



ANNO QUINQUAGESIMO

# GEORGII III. REGIS.

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## Cap. 9.

An Act for inclosing Lands in the Township or Hamlet of *Chieveley*, in the Manor and Parish of *Chieveley*, in the County of *Berks*. [21st March 1810.]

**W**HEREAS there are in the Township or Hamlet of *Chieveley*, within the Manor and Parish of *Chieveley* in the County of *Berks*, certain Open and Common Fields, Common Pastures, and other Commonable Lands and Waste Grounds, computed to contain Six hundred Acres or thereabouts: And whereas *William Capel* Esquire and *John Thomas Wasey* Esquire are Lords of the Manor of *Chieveley* aforesaid, and are also seised of and entitled unto the Advowson, Right of Patronage, and Presentation, of, in, and to the Vicarage of the Parish and Parish Church of *Chieveley* aforesaid; and are likewise seised or possessed of the Rectory or Parsonage of *Chieveley* aforesaid: And whereas *John Pocock* Gentleman is Owner of the Great or Rectorial Tithes arising, renewing, and increasing within certain Parts of the said Township or Hamlet: And whereas the Reverend *George Wyld* Clerk, Master of Arts, is Vicar of the Parish and Parish Church of *Chieveley* aforesaid, and in Right of his said Vicarage is seised of certain Glebe Lands and Rights of Common in and over the said Open and Common Fields, and is entitled to the Tithes of Corn, Grain, and Hay, and other Great Tithes yearly arising, renewing, or increasing of and from certain other Parts of the Township or Hamlet aforesaid, and is also entitled to the Tithes of all Wood Ground, and to all the Small or Vicarial Tithes

[Loc. & Per.] 3 B



Advantage of  
Inclosure.

Commission-  
ers.

Umpire to be  
appointed.

Tithes and Dues yearly arising, renewing, or increasing within the same: And whereas the said *William Capel, John Thomas Wasey, John Pocock, Giles Adnams*, and divers other Persons, are seised or possessed of, or otherwise entitled to the Residue of the said Open and Common Fields, Common Pastures, and other Commonable Lands and Waste Grounds, and they or some of them are or claim to be entitled to, and do enjoy Common of Pasture for their Cattle in and over the same, or some Part thereof respectively: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas the Lands of the respective Proprietors in the said Open and Common Fields lie intermixed and dispersed in small Parcels, and in their present State are incapable of any considerable Improvement; and it would be very advantageous and beneficial to the several Persons interested in the said Open and Common Fields, Common Pastures, and other Commonable Lands and Waste Grounds, if the same were divided, and specific Parts and Shares thereof allotted and awarded unto and amongst the several Proprietors thereof in Severalty, in lieu of and in proportion to their several and respective Lands, Rights of Common, Tithes, and other Rights and Interests therein, and certain Parts thereof inclosed; but such Division, Allotment, and Inclosure cannot be effected without the Aid and Authority of Parliament: 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 all the said Open and Common Fields, Common Pastures, and other Commonable Lands and Waste Grounds within the said Township or Hamlet of *Chieveley* shall, as soon as conveniently may be after the passing of this Act, be divided, allotted, and inclosed in Manner herein-after mentioned; and that *Richard Richardson of Lincoln's Inn Fields* in the County of *Middlesex*, and *George Barnes of Andover* in the County of *Southampton*, Gentlemen, and their Successors, to be elected in Manner herein-after directed, shall be and they are hereby appointed the Commissioners for dividing, allotting, and inclosing the said Lands and Grounds, and for carrying this and the said recited Act into Execution, save and except such Parts of the said recited Act as are hereby varied or altered.

II. And, for the Purpose of settling and determining any Difference or Dispute that may arise between the said Commissioners, touching or concerning any of the Matters and Things to be by them done and performed in pursuance of the said recited Act or of this Act, be it further enacted, That the said Commissioners shall and they are hereby required (immediately after their taking and subscribing the Oath or Affirmation by the said recited Act directed to be by them taken and subscribed) by Writing under their Hands to choose, nominate, and appoint some proper and skilful Person (not interested in the said Lands) who shall be willing and consent to act as an Umpire, and such Umpire is hereby authorized and required to hear and determine any such Difference or Dispute as may arise between the said Commissioners, touching any Matter and Thing relating to the said Division and Inclosure; and the Judgment and Determination of the said Umpire (so far only as immediately relates to the Matter in Dispute)



pute) shall be deemed and considered to be the Judgment and Determination of the said Commissioners, and shall be final and conclusive upon the said Commissioners, and upon all other Persons concerned in the said Division and Inclosure, so far as the Acts of the said Commissioners are by the said recited Act or this Act made final and conclusive: Provided always, that in case the Person so nominated and appointed by the said Commissioners as Umpire shall die or refuse to act or become incapable of acting in the Execution of the said recited Act or this Act, then and in every such Case it shall be lawful for the said Commissioners to nominate and appoint one other fit and proper Person as Umpire in the Room and Stead of the Person so dying, refusing to act, or becoming incapable of acting in the Execution of the said recited Act or this Act, and so from Time to Time as often as any Person so nominated and appointed as Umpire shall die, or refuse to act, or become incapable of acting in the Execution of the said recited Act or this Act; and in case any such Umpire shall neglect to settle and determine any such Difference or Dispute within Ten Days next after the same shall have been referred to him by the said Commissioners, such Neglect shall be deemed and taken to be a Refusal to act within the Intent and Meaning of this Act.

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

Umpire to be sworn before he acts.

I *A. B.* do swear [*or, being one of the People called Quakers, do solemnly affirm*] That I will faithfully, impartially and honestly, according to the best of my Skill and Ability, execute and perform the Power and Authority reposed in me as Umpire, by virtue of an Act passed in the Fiftieth Year of the Reign of King George the Third, intituled, "An Act [*here insert the Title of this Act*] according to Equity and good Conscience, and without Favour or Affection, Prejudice or Malice to any Person or Persons whomsoever.

Oath.

' So help me GOD.'

Which Oath or Affirmation it shall be lawful for either of the said Commissioners to administer (who is hereby required to administer the same); and such Oath or Affirmation, when so taken and subscribed by such Umpire, shall be annexed to and enrolled with the Award of the said Commissioners.

IV. And be it further enacted, That in case the said *Richard Richardson* shall die, neglect or refuse to act or become incapable of acting as a Commissioner as aforesaid, the said *William Capel* and *John Thomas Wasey* shall and may by any Writing under their Hands within Thirty Days next after such Death, Neglect, Refusal or Incapacity as aforesaid, nominate and appoint a proper Person (not interested in the said intended Division and Allotment) to be a Commissioner in the Room of the said *Richard Richardson*; and in case the said *George Barnes* shall die, neglect or refuse to act, or become incapable of acting as a Commissioner in the Execution of this Act, the said *William Capel*, *John Thomas Wasey*, and *John Pocock*, and their Heirs respectively, and the Vicar of *Chieveley* aforesaid for the Time being, by any Writing under their or Three of their Hands, within the Time aforesaid, shall and may nominate and appoint a proper Person (not interested in

Appointment of new Commissioners.

the intended Division and Allotment) to be a Commissioner in the Room of the said *George Barnes*; and in case of the Death of any Person so nominated and appointed a Commissioner in the Room of any Commissioner who shall die, neglect or refuse to act, or become incapable of acting as aforesaid, the said Person or Persons respectively by whom such Commissioner was appointed, shall in like Manner appoint another Commissioner in his Room, and so as often as any Vacancy shall happen by such Death, Neglect, Refusal or Incapacity as aforesaid; but if the said *William Capel* and *John Thomas Wafey*, or the said other Person or Persons, shall neglect to make such Appointment as aforesaid within the Time aforesaid, then and as often as the Case shall happen the surviving or remaining Commissioner shall, within Fourteen Days after the Expiration of the Time herein-before allowed for appointing a Commissioner in case of any Vacancy, appoint another Commissioner in the Room of such Commissioner so dying, neglecting, refusing or becoming incapable to act as aforesaid, and every such new Commissioner so to be nominated and appointed as before directed shall, from and immediately after their respective Appointments and taking the Oath prescribed by the said recited Act, have such and the like Powers and Authorities for putting this Act in Execution as if he or they had been named and appointed a Commissioner or Commissioners in this Act.

Power to appoint a Clerk.

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

Orders and Proceedings to be entered in a Book.

VI. And be it further enacted, That all Orders, Proceedings, and Determinations of the said Commissioners, at any of their Sitzings, to be held in pursuance of this Act, (or the said recited Act), shall be entered in a Book or Books to be provided for that Purpose, and shall be signed by the said Commissioners at such Sitting, and being so signed shall be deemed and taken for 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.

Commissioners to give Notice of their Meetings.

VII. And be it further enacted, That the said Commissioners shall and they are hereby required to cause Notice to be given in the Newspaper called *The Reading Mercury and Oxford Gazette*, or in some other Newspaper published or circulated in the said County of *Berks*, and also in Writing to be affixed on one of the principal Doors of the Parish Church of *Chieveley* aforesaid of the Time and Place of their first and every other Meeting for the Execution of this Act, at least Ten Days before every such Meeting (Meetings by Adjournment only excepted); and that all Meetings of the said Commissioners shall be held within the Parish of *Chieveley* aforesaid, or within Eight Miles thereof: Provided always, that if at any Meeting



Meeting appointed to be holden as aforesaid only One of the said Commissioners shall attend, such Commissioner may adjourn such Meeting to such Time and Place, within Eight Miles of the Parish of *Chieveley* aforesaid, as he shall think most convenient; and if no Commissioner shall attend, it shall be lawful for the Clerk to the said Commissioners to adjourn such Meeting for any Time not exceeding Twenty-one Days, and to the Place last appointed.

VIII. And be it further enacted, That all other Notices necessary or requisite to be made and given by the said Commissioners shall be so made and given either by Advertisement in the said Newspaper called *The Reading Mercury and Oxford Gazette*, or in some other Newspaper circulated in the said County of *Berks*, or by affixing the same on one of the principal Doors of the said Parish Church.

Other Notices  
how to be  
given.

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

Commission-  
ers to settle  
Disputes.

X. And be it further enacted, That in case the said Commissioners or the said Umpire shall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of this Act or the said recited Act, see Cause to award any Costs, it shall be lawful for the said Commissioners and the said Umpire, and they and he are and is hereby empowered, upon Application made to them 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 over-ruled; and in case the Person or Persons who shall be liable to pay such Costs and Charges shall neglect or refuse to pay the same on Demand, then and in such Case it shall be lawful for the said Commissioners or the said 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.

Power to  
assess Costs.

[Loc. & Per.]

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XI. Provided



Allowing Parties to try their Rights by an Issue at Law.

XI. 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 and Allotment, shall be dissatisfied with any Determination of the said Commissioners or the said Umpire, touching or concerning any Claim or Claims of the Right to the Soil of the said Commons and Waste Lands, or of any Rights of Common or Interest, in, over, or upon the Lands and Grounds hereby directed to be divided and allotted, or any Part thereof, it shall and may be lawful to and for the Person and Persons so dissatisfied to proceed to a Trial at Law of the Matter so determined by the said Commissioners or the said Umpire, at the then next or at the following Assizes to be holden for the said County of *Berks*, and for that Purpose the Person or Persons who shall be dissatisfied with the Determination of the said Commissioners or the said 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 Two Calendar Months next after such Determination of the said Commissioners or the said Umpire, and the Defendant or Defendants in such Action or Actions shall and he and 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 thereon, which it shall be lawful for the Court to do, as is usual in other Cases; and that after such Verdict or Verdicts shall be obtained and not set aside by the Court, the said Commissioners or the said Umpire shall and they and he are and is hereby required to act in conformity thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials: Provided always, that the Determination of the said Commissioners or the said Umpire, touching such Claim or Claims to such Common Rights or other Rights or Interests in, over or upon the said 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 at Law to be brought and proceeded in as aforesaid, shall be final and conclusive upon all Parties.

Suits not to impede Proceedings of Commissioners.

XII. Provided always, and be it enacted, That no such Difference, Suit, Action, or Proceeding as aforesaid, nor any Difference, Suit, Action or Proceeding, touching or concerning the Title to any Lands, Tenements, or Hereditaments shall in anywise delay or impede the said Commissioners or the said Umpire in the Execution of the Powers vested in them or him by the said recited Act and this Act, but the Division and Inclosure hereby directed to be made shall be proceeded in notwithstanding such Differences, Suits, Actions or Proceedings.

In Cases of Deaths of Parties before

XIII. Provided always, and be it further enacted, That if any Person or Persons in whose Favour any such Determination as aforesaid shall have



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

Actions brought, the same to be carried on and defended in their Names.

XIV. 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 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.

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

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.

Proceedings not to abate by the Deaths of Parties.

XVI. And be it further enacted, That the said Commissioners shall and they are 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 one of the principal Doors of the Church of *Chieveley* aforesaid, to order and direct the course of Husbandry that shall be used, in, over, and upon the said Open Fields and Waste and other Grounds hereby intended to be divided and allotted until the Time when they shall have completed the respective Allotments thereof, as well with respect to the plowing, sowing, fallowing, tilling, and laying down thereof 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 Township or Hamlet, for preventing them from plowing up or tilling any Meadow, Pasture, or fresh Ground, or committing any Waste or Destruction upon any Part of the said Lands or Grounds hereby intended to be divided and allotted, and in the mean Time and until the setting out, assigning and allotting thereof shall be completed

Commissioners to direct the Course of Husbandry.



completed as aforesaid; all which Rules, Orders and Regulations of the said Commissioners shall be binding and conclusive upon all the said Farmers and Occupiers and all other Persons interested therein, and the said Commissioners shall set and impose such Penalties and Forfeitures, not exceeding Twenty Pounds for each Offence, on every Person not conforming to such Rules, Orders, and Regulations as they shall think necessary, which Penalties and Forfeitures shall be paid to such Person or Persons and for such Uses and Purposes as the said Commissioners shall, by any Writing or Writings under their Hands or by their Award direct or appoint; and the said Commissioners are hereby authorized and required by Warrant or Warrants under their Hands, directed to any Person or Persons whomsoever, to cause the same Penalties and Forfeitures to be levied by Distress and Sale of the Goods and Chattels of such Offender or Offenders, together with the Costs and Charges of such Distress and Sale, rendering the Overplus (if any) upon Demand, to the Owner or Owners of such Goods and Chattels.

Commissioners may alter Roadsthrough ancient Inclosures.

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

The Lands liable to be allotted ascertained.

XVIII. And, for the better ascertaining what Lands shall be divided and allotted pursuant to this Act, be it further enacted, That all Fields or Inclosures containing the Estates of Two or more Persons within One Fence, whether such Estates belong to different Lords or Land Owners in Fee, or are held by any other Mode whatsoever, whereby the Duration or Interest is different or uncertain, shall be considered as Commonable Land, and be divided and allotted accordingly, and in such or any other Cases where Allotments are or shall be made to any Person or Persons holding Estates for different Terms under different Lords or Land Owners



Owners, or under the same Lord or Land Owner, the said Commissioners shall in their Award declare in lieu of which Estate the Allotment or respective Allotments shall be so made, and to which Estate the same shall severally belong.

XIX. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby required to enquire and determine what Inclosures have been taken from, and what Encroachments have been made upon the Lands and Grounds by this Act intended to be divided and allotted, or upon any Part or Parts thereof, and all such Inclosures taken or Encroachments made from or on any of the said Lands and Grounds, (save and except such as have been held and enjoyed for Twenty Years past without Interruption) shall be deemed and taken to be Part and Parcel of the Lands and Grounds to be divided and allotted under and by virtue of this Act, and shall be divided and allotted accordingly.

Commissioners to enquire as to Encroachments.

XX. And be it further enacted, That the said Commissioners shall and they are hereby required, before any Allotment or Allotments shall be made in pursuance of this Act, to set out and allot unto the respective Surveyors of the Highways of the Township or Hamlet aforesaid, and their respective Successors for the Time being, out of, from and upon any of the Lands and Grounds by this Act intended to be divided and allotted, One or more Plot or Plots, Allotment or Allotments of Ground in the said Township or Hamlet, for the Purpose of getting Stone, Gravel, and other Materials for the Repairs of the several public and private Roads and Ways within the said Township or Hamlet, as they the said Commissioners shall think necessary and proper for that Purpose, which said Allotment or Allotments shall be fenced in and inclosed, and the Fences thereof for ever maintained and supported in such Manner and by such Person or Persons in the said Township or Hamlet as the said Commissioners shall order or direct, which said Allotments respectively shall and may be annually set out at Rack Rent by the said Surveyors respectively, subject to such digging of Materials for the Reparation of the said Roads respectively, for the best Rents that can be gotten for the same, which said Rents shall be applied to the Repairs of the several Roads in the said Township or Hamlet for ever.

Allotment for Stone and Gravel Pits.

XXI. 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 *George Wyld* and his Successors Vicars of *Chieveley* aforesaid, such Plot or Plots, Parcel or Parcels of the Lands and Grounds hereby directed to be divided and allotted, as in the Judgement of the said Commissioners shall (Quantity, Quality, and Situation considered) be equal in Value to and a full Compensation for, all the uninclosed Glebe Lands and Rights of Common belonging or appertaining to the same, and that Two-third Parts at least of such Plot or Plots, Parcel or Parcels of the said Lands and Grounds so directed to be divided and allotted as aforesaid, (including Two small Meadows belonging to *Catherine Langley* and *Georgies* and *George Wernham*, in or adjoining to one of the Common Fields (called *The East Field*), shall be set out and allotted in the said *East Field* so as to adjoin the Vicarage House, Garden

Allotment to the Vicar for Glebe.

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and



and Premises, and to the aforesaid Two small Meadows; and which said Allotment or Allotments shall be subject to a proportionate Deduction for Roads, and the Allotment or Allotments for Quarries, as herein-before mentioned.

Allotment to  
the Impropri-  
ator in lieu of  
Great Tithes.

XXII. And be it further enacted, That the said Commissioners are hereby authorized and required, in the next Place, to set out and allot unto the said Impropriator of the Great Rectorial Tithes for and in lieu of all and singular the Great or Rectorial Tithes whatsoever, arising, happening, growing due, or payable from or out of such Parts of the said Open and Common Fields, Common Pastures and other Commonable Lands and Waste Grounds as are subject and liable to Great or Rectorial Tithes, to the said Impropriator, and by this Act intended to be divided and allotted, and also for and in lieu of all and singular the Great or Rectorial Tithes, Dues, and Payments whatsoever, arising, happening, growing due or payable, from or out of such of the Messuages, Tenements, Homesteads, and inclosed Arable, Meadow, and Pasture and other ancient Inclosures, within the said Township or Hamlet, so subject and liable to Great or Rectorial Tithes, to the said Impropriator as aforesaid, (the Owners whereof have Lands or Common Rights in the said Open and Common Fields, Common Pastures, and other Commonable Lands, and Waste Grounds, sufficient for that Purpose) such Plot or Plots, Parcel or Parcels of the said Lands and Grounds, by this Act intended to be divided and allotted, as in the Judgement of the said Commissioners making such Allotment or Allotments, (Quantity, Quality, and Situation considered) shall contain or be equal in Value to Two-ninth Parts of all the Arable Lands, and to One-ninth Part of all Meadow, Pasture, Down and Greenward Ground, within the Township or Hamlet aforesaid; subject to such Allotment or Allotments to the Vicar for and in lieu of Small or Vicarial Tithes as herein-after is mentioned, and also to a proportionate Deduction for Roads and Quarries, as herein-before mentioned.

Allotment to  
the Vicar in  
lieu of Great  
and Small  
Tithes over  
Lands subject  
to Great  
Tithes to him.

XXIII. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required, in the next Place to set out and allot unto and for the said *George Wyld* and his Successors, Vicars of the Parish of *Chieveley* aforesaid, for and in lieu of all and singular the Great and Small Tithes, and other Vicarial and Ecclesiastical Rights, Dues, and Payments whatsoever, arising, happening, growing due or payable from and out of such Part or Parts of the said Open and Common Fields, Common Pastures, and other Commonable Lands as are subject to Tithes of Corn, Grain, and Hay, and other Great Tithes to the Vicar, and by this Act intended to be divided and allotted; and also for and in lieu of all and singular the Great and Small Tithes, and other Vicarial and Ecclesiastical Rights, Dues, and Payments whatsoever, arising, happening, growing due, and payable, from or out of such of the Messuages, Tenements, Homesteads, and inclosed Arable, Meadow, Pasture, and Woodlands, and other ancient Inclosures, within the said Township or Hamlet, as are also subject to the Tithes of Corn, Grain, and Hay, and other Great Tithes, and the Tithes of Wood to the Vicar as aforesaid; (the Owners whereof have Lands or Common Rights in the said Open and Common Fields, Common Pastures, and other Commonable Lands, sufficient for that Purpose), such Plot or Plots, Parcel or Parcels of the said Lands and Grounds by this Act intended to be divided and allotted, as in the Judgement of the said Commissioners, (Quantity, Quality, and Situation considered) shall contain



tain or be equal in Value to Two-ninth Parts of all the Arable Lands, and to One-ninth Part of all the Meadow, Pasture, and Wood Ground within the Township or Hamlet aforesaid, so subject and liable to such Great and Small Tithes, or the Tithes of Wood, to the Vicar as aforesaid, after a proportionable Deduction for Roads and Quarries as aforesaid.

XXIV. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required, in the next Place, to set out and allot unto and for the said *George Wyld* and his Successors, Vicars of the Parish of *Chieveley* aforesaid, for and in lieu of all and singular the Small Tithes and other Vicarial and Ecclesiastical Rights, Dues, and Payments whatsoever, arising, happening, growing due, or payable, from or out of the Whole of the said Open and Common Fields, Common Pastures, and other Commonable Lands and Waste Grounds, by this Act intended to be divided and allotted, (except such Part or Parts thereof for which Allotments in lieu of Great and Small Tithes and the Tithes of Wood to the said *George Wyld* and his Successors as Vicars as aforesaid, have hereinbefore been directed to be made, but including the Allotments to be made to the said Impropiator as aforesaid, and also for and in lieu of all and singular the Small Tithes and other Vicarial and Ecclesiastical Rights, Dues, and Payments whatsoever, arising, happening, growing due, or payable, from or out of all the Messuages, Tenements, Homesteads, Gardens, Orchards, and inclosed Arable Grounds, Pastures, and other ancient Inclosures, within the said Township or Hamlet, except as aforesaid the Owners whereof have Lands or Common Rights in the said Open and Common Fields, Common Pastures, and other Commonable Lands and Waste Grounds sufficient for that Purpose), such Plot or Plots, Parcel or Parcels of the said Lands and Grounds by this Act intended to be divided and allotted, as in the Judgement of the said Commissioners (Quantity, Quality, and Situation considered), shall contain or be equal in Value to One Sixteenth Part of the Whole of the Open and Common Fields, Meadows, Pastures, and ancient Inclosures, (except as aforesaid), within the said Township or Hamlet, subject to a proportionate Deduction for Roads and Quarries as aforesaid: Provided always, that nothing in this Act contained shall prejudice, lessen, or defeat, the Right or Title of the said *George Wyld* and his Successors, Vicars as aforesaid, to any Mortuaries, *Easter* Offerings, or other usual Surplice Fees, but the same shall continue to be paid and payable as if this Act had not been made.

Allotment to the Vicar in lieu of Vicarial Tithes.

Mortuaries and Surplice Fees not to be affected by this Act.

XXV. And whereas the said *William Capel* and *John Thomas Wasey* are Owners and Proprietors of the Manor and Farm of *Bradley Court*, situate in the Tything of *Oare* in the said Parish of *Chieveley*, Part of which Farm consisting of a Close or inclosed Ground called the *Great Down*, containing Forty-four Acres or thereabouts of Arable Land, is subject and liable to the Payment of Great and Small Tithes to the Vicar of *Chieveley* aforesaid, and his Successors, and the Woodlands belonging to the said Farm are also subject to the Payment of Tithes to the said Vicar, and the Residue of the said Farm is subject and liable to the Payment of Small Tithes (except Hay) to the said Vicar and his Successors; and it would tend to the great Advantage and Convenience of the said Owners and Proprietors, and also the said Vicar and his Successors, if Land in the said Open and Common Fields in *Chieveley* aforesaid, was allotted and awarded in lieu thereof; be it therefore fur-

Allotment to the Vicar in lieu of the Tithes of *Bradley Court*.



ther enacted, That the said Commissioners shall, and they are hereby authorized and required, to set out and allot unto and for the said *George Wyld* and his Successors, Vicars of the Parish of *Chieveley* aforesaid, for and in lieu of all and singular the Great and Small Tithes and other Vicarial and Ecclesiastical Rights, Dues, and Payments whatsoever, arising, happening, growing due, or payable from and out of the said Close or inclosed Ground called the *Great Down* aforesaid; and for and in lieu of the Tithes of Wood and such Small Tithes as aforesaid, such Plot or Plots, Parcel or Parcels of the said Lands and Grounds by this Act intended to be divided and allotted, (whereof the said *William Capel* and *John Thomas Wasey* have sufficient for that Purpose) as in the Judgement of the said Commissioners making such Allotment or Allotments, (Quantity, Quality, and Situation considered), shall contain and be equal in Value to Two-ninth Parts of the said Close or inclosed Ground called the *Great Down*, to One-ninth Part of the said Woodland, and to One-twentieth Part of the Residue of the said Farm so subject to Small Tithes as aforesaid, and which said Close or inclosed Ground called the *Great Down*, and the Whole of the Farm aforesaid, called *Bradley Court*, shall from thenceforth stand and be for ever thereafter freed, exonerated, and discharged from all Tithes whatsoever to the Vicar of *Chieveley* aforesaid, and his Successors.

Power for  
Vicar to bor-  
row Money  
to make Sub-  
division  
Fences, and  
to erect  
Buildings.

XXVI. And be it further enacted, That it shall and may be lawful to and for the said *George Wyld* and his Successors, Vicars as aforesaid (with the Consent of the Lord Bishop of *Salisbury* and the Patrons of the said Vicarage for the Time being, signified by Writing under his or their Hand or Hands) from Time to Time to charge all and every the Lands and Grounds which shall be set out and allotted to him or them, or taken in Exchange by virtue of this Act, with any Sum or Sums of Money not exceeding One Year's nett Produce, in order to be paid to such Person or Persons, and to be applied and disposed of in such Way and Manner, in paying and defraying the Costs and Charges of making such Subdivision Fences, which may be necessary to be made in, upon, and across the several Lands hereby ordered and directed to be allotted and set out, to and for the said *George Wyld* and his Successors, Vicars as aforesaid, and to furnish the Occupiers thereof with such Buildings and Conveniencies as may be necessary for the Occupation of such Lands to be paid to such Person or Persons as the said *George Wyld* and his Successors for that Purpose shall nominate and appoint, in order to be applied and disposed of for the Purposes and in Manner aforesaid: And for securing the Re-payment of the said Sum or Sums so to be raised with Interest, to grant, mortgage, lease, or demise the said Lands or Grounds to be charged unto such Person or Persons, Bodies Politic or Corporate, who shall advance and lend the same for any Term or Number of Years; so as such Grant or Demise be made with a Proviso, to cease and be void or with an express Trust to be surrendered when such Sum or Sums of Money, to be thereby secured with the Interest thereof, shall be fully paid and satisfied; and the said Vicar and his Successors is and are hereby required and made liable to pay and keep down the Interest of the said Money, to be thereby secured, in such Manner that no Vicar afterwards becoming seized or possessed of the said Lands and Grounds, shall be subject and liable to pay any further or larger Arrear of Interest than One Year preceding the Time when the Title of such Vicar shall commence, and also to pay off and discharge annually Five Pounds *per Centum per Annum*, Part of the Principal so as aforesaid to be advanced,



to such Person or Persons, Bodies Politic or Corporate, who shall advance and lend the same, until the Whole of such Principal shall, by such Annual Payments and Instalments, be paid off and discharged.

XXVII. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required in the next Place, to set out and allot unto and for the Lords of the Manor aforesaid, as a Compensation for and according to their Rights and Interests in the Soil of the Common and Waste Lands within the said Township or Hamlet, such Part or Parts of the Lands and Grounds hereby directed to be divided and allotted, as in the Judgment of the said Commissioners shall be equal in Value to One-twentieth Part of the same Commons and Waste Lands.

Allotment to  
the Lords of  
the Manor.

XXVIII. And be it further enacted, That in case any Owner or Proprietor of any Messuages, Tenements, Cottages, Orchards, Gardens, Woodlands, Coppices, Spinnies, or Old Inclosures, within the Township or Hamlet aforesaid, which are titheable as aforesaid, shall not have sufficient Lands or Common Rights in the said Lands and Grounds by this Act directed to be divided and allotted to contribute any or a full Proportion to the Allotment to be made to the said Impropiator and the said *George Wyld* and his Successors, Vicars of *Chieveley* aforesaid respectively, for or in respect of their Great and Small Tithes respectively as aforesaid, then and in every such Case the said Commissioners shall and they are hereby authorized and required by and out of the Lands and Grounds hereby intended to be divided and allotted as aforesaid, to allot and award unto and for the said Impropiator and the said *George Wyld* and his Successors as Vicars of *Chieveley* aforesaid respectively, such Compensation in Land for the Tithes of any Messuages, Tenements, Cottages, Gardens, Orchards, Woodlands, Coppices, Spinnies, or old Inclosures within the Township or Hamlet aforesaid, for which Compensation in Land cannot be made by the Owners thereof as aforesaid, as in the Judgement of the said Commissioners shall be equal in Value (at and after the Rate and according to the respective Proportions herein-before mentioned) for the Tithes issuing and payable out of or from the said last mentioned Premises respectively; and that the Person or Persons whose Messuages, Tenements, Orchards, Gardens, and ancient Inclosures shall be exonerated and discharged from Tithes by such Compensation as last mentioned shall pay or cause to be paid unto such Person or Persons and at such Time or Times as the said Commissioners shall direct or appoint, such Sum and Sums of Money as the said Commissioners shall deem and adjudge to be a full Recompence and Satisfaction for the Lands so furnished for the Tithes of the said Messuages, Cottages, Tenements, Orchards, Gardens, Woodlands, Coppices, Spinnies or old Inclosures respectively last mentioned; which Sum or Sums of Money shall be applied towards or in Part Discharge of and Satisfaction for the Charges and Expences incident to and attending the passing and obtaining this Act and of the Expences attending the Execution thereof: Provided nevertheless, that in case the said Commissioners shall be of Opinion that Part of the inclosed Lands of such Owners or Proprietors should or ought to be set out for the Tithes of their said Messuages, Tenements, Cottages, Orchards, Gardens, Coppices, Woodlands, Spinnies, or old Inclosed Lands in lieu of any such Tithes, instead of charging such Owners or Proprietors thereof respectively with the Payment of any such Sum or Sums of Money as aforesaid; then the said Commissioners

Compensation  
for Tithes of  
Old inclo-  
sures, Home-  
steads, &c.

[*Loc. & Per.*]

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shall



shall and they are hereby authorized and empowered to set out such Parts of the said old inclosed Lands as shall in the Judgement of the said Commissioners be equal in Value (at and after the Rate and according to the respective Proportions herein-before mentioned) to the Land or Ground so to be set out and allotted to the said Impropiator, and the said Vicar respectively as herein-before directed, in lieu of the Tithes of the said Messuages, Tenements, Cottages, Orchards, Gardens, Coppices, Woodlands, Spinnies, or inclosed Lands of such Owners or Proprietors, and the Lands so to be set out from any such already inclosed Lands and Grounds shall be deemed Part of the Lands and Grounds to be divided, allotted, and inclosed within the said Township or Hamlet by virtue of this Act.

Application of  
Surplus Mo-  
ney.

XXIX. And be it further enacted, That in case any Surplus shall remain after Payment of such last mentioned 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.

Declaring  
what shall be  
Arable Land.

XXX. And be it further enacted and declared, That all such of the said Lands and Grounds as shall have been tilled or ploughed at any Time within Seven Years last past, shall for the Purposes of this Act be deemed and taken to be Arable Land.

Glebe and  
Tithe Allot-  
ments to be  
ring-fenced.

XXXI. And be it further enacted, That the several Allotments herein-before directed to be set out for the said Impropiator, and the said *George Wylde* as Vicar as aforesaid, in lieu of their Glebe, Common Rights and Tithes, and other Ecclesiastical Dues, and which shall be set out and allotted to them respectively, shall be inclosed and fenced in respectively, in such Manner as the said Commissioners shall direct, and such Parts of the Boundary Fences for inclosing the same as shall be directed to be made on the said Allotments respectively, shall be planted with good Whitethorn Quicksets, and when so planted shall be guarded on each Side thereof by good and substantial Posts and Rails, and in such Fences respectively there shall be a sufficient Number of Gates and Stiles or other necessary Fences, all which said Fences shall be planted, guarded, and protected, and the said Gates and Stiles or other necessary Fences aforesaid made and erected in the Manner to be directed by the said Commissioners, by and at the joint Charges and Expences of all the other Proprietors, to be ascertained and assessed in such Manner and in such Shares and Proportions as the said Commissioners shall by Writing under their Hands, or by their said Award, order and direct; and that from and after the making and completing such Hedges, Ditches, and Fences in Manner aforesaid, the same shall for the Term or Time of Seven Years after, be maintained, preserved, and kept in Repair by and at the Expence, Costs, and Charges, of the said other Pro-

prietors;



prietors; and from and immediately after the Expiration of the said Term or Time of Seven Years, that then such Hedges, Ditches, and Fences shall be maintained, preserved, and kept in Repair by and at the Expence, Costs, and Charges of the said Impropiator and the said *George Wyld* and his Successors as Vicars as aforesaid for the Time being respectively.

XXXII. And be it further enacted, That after the several Divisions and Allotments hereinbefore directed to be made shall have been allotted and set out in the Manner and for the Purposes hereinbefore directed, the said Commissioners shall set out and allot the Residue and Remainder of the said Open and Common Fields, Common Pastures, and other Commonable Lands and Waste Grounds hereby directed to be divided, unto and amongst the several Proprietors thereof and Persons interested therein, in such Quantities, Shares, and Proportions, and in such Manner as by the Commissioners shall be adjudged and determined to be a just and full Compensation and Satisfaction for, and equal to their several and respective Rights and Interests therein.

Allotments of the Residue of the Open Fields.

XXXIII. And be it further enacted, That all Tofts, Foundations or Scites of ancient Commonable Messuages or Cottages shall, upon Proof thereof being made to the Satisfaction of the said Commissioners, be considered and deemed as Commonable Messuages or Cottages respectively; and that the respective Owners thereof shall be entitled to the same Compensation for the respective Rights of Common originally belonging thereto as if such Messuages or Cottages had been still standing.

Allotments in lieu of Tofts.

XXXIV. Provided always, and be it further enacted, That nothing in this or the said recited Act contained shall extend or be construed to extend to oblige or compel any Person or Persons, Bodies Politic or Corporate, to whom any Allotment or Allotments of the said Open and Common Fields, Common Pastures, and other Commonable Lands and Waste Grounds, hereby directed to be divided and allotted shall be made by virtue of this Act, to fence or mound the same or any Part thereof; but in case any of the said Proprietors shall be desirous of fencing his or their Allotment or Allotments, and shall, within One Month after such Allotment or Allotments shall be staked and set out by the said Commissioners, signify such his, her, or their Desire in Writing under his, her, or their Hand or Hands, to the said Commissioners, then 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 every or any Proprietor or Proprietors, in inclosing and fencing, and in maintaining and preserving the Inclosure and Fences of any such Allotment or Allotments, and such Rules and Regulations shall be observed by and at all Times thereafter be binding upon all or any of the said Proprietors, or other Persons interested in the Lands and Grounds by this Act directed to be divided and allotted; 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 Purpose of this and the said recited Act; and the said Allotment or Allotments shall be fenced in, and the several Mounds and Fences for dividing and inclosing the same shall be made and for ever thereafter maintained and supported in such Manner as the said Commissioners shall in and by their Award order and direct.

This Act not to compel Inclosure of Arable Lands.

XXXV. And



Sheep or  
Lambs not to  
be depastured  
for Seven  
Years after  
the Execution  
of the Award.

XXXV. And be it further enacted, That it shall not be lawful for any Person or Persons to depasture or keep any Sheep or Lambs in any Part or Parcel of the said Open and Common Fields, Common Pastures, and other Commonable Lands and Waste Grounds hereby intended to be divided and allotted; during the Space or Time of Seven Years from the Execution of the Award of the said Commissioners, unless the Persons respectively so depasturing or keeping such Sheep or Lambs do at their own Expence effectually guard and fence all and every the Quicksets growing upon the respective Lands where such Sheep or Lambs shall be so depastured or kept, or upon the Lands adjoining thereto, so as to prevent any Damage or Injury being done to such Fences or Quicksets by such Sheep or Lambs.

Money to be  
paid for  
Fences in  
certain Cases.

XXXVI. And be it further enacted, That in case it shall happen that some of the Proprietors shall have a greater Proportion of Fences to make and maintain upon any of the Lands hereby directed to be divided, allotted, and inclosed, than in the Judgment of the said Commissioners such Proprietors of Allotments ought to be charged with (having due Regard to the necessary interior Fences) then and in every such Case it shall be lawful for the said Commissioners, where they shall judge it proper, to ascertain, appoint, and direct such Sum or Sums of Money to be paid to every such Proprietor towards making and maintaining such Fences, by such other of the said Proprietors who may have a less Proportion of Fencing.

Satisfaction to  
be made for  
growing  
Crops, and  
for tilling the  
Land.

XXXVII. And be it further enacted, That the said Commissioners shall 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 made to the Owner or Owners of any Crops growing upon the Lands and Grounds hereby intended to be divided and allotted, at the Time such Allotment and Division shall be made, for the said Crops, by the Person or Persons 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 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 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 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 any Land within the Township or Hamlet aforesaid, as well for ploughing, tilling, and manuring of 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 for any Loss or Disadvantage which any such Tenant or Tenants, Occupier



cupier 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 allotted; 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, it shall and may be lawful to and for the said Commissioners 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 are herein-before directed respecting the Recovery of any Sum or Sums of Money which may be awarded by the said Commissioners as Costs.

XXXVIII. And be it further enacted, That all and every Lease and Leases upon Rack Rent now subsisting of all and every or any Part or Parts of the Messuages or Tenements, old Inclosures, Lands or Grounds, Tithes, Hereditaments, and Premises hereby or by the said recited Act intended to be divided, allotted, exchanged or exonerated as aforesaid, and all Agreements for any Term or Terms of Years at Rack Rent or from Year to Year or at Will, shall cease and be void at such Time as the said Commissioners, by Writing under their Hands affixed upon the Church Door of the said Parish, shall direct, the respective Owners and Proprietors of the Hereditaments and Premises so let, making such Satisfaction in Money to such Lessee or Lessees as the said respective Owners and Proprietors, and their Lessee or Lessees, Tenant or Tenants, shall agree upon, or upon Application made by either Party in Writing to the said Commissioners, then as the said Commissioners shall order and direct to be paid to such Lessee or Lessees, Tenant or Tenants, as a reasonable Equivalent and Satisfaction for the Loss or Losses he, she, or they shall respectively suffer on Account of the Determination of such Lease or Leases, Agreement or Agreements as aforesaid, proper Allowance being made for such Conditions in the same as have not been fulfilled by the Lessee or Lessees; and if the Money so to be paid as aforesaid shall not be paid to the Person or Persons entitled to receive the same, within Twenty-eight Days after Demand thereof in Writing under the Hand or Hands of the Person or Persons to whom the same shall be payable, it shall and may be lawful to and for the said Commissioners, and they are hereby required to raise and levy the same for the Use and Benefit of the Person or Persons entitled thereto, by such Ways and Means as are herein-before directed respecting the Recovery of any Sum or Sums of Money which may be awarded by the said Commissioners as Costs; and that if there shall be any Lease of Lands, Part of which shall lie in the Township or Hamlet aforesaid, and Part in any adjoining Parish, Township or Hamlet, all and every such Lease or Leases upon Rack Rent, and all such Agreements as aforesaid now subsisting, shall be vacated.

Leases at  
Rack Rent to  
be void.

XXXIX. Provided also, and be it further enacted, That nothing in this Act contained shall extend to set aside or make void any beneficial Lease or Leases from any Bodies Politic or Corporate, or other Person or Person, of any Lands, Tenements, Tithes, or Hereditaments in the Township or Hamlet aforesaid, to any Person or Persons whomsoever, but the Person or Persons entitled to such beneficial Lease or Leases shall and may hold and enjoy his, her, or their several and respective Allotments of such Lands, Tenements, Tithes or Hereditaments for his, her, or

Not to vacate  
beneficial  
Leases.

[*Loc. & Per.*]

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their



their several and respective Terms, and under the same Rents and Covenants as is or are specified in his, her, or their respective Leases from the same Bodies Politic or Corporate, or other Person or Persons, to him, her, or them respectively.

Persons selling  
Rights before  
Execution of  
the Award.

XL. Provided always, and be it further enacted, That if any Person hath sold, or contracted or agreed to sell, or shall at any Time before the Execution of the said Award sell, or contract or agree to sell his or her Right, Interest, or Property, in, over or upon the Lands and Grounds hereby intended to be divided and allotted, or any Part thereof, to any other Person, then and in every such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required to make an Allotment of Land unto the Vendee or Purchaser, or to his or her Heirs, Executors, Administrators or Assigns, for and in respect of such Right, Interest and Property so sold.

Commission-  
ers to allot to  
Purchasers.

Power to  
make Ex-  
changes.

XLI. 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 Township or Hamlet, in lieu of and in Exchange for any other Lands, Tenements, or Hereditaments whatsoever within the said Parish of *Chieveley*, or within any adjoining Township, Parish, 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 Lives, or in Fee Tail General or Special, or by the Curtesy 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, Husbards, 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 Law, to all Intents and Purposes whatsoever; such Exchanges to take place at such Times certain or contingent as the said Commissioners shall in and by their Award order, declare, and direct: Provided nevertheless, that no Exchange shall be made of any Lands, Tenements, or Hereditaments held in Right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent testified as aforesaid of the Patron thereof, and of the Lord Bishop of the Diocese in which such Lands, Tenements, or Hereditaments so to be exchanged shall lie and be situate.

Commission-  
ers to make  
Partition.

XLII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered to make Partition of any Messuages, Tenements, Lands, or other Hereditaments within the said Township or Hamlet, and the Tithing of *Oare* aforesaid, belonging to any Person or Persons as Coparceners, Joint Tenants, or Tenants in



in Common, so that every such Partition be made upon Application from and by the Consent and Approbation of any one of the Proprietors thereof or Persons interested therein, and be signified in Writing under his, her, or their Hand or Hands, or under the Hands of the Guardians, Trustees, Committees, or Attornies duly authorized of such of the Proprietors or Persons interested as are under Coverture, Minors, Lunatics, or beyond the Seas, or any other Disability or Incapacity of acting for themselves, and be specified in the Award of the said Commissioners, and every such Partition shall be good, valid, and effectual to all Intents and Purposes whatsoever.

XLIII. And be it further enacted, That all Costs, Charges, and Expences attending the making of any Exchange or Partition to be made by virtue of the said recited Act or this Act shall be paid, borne, and defrayed by the several Persons making such Exchanges and Partitions (other than the said Impropiator, and the said *George Wyld* and his Successors as Vicars aforesaid respectively, for and in respect of their Glebe and Tithes respectively) in such Manner and in such Proportions as the said Commissioners shall, by their said Award, or any other Writing under their Hands, order and direct, and shall be recovered in the same Manner as is herein-before directed respecting the Recovery of any Sum or Sums of Money which may be awarded by the said Commissioners as Costs.

Expences of Exchanges by whom to be paid.

XLIV. And be it further enacted, That each of the said Commissioners and Umpire who shall act in the Execution of the Powers and Authorities vested in them by this Act, and their Clerk respectively, shall be paid the Sum of Three Pounds and Three Shillings for every Day they shall respectively so act or travel for the Purpose of acting, or be returning Home from acting, in full Satisfaction for the Trouble and Expence which they shall respectively 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 valuing, surveying, planning, and admeasuring the said old Inclosures and other Premises aforesaid, and of Ring-fencing the several Allotments for Glebe and Tithes, and of making the public Roads to be set out, and of preparing, executing, and inrolling 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 the said Lands and Grounds to be divided and allotted, and old Inclosures exonerated from Tithes by virtue of this Act (other than and except the said Impropiator, and the said *George Wyld* and his Successors Vicars of the said Parish, for or in respect of any Allotment or Allotments which shall be made to them respectively in lieu of Glebe and Tithes, and the respective Surveyors of the Highways in the said Township or Hamlet in respect of the Allotment or Allotments made for getting Materials for the repairing of the Highways within the same Township or Hamlet by virtue of this Act), in such Shares and Proportions, and to be paid to such Person

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



son 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 under their Hands to be affixed on the principal Door of the Parish Church of *Chieveley* at least Twenty Days before the Time of Payment, either before or after the Execution of their said Award, or by their said Award order, direct, or appoint; and in case any Person herein-before made subject to the Payment of any Money towards such Costs, Charges, and Expences as aforesaid, shall refuse or neglect to pay his or her Share or Proportion thereof, within the Time to be appointed as aforesaid, or any Time after, upon Demand, the same shall and may be leyied and recovered in the Manner directed by the said recited Act.

Proprietors  
and Agents to  
pay their own  
Expences.

XLV. Provided always, and be it further enacted, That the several Proprietors, their Attornies and Agents, shall pay their own Expences when they or any of them shall attend the said Commissioners at any of their Meetings to be held in pursuance of this Act.

Wills and Set-  
tlements not  
to be affected.

XLVI. And be it further enacted, That nothing in the said recited Act or in this Act contained shall extend or be construed to extend to revoke, make void, alter or annul any Will or Settlement, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Debts, Rents, or Incumbrances, out of, upon, or affecting any of the Messuages, Buildings, Lands, or Grounds to be divided, allotted, or exchanged as aforesaid, or any Part or Parts thereof respectively, but that the respective Persons to whom any Lands or Hereditaments shall be allotted or given in Exchange by virtue of this Act or the said recited Act, shall be seised thereof to such and the same Uses, and for such and the same Estates, and subject to such and the same Wills, Jointures, Rents, Charges, and Incumbrances and no other, as the Messuages, Buildings, Lands, Grounds, and Hereditaments whereof such Person was seised or possessed at or immediately before the Execution of the Award to be made by the said Commissioners, or for which or in respect whereof such Allotments or Exchanges shall be made, would have been subject to be charged with or affected by if this Act had not been made.

Deaths of the  
Parties not to  
prevent the  
Execution of  
the Act.

XLVII. And be it further enacted, That if any Proprietor or Proprietors, Person or Persons, interested in the said Division and Allotment, or in any Allotment to be made or Exchange to take place pursuant to this Act, shall die before the same be perfected, the Powers and Authorities herein contained 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 such Person or Persons who by Descent, Will, or otherwise would have been entitled to the same, in case such Allotment 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, and other Provisoos, 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.

Persons paying  
Money on ac-  
count of

XLVIII. And be it further enacted, That if any of the Proprietors or Persons interested in the Lands and Grounds hereby intended to be divided and allotted,



allotted, or any other Person or Persons shall advance and pay any Money in discharge of the Fees or other Expences of obtaining and executing this Act, the Money so paid and advanced shall be repaid and satisfied by the Direction of the said Commissioners, together with lawful Interest for the same, out of the first Money to be raised for defraying such Expences by virtue of this Act.

passing this Act, to be reimbursed with Interest.

XLIX. And be it further enacted, That Once at least in each Year during the Execution of this Act (such Year to be computed from the Day of the Commencement of this Act) 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 One or more of His Majesty's Justices of the Peace of the said County of *Berks*, to be by him or them examined and balanced, and such Balance shall be by such Justice or Justices stated in a 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 shall have been duly allowed by such Justice or Justices.

Commissioners Accounts to be laid before a Justice of the Peace.

L. 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 *Chieveley* aforesaid.

Award to be deposited.

LI. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Matter or Thing whatsoever which shall be done in pursuance of this or the said recited Act, other than and except such Orders, Determinations, Acts or Proceedings of the said Commissioners as are by the said recited Act or this Act directed to be final, binding, or conclusive, and also except such Claims, Matters, and Things as are herein directed or authorized to be tried, settled, or determined by the Verdict of a Jury or an Issue at Law, then and in every such Case he, she, or they may appeal to the Justices assembled at any 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, every such Appellant giving Ten Days Notice in Writing of such Appeal, and of the Matter thereof, to the said Commissioners and to the Party or Parties concerned, and the Justices (not interested in the Premises) in their General Quarter Sessions are hereby empowered and required to hear and determine the Matter of such Appeal, and to make such Order therein, and to award such Costs as to them in their Discretion shall seem reasonable; and by their Order or Warrant to levy or cause to be levied the Costs which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties ordered and made liable to pay the same, rendering the Overplus (if any) upon Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale; and the Order and Determination of the said Justices upon any such Appeal shall be final and conclusive to all Parties concerned, and shall not be subject or liable to be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

Appeal to Quarter Sessions.

[*Loc. & Per.*]

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LII. Provided



Saving Ma-  
norial Rights.

LII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to give unto the Lords of the said Manor, any further or other Manorial Rights, Title, or Interest than those they now are entitled unto, nor to defeat, lessen, prejudice or affect the Right, Title, or Interest of, in, or to the Rents, Services, Courts, Perquisites and Profits of Courts, Goods and Chattels of Felons and Fugitives, Felons of themselves and put in Exigent, Deodands, Waifs, Estrays, Forfeitures, and all other Royalties, Jurisdictions, Privileges, Preeminences, and Appurtenances whatsoever incident, belonging, or appertaining to the said Manor (other than and except those meant and intended to be barred, destroyed, or extinguished by virtue of this Act); but that the same and every of them shall remain and be enjoyed by the said Lords of the said Manor in as full, ample, and beneficial Manner, to all Intents and Purposes, as they could or might have held and enjoyed the same in case this Act had not been passed.

General Sav-  
ing of Rights.

LIII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every Person and Persons, Bodies Corporate and Politic, his, her, and their Heirs, Successors, Executors, and Administrators, all such Right, Title, Estate and Interest (other than those meant and intended to be barred and destroyed by this Act) as they, every, or any of them had and enjoyed of, in, to or out of the said Waste Lands, or any Part thereof, before the passing of this Act, or could or might have had or enjoyed in case this Act had not been made.

Declaring the  
Act to be  
public.

LIV. 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. 1810.