ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 118.

An Act for incloſing Lands in the Pariſhes of *Enborne*, *Hamſtead Marſhall*, *Inkpen*, and *Kintbury*, in the County of *Berks*. [18th *May* 1810.]

WHEREAS there are within the Pariſhes of *Enborne*, *Hamſtead Marſhall*, and *Inkpen*, in the County of *Berks*, certain Tracts or Parcels of Common, Heath, Down, Waſte and Commonable Lands and Grounds, reſpectively called, known or diſtinguiſhed by the Names following, that is to ſay, *Enborne* or the *Waſh Common*, *Holt Common*, *Crockham Heath*, and *Skinners' Green*, ſituate in the Pariſh of *Enborne*, *Holt Common*, *Lower Green*, *Upper Green*, and *Iriſh Hill*, ſituate in the Pariſh of *Hamſtead Marſhall*, the *Great Common*, the *Little Common*, *Lower Green*, the *Bottom*, *Upper Green*, *Trapp's Hill*, the *Hill*, and the *Down*, ſituate in the Pariſh of *Inkpen*: And there are alſo within the Pariſh of *Kintbury* certain Open and Common Fields, called *Middle Field*, *Whettenton Bottom Field*, *Whettenton Hill Field*, *Barrow Field*, *Eaſt Field*, *Balkley Field*, *Vicarage Croft*, and *Round Field*, within the Tithings or Townſhips of *Kintbury Eaton*, *Holt*, *Templeton*, and *Anville Inglewood*, *Walingtons*, *Balſdon*, *Titcomb* and *Kintbury Amſbreſbury*, in the Pariſh of *Kintbury*: And there are alſo divers other ſmall Parcels of Common, Commonable Lands, and Waſte Grounds, within *Enborne*, *Hamſtead Marſhall* and *Inkpen* aforeſaid, the whole of which ſaid Open and Common Fields, Commons, Heath, Down, Waſte and Commonable Lands and Grounds, contain together by Eſtimation One thouſand and four hundred Acres or thereabouts: And whereas the Right Honourable *William* Earl of *Craven* is Lord of the Manors of *Eaſt* and *Weſt Enborne* in the Pariſh of *Enborne*, *Hamſtead Marſhall*, *Inkpen Eaſt*

Court in the Parish of *Inkpen*, and *Holt*, otherwise *Kintbury Eaton*, in the Parish of *Kintbury*; and as such is entitled to the Soil and Royalties in and over the said Commons, Heath, Down, and Waste Grounds: And whereas the Dean and Canons of the King's free Chapel of Saint *George* the Martyr, within his Castle of *Windsor*, are or claim to be entitled to the Manor of *East Enborne* and *Newbury*, with its Members, in the said Parish of *Enborne*: And whereas Sir *Francis Burdett* Baronet is Lord of the Manor of *Anvills*, and *John Mackaness* Esquire is Lord of the Manor of *Wallingtons*, *Balsdon* and *Titcomb*, and *Charles Dundas* Esquire is Lord of the Manor of *Kintbury Ambresbury* within the said Parish of *Kintbury*: And whereas *Joseph Butler* Esquire is Lord of the Manor of *Haslewick* and *Strattons*, and *Harry Bradburne* Esquire is Lord of the Manor of *West Court*, and *Mary Durnford*, Widow, is Lady of the Manor of *West Court*, alias *Inkpen West*, all within the said Parish of *Inkpen*: And whereas the said *William* Earl of *Craven* is seised of or entitled to the Advowsons, Right of Patronage and Presentation of, in, and to the Rectories and Parish Churches of *Enborne* and *Hamstead Marshall*, and the Reverend *Thomas Shephard* is the present Rector of *Enborne*, and the Reverend *Thomas Penrose* is the present Rector of *Hamstead Marshall*, and as such are entitled respectively to certain Glebe Lands, and Rights of Common in and over the said Commons and Waste Ground, lying within the said Parishes of *Enborne* and *Hamstead Marshall* respectively; and the said *Thomas Shephard* and *Thomas Penrose* are respectively entitled to certain Tithes arising within the said Parishes of *Enborne* and *Hamstead Marshall* respectively: And whereas the said *Charles Dundas* is Patron of the Vicarage of the Parish of *Kintbury*, and the Reverend *Fulwar Craven Fowle*, is the present Vicar of the said Parish, and as such is entitled to certain Tithes arising out of and from the said Open and Common Fields within the Parish of *Kintbury* aforesaid: And whereas the Reverend *Robert Butler* is seised of or entitled to the Advowson, Right of Patronage and Presentation of, in and to the Rectory and Parish Church of *Inkpen* aforesaid; and the said *Robert Butler* is the present Rector thereof, and as such is entitled to certain Glebe Lands and Rights of Common in and over the said Commons and Waste Grounds lying within the same Parish, and to certain Tithes arising therein: And whereas the said *William* Earl of *Craven*, Sir *Francis Burdett*, *Charles Dundas*, *John Mackaness*, *Joseph Butler*, *Harry Bradburne*, *Mary Durnford*, and also the Dean and Canons of *Windsor*, or their Lessees, and *Anne Shaw*, *Richard Townsend*, *John Matthews*, and several other Persons, are Owners and Proprietors respectively of ancient Messuages, Lands, Tenements, and Hereditaments within the said several Parishes of *Enborne*, *Hamstead Marshall*, *Inkpen*, and *Kintbury*, and have severally for themselves and their respective Lessees and Tenants for and in respect of the said several Estates within the said Parishes respectively, Right of Common of Pasture and other Commonable Rights in, upon, and over the said Open and Common Fields, Tracts or Parcels of Common, Heath, Down, and Waste Ground, in Proportion to their several and respective Estates within the same Parishes respectively: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled, "*An Act for consolidating in one Act certain Provisions usually inserted in*

Recital of General Act.

Acts

Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts:" And whereas the said Tracts and Parcels of Common, Heath, Down, Commonable Lands, and Waste Grounds, yield very little Profit, and in their present State are incapable of Improvement, but the same might be improved, and it would be very advantageous to the Proprietors thereof, and the several other Persons interested therein, and of public Utility, if the same were divided, and specific Shares thereof allotted to the respective Proprietors thereof, and Persons interested therein, according to their respective Rights and Interests therein, and such Allotments inclosed: And whereas the several Estates of the Owners and Proprietors of the Open and Common Fields, and Commonable Lands in *Kintbury* lie very much intermixed and dispersed in small Parcels, so as to render the Occupation and Cultivation thereof very inconvenient, but if the same were divided, allotted, and laid in Severalty to and among the several Persons interested therein, according to their several and respective Rights and Interests, they would be rendered of much greater Value, and might be much improved; 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 *George Barnes* of *Andover*, in the County of *Southampton*, Gentleman, and *Benjamin Haynes* of *Shalborne*, in the County of *Berks*, Gentleman, and their Successors, to be elected in manner hereinafter mentioned, shall be, and they are hereby appointed, Commissioners for dividing, allotting, and inclosing the said Commons, Heath, Down, Waste and Commonable Lands and Grounds in *Enborne*, *Hamstead Marshall*, and *Inkpen* aforesaid; and the said Open and Common Fields, and Commonable Lands in *Kintbury* aforesaid, and for putting this Act in Execution pursuant to the Powers, Regulations, and Directions hereinafter contained; and to such of the Powers, Regulations, Restrictions, and Provisoes contained in the said recited Act, as are not controuled by or repugnant to any of the Clauses, Provisoes, or Regulations contained in this Act. Commissioners.

II. And be it further enacted, That if either of the said Commissioners or any Person to be nominated and appointed a Commissioner by virtue of this Act, shall, before he hath begun to act as a Commissioner, or before the Execution of all the Powers and Authorities hereby in him vested, die, or decline, or refuse to act, or become incapable of acting, it shall be lawful for the Majority in Value of the Proprietors of, and Persons interested in the said Division, Allotment, and Inclosure, who shall be present at a public Meeting to be holden for that Purpose at *Newbury*, in the County of *Berks* (in pursuance of a Notice to be given in Writing for that Purpose, by the Person or Persons acting as Clerk or Clerks to the Commissioners, in the *Reading* Mercury, or in some other Newspaper circulated in the County of *Berks*, at least Twenty-one Days before such Meeting) by Writing under their Hands, to nominate and appoint a proper Person not interested in the said Division and Inclosure, to be a Commissioner in the Room Appointment of new Commissioners.

Room of every ſuch Commiſſioner ſo dying, declining, or refuſing to act, or becoming incapable of acting, or for executing the Powers and Authorities of this and the ſaid recited Act, and ſo from Time to Time as often as any Commiſſioner ſo to be appointed ſhall die, or decline, or refuſe to act, or become incapable of acting: And every Commiſſioner ſo to be nominated and appointed as aforeſaid, ſhall after taking the Oath preſcribed in that behalf, have the like Power and Authority for carrying this and the ſaid recited Act into Execution, and ſhall be ſubject and liable to the like Rules, Regulations, and Reſtrictions, as if he had been originally named a Commiſſioner in and by this Act.

In caſe of Difference between Commiſſioners, an Umpire to be choſen.

III. And for the Purpoſe of ſettling and determining any Difference or Differences, Diſpute or Diſputes, that may ariſe between the Commiſſioners, touching or concerning any of the Matters and Things to be by them done and performed in purſuance of the ſaid recited Act, or of this Act, be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required to chooſe, nominate, and appoint, by Writing under their Hands, ſome proper and ſkilful Perſon, not intereſted in the ſaid Allotment, Diviſion, or Incloſure, who ſhall be willing and conſent to act as Umpire, and ſo from Time to Time as often as any Perſon ſo nominated and appointed an Umpire ſhall die, or refuſe, or neglect to act, or become incapable of acting, in the Execution of this Act, and ſuch Umpire is hereby authorized and required, to hear and determine any ſuch Difference or Diſpute as may ariſe between the ſaid Commiſſioners, touching any Matter or Thing relating to the ſaid Diviſion, Allotment, and Incloſure, and the Judgment and Determination of the ſaid Umpire therein, ſhall be deemed and conſidered to be the Judgment and Determination of the ſaid Commiſſioners, and ſhall be final and concluſive upon the ſaid Commiſſioners, and upon all other Perſons intereſted or concerned in the ſaid Allotment, Diviſion, and Incloſure, ſo far as the Judgments and Determinations of the ſaid Commiſſioners are by the ſaid recited Act and this Act made final or concluſive: Provided always, that in Caſe ſuch Umpire ſhall neglect to ſettle and determine any ſuch Difference or Diſpute within Two Calendar Months after the ſame ſhall have been referred to him by the ſaid Commiſſioners, then and in ſuch Caſe, ſuch Neglect ſhall be deemed and taken to be a Neglect to act within the Intent and Meaning of this Act.

Umpire to be ſworn.

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

Oath.

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

'So help me GOD.'

Which

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

Allowance to Commissioners.

V. And be it further enacted, That out of the Monies that shall be raised for defraying the Expences of obtaining and executing this Act, there shall be paid to each of the Commissioners as a Recompence for his Time, Trouble, Journies, and Expences in and about the dividing, allotting, and inclosing of the said Commons, Heath, Down, Commonable Lands, and Waste Grounds, and Open and Common Fields; and determining Disputes, and all other Matters whatsoever incident to his said Office as a Commissioner, the Sum of Two Guineas and a Half, and no more for each Day he shall be attending in the Execution of this and the said recited Act, and in travelling to and from the Place or Places of Meeting or Sitting; and at all Meetings or Sittings the said Commissioners shall defray their own Expences.

Proprietors and Agents to pay their own Expences.

VI. Provided always, That the said Proprietors, their Attornies, and Agents shall pay their own Expences when they, or any of them, shall attend the Commissioners at any Meeting to be held in pursuance of this or the said recited Act.

Commissioners to give Notice of Meeting.

VII. And be it further enacted, That the said Commissioners shall, and they are hereby required to cause Notice in Writing to be affixed on the principal outer Door of the Four several Parish Churches of *Enborne*, *Hamstead Marshall*, *Kintbury*, and *Inkpen*, on some *Sunday* immediately before or after Divine Service; and also a like Notice to be inserted in the Newspaper called the *Reading* Mercury, or in some other Newspaper circulated in the said County of *Berks*, of the Time and Place of their First Meeting, and all other subsequent Meetings for executing the Powers hereby, and by the said recited Act, vested in them, at least Fourteen Days before any such Meeting (Meetings by Adjournment only excepted); and it shall be lawful for the said Commissioners to adjourn such Meeting from Time to Time as they shall think proper for the due Execution of this Act: Provided always, That all other Notices necessary or requisite to be given by the said Commissioners shall be given in Writing, to be affixed upon the principal outer Door of the said Four several Parish Churches, or by Advertisement to be inserted in the said *Reading* Mercury, or other Newspaper so circulated as aforesaid: Provided also, That all Meetings of the said Commissioners for executing the Powers of this and the said recited Act, shall be held at some convenient Place within one of the said Four Parishes of *Enborne*, *Hamstead Marshall*, *Kintbury*, and *Inkpen*, or within Four Miles of one of them: And in case the said Commissioners shall not be present at the Time and Place appointed for such Meetings, it shall be lawful for the Person or Persons who shall act as Clerk or Clerks to the said Commissioners to adjourn the same to any future Day not exceeding Fourteen Days from the Day of Adjournment; and such Clerk or Clerks shall give Notice of such Adjournment to the said Commissioners.

Other Notices how to be given.

Place of Meeting.

All Orders, &c. to be entered in a Book.

VIII. And be it further enacted, That all Orders, Proceedings, and Determinations of the ſaid Commiſſioners, at any of their Meetings to be holden in purſuance of this Act, ſhall be entered in a Book or Books to be provided for that Purpoſe, and ſhall be ſigned by the ſaid Commiſſioners at ſuch Meetings, and, being ſo ſigned, ſhall be deemed and taken as Originals; and all ſuch Books ſhall and may be read in Evidence in all Caſes of Appeal, Suits, Actions, and other Proceedings, touching any Matter or Thing done in relation to or in purſuance of this Act.

For ſhortening Boundary Fences againſt adjoining Pariſhes.

IX. And be it further enacted, That if the ſaid Commiſſioners ſhall deem it expedient or proper to ſhorten the Boundary Fences between the Lands and Grounds by this Act directed to be divided and allotted, and any Pariſh or Pariſhes, Tithing or Tithings adjoining thereto, or to make the ſame Boundary Fences reſpectively regular, it ſhall be lawful for the ſaid Commiſſioners (with the Conſent in Writing under the Hand or Hands of the Lord or Lords 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 and allotted, and any adjoining Pariſh or Pariſhes, Tithing or Tithings in ſuch Manner as they ſhall judge proper for the Purpoſe 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 Pariſhes of *Enborne*, *Hamſtead Marſhall*, *Inkpen*, and *Kintbury* aforeſaid reſpectively, and ſuch adjoining Pariſh or Pariſhes, Tithing or Tithings reſpectively, any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

Commiſſioners to inquire into Incroachments.

X. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners to enquire and determine what Incloſures and Incroachments have been from Time to Times made upon or taken from the ſaid Commons, Heaths, and Waſte Grounds, or any of them, or any Part or Parts thereof, by any Perſon or Perſons whomſoever, and that all ſuch Incloſures and Encroachments as ſhall have been peaceably and quietly enjoyed for the ſpace of Twenty Years and upwards next, before the paſſing of this Act, without Interruption or Payment of any Acknowledgment, or having been preſented by the Jury as an Incloſure or Encroachment at any of the Courts holden for the ſaid Manors reſpectively, within ſuch Space of Twenty Years as aforeſaid, ſhall and may be allotted to the reſpective Perſons who ſhall have made or ſhall be in Poſſeſſion thereof, and ſhall after the paſſing of this Act be abſolutely veſted in the Perſon or Perſons holding the ſame in ſuch Manner as he, ſhe, or they have hitherto enjoyed ſuch Incloſures and Encroachments reſpectively; and that all other Incloſures and Encroachments ſhall be deemed Part and Parcel of the ſaid Commons or Waſtes: And that it ſhall be lawful for the ſaid Commiſſioners, where the ſame can be done without Prejudice or Inconvenience to the Proprietors or Occupiers of Meſſuages or Lands within the ſaid Pariſhes reſpectively, to allot ſuch laſt mentioned Incloſures or Encroachments to the Perſon or Perſons who ſhall at the Time of the paſſing of this

this Act, be in Poſſeſſion thereof, or in the Receipt of the Rents and Profits thereof, as the whole or Part of the Share or Proportion of the ſaid Commons or Waſte Lands, to which ſuch Perſon or Perſons will be intitled by virtue of this Act, without conſidering the Value of any Buildings thereon: And if ſuch Perſon or Perſons ſhall not be intitled to any Allotment under this Incloſure, equal to the Value of ſuch Incroachment, but ſhall be willing to purchaſe the ſame, then the ſaid Commiſſioners ſhall (where the ſame can be done without ſuch Prejudice or Inconvenience as aforeſaid) aſcertain the Price thereof, or of ſuch Part thereof as ſhall exceed the Rights of ſuch Poſſeſſor or Poſſeſſors thereof, in reſpect of any other Property as aforeſaid, in aſcertaining of which Price, the ſaid Commiſſioners ſhall not value the Buildings thereon, but ſhall value the Land only, and that at ſo much Money per Acre, as the ſame ſhall, in his Eſtimation, be worth, having reference to the waſte next adjoining; and upon ſuch Perſon or Perſons paying ſuch Price per Acre to the ſaid Commiſſioners, at ſuch Time or Place as they ſhall for that Purpoſe appoint, and taking their Receipt or Receipts for the ſame, every ſuch Encroachment, or ſuch Part thereof as ſhall be ſo purchaſed, and alſo all Buildings thereon, ſhall thereupon become veſted in ſuch Purchaſer or Purchaſers, and his and their reſpective Heirs and Aſſigns in Fee Simple, without any further or other Conveyance, Aſſurance, Inſtrument or Writing whatſoever: and the ſaid Commiſſioners ſhall apply ſuch Purchaſe Money as aforeſaid, as Part of the Monies to be raiſed as hereinafter mentioned, for defraying the Expences of applying for, and obtaining this Act, and of carrying the ſame into Execution; and in caſe any Surplus ſhall remain after Payment of ſuch Expences as aforeſaid, then and in ſuch Caſe ſuch Surplus ſhall be divided and apportioned between the ſeveral Proprietors of and Perſons intereſted in the Lands hereby directed to be divided, allotted and incloſed, in ſuch Shares as ſhall be in Proportion to their reſpective Property, Rights and Intereſts; and the Shares of ſuch of them as ſhall be Tenants in Fee Simple of their Allotments ſhall be paid to them; and the Shares of ſuch other of the ſaid Proprietors or Perſons ſhall be applied and diſpoſed of in Manner directed by the ſaid recited Act in Caſes where Money is 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 of other Lands, Tenements or Hereditaments, to be ſettled to the ſame Uſes; and from and after ſuch Allotment and Payment of the Conſideration Money, for the Purchaſe of ſuch Encroachment as aforeſaid, all Rent Charges, and any Sum or Sums of Money heretofore payable for or in reſpect thereof, ſhall for ever thereafter ceaſe, be extinguiſhed and no longer payable; and where ſuch Perſon or Perſons as laſt aforeſaid, ſhall not be intitled to any Allotment equal to the Value of ſuch Encroachments, and by reaſon of the Poverty of ſuch Perſon or Perſons, he, ſhe, or they, ſhall not be enabled to purchaſe ſuch Encroachments as aforeſaid, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized (where the ſame can be done without ſuch Prejudice or Inconvenience as aforeſaid) either to allot ſuch laſt mentioned Incloſures or Encroachments to ſuch reſpective Perſons as laſt aforeſaid, in Fee or for Term of their Lives, or otherwiſe, or to permit them to remove any Houſes, Buildings,

erected,

erected, or Trees planted thereon, or to make them any reaſonable Compenſation either by the Allotment to them of any other Part of ſuch Commons or Waſtes, or in Money to be paid by the Perſons to whom the Reſidue of ſuch Commons or Waſtes ſhall be allotted, as to the ſaid Commiſſioners ſhall ſeem reaſonable and expedient: And, in caſe any Difference or Diſpute ſhall ariſe, touching any ſuch Incloſures or Encroachments, or the Extent thereof, ſuch Difference or Diſpute ſhall be determined by the ſaid Commiſſioners: Provided always, that no Perſon or Perſons who hath or have made, or who is or are in Poſſeſſion of any ſuch Incloſures or Encroachments, ſhall in reſpect thereof be intitled to any Part or Share of or in the ſaid Commons, Heaths, Downs, Commonable Lands and Waſte Grounds, intended to be divided and allotted by virtue of this Act.

Commiſſioners to ſettle Diſputes, &c.

XI. And be it further enacted, That if any Diſpute ſhall ariſe between any of the Parties intereſted, touching their Rights or Claims, Eſtates or Intereſts in the Lands and Grounds hereby directed to be divided and incloſed as aforeſaid, the ſaid Commiſſioners are hereby authoriſed and empowered to hear and determine the ſame:

But not to determine Diſputes as to Titles, &c.

Provided always, that nothing herein contained ſhall authorize or empower the ſaid Commiſſioners to determine any Diſpute that ſhall or may affect the Right or Title to any Lands, Tenements, or Hereditaments, within the ſaid Pariſhes of *Enborne*, *Hamſtead Marſhall*, *Inkpen*, and *Kintbury*.

Power to aſſeſs Coſts, &c.

XII. And be it further enacted, That in caſe the ſaid Commiſſioners ſhall upon the hearing and Determination of any Claim or Claims, 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 by the Party or Parties in whoſe Favour any Determination of the ſaid Commiſſioners ſhall be made by the Perſon or Perſons, Body or Bodies Politic, Corporate or Collegiate, whoſe Claim or Claims, Objection or Objections, ſhall be thereby diſallowed or overruled; and in caſe the Perſon or Perſons, Body or Bodies Politic, Corporate or Collegiate, 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, 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, Body or Bodies Politic, Corporate or Collegiate, ſo neglecting or refuſing to pay the ſame, rendering the Overplus (if any) upon Demand to the Perſon or Perſons, Body or Bodies Politic, Corporate or Collegiate, whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold, after deducting the Coſts and Charges attending ſuch Diſtreſs and Sale.

Power to try Rights at Law.

XIII Provided always, and be it further enacted, That if any Perſon or Perſons, Body or Bodies Politic, Corporate or Collegiate, intereſted

or

or claiming to be interested in the said Division and Inclosure, shall be dissatisfied with any Determination of the said Commissioners, touching or concerning any Claim or Claims to any Rights of Common or other Rights or Interests in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, or touching or concerning any Matter or Thing relating to the said Division and Inclosure, and shall by Writing, under the Hand of his, her, or their Clerk or Agent, signify the same to the said Commissioners, together with the Grounds or Reasons of his, her, or their Dissatisfaction within Three Calendar Months next after such Determination shall be made, then and in every such Case (but not otherwise) it shall be lawful for the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, so dissatisfied, to proceed to a Trial at Law of the Matters so determined by the said Commissioners at the then next, or at the next following Assizes to be holden for the County of *Berks*; and for that Purpose the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, who shall be dissatisfied with the Determination of the said Commissioners, shall cause an Action or Actions to be brought upon a feigned Issue against the Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, in whose Favour any Determination shall have been so made, within Three Calendar Months next after such Determination shall have been made; and the Defendant or Defendants in such Action or Actions shall, and he, she, and they is and are hereby required to name an Attorney or Attornies who shall appear thereto, or file common Bail and accept One or more Issue or Issues whereby such Claim or Claims, and the Rights or Interests 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 upon the Trial of such Action or Actions shall be final, binding, and conclusive, upon all and every Person and Persons, Body and Bodies Politic, Corporate and Collegiate, 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 therein, which it shall be lawful for the Court to do in case the said Court shall think proper; and it shall also be lawful for the said Court to put off the Trial or Trials of such Issue or Issues upon sufficient Cause shewn, as is usual in other Cases; and after such Verdict or Verdicts shall be obtained and not set aside by the said 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 all such Determinations of the said Commissioners as shall not be objected to within the Time and in Manner aforesaid, or being so objected to, the Party or Parties objecting not causing such Action at Law to be brought and proceeded in within the Time and in Manner aforesaid, shall be absolutely binding, final, and conclusive, upon all Parties whomsoever.

Actions not to abate by Death of Parties.

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

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

XV. And be it further enacted, That if any Suit or Suits shall be commenced or prosecuted touching or concerning the Title of any Person or Persons, Body or Bodies Politic, Corporate or Collegiate, in or to any Manors, Messuages, Lands, Tenements, or Hereditaments, for or in respect of which any Right of Common or other Right or Interest in, over, or upon the Lands or Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, shall be claimed, such Suit or Suits shall not impede, delay, hinder, or prevent the said Commissioners from proceeding in the Powers vested in them by this and the said recited Act, but the said Division, Allotment, and Inclosure shall be proceeded in notwithstanding any such Suit or Suits, and may be had and taken by the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, who upon the Determination of such Suit or Suits shall become entitled to the same.

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

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

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

XVII. Provided also, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioners to determine any Right between any Parties contrary to the Possession of any such Parties, (except in Cases of such Inclosures and Encroachments as aforesaid;) but in case the said Commissioners shall be of Opinion against the Right of the Person or Persons so in Possession, they shall forbear to make any Determination thereupon until the Possession shall have been given up by or recovered from such Person or Persons by Ejectment or due Course of Law.

Commissioners to make Drains, &c.

XVIII. And be it further enacted, That it shall be lawful for the said Commissioners to cause any Ditches, Fences, Drains, Brooks, or Watercourses within the said Parishes of *Enborne*, *Hamstead Marshall*, *Inkpen*, and the said Tythings in *Kintbury* respectively, to be cleansed, opened, scoured, widened, deepened, or enlarged, and also to cause any new Ditches, Fences, Bridges, Drains, Brooks, or Watercourses to be made within the said Parishes respectively, and to make such Orders for main-

maintaining and keeping the ſame in Repair as they ſhall think proper: Provided that no ſuch Works ſhall be made upon any incloſed Land without the previous Conſent of the Owner or Owners thereof, teſtified by Writing under his, her, or their Hand or Hands; and that no ſuch Brook or Watercourſe ſhall be made, diverted, or turned, without the Conſent in Writing of the Owner or Owners of any incloſed Land from which any ſuch Brook or Watercourſe ſhall be diverted or turned, or into which the ſame ſhall be intended to be carried or conveyed.

Commiſſioners may divert and turn Roads and Footways.

XIX. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners with the Concurrence and by the Order of Two Juſtices of the Peace acting in and for the ſaid County of *Berks* (ſuch Order being hereby declared to be ſubject to Appeal in Manner as in the ſaid recited Act is mentioned) to divert, ſtop up, or change any of the Public Roads, (not being a Turnpike Road) or any antient Footway or Path paſſing or leading through any Lands and Waſte Grounds, as the ſaid Commiſſioners ſhall deem neceſſary and as they ſhall think proper, and ſuch Roads, Footways, and Paths ſo ſtopped up ſhall be deemed and taken as Part of the Lands and Grounds hereby intended to be divided and incloſed, and ſhall be divided, allotted, and incloſed accordingly: And the ſaid Commiſſioners are hereby required to ſet forth in their Award hereinafter mentioned a Deſcription of ſuch Public Roads, Footways, and Paths reſpectively ſo diverted, ſtopped up, or changed; and that from and after the Execution of the ſaid Award, or at ſuch earlier Period as the ſaid Commiſſioners ſhall direct, ſuch Public Roads, Footways, and Paths reſpectively ſhall be and are hereby ordered to be diſcontinued, and from thenceforth it ſhall not be lawful for any Perſon or Perſons to make uſe of the ſame or any Part thereof.

Allotments for watering Places, and for getting Materials for Repair of Roads.

XX. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby required to ſet out, aſſign, and allot ſuch Parts and Parcels of the ſaid Commons, Heath, Down, Commonable Land, and Waſte Grounds, as they ſhall think proper and ſufficient for the Purpoſe of Common Watering Places for Cattle, and as and for Public Stone, Chalk, and Gravel Pits, for the Purpoſe of getting Materials for the forming, completing, and repairing of the Public and Private Roads and Ways in the ſaid Pariſhes and Tythings reſpectively, wherein the ſaid Commons, Heath, Down, Commonable Land and Waſte Grounds are ſituate as aforeſaid, and by the ſaid recited Act directed to be ſet out, formed, completed, and repaired; and to and for ſuch other Uſes and Purpoſes, and in ſuch Quantities, and at ſuch Times and Seaſons, and ſubject to ſuch Rules, Orders, and Regulations as the ſaid Commiſſioners, in their Award by this or the ſaid recited Act directed to be made, ſhall appoint.

Allotment to the Earl of Craven for manerial Rights in Enborne, Hamſtead Marſhall, and Inkpen.

XXI. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby authorized and required (after the Public and Private Roads and Allotments for Watering Places and for Stone, Chalk, and Gravel Pits, ſhall be ſet out,) to ſet out, allot, and award unto and for the ſaid *William* Earl of *Craven* as Lord of the ſaid Manors of *Eaſt* and *Weſt Enborne*, *Hamſtead Marſhall*, and *Inkpen Eaſt Court*, or the Perſon or Perſons who ſhall be Lord or Lords for the Time being

being of the ſame Manors reſpectively, One full Sixteenth Part in Value (the whole into equal Parts to be divided) of ſuch Part of the ſaid Commons, Heath, Down, Commonable Lands and Waſte Grounds as is ſituate within and Parcel of the ſaid Manors reſpectively, in Compenſation for, and in full Satisfaction of his or their Right, as Lord or Lords of the ſaid Manors reſpectively, to the Soil thereof.

Allotment for manerial Rights in Enborne to be ſubdivided.

XXII. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby required to deduct out of and from the Allotment or Allotments to be made to the ſaid *William* Earl of *Craven* as Lord of the ſaid Manors of *Eaſt* and *Weſt Enborne*, ſuch Part or Parcel thereof as the ſaid Commiſſioners ſhall deem and adjudge to be a Satisfaction or Compenſation for ſuch Right to the Soil of the ſaid Manor of *Eaſt Enborne*, as being Parcel thereof the ſaid Dean and Canons may be entitled to.

Allotment to the Lords of other Manors in Inkpen.

XXIII. And be it further enacted, That the ſaid Commiſſioners, ſhall and they are hereby authorized and required (after ſuch Allotments ſhall be made as aforeſaid,) to ſet out, allot, and award unto and for the ſaid *Joſeph Butler* as Lord of the ſaid Manor of *Hazlewick* and *Strattons*, and unto the ſaid *Harry Bradburne* as Lord of the ſaid Manor of *Weſt Court*, and unto the ſaid *Mary Durnford*, as Lady of the Manor of *Weſt Court*, *alias Inkpen Weſt*, or the Perſon or Perſons who ſhall be Lord or Lords, Lady or Ladies, of the ſaid Manors reſpectively, one full Sixteenth Part in Value (the whole into equal Parts to be divided) of ſuch Part or Parts of the Common Heath, Down, Commonable Lands and Waſte Grounds as is or are ſituate within, and Parcel of the ſaid Manors reſpectively, in full Compenſation and Satisfaction for his, her or their Right to the Soil thereof as ſuch Lord or Lords, Lady or Ladies as aforeſaid.

Allotment to the Rectors of Enborne, Hamſtead Marſhall, and Inkpen, in reſpect of their Glebe.

XXIV. And be it further enacted, That the ſaid Commiſſioners after making ſuch Allotment and Allotments as aforeſaid, ſhall, and they are hereby required to ſet out and allot unto and for the ſaid *Thomas Shephard* and his Succeſſors, Rectors of *Enborne*, the ſaid *Thomas Penroſe* and his Succeſſors, Rectors of *Hamſtead Marſhall*, and the ſaid *Robert Butler* and his Succeſſors, Rectors of *Inkpen*, ſuch Parcel or Parcels of the ſaid Commons, Heath, Down, Commonable Lands and Waſte Ground within the ſaid Pariſhes of *Enborne*, *Hamſtead Marſhall*, and *Inkpen* reſpectively, hereby intended to be divided and allotted, as in the Judgment of the ſaid Commiſſioners ſhall be a full Equivalent and Compenſation for the Rights of Common belonging to the Glebe Lands in the ſame Pariſhes reſpectively.

Allotment for the Poor.

XXV. And be it further enacted, That the ſaid Commiſſioners ſhall, after making ſuch Allotments as aforeſaid, ſet out, allot, and award unto the Lord of the ſaid Manors, and the Rectors of the ſaid Rectories, and the Churchwardens and Overſeers of the Poor of the ſaid Pariſhes of *Enborne*, *Hamſtead Marſhall*, and *Inkpen* reſpectively for the Time being, ſo much and ſuch Part of the reſidue of the ſaid Commons and Waſte Lands as in the Judgment of the ſaid Commiſſioners ſhall be equal to one Sixteenth Part of the ſaid Commons and Waſte Grounds in each of the ſaid laſt mentioned Pariſhes reſpectively;

and

and the ſaid Allotment or Allotments ſhall, from and after the Execution of the Award of the ſaid Commiſſioners be veſted in the Lord of the ſaid Manors, the ſaid Rectors, and the Churchwardens and Overſeers of the Poor of the ſaid Pariſhes reſpectively for the Time being for ever, as Truſtees for the Poor of the ſame Pariſhes reſpectively; and the ſaid Truſtees, or the major Part of them, are hereby empowered from Time to Time, by Writing under their Hands and Seals, to leaſe or demiſe to any Perſon or Perſons whomſoever, the ſaid Allotment or Allotments, or any Part or Parts thereof, for any Term of Years not exceeding Twenty-one Years, ſo that in every ſuch Leaſe there be reſerved and made payable to the ſaid Truſtees, or the major Part of them, by equal Half yearly Payments in every Year, the beſt and moſt improved yearly Rent or Rents that can be obtained for the ſaid Allotment or Allotments, or ſuch Part thereof as ſhall be thereby demiſed, without taking any Income, Fine, Premium, or Foregift in conſideration of granting ſuch Leaſe or Leaſes; and ſo that in all ſuch Leaſes there be contained the uſual Covenants and Stipulations betweeu Leſſors and Leſſees, and ſuch other Covenants and Stipulations, and ſuch Security for the Performance of the ſame, as the ſaid Truſtees, or the major Part of them, ſhall think proper to be inſerted therein; and the Rents and Profits ariſing from the ſaid Allotment or Allotments, ſhall from Time to Time be laid out in purchaſing Fuel and ſuch Fuel ſhall be diſtributed amongſt the poor Inhabitants of the ſaid Pariſhes of *Enborne*, *Hamſtead Marſhall*, and *Inkpen* reſpectively, who ſhall be legally ſettled and reſident therein in ſuch Shares and Proportions, at ſuch Times in every Year, and according to ſuch Rules and Directions as ſhall from Time to Time be made and preſcribed by the ſaid Truſtees, or the major Part of them, for that Pupoſe and not otherwiſe; and the Part or Parts of the ſaid Allotment or Allotments, which ſhall not be leaſed or demiſed, ſhall be uſed and enjoyed ſolely and excluſively by ſuch poor Inhabitants of the ſaid Pariſhes reſpectively as aforeſaid, either as a Common of Paſture or Turbary, or ſhall be held, uſed and appropriated by the ſaid Truſtees for the Purpoſe of ſowing Furze, planting Wood, and of cutting Fuel, which Fuel ſhall be diſtributed in Manner aforeſaid, in ſuch Shares and Proportions, and in ſuch Manner, and at ſuch Time or Times, and according to ſuch Rules and Directions as the ſaid Truſtees for the Time being, or the major Part of them, ſhall appoint and preſcribe for that Purpoſe, and not otherwiſe.

Lord of the Manor and Rectors to act by Proxy.

XXVI. And be it further enacted, That it ſhall be lawful for the Lords of the ſaid laſt-mentioned Manors and the Rectors of the ſaid Rectories for the Time being, to act in the Execution of the Truſts hereby repoſed in them by their Agents or Proxies, ſuch Agents or Proxies reſpectively being appointed by Writing or Writings under the Hands of the Lords of the ſaid Manors, and the reſpective Rectors of the ſaid Rectories for the Time being, and producing their reſpective Appointments at the Time of their acting by virtue thereof.

The Poor Allotment to be exempt from Tithes and parochial Taxes.

XXVII. And be it further enacted, That the Lands hereinbefore and reſpectively directed to be allotted in truſt for the Poor, ſhall, from and after the Execution of the ſaid Award, be for ever freed, exonerated, and diſcharged of and from the Payment of all Tithes, and of and from

from all parochial Taxes, Rates, Charges, Aſſeſſments, Burthens, or Impoſitions whatſoever.

Allotment of the Reſidue in Enborne, Hamſtead and Inkpen.

XXVIII. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby authoriſed and required, after making ſuch Allotment and Allotments as aforeſaid, to divide, ſet out, and allot all the Reſidue and Remainder of the ſaid Tracts or Parcels of Common, Heath, Down, Commonable Lands and Waſte Grounds, ſituate within the ſaid ſeveral Pariſhes of *Enborne*, *Hamſtead Marſhall* and *Inkpen* reſpectively, unto and among the ſeveral Owners and Proprietors thereof, and Perſons intereſted therein, in Proportion to the Quantity and Value of their ſeveral and reſpective Eſtates, Rights, and Intereſts in the ancient incloſed Lands and Grounds in the ſaid reſpective Pariſhes, (except Wood Lands,) and the Meſſuages and Homeſteads to the ſame belonging and appertaining; and in ſuch Quantities, Parts, Shares and Proportions as the ſaid Commiſſioners ſhall adjudge and determine to be a fair, juſt and reaſonable Compenſation and Satisfaction of and for their ſaid ſeveral and reſpective Meſſuages, Lands, Tenements and Hereditaments, and other Rights and Intereſts.

Allotment of the Reſidue in Kintbury.

XXIX. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby authorized and required, after making ſuch Allotment and Allotments as aforeſaid, to divide, ſet out and allot the ſaid Open and Common Fields and Commonable Lands in the Pariſh of *Kintbury* aforeſaid, hereby alſo directed to be divided, allotted and laid in Severalty, unto and among the ſeveral Owners and Proprietors thereof and Perſons intereſted therein, in Proportion to the Quantity and Value of their ſeveral and reſpective Eſtates, Rights and Intereſts, and in ſuch Quantities, Parts, Shares and Proportions as the ſaid Commiſſioners ſhall adjudge and determine to be a fair, juſt and reaſonable Compenſation and Satisfaction of and for their ſeveral and reſpective Meſſuages, Lands, Tenements and Hereditaments, and other Rights and Intereſts.

Rights of Common to ceaſe.

XXX. And be it further enacted, That immediately after making the ſaid Diviſion and Allotments, and the Execution of the Award of the ſaid Commiſſioners, or as ſoon after the paſſing of this Act as the ſaid Commiſſioners, by Writing under their Hands, to be affixed on the principal outer Door of the ſaid four Pariſh Churches of *Enborne*, *Hamſtead Marſhall*, *Inkpen*, and *Kintbury* reſpectively, on a *Sunday*, ſhall direct or appoint all Rights of Common, and all other Rights and Intereſts whatſoever belonging to or claimed by any Perſon or Perſons whomſoever, Bodies Politic or Corporate, in, over, or upon the ſaid Lands and Grounds ſo to be divided, allotted, and incloſed, ſhall ceaſe, determine, and be for ever extinguiſhed.

Allotments in reſpect of Tithe-free Land, to be Tithe-free.

XXXI. Provided alſo, That all and every ſuch Allotment and Allotments as ſhall be made of the ſaid Commons and Waſte Grounds hereby intended to be divided and incloſed in reſpect of any Meſſuages, Lands, and Hereditaments, which are wholly or in part Tithe-free or exempt from Tithes, ſhall in like Manner alſo be Tithe-free or exempt from Tithes: And that all and every ſuch Allotment and Allotments as ſhall be

be made in respect of any Messuages, Lands, and Hereditaments, which are subject to any Tithes, Moduses, or other Payments in lieu of Tithes, shall as well as the Messuages, Lands, or Hereditaments, in respect of which such Allotment or Allotments shall so be made as aforesaid, be and remain likewise subject to Tithes, Moduses, or other Payments in lieu of Tithes.

This Act not to extend to Tithe of the Commons till after the Date of the Award.

XXXII. And be it further enacted, That it shall not be lawful for the said *Thomas Shephard*, *Thomas Penrose*, and *Robert Butler*, or their Successors, Rectors of *Enborne*, *Hamstead Marshall*, and *Inkpen* aforesaid, to demand or take any Tithes whatsoever, or any Composition, Satisfaction, or Compensation in lieu thereof, from the Owner or Owners, Occupier or Occupiers of any Part or Parts, Allotment or Allotments of the said Commons and Waste Grounds for or in respect of any Tithes arising or renewing on such Allotment or Allotments till after the Twenty-ninth Day of *September* next after the Date of the Award; but that the said Allotment or Allotments of the said Commons or Waste Lands shall be held and enjoyed, freed and discharged of and from all Manner of Tithes, and all Dues, Payments, and Compositions in lieu thereof till the last mentioned Time, and no longer.

Not to compel Inclosures, except in the Commons, but Proprietors may inclose.

XXXIII. And be it further enacted, That nothing herein contained shall extend or be construed to extend, to oblige or compel any Person or Persons to whom any Allotment or Allotments of Open Field Land shall be made by virtue of this Act, to fence or mound such Allotment or Allotments, or any Part thereof, (save only in the said Commons, Heath, Down, or Waste Lands) nor shall any Thing herein contained extend, or be construed to extend, to prevent or hinder the inclosing or fencing of any Allotment or Allotments of Open Field Land to be made by virtue of this Act: And as the inclosing and fencing of such Allotments of Open Field Land may in various Instances take place by the voluntary Act of the said Proprietors or some of them, the said Commissioners shall, and they are hereby authorized and required to lay down and prescribe in their Award such general Rules as they may think fit or necessary to be observed by any Proprietor or Proprietors in inclosing and fencing, and maintaining the Inclosure and Fences of any such Allotment or Allotments of Open Field Land, when the same shall be done, and such Rules shall be observed by, and at all Times be binding upon the said Proprietors and other Persons interested in such last mentioned Allotment or Allotments.

No Cattle, &c. to be kept in the New Inclosures for Seven Years.

XXXIV. Provided always, and be it further enacted, That no Cattle, Horses, Cows, Asses, Pigs, Sheep or Lambs, shall be kept in any of the Allotments to be made by virtue of this Act (whereon any new Fence shall be raised) during the Space of Seven Years next after the Execution of the said Award, unless the Person keeping the same shall first at his, her, or their own Expence, make and maintain a sufficient Fence to guard and protect the young Fences belonging to such Allotments respectively from being hurt or damaged by such Cattle, Horses, Cows, Asses, Pigs, Sheep or Lambs, (whether such young Fences be made or set by the Owner or Occupier of such Allotments as aforesaid, or by the Owner or Occupier of the Allotment or Allotments adjoining thereto); and in case any Person shall turn in or keep

any

any Cattle, Horſes, Cows, Aſſes, Pigs, Sheep or Lambs, in any ſuch Allotment or Allotments without raiſing and keeping up ſuch Fences as aforeſaid, it ſhall be lawful for the Owner or Owners of any adjoining Allotment or Allotments to enter into ſuch Allotment or Allotments when, where, and ſo often as ſuch Cattle, Horſes, Cows, Aſſes, Pigs, Sheep or Lambs, ſhall be ſo turned in or kept, and from Time to Time to take, drive away and impound the ſame as Damage-feaſant.

Satisfaction for unequal fencing, &c.

XXXV. And be it further enacted, That if, from the Nature or Neceſſity of Situation, or from any other Circumſtance, it ſhall happen that one or more of the ſaid Proprietors ſhall not have a fair or proportionable Share of Boundary or other Fencing, or of making, maintaining, and ſupporting Gates, Stiles, and Drains allotted to him, her, or them, on the ſaid intended Incloſure, it ſhall be lawful for the ſaid Commiſſioners where they ſhall judge it neceſſary and reaſonable, to award, aſcertain, order, and appoint a Sum or Sums of Money to be paid or contributed by ſuch Proprietor or Proprietors reſpectively, towards making the Fences, and making, maintaining, and ſupporting the Gates, Stiles, and Drains of the Allotments of ſuch other of the Proprietor or Proprietors who ſhall or may have a greater Proportion thereof allotted to him, her, or them, by virtue of this Act, the ſame Sum to be ſettled by the ſaid Commiſſioners in ſuch Manner as they ſhall think proper, and the Money ſo ordered, directed, and appointed to be paid, ſhall be raiſed, levied, and recovered in ſuch and the ſame Manner as the Expences of this Act are herein ordered and directed to be levied and recovered.

Allotments in lieu of Quit or other Rents.

XXXVI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners at the Requeſt and with the Conſent of the Parties intereſted, to be ſignified by Writing under their reſpective Hands, to aſſign and ſet out unto ſuch Perſon or Perſons as are intitled to any Fee Farm Rents, Chief Rents, Quit Rents, or other dry and unimproveable Rents, ariſing or payable from or out of any Lands or Hereditaments belonging to any of the Proprietors of, or Perſons intereſted in the ſaid Commons and Waſte Lands hereby intended to be incloſed, ſuch Portion or Portions of the Allotment or Allotments to be made on the ſaid Commons and Waſte Lands, to ſuch Perſon or Perſons reſpectively, who ſhall be deſirous of being exonerated from any ſuch Rents as aforeſaid, as ſhall in the Judgment of the ſaid Commiſſioners be equivalent to the Fee Simple and Inheritance of ſuch Rents, and in lieu of, and full Compenſation for all the Fee Farm Rents, Chief Rents, Quit Rents, or other dry and unimproveable Rents ariſing, or due or payable, or which could or might ariſe, or become due or payable from or out of any Lands or Hereditaments belonging to any of the Proprietors of, or Perſons intereſted in the ſaid Commons and Waſte Lands hereby intended to be incloſed; and that ſuch Rents to be reſpectively compenſated for as aforeſaid, and the Lands to be allotted in lieu thereof, ſhall be ſpecified in the Award of the ſaid Commiſſioners: Provided that no Allotment or Allotments ſhall be made on the ſaid Commons or Waſte Lands for or in lieu of any Fee Farm Rents, Chief Rents, Quit Rents, or other dry and unimproveable Rents, held in right of any Church, Chapel, or other Eccleſiaſtical Benefice, without the Conſent ſignified as aforeſaid of the Patron thereof,

of, and of the Biſhop of the Dioceſe in which the Lands, Tenements, or Hereditaments, out of which ſuch Rents ſhall ariſe or be payable, ſhall lie and be ſituate.

Allotments to be of the ſame Tenure as the ancient incloſed Lands.

XXXVII. And be it further enacted, That all and ſingular the Commons, Heath, Down, and Waſte Grounds, which ſhall be allotted under or by virtue of this Act, ſhall (immediately after ſuch Allotments are made) be held by and be ſubject to ſuch and the ſame Tenures, Cuſtoms, Heriots, Rents, and Services, as the ſeveral and reſpective Meſſuages, Buildings, Lands, Tenements, and Hereditaments, in reſpect whereof ſuch allotted Lands ſhall be made, are now ſubject to.

Wills and Settlements not to be affected.

XXXVIII. Provided always, and be it further enacted, That nothing in this or the ſaid recited Act contained ſhall extend, or be conſtrued, deemed, or adjudged, or taken to extend to revoke, make void, alter, or annul any Will or Settlement, or to prejudice any Perſon having or claiming any Jointure, Dower, Portion, Debt, Rent, or Incumbrance out of, upon, or affecting any of the Lands, or Grounds hereby, or by the ſaid recited Act, intended to be divided, allotted, and incloſed, or which ſhall be exchanged in purſuance of this Act, or any Part thereof reſpectively; but that the reſpective Perſons, to whom the Lands or Hereditaments ſhall be allotted or given in Exchange by virtue of this or the ſaid recited Act, ſhall be, remain, and enure, and the ſeveral Perſons to whom the ſame ſhall be aſſigned, allotted, or given in Exchange as aforeſaid, ſhall from thenceforth ſtand and be ſeiſed thereof, for ſuch and the ſame Uſes, Truſts, and Eſtates, with the ſame Powers, and ſubject to ſuch and the ſame Wills, Settlements, Limitations, Remainders, Charges, Rents, and Incumbrances, and no other, as the ſeveral Lands, Grounds, Tenements, and Hereditaments, whereof ſuch Perſon was ſeiſed or poſſeſſed at or immediately before the Execution of the Award of the ſaid Commiſſioners, or for which, or in reſpect, or in lieu whereof ſuch Allotments and Exchanges ſhall be made as aforeſaid, would have been ſubject or liable to, in caſe the ſame had remained unincloſed or unexchanged, or this Act had not been made.

Commiſſioner empowered to ſet out Common Paſtures.

XXXIX. And be it further enacted, That in caſe any of the Proprietors entitled to Rights of Common in or over the Commons and Waſte Grounds hereby directed to be divided and allotted, or any Part thereof, ſhall requeſt to have their Common Rights compenſated by a Common Paſture inſtead of diſtinct Allotments of Land, and ſhall give Notice thereof to the ſaid Commiſſioners within ſuch Time as the ſaid Commiſſioners ſhall for that Purpoſe appoint; and the Commiſſioners ſhall be of Opinion that the Number of Proprietors who have made ſuch Requeſt ſhall be ſufficient to enable the ſaid Commiſſioners to ſet out ſuch Allotment or Allotments as will anſwer the Purpoſe of a Common Paſture, then it ſhall be lawful for the ſaid Commiſſioners, and they are hereby required to ſet out and allot to and for the Proprietors making ſuch Requeſt, from and out of ſuch Parts of the Commons and Waſte Lands aforeſaid moſt convenient for that Purpoſe, ſuch Parcel or Parcels thereof as ſhall in the Judgment of the ſaid Commiſſioners be an Equivalent and Compenſation for the Rights of

Common to which the Proprietors making such Request shall be entitled; and in case it shall appear to the said Commissioners (without any such Request to them made) that any of the Commons or Waste Lands, by reason of Situation, the Smallness of the Quantity, or Intersection by Roads or other Circumstances, cannot be divided and inclosed to the Advantage of the Persons interested therein, the said Commissioners are hereby authorized to set out and allot the Herbage of such Commons and Waste Lands as and for Common Pastures to such of the Proprietors of, or Persons having Common Rights or other Interests in the Lands and Grounds hereby directed to be divided and allotted, to whom the same shall in the Judgment of the said Commissioners be most convenient and valuable in Situation, in or towards Satisfaction for the Rights and Interests of such Proprietors respectively; and the Land so to be allotted for Common Pastures, whether the same shall be allotted at the Request of such Proprietors as aforesaid, or without such Request, shall be used and enjoyed by the respective Proprietors to whom the same shall be allotted, and by their Successors and Tenants respectively, in such Proportions, and shall be stocked with such Kind and Number of Cattle, and at such Seasons and Times of the Year, and subject to such Regulations and Orders as the said Commissioners by the Award to be by them made shall establish and direct.

Leases at Rack Rent void as to Allotments on Commons.

XL. And be it further enacted, That all and every the Lease and Leases at Rack Rent of any Messuages, Lands, or Hereditaments within the said Parishes of *Enborne*, *Hamstead Marshall*, and *Inkpen* shall, so far as such Lease or Leases affect or concern any Allotment or Allotments of the said Commons, Heath, Down, Commonable Lands and Waste Grounds to be made in respect of any such Messuages, Lands, or Tenements comprized in such Lease or Leases, or any Rights of Common, or other Rights appendant or appurtenant thereto, be, and the same is and are hereby null and void as to such Allotment and Allotments of the said Common, Heath, Down, Commonable Lands, and Waste Grounds; and such Allotment and Allotments shall be made and allotted unto the Landlord or Landlords, and not to the Tenant or Tenants, Lessee or Lessees; and such Allotment and Allotments shall be freed and discharged from all Right and Interest which may or otherwise might be claimed in or to the same by virtue of such Lease or Leases; and the Person and Persons, Body or Bodies Politic, Corporate or Collegiate, to whom the Messuages, Lands or Tenements comprised in such Lease or Leases shall belong as Landlord or Landlords, shall make such Compensation to the Person or Persons entitled to the same under such Lease or Leases as the said Commissioners shall by Writing under their Hands direct, for the Right of Common or any other Right or Interest in, over, or upon the said Lands and Grounds, or any Part thereof, appendant or appurtenant to such Messuages, Lands or Tenements, and which shall be extinguished by this Act; and if any Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, shall refuse or neglect to make such Compensation to the Person or Persons entitled thereto, on Demand, then and in such Case it shall be lawful for the said Commissioners, and they are hereby authorised and required to raise and levy the same for the Use and Benefit of the

Person

Perſon or Perſons entitled thereto, by ſuch Ways and Means as the Coſts, Charges and Expences of obtaining and executing this Act, or any Part thereof, can or may be raiſed and levied.

Not to vacate Leaſes, except of Allotment on Commons.

XLI. Provided always, That nothing in this Act contained ſhall extend, or be conſtrued to extend to revoke, make void or alter any Leaſe or Leaſes of any Meſſuages or Old Incloſures in *Enborne*, *Hamſtead Marſhall*, *Inkpen*, and *Kintbury* aforeſaid, or of the ſaid Open and Common Fields in *Kintbury* aforeſaid (except as aforeſaid).

Other Leaſeholders and Copyholders to enjoy the Allotments upon certain Conditions.

XLII. And be it further enacted, That the ſeveral Perſons who hold for One or more Life or Lives, or for Years, determinable upon One or more Life or Lives, by Copy of Court Roll, and the ſeveral Leſſees or Tenants who have under any Leaſe (other than a Leaſe or Leaſes at Rack Rent,) any Eſtate or Eſtates in reſpect of which any ſuch Allotment or Allotments ſhall be made as aforeſaid (except ſuch as have only Right of Common upon the ſaid Commons, Heath, Down, Commonable Lands and Waſte Grounds ſo to be allotted, whilſt the ſame remain unincloſed, at the Will and Pleaſure of the Owner or Owners of the Reverſion and Inheritance of ſuch Leaſehold Eſtates), ſhall, during the Continuance of their reſpective Tenancies and Leaſes, have, hold, and enjoy the ſeveral Parts and Shares of the ſaid Commons, Heath, Down, Commonable Lands and Waſte Grounds that ſhall be allotted and ſet out for or in reſpect of ſuch Eſtates, upon Condition only that ſuch Leſſee or Leſſees, Tenant or Tenants, do and ſhall, within ſuch Time and Times, and in ſuch Manner as the ſaid Commiſſioners ſhall order, appoint, or award, well and ſufficiently incloſe, ditch, and fence out the Parts and Shares of the ſaid Commons, Heath, Down, Commonable Land and Waſte Grounds to be allotted to or in reſpect of ſuch Eſtates; and alſo do and ſhall, within ſuch Time or Times as laſt aforeſaid, pay his and their Part and Share, Parts and Shares, in Proportion to their Intereſts therein reſpectively of all Coſts, Charges and Expences relating thereto, to be ſettled by the ſaid Commiſſioners; and the Reverſioners ſhall, and they are hereby directed to pay within ſuch Time or Times as the ſaid Commiſſioners ſhall order, appoint, or award, the Reſidue of ſuch Charges and Expences for or in reſpect of ſuch Eſtates in Leaſe reſpectively; and if any of the ſaid Leſſees or Tenants ſhall refuſe or neglect well and ſufficiently to incloſe, ditch, and fence out their ſeveral Parts and Shares of the ſaid Commons, Heath, Down, Commonable Land and Waſte Grounds to be allotted to their ſeveral and reſpective Eſtates; or to pay their reſpective proportionable Parts and Shares of the Charges and Expences aforeſaid within the Time or Times, and in the Manner to be by the ſaid Commiſſioners ordered, appointed, or awarded; that then, and from and after ſuch Refuſal or Neglect, the ſaid Parts and Shares of the ſaid Commons, Heath, Down, Commonable Lands and Waſte Grounds, ſhall go, revert, and remain unto, and be in the immediate Poſſeſſion of the Proprietors or Owners of the Reverſion of ſuch Copyhold or Leaſehold Eſtates to which the ſame ſhall be reſpectively allotted as aforeſaid according to their ſeveral Eſtates and Intereſts therein reſpectively, exonerated and abſolutely diſcharged from ſuch Leaſe and Leaſehold, and other Intereſts; and the ſaid Owners or Proprietors of the Reverſion thereof are hereby directed, ordered, and authoriſed to incloſe, ditch,

and

and fence in the ſame, and pay for the ſame ſuch Charges and Expences, and within ſuch reſpective Time or Times, and in ſuch Manner, as the ſaid Commiſſioners ſhall order, direct and appoint.

Copyhold and Leaſehold Eſtates to go to Reverſioners.

XLIII. And be it further enacted, That the Share and Shares of the ſaid Commons, Heath, Down, Commonable Land and Waſte Grounds ſo to be allotted to the ſaid Copyholders and Leaſeholders reſpectively, for or in reſpect of the ſaid Eſtates holden by Copy of Court Roll or in Leaſe (other than Leaſes at Rack Rent as aforeſaid), ſhall nevertheleſs, from and after the Determination of their Eſtates and Leaſes reſpectively, go, remain, and revert to ſuch Perſon or Perſons as ſhall be entitled to ſuch Eſtates in reſpect whereof the ſame ſhall be allotted reſpectively, which Perſon or Perſons ſhall ſeverally have and enjoy the ſame Eſtate, Right, Title, Powers, and Intereſts in ſuch Share or Shares as he, ſhe, or they hath or have in and to the ſaid Eſtates for or in reſpect whereof ſuch Shares ſhall be allotted reſpectively, ſubject nevertheleſs as aforeſaid.

Exchanges may be made.

XLIV. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, to ſet out, allot, and award any Meſſuages, Lands, Tenements or Hereditaments, New Allotments or Old Inclоſures, within the ſaid ſeveral Pariſhes of *Enborne*, *Hamſtead Marſhall*, *Inkpen*, and *Kintbury* aforeſaid, or any or either of them, in lieu of, and in Exchange for any other Meſſuages, Lands, Tenements, and Hereditaments, New Allotments or Old Inclоſures, within the ſame Pariſhes, or any or either of them, or within any adjoining Pariſh, Hamlet, Townſhip or Place, provided that all ſuch Exchanges be aſcertained, ſpecified and declared in the Award of the ſaid Commiſſioners, and be made with the Conſent of the Owner or Owners, Proprietor or Proprietors of the Meſſuages, Lands, Tenements and Hereditaments which ſhall be ſo exchanged, whether ſuch Owner or Owners, Proprietor or Proprietors be a Body or Bodies Politic, Corporate or Collegiate, or a Tenant or Tenants in Fee Simple, or for Life, or in Fee Tail, General, or Special, or by the Courteſy of *England*, or for Years determinable on any Life or Lives, or with the Conſent of the Guardians, Truſtees, Feoffees for charitable or other Uſes, Huſbands, Committees, or Attornies acting for any ſuch Proprietors or Owners as aforeſaid, who, at the Time of making ſuch Exchange or Exchanges, ſhall be reſpectively Infants, Feme Coverts, Lunatics, or under any other legal Diſability, or who ſhall be beyond the Seas, or otherwiſe diſabled to act for themſelves, himſelf, or herſelf, ſuch Conſent to be teſtified in Writing under the common Seal of the Body Politic, Corporate or Collegiate, and under the Hands of the other conſenting Parties reſpectively; and all and every ſuch Exchange 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 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, or of the Biſhop of the Dioceſe in which ſuch Lands, Tenements or Hereditaments ſo to be exchanged ſhall lie or be ſituate.

XLV. Provided

XLV. Provided always, and be it further enacted, That all the Coſts, Charges, and Expences attending the making of any Exchange or Partition, ſhall be paid, borne, and defrayed by the ſeveral Perſons making ſuch Exchanges or Partitions, in ſuch Manner and in ſuch Proportion, as the ſaid Commiſſioners ſhall by their ſaid Award, order or direct. Coſts of Exchanges to be paid by the Parties making the ſame.

XLVI. And be it further enacted, That as well the Fees and Payments to the ſaid Commiſſioners, as alſo the Charges and Expences incident to and attending the ſoliciting, obtaining and paſſing of this Act, and of the ſurveying, planning, dividing, and allotting of the ſaid Open and Common Field Land, Tracts or Parcels of Common, Heath, Down, Commonable Lands and Waſte Grounds, and of preparing, making, and depoſiting the Award of the ſaid Commiſſioners, and of all other Plans, Maps, Surveys, Inſtruments, Papers, Writings, Extracts, Schedules and Copies of the ſame, or any of them reſpectively, directed by the ſaid Commiſſioners to be prepared and made out, and all other Coſts, Charges and Expences whatſoever in anywiſe attending the Execution of this and the ſaid recited Act, or any of the Powers, Authorities, Proviſoes or Declarations therein contained, ſhall be borne and defrayed at ſuch Times as the ſaid Commiſſioners ſhall by Writing under their Hands order and direct, but ſubject to the Regulations, Proportions and Reſtraint hereinafter mentioned, (that is to ſay,) that ſo much of the ſaid Coſts, Charges and Expences as relates to the Pariſh of *Enborne*, and the Incloſure of the ſame, ſhall be paid by the Proprietors of Eſtates within *Enborne* aforeſaid; ſo much and ſuch Part thereof as relates to the ſaid Pariſh of *Hamſtead Marſhall*, and the Incloſure of the ſame by the Proprietors of Eſtates within *Hamſtead Marſhall* aforeſaid; ſo much and ſuch Part thereof as relates to the Pariſh of *Inkpen*, and the Incloſure of the ſame, by the Proprietors of Eſtates within *Inkpen* aforeſaid; and ſo much and ſuch Part thereof as relates to the Pariſh of *Kintbury*, and the Incloſure of the ſame by the Proprietors of Allotments within the ſaid Tythings in *Kintbury* aforeſaid; and in caſe any Perſon or Perſons ſhall refuſe or neglect to pay his, her or their Share or Proportion of ſuch Charges and Expences within the Times and to ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall appoint, then and in ſuch Caſe the ſaid Commiſſioners ſhall cauſe the ſame to be levied and recovered in Manner directed by the ſaid recited Act. For paying the Expences of paſſing and executing this Act.

XLVII. Provided always, That nothing in this Act contained ſhall extend, or be conſtrued to extend to render the Dean, and Canons of *Windſor*, the Rectors of *Enborne*, *Hamſtead Marſhall*, and *Inkpen*, any or either of them, or the Vicar of *Kintbury* and their reſpective Succeſſors, or the ſaid Truſtees for the Poor, ſubject or liable to the Payment of any Part of the Charges and Expences incident to and attending the obtaining and paſſing of this Act, or any other Charges and Expences (except the making, maintaining and ſupporting Fences, Gates, Stiles and Drains upon his and their Allotment and Allotments of the ſaid Commons or Waſte Lands to be allotted or awarded to him and them reſpectively as aforeſaid. Rectors and Vicar, Dean and Canons of Windſor, and Truſtees of Poor's Allotments, exempted from Expences of this Act.

Persons advancing Money, to pay the Expences of this Act, to be repaid with Interest.

XLVIII. And be it further enacted, That if any Person or Persons shall advance and pay any Money in Discharge of the Fees or other Expences in or about the applying for and obtaining of this Act, or carrying the same into Execution, such Person and Persons shall be repaid the same with Interest, after the Rate of Five Pounds per Centum per Annum, out of the Monies which shall be first raised to defray the Expences of this Act.

Proprietors may sell their Allotments before the Execution of the Award.

XLIX. And be it further enacted, That it shall be lawful for any Person or Persons who shall be entitled to any Allotment to be made by virtue of this Act to sell, mortgage, demise and dispose of all his, her, or their Estate, Right, Title and Interest therein, at any Time before the Execution of the Award, by proper Conveyances and Assurances in the Law: and also that it shall be lawful for any Person or Persons interested in the said Allotment, Division and Inclosure, at any Time (not being less than Two Calendar Months before the Execution of the Award) to sell and dispose of all such Estate, Right, Title, Interest and Property which he, she or they shall have in or to the said Commons, Heath, Down, Commonable Land and Waste Grounds, or in or to any Allotment or Allotments to be made thereof by virtue of this Act, separate from the Estate in right of which he, she or they shall be so entitled; and it shall be lawful for the said Commissioners, and they are hereby authorized and required to allot the same to the Purchaser or Purchasers thereof respectively.

Commissioners to lay their Accounts before Two Justices once in every Year.

L. And be it further enacted, That once at least in each and every Year during the Execution of this Act (such Year to be computed from the Day of the passing thereof), the said Commissioners shall and they are hereby required to make a true and just Statement or Account of all Sums of Money by them received and expended, or due to them for their own Trouble or Expences in the Execution of this and the said recited Act; and such Statement or Account, when so made, together with the Vouchers relating thereto, shall be by them laid before any Two or more of His Majesty's Justices of the Peace for the said County of *Berks*, to be by them examined and balanced, and such Balance shall be by such Justices stated in the Book of Accounts to be kept at the Office of the Clerk or Clerks to the said Commissioners, and no Charges or Items in such Account shall be binding on the Parties concerned, or valid in the Law, unless the same shall have been duly allowed by such Justices as aforesaid.

Award.

LI. And be it further enacted, That as soon as conveniently may be after the said Commissioners shall have finished and completed the said intended Division and Allotment, they shall, and are hereby authorized and required to form and draw up, or cause to be formed and drawn up, four separate and distinct Awards in Writing, one for each of the said Parishes of *Enborne*, *Hamstead Marshall*, *Inkpen*, and *Kintbury*, which said Awards, together with the Maps, Plans, and Surveys to be annexed thereto, shall within Twelve Calendar Months next after the Execution of the said Award by the said Commissioners be inrolled with the Clerk of the Peace for the said County of *Berks*, and the said Award when so inrolled in Manner directed by the said recited Act,

Act, shall be deposited as hereinafter is mentioned, that is to say, the Award for the Parish of *Enborne* shall be deposited in the Parish Church of *Enborne*, the Award for the Parish of *Hamstead Marshall*, in the Parish Church of *Hamstead Marshall*, the Award for the Parish of *Inkpen*, in the Parish Church of *Inkpen*, and the Award for the Parish of *Kintbury*, in the Parish Church of *Kintbury*. To which said Awards respectively, all Persons interested in the said Inclosures and Allotments may at all Times have Access.

Allowing an Appeal to the Quarter Sessions.

LII. And be it further enacted, That if any Person or Persons, Body or Bodies Corporate or Collegiate, shall think himself, herself, or themselves aggrieved by any Thing done by virtue or in pursuance of this or the said recited Act (other than and except as to such Claims, Matters and Things as are hereinbefore or by the said recited Act directed or authorised to be tried, settled or determined by the Verdict of a Jury or an Issue at Law, or where any of the Clauses of the said recited Act, or of this Act, shall express that the same shall be by the Order and Determination of the said Commissioners, final and conclusive,) then and in every such Case, he, she or they may appeal to the General Quarter Sessions of the Peace which shall be held in and for the said County of *Berks*, within Four Calendar Months next after the Cause of Complaint shall have arisen; and the Justices of the Peace in such Sessions are hereby required to hear and determine the Matter of every such Appeal, provided that Notice in Writing of every such Appeal, specifying the Cause of Complaint, be given to the said Commissioners, or the other Party interested in the Matter of any such Appeal, or their Agent or Agents for the Time being, One Calendar Month at least before such Sessions; and the said Justices in their said Sessions assembled may, if they see sufficient Cause, respite every such Appeal to the next General Quarter Sessions to be holden in and for the said County; and the said Justices shall make such Order touching the Matter of such Appeal, and award such Damages and Costs as to them in their Discretion shall seem reasonable, and by their Order or Warrant levy the Costs and Damages which shall be so awarded, by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same; rendering the Overplus (if any), upon Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of every such Distress and Sale; and every Order and Determination of the said Justices upon every such Appeal shall be final and conclusive to all Parties concerned, and shall not be removed or removable by any *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere.

Saving to Lords of Manors.

LIII. And be it further enacted, That nothing in this Act contained shall prejudice, lessen or defeat the Rights, Titles or Interests of the Lords of the aforesaid Manors respectively, or any future Lords thereof, of, in or to the Seignories and Royalties incident or belonging to the aforesaid Manors respectively, but that the Lords of the said Manors respectively for the Time being shall and may, from Time to Time, and at all Times hereafter have, hold, receive and enjoy all Rents, Services, Courts, and Profits of Courts, and all other Rights,

Rights, Royalties, and Privileges to the said Manors respectively incident and appendant, belonging or appertaining, (other than and except such Common of Pasture, Right of Common, Right of Soil and other Property as is or are mentioned and intended to be barred by this Act,) in as full, large, ample, and beneficial Manner to all Intents and Purposes as he or they might or ought to have held and enjoyed the same before the passing this Act, or in case the same had not been made.

General Saving.

LIV. Saving always to the KING's Most Excellent Majesty, His Heirs and Successors, and all other Persons, Bodies Politic, Corporate and Collegiate, their Heirs, Executors, Administrators and Assigns (other than and except the several Persons, Bodies Politic, Corporate or Collegiate, to whom any Allotment or Compensation shall be made, their Heirs, Successors, Executors, Administrators and Assigns, respectively, and except such other Rights and Interests, as the Intent and Purpose of the Inclosure hereby authorized, shall absolutely require to be barred, destroyed, or extinguished by virtue of this Act), all such Estates, Rights, Titles, and Interests, as they every or any of them had or enjoyed, of, in, to or out of the said Open and Common Fields, Commons, Heaths, Down, Commonable Lands and Waste Grounds hereby directed to be divided, allotted and inclosed before the passing of this Act, or could or might have been had or enjoyed, if this Act had not been made.

This Act may be given in Evidence.

LV. And be it further enacted, That this Act shall be printed by the Printer to the KING's Most Excellent Majesty, and a Copy thereof so printed shall be admitted as Evidence thereof by all Judges, Justices, and others.

LONDON. Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1810.