



ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

Cap. 66.

An Act for inclosing Lands within the Manor and Parish of *Great Shefford* otherwise *West Shefford*, in the County of *Berks.* [20th April 1812.]

WHEREAS there are within the Manor and Parish of *Great Shefford* otherwise *West Shefford*, in the County of *Berks*, certain Open and Common Fields, and Common and Waste Lands, containing together Five hundred and twenty Acres, or thereabouts: And whereas the Most Honourable *Arthur Blundell Sandys Trumbull*, Marquis of *Downshire*, is Lord of the said Manor, and as such is entitled to the Soil of the said Common and Waste Lands: And whereas the Principal and Scholars of *The King's Hall* and College of *Brafen-Nose*, in the University of *Oxford*, are Patrons, and the Reverend *William Wilson* Clerk, is Rector of the Rectory and Parish Church of *Great Shefford* otherwise *West Shefford* aforesaid, and the said *William Wilson*, as such Rector, is entitled to certain Glebe Lands, Parcel of the said Open and Common Fields: And whereas the said *Arthur* Marquis of *Downshire*, the said Principal and Scholars, the Provost and Scholars of *Queen's College*, in the said University of *Oxford*, and others, are or claim to be entitled to or interested in the Residue of the said Open and Common Fields: And whereas some of the Proprietors of Tenements within the said Manor and Parish are or claim to be entitled to, or interested in the Herbage upon, and certain Rights of Common over the said Open and Common Fields,

[*Loc. & Per.*]

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and

and Common and Waste Lands, or some of them, or some Part or Parts thereof respectively: And whereas the said Open Fields and Common and Waste Lands might be greatly improved if the same were divided and inclosed, and specific Allotments made thereof, according to the respective Rights and Interests therein; but such Division, Allotment, and inclosure cannot be effected without the Aid of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Stephen Godson*, of the Parish of *Hooknorton*, in the County of *Oxford*, Gentleman, shall be and he is hereby appointed Commissioner for setting out, dividing, and allotting the said Open and Common Fields and Common and Waste Lands within the said Manor and Parish of *Great Shefford* otherwise *West Shefford*, and for putting this Act in Execution, in such Manner, and with such Powers, and subject to such Regulations and Directions as are hereinafter contained, and with such of the Powers, and subject to such of the Rules, Directions, Regulations, Restrictions, and Provisions, contained in an Act made 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*, as are not repugnant to, or altered, or otherwise provided for by some of the Clauses, Regulations, and Provisions of this Act.

Commissioner.
41 G. 3.
Power to appoint new Commissioners.

II. And be it further enacted, That in case the said *Stephen Godson* shall die, or refuse to act, or become incapable of acting as such Commissioner, Two Commissioners shall be appointed for carrying this and the said Act of the Forty-first Year of His present Majesty's Reign into Execution, in Manner herein-after mentioned; (that is to say), it shall, in any of those Cases, be lawful for the said *Arthur Marquis of Downshire*, or the Person or Persons for the Time being, seized of the said Manor of *Great Shefford* otherwise *West Shefford*, for any Estate of Freehold or Inheritance, or if such Person or Persons shall be a Minor or Minors, then for his, her, or their Guardian or Guardians, by Writing under his, her, or their respective Hand or Hands, to appoint some other fit Person (not interested in the said Division and Inclosure) to be one of such Commissioners; and if such last-mentioned Commissioner, or any Commissioner to be appointed in his Place, as herein-after is mentioned, shall die, or refuse to act, or become incapable of acting as a Commissioner, it shall be lawful for the said *Arthur Marquis of Downshire*, or such Person or Persons so entitled, or such Guardian or Guardians, in like Manner to appoint some other fit Person (not interested in the said Division and Inclosure) to supply the Place of the Commissioner so appointed by him, her, or them, and so from Time to Time in like Manner, as Occasion shall require; and that it shall be lawful for the major Part in Value of the several Persons or Bodies Politic, Corporate, or Collegiate, interested in the Open Fields, Common and Waste Lands, to be divided and allotted by virtue of this Act (except the Lord of the said Manor for the Time being), who shall by themselves, or their respective Agents, attend the Meeting or Meetings to be appointed for that Purpose, (of which Meeting, and the Intent thereof, Notice shall be given by the Clerk to the

the Commissioner or Commissioners, at least Fourteen Days previous to such Meeting, by affixing such Notice on the principal South Door of the Parish Church of *Great Shefford* otherwise *West Shefford* aforesaid, and by inserting the same in the Newspaper called the *Reading Mercury*, if then published, and if not, then in some other Newspaper usually circulated in the said County of *Berks*), by Writing under their respective Hands, to appoint some other fit Person (not interested in the said Division and Inclosure) to be the other Commissioner; and if the Commissioner to be appointed as last aforesaid, or any Commissioner to be appointed in his Place as herein-after is mentioned, shall die, or refuse to act, or become incapable of acting as a Commissioner, it shall be lawful for such major Part in Value, in like Manner, at any such Meeting or Meetings, convened according to like Notice, to appoint some other fit Person, likewise not interested, to be a Commissioner to supply the Place of the Commissioner so appointed by such major Part, and so from Time to Time in like Manner as Occasion shall require; and every Commissioner so to be appointed shall, after taking the Oath in that Behalf prescribed by the said recited Act, have such and the like Powers and Authorities, in all Respects, for carrying this Act and the said recited Act into Execution, and shall be subject and liable to the like Rules, Regulations and Restrictions, as if he had been originally nominated a Commissioner in and by this Act.

III. And, for the Purpose of settling and determining any Difference which may arise between such Commissioners as may happen to be hereafter appointed, concerning any of the Matters and Things to be by them done in pursuance of the said recited Act or of this Act, be it further enacted, That the said Commissioners shall, at the First Meeting to be held by them, for putting the same into Execution, by Writing under their Hands, nominate some proper and skilful Person (not interested in the said Division and Inclosure) to act as an Umpire; and if the said Commissioners cannot agree in the Choice of a Person to act as an Umpire, then the Lord for the Time being of the said Manor, or if a Minor, his, her, or their Guardian or Guardians shall, by Writing under his, her, or their Hand or Hands, nominate some such Person (not interested as aforesaid) to act as Umpire, which Umpire so to be nominated is hereby authorized and required to hear and determine every such Difference that may arise between the said Commissioners; and the Determination of the said Umpire therein shall be deemed to be the 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 Judgement and Acts of the said Commissioners are by the said recited Act and this Act made final and conclusive.

Power to appoint an Umpire.

IV. And be it further enacted, That if the Umpire so to be appointed as aforesaid, or any future Umpire to be appointed as herein-after is mentioned, shall die or refuse to act, or become incapable of acting as such, then the said Commissioners shall, before they shall proceed farther in the Execution of the said Acts, appoint by Writing under their Hands some other fit Person (not interested in the said Division and Inclosure) to be an Umpire in the Place of the Umpire so dying, refusing to act, or becoming incapable of acting; and if the Commissioners cannot agree

Appointment of Umpire in case of Vacancy.

in the Choice of a Person to supply the Place of an Umpire on any such Vacancy, then the Lord for the Time being of the said Manor, or if a Minor, his, her, or their Guardian or Guardians shall, by Writing under his, her, or their Hand or Hands, appoint some such Person to be an Umpire in the Place of the Umpire so dying, refusing to act, or becoming incapable of acting; and every Umpire to be appointed in the Manner herein-before directed in the Place of the Umpire so dying, refusing to act, or becoming incapable of acting, shall have the like Powers and Authorities as are by this Act vested in the Umpire hereby directed to be first appointed.

Appointment of such Commissioners and Umpire to be inrolled; and Copy to be Evidence.

V. Provided also, and be it enacted, That the Instrument appointing every Commissioner and Umpire, to be appointed by virtue of this Act, shall be inrolled, with the Award of the Commissioners, and a Copy of such Instrument, attested by the proper Officer of the Court where the same shall be inrolled, shall be full and sufficient Evidence thereof.

Umpire to take the following Oath.

VI. Provided also, and be it enacted, That no Person shall be capable of acting in the Execution of the said recited Act or this Act as Umpire until he shall have taken and subscribed the Oath following; (that is to say,)

‘ I *A. B.* do swear, that I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the Trusts, Powers, and Authorities vested and reposed in me as Umpire, by virtue of an Act passed in the Fifty-second Year of the Reign of His Majesty King *George* the Third, intituled *An Act for inclosing Lands within the Manor and Parish of Great Shefford otherwise West Shefford, in the County of Berks*, according to Equity and good Conscience, and without Favour or Affection, Prejudice or Partiality to any Person or Persons whomsoever. So help me God.’

Which Oath it shall be lawful for the said Commissioners, or either of them to administer, and they are hereby required to administer the same; and such Oath, so taken and subscribed by such Umpire, shall be annexed to and inrolled with the Award of the said Commissioners.

Commissioners to give Notice of Meetings.

VII. And be it further enacted, That the said Commissioner hereby appointed, and such future Commissioners, if any, shall cause Public Notice to be given of the Time and Place of the first and every other Meeting for the Execution of this Act, at least Ten Days before such Meeting shall be holden, (Meetings by Adjournment excepted,) and that the said Commissioner, or the Commissioners for the Time being, shall adjourn any such Meeting from Time to Time, and Place to Place, as he or they shall see Occasion; and in case such Commissioner or Commissioners, when there shall be Two, shall not attend at the Time and Place appointed for any such Meeting, or to which any such Meeting shall be adjourned, it shall be lawful for the Commissioner present at such Time and Place, or if no Commissioner shall then attend, for the Clerk to such Commissioner or Commissioners, to adjourn such Meeting to any future Day, not exceeding Fifteen Days from the Day of Adjournment, to be holden at the same, or any other convenient Place, and so from Time to Time, until the

One Commissioner or the Clerk empowered to adjourn.

the said Commissioner, or both such Commissioners shall meet, and the Commissioner or Clerk making such Adjournment, is hereby required to give Notice thereof to the absent Commissioner or Commissioners; provided that all Meetings for putting this Act in Execution, shall be holden in the Parish of *Great Shefford* otherwise *West Shefford* aforesaid, or within Eight Miles from the Boundary thereof.

Place of Meeting.

VIII. And be it further enacted, That all Notices required to be given by such Commissioner or Commissioners of Meetings, or for any other Purpose, shall, where no Provision is made by this Act to the contrary, be given by Writing, to be affixed on the Principal South Door of the said Parish Church, or by Advertisement in the said Paper, called the *Reading Mercury*, or if such Paper be not then published, in some other Newspaper usually circulated in the said County of *Berks*.

How Notices of Meetings to be given.

IX. And be it further enacted, That the said Commissioner, or the Commissioners for the Time being, acting under the Authority of this Act, who may be appointed, as herein is mentioned, shall set out, allot, and award unto and for the said *Arthur Marquis of Downshire*, as Lord of the said Manor of *Great Shefford* otherwise *West Shefford*, or the Lord of the said Manor for the Time being, such Part or Parts of the Lands hereby directed to be divided, allotted, and inclosed, as (Quantity, Quality, and Situation considered) shall, in the Judgement of such Commissioner or Commissioners, be equal in Value to One Sixteenth Part of all the Common and Waste Lands hereby directed to be divided and allotted, in Lieu and Satisfaction of his or their Right and Interest in or to the Soil of such Common and Waste Lands.

Allotment to the Lord of the Manor.

X. And be it further enacted, That the said Commissioner, or the Commissioners for the Time being, shall set out and allot unto and for the said *William Wilson* as Rector, or the Rector of the said Parish for the Time being, and his Successors, such Part or Parts of the Lands hereby directed to be divided, allotted, and inclosed, as (Quantity, Quality, and Situation considered) shall, in the Judgement of such Commissioner or Commissioners, be a full Equivalent and Compensation for the Glebe Lands lying within the said Open and Common Fields, and for all Rights of Herbage or Common belonging to the said Rector in, over, and upon the Lands hereby directed to be divided, allotted, and inclosed, or any of them.

Allotment to the Rector.

XI. And be it further enacted, That the Allotment or Allotments to be made to the said Rector shall be laid as near as conveniently may be to the Parsonage House and Homestead belonging to the said Rectory, and shall be fenced and ditched on all such Sides or Parts thereof as are or may not be already fenced, or as shall not be ordered by the said Commissioner, or the Commissioners for the Time being, to be fenced and ditched by any other Proprietor or Proprietors, with Ring or outermost Fences and Ditches, in a proper and substantial Manner, and shall be planted with young thriving Quicksets, well and sufficiently guarded; and that all such Fences and Ditches so to be made, shall be made and raised by and at the Expence of the other Persons, or Bodies Politic, Corporate, or Collegiate,

The Allotment to the Rector shall be laid as near as may be to the Parsonage House, &c.

to whom Allotments shall be made by virtue of this Act, in such Proportion as such Commissioner or Commissioners shall appoint; and the said Fences when properly raised shall be thereafter for ever maintained and kept in Repair by and at the Expence of the said Rector and his Successors, Rectors of the said Parish for the Time being.

This Act not to prejudice the Rights of the Rector to Tythes.

XII. Provided, That nothing in this Act contained, shall prejudice, lessen, or defeat the Right, Title, or Interest of the said Rector or his Successors of, in, or to any Tythes arising, renewing, or increasing, or which shall hereafter arise, renew, or increase within the said Parish of *Great Shefford* otherwise *West Shefford*.

Allotments to be made of the Residue among the other Proprietors, according to their Rights and Interests.

XIII. And be it further enacted, That the said Commissioner, or the Commissioners for the Time being, shall set out and allot the Residue of the Lands hereby directed to be divided, allotted, and inclosed, unto, for and amongst the several Persons, and Bodies Politic, Corporate, or Collegiate, who at the Time of making such Allotments, shall be respectively entitled to, or interested in any Part or Parts thereof respectively, or to the Herbage of, or Right of Common upon and over the same, or any Part thereof respectively, in such Parts and Shares as (Quantity, Quality, and Situation considered) shall, in the Judgement of the said Commissioner or Commissioners, be a full Equivalent and Compensation for their respective Lands lying within the said Open and Common Fields, and for all Rights of Herbage and Common in, upon, and over the Lands hereby directed to be divided, allotted, and inclosed, or any of them.

And to be laid as near to their Houses, Homesteads, or Lands as may be.

XIV. And be it further enacted, That the Allotment or Allotments to be made to any Person or Persons, or Body Politic, Corporate, or Collegiate, having Houses, or Homesteads, or Lands, which adjoin or lie near to the said Lands hereby directed to be divided, allotted, and inclosed, shall be laid by the said Commissioner, or the Commissioners for the Time being, as near to such Houses, or Homesteads, or Lands, as Circumstances will admit of, and so far as may be consistent with the general Convenience of the several Proprietors.

Allotments to be inclosed and fenced as the Commissioners may direct.

XV. And be it further enacted, That the several Allotments to be made by virtue of this Act, shall be inclosed, hedged, and ditched, or otherwise well and sufficiently fenced; and such Fences for ever thereafter repaired and kept up by and at the Expence of the respective Persons, or Bodies Politic, Corporate, or Collegiate, to whom the same shall be allotted, or shall for the Time being belong, within such Time, and in such Proportions and Manner as such Commissioner or Commissioners shall direct, (except so far as is otherwise provided in the Case of the said Rector and his Successors.)

Commissioners to settle Differences.

XVI. 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 Lands hereby directed to be divided and allotted, concerning the respective Proportions which they or any of them shall have or claim to have therein, or touching any other Matter or Thing relating to the said Division and Inclosure, it shall be lawful for the said Commissioner, or the

the Commissioners for the Time being, and he and they is and are hereby required to examine into, and, upon proper and sufficient Evidence, to determine the same.

XVII. Provided, that nothing herein contained shall authorize such Commissioner or Commissioners to determine the Title to any Lands, Tenements, or Hereditaments, nor to determine any Right between any of the Parties interested in the said Lands, contrary to the Possession of any of such Parties; but in case such Commissioner or Commissioners shall be of Opinion against the Right of the Person or Persons so in Possession, he or they respectively shall forbear to make any Determination thereupon, until the Possession shall have been duly taken from such Person or Persons, by Ejectment or other due Course of Law.

But not Titles
contrary to
Possession.

XVIII. And be it further enacted, That in case such Commissioner or Commissioners shall, upon the Hearing of any Claim or Claims, Objection or Objections, to be delivered to him or them in pursuance of the said recited Act or of this Act, see Cause to award any Costs, it shall be lawful for him or them, upon Application for that Purpose, to award such Costs as he or they shall think reasonable, to be paid to the Party or Parties in whose Favour any Determination of such Commissioner or Commissioners shall be made, by the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, whose Claim or Claims, Objection or Objections, shall be thereby disallowed or over-ruled; and in case the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who shall be liable to pay such Costs, shall neglect or refuse to pay the same on Demand, it shall be lawful for such Commissioner or Commissioners, by Warrant under his or their Hand and Seal, or Hands and Seals, directed to any Person or Persons whomsoever, to cause such Costs to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand, to the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Power to
award Costs.

XIX. Provided always, and be it further enacted, That if any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, making any Claim or Claims to any Lands or Hereditaments so intended to be divided and allotted, or any Right or Interest therein, or objecting to any such Claim or Claims, shall be dissatisfied with the Determination of such Commissioner or Commissioners, or Umpire, and shall be desirous of having such Claim or Claims, Right or Interest respectively, tried at Law, and the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, desirous to have the same so tried, shall by themselves or their respective Stewards, Receivers, Attornies, or Agents, give or cause to be given Notice thereof in Writing to such Commissioner or Commissioners, or Umpire, within Three Calendar Months next after such Determination shall have been so made by him or them, (of which Notice he and they is and are hereby required immediately on Receipt thereof, or as soon afterwards

Persons dis-
satisfied with
the Determin-
ation of the
Commission-
ers may try
their Rights
at Law.

afterwards as may be, to give Information to the adverse Party or Parties, or his, her, or their respective Stewards, Receivers, Attornies, or Agents, by Writing, under his or their Hand or Hands, to be delivered to, or left at the usual Place of Abode of such Party or Parties, Stewards, Receivers, Attornies, or Agents as aforesaid), then it shall be lawful for the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, giving such Notice, their respective Heirs, Successors, or Assigns, and he, she, and they, is and are hereby required to proceed to a Trial or Trials at Law of the same, at the Assizes to be holden for the said County of *Berks*, next after the Expiration of Three Calendar Months from the Time when such Notice shall have been given, in a feigned Action or Actions, for that Purpose to be commenced in His Majesty's Court of King's Bench, Common Pleas, or Exchequer, at *Westminster*, by the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, giving such Notice, against any Person or Persons, Body or Bodies Politic, Corporate or Collegiate, interested in the said Division, in whose Favour such Determination of the said Commissioner, or of the Commissioners for the Time being, or of the Umpire, shall have been made; and the Defendant or Defendants in such Action or Actions, shall forthwith name an Attorney or Attornies, who shall file Common Bail, or appear and accept One or more Issue or Issues, whereby the Claim or Claims, Rights or Interests in Question, may be properly tried and determined, (such Issue or Issues to be settled by the proper Officer of the Court wherein such Action shall be brought, if the Parties shall differ about the same); and if at the Trial of any such Issue or Issues it shall appear that the Party claiming is entitled to any qualified or less Right or Rights, Interest or Interests, than was or were claimed by such Party, then it shall be lawful for the Jury by whom such Issue or Issues shall be tried, to find and declare the same by their Verdict, which shall be endorsed on the Postea, in Addition to the Verdict given on the Issue or Issues joined; but nevertheless the Costs of such Action or Actions shall abide and be determined by the Verdict given upon the Issue or Issues joined, as if no such Special Finding had been made, and the Verdict or Verdicts which shall be given in such Action or Actions, upon the Issue or Issues therein joined, in case there shall be no such Special Finding and Indorsement, or such Special Finding or Indorsement, if any such shall be made, shall be binding upon and to all and every Body and Bodies Politic, Corporate, or Collegiate, and Person and Persons whomsoever, unless the Court wherein such Action or Actions shall be brought, shall set aside such Verdict or Verdicts, or Finding and Indorsement, and order a new Trial or Trials to be had thereupon, (which it shall be lawful for the Court to do, as is usual in other Cases); and after such Verdict or Verdicts, or Special Finding or Indorsement shall be obtained, the same not being set aside by the Court, the said Commissioner or the Commissioners for the Time being shall act in Conformity thereto, and shall allow or disallow the Claim or Claims, Right or Rights, or Interest or Interests thereby determined, according to such Verdict or Verdicts, or Finding and Indorsement.

Court may defer Action beyond the limited Time, upon sufficient Cause being shewn.

XX. Provided always, That it shall be lawful for the Court in which any Action commenced in pursuance of this Act shall be depending, upon sufficient Cause shewn, to put off the Trial of such Action, although the Time herein-before limited for Trial of such Action may be thereby exceeded; but if no such Notice as aforesaid shall be given, or being given,

given, if no such Action or Actions shall be brought or commenced by the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, giving such Notice within the Time aforesaid, or if such Action or Actions shall not be proceeded in to a Trial or Trials at the first Assizes which shall be holden for the said County of *Berks*, after the Expiration of Three Calendar Months from the Day of giving such Notice, by or on Account of the Neglect or Default of the Plaintiff or Plaintiffs therein, then and in such Case, the Determination of such Commissioner or Commissioners, or Umpire, shall be final, binding, and conclusive unto and upon all Parties whomsoever.

XXI. Provided always, and be it enacted, That if any of the Parties in any Action or Actions to be brought in pursuance of this Act, shall die pending the same, such Action or Actions shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened; and if any Person or Persons in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought if living, shall die before the same shall have been brought, and before the Expiration of the Time herein before limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate respectively, who might have brought such Action against the Person or Persons so dying, to bring the same within the Time so limited as aforesaid against such Person or Persons, as if actually living, and to serve the Clerk of such Commissioner or Commissioners with Notice of such Action or Actions, in the same Manner as the Party or Parties might have been served therewith, if living, and it shall be incumbent on the Heirs or other Representatives, 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 not to abate by the Death of any of the Parties.

And may be brought after the Deaths of Parties.

XXII. Provided always, and be it enacted, That no such Difference, Dispute, or Proceeding, touching the Title to any Lands, Tenements, or Hereditaments, shall impede or delay the said Commissioner, or the Commissioners for the Time being, in the Execution of this Act, but the Division, Allotment and Inclosure hereby directed to be made, shall be proceeded in notwithstanding any such Difference, Dispute, or Proceeding.

Disputes or Proceedings thereon not to delay the Execution of the Act.

XXIII. And be it further enacted, That it shall be lawful for such Commissioner or Commissioners, at any Time when he or they in his or their Judgment shall think it convenient and proper, by Notice for that Purpose under his or their Hand or Hands, to be affixed on the principal South Door of the Parish Church of *Great Shefford* otherwise *West Shefford* aforesaid, on some *Sunday* before Divine Service, and there to remain until after Divine Service, to order the Rights of Common in, upon, and over the Lands hereby directed to be divided and allotted, or any of them, to be extinguished or suspended, either in Whole or in Part,

Commissioners may extinguish or suspend Rights of Common.

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and

and that from and after the Time to be fixed by any such Notice, all such Rights of Common as shall thereby be directed to be extinguished or suspended, shall cease and be extinguished or suspended according to such Notice.

Power to
stop Roads.

XXIV. And be it further enacted, That it shall be lawful for the said Commissioner, or the Commissioners for the Time being, to divert or stop up any old Carriage Road, Driftway, Bridleway, or Footpath, public or private, leading between, through, and over any of the old Inclosures, or other Lands in the said Manor and Parish of *Great Shefford* otherwise *West Shefford*, and the Soil of the Roads and Ways so to be stopped up, shall be deemed to be Part of the Lands to be divided and allotted by virtue of this Act; provided that no such Carriage Road, Driftway, Bridleway, or Footpath, passing or leading between, through, or over any of the old Inclosures, or other Lands in the said Manor and Parish, shall be stopped up without the Concurrence and Order of Two Justices of the Peace for the said County of *Berks*, not interested in the Lands so to be divided and allotted. and that every such Order shall be subject to an Appeal to the General Quarter Sessions of the Peace for the said County, in like Manner, and under the same Forms and Restrictions as Orders originally made by Justices for diverting and turning Roads and Ways may be appealed from.

As to Roads
dividing Pa-
rishes.

XXV. And be it further enacted, That in case any Public Roads or Highways shall by virtue of the said Act of the Forty-first Year of His present Majesty's Reign, or of this Act, be set out or continued in any Situation or Direction where the said Manor and Parish of *Great Shefford* otherwise *West Shefford* is divided from any adjoining Parish or Place, and where there now is or usually hath been a Public Road or Way, and such adjoining Parish or Place hath heretofore been charged or liable, or ought to be charged or liable, to Part of the Repairs and Support of the said Road or Way, then and in such Case such Commissioner or Commissioners may and shall set out so much only from and out of the Lands hereby intended to be divided and allotted as will enlarge the Breadth of such Road or Way to Thirty Feet at the least.

Justices em-
powered to
declare any
public Roads
completed.

XXVI. And be it further enacted, That when and as soon as Two or more of His Majesty's Justices of the Peace for the said County of *Berks*, at any Special Sessions to be holden by them, shall find, and shall, under their Hands and Seals certify and declare any of the Public Carriage Roads to be set out in pursuance of the said recited Act and of this Act, or any Part of any such Roads to be fully and sufficiently formed, repaired, and completed, such Road or Roads, or so much thereof as shall in any such Certificate be described and certified, shall thenceforth be supported and kept in Repair by such Persons, and in like Manner as the Public Roads within the said Manor and Parish are or ought by Law to be amended and kept in Repair; and every such Certificate shall, as of the next General Quarter Sessions of the Peace for the said County, after the Close thereof, be filed of Record by the Clerk of the Peace for the said County.

XXVII. And

XXVII. And be it further enacted, That it shall be lawful for any Person or Persons, who shall be entitled to any Allotment or Allotments under this Act, to grant, bargain, sell, demise, mortgage, surrender, limit, convey, and assure the same for all or any Part of his, her, or their Estate or Interest therein or Right thereto, at any Time before the Execution of the Award of such Commissioner or Commissioners; and every such Grant, Bargain, Sale, Demise, Mortgage, Surrender, Limitation, Conveyance, and Assurance shall be of the same Force and Validity as if made after the Execution of the said Award; and also that it shall be lawful for any of the Owners or Proprietors of any Herbage or Common Rights upon the Lands hereby directed to be divided and allotted, to sell and dispose of the same, or of the Allotment or Allotments to be made and set out in respect thereof by virtue of this Act, and either separately and distinctly or not from the Estate, in Right of which, they, he, or she are or is entitled to the same, in such Manner as they, he, or she might have done at any Time after the Execution of the said Award.

Proprietors may sell their Allotments before the Execution of the Award, and their Rights of Herbage or Common, separately from their other Property or not.

XXVIII. And be it further enacted, That where any Person or Persons shall be seized or possessed of Lands or other Hereditaments in the said Manor and Parish of *Great Shefford* otherwise *West Shefford*, held by different Tenures, or for, by, or under different Estates or Titles, and in respect whereof any Allotment or Allotments shall be set out and awarded by virtue of this Act, the said Commissioner, or the Commissioners for the Time being, shall inquire into and ascertain and determine, by the Examination of Witnesses on Oath, or other sufficient Evidence, the respective Lands or other Hereditaments held by such different Tenures, or for, by, or under such different Estates or Titles respectively, and set out distinct Allotments of the Lands hereby directed to be divided and allotted, in respect of the Lands or other Hereditaments held by such different Tenures, or for, by, or under such different Estates or Titles respectively; and such Commissioner or Commissioners shall distinguish, ascertain, and set out, by Metes and Bounds, the Buildings and old Inclosures in the said Manor and Parish held by such several Tenures, and for, by, or under such different Estates or Titles, so that the Boundaries thereof may be ascertained; and all the Lands and other Hereditaments to be so ascertained, distinguished, and set out, shall be declared, set forth, and described in the Award of such Commissioner or Commissioners.

Lands held by different Tenures or Titles by the same Proprietor to be distinguished.

XXIX. And be it further enacted, That where the Proprietor or Proprietors of any Allotment, Land, or other Hereditaments in the said Manor and Parish, shall hold his, her, or their respective Lands and Hereditaments by different Tenures, or for, by, or under different Estates or Titles, and where, from Want of the necessary Information before such Commissioner or Commissioners, or from any other Cause, the Award of such Commissioner or Commissioners shall have omitted to distinguish the Lands or other Hereditaments holden by such several Tenures, or for, by, or under such different Estates or Titles, or to set out and award several and distinct Allotments for any such respective Lands or other Hereditaments as herein before is required, it shall be lawful for the said Commissioner, or such Commissioners for the Time being, at any Time, and from Time to Time, within Twelve Calendar Months after the Date

If omitted to be distinguished in the Award, may be so done by a separate Instrument.

and Execution of his or their Award, upon Request in Writing to him or them made, by or on the Behalf of any Person or Persons interested in the Ascertainment of such Boundaries, to do all such Acts as shall be necessary for supplying any such Omission, and for that Purpose to examine Witnesses, and to proceed as if such Award had not been made, and by any Deed or Instrument under his or their Hand and Seal, or Hands and Seals, to distinguish, ascertain, and set out the Lands and Hereditaments held by different Tenures, or for, by, or under different Estates or Titles respectively, in the same Manner as he and they are hereby authorized and required to do in Cases where such Lands and Hereditaments are directed to be ascertained, distinguished and set out by the general Award; and every such separate Instrument shall be enrolled in the same Place as the general Award shall be enrolled, and Evidence thereof shall be given in the same Manner as by the said Act of the Forty-first Year of His present Majesty, and this Act, or either of them respectively, is directed concerning the said general Award, of such Commissioner or Commissioners, and all the Expences which shall be reasonably incurred in or about any such subsequent Inquiry and separate Instrument as aforesaid, shall be paid by the Person or Persons who shall have requested the said Commissioner or Commissioners for the Time being to make and execute the same, or by his or their Heirs, Executors, or Administrators.

Power of
Exchange.

XXX. And be it further enacted, That it shall be lawful for the said Commissioner, or the Commissioners for the Time being, to assign and set out, allot, and award any of the Allotments to be made by virtue of this Act, or any Part or Parts of such Allotments, or any Messuages, Cottages, Lands, Tenements, or other Hereditaments, situate or arising within the said Manor and Parish of *Great Shefford* otherwise *West Shefford*, in lieu of and Exchange for any other Messuages, Cottages, Lands, Tenements, or other Hereditaments, situate or arising within the same or any other Parish or Place adjoining thereto, so as every such Exchange be ascertained, declared, and set forth in the Award of the said Commissioner or Commissioners, or in some Instrument to be executed by him or them before the Execution of such Award, and to be set forth or referred to in such Award, and be made with the Consent of the respective Proprietors, or other Person or Persons, Bodies Politic, Corporate, or Collegiate, seised or possessed, or in Receipt of the Rents or other Profits of the Hereditaments which shall be so exchanged, whether such Proprietor or Proprietors be Tenant or Tenants in Fee Simple, in Tail, or for Life, or for Years determinable on a Life or Lives, or by and with the Consent of the Husbands, Trustees, Guardians, Committees, or Attornies, of or for any such Proprietors, who, at the Time of making any such Exchange, shall be under Coverture, Minors, Lunatics, beyond the Seas, or under any other Disability or Incapacity, or of the major Part of the Trustees for any charitable or public Purpose respectively, and so as every such Exchange of Lands, Tenements, or Hereditaments holden in Right of any Church, Chapel, or other Ecclesiastical Benefice, be made with the Consent of the Bishop of the Diocese in which such Lands, Tenements, or Hereditaments shall lie or be situate, and the Patron or Patrons thereof for the Time being, and so as every such Exchange of any Copyhold Lands or Tenements be made with the Consent of the Lord or Lords of the Manor or Manors whereof the same shall be holden; such Consents
to

to be respectively testified by Writing under the Hands of the consenting Parties, or under the Common Seal of any of them, being a Corporation aggregate, and that every such Exchange so to be made and declared shall, as well in respect of the Hereditaments within the said Manor and Parish of *Great Shefford* otherwise *West Shefford*, as in respect of the Hereditaments within any such other Parish or Place, be good, valid, and effectual in the Law, to all Intents and Purposes whatsoever.

XXXI. And be it further enacted, That it shall be lawful for the said Commissioner, or the Commissioners for the Time being, if he or they, in his or their Discretion shall think fit to determine any Lease or Leases, Agreement or Agreements at Rack Rent, now subsisting for any Term of Years, or from Year to Year, or at Will, of any Part or Parts of the Lands hereby directed to be divided and allotted, or of the Rights of Common belonging thereto, and of all or any Part of the Lands and Hereditaments within the Parish and Manor of *Great Shefford* otherwise *West Shefford* aforesaid, which shall be exchanged by virtue of this Act, as to the Whole or any Part of the Premises comprized in any such Lease or Leases, Agreement or Agreements, at such Time or Times as such Commissioner or Commissioners shall direct; and it shall be lawful for such Commissioner or Commissioners to adjudge and determine what Satisfaction shall be made by the respective Lessors or Landlords to the Lessees or Tenants respectively, for the Determination of their Interests in such Lands or Hereditaments, either by the Payment of a gross Sum, or (where other Lands or Hereditaments are or shall be comprized in the same) by a Reduction or Apportionment of the Rent to be paid during the Remainder of the Term, for the Residue of the Premises in such Lease or Demise comprized; and every such Lease and Demise shall, upon the Compliance of the Lessor with the Direction and Order of such Commissioner or Commissioners for the Determination thereof, and not otherwise, cease and determine.

Commissioners may determine Leases, &c. at Rack Rent.

XXXII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed or adjudged to extend, to revoke, make void, annul, or alter any Settlement, Deed, Will, or Lease, or to prejudice any Person having any Right or Claim of Dower, Jointure, Annuity, Rent, Debt, Charge, or Incumbrance whatsoever, in, out of, upon, or affecting any of the Lands, Tenements, or Hereditaments hereby directed to be divided and allotted, or which shall be exchanged or assigned in Compensation for any other Estate or Right in pursuance of this Act respectively; but that as well the Lands allotted as the Tenements and other Hereditaments which shall be assigned in Exchange or in Compensation for any other Estate or Right by virtue of this Act, shall immediately after such Allotment, Exchange, or Assignment, remain and enure; and the several Persons to whom the same shall be allotted, assigned, or given in Exchange as aforesaid, shall thenceforth stand and be seized and possessed thereof respectively, to, for, and upon such and the same Uses, Estates, Intents, Trusts, and Purposes respectively, and subject and liable to such and the same Wills, Settlements, Limitations, and Remainders, Conditions, Charges, and Incumbrances; and that the Lands, Tenements, and Hereditaments which shall be allotted or received in Exchange, shall be of such and the same Tenures respectively, and be

Act not to affect Settlements, Wills, &c.

[Loc. & Per.]

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subject

subject and liable to such and the same Rents, Fines, Heriots, Customs, and Services in all Respects as the several Lands, Tenements, and Hereditaments in respect whereof such Allotments, Assignments, and Exchanges shall have been made, should or would have stood severally limited, settled, vested, or subject or liable to, or been held by, in case the same had not been allotted, assigned, or exchanged, and this Act had not been made, save and except such Leases and Tenancies at Rack Rent as shall become void by virtue of this Act, and except where any other of the Provisions of this Act are to the contrary.

Commissioners may direct Course of Husbandry.

XXXIII. And be it further enacted, That until such Division and Allotment as is hereby directed shall have been made of the Lands to be divided and allotted, all such Lands shall be stocked with such Cattle, and at such Times, and in such Manner only as the said Commissioner or the Commissioners for the Time being shall, by Writing under his or their Hand or Hands direct, any Usage or Custom to the contrary notwithstanding; and that no Part of the Lands hereby directed to be divided and allotted shall, without the Consent in Writing of such Commissioner or Commissioners, be before the Allotment thereof ploughed, broken up, or converted into Tillage; and every Occupier of any such Lands, who shall refuse or neglect to comply with any such Direction of such Commissioner or Commissioners, or who shall plough, break up, or convert the same or any Part or Parts thereof into Tillage without such Consent, shall forfeit and pay a Sum not exceeding Twenty Pounds for every Acre of the Land which shall be so ploughed, broken up, or converted into Tillage, and so in Proportion in each Case for a greater or less Quantity than an Acre, to be levied and recovered and applied in the Manner directed by the said Act of the Forty-first Year of the present Reign.

No Sheep to be kept in the new Inclosures for Seven Years, unless fenced in.

XXXIV. Provided always, and be it enacted, That no Sheep or Lambs shall be kept in any of the Allotments to be made by virtue of this Act (wherein any new Fence shall be raised) during the Space of Seven Years next after the Execution of the said general Award, unless the Person keeping the same shall first, at his or her own Expence, make and maintain a sufficient Fence to guard and protect the young Fences belonging to such Allotments respectively from being hurt or damaged by such Sheep or Lambs, (whether such Fences shall or shall not be made or set by the Owner or Occupier of the Allotment or Allotments adjoining thereto;); and in case any Person shall turn or keep any Sheep or Lambs in any such Allotment or Allotments, without raising or keeping up such Fences as aforesaid, he shall forfeit and pay to the Person damnified the Amount of the Damages occasioned thereby; and it shall be lawful for the Owner or Occupier of any adjoining Allotment or Allotments to enter thereon, and to take, drive away, and impound the same Sheep or Lambs until such Damages shall be fully paid.

Money advanced for defraying Expences of the Act, to be repaid with Interest.

XXXV. And be it further enacted, That the Money which shall be advanced by any Person or Persons for the Purpose of defraying the Expence of applying for and obtaining this Act, or which, after the passing of this Act, shall be advanced or lent to the said Commissioner, or the Commissioners for the Time being, for carrying the same into Execution, shall be paid with lawful Interest to the Person or Persons who shall have advanced.

advanced the same, his, her, or their Executors, Administrators, or Assigns, out of the first Money to be raised for defraying the Expences of obtaining and executing this Act.

XXXVI. And be it further enacted, That the said Commissioner, and any other Commissioners, or any Umpire, to be appointed as herein is mentioned, acting in the Execution of the Trusts and Powers of this Act, shall each be allowed and paid in Satisfaction for his Trouble and Expences, the Sum of Three Pounds and Three Shillings for every Day on which he shall be employed in so acting, or in travelling to any Place where he shall so act, or returning from such Place, and that at all Meetings to be holden in pursuance of this Act, the said Commissioners, Umpire, and Clerk, and every Proprietor and other Person attending such Meetings, shall pay their own Expences; and that the Clerk to be employed by such Commissioner or Commissioners shall be paid such Sum or Sums of Money, not exceeding Three Pounds and Three Shillings *per* Day, for his Pains, Trouble, and Expences in the Execution of this Act, as to the said Commissioner or Commissioners shall seem just and reasonable.

Allowance to the Commissioners, Umpire, and Clerk.

XXXVII. And be it further enacted, That the Costs and Charges attending the obtaining and passing of this Act, of dividing and allotting the Open Fields, Common, and Waste Lands hereby directed to be divided and allotted, and of making the public Roads to be set out, and of preparing and inrolling the Award of such Commissioner or Commissioners, and all the Charges and Expences of such Commissioner or Commissioners, and of the Umpire so to be appointed, and of the several Persons to be employed by such Commissioner or Commissioners, either before or after the Execution of the said Award, shall be borne and defrayed by the Proprietors and Owners of, or Persons, or Bodies Politic, Corporate, or Collegiate, (the said Rector and his Successors excepted), having Rights or Interests in the Lands hereby directed to be divided and allotted, in Proportion, as near as may be, to their respective Rights and Interests, which Proportions shall be settled and ascertained by the said Commissioner, or the Commissioners for the Time being, and shall be paid to such Person or Persons, and at such Time or Times, either before or after the Execution of the said Award, as such Commissioner or Commissioners, by any Writing under his or their Hand or Hands, shall direct or appoint, and the same shall and may be levied and recovered in the Manner provided by the said Act of the Forty-first Year of the present Reign.

Expences of the Act, and its Execution, to be paid by the Proprietors (except the Rector) according to their Interests.

XXXVIII. Provided, and be it further enacted, That all Costs, Charges, and Expences attending any Sales, Exchanges, or Partitions to be made by virtue of this Act or the said Act of the Forty-first Year of the present Reign, shall be paid, borne, and defrayed by the several Persons whose Estates shall be sold, exchanged and parted in such Manner and Proportions as such Commissioner or Commissioners shall by any Writing under his or their Hand or Hands order and direct, and shall be recovered in the same Manner as the Expences of executing this Act are to be recovered.

Expences of Sales, Exchanges, &c. to be paid by the Parties.

XXXIX. Provided,

Commissioners empowered to raise and levy Arrears of Expences.

XXXIX. Provided, and be it further enacted, That if at the Time of the Execution of the general Award there shall remain due from any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, any Sum or Sums of Money which shall have been adjudged or ordered to be paid by virtue of this Act, such Commissioner or Commissioners shall levy and raise the same in like Manner as they might have done before the Execution of such Award.

Commissioners to lay Accounts yearly before a Justice.

XL. And be it further enacted, That once at least in every Year, during the Execution of this Act, (such Year to be computed from the Day of the passing thereof), the said Commissioner, or the Commissioners for the Time being, shall make a true and just Statement or Account of all Sums of Money by him or them received and expended, or due to him or them, for his or their Trouble and Expences in the Execution of this Act, and the said other Act, and such Statement or Account, when so made, together with the Vouchers relating thereto, shall be by him or them laid before One of His Majesty's Justices of the Peace for the said County of *Berks*; acting within the Hundred of *Kintbury Eagle*, in the same County, (not interested in the said Inclosure), to be by him examined and balanced, and such Balance shall be by such Justice stated in the Book of Accounts, to be kept in the Office of the Clerk to such Commissioner or 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: Provided always, that Ten Days previous Notice in Writing, to be affixed on the principal South Door of the Parish Church of *Great Shefford* otherwise *West Shefford* aforesaid, shall be given by such Commissioner or Commissioners, of the Time of laying such Statement or Account and Vouchers before such Justice, and of the Name of such Justice.

Award to be deposited in the Parish Church.

XLI. And be it further enacted, That the Award to be made by the said Commissioner or the Commissioners for the Time being, when inrolled in the Manner directed by the said Act of the Forty-first Year of His Majesty, shall, together with the Plan thereunto annexed, be deposited in the Parish Church of the same Parish, and may be inspected by any Person or Persons interested in the said Division and Inclosure at all reasonable Times, upon reasonable Notice given by the Party requiring such Inspection, and on Payment upon every such Inspection of the Sum of Two Shillings to the Person having the Custody thereof.

Power to appeal to the Quarter Sessions.

XLII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done by such Commissioner or Commissioners, or Umpire, relative to the said former or this Act, except in Cases where his or their Determinations are declared to be final or conclusive, and except in Cases where an Issue at Law may be tried, as herein is mentioned, then and in every such Case, such Person or Persons may appeal to the General Quarter Sessions of the Peace to be holden for the said County of *Berks*, within Four Calendar Months from the Time when the Cause of Complaint shall have arisen, giving to such Commissioner or Commissioners, and to the Party or Parties concerned, Notice in Writing of such Appeal, and of the Matter thereof, within Twenty Days after the Cause of Complaint shall have arisen, and Twenty Days at the least,

least, before such General Quarter Sessions; and the Justices (not interested in the Premises) in such Sessions assembled, are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein, and to award such Costs and Damages, as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs and Damages which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress and Sale; and every Order and Determination of the said Justices upon every such Appeal shall be final and conclusive to all Parties concerned, and shall not be removed or removeable 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 and in such Case the said Justices shall award such Costs to be paid by the Appellant or Appellants, as to them in their Discretion shall seem reasonable, and such Costs shall be levied in Manner aforesaid:

XLIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to prejudice, lessen, defeat, or affect the Right, Title, or Interest of the said *Arthur Marquis of Downshire*, Lord of the said Manor of *Great Shefford* otherwise *West Shefford*, or any future Lord or Lords of the said Manor, in and to the Seignories, Rights of free Warren, free Chase, or any other Royalties, Privileges, Rights, and Services, incident or belonging thereto, or of Right exercisable or enjoyable by him, her, or them therein or thereupon, (other than and except such as are hereby meant and intended to be compensated for, barred, and extinguished); but that the said *Arthur Marquis of Downshire* and all future Lord or Lords of the said Manor shall and may, from Time to Time, and at all Times for ever hereafter, hold, receive, take, exercise, and enjoy all Rents, Fines, Services, Heriots, and Profits, and all Seignories, Rights of free Warren, free Chase, and all other Rights, Royalties, and Privileges whatsoever, to the said Manor incident, appendant, belonging, or appertaining, or of Right exercisable or enjoyable by him, her, or them, therein or thereupon, (other than and except as aforesaid), in as full, ample, and beneficial a Manner as he, she, or they could or might have held, exercised, and enjoyed the same, in case this Act had not been made.

Saving the Rights of the Lord of the Manor.

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

General Saving.

Evidence
Clause.

XLV. And be it further enacted, That this Act shall be printed by the several Printers to the King's most Excellent Majesty, duly authorized to print the Statutes of the United Kingdom, and a Copy thereof so printed by any of them 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. 1812.