



ANNO QUINQUAGESIMO PRIMO.

# GEORGI III. REGIS.

\*\*\*\*\*

## Cap. 142.

An Act for inclosing several Open and Common Fields, Meadows, Pastures, and other Commonable and Waste Lands in the several Parishes of *Beenham* and *Padworth*, in *Berks*. [31st May 1811.]

**W**HEREAS there are within the several Parishes of *Beenham* and *Padworth*, in the County of *Berks*, divers Open and Common Fields, Common Meadows and Pastures, and other Commonable Lands and Grounds, containing together Five hundred and seventy-four Acres, or thereabouts: And whereas the King's most Excellent Majesty, in Right of his Crown, is Patron of the Rectory of *Padworth*, and *John Hemus* Doctor of Divinity, is the present Rector thereof, and as such intitled to the Rectorial and Vicarial Tythes yearly arising within the same Parish, and also to certain Glebe Lands within the same Parish: And whereas *Matthew Chitty Darby Griffith* and *William Congreve* Esquires, claim to be Lords of the Manor of *Padworth*, in the said County of *Berks*: And whereas the Reverend Sir *Charles Rich* Baronet, is Lord of the Manor of *Beenham*, in the said County of *Berks*, and is also Lay Impropiator of the Rectory of *Beenham*, and as such is intitled to the Rectorial or Great Tythes within the said Parish of *Beenham*, excepting only of and from a certain Farm called *Beenham Great Farm*, belonging to the Most Honourable the Marquis of *Downshire* and others: And whereas *Mary Stevens* Widow, is the Patron of the Vicarage of *Beenham*, and the Reverend *John Busnell* Clerk, is the present Vicar of the said Vicarage, and as such is intitled to the Vicarial Tythes arising within the same Parish, including the Tythes called or denominated by the Name of the Tythe of Black Straw, and is also intitled to certain Glebe Lands within the same Parish: And whereas the said Most Honourable the Marquis of *Downshire*, Sir *Charles Rich*, *Matthew Chitty*

[Loc. & Per.] 33 O

*Chitty Darby Griffith, William Congreve, and Frederick Page, and John Bostock Clerk, Master of Arts, Ann Hartley Widow, and Winchcomb Henry Howard Hartley, as Devisees under the Will of Winchcomb Henry Hartley deceased, William Stevens, and others, are Proprietors of Lands in the said Parishes of Beenham and Padworth: 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 and Grounds of the respective Proprietors in the said Open and Common Fields, Common Meadows, and Common Pastures, lie dispersed in small Parcels, and are inconveniently situated and intermixed with each other, and the Common Rights are so blended together that it has been found very difficult to ascertain and define the Boundaries of the said Parishes of Beenham and Padworth, and the same in their present State are incapable of any considerable Improvement, and it would be advantageous to the several Owners and Proprietors thereof if the same were divided and allotted unto and amongst them, according to their respective Rights and Interests therein, and such Allotments inclosed; but the Division, Allotment, and Inclosure, and Exoneration from Tythes, cannot be effected and carried into Execution without the Aid and Authority of Parliament; May it therefore please Your Majesty, that it may be enacted, and be 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 George Barnes, of Andover, in the County of Southampton, Gentleman, and John Davis, of Bloxham, in the County of Oxford, Gentleman, and their Successors, to be elected as hereinafter named, shall be, and they are hereby appointed Commissioners for the dividing, allotting, and inclosing the Open and Common Fields, Common Meadows and Common Pastures, within the said Parishes of Beenham and Padworth, and for other the Purposes of this Act, and the duly carrying the same into Execution, subject to the Rules, Orders, Directions, and Regulations of the said recited Act (except in Cases where the same are hereby varied or altered).*

Commissioners Allow-  
ance and  
other Ex-  
pences of the  
Act.

II. And be it further enacted, That each of the said Commissioners who shall act in the Execution of the Trusts and Powers vested in them by this Act, shall be paid the Sum of Three Guineas 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 Trusts and Powers, provided that no Commissioner shall be allowed to charge more than Two Days for travelling to any Meeting, nor more than one Day for returning therefrom; and that the same, together with all Costs, Charges and Expences of passing this Act, and the Costs and Charges of Surveying, admeasuring, planning, valuing, dividing, and allotting the Lands and Grounds so intended to be divided and inclosed, and also of surveying, admeasuring and planning the said Homestalls and ancient Inclosures in *Beenham*, and of preparing and inrolling the Award to be made by the said Commissioners, and other necessary Charges and Expences of the said Commissioners, and all other necessary Expences about and concerning the said Premises, shall be borne and defrayed in a proportionable

tionable Rate between the Proprietors of *Beenham* and *Padworth*, other than and except the said *John Hemus* Rector of *Padworth*, and the said *Sir Charles Rich* in respect of his Tythes, as Lay Impropiator of the said Parish of *Beenham*, and *John Bushnell* Vicar of *Beenham*, and shall be paid by all the said Proprietors and Owners in such Shares and Proportions, and to such Person or Persons, and at such Time or Times, and in such Manner as the said Commissioners shall in and by any Writing under their Hands, previous to their making their Award, or by their Award, order, direct and appoint.

III. And be it further enacted, That in case either of the said Commissioners hereinbefore named, or to be appointed as herein directed, shall, before the finishing and compleating of the said Division and Inclosure, die, refuse or neglect to act, or become incapable of acting in the Execution of this Act, then, and from Time to Time in every such Case, the surviving or remaining Commissioner shall, within Thirty Days next after such Death, Refusal, Incapacity or Neglect, by Writing under his Hand and Seal, with the Consent and Approbation of the Proprietors of Land in the said respective Parishes of *Beenham* and *Padworth*, or the Majority in Value of them (to be ascertained by the Land Tax Assessments) who may have been assembled at a public Meeting to be previously held in either of the Parish Churches of *Beenham* and *Padworth*, on Twenty-one Days public Notice thereof signifying their Assent thereto, to appoint another Commissioner, not interested in the said Division and Inclosure, in the Room of every Commissioner so dying, refusing, neglecting or becoming incapable of acting; and so from Time to Time, as often as any Commissioner shall die, or refuse or neglect to act, or become incapable of acting as aforesaid; and every Commissioner so to be appointed shall have such and the like Powers and Authorities for putting this Act into Execution, as if he had been appointed a Commissioner in and by this Act.

Appointment  
of new Com-  
missioners.

IV. And be it further enacted, That *Thomas Phillips*, of *Andover* aforesaid, Land-Surveyor, shall be, and he is hereby appointed Surveyor to the said Commissioners for making such Surveys, Admeasurement or Plan, and reducing the same into Writing, and specifying and setting forth such Particulars only as the said Commissioners may direct or require; and in case the said *Thomas Phillips* shall die, refuse or neglect to act, or be or become incapable of acting, the said Commissioners shall, and they are hereby required and authorized forthwith to elect and appoint another Surveyor in his Stead; and so from Time to Time, and as often as the Surveyor for the Time being shall die, refuse or neglect to act, or be or become incapable of acting.

Surveyor  
appointed.

V. And be it further enacted, That no Person shall act as such Surveyor until he shall have taken and subscribed the Oath or Affirmation following: that is to say,

I *A. B.* do swear [or, being one of the People called *Quakers*, do solemnly affirm] that I will faithfully, honestly and impartially, according to the best of my Skill and Ability, execute and perform the Powers and Authorities reposed in me as a Surveyor, by virtue of an Act passed in the Fifty-first Year of the Reign of King *George* the Third,

‘ Third, intituled, *An Act* [here insert the Title of this Act] according  
 ‘ to Equity and good Conscience, and without Favour or Affection, Pre-  
 ‘ judice or Partiality to any Person or Persons whomsoever.

‘ So help me GOD.’

Which Oath or Affirmation the said Commissioners, or either of them, are hereby authorized and required to administer; and the said Oath or Affirmation, so taken and subscribed by such Surveyor or Surveyors, shall be annexed to and inrolled with the Award of the said Commissioners.

Commissioners to give Notice of their Meetings.

VI. And be it further enacted, That the said Commissioners shall, and they are hereby required, to give public Notice in the Parish Churches of *Beenham* and *Padworth* aforesaid, upon some *Sunday* immediately after Divine Service, or by Notice in Writing to be affixed on one of the Church Doors of the said Parish Churches, or in the Newspaper called the *Reading Mercury*, of the Time and Place of their first Meeting for executing the Powers hereby vested in them, at least Fourteen Days before such Meeting, and shall in like Manner give Fourteen Days’ Notice of every subsequent Meeting for the like Purposes (Meetings by Adjournment only excepted); and in case both the said Commissioners shall not meet at the Time and Place appointed for any Meeting, or to which any Meeting shall be adjourned, it shall be lawful for the Commissioner present at such Time and Place, to adjourn the said Meeting to be held on any future Day, not exceeding Twenty-one Days from the Day of Adjournment; and the Commissioner making such Adjournment is hereby required to give timely Notice thereof to the absent Commissioner; and all the Meetings of the said Commissioners shall be held at some convenient Place within either of the said Parishes, or within the Distance of Eight Miles of the Boundaries thereof respectively.

Other Notices how to be given.

VII. And be it further enacted, That all other Notices necessary or requisite to be made or given by the said Commissioners, shall be made and given by Advertisement, to be inserted in the said Newspaper called the *Reading Mercury*, or in some other Newspaper printed or circulated in the said County of *Berks*.

Commissioners to appoint a Clerk or Clerks.

VIII. 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 the said Commissioners are hereby empowered, if they think necessary, to remove such Clerk or Clerks, and another, or others, to appoint in his or their Room, as to them shall seem meet.

For Appointment of an Umpire.

IX. And for obviating the Delays and Inconveniencies which might arise by any Difference of Opinion between the said Commissioners, touching any of the Matters and Things to be done in pursuance of this Act, be it enacted, That *John Slade*, of *Aston Upton*, in the said County of *Berks*; Gentleman, shall be, and he is hereby appointed to act as an Umpire concerning the Premises; and in case of any such Difference of Opinion between the said Commissioners as aforesaid, the same shall be referred to the Determination of the said *John Slade*, whose Judgment and Determination therein shall be deemed

and

and taken to be the Judgment and Determination of the said Commissioners.

X. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner or as Umpire in the Execution of this Act, until he shall have taken and subscribed the Oath or Affirmation following: that is to say, Umpire to take an Oath.

I *A. B.* do swear [*or*, being one of the People called *Quakers*, do solemnly affirm], that I will faithfully, honestly and impartially, according to the best of my Skill and Ability, execute and perform the Powers and Authorities reposed in me as a Commissioner or Umpire (as the Case may be), by virtue of an Act passed in the Fifty-first Year of the Reign of King *George* the Third, intituled, *An Act* [*here set forth the Title of this Act*] according to Equity and good Conscience, and without Favour or Affection, Prejudice or Partiality 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, and he is hereby required to administer the same; and such Oath or Affirmation, when so taken and subscribed by such Commissioners or Umpire, shall be annexed to and inrolled with the Award of the said Commissioners.

XI. 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 Allotments, 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 and Allotments, it shall and may be lawful for the said Commissioners or Umpire, and they or he are or is hereby authorized and required with all convenient Speed to proceed to hear and determine such Claims and Objections, and award accordingly: Provided always, that nothing in this Act contained shall authorize the said Commissioners or Umpire to determine the Title to any Manors, Messuages, Cottages, Lands, Tenements or Hereditaments whatsoever. Commissioners to determine Claims.

XII. Provided always, and be it further enacted, That the said Commissioners shall, and they are hereby empowered and required upon Request made 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 Award or Awards shall be made upon or against the Person or Persons whose Claim or Claims, Objection or Objections shall be thereby disallowed; and by Warrant under the Hands and Seals of such Commissioners, levy such Costs and Charges by Distress and Sale of the Goods and Chattels of such last mentioned Person or Persons, together with the Charges of such Distress and Sale. Commissioners to assess Costs.

XIII. 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 Allotments, shall be dissatisfied with any Determination of the said Commissioners or Umpire, touching or concerning any Claim or Claims of any Rights of Common or other Rights or Interests Allowing Parties to try their Rights by an Issue at Law.

terests in, over, or upon the Lands and Grounds hereby directed to be divided, allotted and inclosed, or any Part thereof, it shall be lawful for the Person or Persons so dissatisfied to proceed to a Trial at Law of the Matter so determined by the said Commissioners or Umpire at the 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 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 the Determination of the said Commissioners or Umpire shall be made; and the Defendant or Defendants in such Action or Actions shall, and he, she or they is and are hereby required to name an Attorney or Attornies, who shall appear thereto to file common Bail and accept one or more Issue or Issues, whereby such Claim or Claims and the Right or Rights thereby insisted on may be tried and determined (such Issue or Issues to be settled by the proper Officer of the Court in which the said Action or Actions shall be commenced, in case the Parties shall differ about the same; and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding and conclusive upon all and every Person and Persons whomsoever, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall be lawful for the Court to do, as is usual in other Cases; and after such Verdict or Verdicts shall be obtained, and not set aside by the Court, the said Commissioners and Umpire shall, and they are hereby required to act in Conformity thereto, and to allow or disallow the Claim or Claims thereby determined according to the Event of such Trial or Trials: Provided always, that the Determination of the said Commissioners or Umpire, touching such Claim or Claims of Rights or Interests in, over or upon the Lands and Grounds hereby directed to be divided, allotted and inclosed, or any Part thereof, which shall not be objected to, or being objected to the Party or Parties object- ing not causing such Action at Law to be brought and proceeded in as aforesaid, shall be final and conclusive upon all Parties.

Determina-  
tion of Com-  
missioners to  
be final if not  
objected to,  
or Action not  
brought.

Actions not  
to abate by  
Death of  
Parties.

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

Suits respect-  
ing Titles  
not to impede  
the Execu-  
tion of this  
Act.

XV. And be it further enacted, That if any Suit or Suits shall be commenced or prosecuted touching or concerning the Title of any Person or Persons, Body or Bodies Politic, Corporate or Collegiate, in or to any Manors, Messuages, Lands, Tenements or Hereditaments, within the said Parishes, or either of them, such Suit or Suits shall not impede, delay, hinder, or prevent the said Commissioners from proceeding in the Powers vested in them by this and the said recited Act; but the said Division, Allotment and Inclosure shall be proceeded in notwithstanding any such Suit or Suits, and may be had and taken by the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, who, upon the Determination of such Suit or Suits, shall become entitled to the same.

XVI. And

XVI. And be it further enacted, That if any of the Proprietors or Persons interested in the said intended Division and Inclosure, shall happen to die before the making of the Allotments, or the Execution of the Award of the said Commissioners, the Powers and Authorities in this Act contained shall not be determined or suspended; but the Share or Shares in the Premises of the Party or Parties respectively so dying, shall be allotted to the Person or Persons who shall, at the Time of making the Allotments or the Execution of the said Award, appear to the said Commissioners to be in the Possession of, or entitled to the same; and such Person or Persons shall be liable to the Charges and Expences and other Conditions of this Act, in like Manner as if he, she or they had been in Possession of, or entitled to the same at the Time of passing this Act.

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

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

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

XVIII. 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 of such Parties; 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 such Person or Persons, or recovered from such Person or Persons by Ejectment, or other due Course of Law.

Not to authorize Commissioners to determine Rights contrary to Possession.

XIX. And be it further enacted, That the said Commissioners shall and may turn, or divert, and stop up any ancient Carriage-Road or Way, Roads or Ways, or any Footway or Path, Footways or Paths, in, through, upon, or over any of the Lands or Grounds hereby directed to be divided, allotted and inclosed, or any of the inclosed Lands within the said respective Parishes of *Beenham* and *Padworth*, where they shall judge it requisite or expedient, whereof such Notice shall be given of a Day to be appointed by them to receive Objections, as in the said recited Act directed and required in case of setting out Roads, and observing the Directions of the said recited Act, as to the obtaining the

Stopping up old Roads.

the Concurrence and Order of Two Justices of the Peace previous thereto, and subject to an Appeal to the Quarter Sessions, as in the said recited Act mentioned.

Commissioners may break up Soil to search for Peat.

XX. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized and required, before they shall set out, allot and divide any of the Lands and Grounds hereby directed to be set out, allotted and divided, to break up, or cause to be broken up, the Soil of the same Lands and Grounds, in such Parts and Places thereof as they shall think proper, in order to search for the Peat and Peat-Earth, and the Depth and Extent thereof, Regard being always had, in making the Division and Allotments of the said Lands and Grounds, to the Quantity and Value of such Peat and Peat-Earth contained therein, and likewise to Situation and Convenience.

Allotment for Gravel Pits.

XXI. And be it further enacted, That the said Commissioners shall, and they are hereby required to set out and allot unto the Surveyors of the Highways in the said respective Parishes of *Beenham* and *Padworth*, and their Successors for the Time being, out of and from the Lands and Grounds by this Act intended to be divided, allotted and inclosed, one or more Allotment or Allotments of Ground for the Purpose of getting Gravel, and other Materials, for the Repairs of the public Roads in the said respective Parishes of *Beenham* and *Padworth*; which the Commissioners shall think proper and necessary for that Purpose; and such Parcels of Land shall be vested in the said Surveyor or Surveyors of the Highways of the said respective Parishes of *Beenham* and *Padworth*, for the Time being, upon Trust, and for the Purposes in the said recited Act and his Act mentioned.

Allotment to the Improprator and Vicar of Beenham for their Tythes of the open Fields and Commonable Grounds.

XXII. And be it further enacted by the Authority aforesaid, That as soon as the said Valuation and Survey are compleated, and the Claims of the Parties are settled and adjusted, the said Commissioners shall set out and allot unto and for the said Sir *Charles Rich*, his Heirs and Assigns, as Lay Improprator, and the said *John Bushnell* as Vicar of *Beenham* aforesaid, for and in lieu of their several and respective Improprate and Vicarial Tythes, yearly issuing, arising or renewing out of all and every the said Open and Common Fields, Common Meadows, Common Pastures, and Commonable Lands within the Parish of *Beenham* aforesaid, (and over and above such Allotment, as the said Improprator and Vicar shall or may be respectively entitled to in respect of their Glebe Land and Common Rights), and for and in lieu of all Dues, Payments and Compositions in lieu of such Tythes, such Plot or Plots of the said Lands or Grounds, as in the Judgment of the said Commissioners shall (Quality, Quantity, Situation and Convenience considered) be an Equivalent and Compensation for their respective Rights, Estates and Interests, as Lay Improprator and Vicar of *Beenham* aforesaid; which said Plots or Allotments shall be taken and deducted from and out of the respective Shares of the said Open and Common Fields, and other Commonable Lands, belonging to the several Persons whose Commonable Lands shall be exonerated from the said Tythes, or from or out of the Land to be allotted to them respectively in lieu of such Commonable Lands, and shall be in full Satisfaction and Discharge of and for the said several and respective Improprate and Vicarial Tythes issuing, arising, and renewing from

and



and out of the said Open and Common Fields, Common Meadows, Common Pastures, and other Commonable Lands within the said Parish of *Beenham*.

XXIII. And be it further enacted by the Authority aforesaid, That the said Commissioners shall also set out and allot to and for the said Sir *Charles Rich*, his Heirs and Assigns, as Lay Impropiator, and the said *John Busnell*, as Vicar of the said Parish of *Beenham*, and his Successors, Vicar of *Beenham*, for and in lieu of their several and respective Improprate and Vicarial Tythes, and Dues in lieu of Tythes, arising, renewing and increasing, or payable to them respectively, including the Tythe of Black Straw as aforesaid, out of, upon, or for all and every or any of the Homesteads, Gardens, Orchards, Closes or other old Inclosures within the said Parish of *Beenham*, belonging to the Owners and Proprietors of Lands by this Act intended to be divided and allotted, such Plots or Parcels of the said Lands so intended to be divided, allotted and inclosed, as in the Judgment of the Commissioners allotting the same, shall be a full and equivalent Compensation for such last-mentioned Tythes and Dues respectively; and then and from thenceforth the same several Proprietors respectively shall for ever hold and enjoy his, her and their said several Homesteads, Gardens, Orchards, Closes or other old Inclosures, absolutely freed and for ever discharged of and from all such Improprate and Vicarial Tythes as aforesaid.

Allotment to the Impropiator and Vicar for the Tythes of old Inclosures.

XXIV. Provided always, and be it further enacted, That notwithstanding any Thing herein contained to the contrary, in case any Proprietor or Proprietors of ancient inclosed Lands, in the Parish of *Beenham*, not entitled to an Allotment or Allotments of the said Lands and Grounds hereby intended to be inclosed and allotted respectively, sufficient in Value to compensate for the Rectorial and Vicarial Tythes of his, her or their ancient inclosed Lands, shall desire to give an adequate Part of such inclosed Lands, in order to exonerate the Residue thereof from the Payment of such Rectorial and Vicarial Tythes, and shall accordingly signify such his, her, or their Desire by Notice in Writing for that Purpose, under his, her or their Hand or Hands respectively, to be delivered to the said Commissioners, and the said Impropiator and Vicar respectively, within Two Calendar Months next after the first Meeting of the said Commissioners; then that the said Commissioners shall set out and allot unto and for the said Impropiator and Vicar as aforesaid, such Part or Parts of the ancient inclosed Lands of such last mentioned Proprietor or Proprietors, and in such Situation or Situations as shall, in the Judgment of the said Commissioners, Quantity, Quality and Situation considered, be equal in Value to the said Share or Proportion of the said Impropiator and Vicar respectively, of the Tythes of the same ancient inclosed Lands, which Part or Parts of the said ancient inclosed Lands so to be set out shall be, and the same is and are hereby declared to be a full Compensation and Satisfaction for all the Tythes or Portions of Tythes of or belonging to the said Impropiator and Vicar respectively, arising, growing, renewing, increasing, happening, or due or payable from, or out of, or in respect of the Residue of the ancient inclosed Lands of such last mentioned Proprietor or Proprietors respectively.

On Notice to Impropiator and Vicar, ancient inclosed Lands may be given in Satisfaction of Tythes.

Owners of ancient Inclosure not intitled to Allotments, sufficient to exonerate from Improprate and Vicarial Tythes to pay yearly Corn Rents.

XXV. Provided always, and be it further enacted, That if any Proprietor or Proprietors of ancient inclosed Lands or Rights of Common, who shall not be intitled to any Allotment or Allotments respectively from the Open Fields, Lands and Grounds hereby directed to be divided and inclosed, or whose Allotment or Allotments shall not be of sufficient Value to compensate for the said Rectorial and Vicarial Tythes of such ancient inclosed Lands, shall be desirous to make a Compensation for the said Rectorial and Vicarial Tythes, by an annual Money Payment (subject to Alteration or Increase as hereinafter mentioned), and shall signify, his, her or their Desire, by Notice in Writing under his, her, or their Hand or Hands respectively to the said Commissioners, within Three Calendar Months next after their first Meeting for carrying this Act into Execution; then, and in such Case, the said ancient inclosed Lands, or Allotment or Allotments of such last mentioned Proprietor or Proprietors respectively, shall be charged with and become liable to the Payment of such annual Sum or Sums of Money, as in the Judgment of the said Commissioners shall be a full Equivalent or Compensation for the said Rectorial and Vicarial Tythes respectively; which annual Payments shall respectively commence and be computed from such Time or Times as the said Commissioners shall, by Writing under their Hands, or by their Award, order and direct, and shall be made to the said Improprator and Vicar respectively for the Time being for ever, on the Feast Day of *Saint Thomas the Martyr* yearly, or at such other Times or Time as the said Commissioners shall, in and by such Writing as aforesaid, or in and by their said Award direct or appoint, and shall be and continue permanent, and not variable in Amount, for the Term of Seven Years from such Commencement; which annual Payment or Payments so to be directed, appointed, or awarded, shall be accepted and taken by the said Improprator and Vicar respectively, in lieu of and full Satisfaction for all Rectorial and Vicarial Tythes and Dues of what Nature soever, yearly or otherwise, growing, renewing or increasing out of and from the ancient inclosed Lands and Allotments, in respect of the Tythes whereof the said annual Payment or Payments shall be awarded as aforesaid; and the said Rectorial and Vicarial Tythes thereof shall, on the Day fixed by the said Commissioners, in and by such Writing or Award as aforesaid for the Commencement of the said annual Payment or Payments, cease, determine, and be no longer payable.

Progressive Compensation to the Improprator and Vicar.

XXVI. And be it further enacted, That in case of previous Notice in Writing from any Proprietor or Proprietors in *Beenham* aforesaid, under his, her or their Hand or Hands respectively, whether entitled to any Allotment or Allotments to be made by virtue hereof or not, to be delivered to the said Commissioners within Three Calendar Months next after their first Meeting, to be held pursuant to this Act, or at such other Time or Place as the said Commissioners shall appoint, that the Rectorial and Vicarial Tythes of the Estate or Estates of such Proprietor or Proprietors respectively do not admit of being extinguished in Land, but that a yearly Compensation for the same, by a Corn Rent, be ascertained and awarded to the said Improprator and Vicar respectively; then the said Commissioners shall make, or cause to be made, an exact Valuation, according to the best of their Judgment, of the annual Value of such Rectorial and Vicarial Tythes respectively; and after making such Valuation as aforesaid, shall ascertain from the *London Gazette*, or by such

such other Ways and Means as they shall think most proper, the Average Price of good marketable Wheat in the County of *Berks*, during the Term of Seven Years next preceding the Commencement of this Act; and also what Quantity of such Wheat shall, in the Judgment of the said Commissioners, according to such Average Price as aforesaid, be equal in Value to the said Rectorial and Vicarial Tythes arising and renewing, and which shall and may hereafter arise and renew out of and from the same Lands and Grounds respectively; and shall, by their Award or Instrument in Writing under their Hands and Seals, ascertain and set forth the Amount of the yearly Corn Rent to be paid to the said Impropiator and Vicar respectively for the said last mentioned Tythes; and that there shall be issuing and payable from Time to Time, and for ever thereafter, to the said Impropiator and Vicar respectively, such yearly Corn Rent or Sum of Money, out of the said last mentioned Lands and Grounds, as shall be by the said Commissioners set forth in their said Award as aforesaid, and which shall be equal in Value to the Quantity of Wheat so to be ascertained and set forth as aforesaid; which said yearly Rent shall be paid by the Owner or Owners for the Time being of the same Lands and Grounds, unto the said Impropiator and Vicar respectively for ever, upon such Day or Days in every Year as the said Commissioners shall by their said Award appoint and direct, subject to the Proviso hereinafter contained, for re-ascertaining the same every Seven Years, if required.

XXVII. Provided always, and be it further enacted, That it shall and may be lawful, as well for the said Impropiator and Vicar of *Beenharn*, and their Successors respectively for the Time being, as also for any one or more of the said Owners and Proprietors hereby made liable to the Payment of Corn Rents, and assessed to the Poor Rate at the Sum of Fifty Pounds or upwards yearly, at their respective proper Expence, by Writing under their respective Hands, to apply at the first Quarter Sessions of the Peace to be holden in and for the said County of *Berks*, in the Week after the Feast of *Easter* next, after the Expiration of Seven Years, to be computed from the making of the said Award by the said Commissioners, having given Notice of such intended Application in the *London Gazette*, and also in some Newspaper usually circulated in the said County of *Berks*, so long as any shall be published in the Month of *January* next preceding, to have Three Persons named and appointed by the Justices then and there assembled, to be Arbitrators or Referees for enquiring into and ascertaining, by Means of the *London Gazette*, or by such other Ways and Means as they shall think equitable or proper, the Average Price of a *Winchester* Bushel of good marketable Wheat within the County of *Berks* for the Seven Years then last past; which said Three Arbitrators or Referees, or the major Part of them, shall, by their Report, to be made and delivered to the Court of Quarter Sessions to be held in the first Week after the Feast of the *Translation of Saint Thomas the Martyr* then next ensuing, set forth such Average Price; and in case it shall by such Report appear that such Average Price of a Bushel of such Wheat is more or less than the Average Price thereof set forth in the said Award, by the Value of Three-pence, the said respective yearly Corn Rents, and the several Proportions thereof, shall be increased or diminished according to the same Proportion as the said Average Price shall appear to have increased or diminished, which shall be declared by the said Court; and the said several Rents shall, from the Half-yearly Day

For re ascer-  
taining the  
Corn Rent.

of

of Payment next after such Order, remain and continue issuing and payable as aforesaid out of the several Lands to be discharged therewith respectively by the said Award, until the same shall, at the End of Seven Years then next ensuing, be again varied, by such Application, and in such Manner as hereinbefore is mentioned; and so from Time to Time at the End of every Seven Years for ever.

Impropriator  
and Vicar  
may restrain.

XXVIII. And be it further enacted, That the said Impropriator and Vicar of *Beenham* aforesaid, and their Successors respectively, shall and may have and exercise such and the like Powers and Remedies for recovering the said Corn Rents, so to be originally fixed and ascertained, or to be from Time to Time re-ascertained as aforesaid, where the same shall respectively be in Arrear, together with the Costs and Charges thereby to be incurred against the Occupier or Occupiers of the Lands and Hereditaments, out of which the said Corn Rents are to be issuing, or of any Part thereof, or from, or out of the whole of the Lands and Hereditaments in the Possession of such Occupier or Occupiers, and hereby made liable to the Payment of Corn Rents, or from or out of any Part or Parts of such last mentioned Lands and Hereditaments, as by the Laws and Statutes of this Realm are provided and given against Tenants and Occupiers for the Recovery of Rent in Arrear; and if no sufficient Distress can be found, then to enter upon, hold and enjoy, and take and receive the Rents, Issues and Profits of the said Lands and Grounds respectively, until thereby, or otherwise, all such Arrears, and also all such Parts of the said Corn Rents as shall grow due during such Possession shall be paid, together with all Costs, Charges and Expences attending such Entry and Distress, and Perception of the Rents and Profits, and all Losses and Damages to be sustained by reason of the Non-payment thereof; and also that the said Impropriator and Vicar, and their Successors respectively, shall and may use and exercise such Powers and Remedies (at the Option of the said Impropriator and Vicar, and their Successors) by any Action or Actions at Law against the Owner or Owners of the Lands and Hereditaments, out of which the said Corn Rents are to be issuing as aforesaid, (not being the actual Occupier or Occupiers thereof,) for the Recovery of the said Rents respectively, and of the Costs and Charges occasioned by the Non-payment thereof, as by the Laws and Statutes of this Realm are provided and given against Tenants or Occupiers for the Recovery of Rack-Rents in Arrear, or that the said Impropriator and Vicar, and their Successors respectively, shall and may proceed in a summary Way against the said Owners or Occupiers respectively for the Recovery thereof, before any one Justice of the Peace for the County of *Berks*, residing near to the said Parish of *Beenham*, and not interested in the Matter in Question, in like Manner as any of the Penalties under the said recited Act are directed to be recovered; and that on the Death, Cession, Resignation or Removal of the present Vicar and his Successors respectively, he or they, or his or their Executors or Administrators, shall be entitled to and receive so much and such Part of the said yearly Corn Rents, as shall be in Proportion to the Number of Days elapsed to the Day of such Death, Cession, Resignation or Removal respectively, from the then last preceding Day of Payment.

Owners divid-  
ing Estates  
to apportion  
Corn Rents.

XXIX. And whereas it may be necessary and convenient for some one or more of the said Owners and Proprietors of Lands, subject to the said

said yearly Corn Rents, to sell and dispose of his, her or their said Estate or Estates, or some Part thereof in Parcels, or to make some Partition thereof, or others may be devised by Will; and upon a Division, if any of the said Estate or Estates in Manner aforesaid, it may be necessary and convenient to the Owner or Owners thereof, for the Time being, to divide and apportion the said yearly Corn Rents; be it therefore further enacted, That it shall be lawful for the Owner or Owners of each and every Estate for the Time being, subject to the said Corn Rents, upon a Division of the same Estate or Estates, either by Sale or otherwise, to apportion and charge each and every Part of the Estate so divided, with a due and fair Proportion of the said yearly Corn Rents, so to be ascertained and set forth by the said Commissioners, provided that in every such Division due regard be had to the Quantity of Acres, and the Rate by the Acre ascertained by the said Commissioners upon the whole or any Part of such Estate, and that each and every Division may be made to bear a fair and just Proportion of the said yearly Corn Rents or Sums of Money so ascertained by the said Commissioners, or as near as may be; and as the Power of recovering the Arrears of the said yearly Corn Rents or Sums of Money, as hereinbefore mentioned, extended to the whole of each and every Estate, the said Power shall continue and remain in the same until a Division of the Estate, and Apportionment of the said yearly Corn Rents or Sums of Money shall be made known to the Impropiator and Vicar respectively, for the Time being, by a written Notice thereof; signed by all the Parties interested therein, fully describing and specifying the Lands and Grounds so divided, and the Abuttals and Boundaries thereof; and after such Notice, his and their Power or Distress and Recovery of Rents so apportioned, and being in Arrear, shall be upon each and every Division so made in the like Manner, as it is in and by this Act directed upon the whole of such Estates so divided as aforesaid.

Notice of Division and Apportionment to be given to Impropiator and Vicar,

XXX. And in order to prevent any Difficulty to the said Impropiator and Vicar, and their Successors respectively, by the Division of any Estate by Sale, or otherwise to facilitate the future regulating of the said yearly Corn Rents or Sums of Money, be it further enacted, That the said Commissioners shall, and they are hereby required to make or cause to be made Duplicates of a complete separate Schedule or Description of each and every such Allotment, Pieces or Parcels of Ground, or ancient enclosed Lands in the said Parish of *Beenham*, with the Abuttals and Boundaries thereof, and also with the Name of the Owner thereof, charged with such yearly Corn Rents, the exact Measure in Acres, Roods and Perches, the yearly Corn Rents or Sums of Money issuing out of each respectively, and the Quantity of Wheat in Bushels, and decimal Parts of a Bushel, which is to govern each of the said future yearly Corn Rents or Sums of Money, payable to the said Impropiator and Vicar respectively, and the Rate by the Acre, by which the said yearly Corn Rents shall be charged as aforesaid, and such other Requisites as shall be judged proper or necessary by the said Commissioners, to render every Matter respecting the said yearly Corn Rents or Sums of Money clear and plain in future; which said Schedules or Descriptions shall be respectively signed by the said Commissioners, and one Part thereof shall be deposited in the Prerogative Office of His Grace the

[*Loc. & Per.*]

33 R

Archbishop

Archbishop of *Canterbury*, and another Part thereof annexed to the Award of the said Commissioners.

Mortuaries, Easter Offerings and Surplice Fees, not to be abolished.

XXXI. Provided always, and be it further enacted, That nothing in this Act contained shall extend to the Abolition of any Mortuaries, Easter Offerings, or Surplice Fees, to which the said Vicar of *Beenham* is now entitled in Right of his Vicarage; but that the said Vicar, and his Successors and Curates, shall and may hereafter have, take, receive and enjoy all such Mortuaries, Easter Offerings, and Surplice Fees, in the same Manner as if this Act had not been made.

Allotments in respect of Tythe-free Land to be Tythe-free.

XXXII. Provided also, and be it further enacted, That all and every such Allotment and Allotments as shall be made, either of the said Common Fields and Common Meadows, in respect of any Messuages, Lands and Hereditaments, which are wholly or in part Tythe-free or exempt from Tythes, shall in like Manner also be Tythe-free or exempt from Tythes; and that all and every such Allotment or Allotments as shall be made, either of the said Common Fields and Common Meadows, in respect of any Messuages, Lands and Hereditaments, which are subject to any Tythes, Moduses or other Payments in lieu of Tythes, shall in like Manner be and remain subject to Tythes, Moduses, or other Payments in lieu of Tythes.

Directions as to Allotment to Matthew Chitty Darby Griffith Esquire.

XXXIII. Provided always, and be it further enacted, That the said Commissioners are hereby authorized and required, in setting out the said Allotments, to set out such Parts of the Lands and Grounds hereby intended to be divided and inclosed in the said Parishes of *Beenham* and *Padworth*, as are Common Meadows, unto and amongst the Proprietors of such Common Meadows; and also to set out unto the said *Matthew Chitty Darby Griffith*, a certain Meadow called *Padworth West Meadow*, containing Thirty-two Acres more or less, to form a Part of the Allotment as in the Judgment of the said Commissioners shall be his Proportion of the Allotments so to be set out by them unto the said several Proprietors of *Beenham* and *Padworth*.

The intermixed Lands in the Common Fields and Meadows in *Beenham* and *Padworth* to be laid together in Parochial Allotments, and respectively allotted among the Proprietors in each Parish.

XXXIV. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required, by Examination of Witnesses on Oath, or by such other Ways and Means as they shall think proper, to inquire into the Particulars of the several Farms, Lands, Tythes and Estates, lying and being in the said Open and Common Fields and Common Meadows hereby directed to be divided and allotted, in order to ascertain and determine whether all or what Part or Parts, Proportion or Proportions of the same are lying and being within the said Parishes of *Beenham* and *Padworth*, or in which of the same Parishes the same are respectively lying and being; and when the same shall have been so ascertained as aforesaid, the said Commissioners shall, and they are hereby authorized and required to set out, allot and lay together so much and such Part and Parts of the said Lands and Grounds as now lie dispersedly and intermixed in and over the same Common Fields and Common Meadows, in Parochial Allotments, in proportion to the Quantity, Number of Acres, and Value of such Lands and Grounds respectively,

respectively, and to set out the said Allotments respectively, contiguous and adjoining to the said Parishes of *Beenham* and *Padworth*, and to ascertain the same by Marks and Bounds; and that from and after the said Parochial Allotments shall have been so made, ascertained and set out as aforesaid, the said Commissioners shall subdivide and set out such of the said distinct Allotments as lie in *Beenham* and *Padworth* in Severalty; and such of the said Allotments as shall by the said Commissioners be set out and awarded unto any of the Proprietors of Estates in *Beenham* aforesaid, for or in respect of his, her and their Lands and Hereditaments within that Parish, shall, from and after the Execution of the Award of the said Commissioners, be held in Severalty, and for ever deemed and taken to all Intents and Purposes, to be situate, lying and being within the Parish of *Beenham* aforesaid, and shall be subject to all Parochial Dues, Payments and Burthens whatsoever within the same Parish; and such of the said separate and distinct Allotments as shall by the said Commissioners be set out and awarded unto any of the Proprietors of Estates in *Padworth* aforesaid, for or in respect of his, her or their Lands and Hereditaments within that Parish, shall from after the Execution of the Award of the said Commissioners, be held in Severalty, and for ever deemed and taken, to all Intents and Purposes, to be situate, lying and being within the Parish of *Padworth* aforesaid, and shall be subject to all Tythes, Parochial Dues, Payments and Burthens within the same Parish: Provided always, that such separate and distinct Allotments so to be made as aforesaid, shall, by the said Commissioners, be laid as contiguous or near to the other Allotments of the said Owners and Proprietors within the said respective Parishes of *Beenham* and *Padworth* as Circumstances shall admit, and as the said Commissioners shall, according to the best of their Skill and Judgment, fix and determine.

XXXV. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required, after the making such Allotments as aforesaid, to divide, set out and allot all the Residue and Remainder of the said Lands and Grounds hereby directed to be divided and inclosed unto and amongst the several Proprietors thereof and Persons interested therein, in such Quantity, Shares and Proportions; and in such Parts and Places as by the said Commissioners shall be adjudged and determined to be a fair, just and reasonable Compensation and Satisfaction for their several and respective Lands, Grounds, Rights of Common, and other Right and Interests therein.

XXXVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize and empower the said Commissioners to divide, allot or inclose the Common called *Padworth Common*, in the said Parish of *Padworth*; any Thing herein contained to the contrary notwithstanding.

XXXVII. Provided always, and be it enacted, That in case the Person or Persons to whom the Meadow called *Padworth West Meadow*, or any other Land having Peat under the same, shall be allotted, shall not be entitled to sufficient Land and Ground in the said Common Meadows to make Satisfaction for the same, then, and in every such Case, the said Commissioners shall, and they are hereby required to ascertain, fix and determine what Sum or Sums of Money shall be paid by such Person or Persons

Persons not having Land, to pay for Peat as Commissioners shall direct.

Persons as a Satisfaction and Compensation for such Peat; and in case such Sum or Sums of Money shall not be paid by such Person or Persons within Sixty Days after Demand made thereof by the said Commissioners, then, and in such Case, such Monies shall and may be recovered by such Ways and Means as the Costs, Charges and Expences of obtaining and executing this Act can or may be raised, levied or recovered by virtue of the said recited Act or this Act, and the Receipt of the said Commissioners shall be a sufficient Discharge for such Sum or Sums of Money when so paid; and such Sum or Sums of Money when received by the said Commissioners, shall be applied and disposed of in paying and defraying the Costs, Charges and Expences (other than and except the Costs, Charges and Expences of the Person or Persons so paying such Sum or Sums of Money) of carrying this Act into Execution; and in case any Surplus shall remain after Payment of such Expences as aforesaid, such Surplus shall be distributed amongst, and paid to the several Persons interested in the said intended Division, Allotment and Inclosure (other than and except the Person so paying such Sums of Money), in case such Persons shall be Tenants of their respective Allotments in Fee-simple, in such Shares and Proportions as the said Commissioners shall think right and proper, or otherwise such Surplus shall be applied and disposed of in the Manner directed by the said recited Act, with respect to the Money thereby directed to be paid for the Purchase or Exchange of Lands, Tenements or Hereditaments, or of any Timber or Wood growing thereon, and which Sum of Money ought to be laid out in the Purchase of other Lands, Tenements or Hereditaments, to be settled to the same Uses.

Improprate  
Rectors and  
Vicars' Al-  
lotments to  
be fenced by  
the other  
Proprietors.

XXXVIII. And be it further enacted, That the Plot or Plots of Land or Ground, so to be set out and allotted to the said Sir Charles Rich, as such Lay Improprator, and the said John Bushnell and his Successors, Vicars of *Beenham*, shall be inclosed and ring-fenced with Ditches and Quickset Hedges, or other proper Mounds or Fences, with proper Posts, Rails, or other guard Fences to such Quickset Hedges, and in such Manner as the said Commissioners shall order and appoint, by and at the Expence of the several Proprietors interested in the Lands and Grounds hereby intended to be divided and inclosed, and of the Owners and Proprietors of such old Inclosures, which shall be exonerated from Tythes by virtue of this Act (except any Proprietors of Lands in the said Parish of *Beenham* as are now wholly freed and discharged from the Payment of all Manner of Tythes, for and in respect of their Lands so discharged from Tythes; and also except the said John Bushnell, as Vicar, in respect to the Allotment to be made to him in lieu of Tythes, as Vicar of the said Parish of *Beenham*), and in such Proportions as the said Commissioners shall order and appoint; and the said Commissioners shall direct and appoint to whom the said Fences shall belong, after the same shall be properly made, whether to the said Improprator and Vicar respectively, or to any other of the Proprietors of Lands in *Beenham* aforesaid; and the said Hedges, Ditches or other Mounds or Fences when properly made, shall be thereafter for ever kept, maintained, supported and scoured by and at the Expence of such Person or Persons to whom the same shall be allotted, or directed to belong as aforesaid.

Beenham  
Farm not to  
be partition-

XXXIX. Provided always, That nothing in this or the said recited Act contained, shall extend, or be construed to extend, to authorize and empower



empower the said Commissioners to make Partition and Division of the Messuages, Lands, Tythes and Hereditaments called *Beenbam Farm*, or any Allotment or Allotments to be made by virtue of this Act, to and amongst the Owners or Proprietors of the said Farm, without the Consent, in Writing, of all the Persons seized thereof, or entitled thereto in joint Tenancy, or as Tenants in Common.

ed or divided without Consent of all Parties seized.

XL. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to affect that Part of the Parish of *Beenbam*, which forms Part of a Meadow called *Aldermaston East Mead*, or to those Parts of the said Parishes of *Beenbam* and *Padworth* which form Part of a Field called *Woolbampton Common Field* otherwise *Ingelfield*, except as to the Tythes in the Parish of *Beenbam*, and except in Cases of Exchange which may be deemed necessary for the Purposes of this Act, but that the same shall otherwise remain as if this Act had not been made.

Inclosure not to extend to certain Parts of the Parish of *Beenbam*.

XLI. And be it further enacted, That the said Commissioners shall, and they are hereby required to appoint a Time and Place for receiving Applications from the Proprietors touching the Situations they would respectively choose to have their Allotments set out and allotted in, and shall give fourteen Days Notice at the least in Writing of such Meeting, to be affixed on the Door of the Parish Churches of *Beenbam* and *Padworth* aforesaid; and where no such Application shall be made, then that the said Commissioners shall lay such Allotments as near the respective Homesteads of the Persons interested therein as can and may be.

Application for Situation of Allotments.

XLII. And be it further enacted, That it shall be lawful for any Person or Persons who shall be entitled to any Allotment to be made by virtue of this Act, to sell, demise, and dispose of all his or her Estate, Right, Title and Interest therein at any Time before the Execution of the said Award, and on a proper Conveyance, Surrender, or Disposition being executed or passed, every such Sale and Disposition shall be good, valid and effectual in the Law; and also that it shall and may be lawful for any Person or Persons interested in the said Allotment, Division and Inclosure, at any Time not being less than Three Calendar Months before the Execution of the said Award, to sell and dispose of all such Estate, Right, Title, Interest and Property which he, she or they shall then have in or to the said Commons and Waste Grounds, or in or to any Allotment or Allotments to be made in respect thereof by virtue of this Act, separate from such Estate in Right of which he, she or they shall be so entitled; and it shall be lawful for the said Commissioners, and they are hereby authorized and required, to allot the same to the Purchaser or Purchasers thereof respectively.

Proprietors may sell their Allotments before the Execution of the Award, and their Rights of Common separate from other Property.

XLIII. Provided always, That nothing in this Act contained shall extend or be construed, deemed, adjudged or taken to extend to revoke, make void, alter or annul any Will or Settlement, or to prejudice any Person having or claiming any Jointure, Dower, Debt, Portion, or Incumbrance out of, upon or affecting any of the Lands or Grounds so intended to be divided and inclosed, or which shall be exchanged, or any Part thereof respectively; but that the several Lands or Grounds so

Not to revoke Will or Settlements.

to be assigned or allotted, or given in Exchange, shall from thenceforth be, remain and enure; and the several Persons to whom the same shall be allotted or given in Exchange shall stand and be seised thereof to such and the same Uses, Trusts, and Estates, and subject to the same Wills, Settlements and Incumbrances 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 or liable to in case the same had remained uninclosed and unexchanged, or this Act had not been made.

Leases at  
Rack Rent  
to be void.

XLIV. And be it further enacted, That all and every Lease or Leases upon Rack Rents now subsisting of all and every or any Part or Parts of the Lands and Grounds intended to be divided and inclosed by virtue of this Act, or exchanged within the said Parishes, and of all Messuages, Cottages, Lands, Tenements and Hereditaments in the said Parishes of *Beenham* and *Padworth* aforesaid, held therewith or included in such Lease or Leases, and all other Agreements for any Term or Terms at Rack Rents, or from Year to Year, or at Will, shall at such Time as the said Commissioners shall appoint by any Writing under their Hands, cease and be void, the respective Owners of such Lands and Hereditaments making such Satisfaction or Compensation to such of the Lessee or Lessees, Tenant or Tenants, as the respective Owners and Proprietors, and their Lessee or Lessees, Tenant 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 Lessee or Lessees, Tenant or Tenants respectively on account thereof, as an Equivalent for the Loss or Losses he, she or they shall respectively suffer or sustain on account of the Determination of the same: Provided always, that if there shall be any Lease of Lands, Part of which shall lie in the said Parishes, and Part in any adjoining Parish, all and every such Lease or Leases upon Rack Rent now subsisting may be vacated; but where any Land shall have been taken in Exchange, which Land shall be under Lease and situated in an adjoining Parish, the Lease of such last mentioned Land shall not be vacated.

Leases of  
Land allotted  
to Rectory of  
*Padworth*, not  
to be granted  
without His  
Majesty's  
Consent as  
Patron.

XLV. Provided always, and be it further enacted, That no Lease or Leases to be made by virtue of this Act, of any Lands and Grounds to be allotted to the Rector of the said Parish of *Padworth*, for the Time being, in Right of his Rectory, shall be good, valid and effectual, unless the Consent of the King's most Excellent Majesty, his Heirs and Successors, as Patrons of the said Rectory, shall be had and obtained thereto previous to the Execution of such Lease or Leases.

Commissioners  
may direct  
the Course of  
Husbandry.

XLVI. And be it further enacted, That in the mean Time, and until such Divisions, Partitions or Allotments shall be made as aforesaid, all the Tillage, Pasture, or other Lands hereby intended to be divided and inclosed, 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 Grass-Seed, 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; and the Expence of such tilling or sowing

with Grass-Seeds, and all such other Expences as shall be occasioned by any Order of the Commissioners, shall be duly ascertained by them and apportioned upon the several Persons who shall, in the Judgment 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 carrying the same into Execution are to be recovered; and that no Meadows, Pastures, or fresh Grounds, Parts of the Lands and Grounds hereby intended to be divided and inclosed, and not now in Tillage, shall be before that Time be ploughed, broken up, or converted into Tillage; and also that it shall and may be lawful for the said Commissioners, at any Time hereafter when they in their Judgment shall think convenient and necessary, by Notice for that Purpose under their Hands, to be affixed to the Door of the Parish Churches of *Beenham* and *Padworth* afore-<sup>Extinguish</sup> said, to suspend or totally extinguish all or any Part of the <sup>Common.</sup> Right of Common in and over the Lands and Grounds hereby intended to be divided and inclosed; and from and after such Notice given, all such Right of Common over the Lands and Grounds as by such Notice or Notices shall be directed or declared to be suspended or extinguished, shall cease and be utterly extinguished or otherwise suspended for such Time as the said Commissioners shall in and by such Notice direct; and after such Suspension or Extinguishment of such Right of Common, if any of the said Proprietors or Occupiers shall permit his, her or their Cattle to go, depasture or feed upon any of the Lands or Grounds so exonerated from Common, then it shall and may be lawful to and for any other of the said Proprietors or Occupiers to distrain such Cattle being upon such Lands or Grounds contrary to such Order, and to impound the same, until such Person or Persons so offending shall pay to the Person or Persons so distraining any Sum not exceeding Five Pounds for each of the Cattle so distrained, 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 fix, then the said Commissioners are hereby authorized and empowered, upon Proof of such Offence or Offences having been committed, and Non-payment of the Penalty hereby imposed, to cause the Cattle so distrained, or such Part thereof as they shall think necessary, or other Goods and Chattels of the Person so offending, to be sold for raising and paying the Penalty afore-<sup>Proprietors</sup> said, together with the Costs and Charges attending such Distress and Sale, rendering the Overplus (if any) to the Owner of such Cattle.

XLVII. And be it further enacted, That it shall not be lawful for any Person or Persons to burn, or cause to be burnt, on any Part of the Lands or Grounds within the said Parishes of *Beenham* and *Padworth*, or either of them, any Peat or Peat-Earth, which may be dug or taken from the Lands or Grounds hereby directed to be divided, allotted and inclosed, for the Purpose of making the same into Ashes for Manure or Sale, without the previous Consent in Writing of the respective Owners or Proprietors and Tenants of the respective Houses called *Aldermaston House*, *Beenham House*, and *Padworth House*. <sup>Proprietors not to burn Peat or Peat-Earth.</sup>

XLVIII. And be it further enacted, That it shall be lawful for the said Commissioners to set out, allot and award any Lands, Tythes, Tene-<sup>Exchanges may be made</sup> ments or Hereditaments whatsoever within the said Parishes of *Beenham* and <sup>and</sup>

and *Padworth* respectively, in lieu of and Exchange for any other Lands, Tythes, Tenements and Hereditaments whatsoever within the said Parishes respectively, 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, Tythes, Tenements or Hereditaments which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politic, Corporate or Collegiate, or a Tenant or Tenants in Fee-simple, or for Life, or in Fee-tail, General or Special, or by the Courtesy of *England*, or for Years determinable on a Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of, or acting for, any such Owners or Proprietors as aforesaid, who, at the Time of making such Exchange or Exchanges, shall be respectively Infants, Feme 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, Tythes, 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 the said Lands, Tenements or Hereditaments so to be exchanged shall lie and be situate.

Expences of Exchanges by whom to be paid.

XLIX. Provided always, and be it further enacted, That all Costs, Charges and Expences attending the making and completing the Exchanges, Divisions and Partitions to be made under or by virtue of this or the said recited Act, 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.

Sheep or other Cattle not to be kept in new Allotments for a certain Period.

L. And be it further enacted, That it shall not be lawful for any Persons, for the Space of Seven Years next after the Execution of the said Award, to keep or depasture any Sheep, Lambs, or other Cattle, in or upon any of the Allotments to be made by virtue of this Act, unless the Person or Persons keeping such Sheep or Lambs shall, at his or their own Expence, effectually and sufficiently fence off or guard, and keep properly fenced off and guarded, the Quickset Hedges or other Live Fences of the Proprietor or Proprietors whose Allotment or Allotments may adjoin to the Inclosures where such Sheep or Lambs shall be so kept, so as to prevent any Damage being done to such Quickset Hedges.

Regulation as to Calculation of Expences to be borne by Proprietors of Peat Land.

LI. And be it further enacted, That the said Commissioners in the Ascertainment of the Portion of Charge and Expence to be paid by each Proprietor in respect of his or her Share, shall only take into their Consideration and Calculation the Surface Value of the Land under which Peat may be found to lie or be, though in their Estimation in regard to such

such Lands as to any Division and Allotment thereof by virtue of this Act, the Value of such Lands as having such Peat, the Remainder shall be calculated on and estimated accordingly.

LII. And be it further enacted, That in the Ascertainment of the Charges and Expences for carrying this Act into Execution, the said Commissioners shall take into their Consideration and Calculation, and apportion accordingly, any Charges, Payments or Allowances, as are proper to be made or borne by the Proprietors of Land in either of the said Parishes of *Beenham* and *Padworth*, to the Exclusion of the other by reason of any additional Attendance, or other Matter or Thing executed, done or performed to or for the Benefit of the Proprietors of one of such Parishes, and in which the Proprietors of Land in the other Parish is not, or cannot, from the Nature or Effect thereof, be interested or affected.

Directions as to Calculation of Charges in certain Cases.

LIII. And be it further enacted, That the several Allotments to be made of the said Lands and Grounds by this Act directed to be divided, allotted and inclosed, shall within the Space of Two Years next after the signing and sealing the said Award, or such other Time as the said Commissioners shall therein order and direct, be inclosed, hedged, ditched and fenced at the proper Costs and Charges of the respective Persons to whom the same shall be respectively allotted, or other Person or Persons interested in the same, other than and except the Allotments to be made to the said *John Hemus*, as Rector of *Padworth*, and the said Sir *Charles Rich*, as such Impropiator in respect of his Tythes, and save and except the Allotment to be made to the said *John Bushnell*, as Vicar of *Beenham*, the Expences and Charges regarding which respectively, as well as providing for the keeping up the same for the Space of Seven Years from the Date of the Award of the said Commissioners, shall be borne and paid in such Manner as the said Commissioners by their Award shall direct: Provided always, that in case through Necessity of Situation, or other Accident or Circumstance, it shall happen that one or more of the said Proprietors of the Lands hereby directed to be divided, allotted and inclosed, shall not have a proportionable Share of the Boundaries, Hedges, Ditches, Mounds or Fences allotted to him in the said intended Inclosure thereof, it shall be lawful for the said Commissioners to order, ascertain and appoint what Sum or Sums of Money such Proprietor or Proprietors shall respectively pay and contribute towards making the Mounds and Fences of the Allotments of such other of the said Proprietors who shall or may have too great a Proportion of mounding or fencing allotted to him, her or them by virtue of this Act, the same to be paid to such Persons and in such Manner as the said Commissioners shall by any Writing under their Hands order, direct or appoint; and the Money so ordered, directed or appointed to be paid, shall be raised, levied and recovered in such and the same Manner, as the other Expences of this Act are herein or by the said recited Act ordered and directed to be raised, levied and recovered; and such Order or Orders of the said Commissioners shall be final, binding, and conclusive on all Parties interested or concerned therein.

Lands to be inclosed at the Expence of the Owners.

Equalizing the Share of Fencing.

LIV. And be it further enacted, That it shall be lawful for the several Owners and Proprietors for the Time being, of any of the Allotments to be made, or ancient Inclosures to be exonerated from Tythes, in pur-

Proprietors enabled to borrow Money.

fuance of this Act, or of any Part thereof, and to and for the Husbands, Guardians, Trustees, Committees or Attornies, of or for any of the said Owners or Proprietors who may be under Coverture, Minors, Lunatics, or beyond the Seas, or under any other Disability or Incapacity, and to and for all Persons acting as Guardians, Trustees, Committees or Attornies for any of the same Owners and Proprietors, and to 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, and upon any other Contingency, or otherwise interested as aforesaid, and to and for every of them respectively, (other than and except the said Rector and Vicars, and their Successors, and such Persons from whose Allotments Deductions shall have been made for the Payment of the Expences of Inclosure, and other than except the Surveyors and Surveyor of the Highways, in respect of any Allotment or Allotments as shall be made to them as Surveyors as aforesaid,) by and with the Consent of the said Commissioners, in Writing under their Hands and Seals, from Time to Time to charge such respective Allotments, Homesteads and ancient Inclosures, or any Part or Parts thereof respectively, with any Sum or Sums of Money, at the Discretion of the said Commissioners, not exceeding Five Pounds for every Acre of Land or Ground so to be allotted, and for every Acre of such ancient Inclosures which shall be exonerated from Tythes by a Compensation in Land, to be paid to such Person or Persons as the said Commissioners shall nominate and appoint, in order to be applied in defraying the several Shares and Proportions of such respective Proprietors, of the Charges and Expences of obtaining and executing this Act, and of dividing and inclosing the respective Allotments, and subdividing the same if proper, and to charge the several ancient Inclosures which shall be exonerated from Tythes, wholly or in Part, by any Payment in Money, with any Sum or Sums not exceeding the Amount of the respective Payments, which shall be made by the Direction of the said Commissioners as a Compensation for such Exoneration from Tythes, and in Discharge of the Proportion and Share of the Expences of passing this Act, and carrying the same into Execution, which shall be ascertained and apportioned by the said Commissioners, in respect of the ancient Inclosures so exonerated, and for securing the Repayment of such respective Sums with Interest; to grant, mortgage, surrender, or demise such Lands and Tenements, respectively, to such Person or Persons as shall respectively advance and lend such Sum and Sums to his, her and their respective Heirs, Executors, Administrators and Assigns in Fee, or for any Term or Number of Years, so that every such Grant, Mortgage, Surrender or Demise, be made with a Proviso or Condition to cease and be void, or with an express Trust to be reconveyed or surrendered when such Sum or Sums of Money thereby to be secured, and the Charges occasioned by preparing and executing such Security, and of borrowing such Sum and Sums of Money, with Interest for the same respectively, shall be paid and satisfied, and so that every such Grant, Mortgage, Surrender or Demise, which shall by virtue of this Act be made by any Tenant in Tail, or for Life or Lives, or Years determinable on any Life or Lives, or upon any other Contingency, there be contained a Proviso or Condition, that no Person who shall afterwards become entitled in Remainder or Reversion to the Lands or Tenements therein comprized, shall be liable to pay any further or larger Arrear of Interest in respect of the Money so to be charged as aforesaid,

aforsaid, than for one Year preceding the Time that the Title to such Possession shall have commenced.

LV. Provided always, and be it further enacted and declared, That in the Place of any such Grant, Mortgage, Surrender or Demise as aforsaid, it shall be lawful for the said Commissioners, by any Deed or Deeds, Writing or Writings, under their Hands and Seals, to be attested by Two or more credible Witnesses, at the Request of 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 as aforsaid, who shall respectively pay and discharge his, her or their Part and Proportion of the Payment, Charges and Expences aforsaid, to authorize and empower such Owners and Proprietors, or either of them, making such Request, to charge and subject the said Lands and Grounds so to be exonerated from Tythes, or allotted to or for them respectively, with any Sum or Sums of Money not exceeding the respective Sums hereinbefore limited, with Interest for the same as aforsaid; which Sum or Sums of Money so to be charged as last aforsaid, shall be payable within one Year next after the Decease of every such Tenant in Tail or for Life or Lives, or Years determinable on a Life or Lives, or after the Determination of any such contingent Estate or Interest respectively, with Interest, to be computed from his, her or their respective Decease, or from the Determination of such contingent Estate or Interest unto such Person or Persons as such respective Tenants in Tail or for Life or Lives, or Years determinable on a Life or Lives, or upon such other Contingency respectively, by any Deed or Will duly executed and attested, shall direct or appoint; and in Default of such Direction or Appointment, to such Person or Persons, his, her or their Executors or Administrators.

Charging the Lands with the Proportion of the Expences.

LVI. And be it further enacted, That the Money which shall be advanced by any Person or Person 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 advancing the same out of the first Monies to be raised for defraying the Expences of obtaining and executing this Act.

Money advanced to be repaid with Interest.

LVII. And be it further enacted, That there shall be Two Awards to be made by the said Commissioners, and which shall be executed and published within the Space of Three Years from the passing of this Act, one of them as regarding the said Parish of *Beenham*, and the other as regarding the said Parish of *Padworth*, and that the one regarding the said Parish of *Beenham* shall be deposited in the Parish Church of *Beenham*, and the Award regarding the said Parish of *Padworth*, shall be deposited in the Parish Church of *Padworth* aforsaid; and that all Notices required to be given by the said Commissioners relating thereto; and to the public Carriage Roads shall be inserted in the *Reading Mercury*.

Award to be deposited.

LVIII. And be it further enacted, That where the Proprietor or Proprietors of any Lands or other Hereditaments which shall be allotted, partitioned or exchanged, by virtue of this or the said recited Act, shall hold their respective Lands or Hereditaments by different Tenures or for different Estates,

Supplemental Instruments may be executed by the Commission.

ers for supplying Omissions in certain Cases.

Estates, or under different Titles, the said Commissioners shall, upon the Request of such respective Proprietors, in Writing under their Hands, ascertain and distinguish the Lands or other Hereditaments held by each of such Tenures for each of such Estates respectively, and shall accordingly, in their Award, set out and distinguish distinct and several Allotments for such respective Lands or other Hereditaments; and when for the want of the necessary Information before the said Commissioners, or from any other Cause, their Award shall omit discriminating as hereinbefore is mentioned such Title, different Estates and different Tenures, and within Twelve Calendar Months after the making the said Award, Request shall be made to the said Commissioners by any Person or Persons interested, by Writing under his, her or their Hand or Hands, to have such Omission supplied by a separate Instrument or Instruments; then, and in every such Case, the said Commissioners are hereby authorized to do every Thing necessary for supplying such Omissions, and so far as that Purpose shall require to examine Witnesses, and in every other respect to proceed and act as if the Award had not been made; and when they shall have obtained what they shall think sufficient Information, they are hereby also authorized, by any Deed under their Hands and Seals, to ascertain and distinguish the Difference of Tenures, Estates, and Titles respectively, and accordingly to make distinct and several Allotments in the same Manner as is hereby required such Discrimination should be contained in the said Award; and every such separate Instrument, after having been duly executed by the said Commissioners, shall have the same Effect as if it was contained in the said Award, and shall be delivered unto the Person or Persons upon whose Request the said Omission shall have been supplied, or the Person or Persons to whom the Custody of the Deeds and Writings concerning the Title to the Premises in Question shall, in the Opinion of the said Commissioners, most properly belong for the Time being; and all Expences which shall be reasonably incurred in and about any such Supplementary Instrument as aforesaid, shall be payable by the Persons who shall have so requested the said Commissioners as aforesaid, or by his, her or their Executors or Administrators.

Commissioners' Accounts to be laid before Justices.

LIX. And be it further enacted, That once at least in every Year during the Execution of this Act (such Year to be computed from the Day of passing thereof), the said Commissioners shall, and they are hereby required to make a true and just Account or Statement 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 and 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 Time being for the said County of *Berks*, to be by them examined and balanced, and such Balance shall be by such Justices stated in the Book of Accounts to be kept in the Office of the Clerk to the said Commissioners, and no Charge or Item in such Account 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.

LX. And be it further enacted, That if any Person or Persons shall think himself, herself or themselves aggrieved by any Thing done in pursuance of this or the said recited Act (other than and except such Orders and



and Determinations of the said Commissioners or Umpire as are herein or by the said recited Act directed to be final and conclusive, and except in such Cases where an Issue at Law shall be tried as hereinbefore mentioned), then, and in every such Case, he, she or they may appeal to the General Quarter Sessions of the Peace which shall be holden for the said County of *Berks*, within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioners and to the Party or Parties concerned Thirty Days Notice in Writing of such Appeal, and of the Matter thereof; and the Justices (not interested in the Premises) in their said General Quarter Sessions, are hereby required to hear and determine the Matter of every such Appeal, and to make such Order and award such Costs and Damages as to them in their Discretion shall seem reasonable; and by their Order or Warrant to levy the Costs and Damages which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress and Sale; and the Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants as to them in their Discretion shall seem reasonable, and to be levied in Manner aforesaid.

LXI. And be it further enacted, That if no Appeal shall have been made under the Authority of this Act, and unless prevented by some inevitable Cause, the said Commissioners shall, and they are hereby required to set out and allot all the Lands and Grounds directed by this Act to be divided and inclosed, unto and amongst the several Proprietors thereof, and Persons interested therein, on or before the Twenty-ninth Day of *September* One thousand eight hundred and twelve, or as soon after as Circumstances will admit, in case any such Appeal shall be made as aforesaid.

LXII. Provided always, and be it further enacted, That it shall not be lawful for the Commissioners to divert any Watercourse or Rivulet running through any Part of the Lands and Grounds by this Act directed to be divided and allotted, without the Consent in Writing of the Person or Persons from whose Lands or Grounds, any such Watercourse or Rivulet shall be diverted, and into whose Lands or Grounds such Watercourse or Rivulet shall be turned.

LXIII. And be it further enacted, That all 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 holden in pursuance of this Act.

LXIV. Saving always, to the King's Majesty, his Heirs and Successors, and to *Richard Benyon* Esquire, his Heirs or Assigns, as Lords of the Hundreds of *Reading* and *Thealde*, in which Hundreds the said Parishes of *Beenham* and *Padworth* lie and are situate, and to all and

[*Loc. & Per.*]

33 U

every

every other Person and Persons, Bodies Politic and Corporate, his, her or their Heirs, Successors, Executors, Administrators and Assigns (other than and except the respective Persons to whom any Allotment or Allotments of Land or other Compensation shall be made or provided by virtue of this Act, or in respect of the Interest or Property for which such Allotment or Compensation shall be made, and except such other Rights and Interest as the Intent and Purposes of the Inclosure hereby authorized, shall absolutely require to be barred, destroyed or extinguished by this Act), all such Estates, Rights and Interest as they, every, or any of them, had or enjoyed of, in or in respect of the Commonable Lands and Grounds hereby directed to be divided and allotted before the passing of this Act, or could or might have had or enjoyed if this Act had not been made.

**Publick Act.** LXV. 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.

---

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