ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 150.

An Act for incloſing Lands in the Pariſh of *Cumner*, and in the Chapelry of *South Hinckſey*, in the County of *Berks*. [17th *June* 1814.]

WHEREAS there are in the Pariſh of *Cumner*, and in the Chapelry of *South Hinckſey*, in the County of *Berks*, divers Open and Common Fields, Meadows, Paſtures, Commonable Lands, and Waſte Grounds, containing together by Eſtimation Three thouſand Acres or thereabouts: And whereas the Right Honourable *Montague* Earl of *Abingdon* is Lord of the Manor of *Cumner* aforeſaid, and as ſuch claims to be entitled to the Soil of the Commons and Waſte Lands in the ſaid Pariſh and Chapelry, and to all Timber and other Trees growing on the ſaid Commons and Waſte Lands: And whereas the ſaid *Montague* Earl of *Abingdon* is the Impropriator of and entitled to certain Tithes of Corn, Grain, and Hay, ariſing, growing, renewing, and increaſing, from and out of certain Lands and Grounds in the ſaid Pariſh of *Cumner*: And whereas the ſaid *Montague* Earl of *Abingdon* is Patron; and the Reverend *William Slatter* is the Vicar of the Pariſh Church of *Cumner* aforeſaid, and as ſuch Vicar is entitled to certain Glebe Lands in the ſaid Pariſh, and alſo to certain Great Tithes, and to all the Small and Vicarial Tithes, Eccleſiaſtical Dues, and Payments of what Nature or Kind ſoever to the ſaid Vicarage and Pariſh Church belonging: And whereas the ſaid *Montague* Earl of *Abingdon* is Patron of the Chapel of *South Hinckſey* aforeſaid, and claims to be entitled to certain Great Tithes ariſing within the ſaid Chapelry; and the Reverend *Willoughby Bertie* is the Incumbent thereof, and

as such Incumbent is entitled to certain Glebe Lands lying within the said Chapelry, and to certain Great and Small Tithes belonging thereto: And whereas the said *Montague* Earl of *Abingdon*, the President and Scholars of *Saint John's College* in the University of *Oxford*, *Martin Annesley* Esquire, *Richard Cox* Esquire, and several other Persons, are respectively Owners and Proprietors of all Messuages, Cottages, Homesteads, Lands, and Grounds in the said Parish of *Cumner* and Chapelry of *South Hinckſey*, and of all Rights of Common thereto belonging, and are also Owners and Proprietors of all the Residue of the said Open and Common Fields, Meadows, Pastures, Commonable Lands, and Waste Grounds, intended to be divided, allotted, and inclosed by virtue of this Act: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled *An Act for consolidating in one Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts:* And whereas the Lands in the said Open and Common Fields and Meadows in the said Parish of *Cumner*, and Chapelry of *South Hinckſey*, lie intermixed, and dispersed in small Parcels, and the said Commonable Lands and Waste Grounds yield but little Profit, and the same in their present State are incapable of any considerable Improvement, and it would be advantageous if the same were divided, allotted, laid in Severalty, and inclosed; but such Division, Allotment, and Inclosure cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Thomas Fulljames* of *Hasfield Court*, in the County of *Glouceſter*, Gentleman, *William Phelps* of *Puckrup*, in the said County of *Glouceſter*, Gentleman, and *Henry Dixon* of the City of *Oxford*, Gentleman, and their Successors, to be elected in Manner hereinafter mentioned, shall be and they are hereby appointed Commissioners for valuing, qualifying and appraising, dividing, setting out, and allotting the said Open and Common Fields, Meadows, Pastures, Commonable Lands and Waste Grounds, and for carrying the several other Purposes of this Act into Execution, and they or any Two of them are hereby fully authorized and empowered to put this Act in Execution, subject to the Rules, Orders, and Directions herein-after particularly mentioned, and also subject to such Rules, Orders, and Directions contained in the said recited Act as are not contrary or repugnant to any of the Provisions, Rules, Orders, and Directions in this Act; and all and every Act and Acts, Matters and Things which shall be executed, done, and performed by any Two of the said Commissioners for the Time being, shall be as valid and effectual to all Intents and Purposes as if all the Commissioners herein-before appointed or to be elected in Manner herein-after mentioned had been present, and had executed, done, and performed the same.

41 G. 3. c. 109.

Lands to be divided by Commissioners.

Two Commissioners may act.

Appointment of future Commissioners.

II. And be it further enacted, That in case the said *Thomas Fulljames* shall die, or refuse to act, or be rendered incapable of acting as a Commissioner in the Execution of this Act, then and in such Case the surviving or remaining Commissioners or Commissioner shall within Ten Days next after such Death, Refusal, or Incapacity of the said *Thomas Fulljames* shall be known to them or him, or as soon after as conveniently may be, give

give Notice thereof in Writing to the ſaid *Montague* Earl of *Abingdon*, or to ſuch other Perſon or Perſons as ſhall then be Lord of the ſaid Manor of *Cumner*, or to his known Agent, who ſhall within Thirty Days after ſuch Notice, by Writing under his Hand, nominate and appoint one other Perſon, not intereſted in the ſaid Diviſion and Incloſure, to be a Commiſſioner in the Room and Stead of the ſaid *Thomas Fulljames*, and ſo from Time to Time as often as any Commiſſioner ſo to be appointed as aforeſaid ſhall die, refuſe to act, or become incapable of acting; and in caſe the ſaid *William Phelps* ſhall die or refuſe to act, or be rendered incapable of acting as a Commiſſioner in purſuance of this Act, then and in ſuch Caſe the ſurviving or remaining Commiſſioners or Commiſſioner ſhall within Ten Days next after ſuch Death, Refuſal to act, or Incapacity of the ſaid *William Phelps* ſhall be known to them or him, or as ſoon after as conveniently may be, give Notice thereof in Writing to the ſaid Vicar of *Cumner* and Incumbent of *South Hinckſey* for the Time being, who ſhall within Thirty Days after ſuch Notice, in Writing under their Hands, nominate and appoint One other Perſon, not intereſted in the ſaid Diviſion and Incloſure, to be a Commiſſioner in the Room and Stead of the ſaid *William Phelps*, and ſo from Time to Time as often as any Commiſſioner ſo to be appointed as laſt aforeſaid ſhall die or refuſe to act, or become incapable of acting; and in caſe the ſaid *Henry Dixon* ſhall die or refuſe to act, or become incapable of acting as a Commiſſioner in the Execution of this Act, it ſhall be lawful for the major Part in Value (to be aſcertained by the Land Tax Aſſeſſment) of the Proprietors and Perſons intereſted in the Lands and Grounds directed by this Act to be divided and incloſed, or their known Agents or Attornies (except the ſaid *Montague* Earl of *Abingdon*, and the Vicar of *Cumner* and Incumbent of *South Hinckſey* aforeſaid for the Time being) who ſhall be preſent at a public Meeting to be held for that Purpoſe in the Pariſh Church of *Cumner* aforeſaid, in purſuance of a Notice to be given by the ſurviving Commiſſioners or Commiſſioner in the ſaid Church, as alſo in the Chapel of *South Hinckſey*, or by Writing to be affixed on the principal Outer Doors of the ſaid Church and Chapel, which Notice they or he are or is hereby required to give within Ten Days after the Death, Refuſal, or Incapacity to act of the ſaid *Henry Dixon* ſhall be known, and at leaſt Fourteen Days before ſuch Meeting, to appoint One other Perſon not intereſted in the ſaid Diviſion and Incloſure, to be a Commiſſioner in the room of the ſaid *Henry Dixon*, and ſo from Time to Time as often as any Commiſſioner ſo to be appointed as laſt aforeſaid ſhall die, refuſe to act, or become incapable of acting; and in caſe the Perſon or Perſons reſpectively herein-before authorized to appoint a Commiſſioner or Commiſſioners as aforeſaid, ſhall reſpectively neglect or omit, for the Space of Thirty Days next after the Death or Refuſal or Incapacity to act of any of the ſaid Commiſſioners ſhall be notified to them as aforeſaid, to proceed in the Manner herein-before directed to ſupply ſuch Vacancies or Vacancy as aforeſaid, the ſurviving Commiſſioners or Commiſſioner for the Time being are and is hereby required, within One Calendar Month, or as ſoon after that Time as conveniently may be next after the Expiration of the ſaid Thirty Days hereby allowed to the reſpective Parties for appointing ſuch Commiſſioners or Commiſſioner as aforeſaid, to appoint One or more proper Perſon or Perſons (not intereſted in the Premiſes) to be a Commiſſioner or Commiſſioners in the room of every Commiſſioner who ſhall have died or refuſed to act, or have become incapable of acting, and whoſe Place ſhall not have

have been ſupplied in the Manner herein-before directed; and every Commiſſioner appointed as aforeſaid ſhall have the like Power and Authority as the Commiſſioner in whoſe Place he ſhall be appointed was veſted with by virtue of this Act.

Notice of Meetings.

III. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required to cauſe Notice to be given in the Newſpaper called *The Reading Mercury*, or in ſome other Newſpaper circulated within the ſaid County of *Berks*, and alſo in Writing to be affixed on the principal Outer Doors of the Pariſh Church of *Cumner* and Chapel of *South Hinckſey* aforeſaid, upon ſome *Sunday*, of the Time and Place of their Firſt and every ſubſequent Meeting for the Exerciſe of the Powers and Execution of the Truſts hereby or by the ſaid recited Act veſted in them, Ten Days at leaſt before the Time of holding every ſuch Meeting, (Meetings by Adjournment only excepted): Provided always, that if only

One Commiſſioner may adjourn.

One Commiſſioner ſhall attend at the Time and Place appointed for any ſuch Meeting, it ſhall be lawful for ſuch Commiſſioner to adjourn ſuch Meeting to a future Day, not exceeding Fourteen Days from the Day on which ſuch Meeting was appointed to have been held, giving Notice thereof to the abſent Commiſſioners; and all the Meetings of the ſaid Commiſſioners ſhall be holden within the Pariſh of *Cumner*, or within

No Commiſſioner attending, the Clerk may adjourn.

Eight Miles of the Boundaries of the ſaid Pariſh: Provided alſo, and in caſe it ſhall happen that none of the ſaid Commiſſioners ſhall be preſent at the Time and Place appointed for any Meeting as aforeſaid, it ſhall be lawful for the Clerk or Clerks to the ſaid Commiſſioners then preſent to adjourn ſuch Meeting to a future Day, not exceeding Fourteen Days from the Day on which ſuch Meeting was appointed to have been held, giving Notice thereof in Writing to the ſaid Commiſſioners.

Other Notices how to be given.

IV. And be it further enacted, That all other Notices neceſſary or requiſite to be given by the ſaid Commiſſioners ſhall be ſo given by Advertiſement in the ſaid Newſpaper, or in ſome other Newſpaper circulated in the ſaid County of *Berks*, or by affixing the ſame on the principal Outer Doors of the ſaid Pariſh Church of *Cumner* and Chapel of *South Hinckſey* aforeſaid.

For determining Differences.

V. And be it further enacted, That if any Diſpute or Difference ſhall ariſe between any of the Parties intereſted or claiming to be intereſted in the ſaid Diviſion, Allotment, or Incloſure, touching or concerning the reſpective Shares and Proportions, Rights and Intereſts, which any of them ſhall have or claim to have of and in the Lands and Grounds hereby directed to be divided, allotted, and incloſed, which ought to be allowed to them, or any of them, upon the ſaid Diviſion, or between any Perſons, touching any Road or Way to be ſet out by virtue of this or the ſaid recited Act, it ſhall be lawful for the ſaid Commiſſioners to examine into, hear, and determine the ſame: Provided always, that nothing in this Act contained ſhall authorize the ſaid Commiſſioners to determine the Title to any Meſſuages, Lands, Tenements, or Hereditaments whatſoever.

Not to determine Titles.

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

VI. Provided alſo, and be it further enacted, That nothing in this Act contained ſhall extend to enable the ſaid Commiſſioners to determine any Right between any Parties, contrary to the Poſſeſſion of any of ſuch Parties (except in Caſes of Encroachment as herein-after mentioned); but

in caſe the ſaid Commiſſioners ſhall be of Opinion againſt the Right of the Perſon or Perſons ſo in Poſſeſſion, they ſhall forbear to make any Determination thereupon until the Poſſeſſion ſhall have been given up by ſuch Perſon or Perſons, or recovered from ſuch Perſon or Perſons by Ejectment, or other due Courſe of Law.

Commiſſioners may award Coſts.

VII. And be it further enacted, That in caſe the ſaid Commiſſioners ſhall upon the Hearing or Determination of any Claim or Claims, or Objection or Objections, to be delivered to them in purſuance of this or the ſaid recited Act, ſee Cauſe to award any Coſts, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby empowered, upon Application made to them for that Purpoſe, to ſettle, aſſeſs, and award ſuch Coſts and Charges as they ſhall think reaſonable, to be paid to the Party or Parties in whoſe Favour any Determination of the ſaid Commiſſioners ſhall be made, by the Perſon or Perſons whoſe Claim or Claims, or Objection or Objections ſhall be thereby diſallowed or over-ruled; and in caſe the Perſon or Perſons who ſhall be liable to pay ſuch Coſts and Charges ſhall neglect or refuſe to pay the ſame on Demand, then and in ſuch Caſe it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required, by Warrant under their Hands and Seals directed to any Perſon or Perſons whomſoever, to cauſe ſuch Coſts and Charges to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo neglecting or refuſing to pay the ſame, rendering the Overplus (if any) on 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.

Allowing Parties to try their Rights at Law.

VIII. Provided always, and be it further enacted, That in caſe any Perſon or Perſons intereſted or claiming to be intereſted in the ſaid intended Diviſion and Incloſure ſhall be diſſatisfied with any Determination of the ſaid Commiſſioners, touching or concerning any Claim or Claims of, or any Right of Common or other Intereſt or Rights in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and incloſed, or any Part thereof, it ſhall be lawful for the Perſon or Perſons ſo diſſatisfied to proceed to a Trial at Law of the Matter ſo determined by the ſaid Commiſſioners, at the Firſt or Second Aſſizes to be holden for the ſaid County of *Berks* next after ſuch Determination ſhall be made, firſt giving Fourteen Days Notice of ſuch his, her, or their Intention to the ſaid Commiſſioners, or their Clerk, (who ſhall forthwith give Information thereof under their or his Hands or Hand to the adverſe Party or Parties, or to his, her, or their Agent or Agents, Attorney or Attornies, to be delivered to or left at the uſual Place of Abode of ſuch Party or Parties, or of his, her, or their Agent or Agents, Attorney or Attornies), and for that Purpoſe the Perſon or Perſons who ſhall be diſſatisfied with the Determination of the ſaid Commiſſioners, ſhall cauſe an Action or Actions to be brought in ſome or one of His Majeſty's Courts of Law at *Weſtminſter*, upon a feigned Iſſue, againſt the Perſon or Perſons in whoſe Favour ſuch Determination ſhall have been made, within Four Calendar Months next after ſuch Determination of the ſaid Commiſſioners; and the Defendant or Defendants in ſuch Action or Actions ſhall, and he, ſhe, or they is and are hereby required to name an Attorney or Attornies, who ſhall appear thereto, or file Common Bail, and accept One or more Iſſue or Iſſues, whereby ſuch Claim or Claims, and the Right or Rights thereby inſiſted

on, may be tried and determined, (such Issue or Issues to be settled by the proper Officer of the Court in which the said Action or Actions shall be commenced, in case the Parties shall differ about the same); and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding, and conclusive upon all and every Person and Persons whomsoever; and the Costs of such Action or Actions shall follow such Verdict or Verdicts, and be taxed and recovered in such Manner as Costs in other Actions in the same Court, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial or Trials to be had therein, which it shall be lawful for the Court to do, as is usual in other Cases; and that after such Verdict or Verdicts shall be obtained, and not set aside by the Court, the said Commissioners shall and they are hereby required to act in Conformity thereto, and to allow or disallow the Claim or Claims thereby determined according to the Event of such Trial or Trials: Provided always, that the Determination of the said Commissioners touching such Claim or Claims to any Right of Common, or other Rights or Interests in, over, and upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, which shall not be objected to, or which being objected to, the Party or Parties objecting not causing such Notice to be given, and such Action or Actions at Law to be brought and proceeded in as aforesaid, shall be final and conclusive upon all Parties.

If no Objection made, Commissioners Determination to be final.

Actions not to abate on the Death of Parties.

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

Actions may be brought notwithstanding the Death of Parties.

X. 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 Action or Actions might have been brought if living, shall die before 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 said Commissioners, or their Clerk or Clerks, with Notice or 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 said Commissioners, or their Clerk or Clerks, and they and he are and is hereby required to cause Notice in Writing to be duly served on the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, who are required thereupon 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.

Suits respecting Titles, not to impede the Execution of the Act.

XI. And be it further enacted, That if any Suit or Suits shall be commenced or prosecuted touching or concerning the Title of any Person or Persons in or to any Lands, Tenements, or Hereditaments, for or in respect

respect of which any Right or Interest in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, shall be claimed, such Suit or Suits shall not impede, delay, or hinder the said Commissioners from proceeding in the Execution of the Powers vested in them by this Act, but the said Division, Allotment, and Inclosure shall be proceeded in notwithstanding such Suit or Suits.

Appointment of Surveyor.

XII. And be it further enacted, That *William Church* of *Abingdon*, in the County of *Berks*, Land Surveyor, shall be and he is hereby appointed the Surveyor for the Purposes of this Act and the said recited Act; and in case of his Death, Incapacity, Neglect, or Refusal to act, then and in any such Case the said Commissioners shall appoint such other Person or Persons (not interested in the said Division and Inclosure) as they shall think proper to be Surveyor for the Purposes aforesaid, in his stead, as often as Occasion shall require: Provided always, that the said *William Church*, or any other Person or Persons so to be appointed Surveyors as aforesaid, before he or they shall proceed to act as such Surveyor, shall take and subscribe the Oath following; (that is to say),

'I do swear, That I will faithfully, impartially, and honestly, do, execute, and perform the several Duties incumbent on me as Surveyor, under and by virtue of an Act, passed in the Fifty-fourth Year of the Reign of King *George* the Third, intituled [*here insert the Title of this Act*], according to the best of my Skill and Judgment, and 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 any One of the said Commissioners to administer; and every such Oath, so taken and subscribed by such Surveyor, shall be annexed to and enrolled with the Award of the said Commissioners, and a Copy of the Enrolment thereof shall be admitted as legal Evidence.

Survey of inclosed Lands not to be made unless especially directed by the Commissioners.

XIII. And be it further enacted, That nothing in the said recited Act or this Act contained shall extend to require the said Commissioners or Surveyors, or any Surveyor to be appointed by the said Commissioners, to make or cause to be made any Survey, Admeasurement, or Plan of any of the inclosed Lands or Grounds within the said Parish or Chapelry, unless the said Commissioners shall deem such Survey, Admeasurement, or Plan necessary or expedient for the Purposes of the said recited Act or of this Act.

Surveys of the Inclosures to be made at the Expence of the Parties who fail to produce satisfactory Plans to the Commissioners.

XIV. Provided always, and be it further enacted, That in all Cases where any Map or Survey shall be produced to the said Commissioners which shall appear to be incorrect, or shall not be satisfactory to the said Commissioners, or in case any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, interested in the said Division, Allotment, and Inclosure, shall neglect or refuse to produce to the said Commissioners, within Twenty-eight Days next after Notice to him, her, or them for that Purpose given, sufficient and satisfactory Maps, Surveys, or Admeasurements of his, her, or their respective inclosed Lands, then and in any of such Cases it shall be lawful for the said Commissioners, and they are hereby required to make and take, or cause to be made and taken by their said Surveyor,

Maps,

Maps, Surveys, or Admeaſurements of all ſuch incloſed Lands, whereof no ſatisfactory Maps, Surveys, or Admeaſurements ſhall be produced to them as aforeſaid; and the Coſts and Expences of ſuch Surveys, Maps, or Admeaſurements ſhall be borne and defrayed by the reſpective Owners of ſuch incloſed Lands, and be paid by them within Twenty-eight Days next after Demand thereof made, and in Default of ſuch Payment within the Time aforeſaid, the ſaid Commiſſioners ſhall and they are hereby required to rate, charge, and aſſeſs the Owners of ſuch incloſed Lands with the Amount thereof, and the ſame ſhall be thereby effectually charged on ſuch incloſed Lands, and ſhall be recoverable in ſuch and the like Manner as the Rate hereby directed or authorized to be made is directed to be recovered.

Power to ſhorten Boundary Fences.

XV. And be it further enacted, That if the ſaid Commiſſioners ſhall think it expedient or proper to ſhorten the boundary Fences between the Lands and Grounds by this Act directed to be divided, allotted, and incloſed, and the Lands and Grounds in any Manor or Pariſh adjoining thereto, or to make the ſame regular, it ſhall be lawful for the ſaid Commiſſioners, with the Conſent in Writing under the Hand or Hands of the Lord or Lords, Lady or Ladies of the Manor or Manors in which the Land is ſituate, or of the Owner or Owners of the Land upon which any Fence or Fences ſhall or may be intended to be made, to ſet out the Boundary between the Lands and Grounds by this Act directed to be divided, allotted, and incloſed, and the Lands and Grounds in any adjoining Manor or Pariſh, in ſuch Manner as they ſhall judge proper for the Purpoſes aforeſaid; and after ſuch Boundaries ſhall be ſo ſet out as aforeſaid, the ſame ſhall be fenced by ſuch Perſon or Perſons, in ſuch Manner, and at ſuch Time or Times, as the ſaid Commiſſioners ſhall direct, and ſhall for ever thereafter be deemed and taken to be the Boundaries between the ſaid Pariſh of *Cumner* and Chapelry of *South Hinckſey*, and ſuch adjoining Manor or Pariſh; any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

Encroachments.

XVI. And be it further enacted, That all Encroachments which at any Time within Twenty Years laſt paſt have been made upon the ſaid Open and Common Fields, Meadows, Paſtures, Commonable Lands and Waſte Grounds hereby directed to be divided, allotted, and incloſed, ſhall be deemed Part thereof, and ſhall be divided and allotted accordingly; and in caſe any Diſpute or Difference ſhall ariſe touching any ſuch Encroachments, or the Extent thereof, ſuch Diſpute ſhall be inveſtigated and determined by the ſaid Commiſſioners.

Commiſſioners may alter Roads through ancient Incloſures.

XVII. And be it further enacted, That in caſe it ſhall appear to the ſaid Commiſſioners that there are or is any Public Highways or Highway, Bridle-roads or Bridle-road, Footways or Footway, or other Road or Roads, Way or Ways, Path or Paths in, through, over, or on the Sides of any of the incloſed Lands, or other Lands within the ſaid Pariſh of *Cumner* or Chapelry of *South Hinckſey*, which may in their Judgment be diverted or turned, without Inconvenience to the Public, into any other Publick Highways or Highway, Bridle-roads or Bridle-road, Footways or Footway, or other Road or Roads, Way or Ways, Path or Paths, or be diverted or turned ſo as to make the ſame more convenient to the Public, or be ſtopped up and deſtroyed as ſuperfluous and unneceſſary, it ſhall be lawful for them, with the Concurrence and Order of

Two

Two Juſtices of the Peace acting in and for the ſaid County of *Berks*, (not being intereſted in the ſaid Diviſion and Incloſure), and in Manner and ſubject to Appeal as in this or the ſaid recited Act is mentioned, in and by their Award to order and direct ſuch Public Highways or Highway, Bridle-roads or Bridle road, Footways or Footway, or other Road or Roads, Way or Ways, Path or Paths, to be altered, turned, ſtopped up, or diſcontinued, in ſuch Manner as ſuch Juſtices ſhall think proper.

Drains.

XVIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners to widen, deepen, and ſcour out all ſuch Brooks, Streams, Drains, Ditches, Tunnels, Springs, Watercourſes, and Bridges, as well in, through, and over the Lands and Grounds hereby directed to be divided, allotted, and incloſed, as alſo in, over, and through any incloſed Lands in the ſaid Pariſh and Chapelry, or either of them; and alſo ſhall and may ſet out, order, and direct ſuch new Ditches, Drains, Watercourſes, Tunnels, Watergates, Banks, and Bridges, to be made of ſuch Breadth and Depth, and in ſuch Situation and Direction, as the ſaid Commiſſioners ſhall think proper and neceſſary, (the ſaid Commiſſioners cauſing reaſonable Compenſation and Satisfaction to be made to all and every Perſon and Perſons who ſhall ſuſtain any Damage or Injury thereby); and the ſaid Commiſſioners ſhall and they are hereby required in and by their ſaid Award to order and direct by whom, and at whoſe Expence, at what Time, and in what Manner the ſaid Brooks, Ditches, Drains, Watercourſes, Tunnels, Watergates, Banks, and Bridges ſhall be made and thereafter repaired, cleanſed, ſcoured, and maintained: Provided always, that no Streams, Springs, Brooks, or Watercourſes ſhall be diverted or turned without the Conſent in Writing of the Owner or Owners of the Lands from which any ſuch Streams, Springs, Brooks, or Watercourſes ſhall be diverted, and of the Owner and Owners of the Lands into which any ſuch Streams, Springs, Brooks, or Watercourſes ſhall be turned.

Allotment for Stone, Gravel, and Sand Pits.

XIX. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required, if they ſhall deem it neceſſary, but not otherwiſe, before they make any other Allotment of the ſaid Open and Common Fields, Meadows, Paſtures, Commonable Lands and Waſte Grounds hereby directed to be divided, allotted, and incloſed, to ſet out and allot ſuch Parts or Parcels of the Lands and Grounds hereby directed to be divided, allotted, and incloſed as they ſhall judge proper, not exceeding in the Whole Two Acres, as and for Public Stone, Gravel and Sand Pits, with convenient Roads and Ways to and from the ſame, to be uſed in common by the Proprietors of Lands and Eſtates in the ſaid Pariſh of *Cumner* and Chapelry of *South Hinckſey*, or their Tenants, as well for their own neceſſary Uſes as for making and repairing the Public and Private Roads and Ways within the ſaid Pariſh and Chapelry; and ſuch Allotments (if any) ſhall be veſted in the Surveyors of the Highways of the ſaid Pariſh and Chapelry reſpectively for the Time being, in Truſt for the Purpoſes aforeſaid, and be by them from Time to Time let, ſubject to the Right of taking Stone, Gravel, and Sand therefrom for the Purpoſes aforeſaid; and the Rents and Profits thereof ſhall be received and applied for and towards the Repairs of the Public Roads and Highways within the ſaid Pariſh and Chapelry, and ſhall be incloſed and ring-fenced in ſuch Manner and by ſuch Perſons as the ſaid Commiſſioners ſhall in and by their Award order and direct.

Allotment for Right of Soil.

XX. And be it further enacted, That the said Commissioners shall assign, set out and allot unto and for the said *Montague* Earl of *Abingdon*, his Heirs and Assigns, as Lord of the said Manor of *Cumner*, so much and such Part of the Lands and Grounds by this Act directed to be divided, allotted, and inclosed, as in the Judgment of the said Commissioners shall be a full Equivalent and Compensation to the said Earl for his Right to the Soil of and in all the Waste and Common Lands hereby directed to be divided and inclosed, as lie within the said Manor of *Cumner*, and within the Chapelry of *South Hinckſey* aforesaid, such Allotment or Allotments to be over and besides and not to exclude any Allotment or Allotments which would otherwise be made to the said Lord in Satisfaction of or for any Common of Pasture or Right of Pasturage upon or over any Part of the Lands and Grounds by this Act directed to be divided and inclosed, in respect of any Messuages, Cottages, Lands, or Tenements belonging to the said Lord, in Right whereof any such Common of Pasture or Right of Pasturage hath been heretofore used and enjoyed.

Allotment to the Earl of Abingdon for the Poor of Cumner.

XXI. And whereas the poor Inhabitants of the Parish of *Cumner* aforesaid have usually been accustomed to cut, take, and carry away upon their Backs, but not in any other Manner, and for their own Use only, Furze and Fern from certain Parts of the said Commons or Waste Grounds hereby directed to be divided, allotted, and inclosed; be it therefore enacted, That the said Commissioners shall and they are hereby required to set out and allot unto and for the said *Montague* Earl of *Abingdon*, his Heirs and Assigns, such Plot or Plots, Parcel or Parcels of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, as shall in the Judgment of the said Commissioners by the annual Value be a full Equivalent and Satisfaction for such Custom of the poor Inhabitants of *Cumner* as aforesaid; and the said Commissioners shall and they are hereby required by their said Award to describe the Metes and Bounds of the said Plot or Plots, Parcel or Parcels of Lands and Grounds, and to charge and make chargeable each and every Acre thereof, and so in Proportion for any less Quantity than an Acre, with such annual Sum or Sums of Money or Rent as shall be equal to such annual Value, and thereupon it shall and may be lawful to and for the Overseers of the Poor of the said Parish of *Cumner*, and they are hereby required to levy and collect in each and every Year (such Year to be computed from the Day of executing the said Award, to be made by the said Commissioners) the yearly Sum or Sums of Money or Rent so charged by the said Commissioners on each and every Acre of such Plot or Plots, Parcel or Parcels of Lands and Grounds, and so in Proportion for any less Quantity than an Acre, from the Occupier or Occupiers, or Tenant or Tenants thereof respectively; and such Money, when so collected, levied, and recovered, shall be applied by the said Overseers in the Purchase of Coals and other Fuel to and for the Use of the poor Inhabitants of the said Parish of *Cumner*, resident therein; such Coals and Fuel to be distributed by the said Overseers, in such Shares and Proportions as in their Judgments shall seem proper and necessary; and such Sum and Sums of Money or Rent shall be paid to the said Overseers by Two equal Half-yearly Payments, the First Payment thereof to be made at the End of Six Calendar Months from the Day of executing the said Award of the said Commissioners; and in case the same or any Part thereof shall remain due and unpaid for the Space of Ten Days after the respective Days of Pay-

ment thereof, then and in such Case the said Overseers and their Successors shall have such and the like Powers and Remedies by Distress or otherwise for recovering the same, as by the Common or Statute Law are given for the Recovery of Arrears of Rent reserved on any Demise or Lease of Lands.

Allotment to the Vicar of Cumner and Incumbent of South Hincksey for Glebe and Common Rights.

XXII. And be it further enacted, That the said Commissioners shall and they are hereby required, after deducting the Land or Ground set out for Roads, and the Allotments herein-before directed to be set out for Stone and Gravel Pits, and for the Poor, to set out and allot, unto and for the said *William Slatter*, and his Successors, Vicars of the said Vicarage of *Cumner*, and unto and for the said *Willoughby Bertie*, and his Successors, Incumbents of the said Chapel of *South Hincksey*, such Part and Proportion of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, as shall in the Judgement of the said Commissioners be a full Satisfaction and Compensation for the present unenclosed Glebe Lands belonging to the said *William Slatter* and *Willoughby Bertie* respectively, as such Vicar and Incumbent as aforesaid, and for any Rights of Common appertaining to the same respectively.

Allotment to Impropriator in lieu of Great and Small Tithes in Cumner, and in Consideration of an annual Sum to be paid to the Vicar of Cumner.

XXIII. And be it further enacted, That the said Commissioners shall and they are hereby required to set out and allot unto and for the said *Montague* Earl of *Abingdon*, or the Impropriator for the Time being of the Great Tithes as aforesaid, and in Consideration of the annual Sum of Money to be paid to the said Vicar of *Cumner*, and his Successors as herein-after mentioned, for and in lieu and Satisfaction of and for the several and respective Rectorial and Vicarial Tithes yearly arising, issuing, and renewing out of all and every the tithable Parts of the said Open and Common Fields, Meadows, Pastures, and other Commonable Lands and Waste Grounds in the said Parish of *Cumner*, and out of the Homesteads, Gardens, Orchards, and inclosed Arable Lands, Meadows, and Pastures, and other ancient Inclosures, Lands, or Grounds held in Severalty within the said Parish of *Cumner*, which are subject to Tithes, such Plot or Plots, Parcel or Parcels of the said Open and Common Fields and Commonable Lands and Waste Grounds, as will be equal to One-fifth Part in Value of all such Arable Land, and One-ninth Part in Value of all such Grass and other Land and Ground within the said Parish as is subject to the Payment of Tithes, after deducting the Land or Ground set out for Roads within the said Parish, and the Allotments herein-before directed to be set out for Stone or Gravel Pits, and the Allotments for the Vicarial Glebe Land, and Common Rights thereto belonging, and the Allotment for the Poor of the said Parish; which said Plot or Plots, Parcel or Parcels, shall be taken and deducted from and out of the respective Shares of the Open and Common Fields, and Commonable Lands and Grounds, within the said Parish, belonging to the several Persons whose Commonable and other Lands and Grounds shall be discharged from the said Tithes, or from or out of the Lands to be allotted to them respectively in lieu of their Commonable Lands in the said Open and Common Fields and Meadows of *Cumner* aforesaid, and shall be in full Satisfaction and Discharge of and for the said several and respective Rectorial and Vicarial Tithes arising, issuing, or renewing from and out of the said Open and Common Fields, Commonable Lands and Grounds, and out of the said Homesteads, Gardens, Orchards, and inclosed Arable Lands, Meadows, and Pastures, and other ancient Inclosures, and Land or Ground held in Severalty, in the Parish of

of *Cumner* aforesaid (except *Easter* Offerings, Mortuaries, and Surplice Fees, which shall remain due and payable in the same Manner as before the passing of this Act).

Allotment in lieu of Great and Small Tithes to be apportioned.

XXIV. Provided always, and be it further enacted, That when and so soon as conveniently may be after the said Plot or Plots, Parcel or Parcels, shall have been so set out and allotted for and in lieu of the said Rectorial and Vicarial Tithes of the said Parish of *Cumner*, the said Commissioners shall and they are hereby required to subdivide the said Plot or Plots, Parcel or Parcels, in Proportion to the respective Rights and Interests of the Impropriator and Vicar of and in the Tithes in lieu and Satisfaction whereof the said Plot or Plots, Parcel or Parcels, is or are herein-before directed to be awarded and made; and shall and do and they are hereby required to award unto the said *Montague* Earl of *Abingdon*, or the Impropriator of the Great Tithes as aforesaid, in Consideration of the annual Sum of Money to be paid to the Vicar for the Time being of the said Parish of *Cumner* as herein-after mentioned, such Plot or Plots, Parcel or Parcels of Land or Ground as the said Commissioners shall upon such Subdivision deem to be the just Share and Proportion of and belonging to the said Vicarage.

Allotment to Impropriator in lieu of Great and Small Tithes of South Hinckley, in Consideration of the annual Sum to be paid to the Incumbent.

XXV. And be it further enacted, That the said Commissioners shall and they are hereby required to set out, allot, and award unto and for the said *Montague* Earl of *Abingdon*, or the Impropriator of the Great Tithes as aforesaid, in Consideration of the annual Sum of Money to be paid to the Incumbent for the Time being of the said Chapelry of *South Hinckley* as herein-after mentioned, so much and such Parts of the said Lands and Grounds in *South Hinckley* aforesaid by this Act directed to be divided and allotted, as in the Judgment of the said Commissioners will be equal in Value to One-fifth Part of all such of the Arable Land, and to One-ninth Part in Value of all such of the Grass and other Land and Ground within the said Chapelry as is subject to the Payment of Great and Small Tithes to the Incumbent thereof, which Allotment or Allotments shall be and are hereby declared to be in lieu of and full Compensation for all Tithes both Great and Small arising, issuing, payable, or renewing to the Incumbent of the said Chapelry of *South Hinckley*, (*Easter* Offerings, Surplice Fees, and Mortuaries excepted), which shall be paid and payable as if this Act had not passed.

Annual Sums payable to the Vicar of Cumner and Incumbent of South Hinckley, to be charged upon Allotments to the Earl of Abingdon.

XXVI. And be it further enacted, That the said several annual Sums of Money payable to the said Vicar and Incumbent respectively for the Time being, shall be respectively chargeable upon the said several Allotments to be made to the said *Montague* Earl of *Abingdon*, or the Impropriator for the Time being of the Great Tithes as aforesaid, in lieu and Satisfaction of and for the Tithes belonging to the said Vicarage and Chapelry, and also upon such other Allotments to be made to the said *Montague* Earl of *Abingdon*, situate in the said Parish of *Cumner* and Chapelry of *South Hinckley* aforesaid, as the said Commissioners shall deem an ample Security for the said annual Sums of Money, and the same shall be payable at such Times as the said Commissioners shall order and direct, in and by their Award to be paid to the said *William Slatter* and his Successors, as Vicars of *Cumner*, and to the said *Willoughby Bertie* and his Successors, Incumbents of the said Chapelry of *South Hinckley* respectively, in lieu of all Tithes, now

now iſſuing and payable, out of, from, or in reſpect of any Meſſuages, Lands, Tenements, or Hereditaments in the ſaid Pariſh of *Cumner* and Chapelry of *South Hinckſey*, ſuch Payment to the ſaid Vicar and Incumbent reſpectively to be aſcertained and varied according to the Price of Wheat as herein-after mentioned.

When Tythes ſhall ceaſe.

XXVII. And be it further enacted, That from and after the ſetting out of the ſaid Allotments in lieu of Tythes, or at ſuch other Time as the ſaid Commiſſioners in and by their Award, or by any Writing under their Hands ſhall fix and appoint, all Tythes, in the ſaid Pariſh of *Cumner* and Chapelry of *South Hinckſey* aforeſaid, ſhall ceaſe, determine, and be for ever extinguiſhed.

For aſcertaining the Value of the Vicar's and Incumbent's Tythes, and for ſettling the annual Sums to be paid in lieu thereof.

XXVIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby required to aſcertain and determine what annual Sums of Money will be equal in Value to the Proportions of the Allotments ſo to be ſet out in lieu of Tythes as aforeſaid, which in the Judgment of the ſaid Commiſſioners the ſaid Vicar of *Cumner* and Incumbent of *South Hinckſey* are reſpectively entitled unto, as a Compenſation for their reſpective Intereſts in any Tythes, iſſuing, ariſing, or payable out of or for or in reſpect of any Lands, Tenements, and Hereditaments in the ſaid Pariſh of *Cumner* and Chapelry of *South Hinckſey* aforeſaid; and the ſaid Commiſſioners ſhall alſo from the *London Gazette*, or by ſuch other Ways and Means as they ſhall think moſt proper, aſcertain and determine what hath been the average Price of a *Wincheſter* Buſhel of good marketable Wheat in the Corn Market of *Reading* during the Term of Twenty-one Years next preceding the paſſing of this Act (not eſtimating or including in ſuch Aſcertainment the Price of Wheat for the Seven Years in which the average Price hath been the higheſt in that Period of Time, but upon the Average of the remaining Fourteen Years of the ſaid Term); and ſhall, in and by their Award to be made in purſuance of this Act, ſet forth what Quantity of ſuch Wheat, according to ſuch average Price as aforeſaid, is equivalent to ſuch annual Sums of Money as is herein-before directed to be aſcertained; and that the ſaid ſeveral annual Sums of Money which ſhall be aſcertained and ſet forth as aforeſaid for or in reſpect of ſuch Tythes, iſſuing or payable out of, for, or in reſpect of any Lands, Tenements, and Hereditaments in the ſaid Pariſh of *Cumner* and Chapelry of *South Hinckſey* to the ſaid *William Slatter* as Vicar as aforeſaid, and to the ſaid *Willoughby Bertie* as Incumbent as aforeſaid, ſhall be reſpectively iſſuing and payable from and out of the Allotment or Allotments herein-before directed to be made to the ſaid *Montague* Earl of *Abingdon*, in lieu of Tithes due and payable to the ſaid Vicar and Incumbent as aforeſaid, together with ſuch other Allotment or Allotments to be made to the ſaid *Montague* Earl of *Abingdon* by virtue of this Act, as the ſaid Commiſſioners ſhall deem an ample Security for the ſame annual Sums of Money which ſhall be ſo aſcertained and ſet forth as aforeſaid; and the ſame annual Sums ſhall be payable and paid to the ſaid Vicar and his Succeſſors, at the Vicarage Houſe of *Cumner* aforeſaid, and to the ſaid *Willoughby Bertie* and his Succeſſors, Incumbents of the ſaid Chapelry of *South Hinckſey* aforeſaid, at ſuch Place within the ſaid Chapelry as the ſaid *Willoughby Bertie* and his Succeſſors ſhall from Time to Time direct and appoint, clear of all Parochial Taxes, Rates, Duties, and Aſſeſſments whatſoever, by equal Half-yearly Payments on the Firſt Day of *January* and the Firſt Day of *July* in

every Year, the First Payment thereof to begin and be made on such of the said Days as the said Commissioners shall direct by their said Award, or by any Notice in Writing to be given and published previous to the Execution of the said Award, in like Manner as is herein-before mentioned with respect to the Meetings of the said Commissioners; and in case the said annual Sums of Money, or either of them, or any other Sum or Sums of Money to be charged upon and issuing out of the said Allotments, Lands, Tenements, or any of them, to be fixed or ascertained by any fresh average Price of Wheat, to be taken at any Time hereafter under the Direction and Authority of this Act, or any of them, or any Part or Parts thereof, shall at any Time or Times be respectively behind or in Arrear, after the same shall become due and payable, it shall be lawful for the said Vicar and his Successors, and the said Incumbent and his Successors respectively, to have and exercise the same Powers and Remedies by Distress, or otherwise, for recovering the same, together with the Costs and Charges thereby to be incurred, as by the Common or Statute Law of *England* are applicable for the Recovery of Arrears of Rent reserved on any Lease or Demise of Lands; and upon the Death, Cession, Resignation, or Removal of any Vicar of the said Parish of *Cumner*, or Incumbent of the said Chapelry of *South Hinckſey*, before the Time at which any Half-yearly Payments of the said annual Sums of Money respectively shall become due, such Vicar and Incumbent respectively, and his respective Executors or Administrators, shall be entitled to a Proportion of every such Half-yearly Payment according to the Number of Days elapsed from the Half-yearly Day of Payment then last past to the Day of his Death, Cession, Resignation, or Removal; and the Remainder of every such Half-yearly Payment shall belong to the Person who shall be Vicar or Incumbent when the particular Half Year shall become complete; and such apportioned Sum shall be recoverable by the Persons respectively entitled to the same, in the same Manner as entire Half-yearly Payments of the said annual Sums of Money are hereby made recoverable as aforesaid.

How to be recovered.

A proportional Part to be paid to the Day of the Death or Removal of Vicar or Incumbent.

For regulating such annual Sums by the Price of Wheat.

XXIX. And be it further enacted, That if at any Time after the Expiration of Seven Years from the Time at which, by the Direction of the said Commissioners, the said Tythes shall cease to be payable, the then Vicar or Incumbent, or the said *Montague* Earl of *Abingdon*, or the Owner for the Time being of the Lands and Hereditaments charged with the Payment of the said annual Sums of Money in lieu of Tythes, shall give Notice to the other by whom any such Money is paid or received, of his Wish or Desire to have the average Price of Wheat again inquired into and ascertained, it shall and may be lawful to and for such Vicar or Incumbent respectively to name One fit and competent Person, and for the said *Montague* Earl of *Abingdon*, or the Owner for the Time being of the Lands and Hereditaments so charged as aforesaid, to name One other fit and competent Person, and for such Two Persons to name a Third Person as Umpire, in case they should not agree, which said Two Persons, and such Third Person or Umpire, if they or either of them shall think fit to call him to their Assistance, shall then forthwith, by such Ways and Means as aforesaid, inquire into and ascertain the average Price of a *Winchester* Bushel of good marketable Wheat at the Corn Market for *Reading*, for the Term of Seven Years then last past; and the said Referees, or the major Part of them, shall by their Report to be made in Writing under their Hands, within Three Calendar Months next after their Appointment,

(One Copy whereof ſhall be delivered to the then Vicar or Incumbent reſpectively, who ſhall require ſuch Re-aſcertainment as aforeſaid, and another to the Owner or Proprietor of ſuch Lands and Hereditaments as aforeſaid), ſet forth ſuch average Price; and in caſe ſuch Vicar or Incumbent reſpectively, or ſuch Owner or Proprietor, ſhall refuſe or neglect to appoint ſuch Referee within One Calendar Month next after the Expiration of ſuch Notice, or in caſe ſuch Referees and Umpire, or the major Part of them, ſhall refuſe or neglect to make ſuch their Report within the Time before deſcribed for that Purpoſe, then and in either of the ſaid Caſes it ſhall and may be lawful to and for the Party or Parties giving ſuch Notice as herein-before is directed in this Behalf, to make Application at any General Quarter Seſſions of the Peace to be holden for the ſaid County of *Berks*, to have Two Perſons named or appointed by the Juſtices then and there aſſembled, to be, together with a Third Perſon to be choſen by ſuch Two Perſons, Referees for inquiring into and aſcertaining, by ſuch Ways and Means as aforeſaid, the average Price of a *Wincheſter* Buſhel of good marketable Wheat at the Corn Market for the ſaid Town of *Reading* for Seven Years then laſt paſt; and which ſaid Two Perſons the ſaid Juſtices are hereby authorized and required to appoint accordingly; and if the Occaſion ſhall appear to the ſaid Juſtices to require it, to nominate and appoint any other ſuch Perſon or Perſons to the ſame Office inſtead of any Perſon or Perſons before nominated, until the Purpoſes of ſuch Arbitration ſhall be wholly completed, which ſaid laſt-mentioned Three Referees, or the major Part of them, ſhall by their Report to be made and delivered to the then next Court of Quarter Seſſions to be holden for the ſaid County of *Berks* after their Appointment, ſet forth ſuch average Price; and if in either Caſe it ſhall appear by ſuch Report that ſuch average Price of a Buſhel of ſuch Wheat is more or leſs than the average Price thereof ſet forth in the ſaid Award, to the Value of Three-pence or upwards, the ſaid annual Sums of Money ſhall be increaſed or diminiſhed in Proportion; and the exact Amount to which the ſame ſhall be ſo increaſed or diminiſhed ſhall in the former Caſe be declared by the Referees to be appointed by the Parties as aforeſaid; and in the latter Caſe of the ſaid Court appointing the Referees, ſhall be declared by the Order of the ſaid Court, and ſhall from the Half-yearly Day of Payment next preceding ſuch Declaration or Order, remain and continue iſſuing and payable as aforeſaid out of the reſpective Lands and Hereditaments charged therewith, until the ſame ſhall be again varied by ſuch Application, and in ſuch Manner as herein-before is mentioned, and which future Applications the ſaid Vicar and Incumbent reſpectively, and the Owner or Proprietor of ſuch Lands and Hereditaments as aforeſaid, are hereby reſpectively authorized to make from Time to Time after the Expiration of every Term of Seven Years for ever, in ſuch and the like Manner and Form as herein-before are mentioned and directed with reſpect to the firſt Application; but no ſuch Application ſhall be made, or freſh Average taken, before the Expiration of Seven Years from the Time any ſuch average Price ſhall have been laſt aſcertained in purſuance of this Act; nor ſhall any Alteration in the Amounts of the ſaid annual Sums of Money to be paid to the ſaid Vicar or Incumbent reſpectively take place, unleſs on the taking of any future Average the Price ſhall appear to be more or leſs by Two-pence a *Wincheſter* Buſhel than the laſt average Price which ſhall have been taken and aſcertained under the Directions and Authorities of this Act; and the Coſts, Charges, and Expences of every ſuch Reference by the Parties, and of every

every ſuch Application to the Court of Quarter Seſſions, and of varying and re-aſcertaining ſuch annual Sums of Money as aforeſaid, ſhall be paid and defrayed by the Perſon who ſhall give Notice of ſuch Applications reſpectively.

How annual Sums of Money may be apportioned

XXX. And whereas the ſeveral Lands and Hereditaments which ſhall be ſo liable and ſubject to the Payment of the ſaid ſeveral annual Sums of Money as herein-before mentioned, or ſome Part or Parts thereof, may be ſold and diſpoſed of, or the ſame or ſome Part or Parts thereof may be let to ſeparate or diſtinct Tenants, or be divided by Will or otherwiſe, and upon Diviſion thereof as aforeſaid it may be convenient and neceſſary for the Owner or Owners thereof for the Time being to divide and apportion the ſaid annual Sums of Money; be it further enacted, That it ſhall and may be lawful for the Owner or Owners for the Time being of all and every the Lands and Hereditaments ſo made liable and ſubject to the Payment of the ſaid annual Sums of Money reſpectively, or any Part or Parts thereof upon a Diviſion of their reſpective Eſtates, either by Sale or otherwiſe, to apportion and charge each and every Part of their reſpective Eſtates ſo divided, with a due and fair Proportion of the ſaid annual Sums of Money ſo to be aſcertained and ſet forth in the Award of the ſaid Commiſſioners; provided that in every ſuch Diviſion due regard be had to the Quantity of Acres in and the Rate by Acre aſcertained by the ſaid Commiſſioners, upon the Whole or any Part of every ſuch Eſtate; and that each and every Diviſion may be made to bear a fair and juſt Proportion (as near as may be) of the ſaid annual Sums of Money; and as the Power for recovering all the ſaid annual Sums of Money is herein-before extended to the Whole of the Lands and Hereditaments to be allotted in lieu of Tythes, the ſaid Powers ſhall continue and remain the ſame until ſuch Diviſion of the Lands and Hereditaments, and the apportioning of the ſaid annual Sums of Money, ſhall be made known to the ſaid *William Slatter* and his Succeſſors, Vicars of the ſaid Pariſh of *Cumner*, and to the ſaid *Willoughby Bertie* and his Succeſſors, Incumbents of the ſaid Chapelry of *South Hinckſey*, for and in reſpect of the Lands and Premiſes ſo ſubject and charged and chargeable with the Payment of the ſaid annual Sums of Money to him and them as herein-before is mentioned, by a written Notice thereof from the Owner, ſetting forth the Diviſion of ſuch Eſtate, and the Amount of the ſaid annual Sums charged upon each ſuch Diviſion; and after ſuch Notice the Power of Diſtreſs and Recovery of Sums to be apportioned, and being in Arrear, ſhall extend only to the Lands liable to the Payment thereof as ſpecified in ſuch Notice.

Allotments to the Vicar and Incumbent and Impropriator to be fenced.

XXXI. And be it further enacted, That the Lands which ſhall be ſet out, allotted, and awarded unto the ſaid Vicar and Incumbent, in lieu of the Glebe Lands and Rights of Common to the ſaid Vicarage of *Cumner* and Chapelry of *South Hinckſey* reſpectively belonging, and alſo the Lands which ſhall be ſet out, allotted, and awarded to the ſaid *Montague* Earl of *Abingdon*, in lieu of the Rectorial Tythes of the ſaid Pariſh of *Cumner*, and of the Tythes belonging to the ſaid Vicarage of *Cumner* and Chapelry of *South Hinckſey*, ſhall be well and ſufficiently incloſed by Ring Fences, with Quickſet Hedges and Ditches, or with other good and ſubſtantial Fences, in ſuch Manner as the ſaid Commiſſioners ſhall direct, by and at the Expence of ſuch of the Owners and Proprietors of and Perſons intereſted in the Lands by this Act directed to be divided, allotted, and incloſed,

incloſed, and diſcharged from Tythes, (except the ſaid Vicar and Incumbent and their reſpective Succeſſors, and the ſaid Earl, as Impropriator as aforeſaid, in reſpect of the ſaid Allotments for Tythes), in ſuch Proportions and in ſuch Manner as the ſaid Commiſſioners ſhall by any Writing under their Hands, or by their ſaid Award, order, direct, and appoint; and that the ſaid Fence ſhall thereafter be maintained, ſupported, and preſerved during the Term of Three Years, by and at the Expence of ſuch of the ſaid Owners, Proprietors, and Perſons intereſted (except as aforeſaid), in ſuch Manner and in ſuch Shares and Proportions as the ſaid Commiſſioners ſhall by their ſaid Award order or direct; and from and after the Expiration of the ſaid Term of Three Years the ſame Fences, or ſo much and ſuch Parts thereof reſpectively as ſhall be allotted to the ſaid Vicar and his Succeſſors, and to the ſaid Incumbent and hi Succeſſors, and to the ſaid Earl, ſhall for ever thereafter be maintained and kept in Repair by and at the Expence of the ſaid Vicar and his Succeſſors, the ſaid Incumbent and his Succeſſors, and the ſaid Earl, reſpectively.

Satisfaction for Tythes of old Incloſures, by Perſons not having Property in the Common Fields.

XXXII. And whereas it may happen that the Proprietors of ſome of the Homeſteads, Gardens, Orchards, and old Incloſures in the Pariſh of *Cumner* and Chapelry of *South Hinckſey* aforeſaid, which are tytheable as aforeſaid, may not have Lands or Property in the ſaid Lands or Grounds hereby directed to be divided, allotted, and incloſed, to contribute to the Allotments to be made in lieu of Tythes as aforeſaid; be it therefore enacted, That all ſuch Proprietors ſhall pay or cauſe to be paid unto ſuch Perſon or Perſons, and at ſuch Time or Times as the ſaid Commiſſioners ſhall direct or appoint, ſuch Sum or Sums of Money as the ſaid Commiſſioners ſhall deem and adjudge to be a full Recompence and Satisfaction for the Tythes iſſuing and payable out of the Homeſteads, Gardens, Orchards, and old Incloſures reſpectively laſt mentioned; which Sum and Sums of Money ſhall and may be raiſed, levied, and recovered in like Manner as the Charges and Expences of obtaining and paſſing this Act, and carrying the ſame into Execution, are directed to be raiſed, levied, and recovered, and ſhall and may be applied in Payment of ſuch Parts and Proportions of the Expences of obtaining and executing this Act as ought to be paid by the reſpective Perſons whoſe Lands may be ſet out for diſcharging from Tythes ſuch Homeſteads, Gardens, Orchards, or old Incloſures; and that in caſe ſuch laſt-mentioned Sum or Sums of Money ſhall be more than ſufficient to pay and diſcharge the ſaid reſpective Proportions of the Coſts, Charges, and Expences of obtaining this Act, and of carrying the ſame into Execution, the Reſidue and Remainder of ſuch Sum and Sums of Money ſhall be divided amongſt and paid to the ſeveral Proprietors of the Lands and Grounds which ſhall have been taken and appropriated for the Purpoſe of diſcharging ſuch laſt-mentioned old incloſed Lands from Tythes, in ſuch Proportions as they ſhall be reſpectively entitled thereto; and if any of ſuch laſt-mentioned Proprietors ſhall not be Tenants in Fee Simple, then ſuch Shares and Proportions of ſuch Surplus Money ſhall be applied and diſpoſed of in the ſame Manner as any Sum of Money to be paid for the Purchaſe or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Sum of Money ought to be laid out in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the ſame Uſes, is by the ſaid recited Act authorized or directed to be applied and diſpoſed of.

Power for Commiſſioners to make Allotments for Tythes to Impropriator as they ſhall think proper.

XXXIII. And whereas it may be difficult or impracticable for the ſaid Commiſſioners to lay together in one or more ſeveral Allotments the Whole of the Plot or Plots of Land to be given in lieu and ſatisfaction of and for the Impropriate Tythes of the ſaid Pariſh of *Cumner*, by reaſon that ſome of the ſaid Tythes are included in and holden by beneficial Leaſes under the ſaid Impropriator, together with the Lands demiſed by ſuch Leaſes; and it might alſo be inconvenient to the ſaid Impropriator to have his Allotment or Allotments for the ſaid Tythes ſet out and incloſed and ring-fenced ſeparately and diſtinctly from any other Allotments to which he may be entitled as a Proprietor of Lands in *Cumner* aforeſaid; be it therefore further enacted, That it ſhall be lawful for the ſaid Commiſſioners to allot the Plot or Plots of Land to be ſet out in Compenſation for the ſaid Impropriate Tythes, together with the Allotment or Allotments for the Lands whence ſuch Tythes ariſe, and without ring-fencing ſuch Tythe Allotments, in all Caſes where ſuch Tythes and Lands are holden by the ſame beneficial Leaſe; and that it ſhall alſo be lawful for the ſaid Commiſſioners either to ſet out and ring-fence and incloſe the Allotment or Allotments for all or any Part of ſuch of the ſaid Tythes as are in the actual Poſſeſſion of the ſaid Impropriator ſeparately and diſtinctly from any other Allotments to which the ſaid Impropriator may be entitled, or to lay the ſame or any Part thereof, together with any other Allotment or Allotments, and with or without ring-fencing and incloſing the ſaid Tythe Allotments, as may appear to the Judgment of the ſaid Commiſſioners to be moſt convenient and beneficial to the ſaid Impropriator; provided that the ſaid Commiſſioners ſhall and they are hereby required to calculate, make, and allow to the ſaid Impropriator ſuch Compenſation in reſpect of any Part or Parts of the ſaid Tythe Allotments which, under the Proviſions as laſt aforeſaid, may be left unfenced, as they ſhall deem juſt and right, and to deduct and take ſuch Compenſation from and out of the Aggregate of the Lands and Grounds in the ſaid Pariſh by this Act directed to be divided and allotted, or to aſſign a Compenſation in Money to be paid by ſuch other or others of the ſaid Proprietors as the ſaid Commiſſioners ſhall appoint, ſo as to do equal Juſtice to all the ſaid reſpective Parties, ſuch Compenſation in Money to be paid to the ſaid Impropriator if ſeiſed in Fee Simple to ſuch Impropriate Tythes, and if not, then ſuch Compenſation in Money ſhall be applied and diſpoſed of in the ſame Manner as any Money to be paid for the Purchaſe or Exchange of Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchaſe or Exchange of other Lands, Tenements, or Hereditaments to be ſettled to the ſame Uſes, is by the ſaid recited Act directed to be applied and diſpoſed of.

Allotment of Reſidue.

XXXIV. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required to ſet out and allot all the Reſidue and Remainder of the Lands and Grounds by this Act directed to be divided, allotted, and incloſed, unto and amongſt the ſaid *Montague* Earl of *Abingdon*, and the ſeveral and reſpective Perſons, Bodies Politic or Corporate, who at the Time of making ſuch Allotments ſhall be entitled to any Eſtate, Property, Common Right, or Intereſt therein, in Proportion and according to their ſeveral and reſpective Rights and Intereſts, and in ſuch Quantities, Shares, and Proportions as the ſaid Commiſſioners ſhall deem to be a full Compenſation for the ſeveral and reſpective Lands, Grounds, Rights, Proportions, and Intereſts of each of the ſaid Proprietors.

XXXV. And

Not to compel other Fencing.

XXXV. And whereas it may appear to the ſaid Commiſſioners that the allotting and laying in Severalty of certain Parts of the ſaid Open and Commonable Lands within the ſaid Pariſh of *Cumner*, and Chapelry of *South Hinckſey*, may be more beneficial to the ſeveral Proprietors and Perſons intereſted therein than the incloſing, mounding, and fencing the ſame; be it therefore enacted and declared, That nothing in this or the ſaid recited Act contained ſhall extend, or be conſtrued, deemed, or taken to extend to compel the incloſing, mounding, and fencing of any of the ſaid Open and Commonable Lands within the ſaid Pariſh and Chapelry, other than and except the ſaid Allotments in lieu of Glebe Lands and Tythes, the Ring-fencing whereof is herein-before directed, and alſo other than and except ſuch Part or Parts of the Lands and Grounds by this Act directed to be divided and allotted, as the ſaid Commiſſioners ſhall order and direct to be incloſed, mounded, and fenced, and which ſhall accordingly be fenced and mounded by and at the Expence of ſuch Perſons, and at ſuch Times and in ſuch Manner as the ſaid Commiſſioners ſhall direct and appoint: Provided always, that in caſe any of the Proprietors ſhould after the Execution of the ſaid Award be deſirous of fencing any of his, her, or their Allotment or Allotments not hereby required to be fenced, the ſaid Commiſſioners are hereby authorized and required to lay down and preſcribe in their Award ſuch Rules as they may think fit or neceſſary to be obſerved by any Proprietor or Proprietors, in fencing and in maintaining and preſerving the Fences of any ſuch Allotment or Allotments, when the ſame ſhall be done; and ſuch Rules ſhall be obſerved by, and at all Times hereafter be binding upon, the ſaid reſpective Proprietors and other Perſons intereſted in ſuch Allotment or Allotments; and all ſuch Fences, when made and put up, ſhall be deemed to be made and put up under the Authority and for the Purpoſes of this Act and the ſaid recited Act.

Lands allotted in lieu of Freehold, Copyhold, or Leaſehold, to be deemed of the ſame Tenure as the Lands in reſpect of which they are allotted.

XXXVI. Provided always, and be it further enacted, That all the Lands, Grounds, Tenements, and Hereditaments, within the Pariſh of *Cumner* and Chapelry of *South Hinckſey* aforeſaid, which ſhall by the Authority and in purſuance of this Act, or of the ſaid recited Act, be allotted to any of the ſaid Proprietors, ſhall be held by ſuch Proprietors reſpectively, under the ſame Tenures, Rents, Cuſtoms, and Services, as the Lands or other Property in reſpect of which ſuch Allotments ſhall be made, were reſpectively held and enjoyed by the ſaid Proprietors before the paſſing of this Act, or would have been held and enjoyed in caſe this Act had not been made; and the ſeveral Lands and Grounds which ſhall be allotted in reſpect of Freehold Lands, Tenements, or Hereditaments, ſhall be deemed Freehold Lands, and ſhall be held of the Lord of the Fee, under the ſame Rents and by the ſame Services as the Freehold Lands or other Property in reſpect of which they were allotted, were before that Time held; and the ſeveral Lands and Grounds which ſhall be allotted in lieu of Copyhold Lands, Tenements, or Hereditaments, ſhall in like Manner be deemed Copyhold Lands, and ſhall be held under the ſame Rents and by the ſame Cuſtoms, Duties, and Services, as the Copyhold Lands or other Property in lieu of which they were ſo allotted, were or ought to have been held, and ſhall paſs by the like Surrenders as the preſent Copyhold Meſſuages, Cottages, Lands, Tenements, and Hereditaments, in reſpect whereof ſuch Allotments ſhall be made are now holden under or liable to; and the Lands and Grounds which ſhall be allotted in lieu of Leaſehold Lands or

other

other Leaſehold Property, ſhall be in like Manner deemed Leaſehold, and ſhall be held under the ſame Rents as the Lands or other Property in lieu whereof they were ſo reſpectively allotted were held, and the Reverſion thereof ſhall be veſted in the ſame Leſſors reſpectively, as the Reverſion of ſuch other Lands and Property were veſted before the paſſing of this Act; and the ſaid Commiſſioners are hereby required in and by their ſaid Award, or by ſome Schedule to be annexed thereto and made Part thereof, to diſtinguiſh the ſeveral and ſpecific Allotment or Allotments made to each Proprietor in reſpect of his or her Lands or Tenements, being Copyhold or Leaſehold, holden by Copy of Court Roll or by Leaſe, by a ſeparate and ſpecific Rent, from the other Allotment or Allotments to ſuch Proprietor in reſpect of other Copyhold or Leaſehold Property reſpectively ſo holden by him or her under other ſeparate and ſpecific Rents: Provided alſo, that the ſaid Commiſſioners ſhall, at the ſame Time that they ſhall make their Award in purſuance of this Act, certify under their Hands and Seals to the Lord of the ſaid Manor for the Time being, the particular Deſcriptions of the ſeveral Lands to be ſo received and allotted by virtue of this Act, aſcertaining the ſame reſpectively by Metes and Bounds, and the reſpective Tenures thereof.

Lands held by different Tenures or Titles to be diſtinguiſhed.

XXXVII. And be it further enacted, That when any Perſon or Perſons ſhall be ſeiſed or poſſeſſed of Lands or other Hereditaments in the ſaid Pariſh of *Cumner* and Chapelry of *South Hinckſey*, held by different Tenures, or for, by, or under different Eſtates or Titles, the ſaid Commiſſioners ſhall, upon the Requeſt in Writing of the Perſon or Perſons ſo ſeiſed or poſſeſſed reſpectively, enquire into, aſcertain, and determine the reſpective Lands or other Hereditaments held by ſuch ſeveral Tenures, or for, by, or under ſuch different Eſtates or Titles reſpectively, and ſhall ſet out diſtinct Allotments in reſpect of each ſuch Parts thereof.

For aſcertaining the holding of Lands allotted, and ſupplying any Omiſſion in the Award, occaſioned for Want of neceſſary Information to the Commiſſioners.

XXXVIII. And be it further enacted, That when the Proprietor or Proprietors of any Lands or other Hereditaments which ſhall be divided, allotted, or exchanged by virtue of this or the ſaid recited Act, ſhall hold his, her, or their reſpective Lands and Hereditaments for different Eſtates or by different Tenures, and where from the Want of neceſſary Information, or from any other Cauſe, the ſaid Commiſſioners ſhall in their Award have omitted to diſtinguiſh and aſcertain the Lands or other Hereditaments ſo holden for ſuch different Eſtates and by ſuch different Tenures, to ſet out and award the ſeveral diſtinct Allotments for ſuch reſpective Lands or other Hereditaments as herein-before is required, and if within Twelve Calendar Months after the making of the ſaid Award, Requeſt ſhall be made to the ſaid Commiſſioners by any Perſon or Perſons intereſted, by Writing under his or their Hand or Hands, to have ſuch Omiſſion ſupplied and rectified by a ſeparate Inſtrument; then and in every ſuch Caſe the ſaid Commiſſioners ſhall and they are hereby authorized to do every Thing neceſſary for ſupplying and rectifying ſuch Omiſſion, and for that Purpoſe are hereby required to examine Witneſſes, and in every other Reſpect to proceed and act as if their Award had not been made; and when they ſhall have obtained ſuch Information as they ſhall think ſufficient, the ſaid Commiſſioners are hereby alſo authorized, by Deed or Inſtrument in Writing under their Hands and Seals, to diſtinguiſh and aſcertain the Difference of ſuch Eſtates and Tenures accordingly, and to make diſtinct

diſtinct and ſeveral Allotments of the Lands and Hereditaments ſo as aforeſaid allotted and awarded, in the ſame Manner as is hereby required where ſuch Diſcrimination ſhall be contained in the ſaid Award; and every ſuch ſeparate Inſtrument ſhall be annexed to and enrolled and depoſited with the ſaid Award, and Evidence thereof ſhall be given in the ſame Manner as by this Act and the ſaid recited Act, or either of them, is directed concerning the ſaid Award; and all reaſonable Expences incurred in and about ſuch ſeparate Inſtrument as aforeſaid, ſhall be payable by the Perſon or Perſons who ſhall have ſo requeſted the ſaid Commiſſioners to make and execute the ſame, or by his, her, or their Heirs, Executors, or Adminiſtrators; and every ſuch ſeparate Inſtrument ſhall from and immediately after the due Execution thereof by the ſaid Commiſſioners, have the ſame Effect to all Intents and Purpoſes, as if the Contents thereof had been inſerted and contained in their Award, and a Duplicate of the ſame ſhall be delivered to the Perſon or Perſons upon whoſe Requeſt any ſuch Omiſſion ſhall have been ſupplied and rectified, or the Perſon or Perſons to whom the Cuſtody of the Deeds and Writings concerning the Title of the Premiſes in queſtion ſhall in the Opinion of the Commiſſioners moſt properly belong, at the Expence of the Perſon or Perſons requiring the ſame.

Allotments on account of Intereſt that have been or may be ſold.

XXXIX. And be it further enacted, That if any Perſon hath ſold or ſhall at any Time before the Execution of the Award of the ſaid Commiſſioners ſell his or their Intereſt, Right, Title, or Property in, over, and upon the ſaid Open and Common Fields, Meadows, Paſtures, Commonable Lands and Waſte Grounds hereby directed to be divided and incloſed, or any Part thereof, to any Perſon or Perſons whomſoever, then and in every ſuch Caſe it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required, with the Conſent in Writing of ſuch Vendor or Vendors reſpectively, to make an Allotment or Allotments of the Land unto the Vendee or Purchaſer in ſuch Sale, or to his, her, or their Heirs or Aſſigns, for or in reſpect of ſuch Right, Intereſt, or 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 Lands ſo to be allotted to him, her, or them as aforeſaid, in the ſame Manner to all Intents and Purpoſes as the Vendor or Vendors in every ſuch Sale might or could have held and enjoyed the ſame in caſe ſuch Sale had not been made; and that the Vendee or Purchaſer ſhall in all Caſes be empowered to claim for the Situation of ſuch Allotment or Allotments, in preference to the Vendor or Vendors, and the ſaid Commiſſioners are hereby required to receive and attend to ſuch Claim accordingly.

For allowing Exchanges.

XL. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners to ſet out, allot, and award any Lands, Tenements, or Hereditaments within the ſaid Pariſh of *Cumner* and Chapelry of *South Hinckſey* aforeſaid, in lieu of and in Exchange for any other Lands, Tenements, or Hereditaments within the ſaid Pariſh or Chapelry, or within any adjoining Pariſh, Hamlet, Chapelry, Manor, Townſhip, or Place; provided that all the ſaid Exchanges be aſcertained, ſpecified, and declared in the Award of the ſaid Commiſſioners, and be made with the Conſent of the Owner or Owners of the Lands, Tenements, Hereditaments, and Premiſes which ſhall be ſo exchanged, whether ſuch Owner or Owners ſhall be a Body

or Bodies Politic, Corporate, or Collegiate, or a Tenant or Tenants in Fee Simple, or in Fee Tail general or ſpecial, or for Life, or by the Courteſy of *England*, or by Copy of Court Roll, or Leaſe for any Life or Lives, or for Years determinable on any Life or Lives, and with the Conſent of the Guardians, Truſtees, Feoffees for Charitable or other Uſes, Huſbands, Committees, or Attornies of or acting for any ſuch Owner 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 or Bodies Politic, Corporate, or Collegiate, and under the Hands of the other conſenting Parties reſpectively; and all and every Exchange or Exchanges ſo to be made, ſhall be good, valid, and effectual in the Law, to all Intents and Purpoſes whatſoever: Provided nevertheleſs, that no Exchange ſhall be made of any Meſſuages, Buildings, Lands, Tenements, or Hereditaments, held in Right of any Church, Chapel, or other Eccleſiaſtical Benefice, without the Conſent teſtified as aforeſaid, of the Patron thereof, and of the Biſhop of the Dioceſe in which ſuch Lands, Tenements, or Hereditaments ſo to be exchanged ſhall lie and be ſituate.

For Payment of Expences of Exchanges.

XLI. And be it further enacted, That all Coſts, Charges, and Expences attending the making of every Exchange or Partition by virtue of this Act or the ſaid recited Act, ſhall be paid, borne, and defrayed by the ſeveral Perſons making ſuch Exchanges or Partitions, in ſuch Shares or Proportions, and at ſuch Time or Times, and to ſuch Perſon or Perſons, as the ſaid Commiſſioners ſhall by their Award, or any other Writing under their Hands, direct or appoint.

Lands allotted and exchanged to remain to the ſame Uſes.

XLII. And be it further enacted, That the ſeveral Lands, Grounds, Tenements, and Hereditaments which ſhall be allotted on ſuch Diviſion, or received or taken in Exchange as aforeſaid in purſuance of this Act or the ſaid recited Act, ſhall immediately after ſuch Allotments and Exchanges reſpectively ſhall be ſo made, veſt in and go and remain to ſuch and the ſame Perſons reſpectively, for ſuch and the ſame Eſtates and Intereſts reſpectively, and to, for, upon, with, under, and ſubject to ſuch and the ſame Uſes, Truſts, Intereſts, Purpoſes, Powers, Proviſoes, Conditions, Charges, Incumbrances, Limitations, Remainders, Reverſions, and Diſpoſitions, by Will or otherwiſe reſpectively, as the Lands, Grounds, Tythes, Tenements, Rights, and Hereditaments reſpectively, in lieu of which ſuch Allotments were made, or ſuch Lands or Hereditaments to be received in Exchange reſpectively were veſted in, to, for, upon, with, under, and ſubject to immediately before ſuch Allotments and Exchanges were reſpectively made, or would have been veſted in and gone and remained to, in caſe ſuch Allotments and Exchanges reſpectively and this Act had not been paſſed (Leaſes at Rack Rent excepted); and that nothing herein contained ſhall extend or be conſtrued to extend to revoke, annul, make void, or alter any Will, Codicil, or Settlement, or to prejudice any Perſon or Perſons having any Jointure, Dower, Portion, Debt, Mortgage, Charge, or Incumbrance, out of, upon, or affecting any of the Lands, Grounds, or Hereditaments intended to be divided and allotted as aforeſaid, or which ſhall be exchanged as aforeſaid, further or otherwiſe than by ſubſtituting the Lands, Grounds, Tenements, or Hereditaments ſo to be allotted or received

received in Exchange as aforesaid, for and instead of the Lands, Grounds, Tythes, Tenements, and Hereditaments, in lieu of which the same shall be so allotted or received in Exchange respectively.

Certain Leases at Rack Rent to be void.

XLIII. And be it further enacted, That the several Leases, Demises, and Agreements at Rack Rent now subsisting for any Term or Terms of Years, or from Year to Year, or at Will, of or for any Part or Parts of the Lands and Grounds intended to be divided, allotted, or exchanged by virtue of this Act or the said recited Act, within the said Parish of *Cumner* and Chapelry of *South Hinckley*, and of all or any of the Common Rights upon or Tythes arising or coming from the said Lands and Grounds, or any of them, and of all Messuages, Cottages, Lands, Tenements, and Hereditaments in the said Parish and Chapelry held therewith or included in such Leases, Demises, or Agreements (except the Lease of *Chilswell* Farm to *William Bolton*, and the Lease of a certain Farm, Lands, and Tythes, called *Whitley*, to *William Folker*), shall upon the written Request of the respective Landlords of the Premises respectively comprized in such Leases, Demises, or Agreements respectively, be made to cease and be void by the said Commissioners, at such Time or Times respectively as the said Commissioners by any Writing or Writings under their Hands shall declare and appoint, and such Time or Times shall not exceed Two Calendar Months next after the passing of this Act; and the respective Lessees or Tenants holding any Premises under any of such Leases, Demises, or Agreements which shall be so avoided, shall thereupon be entitled to demand and receive of and from the respective Landlords or Owners of the same Premises, such Allowance or Satisfaction in Money, and at such Time or Times as the said Commissioners shall ascertain, order, and direct, (in case the Parties cannot agree upon the same), as reasonable to be paid to such Lessees or Tenants respectively, on Account of or as an Equivalent for such Avoidance of any such Leases, Demises, or Agreements respectively; and such Lessees or Tenants respectively shall, upon the Determination of their respective Leases, Demises, or Agreements as aforesaid, be liable to pay to the respective Landlords or Owners of the same Premises, such Rents or Sums of Money up to the Time of vacating such Demises, Leases, or Agreements respectively, for the Use and Occupation of the said Premises respectively, as the said Commissioners shall in like Manner ascertain, order, and direct (in case the Parties cannot agree upon the same), as reasonable and proper in that Behalf; but in ascertaining and settling the Sum or Sums of Money to be paid by or to any such Lessee or Lessees, or Tenant or Tenants as aforesaid, the said Commissioners shall have due regard to the several Covenants and Stipulations of the Lease or Leases, Demise or Demises, Agreement or Agreements to be vacated, and shall make such Addition to such Sum or Sums, or Abatement therefrom, as they shall deem to be just, in case any of such Covenants or Stipulations shall not have been or shall not be fulfilled.

Other Leases to continue with an additional Rent.

XLIV. Provided always, and be it further enacted, That as to the said excepted Leases, and all such other of the said Leases, Demises and Agreements as shall not have been made or declared to cease and be void upon the Request of the respective Landlords as aforesaid, the same shall continue unimpeached by any Thing in this Act or the said recited Act contained; and the respective Lessees or Tenants holding under the same, shall enter upon and enjoy the respective Allotments to be set out and awarded

awarded to their respective Landlords, for and during all such Term or Terms as such Lessees or Tenants respectively shall have to come and unexpired in the Lands, Common Rights, Tythes, or Hereditaments in lieu whereof such Allotment or Allotments shall be made, he, she, or they entering into an Agreement or Agreements in Writing with his, her, or their Landlords respectively, to pay, and paying to such Landlords respectively, and their respective Heirs or Successors and Assigns, for the Residue of such Term and Terms, such further or additional Rent or Rents, and conforming to such Orders and Regulations respecting the Tillage and Management of such Allotment or Allotments, as shall be ascertained and determined by the said Commissioners, and be specified in and by some Instrument or Instruments in Writing under their Hands, to be made at the joint Expence of such Landlords and Lessees or Tenants respectively; which Rent or Rents shall be settled by the said Commissioners, upon a due Consideration of the Improvements which shall take place, and the Advantages which shall accrue to such Lessees or Tenants respectively, and of the Expences which shall be incurred by such Landlords respectively under this Act; and such Rent or Rents shall be paid at such Time or Times and in such Manner as the said Commissioners shall by such Instrument or Instruments respectively appoint; and such Landlords respectively shall have such Powers and Remedies for recovering and obtaining such further or additional Rent or Rents as they respectively had or were or are entitled to have, for recovering and obtaining the original Rent or Rents reserved by or upon such Lease or Leases, Demise or Demises, Agreement or Agreements.

Beneficial Leases not to be affected.

XLV. Provided always, and be it further enacted, That nothing in this Act contained shall extend to set aside or make void any beneficial Lease or Leases of any Lands, Tenements, or Hereditaments within the said Parish and Chapelry, or any or either of them; but the Person or Persons entitled to such beneficial Lease or Leases shall and may hold and enjoy his, her, and their Allotment and Allotments during his, her, or their Term or Terms, and under the same Rents and Covenants as are specified in his, her, or their Lease or Leases.

Commissioners to direct the Course of Husbandry.

XLVI. And be it further enacted, That the said Commissioners shall and they are hereby required, as soon after the passing of this Act as they shall think necessary, by some Writing or Writings under their Hands, to be affixed on One of the Principal Doors of the Parish Church of *Cumner* and Chapel of *South Hinckley* aforesaid, to order and direct the Course of Husbandry that shall be used in, over, and upon the said Open Fields, Meadows, Pastures, Waste Grounds, and other the Lands hereby directed to be divided, allotted, and inclosed, until the Time when they shall have completed the respective Allotments thereof, as well with respect to the stocking, as to the ploughing, sowing, folding, fallowing, tilling, and laying down thereof; and also that it shall and may be lawful to and for the said Commissioners to order and direct such Sum or Sums of Money, as well in respect thereof as for any Seeds, Crop, Tillage, Manure, or Preparation for a Crop or Crops on any of the said Land or Grounds, to be paid by any Person or Persons interested therein, or his, her, or their Tenant or Tenants, and to such Person or Persons as they the said Commissioners shall think reasonable and direct; and in case any Person or Persons who shall be directed to pay any Sum or Sums of Money on any of the

Accounts aforeſaid, ſhall neglect or refuſe to pay the ſame accordingly within the Space of Fourteen Days after the ſame ſhall have been ordered and demanded, then it ſhall be lawful for the ſaid Commiſſioners, and they are hereby required by Warrant under their Hands and Seals, directed to any Perſon or Perſons whomſoever, to cauſe the ſame to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon or Perſons ſo refuſing or neglecting to pay ſuch Sum or Sums of Money as aforeſaid, rendering the Overplus (if any) upon Demand to ſuch Perſon or Perſons reſpectively, after deducting the Coſts and Charges of taking and making every ſuch Diſtreſs and Sale; and in caſe ſuch Diſtreſs cannot be taken as aforeſaid, it ſhall be lawful for the ſaid Commiſſioners, or any Perſon authorized by them for that Purpoſe, to enter into and upon ſuch Lands or Grounds as aforeſaid, or any Part thereof reſpectively, and receive the Rents, Iſſues, and Profits thereof reſpectively, until thereby and therewith, or otherwiſe, the full Amount of ſuch Sum or Sums of Money as aforeſaid, and all Coſts, Charges, and Expences occaſioned by or attending ſuch Entry upon and receiving the Rents and Profits of the ſame Premiſes, ſhall be reſpectively fully paid and ſatisfied; which Sum or Sums of Money ſo to be levied, recovered, or raiſed, ſhall after diſcharging ſuch Coſts, Charges, and Expences as aforeſaid, be applied in making ſuch Recompence and Satisfaction to the Perſon or Perſons entitled thereto as aforeſaid, and the ſaid Commiſſioners by any Writing or Writings under their Hands, to be affixed in Manner aforeſaid, ſhall and may make ſuch Orders, Rules, and Regulations as to them ſhall ſeem expedient, touching the Conduct of the Farmers within the ſaid Pariſh of *Cumner* and Chapelry of *South Hinckſey*, for preventing them from ploughing up or tilling any Meadow, Paſture, or freſh Ground, or committing any Waſte or Deſtruction upon any Part of the ſaid Lands or Grounds hereby directed to be divided, allotted, and incloſed, and in the mean Time and until the ſetting out, aſſigning, and allotting thereof ſhall be completed as aforeſaid; all which Rules, Orders, and Regulations of the ſaid Commiſſioners, ſhall be binding and concluſive upon all the ſaid Farmers and Occupiers, and all other Perſons intereſted therein; and the ſaid Commiſſioners ſhall ſet and impoſe ſuch Penalties and Forfeitures not exceeding Twenty Pounds for each Offence, on every Perſon not conforming to ſuch Rules, Orders, and Regulations, as they ſhall think neceſſary; which Penalties and Forfeitures ſhall be paid to ſuch Perſon or Perſons, and for ſuch Uſes and Purpoſes, as the ſaid Commiſſioners ſhall by any Writing or Writings under their Hands, or by their Award, direct or appoint; and the ſaid Commiſſioners are hereby authorized and required by Warrant or Warrants under their Hands, directed to any Perſon or Perſons whomſoever, to cauſe the ſame Penalties and Forfeitures to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Offender or Offenders, together with the Coſts and Charges of ſuch Diſtreſs and Sale, rendering the Overplus (if any) upon Demand to the Owner or Owners of ſuch Goods and Chattels.

No Sheep ſhall be kept in the new Incloſures for Seven Years.

XLVII. And be it further enacted, That it ſhall not be lawful for any Perſon or Perſons, for the Space of Seven Years next after the ſeveral Allotments are fenced, as ordered and directed by the ſaid Commiſſioners, to keep or depaſture any Sheep or Lambs in or upon any of the Allotments to be made by virtue of this Act, unleſs the Perſon or Perſons keeping ſuch Sheep or Lambs, ſhall, at his, her, or their own Expence effectuall-

effectually and sufficiently fence off or guard, and duly keep fenced off, the Quickset Hedges or Life Fences of the Proprietors of such Allotment or Allotments where such Sheep or Lambs shall be so kept, and of such Allotment or Allotments adjoining thereto, so as to prevent any Damage being done to such Quickset Hedges.

Paying the Expences of the Act.

XLVIII. And be it further enacted, That all the Costs, Charges, and Expences of the said Commissioners and of the Clerk to the said Commissioners, and all other incidental Expences attending the obtaining and passing of this Act, and of valuing, surveying, planning, measuring, dividing, allotting, and inclosing the Lands and Grounds hereby directed to be divided, allotted, and inclosed, and of valuing, surveying, planning, and admeasuring any Homesteads, Gardens, Orchards, old Inclosures, and other Premises which the said Commissioners may think necessary, and of making, enlarging, scouring, or diverting any Drains, Watercourses, Tunnels, Banks, and Bridges, and of ring-fencing the Allotments for Glebe Lands and in lieu of Tythes, in the Manner directed by this Act, and of preparing and enrolling the Award of the said Commissioners, and of forming the Roads and putting the same into good and sufficient Repair, and all other Charges and Expences of carrying this Act into Execution, shall be paid, borne, and defrayed by the several Owners and Proprietors of and Persons interested in the said Lands and Grounds hereby directed to be divided, allotted, and inclosed, and in any Homesteads, Gardens, Orchards, or inclosed Lands, which may be discharged from Tythes by virtue of this Act, (other than and except the Surveyors of the Highways in respect of the Allotments (if any) for making and repairing the Public and Private Roads within the said Parish and Chapelry, and the said Vicar and Incumbent and their respective Successors, and also other than and except the Impropriator for the Time being, in respect of the Allotments for the Great Tythes), as well Copyholders for Life or Lives as Leaseholders under beneficial Leases, which are not to be made void by this Act, in such Shares and Proportions and at such Time or Times as the said Commissioners shall by any Rate or Rates to be made by them for that Purpose, order, direct, or appoint; and the several Sums of Money thereby rated shall be paid by such Person or Persons, and at such Place, as the said Commissioners shall in and by their Award, or any Writing under their Hands, to be by them signed either before or at the Execution thereof, award, order, direct, or appoint; and in case of Non-payment thereof, the same shall be recoverable and recovered according to and under the Directions of the said recited Act.

Restraining certain Copyholders and Lessees from borrowing Money.

XLIX. Provided always, and it is hereby declared, That it shall not be lawful for any of such Copyholders and Lessees respectively to charge, and they are hereby restrained and prevented from charging their said several Allotments, or any Part or Parts thereof, with any Sum or Sums of Money whatsoever, for the Purpose of paying and defraying any such Costs, Charges, and Expences aforesaid under and by virtue of the said recited Act.

Expences of Saint John's College and their Lessees and Copyholders to be

L. Provided always, and be it further enacted, That the Rates, Shares, and Proportions of all the said Costs, Charges, and Expences to be paid for or in respect of the Leasehold and Copyhold Estates held under the said President and Scholars, and also the Expences of ring-fencing the new

new Allotments to be made for such Estates, or any Part thereof, by virtue of this Act, shall be paid, borne, and defrayed by and between the said President and Scholars and their Successors, and their said Lessees and Copyholders, or other Persons having any Estate or Interest in such Copyhold Estates by Custom or otherwise, in such Proportions as the said Commissioners shall adjudge and determine to be equal to their respective Interests in the said Copyhold and Leasehold Estates respectively.

paid according to their respective Interests.

LI. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to ascertain and fix the respective Shares and Proportions payable and to be paid in respect of the several Estates, Lands, and Hereditaments in the Parish of *Cumner* aforesaid, holden either by Copy of Court Roll or by beneficial Leases under the said *Montagué* Earl of *Abingdon*, of the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, and of carrying the same into Execution, and of making Roads, and of ring-fencing the Rectorial and Vicarial Allotments, and of the said Award, and of all other the Costs, Charges, and Expences concerning the Premises; and also of ring-fencing such (if any) of the new Allotments to be made for such Estates, Lands, and Hereditaments as the said Commissioners shall direct to be inclosed or ring-fenced, and to specify and set down in their said Award, or in a Schedule to be thereto annexed, the Amount in Money of the separate Share and Proportion so fixed to be paid in respect of each such Copyhold and Leasehold Estate.

Commissioners to ascertain the Amount of Expences to be charged on Copyhold and Leasehold Estates held under the Earl of Abingdon.

LII. And be it further enacted, That all such Costs, Charges, and Expences so to be ascertained and fixed in respect of such Copyhold and Leasehold Estates as aforesaid, shall be paid and payable by the said *Montague* Earl of *Abingdon*, his Executors or Administrators, in such Shares and Proportions, by such Rate and Rates, and at such Time or Times, and to such Person or Persons, at such Place and in such Manner as the said Commissioners shall at any Time or Times by any Writing or Writings under their Hands, previous to making their said Award, or by their said Award, order or appoint for Payment thereof; and in case of Refusal or Neglect to pay such Costs, Charges, and Expences within the Time, and at the Place, and to such Person or Persons as the said Commissioners shall in Manner aforesaid order or appoint, then and in such Case the said Commissioners shall cause the same to be levied and recovered in the Manner directed by the said recited Act.

Such Costs, &c. to be paid by the Earl of Abingdon.

LIII. And be it further enacted, That the several and respective Tenants of each and every such Copyhold and Leasehold Estates held under the said *Montague* Earl of *Abingdon* as aforesaid, shall pay, or cause to be paid, unto the said *Montague* Earl of *Abingdon*, his Executors, Administrators, and Assigns, Interest after the Rate of Five Pounds *per Centum per Annum*, for all Sum and Sums of Money so to be advanced by him, for or upon account of the said Shares and Proportions of such Costs, Charges, and Expences as aforesaid, from the respective Times or Periods of such Advances, for the Term of Five Years then next following, if the respective Rights and Interests of such Tenants of such Copyhold and Leasehold Estates shall so long continue to subsist; and from and after the Expiration of the said Term of Five Years, such Tenants shall continue to pay, or cause to be paid, the like Interest upon each such Advancement as aforesaid, or upon

Tenants of such Copyhold and Leasehold Estates to pay Interest to the Earl of Abingdon for Monies advanced by him.

upon ſo much thereof as ſhall from Time to Time remain due and owing, and ſhall alſo pay or cauſe to be paid unto the ſaid *Montague* Earl of *Abingdon*, his Executors, Adminiſtrators, and Aſſigns, yearly and every Year from the Expiration of the ſaid Term of Five Years, One full Twentieth Part of the Principal of ſuch reſpective Advancements, during the Continuance of their then reſpective Rights and Intereſts in ſuch Copyhold and Leaſehold Eſtates, and until the Whole of ſuch Advancements ſhall be fully paid off and diſcharged, with Intereſt thereupon as aforeſaid, if ſuch Rights and Intereſts in ſuch Copyhold and Leaſehold Eſtates ſhall ſo long continue to ſubſiſt.

Intereſt and Inſtalments to be paid Quarterly.

LIV. Provided always, and be it enacted, That all ſuch Intereſt ſhall be paid by equal Quarterly Payments, and the ſaid ſeveral Inſtalments of Principal Monies ſhall alſo be paid Quarterly, and up to the laſt Quarter Day preceding the Determination of ſuch the Eſtates and Intereſts of the ſaid Tenants of ſuch Copyhold and Leaſehold Eſtates as ſhall expire before the Whole of ſuch Sum and Sums of Money ſo to be fixed and aſcertained as aforeſaid ſhall be paid off and diſcharged.

Power to the Earl of Abingdon to diſtrain.

LV. And be it further enacted, That the ſaid *Montague* Earl of *Abingdon*, his Executors, Adminiſtrators, and Aſſigns ſhall have and be veſted with ſuch and the like Powers and Remedies for Recovery of the ſaid Principal Sums of Money and Intereſt thereof, or any Part thereof reſpectively in caſe of Non-payment of the ſame, or any Part thereof reſpectively, for the Space of Twenty-one Days after the ſame ſhall become due, as for Rent in Arrear reſerved on any Demiſe or Leaſe at Rack Rent; and in caſe ſufficient Diſtreſs or Diſtreſſes ſhall not be found on the Premiſes, then it ſhall and may be lawful to and for the ſaid *Montague* Earl of *Abingdon*, his Executors, Adminiſtrators, and Aſſigns, from Time to Time to enter upon and take Poſſeſſion of the Premiſes or any Part thereof in reſpect whereof ſuch Default ſhall be made, and to receive and take the Rents and Profits thereof, and of every Part thereof, until the Sum or Sums of Money due and owing, and all Coſts and Charges attending any previous Diſtreſs, and of ſuch Entry and Perception of the Rents and Profits, ſhall be thereby and therewith fully paid off and ſatisfied, and ſo *toties quoties*.

To be conſidered as Part of the Earl of Abingdon's Perſonal Eſtate.

LVI. Provided always, and be it further enacted, That in caſe the reſpective Rights and Intereſts of ſuch Tenants of ſuch Copyhold and Leaſehold Eſtates ſhall determine before the Principal ſo charged reſpectively thereon as aforeſaid ſhall be paid off and diſcharged, then the ſame, or ſo much thereof as ſhall reſpectively remain unpaid on the Determination of ſuch reſpective Rights and Intereſts, ſhall remain, continue, and be charged and chargeable upon the ſaid Eſtates in reſpect of which ſuch Copyhold and Leaſehold Intereſts have determined, and be conſidered as Part of the Perſonal Eſtate of the ſaid *Montague* Earl of *Abingdon*, his Executors, Adminiſtrators, or Aſſigns.

Allowance to Commiſſioners.

LVII. And be it further enacted, That each of the ſaid Commiſſioners ſo acting under the Authority of this Act, and alſo their Clerk or Clerks, ſhall be paid and allowed the Sum of Three Pounds and Three Shillings and no more, for every Day he ſhall ſo act, or travel for the Purpoſe of acting, or be returning home from acting in the Exerciſe of the ſeveral

Powers, and in the Execution of the Truſts veſted in them by this Act; and that they ſhall ſeverally bear and pay thereout their own Expences.

Proprietors to pay their own Expences.

LVIII. And be it further enacted, That the ſaid Proprietors, their Attornies or Agents, ſhall bear and pay their own Expences, when they or any of them ſhall attend the ſaid Commiſſioners at any of their Meetings to be holden in purſuance of this Act.

Intereſt to be paid on Money advanced.

LIX. And be it further enacted, That if any of the Proprietors or any other Perſon or Perſons ſhall advance or lend any Money for defraying the Expences of applying for and obtaining this Act, or of carrying the ſame into Execution, every ſuch Perſon or Perſons ſhall be repaid the Money ſo advanced, with Intereſt for the ſame after the Rate of Five Pounds *per Centum per Annum*, out of the firſt Money which ſhall be raiſed by virtue of this Act.

Accounts to be ſettled once a Year

LX. 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 Commiſſioners ſhall and they are hereby required to make a juſt and true Statement or Account of all Sums of Money by them received and expended, or due to them for their own Trouble and Expences in the Execution of this Act; and ſuch Statement or Account when ſo made, together with the Vouchers relating thereto, ſhall be by them laid before ſome One or more of His Majeſty's Juſtices of the Peace for the ſaid County of *Berks*, (not intereſted in the ſaid Diviſion and Incloſure), to be by him or them examined and balanced, and ſuch Balance ſhall be by ſuch Juſtice or Juſtices ſtated in the Book of Accounts to be kept in the Office of the Clerk to the ſaid Commiſſioners; and no Charge or Item in ſuch Statement or Account ſhall be binding on the Parties concerned, or valid in Law, unleſs the ſame have been duly allowed by ſuch Juſtice or Juſtices.

Award to be depoſited.

LXI. And be it further enacted, That the Award to be made by the ſaid Commiſſioners, when enrolled in Manner directed by the ſaid recited Act, ſhall, together with a Plan thereto annexed, be depoſited and kept in a Tin Box, in the Pariſh Church of *Cumner* aforeſaid, under the Care of the Churchwarden or Churchwardens of the ſaid Pariſh for the Time being; and it ſhall and may be lawful to and for the ſeveral and reſpective Owners and Proprietors, or their reſpective Counſel, Solicitors, Attornies, or Agents, from Time to Time and at all Times to have Acceſs thereto, and to take Copies, Extracts, or Abſtracts thereof, and the ſaid Churchwarden or Churchwardens for the Time being is and are hereby required (without any Fee or Reward) to permit and ſuffer the ſame to be done from Time to Time accordingly; but the ſaid Award or Plan ſhall not be taken out of or removed from the Pariſh Church of *Cumner* aforeſaid by any Perſon or Perſons whomſoever, on any Pretence whatſoever, ſave for the Purpoſe of being produced in Evidence.

Appeal to Quarter Seſſions.

LXII. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved, by any Thing done or omitted to be done in purſuance of this Act or the ſaid recited Act, then and in every ſuch Caſe (except where the Orders, Determinations, and Proceedings of the ſaid Commiſſioners are by this or the ſaid recited Act

declared to be binding, final, and concluſive, and except in ſuch Caſes where an Iſſue at Law ſhall be tried as is herein-before mentioned), he, ſhe, or they may appeal to the General Quarter Seſſions of the Peace to be holden in and for the County of *Berks* aforeſaid, within Four Calendar Months next after the Cauſe of Complaint ſhall have ariſen, ſuch Appellant or Appellants firſt giving to the ſaid Commiſſioners or their Clerk, and to the Party or Parties intereſted therein, Fourteen Days Notice at leaſt in Writing of ſuch Appeal and of the Matter thereof; and the Juſtices at ſuch General Quarter Seſſions are hereby required to hear and determine the Matter of every ſuch Appeal, and to make ſuch Order therein, and to award ſuch Coſts as to them in their Diſcretion ſhall ſeem reaſonable; and by their Order or Warrant to levy the Coſts 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) on Demand to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of ſuch Diſtreſs and Sale; which Determination of the ſaid Juſtices ſhall be final and concluſive upon all Parties concerned, and ſhall not be removed or removable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*, or elſewhere.

Act not to affect the Right of the Earl of Abingdon to Great Tythes in South Hinckſey.

LXIII. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend or be deemed or conſtrued to extend to affect or prejudice any Right, Title, or Intereſt which the ſaid *Montague* Earl of *Abingdon*, his Heirs or Aſſigns, may have in or to any Great Tythes iſſuing or ariſing out of or from any Lands, Tenements, or Hereditaments within the ſaid Chapelry of *South Hinckſey*.

Saving to the Lord of Manor.

LXIV. And be it further enacted, That nothing in this Act contained ſhall prejudice, leſſen, or defeat the Right, Title, or Intereſt of the preſent Lord, or any future Lord or Lady, Lords or Ladies of the ſaid Manor in or to any of the Seigniories, Royalties, or Services incident thereto, but that he, ſhe, and they ſhall and may from Time to Time and at all Times hereafter, hold, receive, take, and enjoy all Rents, Fines, Services, Courts, Courts Leet and Baron, Perquiſites and Profits of Courts, Goods and Chattels of Felons and Fugitives, Felons of themſelves, and put in Exigent, Deodands, Waifs, Eſtrays, Forfeitures, and all other Rights, Royalties, and Privileges to the ſaid Manor incident, appendant, appurtenant, or belonging, (other than and except ſuch Right of Soil, and Common of Paſture, as ſhall or may be claimed by the Lord or Lords, Lady or Ladies of the ſaid Manor, in, over, and upon the Lands and Grounds ſo directed to be divided and incloſed as aforeſaid, or any Part thereof, and for which a Compenſation is directed to be made by virtue of this Act), in as full, ample, and beneficial a Manner to all Intents and Purpoſes as he, ſhe, or they might or could have held and enjoyed the ſame before the paſſing of this Act, or in caſe the ſame had not been paſſed.

General Saving.

LXV. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and to all and every other Perſon or Perſons, Bodies Politic and Corporate, his, her, and their Heirs, Succeſſors, Executors, and Adminiſtrators, other than and except ſuch Perſon and Perſons to whom or for whoſe Uſe or Benefit any Allotment or Allotments, Exchange or Exchanges, Partition or Diviſion, ſhall be made by virtue of this Act, in

respect of the Interest or Property for which such Allotment or Allotments, Exchange, Partition, or Division shall be made, all such Estate, Right, Title or Interest, Claim and Demand, which they, every, or any of them, had or enjoyed, or were entitled to, out of, in, to, or in respect of the said Lands and Grounds hereby directed to be divided, allotted, and inclosed, at any Time before the passing of this Act, or could or might have had and enjoyed in case the same had not been passed.

Evidence Clause.

LXVI. And it is 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 that 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. 1814.