



ANNO QUINQUAGESIMO PRIMO

# GEORGI II. REGIS.

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## Cap. 218.

An Act for inclosing Lands in the United Parishes of *Sulhamstead Abbots* and *Sulhamstead Bannister*, otherwise *Meales*, in the County of *Berks*.

[26th June 1811.]

**W**HEREAS there are within the United Parishes of *Sulhamstead Abbots* and *Sulhamstead Bannister*, otherwise *Meales*, in the County of *Berks*, divers Open and Common Fields, Meadows, Pastures, Commonable Lands and Waste Grounds: And whereas *William Thoys* Esquire is Lord of the Manors of *Sulhamstead Abbots* and *Sulhamstead Bannister*, otherwise *Meales*, and Owner of the Soil of the Waste Grounds within those Manors: And whereas *Harriet Brocas*, Widow, is Lady of the Manor of *Wokefield*, otherwise *Oakfield*, in the Parishes of *Stratfield Mortimer* and *Sulhamstead Bannister*, otherwise *Meales*, and Owner of the Soil of the Waste Grounds within the said Manor of *Wokefield*, otherwise *Oakfield*: And whereas *Richard Benyon* Esquire is Lord of the Hundreds of *Reading* and *Theale*, in the County of *Berks*, within which Hundreds the said Parishes lie: And whereas the Provost and Scholars of *Queen's College*, in the University of *Oxford*, are Patrons of the Rectory of the said United Parishes, and the Reverend *John Waller* is the present Rector thereof, and as such is entitled to all the Tythes, both Great and Small, arising or renewing within the said United Parishes: And whereas the said *William Thoys*, *John Waller* (in right of his said Rectory), *Richard Benyon* Esquire, *William Stone* Esquire, and others, are Proprietors of the several Open and Common Fields, Meadows and Pastures,

[Loc. & Per.]

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Pastures, and also of the several inclosed Lands and Grounds within the said United Parishes: And whereas the Lands of the respective Proprietors in the said Open Fields, Meadows and Pastures lie intermixed and are subject to Rights of Common in and over the same, and to Inconvenience in the Use and Occupation thereof; but if the same were divided, inclosed, and laid in Severalty, and specific Allotments made thereof, it would be very beneficial to the several Persons interested therein; but such Division, Allotment and Inclosure cannot be effected without the Aid and Authority of Parliament: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*; may it therefore please Your Majesty, That it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *John Trumper*, of *Harefield*, in the County of *Middlesex*, and *John Slade*, of *Aston Upton*, in the County of *Berks*, Gentlemen, and their Successors, to be appointed in Manner hereinafter mentioned, shall be, and they are appointed Commissioners for carrying the Purposes of this Act into Execution, subject to the Rules, Orders, Directions and Regulations of the said recited Act, except in such Cases where the same are hereby varied or altered.

Commission-  
ers.

Appointment  
of new Com-  
missioners.

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

III. Pro-



III. Provided always, and be it further enacted, That if the Commissioners for the Time being for executing this Act and the said recited Act, shall disagree in their Opinion upon any Point or Matter relating to the Execution of this Act or the said recited Act, then, as often as it shall so happen, the said Commissioners shall and may, and they are hereby authorized and required to refer such Difference to the Judgment and Determination of an Umpire, not interested in the said Inclosure, to be chosen by the said Commissioners; and in case the said Commissioners shall, for the Space of Fourteen Days next after such Difference shall arise, neglect to appoint an Umpire as aforesaid, or if such Umpire shall die, or being appointed shall refuse to act, or become incapable of acting as such Umpire as aforesaid, then, and in such Case, an Umpire, not interested in the said Inclosure, shall be nominated and appointed, in Manner hereinbefore directed for the Nomination and Appointment of a new Commissioner, within Fourteen Days next after such Death, Refusal, Neglect or Incapacity; and such Umpire shall be invested with, and have the same Powers and Authorities for carrying this and the said recited Act into Execution, as if he had been originally nominated and appointed an Umpire in and by this Act.

Appointment  
of Umpire.

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

Umpire to  
take an Oath.

‘ I do swear, That I will faithfully, impartially and honestly, according to the best of my Skill and Judgment, execute and perform the several Trusts, Powers and Authorities vested and reposed in me as an Umpire, by virtue of an Act passed in the Fifty-first Year of the Reign of King George the Third, intituled, *An Act for inclosing Lands in the United Parishes of Sulhamstead Abbotts and Sulhamstead Bannister, otherwise Meales, 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.’

Oath.

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

V. And be it further enacted, That *William Church*, of *Abingdon*, Land Surveyor, shall be, and he is hereby nominated and appointed the Surveyor to make and reduce into Writing the Survey, Admeasurement, Plan and Valuation of all the Lands and Grounds by virtue of this Act to be divided, allotted and inclosed, and of all the Messuages, Cottages, Orchards, Gardens, Homesteads, ancient inclosed Lands and Grounds within the said United Parishes, in Manner by the said recited Act directed, the said Survey, Admeasurement, Plan and Valuation to be subject nevertheless to the Opinion, Correction and Determination of the said Commissioners; and in case of the Death, Inability, Neglect or Refusal to act of the said *William Church*, then, and in such Case, a new Surveyor, not interested in the said Inclosure, shall be chosen and appointed by the

Appointment  
of Surveyor.

the said Commissioners by Writing under their Hands; and such new Surveyor shall be invested with, and have the same Powers and Authorities for carrying this and the said recited Act into Execution, as if he had been originally nominated and appointed Surveyor in and by this Act.

Commissioners to give Notice of Meetings.

VI. And be it further enacted, That the said Commissioners shall cause public Notice to be given in the respective Parish Churches of *Sulhamstead Abbots* and *Sulhamstead Bannister*, otherwise *Meales* aforesaid, upon a *Sunday* immediately after Divine Service, or by Notices in Writing to be affixed on or at the principal outer Doors of the said Churches, and also by Advertisement to be inserted in the Newspaper called the *Reading Mercury*, if then published, otherwise in any other Newspaper published or circulated in the said County of *Berks*, of the Time and Place of their First Meeting for the Execution of this Act, at least Fifteen Days before such Meeting shall be held, and give at least Fifteen Days' Notice in the same Manner of every subsequent Meeting (Meetings by Adjournment only excepted); and all Meetings of the said Commissioners shall be held at some convenient Place in one of the said Parishes of *Sulhamstead Abbots* and *Sulhamstead Bannister*, otherwise *Meales*, or within Seven Miles thereof.

Other Notices how to be given.

VII. And be it further enacted, That all other Notices necessary to be made and given by the said Commissioners, shall be made and given by Advertisement in Manner aforesaid.

One Commissioner or Clerk may adjourn.

VIII. Provided also, and be it further enacted, That if at any Meeting to be holden as aforesaid, only One of the said Commissioners shall attend, such Commissioner so attending shall and may adjourn such Meeting; and if no Commissioner shall attend, it shall be lawful for the Clerk to the said Commissioners to adjourn such Meeting to such Time and Place (not exceeding Eight Miles from the said Parishes) as such Commissioner or Clerk respectively shall think most convenient, and causing Notice of such Adjournment to be given to the absent Commissioner or Commissioners.

All Orders, &c. to be entered in a Book.

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

Claims to be made.

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

Commissioners to settle Disputes, &c.

XI. And be it further enacted, That in case any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested



in the said intended Division, Allotment and Inclosure, touching or concerning the respective Rights and Interests which they or any of them shall have or claim to have in the same, or touching or concerning any Matter or Thing relating to the said Division, Allotment and Inclosure, it shall be lawful for the said Commissioners or Umpire, and they and he are and is hereby authorized to examine into, hear and determine the same: Provided always, that nothing in this Act contained shall authorize the said Commissioners or Umpire to determine the Title to any Messuages, Cottages, Lands, Tenements or Hereditaments whatsoever. But not to determine Title.

XII. Provided also, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioners or Umpire to determine any Right between any of the Parties contrary to the Possession of any such Parties (except in Cases of Encroachments as hereinafter mentioned); but in case the said Commissioners or Umpire shall be of Opinion against the Right of the Person or Persons so in Possession, they shall forbear to make any Determination as to such Right, until the Possession shall have been given up or recovered from such Person or Persons by Ejectment or other due Course of Law. Commissioners not to determine contrary to Possession, until given up or recovered by Law.

XIII. And be it further enacted, That in case the said Commissioners or Umpire shall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections to be delivered to them or him in pursuance of this or the said recited Act, see Cause to award any Costs, it shall be lawful for the said Commissioners or Umpire, and they and he are and is hereby empowered upon Application made to them or him for that Purpose, to settle, assess and award such Costs and Charges as they or he shall think reasonable, to be paid to the Party or Parties in whose Favour any Determination of the said Commissioners or Umpire shall be made, by the Person or Persons whose Claim or Claims, Objection or Objections shall be thereby disallowed or overruled; and in case the Person or Persons who shall be liable to pay such Costs and Charges shall neglect or refuse to pay the same for the Space of Ten Days next after Demand shall be thereof made, then, and in such Case, it shall be lawful for the said Commissioners or Umpire, and they and he are and is hereby authorized and required, by Warrant under their Hands and Seals, or his Hand and Seal, directed to any Person or Persons whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale: Provided always, that in case the Person or Persons whose Claim shall have been so overruled or disallowed by the said Commissioners or Umpire shall, within the like Space of Ten Days next after such Demand shall be made, cause an Action to be brought in Manner herein mentioned, and shall upon the Trial of such Action establish the Claim which shall have been so overruled or disallowed by the said Commissioners or Umpire, the Costs and Charges so assessed and awarded by the Commissioners or Umpire shall not nor shall any Part thereof be paid by or be levied upon the Goods and Chattels of the Person or Persons by whom the said Commissioners or Umpire shall have awarded the same to be paid as aforesaid. Power to assess Costs. Proviso.



Power to try  
Rights at  
Law.

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

Proviso.

Actions not  
to abate by  
Deaths of  
Parties.

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

In case of  
Deaths of  
Parties be-  
fore Actions  
brought,  
the same to be  
carried on  
and defended  
in their  
Names.

XVI. Provided always, and be it further enacted, That if any Person or Persons in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time hereinbefore limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Body or Bodies Politic or Corporate, who might have brought such Action against the Person or Persons so dying, to bring the  
same

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 Commissioners with Process for commencing such Action or Actions in the same Manner as the Party or Parties might have been served therewith if living; and it shall thereupon be incumbent on the Heir or Heirs or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein in the same Manner as if such Person or Persons had been actually living; and the Rights of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

XVII. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized, at any Time previous to the Execution of the said Award, by Notice in Writing under their Hands, to be affixed upon or at the principal outer Doors of the respective Churches of the said United Parishes, to order and direct all or any Part of the Rights of Common in, over or upon the Lands and Grounds by this Act intended to be divided, allotted and inclosed respectively, or any Part thereof, to be extinguished, or the Exercise thereof to be suspended for and during such Time as shall be expressed in such Writing, and that all such Rights of Common as the said Commissioners shall by such Writing order and direct to be extinguished, or the Exercise thereof to be suspended as aforesaid, shall from the Time of affixing such Writing on or at the Church Door, cease, determine and be extinguished, or the Exercise thereof be suspended accordingly, any Law, Usage or Custom to the contrary thereof notwithstanding; and if any Person or Persons whomsoever shall use or exercise such Rights of Common, or any of them, in, over and upon the said Lands and Grounds, or any Part of either of them, contrary to such Order and Direction, without 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, Restrictions and Regulations as they shall think proper to be inserted therein), then, and in every such Case, the said Commissioners, upon due Proof before them, upon Oath (which Oath either 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, 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.

XVIII. And be it further enacted, That in order to shorten the Boundary Fences between the Lands and Grounds by this Act directed to be divided, allotted and inclosed, and any adjoining Parishes, or to make the same Boundary Fences respectively regular, it shall and may 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 Land is situate, and of the Owner or Owners of



the Land upon which any Fence or Fences shall or may be intended to be made, to set out and ascertain the Boundary Fences to be made between the Lands and Grounds by this Act intended to be divided, allotted and inclosed, and any adjoining Parish or Parishes, in such Manner as they may judge proper for the Purposes aforesaid; and after such Boundary Fences shall be set out and ascertained as aforesaid, the same shall be fenced by such Person or Persons, in such Manner, and at such Time or Times as the said Commissioners shall order and direct in and by their Award, and shall be for ever thereafter deemed and taken to be the Boundaries between the Lands and Grounds by this Act directed to be divided and inclosed and such adjoining Parish or Parishes as aforesaid, any Law, Usage or Custom to the contrary notwithstanding.

Encroach-  
ments.

XIX. And be it further enacted, That it shall be lawful for the said Commissioners or Umpire to inquire and determine what Inclosures and Encroachments have been from Time to Time made upon or taken from the said Commons or Waste Lands, or any of them, by any Person or Persons whomsoever, and that all such Inclosures and Encroachments as shall have been peaceably and quietly enjoyed for the Space of Twenty Years previous to the passing of this Act, without any Interruption, shall, after the passing of this Act, be absolutely vested in the Person or Persons holding the same, in such Manner as he, she or they hath or have hitherto enjoyed such Inclosures and Encroachments respectively; and that all other Inclosures and Encroachments shall be deemed Part and Parcel of the said Commons or Waste Lands; and that it shall be lawful for the said Commissioners or Umpire (where the same can be done without Prejudice or Inconvenience to the Proprietors or Occupiers of Messuages or Lands within the said Parishes respectively) to allot such last-mentioned Inclosures or Encroachments to the Person or Persons who shall at the Time of the passing of this Act, or of the Execution of the said Award, be in Possession thereof, or in the Receipt of the Rents and Profits thereof, as the Whole or Part of the Share or Proportion of the said Commons or Waste Lands to which such Person or Persons will be entitled by virtue of this Act, without considering the Value of any Buildings thereon; and if such Person or Persons shall not be entitled to any Allotment under this Inclosure equal to the Value of such Encroachment, but shall be willing to purchase the same, then the said Commissioners or Umpire shall (where the same can be done without Prejudice or Inconvenience as aforesaid) ascertain the Price thereof, or of such Part thereof as shall exceed the Rights of such Possessor or Possessors in respect of any other Property as aforesaid, in ascertaining of which Price the said Commissioners or Umpire shall not value the Buildings thereon, but shall value the Land only, and that at so much Money *per* Acre as the same shall in their Estimation be worth; having reference to the Waste next adjoining; and upon such Person or Persons paying such Price *per* Acre to the said Commissioners at such Time and Place as they shall for that Purpose appoint, and taking their Receipt or Receipts for the same, every such Encroachment, or such Part thereof as shall be so purchased, and also all Buildings thereon, shall thereupon become vested in such Purchaser or Purchasers, and his and their respective Heirs and Assigns, in Fee Simple, without any further or other Conveyance, Assurance, Instrument or Writing whatsoever; and the said Commissioners shall either apply such Purchase Money as aforesaid as Part of the Money to be raised as hereinafter mentioned, for defraying the Expences of apply-  
ing



ing for and obtaining this Act, and carrying the same into Execution, or the same shall be divided and apportioned between the several Proprietors of and Persons interested in the Lands hereby directed to be divided, allotted and inclosed, in such Shares as shall be in proportion to their respective Property, Rights and Interests; and the Shares of such of them as shall be Tenants in Fee Simple shall be paid to them, and the Shares of such other of the said Proprietors or Persons shall be applied and disposed of in Manner directed by the said recited Act, in Cases where Money is to be paid for the Purchase or Exchange of 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; and from and after such Allotment, and Payment of the Consideration Money for the Purchase of such Encroachment as aforesaid, all Rent Charges, and any Sum or Sums of Money heretofore payable for or in respect thereof, shall for ever thereafter cease, be extinguished, and no longer payable; and where such Person or Persons in Possession of any Encroachment as last aforesaid, shall not be entitled to any Allotment equal to the Value of such Encroachment, and by reason of the Poverty of such Person or Persons he, she or they shall not be enabled to purchase such Encroachments as aforesaid, it shall be lawful for the said Commissioners or Umpire, and they are hereby authorized (where the same can be done without such Prejudice or Inconvenience as aforesaid) either to allot such last-mentioned Inclosures or Encroachments to such respective Persons as last aforesaid, in Fee, or for Term of their Lives, or otherwise, or to permit them to remove any Houses or Buildings erected, or Trees planted thereon, or to make them any reasonable Compensation either by the Allotment to them of any other Part of such Commons or Wastes, or in Money, to be paid by the Persons to whom the Residue of such Commons or Waste Lands shall be allotted, as to the said Commissioners or Umpire shall seem reasonable and expedient; and in case any Difference or Dispute shall arise touching any such Inclosures or Encroachments, or the Extent thereof, such Difference or Dispute shall be determined by the said Commissioners or Umpire: Provided always, that no Person or Persons who hath or have made, or who is or are in Possession of any such Inclosures or Encroachments, shall in respect thereof be entitled to any Part or Share of or in the Commons and Waste Grounds intended to be divided, allotted and inclosed by virtue of this Act.

XX. And be it further enacted, That the said Commissioners shall and may scour out and widen all such ancient Ditches, Drains, Water-courses, Tunnels and Bridges in the said United Parishes; and also shall and may set out and appoint such new Ditches, Drains, Water-courses, Tunnels and Bridges, as well in, through and over the Lands and Grounds, under and by virtue of this Act intended to be divided, allotted and inclosed, as also in, over and through any ancient Inclosures within the said United Parishes (making such Satisfaction to the Proprietors of such ancient Inclosures for the Damage done thereby, as they shall think reasonable, the Expences thereof to be borne and defrayed as the other Expences of executing this Act are hereby directed to be borne and defrayed), and of such Depth, Breadth and Dimensions, and in such Directions as the said Commissioners or Umpire shall think proper; and the said Commissioners shall and may, and they are hereby directed and required in and by their

[Loc. & Per.]

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Award,



Award; to order and determine by whom, and at whose Expence, and at what Price, and in what Manner the said Ditches, Drains, Water-courses, Tunnels and Bridges shall be made, and afterwards cleansed, scoured and maintained; and also shall and may direct, order and award all or any of the Streams, Springs of Water and Water-courses within the said Open and Common Fields, Meadows and Pastures, Commons and Waste Grounds hereby directed to be divided, allotted and inclosed, to be carried, diverted and turned in such Courses, and through, over and across such Parts of the Lands and Grounds hereby directed to be divided, allotted and inclosed, as they the said Commissioners shall in their Discretion judge proper; provided that such Streams, Springs and Water-courses be not diverted or turned without the Consent in Writing of the respective Person or Persons from or out of whose Lands the same shall be diverted, and of the Person or Persons through or into whose Lands the same shall be turned.

For ascertaining Lands to be divided.

XXI. And for the better ascertaining what Lands shall be divided, allotted and inclosed pursuant to this Act, be it further enacted, That all Fields or Inclosures containing the Property of Two or more Persons within one Fence, shall be deemed Part of the Lands to be divided, allotted and inclosed by virtue of this Act, and shall be divided, allotted and inclosed accordingly.

Allotment for getting Materials for Roads, and for Watering-Places, &c.

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

Allotment to the Lord of the Manor.

XXIII. And be it further enacted, That after setting out the public Carriage Roads and Highways as by the said recited Act is directed, and such Private Roads as shall be by the said Commissioners or Umpire deemed requisite and necessary in, through and over the Lands and Grounds by this Act intended to be divided, allotted and inclosed, the said Commissioners or Umpire shall, and they or he are and is hereby required to set out and allot unto and for the Lord of the Manors of *Sulhamstead Abbots* and *Sulhamstead Bannister*, otherwise *Meales*, aforesaid, for the Time being, so much and such Part of the said Common and Waste Lands 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-sixteenth Part of the whole of the said Common and Waste Lands, for and in lieu of, and as a full Recompence and Satisfaction for all Right to the Soil which the Lord of the said Manors now hath, or might, or of Right ought to have, as Lord or Lady of the said Manors, in such Common and Waste Lands.



XXIV. And be it further enacted, That the said Commissioners or Umpire shall, and they or he are and is hereby directed and required in the next place to set out, allot and award unto and for the said Rector of the said United Parishes of *Sulhampstead Abbots* and *Sulhampstead Bannister*, otherwise *Meales*, aforesaid, and his Successors, such Part or Parts of the Lands and Grounds by this Act directed to be divided, allotted and inclosed as in the Judgment of the Commissioners shall be equal in Value to the Glebe Lands, Rights of Common and other Interests in respect of all the said Glebe Lands belonging to the said Rector.

XXV. And be it further enacted, That the said Commissioners or Umpire shall in the next place assign, set out and allot unto the Lord of the said Manor of *Sulhampstead Abbots*, and the Rector, Churchwardens and Overseers of the said Parish of *Sulhampstead Abbots*, so much of the said Commons and Waste Grounds as lie within the said Parish of *Sulhampstead Abbots*, as in the Judgment of the said Commissioners shall be equal in Value to One-sixteenth Part thereof, and shall also assign, set out and allot unto the Lord of the said Manor of *Sulhampstead Bannister*, and the Rector, Churchwardens and Overseers of the said Parish of *Sulhampstead Bannister*, so much of the said Commons and Waste Grounds as lie within the said Parish of *Sulhampstead Bannister*, as in the Judgment of the said Commissioners shall be equal in Value to One-sixteenth Part thereof; and the same Allotments shall, on the Execution of the Award of the said Commissioners, be vested in the Lord or Lords of the said Manors, and the Rector, Churchwardens and Overseers of the said Parishes respectively for the Time being, for ever, as Trustees for the Poor of the same Parishes respectively; and the said Trustees or the major Part of them are hereby respectively empowered from Time to Time by Writing under their respective Hands and Seals, to lease and demise such respective Allotments, or such Part thereof as they shall think proper, to any Person or Persons whomsoever, for any Term of Years not exceeding Twenty-one Years; so as in every such Lease or Leases there be reserved and made payable to the said Trustees respectively, or the major Part of them, by Four equal Quarterly Payments in every Year, the most improved yearly Rent or Rents that can be obtained for the Land thereby demised, without taking any Income, Fine, Premium or Foregift as a Consideration for granting such Lease or Leases; and so that in all such Leases there be contained the usual Covenants and Stipulations between Lessors and Lessees, and such other Covenants and Stipulations as the said Trustees respectively, or the major Part of them, shall think proper to be inserted therein; and the Rents and Profits arising from the said respective Allotments, or from so much thereof as shall be demised as aforesaid, shall from Time to Time be laid out in purchasing Fuel, and so much of the Fuel as shall be purchased with the Rents and Profits arising from the said Allotment in *Sulhampstead Abbots*, shall be distributed among the poor Inhabitants of the said Parish of *Sulhampstead Abbots*, who shall be legally settled and resident therein, and shall occupy Lands or Tenements under the yearly Value of Ten Pounds; and so much of the Fuel as shall be purchased with the Rents and Profits arising from the said Allotment in *Sulhampstead Bannister* shall be distributed among the poor Inhabitants of the said Parish of *Sulhampstead Bannister*, who shall be legally settled and resident therein, and shall occupy Lands and Tenements under the yearly Value of Ten Pounds, in such Proportions and Quantities, and at such



such Times in the Year, and according to such Rules and Regulations as the said Trustees respectively for the Time being, or the major Part of them, shall appoint and prescribe for that Purpose, and not otherwise; and so much of the said last-mentioned Allotments as shall not be leased or demised as aforesaid, shall be held, used and appropriated by the said Trustees respectively for the Purpose of sowing Furze, planting Wood and cutting Fuel, which Fuel shall be distributed amongst such poor Inhabitants of the said respective Parishes in Manner aforesaid, and not otherwise; provided always, that in case the Rents and Profits of the last-mentioned Allotments, or of the Part or Parts thereof which shall be demised or leased as aforesaid, shall at any Time or Times be more than sufficient to answer the Purposes for which the same is hereby directed to be set out, then, and so often, it shall and may be lawful for the Trustees thereof respectively for the Time being, or the major Part of them, to apply and dispose of the Overplus of such Rents and Profits for the Relief and Benefit of the Poor for whose Benefit such Allotment shall be set out, in such Manner as the said Trustees, or the major Part of them respectively, shall think proper.

Lord of the Manor and Rector to act by Proxy.

XXVI. Provided also, and be it further enacted, That it shall and may be lawful for the said Lord or Lords of the said Manors, and Rector of the said United Parishes for the Time being, to act in the Execution of the Trusts hereby reposed in them, by their respective Agents or Proxies, such Agents or Proxies being appointed by Writing under the Hand or Hands of the Person or Persons for whom such Agents or Proxies shall act, and producing such his or their Appointment at the Time of acting by virtue thereof.

Allotment of the Residue.

XXVII. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required, after making such Allotments as aforesaid, to divide, set out and allot all the Residue and Remainder of the said Lands and Grounds hereby directed to be divided, allotted and inclosed, unto and among the several Proprietors thereof, and to Persons entitled to Rights and Interests arising therein and therefrom, in such Quantity, Shares and Proportions, and in such Parts and Places as by the said Commissioners shall be adjudged and determined to be a fair, just and reasonable Compensation and Satisfaction for their several and respective Lands, Grounds, Rights of Common and other Rights and Interests; and that immediately after making the said Division and Allotments, and the Execution of the Award of the said Commissioners, or as soon after the passing of this Act as the said Commissioners or Umpire, by Writing under their Hands, to be affixed on the principal outer Doors of the respective Parish Churches of *Sulhampstead Abbots* and *Sulhampstead Bannister* otherwise *Meales* aforesaid, on a *Sunday*, shall direct or appoint, all Rights of Common, and all other Rights and Interests whatsoever, belonging to or claimed by any Person or Persons whomsoever, Bodies Politic or Corporate, in, over or upon the said Lands and Grounds so to be divided, allotted and inclosed, shall cease, determine and be for ever extinguished.

Proviso in respect of Lands belonging to

XXVIII. Provided always, and be it further enacted, That nothing in this Act or in the said recited Act contained, shall extend or be construed to extend to authorize, empower or enable the said Commissioners or

Umpire



Umpire to set out and allot to any other Person or Persons whomsoever, all or any Part or Parts of the Lands and Grounds of the said *William Stone*, within the several Fields called *Sulbampstead Field*, *East Weathams Field*, *West Weathams Field*, and the *Butts*, Parcel of the Lands and Grounds within the said United Parishes, without the Consent in Writing of the said *William Stone*, or the Person or Persons in whom the said Lands and Grounds shall at the Time of the Execution of the Award of the said Commissioners be vested, but that the same Lands and Grounds shall and may remain vested in the said *William Stone*, freed and discharged of and from all Rights of Common, and all other Rights and Interests whatsoever, which any other Person or Persons whomsoever hath or have, or was or were entitled to, in and over the said Lands and Grounds immediately before the passing of this Act.

William  
Stone,  
Esquire.

XXIX. Provided also, and be it further enacted, That nothing in this Act or the said recited Act contained, shall extend or be construed to extend to authorize, empower or enable the said Surveyor to survey, or the said Commissioners to set out, allot, divide or award unto or amongst any Person or Persons whomsoever, or in any respect to interfere or intermeddle with all or any Part or Parts of the Commonable Lands and Waste Grounds within that Part of the said Parish of *Sulbampstead Banister*, otherwise *Meales*, which is within the said Manor of *Wokefield* otherwise *Oakfield* in the County of *Berks*.

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

XXXI. And be it further enacted, That the several Lessees or Tenants who have in Lease any Estate or Estates, of which or of any Part or Parts whereof there shall be any Division, Allotment or Inclosure, or any Exchange or Exchanges by virtue of the Powers of this Act, or in respect of which any Allotment or Allotments of the said Commons or Waste Grounds shall be made as aforesaid, shall at such Time or Times as the said Commissioners shall by Writing under their Hands order and direct, surrender and yield up to the Person or Persons to whom any Part of the Estate or Estates so in Lease to him or them as aforesaid shall be allotted, such Part or Parts as shall be so allotted to such Person or Persons; such Lessees or Tenants receiving from the Owners or Proprietors such Compensation as the said Commissioners shall ascertain, order and direct; and it shall and may be lawful for such Lessees or Tenants during the Continuance of their respective Leases, to have, hold and enjoy the several Lands so to be allotted or exchanged to his or their respective Lessor or Lessors, in respect of the Lands so allotted from or exchanged by him or them as aforesaid, and also during the Continuance of their respective Leases (unless it be otherwise provided for), to have, hold and enjoy the Allotment or several Allotments of the said Commons or Waste Grounds that shall be allotted and set out for and in respect of such Estates, or as a Right appurtenant to the same, upon paying such additional Rent to the Lessors or Owners thereof, as

Allowance by  
and to Les-  
sees.

[*Loc. & Per.*]

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the



the said Commissioners or Umpire shall in and by their said Award, or any other Writing, fix and appoint; and in ascertaining and fixing such Rent, the said Commissioners or Umpire shall take into Consideration as well the Expence such Lessors or Owners may be put unto in fencing such Allotments, as also the Loss such Lessees or Tenants may sustain by being deprived of their Common Rights, in respect of which the Allotment or Allotments was or were made; provided, that nothing in this Act contained shall extend to the vacating of any Lease of Lands taken in Exchange, if such Lands taken in Exchange shall be wholly situate in an adjoining Parish.

Allotments  
fold, may  
be awarded  
to Purchaser.

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

Allotments  
to be deli-  
neated upon  
a Plan, and  
shewn to Pro-  
prietors.

XXXIII. And be it further enacted, That when and so soon as the said Commissioners shall have ascertained the respective Rights and Interests of the said Proprietors in the Lands and Grounds to be divided, allotted and inclosed by virtue of this Act, and also the respective Shares and Proportions by them proposed to be allotted to such Proprietors respectively in lieu thereof, they the said Commissioners shall give Notice in Manner aforesaid of a convenient Time and Place when and where the said Proprietors may be informed of such intended Allotments, and see the same as they are then set out and delineated upon a Map or Plan thereof to be produced for their Inspection; and as some Proprietors may, upon Inspection of such Map, be dissatisfied with the intended Allotments, the said Commissioners shall at such Time and Place as last aforesaid, or some other Time or Place to be appointed by them for that Purpose, receive Statements in Writing of the Complaints and Objections against such Allotments, and shall forthwith, or as soon after as may be, determine the same, and their Determination as to the Quantity and Situation of such Allotments shall be final and conclusive upon all Parties.

Rector's and  
Poors' Allot-  
ment to be  
inclosed.

XXXIV. And be it further enacted, That the Lands so to be set out and allotted to the said Rector and his Successors in lieu of his said Glebe Lands and Rights of Common belonging thereto, and also the Lands to be set out and allotted to the Lord or Lords of the said Manors, and the Rector, Churchwardens and Overseers as Trustees as aforesaid, shall



Inclosed and fenced on the outside Boundaries thereof respectively with such Fences as the said Commissioners or Umpire shall direct to be made, by or at the Expence of such of the said other Proprietors, in such Manner and at such Time and Times as the said Commissioners shall by their Award order or direct; and that the said Fences shall be thereafter maintained, supported and preserved during the Term of Seven Years, by or at the Expence of the said Proprietors, in such Manner as the said Commissioners by their Award shall order or direct; and such Fences shall after the said Term of Seven Years, be repaired and kept in Repair by the said Rector and his Successors, as to the Lands so to be set out and allotted to him and them as aforesaid, and by the Tenant or Tenants, Occupier or Occupiers, as to the Lands so to be set out and allotted to the Lord or Lords of the said Manors, and the Rector, Churchwardens and Overseers as Trustees as aforesaid.

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

XXXVI. And be it further enacted, That it shall be lawful for the said Commissioners to set out, allot and award any Lands, Tenements or Hereditaments whatsoever, within the said United Parishes, in lieu of and in Exchange for any other Lands, Tenements and Hereditaments whatsoever within the said United Parishes, or within any adjoining Parish, Hamlet, Township or Place; provided that all such Exchanges be ascertained, specified and declared in the Award of the said Commissioners, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements or Hereditaments which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politic, Corporate or Collegiate, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail General or Special, or by the Courtesy of *England*, or for Years determinable on a Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees or Attornies of or acting for such Owners or Proprietors as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Females Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself or herself, such Consent to be testified in Writing under the Common Seal of the Body Politic, Corporate or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every such Exchange and Exchanges so to be made shall be good, valid and effectual in the Law to all Intents and Purposes whatsoever: Provided always, that no Exchange shall be made of any Lands, Tenements or Hereditaments held in right of any Church, Chapel or other Ecclesiastical Benefice, without the Consent (testified as aforesaid) of the Patron thereof, and of the Bishop of the Diocese in which such Lands, Tenements or Hereditaments so to be exchanged shall lie or be situate. Power to make Exchanges.

XXXVII. And



Expence of Exchanges to be borne by the Persons making the same.

XXXVII. And be it further enacted, That all the Costs, Charges and Expences attending the making and completing of any Exchanges and Partitions, or of making Allotment or Allotments to any Vendee or Purchaser of any Allotments, shall be borne, paid and defrayed by the several Persons making such Exchanges and Partitions, or purchasing such Allotment or Allotments, in such Manner and in such Proportions as the Parties making such Exchanges and Partitions, or such Vendor and Purchaser shall agree, and in Default of such Agreement, as the said Commissioners shall by their Award order and direct, and shall be recovered in the same Manner as is hereinbefore directed respecting the Recovery of any Penalty or Sum of Money by this Act directed to be levied.

Wills and Settlements not to be affected.

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

Not to take away the Right of Tythes, Surplice Fees, &c.

XXXIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to take away, lessen or defeat the Right, Title or Interest of the said Rector or his Successors in and to all such Great and Small Tythes arising, renewing or happening out of or from the said Open and Common Fields, Common Meadows and Common Pastures within the said United Parishes of *Sulhamstead Abbots* and *Sulhamstead Bannister*, otherwise *Meales*, and all such Payments and Compositions in lieu of Tythes as the said *John Waller* is now entitled to, but that all such Tythes both Great and Small, and all Payments and Compositions in lieu thereof, shall remain due and payable to the said *John Waller* and his Successors, Rectors as aforesaid, in such Manner as the same were due and payable before the passing of this Act; and that nothing in this Act contained shall prejudice, lessen or defeat the Right or Title of the said *John Waller* or his Successors, Rectors as aforesaid, to any Mortuaries, *Easter Offerings* or any Surplice Fees whatsoever, arising or becoming due to him or them in the said United Parishes, but that the same and every of them shall remain due and payable to the said *John Waller* and his Successors, in the same Manner as before the passing of this Act.

Rector not to take Tythe of the Common, till the End of Six Years after Michaelmas.

XL. And be it further enacted, That it shall not be lawful for the said *John Waller* or his Successors, Rectors of the said United Parishes, to demand or take any Tythes whatsoever, or any Composition, Satisfaction or Compensation in lieu thereof, from the Owner or Owners, Occupier or Occupiers of any Part or Parts, Allotment or Allotments of the said Common or Waste Lands, for or in respect of any Tythes arising or renewing on such Allotment or Allotments, for the Term of Six Years from the Twenty-ninth Day of *September* next after the passing of this Act; but that the said Allotment or Allotments of the said Common or Waste Lands shall be held and enjoyed, freed and discharged of and from



all Manner of Tythes, and all Dues, Payments and Compositions in lieu thereof, for the said Term of Six Years as aforesaid and no longer.

XLI. And be it further enacted, That the said Commissioners or Umpire shall, and they or he are and is hereby required, as soon after the passing of this Act as they shall think necessary, by some Writing or Writings under their Hands, to be affixed on the principal outer Doors of the said Parish Churches, to order and direct the Course of Husbandry that shall be used in, over and upon the said Open and Common Fields and other Grounds hereby intended to be divided, allotted and inclosed, until the Time when they shall have completed the respective Allotments thereof, as well with respect to the ploughing, sowing, fallowing, tilling and laying down, as to the stocking and Pasturage thereof; and by the same or any other Writing or Writings under their Hands, to be affixed in Manner aforesaid, shall and may make such Orders, Rules and Regulations as to them shall seem expedient, touching the Conduct of the Farmers and Occupiers within the said United Parishes, for preventing them from ploughing up or tilling any Meadows, Pasture or Fresh Ground, or committing any Waste or Destruction upon any Part of the said Lands or Grounds hereby intended to be divided, allotted and inclosed, until the setting out and allotting thereof shall be completed as aforesaid; all which Rules, Orders and Regulations of the said Commissioners or Umpire shall be binding and conclusive upon all the said Farmers and Occupiers, and all other Persons interested therein; and the said Commissioners or Umpire shall order and direct such Sum and Sums of Money in respect thereof, to be paid by any Person or Persons interested in the said Division and Inclosure, as the said Commissioners or Umpire shall think reasonable, which Sum or Sums it shall be lawful for the said Commissioners, and they are hereby authorized and required, to raise and levy for the Use and Benefit of the Person or Persons entitled thereto, by such Ways and Means as the Costs, Charges and Expences of obtaining and executing this Act may be raised and levied.

Commissioners to order the Course of Husbandry.

XLII. And be it further enacted, That it shall be lawful for the several and respective Persons to whom any Share or Allotment shall be assigned and allotted by virtue of this Act, from Time to Time and at all Times during the Term of Seven Years next after any Fence shall be made, to set down and place Posts and Rails and other proper Fences on the Outside of the Ditches or Fences, for the better Preservation of the young Quicksets, and to bank, ditch or trench such Fences, by digging within Three Feet thereof; and from Time to Time during the said Term, to repair, and take and carry away such Posts and Rails and other Fences at his, her or their free Will and Pleasure, except at any Time when any Crops of Corn, Grain or Hay shall be growing upon the Land or Ground whereon the same shall have been standing respectively.

Power to make Guard Fences.

XLIII. And be it further enacted; That the said Commissioners or Umpire shall, and they or he are and is hereby authorized and empowered, by any Writing or Writings under their Hands, to ascertain, order and appoint what Recompence and Satisfaction in Money shall be made to the Owner or Owners of any Crops growing upon the Lands and Grounds hereby intended to be divided, allotted and inclosed, at the Time such Allotment and Division shall be made for the said Crops, by the Person or Persons

Commissioners to direct Recompence.

[Loc. & Per.]



to whom the Lands and Grounds on which such Crops are growing shall be allotted, unless such Owner or Owners shall, within the Time to be appointed by the said Commissioners or Umpire for that Purpose, declare his, her or their Intention to cut, reap and carry away the same; and in case of Non-payment of such Recompence and Satisfaction for such Crops, at the Time and in the Manner to be directed by the said Commissioners or Umpire, or in case of such Election to reap and take away the same, then it shall be lawful for such Owner and Owners, and his, her and their Agents, Servants and Workmen, with Horses, Carts and Carriages, to enter into and upon the Lands and Grounds whereon such Crops shall be growing, and to cut, reap and carry away the same for his, her and their own Use; and the said Commissioners or Umpire shall also, and they are hereby authorized and empowered, by any Writing or Writings under their Hands, to ascertain, order and appoint what Recompence and Satisfaction in Money shall be paid, and to whom, for the Standage of such Crops, by the Owner or Owners electing to carry away the same as aforesaid, and also what Recompence and Satisfaction in Money shall be paid, and by whom, to any Tenant or Tenants, Occupier or Occupiers of Land within the said United Parishes, as well for ploughing, tilling and manuring any of the Lands and Grounds which shall be divided and allotted by virtue of this Act, for the Benefit and Advantage accruing thereby to the Person or Persons to whom such Lands and Grounds shall be allotted, as and for any Loss or Disadvantage which any such Tenant or Tenants, Occupier or Occupiers, shall or may sustain by the Loss of their following or way-going Crops upon the Lands and Grounds by this Act intended to be divided and inclosed; and if in any or either of the said Cases, the Money due for such Recompence and Satisfaction shall not be paid at the Time and in the Manner to be appointed as aforesaid by the said Commissioners or Umpire, it shall and may be lawful for the said Commissioners or Umpire, and they are hereby authorized and required to raise and levy the same for the Use of the Person or Persons entitled thereto, by such Ways and Means as the Costs, Charges and Expences of obtaining and executing this Act may be raised and levied.

Expences of Act, how to be borne.

XLIV. And be it further enacted, That all the Costs, Charges and Expences as well of obtaining and passing this Act, as of carrying the same and the said recited Act into Execution, and of the several Matters and Things aforesaid, shall be borne, paid and defrayed from Time to Time as the same shall be incurred, by the Owners and Proprietors of and Persons interested in the Lands and Grounds hereby directed to be divided, allotted and inclosed (other than and except the said Rector and his Successors in respect of his Glebe Lands) in proportion or as near as may be to their Shares and Interests therein, by a Rate or Rates to be made by the said Commissioners for that Purpose.

Persons advancing Money to be repaid legal Interest.

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

XLVI. And



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

Allowance to Commissioners and their Clerk.

Proprietors and Agents to pay their Expences.

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

Accounts to be laid before Two Justices.

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

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

XLIX. And be it further enacted, That the Award directed to be made by the said recited Act (after the same shall have been inrolled in the Manner directed by the said recited Act) shall be deposited in the Parish Church of *Sulhamstead Abbots* aforesaid.

Award where to be deposited.

L. And be it further enacted, That if any Person or Persons shall think himself, herself or themselves aggrieved by any Thing done in pursuance of this

Appeal to the Quarter Sessions.



this or the said recited Act, then, and in every such Case, (except where the Orders, Determinations and Proceedings of the said Commissioners are hereby or by the said recited Act declared to be final and conclusive, and excepting such Cases where an Issue at Law shall be tried as hereinbefore mentioned) he, she or they may appeal to the General Quarter Sessions of the Peace which shall be holden for the said County of *Berks*, within Six Calendar Months next after the Cause of Complaint shall have arisen, such Appellant or Appellants first giving to the said Commissioners, or their Clerk, and to the Party or Parties interested therein, Fifteen Days' Notice at least in Writing of such Appeal and of the Matter thereof; and the Justices at such General Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein, and award such Costs as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs which shall be so awarded, by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus, if any, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale; which Determination of the said Justices shall be final and conclusive upon all Parties concerned, and shall not be removed by *Certiorari* or any other Writ or Process whatsoever into any of his Majesty's Courts of Record at *Westminster* or elsewhere.

Saving to the  
Lord of the  
Manor.

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

General  
Saving.

LII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person or Persons, Bodies Politic or Corporate, and his, her and their Heirs, Successors, Executors and Administrators, all such Estate, Right, Title and Interest (other than and except such as are hereby barred, destroyed or extinguished) as they, every or any of them had or enjoyed of, in, to, or out of, or in respect of the said Lands, Grounds and Premises so directed to be divided, allotted and inclosed, or exchanged as aforesaid, before the passing of this Act, or could or might have had or enjoyed in case the same had never been made.

Evidence  
Clause.

LIII. 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.