



ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

Cap. 108.

An Act for allotting Lands in the Manor and Parish
of *Long Wittenham*, in the County of *Berks*.

[20th May 1809.]

WHEREAS there are within the Manor and Parish of *Long Wittenham*, in the County of *Berks*, divers Open and Common Fields, Common Meadows, Common Pastures and Commonable Lands and Waste Grounds: And whereas the President and Scholars of *Saint John Baptist College*, in the University of *Oxford*, are Lords of the Manor of *Long Wittenham* aforesaid, and are entitled to the greatest Part of the said Lands and Grounds, which are held of them by Leases for Twenty Years usually renewed, and by Copies of Court Roll for Lives: And whereas the Rector and Scholars of *Exeter College*, in the said University of *Oxford*, are seised of the Improprate Rectory or Parsonage of *Long Wittenham* aforesaid, and in Right thereof are seised of or entitled to certain Glebe Lands, and also to all the Great Tythes yearly arising, renewing, or increasing from and out of all the Lands and Grounds within the said Parish; and the said Rector and Scholars are also Patrons of the Vicarage of *Long Wittenham*; and the Reverend *Thomas Smyth Glubb* Clerk, is Vicar of the said Vicarage, and as such entitled to the Small Tythes of the said Vicarage, and to certain Glebe Lands belonging thereto: And whereas *William Hayward*, *James Prowse*, *Thomas Lovegrove*, and others, are seised of or entitled to the Residue of the said Open and Common Fields, Common Meadows, Common Pastures, Commonable Lands, and Waste Grounds: And whereas an Act was passed in the Forty-first Year of the Reign of His present

[*Loc. & Per.*]

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 Lands of the respective Proprietors of the said Open and Common Fields, Common Meadows, and Common Pastures, lie very much intermixed and dispersed in small Parcels, so as to render the Cultivation thereof very inconvenient, and the same in their present State are incapable of any considerable Improvement; and if the same, together with the said other Commonable Lands and Waste Grounds were divided and allotted unto and amongst the several Persons interested therein, according to their several and respective Rights and Interests, and certain Parts thereof inclosed, they might be much improved, and rendered of greater Value; but such Division, Allotment, and Inclosure cannot be effected without the Aid and Authority of Parliament: 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 Wyatt* of *Wargrave*, in the said County of *Berks*, Gentleman, *John Davis* of *Bloxham*, in the County of *Oxford*, Gentleman, and *John Allen* of *Great Hendred*, in the said County of *Berks*, Gentleman, and their Successors to be nominated and elected in Manner herein-after mentioned, shall be and they are hereby appointed Commissioners for the valuing, qualitying, dividing, setting out and allotting the Open and Common Fields, Common Meadows, Common Pastures, and Commonable Lands and Waste Grounds within the said Manor and Parish of *Long Wittenham*, and for the Purposes of this Act and carrying the same into Execution, in the Manner and subject to the Rules, Orders, and Directions contained in the said recited Act (except in such Cases where the same are hereby varied or altered), and that it shall be lawful for the said Commissioners or any Two of them, and they are hereby fully authorized and empowered to do, execute, and perform all and every Act, Matter, and Thing authorized to be by them done, executed, and performed; and every Act, Matter, and Thing which shall be done, executed, and performed by any Two of such Commissioners, shall be as valid and effectual to all Intents and Purposes as if all the said Commissioners had been present, and had done, executed, and performed the same.

Commissioners appointed.

Appointment of new Commissioners.

II. And be it further enacted, That in case the said *Thomas Wyatt* shall die, neglect, or refuse to act, or become incapable of acting as a Commissioner by virtue of this Act, the said President and Scholars of *Saint John Baptist College*, in *Oxford*, and their Successors for the Time being, shall and may, within the Space of Sixty Days from the Time of such Death, Neglect, Refusal, or Incapacity, nominate and appoint another Commissioner in the Room of the said *Thomas Wyatt*; and in case the said *John Davis* shall die, neglect, or refuse to act, or become incapable of acting as a Commissioner, the said Rector and Scholars of *Exeter College*, in *Oxford*, and their Successors for the Time being, shall and may, within the Space of Sixty Days from the Time of such Death, Neglect, Refusal, or Incapacity, nominate and appoint another Commissioner in the Room of the said *John Davis*; and in case the said *John Allen* shall die, neglect, or refuse to act, or become incapable of acting as a Commissioner, the major Part in Value (except the said President and

Scholars

Scholars and their Successors, and the said Rector and Scholars and their Successors), to be ascertained by the Land Tax Assessment of the Proprietors or Persons interested in the said Open and Common Fields, Common Meadows, Common Pastures, Commonable Lands, and Waste Grounds intended to be divided and allotted, for and in respect of their several Estates situate within the said Manor and Parish of *Long Wittenham*, or their Agents present at a Meeting to be held at *Long Wittenham* aforesaid, or within Five Miles thereof, to be convened by Notice to be given by the surviving or acting Commissioner or Commissioners in the Manner herein-after mentioned, shall and may within Twenty-one Days next after such Death, Neglect, Refusal, or Incapacity as last aforesaid, nominate, and appoint a proper Person not interested in the said Lands and Grounds hereby intended to be divided and allotted, to be a Commissioner in the Room of the said *John Allen*; and in case of the Death, Neglect, Refusal, or Incapacity as aforesaid of any Person or Persons so nominated and appointed in the Room of any Commissioner or Commissioners who shall die, neglect, or refuse to act or become incapable of acting as aforesaid, the said President and Scholars and their Successors for the Time being, and the said Rector and Scholars, and their Successors for the Time being, and the Proprietors or Persons aforesaid, shall in like Manner appoint another Commissioner or other Commissioners in his or their Room, according to the Regulation herein-before mentioned, as often as any such Vacancy shall happen by Death, Neglect, Refusal, or Incapacity to act as aforesaid; but if the said President and Scholars and their Successors, or the said Rector and Scholars and their Successors, or the said Proprietors or Persons aforesaid, shall refuse or neglect to make such Appointment or Appointments as aforesaid within the respective Times aforesaid, then and so often as the Case shall happen the surviving or remaining Commissioners or Commissioner shall, within Twenty Days after the Expiration of the respective Times herein-before allowed for appointing a Commissioner or Commissioners in case of any Vacancy, or as soon after as Occasion may require, by Writing under their or his Hands and Seals or Hand and Seal, appoint another Commissioner or Commissioners, not interested in the said Division and Allotment, in the Room of every such Commissioner or Commissioners so dying, neglecting, refusing or becoming incapable to act as aforesaid; and every such new Commissioner or Commissioners so to be nominated and appointed as aforesaid, shall from and immediately after his or their respective Appointment or Appointments, have such and the like Powers and Authorities for putting this and the said recited Act in Execution, and be under and subject to the like Rules and Regulations as if he or they had been named and appointed a Commissioner or Commissioners in this Act.

III. And be it further enacted, That the said Commissioners shall and they are hereby required to cause a public Notice to be given in the Newspaper called the *Reading Mercury and Oxford Gazette*, and also in Writing, to be affixed on the principal outer Door of the Parish Church of *Long Wittenham* aforesaid of the Time and Place of the First Meeting of the said Commissioners for executing the Powers vested in them by this and the said recited Act, at least Ten Days before such Meeting, and also shall cause Ten Days Notice at the least to be given in Writing, to be affixed on the principal outer Door of the aforesaid Church, of every subsequent Meeting for the like Purposes (Meetings by Adjournment only excepted);

Notice to be given of Commissioners Meetings, &c.

excepted); and all the Meetings of the said Commissioners shall be held at some convenient Place within the said Parish of *Long Wittenham*, or within Eight Miles of the Boundary of the said Parish: Provided always, that if at any Meeting to be held as aforesaid it shall happen that only One of the said Commissioners shall attend, such Commissioner may adjourn such Meeting to such Time within the Space of Twenty-one Days from the Day of Adjournment, and to such Place within the said Parish of *Long Wittenham*, or within Eight Miles thereof, as he shall think most convenient, and shall give Notice thereof to the absent Commissioners; and in case no one of the said Commissioners shall be present at any such Meeting, then it shall be lawful for their Clerk to adjourn any such Meeting and appoint the same to be held at the same or any other Place within the said Parish, or within Eight Miles of the Boundary of the said Parish, on any future Day, not exceeding Twenty-one Days from the Day of Adjournment, and shall give timely Notice thereof to the Commissioners.

Other Notices how to be given.

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

Commissioners determine differences.

V. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said Division and Allotment, touching or concerning the Right to the Soil of the said Commons and Waste Grounds, or any Part or Parts thereof, or touching or concerning the respective Rights and Interests which they or any of them shall have or claim to have in the same, or touching or concerning any other Matter or Thing relating to the said Division or Allotment, it shall be lawful for the said Commissioners to hear and determine such Disputes and Differences: Provided always, that nothing in this Act contained shall authorize the said Commissioners to determine the Title to any Messuages, Cottages, Lands, Tenements, or Hereditaments whatsoever.

Commissioners may assess Costs.

VI. Provided always, and be it further enacted, That the said Commissioners shall and they are hereby empowered and required, upon Request made to them, to assess such Costs and Charges as they shall think reasonable for the Use and Benefit of the Party or Parties in whose Favour such Determination shall be made, upon or against 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, it shall be lawful for the said Commissioners and they are hereby authorized and required, by Warrant under their Hands and Seals, directed to any Person or Persons whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of such Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges of such Distress and Sale.

VII. Provided

VII. Provided always, and be it further enacted, That if any Person or Persons, Body or Bodies Politic or Corporate, interested or claiming to be interested in the said intended Division and Allotment, shall be dissatisfied with any Determination of the said Commissioners, 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 and allotted, or any Part thereof, it shall be lawful for the Person or Persons, Body or Bodies Politic or Corporate so dissatisfied, to proceed to a Trial at Law of the Matter so determined by the said Commissioners at the then next or at the following Assizes to be holden for the County of *Berks*; and for that Purpose the Person or Persons, Body or Bodies Politic or Corporate, who shall be dissatisfied with the Determination of the said Commissioners, shall upon giving Notice to the said Commissioners of his, her, or their Intention to bring such Action within Two Calendar Months after such Determination shall be made, cause an Action, or Actions to be brought upon a feigned Issue against the Person or Persons, Body or Bodies Politic or Corporate in whose Favour such Determination shall have been made, within Three Calendar Months next after the Determination of the said Commissioners shall be so made; and the Defendant or Defendants in such Action or Actions is and are hereby required to name an Attorney or Attornies, who shall appear thereto or file Common Bail, and accept One or more Issue or Issues, whereby such Claim or Claims, and the Right or Rights thereby insisted on may be properly tried and determined (such Issue or Issues to be settled by the proper Officers of the Court wherein such Action or Actions shall be commenced, if the Parties shall differ about the same); and the Verdict or Verdicts which shall be given in the said Action or Actions shall be final and conclusive upon all and every Person and Persons; Body and Bodies Politic and Corporate whomsoever, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial or Trials to be had, which it shall be lawful for the Court to do, as is usual in other Cases; and after any Verdict or Verdicts shall have been obtained, and not set aside by the Court, the said Commissioners shall and they are hereby required to conform thereto, and to allow or disallow the Claim or Claims thereby determined according to the Event of such Trial: Provided always, that the Determination of the said Commissioners touching such Claim or Claims to any Right or Rights, or Interests in, over, or upon the Lands and Grounds hereby directed to be divided and allotted, or any Part thereof, which shall not be objected to, or being objected to the Party or Parties objecting not causing such Action or Actions at Law to be brought and proceeded in as aforesaid, shall be final and conclusive upon all Parties: Provided also, that no Difference or Suit touching the Matters aforesaid shall impede or delay the Commissioners in the Execution of the Powers vested in them by this Act, but the Division and Allotment hereby directed to be made shall be proceeded in notwithstanding such Differences or Suits: Provided also, that if any of the Parties in any Action to be brought in pursuance of this Act shall die pending the same, such Action shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened.

Parties dissatisfied may try their Right by an Issue at Law.

VIII. 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

In Cases of Death of Parties before Actions brought, the same to be carried on and

[Loc. & Per.]

defended in
their Names,

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, Bodies Politic or Corporate, who might have brought such Action or Actions against the Person or Persons so dying, to bring the same within the Time so limited as aforesaid against such Person or Persons as if actually living, and to serve the Clerk to the said Commissioners with Procees for commencing such Action or Actions, in the same Manner as the Party or Parties might have been served therewith if living, and it shall thereupon be incumbent on the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein in the same Manner as if such Person or Persons had been actually living, and the Rights of all such Parties shall be equally bound and concluded by the Event of such Action or Actions.

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

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

Allotments
for Materials
to repair
Roads, and
for other Pur-
poses.

X. And be it further enacted, That the said Commissioners shall and may and they are hereby required, before any other Allotment is made in pursuance of this Act, to set out and appoint One or more Piece or Pieces. Parcel or Parcels of Land, Part of the Lands hereby intended to be divided and allotted in the said Parish of *Long Wittenham* (not exceeding Three Acres in the Whole), in such convenient Place or Places as they shall think proper, for getting Stone, Gravel, or other Materials for repairing the Roads and Highways within the said Parish of *Long Wittenham*, and for such other Uses as the said Commissioners shall direct; and such Parcels of Land shall be vested in the Surveyor or Surveyors of the Highways of the said Parish for the Time being, upon Trust, and for the Purposes in the said recited Act and in this Act mentioned.

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

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

Allotments
for Rectorial
and Vicarial
Glebe Lands.

XII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and empowered to set out and allot to and for the said Rector and Scholars and their Successors, in lieu of the Glebe Lands and Right of Common belonging to the said Rectory of *Long Wittenham* aforesaid, such Plot or Plots of the said Lands and Grounds by
this

this Act intended to be divided and allotted, as shall in the Judgement of the said Commissioners be a full Equivalent and Compensation to the said Rector and Scholars and their Successors for such Glebe Lands and Right of Common; and also the said Commissioners shall and they are hereby authorized and empowered to set out and allot to and for the said *Thomas Smyth Glubb*, as Vicar of the said Parish of *Long Wittenham*, and his Successors, in lieu of his Vicarial Glebe Lands and Right of Common thereto belonging, such Plot or Plots of the said Lands and Grounds by this Act intended to be divided and allotted, as shall in the Judgement of the said Commissioners be a full Equivalent and Compensation to the said Vicar and his Successors for the said Glebe Lands and Right of Common.

XIII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to set out and allot unto and for the said Rector and Scholars and their Successors, as Impropiators as aforesaid, and the said *Thomas Smyth Glubb*, as Vicar of the Parish of *Long Wittenham* aforesaid, for and in lieu of their several and respective Improprate and Vicarial Tythes yearly issuing, arising, and renewing out of all and every the Lands and Grounds hereby intended to be divided and allotted, and of the Homesteads, Gardens, Orchards, and inclosed Arable Lands, Meadows, and Pastures, and other ancient Inclosures and Land held in Severalty within the said Manor and Parish of *Long Wittenham*, such Plot or Plots, Parcel or Parcels of the said Open and Common Fields, Common Meadows, Common Pastures, and Commonable Lands and Waste Grounds as (Quantity, Quality, and Situation considered) shall contain or be equal to One Fifth Part of all the Arable Lands, open and inclosed, including the Sward, Balks, and Heads of and intermixed with the said Arable Lands, and to One Ninth Part of all the Meadow and inclosed Greensward Ground, and of the Rod Hams, and to One Eighth Part of all the Commons, Waste Ground, and Heath Land within the said Manor and Parish of *Long Wittenham*, after deducting the Land or Ground set out for the Roads, and the Allotments herein-before directed to be set out for Materials for the Roads and other Uses, and for the Glebe Lands as aforesaid; which said Plot or Plots, Allotment or Allotments, shall be taken and deducted from and out of the respective Shares of the said Lands and Grounds hereby directed to be divided and allotted, belonging to the several Persons whose Commonable or other Lands shall be exonerated from the said Tythes, or from or out of the Lands to be allotted to them respectively in lieu of their Rights in the Lands and Grounds hereby intended to be divided and allotted, and shall be in full Satisfaction and Discharge, as well for or in respect of the said several and respective Improprate and Vicarial Tythes arising, issuing, or renewing from and out of the said Lands and Grounds hereby directed to be divided and allotted, as out of the same Homesteads, Gardens, Orchards, and inclosed Arable Lands, Meadows and Pastures, and other ancient Inclosures and Land held in Severalty in the Parish of *Long Wittenham* aforesaid, for which Lands shall be so allotted as aforesaid (save and except Easter Offerings, Mortuaries, and Surplice Fees, which shall remain due and payable in the same Manner as before the passing of this Act).

Allotment in lieu of Rectorial and Vicarial Tythes.

except Easter Offerings, &c.

XIV. Provided always, and be it further enacted, That in case any of the Owners or Proprietors of any such Messuages, Tenements, Gardens, Orchards, or ancient Inclosures within the said Parish, shall not be en-

Compensation to be made in lieu of Tythes, &c.

to be divided and allotted, sufficient to make such Compensation for the Tythes thereof as aforesaid, then and in every such Case Compensation shall be made for such Deficiency by and out of the Property in the said Lands hereby intended to be divided and allotted belonging to the said several other Proprietors, in such Manner as the said Commissioners shall appoint; and such Person or Persons who shall be entitled to or possessed of any such Messuages, Tenements, Gardens, Orchards, or ancient Inclosures, shall pay or cause to be paid to such Person or Persons, and at such Time or Times as the said Commissioners shall direct or appoint, such Sum or Sums of Money as the said Commissioners shall think equivalent to and a full Satisfaction and Compensation for the Tythes of the said Messuages, Tenements, Gardens, Orchards, or ancient Inclosures; which Sum and Sums of Money shall be applied towards Payment of the Costs, Charges, and Expences of obtaining and passing this Act and carrying the same into Execution, and in case of Non-payment thereof shall and may be levied and recovered in like Manner as the Costs, Charges, and Expences of obtaining and passing this Act and carrying the same into Execution can or may be levied or recovered; and in case any Surplus shall remain after Payment of such Expences as aforesaid, such Surplus shall be divided between the several Persons interested in the Lands and Grounds hereby intended to be divided and allotted, in such Shares as shall be in Proportion to their respective Property and Interests; and the Shares of such of them as shall be Tenants in Fee Simple shall be paid to them respectively, and the Shares of such other Proprietors of and in such Surplus Money shall be applied and disposed of in Manner directed by the said recited Act in those Cases where any Money is to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or 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.

Subdivision to be made between Rector and Vicar.

XV. Provided always, and be it further enacted, That when and as soon as conveniently may be after the said Allotment or Allotments shall have been so set out for the said Rector and Scholars, as Impropiators as aforesaid, and the said *Thomas Smyth Glubb*, as Vicar as aforesaid, for and in lieu of their several Improprate and Vicarial Tythes, the said Commissioners shall and they are hereby required to subdivide, assign, and allot the said Allotment or Allotments so set out for Improprate and Vicarial Tythes as aforesaid, unto and between the said Impropiators and Vicar, in Proportion to their respective Rights and Interests in the Tythes in lieu whereof the said Allotment or Allotments is or are herein-before directed to be awarded and made, in Proportion to the Value of such Improprate and Vicarial Tythes respectively.

Tythes to be received till the Execution of Award.

XVI. And be it further enacted, That the said Rector and Scholars and said Vicar of the said Parish, until such Award as is herein-after mentioned shall be made and executed by the said Commissioners, shall respectively have and receive of and from the Occupiers of the Lands and Hereditaments within the said Parish, now chargeable to them respectively with the Payment of any Tythes, Tythe Rents, or Compositions in lieu thereof, a full, rateable, and proportionable Share of all such Tythe, Tythe Rents, or Compositions as shall be then arising or growing due down to such Time as the said Commissioners shall direct and appoint.

XVII. And

XVII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to raise and levy in Manner and by the Means herein-after directed for raising the Expences of obtaining and executing this Act, from and upon all or any of the Proprietors of the Lands and Grounds hereby intended to be divided and allotted (except the said Rector and Scholars in respect of the Rectorial Estate, and the said *Thomas Smyth Glubb*, and his Successors Vicars as aforesaid, in respect of the said Vicarage) in such Shares and Proportions as the said Commissioners shall think just and reasonable, such Sum and Sums of Money as they the said Commissioners shall deem and adjudge to be sufficient for making and raising the Ring or outward Mounds and Fences of the said Plot and Plots, Allotment and Allotments to be made to the said Rector and Scholars in respect of the Rectorial Estate, and the said Vicar and his Successors, in pursuance of this Act, to be by them the said Commissioners paid to such Person or Persons as shall be by them appointed, and with One or more good and sufficient Surety or Sureties shall undertake and engage to make such Ring or outward Mounds and Fences, and keep the same in Repair for Seven Years, and until the same are sufficient and good Mounds; which said Fences, or such Part thereof as shall be allotted to the said Rector and Scholars and their Successors, and the said Vicar and his Successors as aforesaid, shall at the End of the said Term of Seven Years for ever thereafter be maintained and kept in Repair by and at the Expence of the said Rector and Scholars and their Successors, and the said Vicar and his Successors respectively for the Time being.

Impropiators
and Vicars
Fences to be
made and rais-
ed by the other
Proprietors.

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

Allotment to
the Poor for
Furze.

[*Loc. & Per.*]

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XIX. And

Allotments of
the Residue
amongst the
Proprietors.

XIX. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to divide, set out, and allot all the Residue and Remainder of the Lands and Grounds hereby directed to be divided and allotted, unto and amongst the several Owners and Proprietors thereof and Persons interested therein, in such Quantities, Shares, and Proportions, and in such 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 therein.

This Act not
to compel or
prevent In-
closures.

XX. And be it further enacted, That nothing in this Act or the said recited Act contained shall extend or be construed to extend to oblige or compel any Person or Persons to whom any Allotment or Allotments shall be made by virtue of this Act, to fence or mound such Allotment or Allotments (except the said Allotments for the Improprate and Vicarial Glebe and Tythes, and also except any Allotment or Allotments of the said Common Meadows or Pastures which the said Commissioners shall adjudge fitting, and accordingly direct to be fenced and mounded, and which shall be fenced and mounded by such Persons, at such Times, and in such Manner as they shall appoint); and as it may happen that some of the said Proprietors may be desirous of fencing his Allotment or Allotments after the Execution of the Award of the said Commissioners, the said Commissioners are hereby authorized and required to lay down and prescribe in their Award such Rules and Regulations as they may think fit or necessary to be observed by any Proprietor or Proprietors in inclosing and fencing, and in maintaining and preserving the Inclosure and Fences of any such Allotment or Allotments, when the same shall be done; and such Rules and Regulations shall be observed by, and at all Times thereafter be binding upon, the said Proprietors or other Persons interested in such Allotment or Allotments; and all such Inclosures and Fences when made and put up shall be deemed to be made and put up under the Authority and for the Purposes of this Act and the said recited Act.

Contributions
for necessary
Fencing in the
Meads.

XXI. And be it further enacted, That in case any Allotment or Allotments of the said Common Meadows or Pastures, or any Part thereof, shall be so circumstanced as that such Allotment or Allotments or any Part or Parts of the same, must necessarily be fenced and mounded, then and in every such Case the said Commissioners may and shall calculate, make, and allow to the Person or Persons to whom such Allotment or Allotments shall be set out and awarded, such Compensation for or on Account of his, her, or their Charges of fencing and mounding the same, or any Part thereof, as the said Commissioners shall deem just and right in that Behalf, to be deducted and taken from and out of the Aggregate of the Lands and Grounds aforesaid, or the Share or Shares of any other or others of the Proprietors thereof, and added to the Allotment or Allotments so to be fenced or mounded, or otherwise such Commissioners may and shall (at their Election) assign a Compensation in Money to be paid to the Proprietor or Proprietors of such Allotment or Allotments so to be fenced and mounded, by such other or others of the said Proprietors as the said Commissioners shall appoint, so as to do equal Justice to the respective Parties concerned.

XXII. Pro-

XXII. Provided always, and be it further enacted, That all and every the Allotments to be made to the Owners and Proprietors of Estates within the said Manor and Parish, in Right or in respect of any Freehold Messuages, Lands, Rights, or Interests, by virtue of this Act, shall, from and after the Execution of the Award of the said Commissioners, be deemed as Freehold Lands, and held under the same Rents and by the same Services, and in the same Manner as the Freehold Messuages, Lands, or other Hereditaments in respect of which they shall be so allotted were before that Time held; and that the several Lands and Grounds which shall be therein distinguished to have been allotted in respect of Leasehold Lands, Rights, or Interests, shall in like Manner be deemed Leasehold, and be held under the same Rents, Heriots, and other Payments, and for the same Term of Years respectively as the Lands or other Hereditaments in respect of which they shall be so allotted were held, and the Reversion thereof shall be vested in the same Lessors respectively as the Reversion of such other Lands or Property was vested before the passing of this Act; and that all and every the Allotments to be made in Right of or in respect of any Copyhold Messuages, Lands, or Hereditaments by virtue of this Act, shall from and after the Execution of the said Award be deemed and taken as and for Copyhold, and shall be held as such by Copy of Court Roll at the Will of the Lords of the said Manor, and according to the Custom of the Manor, and under and subject to the same Tenures, Rents, Payments, Fines, Customs, and Services, as the Copyhold Messuages, Lands, or Hereditaments respectively for or in lieu or in respect whereof such Allotments shall be made are now held, and as Part and Parcel thereof; and the Quantities in Acres, Roods, and Perches of such Copyhold Allotments, with their respective Boundaries and Abuttals, shall be described and distinguished from each other, and also from the Freehold and Leasehold Allotments, by the said Commissioners in their Survey, Map, and Award.

Allotments shall be of the same Tenure as the Lands for which they are allotted.

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

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

XXIV. And be it further enacted, That it shall be lawful for the said Commissioners to set out, allot, and award any Lands, Tenements, or Hereditaments whatsoever within the said Parish of *Long Wittenham* in lieu of and Exchange for any other Lands, Tenements, and Hereditaments whatsoever within the said Parish, or within any adjoining Parish, Township, Hamlet, or Place; provided that all such Exchanges be ascertained, specified and declared in the Award of the said Commissioners, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, or Hereditaments which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politic, Corporate or Collegiate, or a Tenant or Tenants in Fee Simple, or for Life, or in Fee Tail General or Special, or by the Courtesy of *England*, or for Years determinable on a Life or Lives, or with the

Exchanges may be made.

Consent.

Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Owners or Proprietors as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Females Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself, such Consent to be testified in Writing under the Common Seal of the Body Politic, Corporate or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every such Exchange and Exchanges so to be made shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Lands, Tenements, or Hereditaments held in Right of any Church, Chapel, or any Ecclesiastical Benefice, without the Consent, testified as aforesaid, of the Patron thereof, and of the Bishop of the Diocese in which the Lands, Tenements, or Hereditaments so to be exchanged shall lie and be situate.

Expences of Exchanges by whom to be paid.

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

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

XXVI. And be it further enacted, That all Leases, Demises, or Agreements at Rack Rent now subsisting, of or for all and every or any Part or Parts of the Lands and Grounds intended to be divided and allotted, or exchanged by virtue of this Act or the said recited Act, within the said Parish of *Long Wittenham*, and of all or any of the Common Rights upon or Tythes issuing out of or arising from, the said Lands and Grounds or any of them, and of all Messuages, Cottages, Lands, Tenements, and Hereditaments in the Parish of *Long Wittenham* aforesaid, held therewith, or included in such Leases, Demises, or Agreements, shall at such Time as the said Commissioners shall appoint by any Writing under their Hands cease and be void, the respective Owners and Proprietors of or other Persons interested in the same Lands, Tenements, and Hereditaments making such Satisfaction to their Lessees or Tenants respectively as the said Owners and Proprietors or Persons interested and their Lessees or Tenants shall agree upon; or in case they shall disagree, as the said Commissioners shall order, direct, or appoint, to be paid to such Lessees or Tenants respectively, as a Satisfaction for the Loss or Injury he, she, or they shall respectively suffer or sustain on account thereof.

Act not to revoke Wills, &c.

XXVII. And be it further enacted, That nothing in this Act contained shall extend or be construed, adjudged, or taken to extend to revoke, make void, alter or annul any Will or Wills, Settlement or Settlements, Mortgage or Mortgages, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Debt, Rent, Fee-Farm-Rent, Incumbrance, or other Demand, out of, upon, or affecting any of the said Lands and Grounds intended to be divided and allotted, or which shall be exchanged by virtue of this Act or the said recited Act, or any

Part thereof (other than and except such Lease or Leases, Agreement or Agreements at Rack Rent as aforesaid), but that the several Lands, Grounds, and Hereditaments so to be divided and allotted or exchanged as aforesaid, shall from thenceforth be, remain, and enure, and the several Persons to whom the same shall be allotted or given in Exchange as aforesaid, shall stand and be seised thereof to, for, and upon such and the same Use and Uses, Trust and Trusts, Estate and Estates, and subject to the same Wills, Settlements, Powers, Provisoos, Limitations, Remainders, Tenures, Rents, Services, Mortgages, Charges, Incumbrances, and Demands, (other than and except such Lease or Leases or Agreements at Rack Rent as aforesaid), as the several Lands, Grounds, Tenements, and Hereditaments, in lieu whereof such Allotments and Exchanges shall be made as aforesaid, are or should or would have been subject to in case the same had remained undivided and unexchanged, or this Act had not been made.

XXVIII. Provided always, and be it further enacted, That if any Person or Persons hath or have sold or contracted, or agreed to sell, or shall at any Time before the said Commissioners shall have executed their Award, sell or contract, or agree to sell his, her, or their Right, Interest, or Property in, over, or upon the said Open and Common Fields, Common Meadows, Common Pastures, Commonable Lands and Waste Grounds or any Part thereof (except the Copyholders in respect of their Copyhold Estates), to any other Person or Persons, then and in every such Case it shall be lawful for the said Commissioners and they are hereby required, upon the Request in Writing under the Hand or Hands of the said Vendor or Vendors respectively, to make an Allotment or Allotments of Land unto the Vendee or Vendees, Purchaser or Purchasers, in such Sales, Contracts, or Agreements respectively, and to his, her, or their respective Heirs, Executors, Administrators, and Assigns, for and in respect of such Right or Rights, Interest or Interests, and Property so sold or contracted and agreed to be sold as aforesaid; and every such Vendee and Purchaser, and his and her Heirs or Executors, Administrators or Assigns, shall and may from and after the Execution of the said Award, hold and enjoy the Land so to be allotted to him, her, or them respectively as aforesaid, in the same Manner to all Intents and Purposes as the Vendor or Vendors in every such Sale, Contract, or Agreement, might, could, or of right ought to have held and enjoyed the same in case such Sale, Contract, or Agreement had not been made, or such Right, Interest, or Property had been vested in such Vendor or Vendors respectively at the Time of making the said Award as aforesaid, but subject nevertheless to all Incumbrances affecting the same, and to the Charges and Expences of the said Division and Allotment.

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

XXIX. And be it further enacted, That the said Commissioners shall and they are hereby empowered by Writing or Writings under their Hands to ascertain and order what Recompence in Money shall be paid, and by whom, to any Occupier or Occupiers of the Arable Lands by this Act intended to be divided and allotted, which shall be left planted with Clover or other Grass Seeds, or which shall during the Summer of the Year One thousand eight hundred and nine have lain fallow, or have been folded or dunged, for the Profit and Advantage which any Person or Persons, to whom the said Lands so planted, fallowed, folded, or dunged, shall be

Recompence for Lands planted or fallowed.

[*Loc. & Per.*]

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allotted,

allotted, will obtain thereby; and if such Recompence shall not be paid at the Time appointed by such Commissioners, then the said Commissioners shall and may, by Warrant or Warrants under their Hands and Seals, cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons required to make such Recompence as aforesaid, together with the Costs and Charges of every such Distress and Sale, rendering the Overplus (if any) upon Demand to the Owners of such Goods and Chattels.

Commissioners
to direct the
Courte of Hus-
bandry.

XXX. And be it further enacted, That in the mean Time, and until the said Division and Allotment shall be made and perfected, all the Tillage, Pasture, or other Lands intended to be divided and allotted, shall be stocked with such Cattle, and sown by the respective Owner or Owners, Occupier or Occupiers thereof, with such Sort of Corn, Grain, or Grasse- Seeds, and shall be kept, ordered, tilled, and continued in such Course of Husbandry as the said Commissioners by any Writing or Writings under their Hands in that Behalf shall award, order, direct, or appoint, any Usage or Custom of Stocking or Sowing to the contrary notwithstanding; the Expences of such Tillage and sowing with Corn, Grain, or Grasse- Seeds, and all such other Expences as shall be occasioned by any Order of the said Commissioners, shall be duly ascertained and apportioned by them upon the several Persons who shall in the Judgement of the said Commissioners be benefited thereby, in such Manner as the said Commissioners shall think reasonable, and shall in Default of Payment be recovered in like Manner as the Costs and Charges of passing this Act and of carrying the same into Execution are to be recovered.

Commission-
ers to extin-
guish or sus-
pend Rights of
Common.

XXXI. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby required, at such Time hereafter as they in their Judgement shall think convenient and necessary, by Notice for that Purpose to be given in the Manner before mentioned, to suspend or totally extinguish all or any Part of the Rights of Common in and over the said Lands and Grounds, as well the Lammas Lands as all other the Lands and Grounds hereby directed to be divided and allotted; and from and after the Time to be prescribed in the said Notice, all such Rights of Common over the said Lands and Grounds as by such Notice or Notices shall be directed or declared to be suspended or extinguished, shall be suspended for such Time, or be utterly and for ever extinguished, as the said Commissioners shall in and by such Notice or Notices direct; and after such Suspension or Extinguishment of the said Rights of Common, if any of the said Owners, Proprietors, or Occupiers shall permit his, her, or their Cattle to go, depasture, or feed upon any of the Lands or Grounds the Right of Common over and upon which shall be so suspended (during such Suspension) or extinguished, it shall and may be lawful to and for any of the other of the said Owners, Proprietors, or Occupiers to distrain and impound the Cattle being upon the said Lands or Grounds contrary to the aforesaid Order or Notice, until the Person or Persons so offending shall pay unto the Person or Persons distraining the said Cattle any Sum not exceeding Ten Shillings for each Head of Cattle so distrained and impounded, to be determined by the said Commissioners at their next Meeting; and in case the same shall not be paid within such Time as the said Commissioners shall direct, then the said Commissioners shall and they are hereby authorized and empowered, upon Proof of the said Offence or Offences having been

been committed, and the Non payment of the Penalty imposed thereon, to cause the Cattle so distrained, or such Part thereof as they shall think necessary, or other Goods and Chattels of the Person or Persons so offending, to be sold for raising and paying the Penalty aforesaid, together with the Costs and Charges attending the Distress and Sale, rendering the Overplus (if any) upon Demand to the Owner or Owners of the said Cattle.

XXXII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered to direct, order, and award, all or any of the Streams, Springs, and Watercourses within the said Parish of *Long Wittenham*, to be conveyed and turned in such Courses, and through such Part or Parts of the Lands and Grounds hereby intended to be divided and allotted, as they shall think most beneficial and convenient for watering the new Allotments which shall be made in pursuance hereof: Provided always, that no Stream, Spring, or Watercourse as aforesaid, shall be diverted or turned without the Consent of the Owner or Owners of the Lands and Grounds from which the same shall be diverted or turned, or into whose Lands the same shall be diverted or turned.

Power to
turn Water-
courses.

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

Award to be
deposited.

XXXIV. And be it further enacted, That each of the said Commissioners who shall act in the Execution of the Powers and Authorities vested in them by this Act, shall be paid the Sum of Three Pounds and Three Shillings for every Day he shall so act or travel for the Purpose of acting, or be returning Home from acting, in full Satisfaction for the Trouble and Expence which he shall be put unto in the Execution of the said Powers and Authorities; and that the same, together with all Costs, Charges, and Expences of applying for, obtaining, and passing this Act, and the Costs and Charges of surveying, measuring, planning, dividing, valuing, and allotting the Lands and Grounds so intended to be divided and allotted, and of ring-fencing the said Rectorial and Vicarial Allotments, and of preparing, executing, and enrolling the Award of the said Commissioners, and other necessary Charges and Expences of the said Commissioners, and all other necessary Expences about and concerning the Premises, either before or after the Execution of the said Award, shall from Time to Time be borne, paid, and defrayed by and at the Expence of all the said Proprietors or other Persons interested in general (except the said Rector and Scholars and their Successors, and the said Vicar and his Successors, for or in respect of any Allotment or Allotments which shall be made to them respectively in lieu of Tythes and Glebe Lands, and also except the Trustees to whom any Allotment or Allotments shall be made for the Use of the Poor as herein-before mentioned) by a proportionate Rate or Rates, in such Shares and Proportions, and to be paid to such Person or Persons, and at such Time or Times, and in such Manner, as the said Commissioners shall at any Time or Times, by any Writing or Writings under their Hands previous to making their Award, or by their Award, order, direct, or appoint; and in case any Person herein-before made subject to the Payment of any Money towards such Costs, Charges, and Expences as aforesaid, shall refuse or neglect to pay his or her Share

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

or Proportion thereof within the Time to be appointed as aforesaid, or at any Time after upon Demand, the same shall and may be levied and recovered in the Manner directed by the said recited Act: Provided always, that the Rates, Shares, and Proportions of all the said Costs, Charges, and Expences to be paid for or in respect of the Leasehold and Copyhold Estates held under the said President and Scholars, and also the Expences of Ring-fencing the new Allotments to be made for such Estates, or any Part thereof by virtue of this Act, shall be paid, borne, and defrayed by and between the said President and Scholars and their Successors, and their said Lessees and Copyholders, or other Persons having any Estate or Interest in such Copyhold Estates by Custom or otherwise, in such Proportions as the said Commissioners shall adjudge and determine to be equal to their respective Interests in the said Copyhold and Leasehold Estates respectively.

Proprietors
or others
advancing
Money, to
be paid first
with Interest.

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

Power for
Saint John's
College to sell
their Allot-
ments.

XXXVI. And be it further enacted, That it shall be lawful for the said Commissioners, on Application being made to them in Writing by the President and Scholars of *Saint John's* College, aforesaid, under their common Seal, to sell all or any Part of the Allotment or Allotments to be made from or out of any of the said Lands or Grounds by virtue of this Act, to the said President and Scholars, for the Purpose of raising a Sum of Money sufficient to defray the Share and Proportion of the Costs, Charges, and Expences of obtaining and passing this Act, and executing the said recited Act and this Act, which shall be charged upon or payable by the said President and Scholars, either in respect of their own Estate, or of the Estate or Interest of any Person holding by, from, or under them, and of fencing, inclosing, and subdividing such Allotment or Allotments, and of making and completing such Sale; and such Sale shall be made by the said Commissioners in such and the same Manner, and subject to such and the like Rules and Regulations as are mentioned and prescribed in and by the said recited Act, in respect to the Sale of any Lands authorized to be sold for paying the Expences of obtaining and carrying into Execution any Act for dividing, allotting, and inclosing any Lands and Grounds; and each and every Allotment for which the full Purchase Money shall be paid, shall be conveyed by the said Commissioners at the Expence of such Purchaser or Purchasers, unto and to the Use of or in Trust for such Purchaser or Purchasers, and his, her, or their Heirs respectively, or as he, she, or they shall appoint, and shall be inclosed and held by such Purchaser or Purchasers respectively in Severalty; and the Receipt of the said Commissioners shall be a good and sufficient Discharge to such Purchaser or Purchasers for the said Purchase Money, which shall be applied by the said Commissioners in or towards defraying such last-mentioned Costs, Charges, and Expences; and if any Surplus shall remain in the Hands of the said Commissioners the same shall be applied and disposed of by them in Manner directed by the said recited Act, with respect to Money which is thereby directed to be paid into the Bank of *England* for the Purchase
or

or Exchange of any Lands, Tenements, or Hereditaments to be settled to the same Uses, or of any Timber or Wood growing thereon, and which ought to be laid out in the Purchase of other Lands, Tenements, and Hereditaments as therein mentioned: Provided always, that it shall not be lawful to raise by such Sale any further or greater Sum of Money than is allowed to be raised, borrowed, or charged upon any Estate or Estates for such Purposes as aforesaid, under or by virtue of the said recited Act: Provided also, that in case any Land shall be deducted from the Allotment or Allotments of the said President and Scholars, for the Payment of such Expences as aforesaid, it shall not be lawful for the said President and Scholars, or their Successors, to charge their Lands, Tenements, or Hereditaments, by virtue of the said recited Act or this Act, with any Money for the Payment of such Expences.

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

Power to borrow Money.

[Loc. & Per.]

24 C

after

afterwards becoming possessed of or entitled to any such Lands, Tenements, or Hereditaments, shall be liable to pay any further or larger Arrear of Interest than for Six Calendar Months preceding the Time when the Title to such Possession shall have commenced; and that every such Charge, Grant, Mortgage, Surrender, Lease, or Demise shall be good, valid, and effectual in the Law, and shall have Priority to all other Incumbrances.

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

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

Commissioners to account.

XXXIX. And be it further enacted, That Once in every Year during the Execution of this Act, (such Year to be computed from the Day of the passing thereof), the said Commissioners shall and they are hereby required to make a true and just Statement or Account of all Sums of Money by them received and expended or due to them for their own Trouble and Expences in the Execution of this Act, and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by them laid before any Two or more of His Majesty's Justices of the Peace for the County of *Berks* (not interested in the said Division, Allotment, or Inclosure), to be by them examined and balanced, and such Balance shall be by such Justices stated in the Book of Accounts to be kept in the Office of the Clerk to the said Commissioners, and that no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed by such Justices.

Persons aggrieved may appeal to the Quarter Sessions.

XL. And be it further enacted, That if any Person or Persons, Body or Bodies Politic or Corporate, shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this or the said recited Act, then and in every such Case (except where the Orders and Determinations of the said Commissioners are directed to be final and conclusive, and except in such Cases where an Issue at Law shall be tried as herein-before directed) he, she, or they may appeal to the General Quarter Sessions of the Peace which shall be holden in and for the said County of *Berks*, within Six Calendar Months next after such Cause of Complaint shall have arisen, on giving to the said Commissioners, and to the Party or Parties concerned, Twenty Days Notice of such Appeal, and of the Matter thereof, and the Justices, not being interested in the Premises, at the said General Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and make such Orders therein, and to award such Costs and Damages as to them in their Discretion shall seem reasonable, and by their Warrant to levy the Costs and Damages which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering

rendering the Overplus (if any) upon Demand to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale; which Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed by *Certiorari* or any Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, and without Foundation, then the said Justices shall award such Costs to be paid by the Appellant as to them in their Discretion shall seem reasonable, and to be levied in Manner aforesaid.

XLI. Provided always, and it is hereby further enacted, That nothing in this Act contained shall prejudice, lessen, or defeat the Right, Title, or Interest of the Lords of the said Manor of *Long Wittenham*, or of any Manor or Lordship or reputed Manor or Lordship within the Jurisdiction or Limits whereof the said Lands or Grounds hereby directed to be divided and allotted, or any Part or Parts thereof, are situate, lying, and being, of, in, or to the Seigniories, Royalties, or other Manorial Rights of or belonging to the said Manor or Manors, but that the Lords for the Time being shall and may at all Times hereafter hold and enjoy all Courts Leet, Courts Baron, or Customary Courts, or other Courts, Rents, Chief Rents, Quit Rents, and other Rents, Services, Rights, Royalties, Perquisites, and Profits of Courts, Reversions, and all other Jurisdictions and Privileges to the said Manor or Manors, incident, appendant, or appertaining (save only their Right of Soil in the Open and Common Fields, Common Meadows, Common Pastures, Commonable Lands, and Waste Grounds of the said Manor or Manors, or the Inheritance in the Waste Lands), in as full, ample, and beneficial Manner to all Intents and Purposes whatsoever, as they could, ought, or might have held and enjoyed the same before the passing of this Act, in case the same had never been made.

Saving Manorial Rights.

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

General Saving.

XLIII. 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.

Printed Copy as Evidence.

