thereabouts, and also several enclosed Lands and Grounds containing Two thousand four hundred Acres, or thereabouts, exclusive of several enclosed Lands lying within the Hamlet, Tything, or District of *Weston*, being Part of the Parish of *Welford* aforesaid: And whereas *John Archer Houblon* Esquire is Lord of the Manor of *Welford* with its Members, and of the Manor of *Benham Lovel* and *Westbrooke*, and the Right Honourable *William Earl of Craven* is Lord of the Manor of *Benham Valence* and *Westbrook* in the said County of *Berks*, the Boundaries of all or some of which said Manors comprize the said Open and Common Fields, Common Meadows, and Pastures, Commons, Wastes, and other Commonable Lands and Grounds: 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*: And whereas the said *John Archer Houblon*, *Henry Sawbridge* Clerk, as Rector of *Welford* aforesaid, and also in his own Right, and divers other Persons, are Proprietors of the Lands and Grounds in the said Open and Common Fields and Pastures; and the Lands and Grounds of the said several Proprietors lie greatly intermixed and dispersed, and are otherwise inconveniently situated; and the Proprietors as well of the said Open and Common

41 G. 3. c. 109.

[Loc. & Per.]

29 E

Fields

Commissioner appointed.

Fields and Pastures, as of the said Commons, Wastes, and other Commonable Lands and Grounds, are desirous that the same should be divided and allotted unto and among them, proportionably and according to the Value of their respective Estates, Rights, and Interests therein, and that such Allotments should be inclosed and held in Severalty; but the several beneficial Purposes aforesaid cannot be effected without the Aid of Parliament; 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 *Thomas Chapman* of *Richmond*, in the County of *Surrey*, Gentleman, shall be and is hereby appointed the Commissioner for setting out, dividing, and allotting the said Open and Common Fields, Pastures, Commons, Wastes, and other Commonable Lands and Grounds within the said Parish, and for carrying into Execution the several Purposes of this Act, in such Manner, with such Powers, and subject to such Regulations and Directions as are herein-after contained, and with such of the Powers, and subject to such of the Rules, Directions, Regulations, Restrictions, and Provisions contained in the said recited Act of the Forty-first Year of the Reign of His present Majesty, as are not repugnant to or controuled, altered, or otherwise provided for, by some of the Clauses, Regulations, or Provisions of this Act.

Appointment of new Commissioner on Vacancy.

II. And be it further enacted, That in case the said *Thomas Chapman*, or any Commissioner to be appointed in his Place as herein-after is mentioned, shall refuse to act as a Commissioner in the Execution of this Act, or if he shall before the Powers and Trusts reposed in him shall have been fully executed, die, or become incapable of acting as a Commissioner, it shall be lawful for the major Part in Value, according to the Land-Tax Assessment, of the Proprietors for the Time being of the said Open and Common Fields, Pastures, Commons, Wastes, and other Commonable Lands and Grounds in the said Parish of *Welford*, who shall by themselves or their respective Agents, attend the Meeting or Meetings to be appointed for that Purpose as herein-after is mentioned, by Writing under their respective Hands, to appoint some other fit and proper Person (not interested in any of the Lands within the said Parish of *Welford*) to be the Commissioner in the Place of the said *Thomas Chapman*, or any other Commissioner so refusing to act, or dying or becoming incapable of acting as aforesaid; and every Commissioner to be appointed in the Manner herein-before directed, shall have the like Powers and Authorities as the Commissioner named and appointed by this Act: Provided always, that One or more of the said Proprietors shall cause Notice to be given of the Time and Place of Meeting for every such Election or Nomination of a Commissioner, at least Twenty Days before the Time of holding such Meeting, by affixing such Notice on the principal Door of the Church of *Welford* aforesaid; on some Sunday during Divine Service, and also inserting the same in the *Reading Mercury*, or in case that Newspaper shall not then be published, in some other Newspaper published or generally circulated in the County of *Berks*; and all such Meetings shall be held in the Parish of *Welford* aforesaid, or within the Distance of Eight Miles from the Boundary thereof.

Notice of Meeting for Appointment of a Commissioner.

Power to appoint a Clerk.

III. And be it further enacted; That it shall be lawful for the said Commissioner to appoint a Clerk to assist him in the Execution of this Act, and from

from Time to Time to remove such Clerk and appoint another in his Stead, as to the said Commissioner shall seem meet; and from and out of the Money to be provided for the Purposes of this Act, to allow and pay to such Clerk such Salary and Allowance for his Trouble and Expences, as to the said Commissioner shall appear just and reasonable.

IV. And be it further enacted, That it shall be lawful for the said Commissioner, by Writing under his Hand, to appoint One or more fit and proper Person or Persons, not interested as aforesaid, to be Surveyor or Surveyors for the Purposes of this Act, for and during the Will and Pleasure of the said Commissioner, and on his Death or Removal in like Manner to appoint some other Surveyor or Surveyors, and so from Time to Time as often as there shall be Occasion; and every such Surveyor shall at the first Meeting of the said Commissioner, after his Appointment, or before he shall proceed to act as a Surveyor, take and subscribe an Oath, in the Form following; (that is to say),

‘ I *A. B.* do sincerely promise and swear, That I will act in the Execution of the Powers, Authorities, and Trusts reposed in me as Surveyor, by virtue of an Act passed in the Fifty-fourth Year of the Reign of King *George* the Third, intituled [*here set forth the Title of this Act*] truly, impartially, and honestly according to the best of my Skill, Judgment, and Ability, without Favour or Affection, Prejudice or Malice, to any Person or Persons whomsoever. So help me God.’

V. And be it further enacted, That for surveying, admeasuring, and valuing all the said Lands and Grounds, and for other the Purposes of this Act, it shall be lawful for the said Commissioner, and the Surveyor to be appointed as aforesaid, to make such Survey, Admeasurement, Plan, and Valuation, as the said Commissioner shall deem necessary; and for them and each of them, together with their respective Assistants and Servants, at any Time or Times whatsoever, until such Division shall be completed, to enter into, view, examine, survey, and admeasure all and every Part of the Lands and Grounds intended to be divided and allotted by virtue of this Act, and all such other Lands and Grounds as the said Commissioner shall deem necessary for the Purposes of this Act: Provided always, that any Map or Survey which shall have been made previously to the Time of passing of this Act, and which shall be tendered to the said Commissioner, and which shall be in his Judgment and to his Satisfaction a just and true Map, or proper for the Purpose of carrying such Act into Execution, may be used for that Purpose if the said Commissioner shall think fit, without any new Map or Survey being made of such Part of the Lands as shall be comprized in every such approved Map or Survey as aforesaid.

VI. And be it further enacted, That the said Commissioner shall and he is hereby required to give Notice by Advertisement, to be inserted in the *Reading Mercury*, or in case that Newspaper shall not then be published, in some other Newspaper published or generally circulated in the County of *Berks*, and also by Writing to be affixed on the Door of the Parish Church of *Welford* aforesaid, of the Time and Place of his first Sitting or Meeting for executing the Powers hereby vested in him, at least Fourteen Days before such Meeting; and the said Commissioner shall in Manner herein-after directed, give at least Fourteen Days Notice of any subsequent Sitting

Sitting or Meeting (Sittings or Meetings by Adjournment excepted), and shall and may adjourn from Time to Time as he shall see Occasion for the due Execution of this Act; and in case the said Commissioner shall not attend at the Time and Place appointed for any Sitting or Meeting, or to which any Sitting or Meeting shall be adjourned, it shall be lawful for the Clerk of such Commissioner to adjourn such Sitting or Meeting to a future Day, not exceeding Twenty Days from the Time of Adjournment, and shall give Notice thereof to the Commissioner; provided that all the Sittings or Meetings of the said Commissioner for putting this Act into Execution, shall be holden in the Parish of *Welford* aforesaid, or within the Distance of Eight Miles from the Boundary thereof.

Place of Meeting.

Other Notices how to be given.

VII. Provided always, and be it further enacted, That all other Notices necessary or requisite to be given by the said Commissioner, shall be given by affixing the same on the Door of the Parish Church of *Welford* aforesaid, or by Advertisement in the *Reading Mercury*, or in case that Newspaper shall not be then published, in some other Newspaper published or generally circulated in the County of *Berks*.

Commissioner to determine Differences.

VIII. And be it further enacted, That in case any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said intended Division and Allotment, touching or concerning the respective Shares or Proportions which they or any of them shall have or claim to have in the same, or touching or concerning any Objection or Objections thereto, or any other Matter or Thing relating to the said Division or Allotment, it shall be lawful for the said Commissioner and he is hereby authorized and required, upon proper and sufficient Enquiry, Evidence, and Information, to hear and determine the same: Provided always, that nothing in this Act contained shall authorize the said Commissioner to determine the Title to any Lands, Tenements, or Hereditaments whatsoever, nor to determine any Right between any Parties contrary to the Possession of any such Parties; 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.

But not Titles nor Rights contrary to Possession.

Power to award Costs.

IX. And be it further enacted, That in case the said Commissioner shall upon the Hearing and Determination of any Claim or Claims, or Objection or Objections to be delivered to him in pursuance of the said recited Act or this Act, see Cause to award any Costs, 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 whose Claim or Claims, Objection or Objections, shall be thereby disallowed or over-ruled; and in case the Person or Persons who shall be liable to pay such Costs and Charges, shall neglect or refuse to pay the same on Demand, then and in such Case it shall be lawful for the said Commissioner and he is hereby authorized and required, by Warrant under his Hand and Seal directed to any Person whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering

rendering the Overplus (if any) upon Demand to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale; or the same may be recovered by Action at Law in any of His Majesty's Courts of Record at *Westminster*.

X. Provided always, and be it further enacted, That if any Person or Persons, Body or Bodies Politic or Corporate, making any Claim or Claims to any Lands or Hereditaments intended to be divided or affected by this Act, or any Right or Interest therein, or objecting to any such Claim or Claims, shall be dissatisfied with the Determination of the said Commissioner, and shall be desirous of having such Claim or Claims, Rights and Interests respectively tried at Law, and the Person or Persons, Body or Bodies Politic or Corporate so desiring to have the same tried at Law, shall and do by themselves, or by their respective Stewards, Receivers, Attornies, or Agents, give or cause to be given Notice thereof in Writing to the said Commissioner, within Two Calendar Months next after such Determination shall have been so made by the said Commissioner, of which Notice the said Commissioner is hereby required immediately on Receipt thereof, or as soon after as may conveniently be done, to give Information to the other Party or Parties interested therein, or his, her, or their respective Stewards, Receivers, Attornies or Agents, by Writing under his Hand, to be delivered to or left at the usual Place of Abode of such Party or Parties, Stewards, Receivers, Attornies or Agents as aforesaid, then it shall be lawful for the Person or Persons, Body or Bodies Politic or Corporate, giving such Notice as aforesaid, their respective Heirs, Successors, or Assigns, and he, she, or they is and are hereby required to proceed to a Trial or Trials at Law of the same, at the Assizes to be holden for the said County of *Berks*, next after the Expiration of Three Calendar Months from the Time when such Notice as aforesaid shall have been given, in a feigned Action or Actions for that Purpose to be commenced in one of His Majesty's Courts of Record at *Westminster*, by the Person or Persons, Body or Bodies Politic or Corporate, giving such Notice as aforesaid, against any Person or Persons, Body or Bodies Politic or Corporate interested in the said Division, in whose Favour such Determination of the said Commissioner shall have been made, and the Defendant or Defendants in such Action or Actions shall forthwith name an Attorney or Attornies who shall file Common Bail, or appear and accept One or more Issue or Issues, whereby the Claim or Claims, Rights and Interests in Question may be properly tried and determined (such Issue or Issues to be settled by the proper Officer of the Court wherein such Action shall be brought, if the Parties shall differ about the same); and if at the Trial of any such Issue or Issues, it shall appear that the Party claiming is entitled to any qualified or less Right or Interest, or Rights or Interests, than was or were claimed by such Party, then it shall be lawful for the Jury by whom such Issue or Issues shall be tried, to find and declare the same by their Verdict, which shall be indorsed on the Postea in addition to the Verdict given on the Issue or Issues joined, but nevertheless the Costs of such Action or Actions shall abide and be determined by the Verdict given upon the Issue or Issues joined, as if no such Special Finding had been made; and the Verdict or Verdicts which shall be given in such Action or Actions upon the Issue or Issues therein joined, in case there shall be no such Special Finding and Indorsement, or such Special Finding

Power to try
disputed
Claims at
Law.

or Indorsement, if any such shall be made, shall be binding upon and to all and every Body or Bodies Politic and Corporate, and Person and Persons whomsoever, unless the Court wherein such Action or Actions shall be brought, shall set aside such Verdict or Verdicts, or Finding and Indorsement, and order a new Trial or Trials to be had thereupon, which it shall be lawful for the Court to do; and after such Verdict or Verdicts, or Special Finding or Indorsement shall be obtained (the same not being set aside by the Court), the said Commissioner shall and he is hereby authorized and required to act in conformity thereto, and to allow or disallow the Claim or Claims, Right or Rights, or Interest or Interests thereby determined, according to such Verdict or Verdicts or Finding and Indorsement as aforesaid: Provided always, that it shall be lawful for the Court in which any such Action commenced in pursuance of this Act shall be depending, upon sufficient Cause shown, to put off the Trial of such Action, although the Time herein-before limited for the Trial of such Action may be thereby exceeded; but if no such Action or Actions shall be brought or commenced by the Person or Persons, Body or Bodies Politic or Corporate, giving such Notice within the Time aforesaid, or if such Action or Actions shall not be proceeded in to a Trial or Trials at the next Assizes which shall be holden for the said County of *Berks*, after the Expiration of Six Calendar Months from the Day of giving such Notice, by or on account of the Neglect or Default of the Plaintiff or Plaintiffs therein, then and in such Case the Determination of the said Commissioner shall be final, binding, and conclusive unto and upon all Parties whomsoever: 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; 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 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 respectively, who might have brought such Action against the Person or Persons so dying, to bring the same within the Time so limited as aforesaid, against such Person or Persons as if actually living, and to serve the Clerk of the said Commissioner with Notice of such Action or Actions, in the same Manner as the Party or Parties might have been served therewith if living; and it shall be incumbent on the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein in the same Manner as if such Person or Persons had been actually living; and the Right of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

Action not to abate by the Death of the Parties.

Commissioner may extinguish or suspend Rights of Common.

XI. And be it further enacted, That it shall and may be lawful to and for the said Commissioner at any Time when he in his Judgment shall think it convenient and proper, by Notice for that Purpose under his Hand to be affixed on the Door of the Parish Church of *Welford* aforesaid, on some *Sunday* before Divine Service, to order the Right of Common, in, upon and over the Lands and Grounds hereby directed to be divided and allotted or any of them, to be extinguished, either in Whole or in Part,

or to be suspended ; and from and after the Time to be mentioned in and fixed by any such Notice, all such Right of Common as shall thereby be directed to be extinguished or suspended, shall cease and be extinguished, or shall be suspended according to and as shall be expressed in and directed by such Notice.

XII. And be it further enacted, That in order to straighten and shorten the Boundaries between the Lands by this Act directed to be divided and inclosed, and other Lands in any adjoining Parish or Parishes, it shall and may be lawful for the said Commissioner, with such Consent as herein-after mentioned, to straighten or shorten such Boundaries as aforesaid, or any of them, or any Part or Parts thereof, and to set out and ascertain such Boundaries for the Purpose aforesaid, as the said Commissioner shall judge proper ; and after such new Boundaries shall be set out and ascertained as aforesaid, the Boundary Fences shall be made by such Person or Persons in such Manner, and at such Time or Times as the said Commissioner shall order and direct, and such Boundaries shall accordingly for ever thereafter be deemed and taken to be the Boundaries between such Parishes respectively ; provided that no new Boundary shall be set out or made in pursuance of this Act, without the previous Consent in Writing under the Hand or Hands of the Lord or Lords of the Manor or Manors, or Owner or Owners of the Soil liable to be affected thereby, and the major Part in Value, according to the Land-Tax Assessment of such Owners, and also of the Owner or Owners of the Lands upon which any new Boundary is intended to be made, for that Purpose first had and obtained.

For shorten-
ing Bounda-
ries.

XIII. And be it further enacted, That all Encroachments which at any Time within Thirty Years now last past have been made upon or taken from the said Open and Common Fields and Common Meadows, Pastures, Wastes and other Commonable Lands hereby intended to be divided and allotted, shall be deemed Part thereof, and shall be divided and allotted accordingly ; and in case any Dispute or Difference shall arise touching any such Encroachments or the Extent thereof, such Dispute shall be determined by the said Commissioner.

Encroach-
ments.

XIV. And be it further enacted, That it shall be lawful for the Commissioner to allot and award the Herbage of the public Carriage Roads which shall be set out by virtue of this Act and the said recited Act, or any of them, or any Part or Parts thereof, to the Owners of any of the adjoining Lands on each or either Side of the said Roads, in such Manner as to the said Commissioner shall seem most convenient ; and all such Herbage shall belong to and be exclusively enjoyed by the Persons to whom the same shall be so allotted.

Commissioner
may allot
Herbage of
Roads.

XV. And be it further enacted, That the said Commissioner shall and may scour out and widen all such Rivers, Brooks, Streams, Ditches, Watercourses, Tunnels, and Bridges within the said Parish of *Welford*, and also shall and may set out, order and direct such new Ditches, Drains, Watercourses, Tunnels, Watergates, Banks and Bridges to be erected or made, of such Size, Depth, and Breadth, and in such Situation and Direction, as the said Commissioner shall think proper, as well in, through, over and upon the Lands and Grounds hereby intended to be divided and allotted.

Commissioner
may scour out
Brooks, make
Ditches, &c.

allotted as aforesaid, as also in, through, and over any ancient Inclosures, or other Lands or Grounds within the said Parish of *Welford*, or any Part or Parts thereof, making such Satisfaction to the Owners and Proprietors of such ancient Inclosures, or other Lands and Grounds not hereby intended to be divided and allotted, for the Damage done thereby, as the said Commissioner shall judge reasonable; and the said Commissioner shall and may and he is hereby directed in and by his Award to order and direct by whom and at whose Expence, and at what Time, and in what Manner the said Rivers, Brooks, Ditches, Drains, Watercourses, Tunnels, Watergates, Banks and Bridges, shall be thereafter repaired, cleansed, scoured and maintained: Provided always, that the Channel or Course of such River, Brook or Stream, shall not be diverted or turned without the Consent in Writing of the Proprietor or Proprietors of the inclosed Lands and Grounds from which the Channel or Course of any such River, Brook, or Stream, shall be diverted, or into which the same shall be turned, nor without the Consent in Writing of the Proprietor of any Mill or Mills worked by any such River, Brook or Stream.

Gravel Pits
and Loam
Pits.

XVI. And be it further enacted, That the said Commissioner shall set out, appoint and allot such and so many Gravel Pits and Loam Pits, and Ponds for watering Cattle or washing Sheep, as he shall think necessary for the Use and Benefit of the Proprietors and Occupiers of the several Allotments which shall be set out in pursuance of this Act, and of all Lands and Tenements in respect of which any such Allotments shall be made, to be used in or upon such Allotments, Lands and Tenements respectively, or for making and repairing the public Highways and Roads to be set out in pursuance of the said Act and this Act, but not for Sale, or for any other Use or Purpose; and the said Commissioner shall by his Award order and direct how and in what Manner the same shall be respectively worked or used for the general Advantage of the respective Persons interested therein, and allot to whom the Herbage of the Lands set out for any of the Purposes aforesaid shall belong.

XVII. And be it further enacted, That the said Commissioner shall and he is hereby required in the next place to set out and allot unto and for the said *Henry Sawbridge*, or the Rector of *Welford* aforesaid for the Time being, and his Successors, such Part of the Lands and Grounds hereby intended to be divided and allotted, as in the Judgment of the said Commissioner shall be a full Equivalent and Compensation (Quantity, Quality and Situation considered) for the Glebe Lands and Rights of Common belonging to the said Rector, in, over and upon the Lands and Grounds hereby directed to be divided and allotted; and the said Commissioner shall cause such Allotment or Allotments to be ring-fenced with a Quickset Hedge, defended with Posts and Rails, by such Person or Persons interested in the said Division and Inclosure, other than and except the said Rector and his Successors, as the said Commissioner shall appoint.

How Lands
are to be al-
lotted to
Lords of
Manors.

XVIII. And be it further enacted, That it shall be lawful for the said Commissioner, and he is hereby authorized and required to divide, set out, and allot all the Residue of the Open and Common Fields, Pastures, Commons, Wastes, and other Commonable Lands and Grounds directed or intended to be divided and allotted by virtue of this Act, in Manner following; (that is to say), the said Commissioner shall set out and allot unto or
for

for the Lord or Lords of the Manor or Manors within which the Waste Lands hereby directed to be divided and allotted are situate respectively, such Plot or Plots of the Lands and Grounds hereby directed to be divided and allotted, as shall in the Judgment of the said Commissioner be equivalent to One-sixteenth of the Waste Lands within the said Manors respectively, as a Compensation for the Rights and Interests of the Lord and Lords of the said Manors respectively in and to the Soil of all the Waste Lands within the said respective Manors hereby directed to be divided and allotted; and the said Commissioners shall set out and allot all the Residue **Residue.** and Remainder of the said Open and Common Fields, Pastures, Commons, Wastes, and other Commonable Lands and Grounds hereby directed or intended to be divided or allotted, unto, for and among the said *John Archer Houblon* and the several other Proprietors of Lands, Common Rights, and other Hereditaments intended to be divided, extinguished or affected by this Act, their respective Heirs, Successors or Assigns, or the Person or Persons seized of their respective Estates for the Time being, for which no Allotment is herein-before specifically directed to be made, in such Quantities, Parts, Shares, and Proportions as the said Commissioner shall adjudge and determine to be a just Equivalent, Compensation, and Satisfaction for their said several Lands, Commons, Rights, and other Hereditaments, in Proportion to the respective Values thereof, subject nevertheless to such particular Directions as are herein contained or referred to concerning the same; and in setting out all such Allotments as aforesaid, the said Commissioners shall have due regard to the Quantity, Quality, Situation, and Convenience thereof, and shall lay the same as contiguous as may be to the Messuages, Buildings, and inclosed Lands of the Proprietors to whom such Allotment shall be made.

XIX. Provided always, and be it further enacted, That if any Person or Persons who shall be absolutely entitled in Fee Simple to any Allotment or Allotments of any of the Lands by this Act directed to be divided and allotted, shall by Writing under their respective Hands to be delivered to the said Commissioner at any Time before his Second Meeting, express a desire to give up his, her, or their Right or Title to any Allotment or Allotments, for a valuable Consideration in Money, then and in such Case he, she, or they shall have such pecuniary Compensation paid to him, her, or them in lieu thereof, as shall be ascertained by the said Commissioner to be a full Equivalent; provided the Amount of the Sum so to be ascertained and paid as aforesaid, shall not in any Case exceed Twenty Pounds; and in all Cases where pecuniary Payments shall be made in lieu of such small Allotments as aforesaid, the same Allotments shall be divided among the other Owners of Allotments, according to their several Proportions, and the Sums payable in lieu of such Allotments shall be paid by the said Commissioner out of the Monies hereby directed to be raised for passing and executing this Act. **Proprietors of small Allotments may give up same for a Sum of Money.**

XX. And be it further enacted, That the several Allotments to be made by virtue of this Act, shall be inclosed, hedged, ditched, and fenced, at the Expence of the respective Proprietors to whom such Fences shall be allotted, or directed to belong, other than the Rector of *Welford* aforesaid, in respect of his Glebe Lands, with Quicksets, or in such other Manner and within such Time as the said Commissioner shall by his said Award, or any other Writing under his Hand, direct or appoint: Provided always, **Fencing Allotments.**
 [Loc. & Per.] 29 G that

Gaps to be left for a certain Time.

that convenient Gaps and Openings shall be left in the said Fences and Inclosures, for such Space of Time next ensuing the Execution of the Award of the said Commissioner, for the Passage of Carts, Carriages, and Cattle, as the said Commissioner shall in and by his Award direct and appoint.

Land held by different Tenures or Titles by the same Proprietors, to be distinguished.

XXI. And be it further enacted, That where any Person or Persons shall be seised or possessed of Lands or other Hereditaments in the said Parish of *Welford*, held by different Tenures, or for, by, or under different Estates or Titles, the said Commissioner shall and he is hereby authorized and required, upon the Request of the Persons so seised or possessed respectively, to enquire into, ascertain, and determine, by the Examination of Witnesses upon Oath or other sufficient Evidence, the respective Lands or other Hereditaments held by such different Tenures, or for, by, or under such different Estates or Titles respectively, and to set out distinct Allotments in respect of such Parts thereof as shall be or arise within the said Common and Open Fields and Waste Lands, or other the Lands and Grounds hereby directed to be divided and allotted; and the said Commissioner also shall and he is hereby authorized, upon such Request as aforesaid, to set out by Metes and Bounds the Buildings and old Inclosures in the said Parish, held by such several Tenures, or for, by, or under such different Estates and Titles; and all the Lands and other Hereditaments to be so ascertained, determined, distinguished and set out, shall be declared, set forth, and described in the Award of the said Commissioner.

And if omitted in the Award, they may be afterwards distinguished by a separate Instrument.

XXII. And be it further enacted, That where the Proprietor or Proprietors of any Allotment, Land, or other Hereditaments in the said Parish, shall hold his, her, or their respective Lands and Hereditaments by different Tenures, or for, by, or under different Estates and Titles, and where from Want of the necessary Information before the said Commissioner, or from any other Cause, the Award of the said Commissioner shall have omitted to distinguish the Lands and other Hereditaments holden by such several Tenures, or for, by, or under such different Estates or Titles, or to set out and award several and distinct Allotments for any such respective Lands or other Hereditaments, as herein-before is required, it shall be lawful for the said Commissioner and he is hereby authorized at any Time and from Time to Time, within Twelve Calendar Months after the Date and Execution of his Award, upon Request in Writing to him made by the respective Proprietors of any such Lands or other Hereditaments, to do all such Acts as shall be necessary for supplying any such Omission, and for that Purpose to examine Witnesses, and to proceed as if the Award had not been made, and by any Deed or Instrument under his Hand and Seal to distinguish, ascertain, and set out the Lands and Hereditaments held by different Tenures, or for, by, or under different Estates or Titles respectively, in the same Manner as he is hereby authorized and required to do in Cases where such Lands and Hereditaments are directed to be ascertained, distinguished, and set out by the general Award; and every such separate Instrument shall be enrolled in the same Place as the general Award shall be enrolled, and Evidence thereof shall be given in the same Manner as by the said Act of the Forty-first Year of His present Majesty, and this Act, or either of them, is directed concerning the general Award of the said Commissioner; and all the Expences which shall be incurred in or about any such subsequent Enquiry and separate Instrument as aforesaid, shall be paid by

by the Person or Persons who shall have requested the said Commissioner to make and execute the same, or by his, her, or their Heirs, Executors or Administrators.

XXIII. And be it further enacted, That it shall be lawful for the said Commissioner, and he is hereby empowered to set out, allot, and award Lands, Tenements, or other Hereditaments within the said Parish of *Welford*, in lieu of and in Exchange for any other Lands, Tenements, or Hereditaments within the same Parish, or within any adjoining Parish or Place, so as every such Exchange be ascertained, declared and set forth in the Award of the said Commissioner, or in some other Instrument to be executed by him before the Execution of the said Award, and to be referred to by the said Award, and so as every such Exchange as aforesaid be made with the Consent and Approbation of the respective Proprietors, or other Person or Persons, Body or Bodies Politic or Corporate seised or possessed, or in Receipt of the Rents or other Profits of the Hereditaments which shall be so exchanged, whether such Proprietor or Proprietors be Tenant or Tenants in Fee Simple, in Tail, or for Life, or for Years determinable on a Life or Lives, and with the Consent of the Lessor or Lessors, and not otherwise, or by or with the Consent of the Husbands, Trustees or Guardians, Committees or Attornies of or for any such Proprietors, who at the Time of making any such Exchange shall be under Coverture, Minors, Lunatics, beyond the Seas, or under any other Disability or Incapacity of acting for themselves, or of the major Part of the Trustees for any Charitable or public Uses respectively, and so as every such Exchange of Lands, Tenements or Hereditaments holden in Right of any Church, Chapel or other Ecclesiastical Benefice, be also made with the Consent of the Bishop of the Diocese in which such Lands, Tenements, or Hereditaments shall be situate, and the Patron or Patrons thereof for the Time being; such Consents to be respectively testified by Writing under the Hands of the consenting Parties, or under the Common Seal of any of them, being a Corporation Aggregate; and that every such Exchange so to be made and declared, shall be for ever good, valid, and effectual in the Law to all Intents and Purposes whatsoever: Provided always, that the Costs, Charges, and Expences attending the making of any Exchange or Exchanges, Partition or Partitions, by virtue of this or the said recited Act, shall be borne, paid, and defrayed by the several Persons making such Exchanges and Partitions, in such Shares and Proportions as the said Commissioner shall order and direct.

Power of Exchange.

Expences of Exchanges and Partitions.

XXIV. And be it further enacted, That it shall be lawful for the Commissioner at any Time previous to the Execution of the said Award, in all Cases where he in his Discretion shall deem it necessary or expedient for the due Execution of this Act, by any Writing or Writings under his Hand, to determine and make void all or any of the Leases or Agreements for Leases, or other Tenancies at Rack Rent or from Year to Year, or at Will, then subsisting of all or any Part or Parts of the Lands and Grounds hereby directed to be divided and allotted, or which shall be exchanged by virtue of this Act, and of all other Lands and Hereditaments demised or agreed to be demised by or comprised in such Leases, Agreements or Tenancies respectively, either as to the Whole, or as to Part or Parts only of the Hereditaments comprised in such Leases, Agreements or Tenancies respectively, and at such Time or Times in the Year as the said Commissioner shall in

For determining Leases at Rack Rent.

his Discretion think most convenient and expedient, according to the Circumstances of the Case; and in all Cases where any such Leases, Agreements or Tenancies shall be so determined as aforesaid, the said Commissioner shall ascertain and declare whether any and what Sum or Sums of Money in gross shall or ought to be paid, or any and what Deduction or Abatement in the reserved Rent or Rents shall or ought to be made, by the Lessors or Landlords to the Lessees or Tenants, as a Compensation or Satisfaction for such total or partial Determination of their respective Leases, Agreements, or Tenancies (proper Allowances being made for all such Conditions in every such Lease, Agreement, or Tenancy, as shall not have been fulfilled by such Lessee or Lessees, Tenant or Tenants respectively); and such Sums in gross and Reduced Rents so ascertained and declared as aforesaid, shall respectively become payable, or commence at such Time or Times, and in such Manner as the said Commissioner shall direct and appoint, and all such Sums in gross shall be charged upon the Lands in respect of which the same shall be payable, and shall and may be levied and recovered in like Manner as is herein-after provided or mentioned with respect to the levying and recovering the Expences of passing and executing this Act; and all such reduced Rents shall after the Commencement thereof be payable and recoverable in like Manner as the Rents originally reserved would have been payable and recoverable if this Act had not passed; and where such subsisting Leases, Agreements or Tenancies, shall continue in force as to the Whole or any Part or Parts of the Hereditaments therein comprised, it shall be lawful for the said Commissioner in like Manner to ascertain and declare whether any and what additional Rent or Rents ought to be paid by the Lessees or Tenants to the Lessors or Landlords, for or in respect of any Improvement in the annual Value of the Hereditaments comprised in such Leases, Agreements, or Tenancies respectively, by reason of the same being divided and allotted or exchanged respectively by virtue of the said recited Act or this Act; and such additional Rents so ascertained and declared as last aforesaid, shall commence at such Time or Times as the said Commissioner shall direct and appoint, and shall afterwards be payable and recoverable in like Manner as the Rents originally reserved would have been payable and recoverable if this Act had not passed; and it shall be lawful for the said Commissioner in like Manner to settle, ascertain and declare the Course of Husbandry to be used by such Lessees or Tenants during the Remainder of their subsisting Leases, Agreements or Tenancies, where he shall deem it necessary and proper so to do: Provided always, that if there shall be any such Lease, Agreement, or Tenancy at Rack Rent of Lands, Part of which lie in the said Parish of *Welford*, and Part in any adjoining Parish, all such Leases and Agreements may be determined; but where any Lands shall have been taken in Exchange, which Lands shall be under any such Lease, Agreement, or Tenancy, and wholly situate in any adjoining Parish, such last-mentioned Lease or Agreement shall not be vacated.

Power to
enfranchise
Copyholds.

XXV. And be it further enacted, That it shall be lawful for the said Commissioner and he is hereby empowered, with the Consent in Writing of the respective Lords of the Manor or Manors of whom any Messuages, Cottages, Lands, or Tenements in the said Parish of *Welford*, are or shall be holden by Copy of Court Roll, and of the Customary Tenant or Tenants by whom any such Messuages, Cottages, Lands, or Tenements shall be respectively holden, or of the Husbards, Trustees or Guardians, Committees,

mittees or Attornies of and for any such Lord or Lords, Tenant or Tenants, being Females Covert, Minors, Lunatics, beyond the Seas, or under any other Disability or Incapacity, in and by the Award of the said Commissioner, to declare any such Copyhold or Customary Messuages, Cottages, Lands, and Tenements to be enfranchised, and the Tenures by which the same are holden, and the Fines, Heriots, and other Services incident thereto, to be discharged and extinguished, and that the same Messuages, Cottages, Lands or Tenements, or any Part or Parts thereof respectively, shall thenceforth be holden of the Lord or Lords of the same respective Manors, either by the Rents which have been theretofore paid or payable in respect thereof, or by any other Rent or Rents to be ascertained by the said Commissioner, or without Rent, and in lieu of and Compensation for every such Enfranchisement, to award to the respective Lord or Lords of the same Manor or Manors, such Sum and Sums of Money, to be applied in the Manner herein-after directed, or to assign and set out to and for such Lord or Lords respectively such Compensation, by Part of the Copyhold Lands and Tenements to be enfranchised, or by and out of any of the Lands and Tenements hereby directed to be divided and allotted, or any other Lands, Tenements, or Hereditaments of any such Customary or Copyhold Tenant or Tenants respectively, in the said Parish of *Welford*, or any adjoining Parish or Parishes, as shall in the Judgment of the said Commissioner be an Equivalent and Satisfaction for the Customary Payments, Burthens, and Services to which such Copyhold Messuages, Cottages, Lands, or Tenements respectively shall have been subject or liable; and the Lord or Lords for the Time being of the Manor to whom any such ancient Rent shall be reserved and continued, or any other Rent assigned, shall have the like Powers and Remedies for the Recovery of such Rents respectively, as by the Laws of this Realm are given for the Recovery of Rents Seck, Rents of Assize, and Chief Rents; and from and after such Award shall be made and executed, and such Sum of Money or other Compensation shall be paid or assigned in Exchange for such Copyhold Tenure, the Lands and Tenements in every such Award comprised, and thereby expressed to be enfranchised, shall be held, possessed, and enjoyed, by the Owner or Owners thereof paying or making such Compensation, their respective Heirs or Assigns, or other Persons claiming in Reversion or Remainder of the Lord or Lords of such Manors respectively, in free and common Soccage, discharged of the Tenure by Copy of Court Roll, and of all Services and Duties incident to such Tenure, and of all other Services and Payments except the Rent or Rents which may be continued or reserved to such Lord or Lords in respect thereof; and the Lands or other Hereditaments so to be assigned to such Lord or Lords, shall be by him or them, or by his or their Heirs, Successors, or Assigns, or by the Person or Persons who shall be entitled in Reversion or Remainder to such Manor or Manors respectively, held and enjoyed in Compensation for the Tenures so to be extinguished, for such and the like Estates, and upon and for such Uses, Trusts, Intents, and Purposes, as the Manor or Manors of which the Copyhold Hereditaments so enfranchised shall be holden, shall at the Time of every such Enfranchisement stand settled and limited.

XXVI. Provided, and be it further enacted, That the Money to be received for the Enfranchisement of any Copyhold Lands or Tenements in pursuance of this Act, shall be paid to the Lord or Lords of the Manor or

[*Loc. & Per.*]

29 H

Manors

Application
of Money to
be received
for Enfranchisements.

Manors respectively, of whom the Copyhold Hereditaments so to be enfranchised shall at the Time of the Enfranchisement thereof be holden, where such Lord or Lords shall be seised of such Manor or Manors in Fee Simple; and in all other Cases, the Money to be received for any such Enfranchisement shall be paid and applied in Manner directed by the said Act of the Forty-first Year of the present Reign, with respect to Money to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of 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.

Allotments to be of the Tenures, and go to the same Uses, as Estates in lieu of which they were made.

XXVII. And be it further enacted and declared, That the several Lands, Tenements, and Hereditaments which shall be respectively allotted by virtue of this Act, shall upon the Allotment thereof become and be of the same Tenure, and be held under the same Rents and Services, as the Lands, Tenements, and Hereditaments in respect of which the Allotments so made were previously held by or subject unto; and be it further enacted, that the several Lands, Tenements, and Hereditaments which shall be respectively allotted and exchanged by virtue of this Act, shall upon the Allotment and Exchange thereof respectively, go and remain to the same Persons, for the same Estates and Interests, and to the same Uses, upon the same Trusts, and to and for the same Intents and Purposes, and be under and subject to the same Powers, Provisoos, Limitations, Conditions, Covenants, Agreements, Debts, Charges, Incumbrances, and Provisions of every Kind, and in the same Manner as the Hereditaments in respect whereof the same Lands, Tenements, and Hereditaments shall be respectively allotted and exchanged, would belong or stand, or be limited to or upon, or subject unto, if such Allotment and Exchange thereof had not been made, or this Act had not been passed, except as to such Leases or Agreements at Rack Rent as shall be determined under this Act, or where any other Provisions of this Act shall be to the contrary; but such Allotments shall nevertheless be subject to such Charges and Incumbrances thereon as shall be made in pursuance of this Act.

Proprietors may sell their Allotments before the Award, and their Rights of Common separately.

XXVIII. And be it further enacted, That it shall be lawful for any Person or Persons who shall be entitled to any Allotment or Allotments under or by virtue of this Act, to give, grant, bargain, sell, demise, surrender, mortgage, limit, convey and assure 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, Surrender, Mortgage, Limitation, Conveyance, and Assurance, 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 the Lands and Grounds hereby directed to be divided and allotted, to sell and dispose of the same, or of 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 they, he, or she are or is entitled to the same, in the same Manner as they, he, or she might 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 and Allotments, which shall be so sold and disposed of, to the Purchaser or Purchasers thereof, or other Person

or Persons who shall be entitled to the same by any such Sale or Disposition.

XXIX. And be it further enacted, That until such Division and Allotment as is hereby directed, shall have been made of the Lands and Grounds to be divided and allotted, all such Lands and Grounds shall be stocked with such Cattle, and at such Times, and in such Manner only, and the Tillage Lands shall be sown by the respective Occupiers thereof with such Sort of Corn and Grain, and with such Kinds, Quantities, and Qualities of Grass, Turnips; or other Seeds, and shall be kept, ordered, and continued in such Course of Husbandry and Tillage, as the said Commissioner shall by Writing under his Hand direct, any Usage or Custom to the contrary notwithstanding; and that no Meadow, Pasture, or fresh Ground, Part of the Lands and Grounds hereby directed to be divided and allotted, and not in Tillage at the Time of passing this Act, shall without the Consent in Writing of the said Commissioner before the Allotment thereof, be ploughed, broken up, or converted into Tillage; and every Occupier of any such Land or Ground, who shall refuse or neglect to comply with any such Direction of the said Commissioner, or who shall plough, break up, or convert into Tillage, any such Meadow, Pasture, or fresh Ground, without the Consent in Writing of the said Commissioner, shall forfeit and pay a Sum not exceeding Ten Pounds for every Acre of such Tillage Land, with respect to which such Refusal or Neglect shall happen, and for every Acre of such Meadow, Pasture, or fresh Ground which shall be ploughed, broken up, or converted into Tillage, and so in Proportion in each Case for any greater or less Quantity than an Acre, to be levied and recovered in the Manner hereby directed for the Recovery of the Charges and Expences of passing and executing this Act, and to be applied in such Manner as the said Commissioner shall direct.

Commissioner to direct the Course of Husbandry.

XXX. And be it further enacted, That the Proprietors whose Allotments on the said Division shall have been drained, tilled, ploughed, sown, folded or manured by any former Owner or Occupier thereof, shall pay to the Person or Persons respectively who shall have tilled, ploughed, sown, folded, or manured the same or any Part thereof, his, her, or their Executors or Administrators, such Sum and Sums, and at such Time and Times, as the said Commissioner shall think reasonable, and shall by Writing under his Hand ascertain and direct; and if by the Mismanagement of any former Occupier, or by reason of the preceding Course of Husbandry or Treatment of the Land, or by any other Means, it shall happen that the Allotment or Allotments to any Proprietor shall not contain a due and reasonable Proportion of Land in a proper State for a Wheat or other Tith Crop, or if any such Allotment shall in the Judgment of the said Commissioner be from any Cause in a worse Condition to be occupied than the Average of the Land allotted by virtue of this Act, then the Person or Persons to whom any such Allotment or Allotments shall be made, shall receive such Compensation and Satisfaction from any other of the Proprietors, or from any of the former Occupiers, as the said Commissioner shall determine and adjudge to be just and equitable; and in case any of the Sums which shall by the said Commissioner be directed to be paid as aforesaid, shall not be paid to the Person or Persons to whom the said Commissioner shall direct the same to be paid, and at the Time or Times to be by the said Commissioner appointed for Payment thereof, it shall be lawful for him and he is hereby

Satisfaction to be made for Tillage, &c.

hereby required to levy the same in like Manner as the Expences of passing this Act, and carrying the same into Execution are directed to be raised and levied.

For preserv-
ing young
Fences.

XXXI. And be it further enacted, That no Horses, Cows, Sheep, Lambs, Mules, Asses, Pigs, or any Sort of Cattle, shall be permitted to graze in any of the Highways, Roads, Lanes, or Passages which the said Commissioner shall set out as aforesaid, for the Space of Ten Years next after the signing of the Award of the said Commissioner; nor in any of the Allotments to be made in pursuance of this Act, for the Space of Ten Years next after the signing the Award of the said Commissioner, unless the Occupier of the Allotment, into which such Horses, Cows, Sheep, Lambs, Mules, Asses, Pigs, or other Cattle shall be turned, shall have erected against the Boundary Fence of the said Allotment, (whether the said Fence shall belong to the said Allotment or not) a good and sufficient Fence to prevent any Injury being done to the Quickset planted in the said Boundary Fence.

Money ad-
vanced to be
repaid with
Interest.

XXXII. And be it further enacted, That the Money which shall be advanced by any Person or Persons for the Purpose of defraying the Expence of applying for and obtaining this Act, or which after the passing of this Act shall be advanced or lent to the said Commissioner for carrying the same into Execution, shall be paid with lawful Interest to the Person or Persons who shall have advanced the same, his, her, or their Executors or Administrators, out of the first Money to be raised for defraying the Expences of obtaining and executing this Act.

Allowance
to Commis-
sioner.

XXXIII. And be it further enacted, That the Commissioner for the Time being acting in the Execution of the Powers and Trusts in him vested shall be allowed and paid the Sum of Four Guineas and no more for each Day he shall actually attend and be employed as a Commissioner in the Execution of this Act, or shall necessarily travel from Home to meet or sit as Commissioner, or when returning home from such Meeting or Sitting, in full Satisfaction for his Trouble and Expences in the Execution of this Act; and that at all Meetings to be held in pursuance of this Act, the said Commissioner, his Clerk, and all Persons attending such Meeting, shall pay their own Expences.

Expences of
the Act.

XXXIV. And be it further enacted, That the Costs and Charges incident to and attending the soliciting, obtaining, and passing of this Act, and of surveying, admeasuring, planning, dividing, and allotting the Common Fields and Lands hereby directed to be divided and allotted, including such Surveys and Admeasurements and Plans as have already been made, and shall be used by the said Commissioner for the Purposes of this Act, and of making the public Roads to be set out, and of preparing and inrolling the Award of the said Commissioner, and of the several Persons to be employed by him, either before or after the Execution of the said Award, shall be borne and defrayed by the Proprietors of or Persons having Rights or Interests in as well the Lands and Grounds hereby directed to be divided and allotted, as the Lands and Hereditaments which shall be exchanged by virtue of this Act, (other than and except the Rector of *Welford* aforesaid, in respect of his Glebe Lands), in such Proportions, and shall be paid to such Person and Persons, and at such Time or Times as shall be settled, adjusted, determined, and directed by the said Commissioner by any

any Writing under his Hand, and the same shall and may be levied and recovered either before or after the Execution of the said Award, by the Means and in the Manner prescribed by the said Act of the Forty-first Year of His present Majesty, or by Action at Law in any of His Majesty's Courts of Record at *Westminster*.

XXXV. 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 the Lands and Grounds which shall by virtue of this Act be divided, allotted, or exchanged, who shall be under Coverture, Minors, Lunatics, beyond the Seas, or be under any other Disability or Incapacity, and for any of the said Owners or Proprietors, being Tenants in Tail, or for Life or Lives, or for Years determinable on a Life or Lives, or on any other Contingency, or Trustees for Charitable Uses, or the major Part of such Trustees respectively, to charge such Lands and Grounds with such Sum or Sums of Money as the said Commissioner shall direct to be paid by the Proprietors thereof, for their Shares of the Costs and Charges of passing this Act and carrying the same into Execution, and such Expences as the said Proprietors shall in the Judgment of the said Commissioner necessarily incur in inclosing, draining, subdividing, and fencing their respective Allotments, such Costs, Charges, and Expences not to exceed in the Whole the Rate of Five Pounds an Acre of the Lands to be allotted or assigned in Exchange to such Proprietors respectively by virtue of this Act; and to grant, demise, surrender, or otherwise convey and assure, by way of Mortgage, such Lands and Grounds so to be charged, to the Person or Persons who shall lend, advance or pay the same, or to such other Person or Persons as he or they shall direct or appoint, his, her, or their Heirs or Executors, Administrators and Assigns, for any Term of Years, or other greater Estate, so that every such Charge or Mortgage be made with a Covenant to keep down the Interest accruing thereon, so that no Person afterwards becoming entitled to any such Lands, shall be liable to pay any larger Arrear of Interest than for Six Calendar Months preceding the Time when the Title to such Possession shall have commenced.

Tenants for Life may charge Lands with Money paid for Expences of the Act, inclosing, &c.

XXXVI. And be it further enacted, That it shall and may be lawful for the said Commissioner and he is hereby empowered and required, upon the Request of any of the Owners or Proprietors of the Lands and Grounds hereby directed to be divided and allotted, or of any Right or Interest therein, being Tenants in Tail, or for Life or Lives, or for any Number of Years determinable on a Life or Lives, or for any other determinable Estate and Interest, or at the Request of the respective Husbands, Guardians, Trustees, Committees, Agents or Attornies of or for any such Owners or Proprietors, being under Coverture; Minors, Lunatics, beyond the Seas, or under any other Disability or Incapacity, or of the Trustees for any Charitable or Public Uses, or the major Part of them respectively, to raise the respective Costs, Charges, and Expences herein-before authorized to be charged by way of Mortgage as aforesaid, by Sale of any of the Lands to be set out or allotted by virtue of this Act, to any such Proprietors making such Request as last aforesaid, or of any other Lands or Hereditaments in the same or any adjoining Parish belonging to such Proprietors, and which stand settled to the same Uses as the Lands so to be allotted to them respectively, in the Manner and subject to the Regulations prescribed

Or may raise the same by Sale.

by the said Act of the Forty-first Year of the present Reign, for the Sale of Lands directed to be sold for the Payment of the Expences attending the Execution of Acts of Inclosure; provided that no more shall be sold of the Lands or Hereditaments of the Person or Persons by whom or on whose Behalf any such Request shall be made, than the said Commissioner shall estimate to be sufficient to raise the Amount of the Sum or Sums of Money herein-before authorized to be raised or charged by way of Mortgage for the Purpose of this Act; provided that both the Powers herein contained of raising Money by Mortgage and Sale, shall not be exercised in respect of the same Property, but that only One of such Powers shall be applied to the same Estate; and if there shall be any Surplus arising from such Sale, after paying the Sums so directed to be raised, the same shall be applied in the Manner directed by the said Act of the Forty-first Year of His present Majesty, with respect to the Money paid for the Purchase or Exchange of any Lands, Tenements or Hereditaments, or the Timber or Wood 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.

Accounts to
be settled
once a Year.

XXXVII. And be it further enacted, That once at least in every Year during the Execution of this Act, such Year to be computed from the Day of the passing hereof, the said Commissioner shall and he is hereby required to make a true and just Settlement or Account of all Sums of Money by him received or expended, or due for his 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 laid before Two of His Majesty's Justices of the Peace acting within the County of *Berks*, and not interested in the said Inclosure, to be by them examined and balanced, and such Balance shall be stated by such Justices in the Book of Accounts to be kept in the Office of the Clerk to the said Commissioner; and no Charge or Item in such Accounts shall be binding on the Parties concerned or valid in the Law, unless the same shall have been duly allowed by the said Justices: Provided always, that Ten Days previous Notice in Writing be affixed on the South Door of the Parish Church of *Welford* aforesaid, shall be given by the said Commissioner, of the Time of laying such Statement or Account and Vouchers before such Justices, and of the Names of such Justices.

Award to be
deposited.

XXXVIII. And be it further enacted, That the Award to be made by the said Commissioner, when enrolled in the Manner directed by the said recited Act, shall, together with the Map or Plan thereto annexed, be deposited in the Church Chest of the Parish of *Welford* aforesaid.

Power to ap-
peal to the
Quarter
Sessions.

XXXIX. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done by the said Commissioner in pursuance of the said recited Act or of this Act (other than and except such Determinations of the Commissioner as are by the said recited Act or this Act declared to be final, binding, and conclusive, and except in such Cases as are directed or authorized to be tried, settled or determined by an Issue at Law, as herein-before mentioned,) then and in every such Case, he, she, or they may appeal to the General Quarter Sessions of the Peace to be holden for the said County of *Berks*, next after Thirty Days from the Time when the Cause of Complaint shall have arisen, giving

giving to the said Commissioner, and to the Parties concerned, Notice in Writing of such Appeal and of the Matter thereof, within Twenty Days after the Cause of Complaint shall have arisen, and Fifteen Days at the least before such General Quarter Sessions; and the Justices (not interested in the Premises) at such Sessions assembled, are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein, and to award such Costs and Damages as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs and Damages which shall be so awarded, by Distress and Sale of the Goods and Chattels of the Party or Parties made liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress and Sale; and every Order and Determination of the said Justices upon every such Appeal, shall be final and conclusive to all Parties concerned, and shall not be removed or removable by *Certiorari* or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; but in Case such Appeal shall appear to the Justices to be frivolous, vexatious, or without Foundation, then and in such Case the said Justices shall award such Costs to be paid by the Appellant or Appellants, as to them in their Discretion shall seem reasonable, and such Costs shall be levied in Manner aforesaid, or by Action at Law in any of His Majesty's Courts of Record at *Westminster*.

XL. Provided always, and it is hereby declared and enacted, That none of the Powers, Directions, Clauses or Provisions herein contained, for the Division, Allotment and Inclosure of Lands in the Parish of *Welford* aforesaid, other than and except the Powers and Provisions herein-before contained for effecting Exchanges of Lands and Hereditaments in the said Parish of *Welford*, shall extend to or affect any of the Lands in the said Hamlet, Tything or District of *Weston* within the same Parish, any Thing herein contained to the contrary notwithstanding.

The Act not to extend to the Hamlet of *Weston*.

XLI. Provided always, and it is hereby enacted and declared, That nothing herein contained shall extend or be construed to extend to prejudice, lessen, or defeat the Right, Title or Interest of the Lords of any of the aforesaid Manors for the Time being, of, to, or in any Royalties, Franchises, Privileges, Courts, Escheats, Forfeitures, Services, Rights or Appurtenances whatsoever, incident and belonging to the said Manors respectively, other than and except such as are hereby meant and intended to be compensated for, barred and extinguished; but that the Lords of the aforesaid Manors for the Time being shall and may hereafter hold, receive, take, exercise and enjoy all Royalties, Franchises, Privileges, Courts, Escheats, Forfeitures, Services, Rights and Appurtenances to the said respective Manors incident, appendant, belonging or appertaining, except as aforesaid, in as full, ample and beneficial a Manner as they respectively could or might have held, exercised or enjoyed the same, if this Act had not been made.

Saving Manorial Rights.

XLII. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to the said *William Earl of Craven*, as Lord of the Hundred of *Faircross* in the said County of *Berks*, his Heirs, Executors, Administrators or Assigns, Lords of the said

faid Hundred, of, in, or to any Seignories, Royalties, Franchifes, Rents, or Services, incident or belonging thereto.

General
Saving.

XLIII. Saving always to the King's most Excellent Majesty, His Heirs, Successors, and to all and every other Person or Persons, Body or Bodies Politic and Corporate, and his, her and their Heirs, Successors, Executors, and Administrators, and all Persons claiming under or in Remainder after them, all such Right, Title, or Interest, (other than and except such as is and are hereby meant and intended to be compensated for, barred, destroyed and extinguished), as they, every or any of them could or ought to have had and enjoyed, of, in, to or out of the Lands and Grounds hereby directed to be divided and allotted, in case this Act had not been made.

Evidence
Clause.

XLIV. And be it further enacted, That this Act shall be printed by the several Printers to the King's most Excellent Majesty, duly authorized to print the Statutes of the United Kingdom; and that a Copy thereof so printed by any of them shall be admitted as Evidence by all Judges, Justices, and others.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1814.