ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 34.

An Act for inclosing Lands in the Parish of *Bray* in the County of *Berks*. [4th *May* 1814.]

WHEREAS there are within the Parish of *Bray* in the County of *Berks* divers Open Fields, Commons, and Waste Grounds: And whereas the King's most Excellent Majesty, in right of His Crown, is Lord of the Manor of *Bray* aforesaid, with its Members, and as such is entitled to the Right of Soil of the said Commons and Waste Lands: And whereas the Mayor, Bailiffs, and Burgesses of the Borough of *Reading* are seised to them and their Successors of the Manor of *Stroud*, alias *Stafferton's*, alias *Shiplake*, with its Members and Appurtenances, in the said Parish of *Bray*, and, as Lords of such Manor, claim to be entitled to the Soil of the Commons and Waste Grounds within the said Manor of *Stroud*, alias *Stafferton's*, alias *Shiplake*, and to other Manorial Rights belonging and appertaining to the said Manor: And whereas the Dean and Canons of His Majesty's free Chapel of *Saint George* within His Castle of *Windsor* are seised to them and their Successors of the Manor of *Cresswells* otherwise *Philberts*, with its Members and Appurtenances, in the said Parish of *Bray*, and, as Lords of such Manor, claim to be entitled to the Soil of the Commons and Waste Grounds within the said Manor of *Cresswells* otherwise *Philberts*, and to other Manorial Rights belonging and appertaining to the said Manor: And whereas the Wardens and Commonalty of the Mystery of Fishmongers of the City of *London* are seised to them and their Successors of the Manor of *Lords Lands* otherwise *Crutchfield*, with its Members and Appurtenances, in the said Parish of *Bray*, and, as Lords of such Manor, claim to be entitled to the Soil of the Commons and Waste Grounds within

within the said Manor of *Lords Lands* otherwise *Crutchfield*, and to other Manorial Rights belonging and appertaining to the said Manor: And whereas the Master, Fellows, and Scholars of the College of *Saint John the Evangelist* in the University of *Cambridge* are seised to them and their Successors of the Manor of *Chawridge*, with its Members and Appurtenances, extending into the said Parish of *Bray*, and, as Lords of such Manor, claim to be entitled to the Soil of the Commons and Waste Grounds within the said Manor of *Chawridge*, and to other Manorial Rights belonging and appertaining to the said Manor: And whereas *Henry Vansittart* Esquire is seised to him and his Heirs of the Manor of *Foxley's*, with its Members and Appurtenances, in the said Parish of *Bray*, and, as Lord of such Manor, claims to be entitled to the Soil of the Commons and Waste Grounds within the said Manor of *Foxley's*, and to other Manorial Rights belonging and appertaining to the said Manor: And whereas *Robert Partridge* Esquire and *Samuel Heyhoe Le Neve Gilman* Gentleman, as Trustees of *Henry Samuel Partridge* Esquire, are seised to them and their Heirs of the Manor of *Lowbrooks*, with its Members and Appurtenances, in the said Parish of *Bray*, and, as Lords of such Manor, claim to be entitled to the Soil of the Commons and Waste Grounds within the said Manor of *Lowbrooks*, and to other Manorial Rights belonging and appertaining to the said Manor: And whereas *Patrick Crawfurd Bruce* of *Taplow Lodge* in the County of *Bucks*, Esquire, is seised to him and his Heirs of the Manor or reputed Manor of *Bullocks* otherwise *Bullock's Hatch*, with its Members and Appurtenances, in the said Parish of *Bray*, and, as Lord of such Manor, claims to be entitled to the Soil of the Commons and Waste Grounds within the said Manor of *Bullocks* otherwise *Bullock's Hatch*, and to the Manorial Rights belonging and appertaining to the said Manor: And whereas the Right Reverend Father in God *William* Lord Bishop of *Oxford*, in right of his See, is Patron, and the Reverend *Edward Townshend* Clerk is the Vicar of the said Parish, and is entitled to all Vicarial Tythes and Dues arising within the said Parish: And whereas the King's most Excellent Majesty, in right of His Crown, the Mayors, Bailiffs, and Burgesses of the respective Boroughs of *Reading* and *New Windsor*, the said Wardens and Commonalty of the Mystery of Fishmongers, the Master, Wardens, and Commonalty of the Mystery of Salters, the said Dean and Canons, the said Master, Fellows, and Scholars, the Reverend the Dean of *Worcester*, Sir *Robert Bateson Harvey* Baronet, *Henry Vansittart*, *Pascoe Grenfell*, Esquires, and divers other Persons, are the Owners and Proprietors of the several Messuages, Lands, and Tenements within the said Parish, and as such are respectively entitled to Right of Common and other Interests in, upon, and over the said Commons and Waste Grounds: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty,

41 G.3.c.109. 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 an

53 G.3.c.158. Act was also passed in the last Session of Parliament, intituled *An Act for vesting in His Majesty certain Parts of* Windsor *Forest in the County of* Berks, *and for inclosing the Open Commonable Lands within the said Forest:* And whereas the Lands and Grounds of the respective Proprietors in the said Open Fields lie intermixed and dispersed, and are at present very inconveniently situated for the Cultivation thereof; and it would be

of great Advantage to the several Persons interested therein if all the said Open Fields, Commons, and Waste Grounds were divided and inclosed, and specific Parts thereof allotted to the said several Proprietors in proportion to their respective Property, Rights of Common, and other Interests therein: But forasmuch as such Objects cannot be obtained or effectually carried into execution without the Aid and Authority of Parliament, May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *George Smallpeice* of *Stoke*, near *Guildford*, in the County of *Surrey*, Gentleman, and his Successors to be elected in manner herein-after mentioned, shall be and is hereby appointed the Commissioner for dividing, allotting, and inclosing the said Open Fields, Commons, and Waste Grounds, and all other the open and inclosed Lands and Grounds within the said Parish of *Bray*, and for putting this Act into execution in the Manner, and subject to the Provisoes, Rules, Orders, and Restrictions herein-after contained, and also subject to the Powers and Provisoes of the said recited Act of the Forty-first Year of His present Majesty's Reign, except when the same are hereby varied or altered. Commissioner.

II. And be it further enacted, That out of the Money that shall be raised for defraying the Expences of executing this Act the said Commissioner, and also the Commissioner herein-after appointed on behalf of the said Vicar, and their Umpire if appointed, shall be respectively allowed and paid Three Guineas, and no more, for their Trouble, Charges, and Expences, including all travelling Charges and Expences whatsoever, for each and every Day they shall necessarily attend in the Execution of the Powers of this Act or the said recited Act. Commissioner's Allowance.

III. And be it further enacted, That in case the said *George Smallpeice* shall die, or refuse to act or become incapable of acting in the Execution of this and the said recited Act, then and in every such Case it shall and may be lawful to and for the major Part in Value of the Persons interested in the said Division, Allotment, and Inclosure (such Value to be ascertained according to the Rate or Assessment made for the Relief and Maintenance of the Poor of the said Parish of *Bray* for that Year), who shall be present at a Meeting to be holden for that Purpose in the Vestry Room of the said Parish within Twenty-eight Days next after any such Death, Refusal, or Incapacity as aforesaid, of which Meeting Fourteen Days Notice at the least, and of the Purpose thereof, shall be given by Advertisement, signed with the Name of the Clerk, in the *Reading Mercury* and in the *Windsor Express*, or in some other Newspaper printed and circulated within the said County of *Berks*, to nominate, elect, and appoint, by any Instrument in Writing, some fit and proper Person (not interested in the said Division and Inclosure) to be the Commissioner, and so from Time to Time as often as any such Case shall happen; and any Commissioner so to be nominated and appointed shall, after taking and subscribing the Oath prescribed on that Behalf, have the like Power and Authority for carrying the said recited Act and this Act into execution, and shall be subject and liable to the like For electing new Commissioners.

like Rules, Regulations, and Restrictions, as if he had been originally appointed a Commissioner in and by this Act.

Notice of Sittings.

IV. And be it further enacted, That the said Commissioner shall and is hereby required, within Three Months after the passing of this Act, to give or cause public Notice to be given in Writing under his Hand or the Hand of the Clerk, specifying the Time and Place of holding his first Sitting for executing this and the said recited Act, to be affixed on the principal outer Door of the Parish Church of *Bray* aforesaid, and also by Advertisement to be inserted in such Newspapers as aforesaid, Fourteen Days at the least before any such Meeting shall be holden (Meetings by Adjournment only excepted), and it shall be lawful for the said Commissioner to adjourn his Sittings from Time to Time as he shall see Occasion for executing the Powers hereby vested in him, provided that no Adjournment shall be made for a longer Space than Twenty-eight Days, and that all such Sittings shall be held within the said Parish, or within the Distance of Three Miles from the Boundary of the said Parish.

Other Notices.

V. Provided always, and be it enacted, That all other Notices requisite to be made and given by the said Commissioner shall be so made and given by Advertisement in the said *Reading Mercury* and *Windsor Express*, or in some other Newspaper printed and circulated in the said County of *Berks*.

Commissioner to determine Differences.

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

Commissioner may assess Costs.

VII. And be it further enacted, That the said Commissioner shall and he is hereby empowered and required, upon Request made to him, to assess and award such Costs and Charges as he shall think reasonable to be paid to the Party or Parties in whose Favour any Determination of the said Commissioner shall be made by the Person or Persons whose Claim or Objection shall be thereby disavowed or overruled; and in case the Person or Persons who shall be liable to pay such Costs and Charges shall neglect or refuse to pay the same on Demand, it shall be lawful for the said Commissioner, and he is hereby authorized and required, by Warrant under his Hand and Seal directed to any Persons whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any), upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

VIII. Pro-

Persons dissatisfied to try their Rights by an Issue at Law.

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

In case of Death of Parties, Actions to be carried on and defended in their Names.

IX. 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 should have been brought if living, shall die before any such Action or Actions 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, Bodies Politic or Corporate, who might have brought such Action or Actions against the Person or Persons so dying, to bring the same, within the Time so limited as aforesaid, against such Person or Persons as if actually living, and to serve the Clerk to the said Commissioner 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 such Parties shall be equally bound and concluded by the Event of such Action or Actions.

Persons in possession not to be molested without due Form of Law.

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

Commissioner to extinguish Right of Common.

XI. And be it further enacted, That the said Commissioner may, in his Discretion, at any Time or Times antecedent to the making and Publication of his Award as aforesaid, either suspend or wholly extinguish all or any Part or Parts of the Right of Commonage in, over, or upon all or any of the Lands or Grounds so to be divided and allotted as aforesaid, and likewise authorize all or any of the said Proprietors, after their respective Allotments shall be marked and staked out for them, and prior to the Execution of the said Award, to proceed to ditch, fence, inclose, occupy, and enjoy in Severalty such their own respective Allotments, and in such Manner as he the said Commissioner shall or may direct; and the said Commissioner shall or may at any intermediate Time or Times before the Execution of the said Award, as he may think expedient, notify and describe to such Proprietors their several Allotments; and the several Allotments, when finally made and awarded, of the said Lands and Grounds so to be divided, set out, and allotted as aforesaid, shall be and vest in the respective Persons to whom the same shall be so allotted respectively, in full Compensation of and for their several Rights and Interests in, upon, and out of all or any of the said Lands and Grounds so to be divided and allotted as aforesaid, and all such Proprietors shall be bound to accept of such Allotments accordingly.

Encroachments to be made Part of the Commons.

XII. And be it further enacted, That all Encroachments taken or made from or on any Part or Parts of the said Commons and Waste Grounds hereby directed to be divided and inclosed within Twenty Years before the passing of this Act shall be deemed Part and Parcel of the said Common and Waste Grounds respectively from or on which the same were respectively taken in or made, and shall be divided, allotted, and inclosed by virtue of this Act: Provided nevertheless, that all such Encroachments shall be allotted to the Person or Persons who shall at the Time of making the Allotments be in the Possession of such Encroachments, or in Receipt of such Rents and Profits thereof, in lieu of the whole, if sufficient for that Purpose, or if not, then in part of the Share or Allotment of the said Commons and Waste Grounds to which such Person or Persons shall be entitled by virtue of this Act, and which Encroachments, in making such Allotment or Allotments, shall be estimated according to the Value of the Land or Ground so taken in or encroached upon,

and without considering the Value of any Erections or Buildings thereon; and if the Person or Persons who shall be in possession of such Encroachments respectively, or in receipt of the Rents and Profits thereof, shall be entitled to no Allotment, or to an Allotment not equal to the Value of such respective Encroachments, but shall be willing to purchase the same, then the said Commissioner shall ascertain the Price thereof, or of such Part thereof as shall exceed the Value of the Allotment to be made to such Possessor or Possessors thereof in respect of his or their other Property, in ascertaining which Value the said Commissioner shall not estimate the Buildings or other Improvements thereon; and upon such Person or Persons paying such Price thereof to the said Commissioner at such Time or Times as he shall for that Purpose direct, the said Commissioner shall give and sign his Receipt or Receipts for the same, and shall thereupon allot to the Purchaser or Purchasers every such Encroachment, or such Part thereof as shall be so purchased; and the same shall, on such Payment, be and become vested in such Purchaser or Purchasers thereof, and his and their respective Heirs and Assigns, in Fee Simple; and the said Commissioner shall apply the Purchase Money to arise thereby as Part of the Monies to be raised for defraying the general Expences of this Act, and shall divide and apportion the Surplus Money thereof (if any) amongst the several Persons interested in the said Commons and Waste Grounds hereby directed to be divided, allotted, and inclosed in such Shares as shall be in proportion to their Property and Interests respectively therein; and the Shares of such of them as shall be Tenants in Fee Simple shall be paid to them respectively, and the Shares of such other Proprietors of and in such Surplus Money shall be applied and disposed of in manner directed by the said recited Act in those Cases where any Money is to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the same Uses; provided that if the Person or Persons who shall be in possession of or entitled unto the Rents and Profits of such Encroachment or Encroachments shall not be willing, or shall neglect, within the Time or Times to be directed by the said Commissioner, to purchase the same, or so much thereof as shall be offered for Sale as aforesaid, on the Terms aforesaid, then the said Commissioner shall allot the Part thereof which was so to be sold to some other Person or Persons, as Part of his, her, or their Allotment or Allotments, as to the said Commissioner shall seem proper; or the said Commissioner shall and may sell the same in such Manner and under such Regulations as he is authorized to sell the Allotments of the said Commons and Waste Grounds for defraying such Expences as herein-after mentioned.

Allotment to the King's Majesty.

XIII. And be it further enacted, That the said Commissioner shall and he is hereby required, in the first place, to set out, assign, and allot unto and for the King's Majesty, His Heirs and Successors, as and for a full Recompence and Compensation for the Manorial Rights of the Crown in and to the Soil of such Part of the Commons and Waste Grounds in the said Parish of *Bray* as are not situated in the Forest of *Windsor*, to which His Majesty is entitled as aforesaid, and are not provided for by the said recited Act of the last Session of Parliament, so much of the said remaining Part of the said Commons and Waste Grounds as in the

Judgment

Judgment of the said Commissioner shall amount to and shall not exceed (Quantity, Quality, and Situation considered,) Two Thirty-second Parts of such remaining Commons and Waste Grounds; and that the said Allotment shall thenceforth become and remain the exclusive and absolute Property of the King's Majesty, His Heirs and Successors, freed, exonerated, and discharged of and from all Rights of Common of what Nature or Kind soever: Provided always, that such Allotment shall be made immediately contiguous and adjoining to the Allotment directed to be made to His Majesty in the said Parish of *Bray* under and by virtue of the said Act of the last Session of Parliament.

His Majesty's may be immediately inclosed.

XIV. And be it further enacted, That upon and immediately after such Division and Allotment to His Majesty shall have been made it shall be lawful for His Majesty, His Heirs and Successors, immediately to inclose and continue inclosed the whole of the said Allotment at such Time or Times and in such Manner and Form as the Commissioner appointed on the Part of His Majesty under and by virtue of the said recited Act of the last Session of Parliament shall order and direct.

Allotments to the several Lords of the Manors.

XV. And be it further enacted, That the said Commissioner shall and he is hereby required to set out, allot, and award unto and for the several other Lords of the said other Manors respectively, in lieu of their respective Rights to the Soil of the respective Commons and Wastes within their Manors respectively, such Parts and so much of the said Commons and Wastes as in the Judgment of the said Commissioners shall be a full Compensation and Satisfaction for their respective Rights to the Soil of such Commons and Wastes respectively as such Lords of the said respective Manors.

Allotments to the several Lords of Manors not to affect their Right as Proprietors.

XVI. Provided always, and be it further enacted, That the several Allotments herein-before directed to be made to the several Lords of Manors as aforesaid shall not in any Manner affect or prejudice the respective Rights of the said several Lords of Manors to their several and respective proportional Allotments as Proprietors of or as being interested in the said Open Fields and Waste Grounds to be divided and inclosed, further than with respect to their several and respective Rights to the Soil of the several and respective Commons and Wastes for which Allotments are herein-before directed to be made as aforesaid.

Commissioner to sell Lands to pay Expences.

XVII. And be it further enacted, That the Commissioner appointed by or in pursuance of this Act shall and may and he is hereby authorized and required, after setting out the several Roads and Ways in manner by this Act and the said recited Act directed, in the next place to mark and set out such Part or Parts of the said Commons and Waste Grounds as will by the Sale thereof, in the Judgment of the said Commissioner, raise Money sufficient to defray and discharge all the Costs and Charges attending the surveying, dividing, and allotting the said Lands and Grounds hereby directed to be divided and inclosed, and of setting out, making, and forming such public Roads, Drains, Bridges, and other Requisites as in and by this Act are particularly specified and directed, and of fencing the Vicar's Allotment, and of preparing and inrolling the said Award, and all other reasonable Expences and Charges of the said Commissioner and Surveyors, and other proper and necessary Expences in

in the Execution of this Act, from Time to Time as the same shall respectively accrue; and the said Commissioner shall and he is hereby required to sell the Land and Ground so marked and set out in such Allotment or Allotments, in the like Manner, and under and subject to the same Provisions and Directions (having regard to the Proviso hereinafter contained), as are expressed in the said recited Act of the Forty-first Year of His present Majesty's Reign; and after such Sale or Sales the Purchase Money arising therefrom shall be applied by the said Commissioner in defraying such Costs, Charges, and Expences as aforesaid: Provided nevertheless, that previous to the publishing any Advertisement for Sale of any Part of the said Commons and Waste Lands lying in front of or before any Messuages, Tenements, or Lands belonging to any Proprietor in the said Parish of *Bray* (which Frontages the said Commissioner is hereby directed and required to select for that Purpose), the said Commissioner shall and he is hereby directed and required to deliver unto such Person or Persons before or in front of whose Property the same shall be, or his, her, or their known Agent or Attorney, a Description and Estimate in Writing, under the Hand of such Commissioner, of the Value of such Frontages, (Quantity, Quality, Situation, and Convenience considered,) in order that such Person or Persons may have an Option of purchasing the same by private Contract; and that in case such Person or Persons shall within Twenty-one Days from the Delivery of such Notice pay or cause to be paid to the said Commissioner the Amount of such Estimate or Valuation, then that such Frontages or Parcels of the said Commons and Waste Lands shall not be advertised for Sale or sold by public Auction, but from and immediately after the Payment of the Purchase Money the Person or Persons paying the same shall be absolutely seised of an Estate of Inheritance in Fee Simple of and in the Land contained in such Description and Estimate, free from all Incumbrances whatsoever.

Commissioner to apportion Expences between Proprietors of old Inclosures and Common Field Lands.

XVIII. Provided always, and be it further enacted, That in order to make a just and fair Apportionment of the Expences of carrying this and the said first-recited Act into execution, so far as respects the surveying, dividing, and fencing of the Allotments to be made as well of the said Open and Common Fields as of the said Common and Waste, the said Commissioner shall and he is hereby required to fix and ascertain the Amount of the Shares and Proportions to be paid by the Proprietors of such Allotments respectively, in such Manner, and to such Person or Persons, and at such Time or Times, as the said Commissioner shall by Writing under his Hand, either before or after the Execution of the said Award, direct or appoint, so as that the Expences of surveying, dividing, and fencing the several Allotments to be made of Open Field Property shall be borne and paid by the Proprietors of Land in the said Open and Common Fields exclusively; and in case any Person or Persons, Body or Bodies Polititic, Corporate, or Collegiate, shall refuse or neglect to pay his, her, or their Share or Proportion of such Costs, Charges, and Expences, according to such Direction or Appointment as aforesaid, then and in such Case the same shall and may be recovered in manner directed by the said recited Act of the Forty-first Year of His present Majesty's Reign.

Allotment to the Vicar in lieu of Vicarial Tithes.

Vicar's Commissioner.

XIX. And whereas it would be a reciprocal Benefit to the said Vicar and his Successors, and to the several Proprietors of Lands and Estates within the said Parish, if the same were exonerated from the Payment of all Vicarial Tithes, and a proper Compensation made in lieu thereof; be it therefore enacted, That the said Commissioner, together with *Richard Crabtree* of *Wokingham* in the said County of *Berks*, Gentleman, (who is hereby appointed a Commissioner for that Purpose,) shall and they are hereby authorized and required to set out and allot unto and for the Vicar of the said Parish for the Time being, and his Successors, so much and such Allotment or Allotments, Parcel or Parcels of the said Waste Lands hereby directed to be allotted and inclosed, as in the Judgment of the said Commissioners shall be a full Equivalent and Compensation for all and singular the Vicarial Tithes, Moduses (if there be any), Compositions, or Dues and Payments whatsoever growing, arising, issuing, or payable, or which at any Time hereafter shall be growing, arising, issuing, or payable, in, upon, out of, or from all the Lands and Grounds within the said Parish; and that the said Allotments of Ground shall be laid out as contiguous as may be to the Vicarage or Parsonage House, but so as that not more than Thirty Acres of such Allotments shall be taken from or out of the Common called *Old Field;* and that such Allotments shall be fenced by the said Commissioners out of the Monies to be raised by Sale of the Commons and Wastes as herein-before mentioned, which Fences shall be afterwards supported and maintained by and be and remain the sole Property of the said Vicar and his Successors for ever.

Rectorial Tithes arising from the Vicar's Allotment preserved to the Rector.

XX. Provided always, and be it further enacted, That all and every Allotments or Allotment which shall be made to the said Vicar and his Successors as a Compensation for the Vicarial Tithes and Dues, arising within the said Parish shall be and remain subject to the Payment of Rectorial Tithes and Dues; and that the Owner for the Time being of the said Impropriate Rectory, his Successors, Lessees, and Assigns, shall be entitled to, and may and shall have, receive, and take, such and the same Tithes and Dues as would have arisen or become payable or due to him and them from or out of the said last-mentioned Allotments or Allotment, and shall have the same Remedies for the Recovery thereof as he or they would have had in case such Allotments or Allotment should have been made to any of the said Owners or Proprietors of Lands and Estates in lieu of any Right of Common, or any other Right, in, to, over, or out of the said Commons and Waste Grounds.

Rectorial Tithes secured to the Owner of the Impropriate Rectory.

XXI. And be it further enacted, That nothing in this Act contained shall extend to defeat, diminish, or prejudice the Right of the said Owner for the Time being of the said Impropriate Rectory, his Successors, Lessees, or Assigns, to the Rectorial Tithes and Dues which may now or shall at any Time hereafter arise or become payable or due to him or them from or out of the Lands and Grounds by this Act directed to be divided and allotted, or from or out of any Part thereof.

Appointment of new Commissioner.

XXII. And be it further enacted, That in case the said *Richard Crabtree* shall die, or refuse to act or become incapable of acting in the Execution of the Trust hereby reposed in him, then it shall be lawful to and for the Lord Bishop of *Oxford* and the Vicar of the said Parish for the Time being to nominate and appoint, by Writing under their Hands,

some fit and proper Person to be a Commissioner for the Purposes aforesaid in the Place and Stead of the said *Richard Crabtree*; and such Person so to be nominated and appointed shall, after taking the Oath prescribed in that Behalf, have the like Power and Authority for the Purpose aforesaid as if he had been originally appointed a Commissioner by this Act.

Appointment of Umpire.

XXIII. Provided always, and be it further enacted, That in case the said Commissioners shall differ or disagree in Opinion touching or concerning the said last-mentioned Division and Allotment, or any Matter or Thing relating thereto, then and in every such Case it shall be lawful for the said Commissioners and they are hereby required, with all convenient Speed after such Disagreement or Difference in Opinion shall happen, to refer the Matter thereof to some Person, not interested in the Premises, to be nominated by them the said *George Smallpeice* and *Richard Crabtree*, and the Determination of such Umpire in the Premises shall be binding and conclusive upon all Parties; and that all Acts, Matters, and Things authorized or necessary to be done and executed by the said Commissioners for effecting the Purpose aforesaid may, in case of any such Disagreement or Difference in Opinion between them, be done and executed by one of them jointly with the said Umpire so to be nominated, and the same shall be as valid and effectual, to all Intents and Purposes, as if the same Acts, Matters, and Things had been done and executed by both the said Commissioners.

Umpire's Oath.

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

'I *A. B.* do swear, [*or, being a Quaker*, do solemnly affirm,] That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, execute and perform the several Powers and Authorities vested and reposed in me as an Umpire by virtue of an Act passed in the Fifty-fourth Year of the Reign of King *George* the Third, intituled *An Act* [*here insert the Title of this Act*], according to Equity and good Conscience, and without Partiality, Favour or Affection, Prejudice or Malice, to any Person or Persons whomsoever. So help me GOD.'

Which Oath the said Commissioners or either of them are and is hereby empowered and required to administer; and such Oath, and also the Writing appointing such Umpire, shall be annexed to and inrolled with the Award of the said Commissioners.

Allotment to the Poor.

XXV. And be it further enacted, That the said first-mentioned Commissioner shall in the next place set out and allot unto the Vicar, Churchwardens, and Overseers of the Poor of the said Parish, such Part and Parts of the Remainder of the said Commons and Waste Grounds hereby directed to be allotted and inclosed, in such Place or Places as he shall think proper, not exceeding in the whole One Thirty-second Part of the Remainder of such Commons and Wastes; and the said Allotments shall be vested in the said Vicar, Churchwardens, and Overseers of the Poor of the said Parish for the Time being for ever, as Trustees for the Purposes herein-after

herein-after mentioned; and the said Trustees, or the major Part of them, are hereby empowered from Time to Time, by Writing under their Hands and Seals, to lease and demise such Allotments, or so much thereof and in such Parcel or Parcels as they shall think proper, to any Person or Persons whomsoever, for any Term of Years not exceeding Fourteen Years, so as in every such Lease there be reserved and made payable to the said Trustees, or the major Part of them, by equal half-yearly Payments, the most improved yearly Rent or Rents that can be reasonably obtained for the Land thereby demised, without taking any Fine or Premium for granting such Lease or Leases; and that in all such Leases there be contained such usual Covenants and Stipulations as the said Trustees, or the major Part of them, shall think right to be inserted therein; and the Rents and Profits arising from such Allotments shall from Time to Time be laid out in the purchasing Coals or other Fuel or Clothing, and such Coals or other Fuel or Clothing shall be sold and disposed of unto and amongst the industrious poor Inhabitants of the said Parish, whether receiving Parish Relief or not, who shall occupy Cottages or Tenements not amounting in annual Value to the Sum of Ten Pounds, at a Cost not exceeding One Moiety of the Cost or original Price thereof, in such Proportions and Quantities, and at such Times in the Year, and according to such Rules and Regulations, as the said Trustees for the Time being, or the major Part of them, shall appoint and prescribe for that Purpose; and all Sums of Money which shall be received by the said Trustees from such industrious poor Inhabitants upon the Sale of such Coals or other Fuel or Clothing as aforesaid shall be from Time to Time again laid out and expended in the Purchase of other Coals or other Fuel or Clothing; and the said Trustees are hereby required to appropriate the same and every Part thereof for the sole and exclusive Benefit of the said poor Inhabitants, in the Manner herein-before directed, so long as there shall be Money remaining applicable to that Purpose.

Regulations to be made at a Meeting of the Vicar, Churchwardens, and Overseers.

XXVI. Provided always, and be it further enacted, That no Rules, Orders, or Regulations to be made or done by the said Trustees touching or concerning the Purchase, Sale, and Distribution of the said Coals or other Fuel, in the Manner herein-before directed, shall be binding or conclusive unless the same shall be made or done at some Meeting to be held in the Vestry Room of the said Parish, of which Fourteen Days previous Notice shall be given to the said Vicar by the said Churchwardens and Overseers and their Successors, or some or One of them, or left for him at the Vicarage House; and that all such Rules, Orders, and Regulations shall be decided by the Majority present at every such Meeting, at which the said Vicar or his Deputy (whom he is hereby authorized to depute by Writing under his Hand), if present, shall constantly preside; and in case of an Equality of Voices upon any Question under Discussion at any such Meeting, the said Vicar or his Deputy shall have the casting Voice.

Allotment for Gravel Pits.

XXVII. And be it further enacted, That the said Commissioner shall and he is hereby required, in the next place, to set out and allot unto the Surveyors of the Highways of the said Parish of *Bray*, and their Successors for the Time being, out of, from, and upon any of the Lands or 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

and other Materials for the Repairs of the several public and private Roads and Ways within the said Parish of *Bray*, as he the said Commissioner shall think proper and necessary for that Purpose; which said Allotment or Allotments shall be fenced in and inclosed, and the Fences thereof for ever after maintained and supported, in such Manner and by such Person or Persons in the said Parish of *Bray* as the said Commissioners shall order and direct, and which said Allotments shall and may be annually set out at Rack Rent by the said Surveyors respectively (subject to such digging of Materials for the Reparation of the said Roads respectively) for the best Rents that can be gotten for the same, which said Rents shall be applied to the Repair of the Roads in the said Parish of *Bray* for ever.

Allotment of Cannon Chalk Pit.

XXVIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioner and he is hereby required to set out and allot unto the Vicar, Churchwardens, and Surveyors of the Highways of the said Parish of *Bray* for the Time being the present Chalk Pit on *Maidenhead Thicket*, within the said Parish, called *Cannon Chalk Pit*, together with such Portion of the Waste Ground round the same as the said Commissioner shall think necessary and adequate, for the general and exclusive Use in digging Chalk of the Parishioners of the said Parish of *Bray*; and such Chalk Pit, and the additional Ground to be set out and allotted therewith by the said Commissioner as aforesaid, shall be and the same are hereby declared to be vested in the said Vicar, Churchwardens, and Surveyors of the Highways, and their Successors for ever, freed and discharged from all Manorial Rights, Title, Interests, Claim, and Demand whatsoever; and that the said Chalk Pit, and the Ground so to be allotted round the same, shall be fenced in the most effectual Manner, and shall be kept well and effectually fenced from Time to Time by and at the Expence of such Person and Persons and in such Manner as the said Commissioner in and by his Award shall order and direct.

Allotment of the Residue.

XXIX. And be it further enacted, That after the several Divisions and Allotments herein-before directed to be made of the said Commons and Waste Lands shall have been assigned and set out in the Manner herein-before directed, and such Sale or Sales as are herein-before mentioned shall have been made, then the said first-mentioned Commissioner shall divide, set out, and allot all the Residue and Remainder of the said Open and Common Fields, Commons, and Waste Grounds within the said Parish of *Bray*, hereby intended to be divided, allotted, and inclosed as aforesaid, unto and amongst the King's most Excellent Majesty (over and above the Manorial Allotment herein-before directed to be made) and the several Proprietors of and Persons interested in the said Manors, Messuages, Lands, Tenements, and Hereditaments within the said Parish of *Bray*, who shall be entitled to any Estate, Property, or Interest therein, according to their respective Rights and Interests, in such Quantities, Shares, and Proportions, and in such Manner, as by the said Commissioner shall be adjudged and determined to be a just and full Compensation and Satisfaction for and equal to their several and respective Rights and Interests of, in, and over the said Open and Common Fields, Commons, and Waste Lands, and other Rights and Interests therein respectively.

Commissioner not to divide or allot Queen Leaze.

XXX. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to authorize or empower the said Commissioner to divide, allot, or inclose, or otherwise intermeddle with a certain Piece or Parcel of Pasture situate within the said Parish of *Bray*, belonging to the King's Majesty in right of His Crown, and called or known by the Name of *Queen Leaze*; but that the said Piece or Parcel of Pasture shall at all Times during the present existing Crown Lease, and no longer, unless under a new Lease, be held and enjoyed in the same Manner and subject to all the Privileges and Rights of Pasturage as the same has heretofore been accustomed and subject to, and as if this Act had never been made.

Fencing of the Vicar's Allotment.

XXXI. And be it further enacted, That the said Allotment or Allotments so to be set out and allotted to the said Vicar of *Bray* as aforesaid shall be ring-fenced and ditched on such Sides, in such Manner, and by and out of such Monies as shall be raised for the Purposes of this Act, as the said Commissioner by his Award, or Instrument or Writing under his Hand previous to the Execution of his said Award, shall ascertain, direct, or appoint; and such Fences and Gates shall for ever after the making thereof be repaired by the said Vicar and his Successors in such Proportion as the said Commissioner shall in like Manner direct and appoint.

Persons having too little Fencing to pay in Money.

XXXII. Provided always, and be it further enacted, That in case, through the Necessity of Situation or any other Circumstance, it shall happen that any of the Proprietors shall not have an equal or proportionable Share of Boundary, Mounds, or Fences allotted to him, her, or them on the said intended Inclosure, then and in such Case it shall and may be lawful to and for the said Commissioner, where he shall judge it necessary and reasonable, to award, order, and appoint what Sum or Sums of Money such Proprietor or Proprietors shall respectively pay and contribute towards making the Mounds and Fences to the Allotment or Allotments of such other Proprietor or 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 settled by the said Commissioner in such Manner as he shall direct or appoint; and in case the Money so ordered, directed, or appointed shall not be paid on Demand, then and in such Case such Money shall be raised, levied, and recovered in manner in and by the said recited Act of the Forty-first Year of His present Majesty's Reign directed.

Power to make Drains, &c.

XXXIII. And be it further enacted, That the said Commissioner shall and may cleanse, scour out, and widen all such ancient Brooks, Ditches, Drains, and Watercourses, and make and erect such Bridges, Tunnels, and Arches, as well in, through, and over the Lands and Grounds hereby intended to be divided, allotted, and inclosed, as also in, through, and over any ancient Inclosures within the said Parish, (making such Satisfaction for the Damage done thereby as he shall think reasonable,) and of such Depth and Breadth and in such Directions as the said Commissioner shall think proper; and the said Commissioner shall and he is hereby directed and required, in and by his Award, to order and direct by whom, and at whose Expence, at what Time, and in what Manner, the said Brooks, Ditches, Drains, Bridges, Tunnels, and Arches, and the Banks and Bridges thereof, shall be made, and afterwards cleansed,

scoured, repaired, and maintained: Provided always, that all public Drains shall be made at the Expence of the Proprietors of Estates in the said Parish of *Bray* in such Proportions and in such Manner as the said Commissioner shall, in and by his Award, order and direct; and provided also, that His Majesty, His Heirs and Successors, shall at all Times hereafter be exonerated and discharged from the Costs and Charges of making, maintaining, and keeping in repair all and every the ancient Bridges in the said Parish of *Bray;* and provided also, that no Brook or Stream of Water shall be diverted or turned without the Consent in Writing of the Owner of the Lands and Grounds from which any such Brook or Stream shall be diverted, or into which any such Brook or Stream shall be turned.

Power to sell before Award.

XXXIV. And be it further enacted, That if any Person or Persons shall at any Time before the Execution of the said Award sell his, her, or their Right and Interest in, over, or upon the Lands and Grounds so to be divided, allotted, and inclosed, to any Person or Persons, then and in every such Case it shall and may be lawful to and for the said Commissioner, and he is hereby authorized and required, to make the Allotment or Allotments of the Vendor unto the Vendee or Purchaser in every such Sale, or to his or her Heirs or Assigns for ever, in respect of such Right, Interest, and Property so sold as aforesaid; and every such Vendee or Purchaser, and his, her, or their Heirs and Assigns, shall and may, from and after the Execution of the said Award, hold and enjoy the Land to be allotted to him, her, or them as aforesaid, in the same Manner, to all Intents and Purposes, as the Vendor in every such Sale might, could, or ought to have held and enjoyed the same in case such Sale had not been made.

For allowing Exchanges to be made.

XXXV. And be it further enacted, That it shall and may be lawful to and for the said Commissioner to set out, allot, and award any Lands, Tenements, or Hereditaments whatsoever within the said Parish of *Bray* in lieu of and in exchange for any Lands, Tenements, and Hereditaments whatsoever within the said Parish of *Bray*, or within any adjoining Parish, Hamlet, or Place, provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioner, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, or Hereditaments which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Corporate or Collegiate, or a Tenant or Tenants in Fee Simple, or for Life, or in Fee Tail, Special or General, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, or with the Consent of the Guardians, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Proprietors or Owners as aforesaid who at the Time of making such Exchange or Exchanges shall be respectively Infants, Femes Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself, such Consent to be testified in Writing under the Common Seal of the Body Politic, Corporate, or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every such Exchange and Exchanges so to be made shall be good, valid, and effectual in the Law, to all Intents and Purposes whatsoever: Provided always, that no Exchange shall be made of any Lands, Tenements, or Hereditaments held in right of any Church,

Church, Chapel, or other Ecclesiastical Benefice, without the Consent, testified as aforesaid, of the Patron thereof, and of the Lord Bishop of the Diocese in which such Lands, Tenements, or Hereditaments so to be exchanged shall lie and be situate: Provided always, that all Costs, Charges, and Expences attending the making any Exchanges and Partitions shall be paid and borne by the several Persons making such Exchanges or Partitions in such Manner and in such Proportions as the said Commissioner shall by his Award order and direct.

Power to Commissioners, on Application of certain Proprietors, to sell to defray Expences.

XXXVI. And be it further enacted, That it shall be lawful for the said Commissioner, either before or after the Execution of the said Award, on Application being made to him by any of the Owners or Proprietors for the Time being seised of or entitled in possession to any Messuages, Lands, or Hereditaments in the said Parish of *Bray*, or to the actual Receipt of the Rents, Issues, and Profits thereof, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politic, Corporate, or Collegiate, or Tenant or Tenants in Fee Simple, or for Life or Lives, or in Fee Tail, General or Special, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, or upon like Application being made to him by the Guardians, 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 such Application shall be respectively Infants, Femes 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 Application to be made to the said Commissioner in Writing under the Common Seal of the Body Politic, Corporate, or Collegiate, and under the Hands of the other applying Parties respectively,) to sell all or any Part or Parts of the Allotment or Allotments which by virtue of this Act shall be set or marked out for or actually awarded to the Owner or Owners, Proprietor or Proprietors who, by himself, herself, or themselves, or such other Person or Persons as aforesaid, shall make such Application as aforesaid, for the Purpose of raising a Sum of Money sufficient to defray the Whole or Part of the Costs, Charges, and Expences which such Owner or Owners, Proprietor or Proprietors as aforesaid shall, in consequence of this Act or the said recited Act of the Forty-first Year of the Reign of His present Majesty, incur or sustain or be subject or liable to; and such Sales shall be made by the said Commissioner in the Manner by the said recited Act of the Forty-first Year of the Reign of His present Majesty directed as to Sales thereby authorized; and the said Commissioner shall, with and out of the Monies to arise from such Sale or Sales, pay all the Expences attending the same or in anywise relating thereto, and shall, with and out of the Residue of the said Monies, defray the Costs, Charges, and Expences for the defraying of which such Sale or Sales was or were respectively made; and if any Surplus Money shall remain in the Hands of the said Commissioner, such Surplus Money shall be applied and disposed of by him in the Manner directed by the said recited Act of the Forty-first Year of the Reign of His present Majesty with respect to Money which is thereby directed to be paid into the Bank of *England* for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, to be settled to the same Uses, or of any Timber or Wood growing thereon, and which ought to be laid out in the Purchase of other Lands, Tenements, and Hereditaments as therein mentioned: Provided always, that it shall not be lawful,

lawful, by virtue of this Act, to raise by such Sales respectively any further or greater Sum of Money for the Purpose of defraying such Costs, Charges, and Expences as aforesaid, than the respective Owner or Proprietor or Owners or Proprietors, or other Person or Persons making such Application as aforesaid, is or are by the said recited Act of the Forty-first Year of the Reign of His present Majesty empowered or authorized to borrow and charge for the Purpose of defraying his, her, or their respective Share or Shares of Charges and Expences: Provided also, that nothing in this Act contained shall extend, or be deemed or construed to extend, to prevent or hinder any Owner or Proprietor, or other Person or Persons, from exercising, in preference to the said Power of selling, the Power of borrowing and charging given by the said recited Act of the Forty-first Year of the Reign of His present Majesty.

Allotments to be of the same Tenure, &c. as the Lands, &c. in right of which they are made.

XXXVII. And be it further enacted, That all Lands and Hereditaments which shall be allotted by virtue of this or the said recited Act of the Forty-first Year of the Reign of His present Majesty to any Person or Persons shall be held by such Person or Persons under the same Tenure, Rents, Customs, and Services as the Messuages, Cottages, Lands, and other Hereditaments in respect of which such Allotments shall be respectively made or given were respectively held under or enjoyed by such Person or Persons as aforesaid before the passing of this Act, or would have been held under and enjoyed by in case this Act had not passed; and the several Lands and Hereditaments which shall be allotted for any Freehold Messuages or Cottages, Lands or Hereditaments, shall be deemed Freehold, and shall be held of the Lord or Lords of the Fee thereof, under the same Rents or other Payments as the Freehold Messuages, Cottages, Lands, and Hereditaments for which they were allotted were before that Time held under; and the several Lands and Hereditaments which shall be allotted for Copyhold or Customary Messuages, Cottages, Lands, or Hereditaments, shall in like Manner be deemed Copyhold or Customary Lands and Hereditaments, and shall be held of the Lord or Lords of the Fee thereof, under the same Rents and by the same Customs and Services as the Copyhold or Customary Messuages, Cottages, Lands, and Hereditaments for which they were so allotted were or ought to have been held under, and shall pass by the like Surrenders as the Copyhold or Customary Messuages, Cottages, Lands, and Hereditaments in respect whereof such Allotments shall be made do now pass by; and that all and every Person and Persons to whom such Copyhold Lands and Hereditaments shall be allotted as aforesaid may, at any Court which shall be holden for the Manor or Manors whereof such Copyhold Lands and Hereditaments shall be respectively holden after the Execution of the said Award, be admitted Tenant and Tenants to the same without paying any Fine or other Charge to the Lord or Lords or to the Steward or Stewards of the said Manors (save and except for the Stamp Duties and Parchment requisite to be used for the Copies of such Admissions respectively, and the customary Fees to the Stewards of the said Manors respectively); but in case the Person or Persons to whom such Copyhold Lands and Hereditaments shall be allotted shall die without Admission thereto, then the Customary Fines and other Payments shall be due and payable on the Admission of the Person or Persons entitled to such Copyhold Lands and Hereditaments; and after every such first Admission as aforesaid the Copyhold Lands and Hereditaments so to be allotted as aforesaid shall at all

Times be held under and subject to the same Tenures, Fines, and other Payments as the present Copyhold Messuages, Cottages, Lands, and Hereditaments in respect whereof such Lands and Hereditaments were allotted are now held under and are subject to; any Law, Usage, or Custom to the contrary notwithstanding.

Not to alter Customs.

XXXVIII. Provided always, and be it further enacted, That nothing in this Act shall be taken or construed to abrogate or annul or in any Manner to alter or affect any Custom or Customs whatsoever hitherto used within the said Manors or any of them, but that all and every Custom and Customs concerning the Grant, Devise, Alienation, or Conveyance of Lands and Tenements in the said Manors or any of them, or concerning the Presentment or Inrolment of any Deeds, Wills, Deaths, Descents, or of any other Custom or Customs within the said Manors or any of them, of any Kind or Sort whatsoever, shall be and the same is and are hereby declared to be as valid and effectual as if this Act had never passed.

Lessors to make Compensation to Lessees.

XXXIX. And be it further enacted, That all Allotments of Waste only to be made by virtue of this Act in respect to any Messuages, Lands, or Hereditaments held by Lease or Leases at Rack Rent, or for which Leases no Fines are therein expressed to have been paid to the Grantors or Lessors as the Considerations for the same, shall be allotted to and held by the several Owners and Proprietors of such Messuages, Lands, or Hereditaments, freed and discharged from all Right of Claim of such respective Lessees to or upon the said Allotments or any Part thereof to be derived under or by virtue of such Leases; and in case any such Lessees shall think himself, herself, or themselves aggrieved thereby, and such Lessors and Lessees shall not agree respecting the Compensation or Allowance to be made to such Lessees on account thereof, then and in every such Case it shall and may be lawful to and for the said Commissioner, upon Application made to him by either Party, to take the Matters in question into his Consideration, and by his Order to make unto every such Lessee, for his, her, or their Loss of Commonage or other Losses by means of the said Division and Inclosure, such a fair and adequate Allowance and Compensation, either in Money to be paid down, or by way of Abatement or Reduction in the Rack Rents by such Leases reserved, as the said Commissioner shall think just and equitable, having due Regard to the Abatement in lieu of such Commonage; or if such Lessors and Lessees shall not agree touching the Advance of Rent which the said Lessors are hereby authorized to make on such Lessees in proportion to the Costs and Charges such Lessors shall or may expend on account of the Division and Inclosure of the said Open and Commonable Lands which shall be allotted to them as aforesaid, then it shall be lawful for the said Commissioner to fix and ascertain such an Increase of Rent to be paid by such Lessees as he shall think just and equitable, taking into Consideration the Amount of such Costs and Charges; and in case any Person or Persons, Bodies Politic, Corporate, or Collegiate, shall refuse or neglect to make such Compensation as directed by the said Commissioner to the Person or Persons, Bodies Politic, Corporate, or Collegiate, entitled thereto, on Demand, then and in every such Case it shall and may be lawful to and for the said Commissioner, and he is hereby authorized and empowered, to raise and levy the same, for the Use and Benefit of the Person or Persons, Bodies Politic, Corporate, or Collegiate, entitled thereto,

thereto, by such Ways and Means as are in and by the said Act of the Forty-first Year of His present Majesty's Reign directed.

Not to vacate renewable Leases.

XL. Provided always, and be it further enacted, That nothing in this Act contained shall extend to set aside or make void any renewable Lease or Leases, or any Lease or Leases for the granting which any Fine or Premium was paid, of any Lands, Tenements, or Hereditaments in the said Parish of *Bray*, but the Person or Persons entitled to such Lease or Leases shall and may hold his, her, or their several and respective Allotments of such Lands, Tenements, or Hereditaments, for his, her, or their several and respective Terms, under the same Rents and Covenants as is or are specified in his, her, or their respective Leases from the several Persons, Bodies Politic, Corporate, Collegiate, or Ecclesiastical, granting the same to him, her, or them respectively: Provided always, that it shall be lawful for the said Commissioner, if he shall judge it right or expedient, to deduct from the Allotment or Allotments of the Waste Lands to be made to such Person or Persons holding such Lease or Leases as aforesaid so much Land as shall, in the Judgment of the said Commissioner, be equal in Value to their respective Portions of the Expences of carrying this Act and the said recited Act of the Forty-first Year of His present Majesty's Reign into execution, and to allot, assign, and award the same to such Person or Persons as such Commissioner shall think proper, and who will undertake to pay and defray, and shall pay and defray, all such Expences: Provided also, that it shall not be lawful to raise by such Means any farther Sum of Money in the whole than after the Rate of Five Pounds for every Acre of the Land to be allotted to such Person or Persons in right of any such last-mentioned Lease or Leases.

Wills and Settlements not to be affected.

XLI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to revoke, make void, alter, or annul any Will or Settlement, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Debt, or Incumbrance out of, upon, or affecting any of the Lands, Tenements, and Hereditaments to be divided, allotted, or exchanged by virtue of the said recited Act of the Forty-first Year of His present Majesty's Reign, or of this Act, or any Part thereof, except in Cases of Sale or Purchase as aforesaid; but that each and every Proprietor shall stand and be seised of the several Lands, Tenements, and Hereditaments to be allotted to or exchanged with him or her as aforesaid to such and the same Uses, and for such and the same Estates, and subject to such and the same Wills, Jointures, and Charges, as the Lands, Tenements, and Hereditaments whereof such Proprietor was seised or possessed at or immediately before the Execution of the Award to be made by the said Commissioner, or for which or in respect whereof such Allotments or Exchanges shall be made, would have been subject to be charged with or affected by in case this Act had not been made.

Money advanced to be repaid with Interest.

XLII. And be it further enacted, That if any Person shall advance and pay any Money in discharge of the Expences of obtaining and executing this Act, the Money so paid and advanced shall be paid and satisfied by the Direction of the said Commissioner, together with lawful Interest for the same.

XLIII. And

Commissioner to lay Accounts before Two Justices.

XLIII. And be it further enacted, That once at least in each and every Year during the Execution of this Act (such Year to be computed from the passing of this Act) the said Commissioner shall and he is hereby required to make a true and just Statement of all Sums of Money by him received and expended, or due to him for his own Trouble or Expence, in the Execution of this Act; and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by him laid before Two or more Justices of the Peace for the said County of *Berks*, not interested in the said intended Division, Allotment, and Inclosure, to be by them examined and balanced, and such Balance shall be by such Justices stated in the Book or Books of Accounts to be kept in the Office of the Clerk to the said Commissioner; 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 Justices.

Award to be deposited.

XLIV. And be it further enacted, That the Award to be made by the said Commissioner shall be executed and published within Three Years from the passing of this Act, and when enrolled in manner directed by the said recited Act shall be deposited in the Parish Church of *Bray* aforesaid; and that the said Commissioner shall and may at any Time or Times previous to such Inrolment (but not afterwards), upon the Request and at the Costs and Charges of any Person or Persons interested in the said Inclosure, cause a true Copy or Copies of the whole or so much of the Award as relates to the Allotment or Allotments or Interest of the Party or Parties requesting the same to be made out and taken from the said Award, and to be fairly written upon Parchment or Paper; and such Copy or Copies, being certified under the Hand of the said Commissioner, shall be admitted in all Courts whatsoever as legal Evidence concerning the Matter and Things therein contained.

Powers and Authorities vested in certain Commissioners named in the Windsor Forest Act to extend to this Act, under certain Restrictions.

XLV. And be it further enacted, That all and every the Powers and Authorities vested in the Commissioner appointed on the Behalf of His Majesty, and the Commissioner appointed on the Behalf of the Proprietors of Land in the several Parishes specified in and by the said recited Act passed in the last Session of Parliament, and all the Provisions therein contained, shall, so far as the same relate to or concern the Allotment to be made to His Majesty, His Heirs and Successors, in and by this Act, extend to this Act and the said first-recited Act; and all Rules, Orders, and Regulations contained in the said first-recited Act, as far as they shall be applicable to the said Allotment to His said Majesty, shall be of as full Force and Effect as if the same were repeated in and by this Act: Provided always, that immediately after the Allotment to His Majesty shall have been set out and made in pursuance of this Act all the Powers and Authorities so given to the said Commissioners shall, as to the farther Execution of this Act, cease and determine.

Commissioners to make an Extract of so much of the Award as describes His Majesty's Allotments, and

XLVI. And be it further enacted, That the said Commissioner shall and he is hereby required to make an Extract on Parchment, under his Hand and Seal, of so much of his General Award to be made in pursuance of the said recited Act of the Forty-first Year of the Reign of His present Majesty as shall contain an accurate Description of the Allotment or Allotments so to be made to His said Majesty, together with such Regulations or Provisions relative to the said Allotment or Allotments, or to any other Rights

Rights or Interests of His Majesty, as may be contained in such Award, and also a Map or Plan of such Allotment or Allotments, and transmit the same to the Commissioners of His Majesty's Woods, Forests, and Land Revenues, or the Surveyor General of His Majesty's Land Revenue for the Time being, within Six Calendar Months after the making and executing the said Award, to be by them or him filed and kept amongst the Muniments of their or his Office.

to deliver the same to the Commissioners of Woods, Forests, &c. or Surveyor General of Land Revenue.

XLVII. 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 of the Forty-first Year of His present Majesty's Reign, (other than and except such Orders and Determinations of the Commissioner as are by this or the said recited Act declared to be final or conclusive,) then and in every such Case he, she, or they may appeal to the General Quarter Sessions of the Peace which shall be holden in and for the said County of *Berks* within Six Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioner, and the Party or Parties concerned, Twenty-eight 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 authorized and 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, to be levied in manner aforesaid.

Appeal.

XLVIII. Provided always, and be it further enacted, That nothing in this Act contained shall prejudice, lessen, or defeat the Right or Title or Interest of His Majesty, His Heirs or Successors, as Lord of the said Manor of *Bray*, or any future Lord or Lords thereof, or any other Lord or Lords of any of the said other Manors, or their respective Heirs, Successors, or Assigns, in or to the Royalties, Seigniories, or Services incident or belonging to the said Manor or Manors, except as herein-after mentioned; but that His Majesty, His Heirs and Successors, and all and every Person and Persons claiming under or in Trust for Him as Lord of the said Manor for the Time being, and the said other Lords of the said other Manors respectively, and their respective Heirs, Successors, and Assigns, shall and may at all Times for ever hereafter hold and enjoy all Royalties, Rights, and Privileges whatsoever to the said Manors or any of them belonging or appertaining (other than and except the Right of Soil in such of the Wastes and Commons as shall by virtue of this Act be allotted to any Person or Persons) in as full, ample,

Saving of Manorial Rights.

and beneficial Manner, to all Intents and Purposes whatsoever, as they respectively could have held and enjoyed the same in case this Act had not been made.

General Saving.

XLIX. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every Person and Persons, Bodies Politic and Corporate, his, her, and their respective Heirs, Successors, Executors, and Administrators, (other than and except the respective Persons to whom any Allotment or Compensation shall be made by virtue of this Act in respect of the Interests or Property of or in lieu or in respect of which such Allotments or Compensations shall be made, and their respective Heirs, Successors, Executors, and Administrators,) all such Estate, Right, Title, and Interest (other than and except such as is and are hereby meant and intended to be barred, destroyed, and extinguished,) as they, any or every of them, had and enjoyed in, to, or out of the said Commons and Waste Lands so directed to be divided, allotted, and inclosed as aforesaid, before the passing of this Act, or could or might have held or enjoyed the same in case this Act had not been made.

Public Act.

L. 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 Kingdoms, 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 Spottiswoode,
Printers to the King's most Excellent Majesty. 1833.