ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 95.

An Act for incloſing Lands in the Pariſh of *Streatley*, in the County of *Berks*. [27th *May* 1814.]

WHEREAS there are in the Pariſh of *Streatley*, in the County of *Berks*, certain Open Fields, Common Meadows, Common Paſtures, Downs, Waſte and Commonable Lands, and alſo divers Homeſteads, Gardens, Orchards, old Incloſures, or incloſed Grounds and Lands, holden in Severalty: And whereas *Thomas Bowles* Eſquire is Lord of the Manor of *Streatley* aforeſaid, and claims to be ſeiſed of or entitled to the Soil of all the Open or Commonable Downs, and other Waſte Land within the ſaid Manor, ſubject to Rights of Common and Paſturage therein: And whereas *Mary Tull* claims to be ſeiſed of or entitled to the Soil of all the Waſte Grounds of *Southbridge* in the ſaid Pariſh of *Streatley*, and all the Trees and Soil thereof: And whereas the Reverend *John Wetherall*, Doctor of Laws, is Vicar and Incumbent of the Vicarage and Pariſh Church of *Streatley* aforeſaid, and in Right of his Vicarage is entitled to certain Glebe Lands, which are Tythe-free, and to all Small and Vicarial Tythes ariſing and renewing within the ſaid Pariſh, and is alſo entitled to the whole Great Tythes of divers Parcels of Land, as well open as incloſed, lying and being in the ſaid Pariſh, and likewiſe is or claims to be entitled to a Redecimation (or One Tenth Part) of all the Rectorial or Impropriate Tythes ariſing and renewing within the ſaid Pariſh, as well from the open Lands and Grounds, as from the old Incloſures or incloſed Grounds and Lands in Severalty there: And whereas the Lord Biſhop of the Dioceſe of *Sarum*, in Right of his See, is Patron of the Vicarage and Pariſh Church of *Streatley* aforeſaid: And whereas the Honourable *Philip Puſey* is ſeiſed of or entitled to the Rectorial or

Impropriate Tythes of divers Parcels of Land and Ground, chiefly or wholly called *The Below Hill Tything*, lying and being in the Parish of *Streatley* aforesaid, subject to the Vicar's said Redecimation: And whereas the said *Thomas Bowles* is also seised of or entitled to the Rectorial or Impropriate Tythes of divers Parcels of Land, as well open as inclosed, in the said Parish, being chiefly his own Lands, and some Lands belonging to other Persons; and the whole, or almost the whole thereof, is Part of what is called *The Above Hill Tything*, in the said Parish, subject to the Vicar's said Redecimation: And whereas *William Stephens* and *John Tull*, Gentlemen, are also severally seised of or entitled to certain Rectorial or Impropriate Tythes of divers Lands (open or inclosed) in the Parish of *Streatley* aforesaid, being their own Lands respectively, and other Part or chiefly Part of the *Above Hill Tything*, in the said Parish, subject to the Vicar's said Redecimation: And whereas the said *John Tull* is likewise seised of or entitled to the Rectorial or Impropriate Tythes of a certain Farm and Lands in the said Parish, called *Southridge Farm*, containing Two hundred and sixty-nine Acres, or thereabouts, and now in the Possession of *Mary Tull*, being also other Part or chiefly Part of the said *Above Hill Tything*, in the said Parish, subject also to the Vicar's said Redecimation: And whereas a certain Plot or Parcel of Down Land, in the said Parish, commonly called *Streatley Warren*, containing by Estimation One hundred and twenty-six Acres, or thereabouts, is now held in Severalty by the said *Thomas Bowles* and *John Berkeley Monck* Esquire, and divided between them in certain Proportions and Allotments, set out and distinguished by Metes and Bounds: And whereas the said *Thomas Bowles* Esquire, the Honourable *Philip Pusey*, *William Stone* Esquire, *Samuel Shepherd* Esquire, *John Berkeley Monck* Esquire, the said *William Stevens*, *John Tull*, and *Mary Tull*, the President of *Corpus Christi* College in the University of *Oxford*, and the Scholars of the same College, and *John Bartholemew* their Lessee, the Mayor, Aldermen, and Burgesses of the Borough of *Reading* in the County of *Berks*, the Reverend *Deacon Morrell* Clerk, *Mary Child* Widow, and others, are the Proprietors of or Persons interested in the Residue (over and besides the Vicar's Glebe) of the Lands and Grounds by this Act intended to be divided and allotted, and the Rights of Common and Pasturage in, upon, and over the same: And whereas an Act was passed in the Forty-first Year of the Reign of
41 G. 3. c. 109. 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 of the Proprietors in the Open Fields and Common Meadows in the said Parish, lie intermixed and dispersed in small Parcels, so as to render the Cultivation thereof laborious and inconvenient; and the Common Pastures, Open or Commonable Downs, Waste and Commonable Lands, in the said Parish, are extensive, and Parts thereof are suitable for Tillage; and it would be beneficial to the several Proprietors and Parties interested, if the said Open Fields, Common Meadows, Common Pastures, Open or Commonable Downs, Waste and Commonable Lands, were divided, allotted, and laid in Severalty, and wholly exonerated from Tythes, and certain Parts thereof inclosed; and it would also be a Convenience and Benefit to the respective Parties interested, if all the Homesteads, Gardens, Orchards, old Inclosures, inclosed Grounds and Lands in Severalty, in the said Parish, (except such as are hereinafter excepted,) were exonerated from Tythes, both Great and Small, in Manner herein-after mentioned; but such Division, Allotment, Inclosure,

and

and Exoneration 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 *John Davis* of *Bloxham*, in the County of *Oxford*, Gentleman, and *Edward Driver* of *Kent-Road*, in the County of *Surrey*, Gentleman, and their Succeſſors, to be elected and nominated in Manner herein-after mentioned, ſhall be and they are hereby appointed Commiſſioners for viewing, valuing, ſetting out, dividing, allotting, and laying in Severalty, all the ſaid Open Fields, Common Meadows, Common Paſtures, Open or Commonable Downs, Waſte and Commonable Lands, and inclоſing Parts and Parcels thereof, and for effecting ſuch Exoneration from Tythes as aforeſaid, and otherwiſe carrying this Act and the ſaid recited Act into Execution, and all and every the Powers and Directions herein and therein contained, (except ſuch Parts of the ſaid recited Act as are hereby varied or altered), and under and ſubject to ſuch of the Rules, Orders, Regulations, Reſtrictions, and Directions contained in the ſaid recited Act, as are not repugnant to the Powers and Proviſions of this Act. Commiſſioners.

II. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, or either of them, or for any Juſtice of the Peace for the ſaid County of *Berks*, to adminiſter to the ſaid Commiſſioners, or either of them, the Oath or Affirmation directed by the ſaid recited Act to be taken by Commiſſioners. Juſtice may adminiſter the Oath.

III. And be it further enacted, That if the ſaid *John Davis*, or any ſucceeding Commiſſioner, to be appointed by the Proprietors in Manner herein-after mentioned, ſhall die, refuſe, or neglect to act, or become incapable of acting, in the Execution of this Act and the ſaid recited Act, then and as often as it ſhall ſo happen, it ſhall and may be lawful to and for the major Part in Value (ſuch Value to be aſcertained, if requiſite, by the Land Tax Aſſeſſment) of the ſeveral Proprietors of the Lands and Grounds by this Act intended to be divided and allotted, who ſhall attend in their proper Perſons, or by their reſpective Agents duly authorized in Writing under the reſpective Hands of any ſuch Proprietors being abſent, or under the Common Seal of any of them, being a Corporation Aggregate, at a Meeting to be holden for that Purpoſe in the Pariſh Church of *Streatley* aforeſaid, (of which Meeting Ten Days previous Notice at leaſt ſhall be given by Advertiſement in *The Reading Mercury* or ſome other Newſpaper uſually circulated in *Streatley* aforeſaid, and in Writing ſigned by the other Commiſſioner, if ſuch there be, or if not, then ſigned with the Names of any Five or more of the ſaid Proprietors, and affixed upon the principal outer Door of the ſaid Church), to elect, nominate, and appoint, by themſelves, or ſuch their Agents reſpectively, another Perſon, not intereſted in the ſaid Diviſion and Allotment, to be a Commiſſioner in the place of the ſaid *John Davis*, or any ſucceeding Commiſſioner appointed to fill his Place, ſo dying, neglecting or refuſing to act, or becoming incapable of acting as aforeſaid; and if the ſaid *Edward Driver*, or any Commiſſioner to be hereafter appointed by the Vicar for the Time being of the ſaid Pariſh, and the Impropriator of the *Below Hill Tything* for the Time being, or by the other Commiſſioner as herein-after mentioned, ſhall die, refuſe, or neglect to act, or become incapable of acting in the Execution Appointment of future Commiſſioners.

Execution of this Act and the ſaid recited Act, then and as often as it ſhall ſo happen, it ſhall and may be lawful to and for the Vicar for the Time being of the ſaid Pariſh, and the Impropriator of the *Below Hill Tything* for the Time being, being of full Age and competent in this Behalf, (within Twenty-one Days after ſuch Death, Refuſal, Neglect, or Incapacity of any ſuch Commiſſioner, ſhall be notified to them in Writing by the other Commiſſioner, or any Five or more of the ſaid Proprietors) to nominate and appoint ſome other indifferent and proper Perſon in the room and ſtead of the ſaid *Edward Driver*, or other the Commiſſioner to be appointed to ſucceed him, ſo dying, refuſing, neglecting, or becoming incapable to act as aforeſaid; and if the Place of the ſaid *Edward Driver*, or any ſuch Commiſſioner as laſt aforeſaid, ſhall not be filled up within the ſaid Twenty-one Days, through any Default of Agreement between the ſaid Vicar for the Time being and the Impropriator of the *Below Hill Tything* for the Time being, or any other Default or Incapacity of either of them, or otherwiſe, then and in every ſuch Caſe, and as often as it ſhall ſo happen, it ſhall be lawful for the ſaid *John Davis*, or the ſurviving or remaining Commiſſioner for the Time being, (though appointed by the ſaid Proprietors), and he is hereby required, within Fourteen Days after every ſuch Default, to nominate and appoint any Perſon, not intereſted in the ſaid intended Diviſion and Allotment, to be a Commiſſioner in the Place of the ſaid *Edward Driver*, or any ſucceeding Commiſſioner appointed to fill his Place, ſo dying, neglecting, or refuſing to act, or becoming incapable to act as laſt aforeſaid; and every ſuch Election, Nomination, and Appointment by the ſaid Proprietors as aforeſaid, ſhall be certified in Writing under the Hands of the reſpective Perſons (whether Principals or Agents) attending and making the ſame; and every ſuch Nomination and Appointment by the ſaid Vicar for the Time being and the Impropriator of the *Below Hill Tything* for the Time being, or by the ſaid *John Davis*, or ſuch ſurviving or remaining Commiſſioner as aforeſaid, ſhall be certified in Writing under the Hands or Hand of the reſpective Perſons or Perſon making ſuch Nomination and Appointment, and every ſuch Certificate ſhall be annexed to and inrolled with the Award to be made in purſuance of this and the ſaid recited Act; and a Copy of the Inrolment of any ſuch Certificate ſhall be admitted as legal Evidence in all Courts whatſoever, and the Election, Nomination, or Appointment of any ſuch new Commiſſioner, or the Notification of the Death, Refuſal, Neglect, or Incapacity of any Commiſſioner, or of any Default of Appointment of a Commiſſioner, ſhall not be queſtioned or impeached after the Inrolment of the ſaid Award, but the Production of any ſuch Certificate or a Copy thereof ſhall be concluſive Evidence of the Fact and Validity of ſuch Election, Nomination, and Appointment by ſuch major Part of the Proprietors as aforeſaid, or by the ſaid Vicar for the Time being, and the Impropriator of the *Below Hill Tything* for the Time being, or by the ſaid *John Davis*, or ſuch ſurviving or remaining Commiſſioner as aforeſaid, according to the Purport of ſuch reſpective Certificate; and every ſuch new Commiſſioner ſo to be nominated and appointed as aforeſaid, ſhall have the like and as ample Powers and Authorities for putting this Act and the ſaid recited Act in Execution, in all Reſpects whatſoever, as the Commiſſioner in whoſe Place he ſhall ſucceed, was veſted with by virtue of this Act or the ſaid recited Act.

If Commiſſioners diſagree, an

IV. And be it further enacted, That if the Commiſſioners for the Time being who ſhall act in the Execution of this Act, ſhall diſagree or differ in

in Opinion, touching or concerning any Matter or Thing, Matters or Things, to be by them done and performed in the Execution of the Powers contained in this Act or the ſaid recited Act, then and in every ſuch Caſe, and as often as it ſhall ſo happen, it ſhall be lawful for the ſaid Commiſſioners to refer the Matter or Matters of ſuch Diſagreement or Difference to the Umpirage of ſome Third Perſon, not intereſted in the Premiſes, to be nominated and appointed by them; and the Firſt Umpire ſhall be nominated and appointed by them immediately after they ſhall ſeverally take and ſubſcribe the Oath of Commiſſioners for the Execution of this Act; but ſuch Umpire ſhall not be called in to act, nor give an Opinion, until he ſhall be required by the ſaid Commiſſioners, in order to ſettle any Matter or Matters of Diſagreement or Difference of Opinion between the ſaid Commiſſioners; and if the ſaid Firſt Umpire ſhall die, or refuſe or neglect to act, or become incapable of acting, then the ſaid Commiſſioners ſhall nominate and appoint ſome other Perſon, not intereſted in the Premiſes, to whom ſuch Matter or Matters of Diſagreement or Difference ſhall be referred, and ſo from Time to Time as there ſhall be Occaſion; and the Deciſion of ſuch Umpire for the Time being, upon the Matter or Matters referred to him, ſhall be adopted by and be binding upon the ſaid Commiſſioners, and ſhall be conſidered as their Judgment and Determination; but ſuch Umpire ſhall not be a Party to or ſign the ſaid Award, nor ſhall any Deciſion made by him be noticed therein, although the ſaid Commiſſioners ſhall in their ſaid Award conform to the Judgment of the ſaid Umpire in ſuch Matters as he ſhall be called to decide upon as aforeſaid, ſo far as the ſame are neceſſary to be incorporated in the ſaid Award.

Umpire to be appointed.

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

Umpire to take an Oath.

'I do ſwear, [*or*, being one of the People called *Quakers*, do ſolemnly affirm] That I will faithfully, honeſtly, and impartially, according to the beſt of my Skill and Ability, execute and perform the Powers and Authorities repoſed in me as Umpire, by virtue of an Act, paſſed in the Fifty-fourth Year of the Reign of King *George* the Third, intituled *An Act for incloſing Lands in the Pariſh of* Streatley, *in the County of* Berks, according to Equity and good Conſcience, and without Partiality, Favour or Affection, Prejudice or Malice, to any Perſon or Perſons whomſoever. So help me GOD.'

Which Oath or Affirmation it ſhall be lawful for either of the ſaid Commiſſioners, or for any Juſtice of the Peace of the ſaid County, to adminiſter, and they or one of them are or is 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.

Commiſſioners to appoint a Clerk.

VI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required, to appoint a Clerk or Clerks to aſſiſt them in the Execution of this Act and the ſaid recited Act; and ſuch Clerk or Clerks from Time to Time to remove, and another or others to appoint, as to them ſhall ſeem meet.

Appointment of Surveyor.

VII. And be it further enacted, That the Survey, Admeaſurement, and Plan, to be made in purſuance of the ſaid recited Act, ſhall be made by *William Church* of *Abingdon*, in the ſaid County of *Berks*, Land Surveyor; and in caſe he ſhall die, neglect or refuſe to act, or become incapable of acting, then the ſame ſhall be made and finiſhed by ſuch other Perſon or Perſons as ſhall be elected and appointed for that Purpoſe by the major Part of the ſaid Proprietors in ſuch Manner as a Succeſſor to the ſaid *John Davis*, as a Commiſſioner, is herein-before directed to be elected and appointed; and every ſuch Surveyor ſhall have, for his Pains, Trouble, and Expences in and concerning the Execution of this Act, ſuch Compenſation and Allowance as the ſaid Commiſſioners ſhall deem reaſonable; but no Perſon ſhall act as Surveyor for the Purpoſes aforeſaid, until he ſhall have taken and ſubſcribed, before the ſaid Commiſſioners or one of them, an Oath or Affirmation in the following Form;

'I do ſwear, [*or*, being one of the People called *Quakers*, do ſolemnly affirm] 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 *An Act for in-'cloſing Lands in the Pariſh of* Streatley, *in the County of* Berks, accord-'ing to the beſt of my Skill and Judgment, and without Partiality, Fa-'vour or Affection, Prejudice or Malice, to any Perſon or Perſons whom-'ſoever. So help me GOD.'

Which Oath or Affirmation the ſaid Commiſſioners or either of them, or any Juſtice of the Peace for the ſaid County, are or is hereby authorized and required to adminiſter; and the ſaid Oath or Affirmation ſo taken and ſubſcribed by ſuch Surveyor for the Time being, ſhall be annexed to and inrolled with the ſaid Award.

Notice of Meetings.

VIII. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required to cauſe Public Notice in Writing to be affixed upon the principal outer Door of the Pariſh Church of *Streatley* aforeſaid, upon ſome *Sunday* immediately preceding Divine Service, and alſo by Advertiſement, to be inſerted in the Weekly Newſpaper publiſhed at *Reading* (if any ſuch ſhall then be), of the Time and Place of their Firſt and every other Meeting for executing the Powers of this Act or the ſaid recited Act, Ten Days at leaſt before every ſuch Meeting ſhall be held (Meetings by Adjournment only excepted); and the ſaid Commiſſioners ſhall and may from Time to Time adjourn ſuch Meetings to ſuch Time and Place as they ſhall think proper; and if, at the Time and Place appointed for any ſuch Meeting, only One Commiſſioner ſhall attend, ſuch One Commiſſioner may adjourn ſuch Meeting, and if no Commiſſioner ſhall attend, it ſhall be lawful for the Perſon or Perſons acting as Clerk or Clerks to the ſaid Commiſſioners, or either of ſuch Perſons, if more than One, to adjourn ſuch Meeting to ſuch Time, not exceeding Fourteen Days from the Time of ſuch Adjournment, and to ſuch Place, as he or they ſhall think moſt convenient: Provided always, that all the Meetings of the ſaid Commiſſioners ſhall be held at *Streatley* aforeſaid, or ſome other convenient Place or Places within Eight Miles thereof.

Other Notices, how to be given.

IX. And be it further enacted, That all other Notices neceſſary to be given by the ſaid Commiſſioners, ſhall be made and given by Writing, to be

be affixed (by Order of the ſaid Commiſſioners) on one of the principal outer Doors of the ſaid Pariſh Church of *Streatley*, and by Advertiſement in the ſaid Newſpaper.

Proceedings to be entered in a Book.

X. 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 or the ſaid recited Act, and Minutes of all Determinations by the ſaid Umpire, ſhall be entered in a Book or Books to be provided for that Purpoſe, and ſhall be ſigned by the ſaid Commiſſioners, 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 to be done in purſuance of or in relation to this Act or the ſaid recited Act.

Commiſſioners to ſettle Diſputes.

XI. And be it further enacted, That if any Diſpute or Difference ſhall ariſe between any of the Proprietors or Perſons, Bodies Politic or Corporate, intereſted or claiming to be intereſted in the Lands and Grounds by this Act intended to be divided and allotted, or touching or concerning any other Matter or Thing whatſoever relating to the ſaid Diviſion, Allotment, or Incloſure; it ſhall be lawful for the ſaid Commiſſioners to hear, ſettle, and determine the ſame.

Commiſſioners not to determine Titles, nor moleſt Poſſeſſion.

XII. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend to authorize or empower the ſaid Commiſſioners or Umpire to determine the Title to any Meſſuages, Cottages, Lands, Tythes, Tenements, or Hereditaments whatſoever, nor to determine any Right between any Parties, contrary to the Poſſeſſion of any of ſuch Parties, (except in reſpect to Encroachments); but in caſe the ſaid Commiſſioners or Umpire 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.

Power to aſſeſs Coſts.

XIII. And be it further enacted, That in caſe the ſaid Commiſſioners ſhall, upon the Hearing or Determination of any Claim or Claims, Objection or Objections, to be delivered to them in purſuance of this Act 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 ſuch Determination ſhall be made, by the Perſon or Perſons, Body or Bodies Politic or Corporate, whoſe Claim or Claims, Objection or Objections, ſhall be thereby diſallowed or overruled; and in caſe the Perſon or Perſons, Body or Bodies Politic or Corporate, who ſhall be liable to pay ſuch Coſts and Charges, ſhall neglect or refuſe to pay the ſame on Demand, then and in every 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 or Corporate, ſo neglecting or refuſing to pay the ſame, rendering

rendering the Overplus (if any) upon Demand, to the Perſon or Perſons, Body or Bodies Politic or Corporate, 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 by an Iſſue at Law.

XIV. Provided always, and be it further enacted, That in caſe any Perſon or Perſons, Body or Bodies Politic or Corporate, intereſted or claiming to be intereſted in the ſaid intended Diviſion, Allotment, and Inclоſure, or any of them, ſhall be diſſatisfied with any Determination of the ſaid Commiſſioners, or Umpire, touching or concerning the Right to the ſaid Open Fields, Common Meadows, Common Paſtures, Open or Commonable Downs, Waſte and Commonable Lands hereby directed to be divided and allotted, or any Part or Parts thereof, or touching or concerning any Common Rights or other Rights or Intereſts in, upon, over, or out of the ſame, or any of them; it ſhall be lawful for the Perſon or Perſons, Body or Bodies Politic or Corporate, ſo diſſatisfied, to proceed to a Trial at Law of the Matters ſo determined by ſuch Commiſſioners or Umpire, in His Majeſty's Court of King's Bench at *Weſtminſter*; and for that Purpoſe the Perſon or Perſons, Body or Bodies Politic or Corporate, who ſhall be diſſatisfied with the Determination of the ſaid Commiſſioners or Umpire, ſhall cauſe an Action to be brought upon a feigned Iſſue againſt the Commiſſioners for the Time being, in Caſe where the Matter of ſuch Claim and Determination ſhall be excluſively between the Party or Parties claiming under the Commiſſioners deciding any ſuch Right or Intereſt in the ſaid Diviſion, Allotment, Incloſure, or Exoneration; and in Caſes where the Matter of ſuch Claim and Determination ſhall be between Party and Party, then againſt the Perſon or Perſons, Body or Bodies Politic or Corporate, in whoſe Favour ſuch Determination ſhall have been made; which Action ſhall be ſo commenced within Six Calendar Months next after ſuch Determination of the ſaid Commiſſioners or Umpire ſhall have been made known to ſuch diſſatisfied Perſon or Perſons, Body or Bodies Politic or Corporate, and ſhall be proceeded in without Delay; and the Defendants or Defendant in ſuch Action or Actions ſhall, and they, he, or ſhe are and is hereby required to name an Attorney or Attornies, who ſhall file Common Bail or appear thereto, 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 if at the Trial of any ſuch Iſſue or Iſſues, it ſhall appear that the Party claiming is entitled to any qualified or leſs Right or Rights, Intereſt or Intereſts, than was or were claimed by ſuch Party, then it ſhall and may be lawful for the Jury by whom ſuch Iſſue or Iſſues ſhall be tried, to find and declare the ſame by their Verdict, which ſhall be indorſed on the Poſtea, in addition to the Verdict given on the Iſſue or Iſſues joined; but nevertheleſs the Coſts of ſuch Actions ſhall abide and be determined by the Verdict given upon the Iſſue or Iſſues joined, as if no ſuch Special Finding had been made; and the Verdict or Verdicts which ſhall be given in ſuch Action or Actions upon the Iſſue or Iſſues therein joined, in caſe there ſhall be no ſuch Special Finding and Indorſement, and alſo if any ſuch ſhall be made, ſhall be final, binding, and concluſive upon all and every Perſon and Perſons, Body and Bodies Politic and Corporate whomſoever, unleſs the Court wherein

wherein such Action or Actions shall be brought, shall set aside such Verdict or Verdicts, or Finding and Indorsement, and order a new Trial to be had thereon, which it shall be lawful for the Court to do, as is usual in other Cases; and after such Verdict or Verdicts or Special Finding and Indorsement 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 such Verdict or Verdicts or Finding and Indorsement as aforesaid: Provided always, that in case the said Commissioners shall be made Defendants in any such Action or Actions, they shall be entitled to defray their Costs and all incidental Expences, by such Ways and Means as the general Expences of executing this Act are directed to be paid and borne: Provided also, that the Determinations of the said Commissioners or Umpire, touching such Claim or Claims of Right to the said Open Fields, Common Meadows, Common Pastures, Open or Commonable Downs, Waste and Commonable Lands, hereby directed to be divided and allotted, or any Part or Parts thereof; or touching or concerning any Common Rights or other Rights or Interests in, upon, over, or out of the same, or any of them; or touching or concerning any Open or Inclosed Lands claimed to be tytheable, or to whom or for what tytheable; or touching or concerning any Open or Inclosed Glebe Land, or the said Great or Small Tythes, or any of them, or any Land or Produce or Profits of Land claimed to be free from Tythes; or touching or concerning any Redecimation of Great Tythes arising upon or from any Open or Inclosed Lands in the said Parish; or touching any such other Matter or Thing as aforesaid, which shall not be objected to, or being objected to, the Party or Parties objecting not causing such Action at Law to be brought and proceeded in as aforesaid, shall be final and conclusive upon all Parties.

If any of the Parties die, Proceedings not to abate.

XV. 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, such Action shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened.

If Parties die before Actions commenced, the same shall not stop by reason thereof.

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, Body or Bodies Politic or Corporate, who might have brought such Action or Actions against the Person or Persons so dying, to bring the same within the Time so limited as aforesaid, against such Person or Persons as if actually living, and to serve the Clerk of the said Commissioners with Process for commencing such Action or Actions, in the same Manner as the Party or Parties might have been served therewith if living; and it shall thereupon be incumbent on the Heir or Heirs or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein in the same Manner as if such Person or Persons had been actually living; and the Rights of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

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

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

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

XVIII. And be it further enacted, That if any of the Parties interested in the said intended Division, Allotment, Inclosure, or Exoneration shall die before the same shall be completed, the Powers and Authorities hereby given to the said Commissioners shall not be thereby determined or suspended, but the said Commissioners shall proceed in the Execution of the Powers given to them by this Act and the said recited Act, in such Manner as they might have done in case such Parties had not died; and the Share or Shares of the Person or Persons so dying shall be allotted to such Person or Persons who by Law shall become entitled to the same, and shall be accepted and fenced (if Fencing be required) by him, her, or them, according to the Directions of this Act or the said recited Act; and he, she, or they shall be liable to the Charges and Expences and other Conditions of this Act and the said recited Act.

Commissioners to suspend or extinguish Rights of Common.

XIX. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby required, at such Time or Times hereafter as they in their Judgment shall think convenient and necessary, and before the making of the said Award, by Notice or Notices for that Purpose, to be given in Writing under their Hands, to be affixed on the principal outer Door of the Parish Church of *Streatley* aforesaid, on some *Sunday* before and during Divine Service in the Morning, to suspend or totally extinguish all or any Part of the Rights of Common in and over the Commonable Lands and Grounds within the said Parish of *Streatley*; and from and after the Time to be prescribed in any such Notice or Notices, all such Rights of Common over the said Lands and Grounds, as by such Notice or Notices shall be directed or declared to be suspended or extinguished, shall be suspended for such Time, or be utterly and for ever extinguished, as the said Commissioners shall in and by such Notice or Notices direct: And if any of the Owners or Occupiers of Land in the said Parish, or Claimants of Common Right there, during such Suspension, or after such Extinguishment of the said Rights of Common, and before the Execution of the said Award, shall permit his, her, or their Cattle to go, depasture, or feed upon any of the Lands or Grounds, the Rights of Common over and upon which shall be so suspended or extinguished, it shall and may be lawful for any other or others of the Owners or Occupiers of Land in the said Parish, from Time to Time, to distrain and impound the Cattle or Sheep being upon the said Lands or Grounds

Penalty for letting Cattle feed upon Lands after Right of Common suspended or extinguished.

contrary

contrary to the aforesaid Order or Notice, until the Person or Persons so offending shall pay, unto the Person or Persons distraining the said Cattle or Sheep, any Sum not exceeding Ten Shillings for each Head of Cattle, or One Shilling for each Head of Sheep so distrained and impounded, to be determined by the said Commissioners at their next Meeting; and in case the same shall not be paid within such Time as the said Commissioners shall direct, then the said Commissioners shall, and they are hereby authorized and empowered, upon Proof of the said Offence or Offences having been committed, and the Non-payment of the Penalty or Penalties imposed thereon, to cause the Cattle or Sheep so distrained, or such Part thereof as they shall think necessary (or other the Goods and Chattels of the Person or Persons so offending, in case of any Rescue or Poundbreach by him, her, or them), to be sold, for raising and paying the Penalty or Penalties aforesaid, together with the Costs and Charges attending the Distress and Sale, rendering the Overplus (if any) upon Demand, to the Owner or Owners of the said Cattle, Sheep, Goods, or Chattels: And from and after the making and Execution of the said Award, all Common Rights in, upon, and over, all the Lands, as well open as inclosed, in the said Parish of *Streatley*, shall for ever cease and determine.

Roads may be altered or stopped.

XX. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered, in case they think proper, by and with the Order and Concurrence of any Two or more of His Majesty's Justices of the Peace for the said County of *Berks*, and subject to Appeal as in the said recited Act is directed, to stop up, divert, turn, or vary, the Direction of any old or accustomed Public Road or Roads, Way or Ways, Path or Paths, Track or Tracks, passing or leading through or over any Part of the old Inclosures, or any other Part or Parts of the said Parish of *Streatley*: Provided always, that none of the present Roads, Ways, Paths, or Tracks within the said Parish, shall be shut up or discontinued until the several Roads or Ways intended to be and remain Public Roads or Ways, shall be set out, and until the same shall be made safe and convenient for the Passage of Horses, Cattle, Carriages, and Passengers, and shall be so certified by Two such Justices upon View thereof.

For shortening Boundaries.

XXI. And be it further enacted, That if the said Commissioners shall deem it expedient or proper to shorten the Boundary Fences, Ditches, or Mounds, between any of the Lands and Grounds by this Act directed to be allotted, and the Lands and Grounds in any Parish or Township, Parishes or Townships adjoining thereto, or to make the same Boundary Fences, Ditches, or Mounds 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 Lands are situate, and of the Owner or Owners of the Lands upon which any Fence or Fences, Ditch or Ditches, Mound or Mounds, shall or may be intended to be made, to set out and ascertain the Boundaries between the Lands and Grounds by this Act directed to be allotted, and the Lands lying in such adjoining Parish or Township, Parishes or Townships respectively, in such Manner as they shall judge proper for the Purposes aforesaid; and after such Boundaries shall be set out and ascertained as aforesaid, the same shall be fenced, ditched, or mounded by such Person or Persons, in such Manner, and at or during 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 Lands and Grounds by this Act intended to be allotted, and such adjoining Parish or Townships, Parishes or Townships respectively; any Law, Usage, or Custom to the contrary thereof notwithstanding.

Commissioners to enquire into Encroachments.

XXII. And be it further enacted, That it shall be lawful for the said Commissioners to enquire and determine what Inclosures and Encroachments have been from Time to Time made upon or taken from the said Open and Commonable Downs, Waste and Commonable Lands, or any Part or Parts thereof, by any Person or Persons whomsoever, within Twenty Years next before the passing of this Act, (except with respect to the said *Streatley Warren*); and that all Inclosures and Encroachments which shall have been made by the Consent and Permission of the Lord of the said Manor of *Streatley*, or which shall have been taken in, held, and enjoyed for Twenty Years or upwards next before the passing of this Act, 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; subject nevertheless to the Payment of such Rent or Rents to the Lord of the said Manor, his Heirs and Assigns, as hath or have been agreed on, or within Twenty Years past paid or payable for the same to such Lord; 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.

Encroachments within Twenty Years to be deemed allotable Lands.

XXIII. And be it further enacted, That all such Lands and Grounds as have heretofore been inclosed upon or taken by Encroachment from any of the said Open or Commonable Downs, Waste or Commonable Lands, within Twenty Years next before the passing of this Act, (except the said *Streatley Warren*, or by the Consent and Permission of the Lord of the said Manor of *Streatley*) shall be considered as Part of the Waste and Commonable Lands intended by this Act to be divided and allotted, and shall be divided and allotted accordingly; provided that in case the Person or Persons holding any such Inclosures or Encroachments as last aforesaid shall be entitled to any Allotment or Allotments of Land under this Act in respect of other Property, the Lands and Ground so inclosed and taken by him, her, or them, or so much thereof as shall be necessary to complete his, her, or their Allotment or Allotments, according to his, her, or their Interest, may be set out and awarded to him, her, or them, as part or in full of his, her, or their said Allotment or Allotments; and in case any Difference or Dispute shall arise, touching any such Inclosures or Encroachments being deemed Parcel or Parcels of the said Downs, Waste or Commonable Lands, or touching the Extent thereof, every such Difference and Dispute shall be examined into and determined by the said Commissioners.

Streatley Warren to be deemed old Inclosure.

XXIV. And be it further enacted, That the said Piece or Parcel of Down Land, called *Streatley Warren*, shall be and be deemed and taken as old Inclosure, and not subject or liable to be divided or allotted by virtue of this Act or the said recited Act, or subject to any Common Right or Stocking in Common with Cattle, Sheep, or Conies, by any Person or Persons whomsoever; but the said *Thomas Bowles* and *John Berkeley Monck*, and all Persons claiming under them respectively, shall at all Times hereafter hold and enjoy their respective Shares of the said *Streatley Warren* in

in Severalty, as the same is now set out and divided, without any Interruption whatever; but they shall not be entitled to any Allotment or Allotments from the Commonable Lands, in respect of the said Warren or any Part thereof.

Lands to be set out for Chalk and Gravel Pits, and Quarries.

XXV. And be it further enacted, That the said Commissioners shall and they are hereby required, before any other Allotment or Allotments shall be made in pursuance of this Act, to set out, assign, allot and award such convenient Plot or Plots of Ground (not exceeding Five Acres in all) Part of the Lands hereby intended to be divided and allotted, as they shall think fit for Public Chalk, Gravel, and Rubble Pits, and for Stone Quarries, for the Purpose of furnishing Materials for making and repairing the Public Roads and Ways in and over the Lands and Grounds hereby intended to be divided and allotted, and elsewhere in the said Parish, and for repairing the Footways in the said Parish; which Plot or Plots of Ground so to be set out, shall be separated, inclosed and kept fenced in such Manner, and by such Person or Persons, and shall be used under such Regulations and Restrictions, as the said Commissioners shall by their Award order and direct; and the said Plot and Plots of Ground so to be set out, shall be and the same are hereby vested in the Surveyor or Surveyors of the Highways for the Time being of the said Parish of *Streatley*, for ever, in Trust for the Uses aforesaid, or else to let the same or any Part thereof from Time to Time at his or their Discretion, for the best Rent or Rents that can be reasonably gotten in that Behalf, and to apply the Rents and Profits thereof in repairing the Highways within the said Parish of *Streatley*.

Common Wells to be set out.

XXVI. And be it further enacted, That the said Commissioners shall and they are hereby authorized and empowered, in the next place, to set out and appoint any Well or Wells, Spring or Springs of Water, or Ponds, which they shall find or think fit to open or make in any of the Open Fields, Lands or Downs hereby directed to be divided and allotted, with convenient Ways and Passages to and from the same, for the common Use of, and to be kept in Repair, cleansed and supported by, such Persons, Bodies Politic or Corporate, and in such Manner as the said Commissioners shall by their said Award direct and appoint.

Allotments to the Lord of the Manor for Rights of growing Wood and Soil.

XXVII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required, in the next place, to set out, allot, lay in Severalty and award, unto and for the said *Thomas Bowles* as Lord of the Manor of *Streatley* aforesaid, the Whole of a certain Wood there, called or known by the Name of *The Common Wood*, containing by a late Survey Fifty-three Acres Three Roods and Sixteen Perches, or thereabouts, and the Ground and Soil thereof, and all the vacant Spaces of Land within the Ambit of the said Wood (subject nevertheless to such Ways through and over the said Wood and the Soil thereof, as the said Commissioners shall appoint) and also an Allotment of Land equal in Value to One Sixteenth Part (according to an average Valuation) of all the Commonable Downs and other Waste Land in the said Parish, except the said *Streatley* Warren and the Waste Grounds of *Southridge* aforesaid, and saving, that Four Acres of an average Value shall be deducted from the said Sixteenth Part Allotment, and divided among the other Proprietors (exclusive of the said *Thomas Bowles* and *John Berkeley Monck*) in

Proportion to their ſeveral Rights of Common in and over the ſaid Commonable Downs and Waſte Land, as the ſaid Commiſſioners ſhall direct; which ſaid *Common Wood* and the Ground and Soil thereof, and the ſaid vacant Spaces of Land, and the ſaid Allotment equal to the ſaid Sixteenth Part (ſubject to the ſaid Deduction of Four Acres as aforeſaid) ſhall be and be taken to be a full Recompence and Satisfaction to ſuch Lord for his Right of growing Timber and other Trees, Underwood, and Buſhes, in the ſaid *Common Wood*, or on any other Open or Commonable Downs or Waſte Land in the ſaid Pariſh, and for his Right and Intereſt as Lord in and to the Soil of the ſame Downs and Waſte Land; but this ſhall not prejudice or hinder the ſaid Lord from claiming or having any Allotment or Allotments of Land in reſpect of any Rights of Common or Paſturage in and over the ſaid Downs and Waſte Land, or other the Commonable Lands in the ſaid Pariſh, attached or appurtenant to, or reputed to be attached or appurtenant to, or uſually enjoyed with his Meſſuages, Farms, and Lands in the ſaid Pariſh, or any of them.

Allotment to Mrs. Mary Tull for her Right of Soil of the Waſte Lands of Southridge.

XXVIII. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby authorized and required, in the next place, to ſet out, allot, lay in Severalty and award to and for the ſaid *Mary Tull* or other the Owner of the Soil of the Waſte Lands of *Southridge*, an Allotment of Land equal in Value to One Sixteenth Part (according to an average Calculation) of the ſaid Waſte Lands of *Southridge*; which ſaid Allotment ſhall be and be taken to be a full Recompence and Satisfaction to the ſaid *Mary Tull*, or ſuch other Owner, for her or his Right in and to the Soil of the Waſte Lands of *Southridge* aforeſaid, but ſhall not prejudice or hinder the ſaid *Mary Tull* or other Owner from claiming or having any Allotment or Allotments of Land in reſpect of any Right of Common or Paſturage in and over the ſaid Downs and Waſte Lands or other the Commonable Lands in the ſaid Pariſh, attached or appurtenant to or reputed to be attached or appurtenant to, or uſually enjoyed with, her or his Meſſuages, Farms, and Lands in the ſaid Pariſh of *Streatley*, or any of them.

Allotment for Vicar's Glebe.

XXIX. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby authorized and required, in the next place, to ſet out, allot and award, to and for the ſaid *John Wetherall* and his Succeſſors, Vicars of the Pariſh and Pariſh Church of *Streatley* aforeſaid, ſuch Plot or Plots of the ſaid Lands and Grounds by this Act intended to be divided and allotted, as ſhall in the Judgment of the ſaid Commiſſioners be a full Equivalent and Compenſation for the Glebe Lands and Right of Common belonging to the ſaid Vicar, in, over, or upon the Lands and Grounds hereby directed to be divided and allotted.

Allotment for Tithes.

XXX. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized and required to ſet out and appoint, unto and for the ſaid *John Wetherall* and his Succeſſors, Vicars as aforeſaid, and the ſaid *Philip Puſey*, *Thomas Bowles*, *William Stephens*, and *John Tull*, for and in lieu of their ſeveral and reſpective Vicarial, Small and Great Tythes, Redecimations and Rectorial or Impropriate Tythes, ariſing, coming and renewing from and out of all and every the Lands and Grounds hereby intended to be divided and allotted (including the reſpective Lands to be allotted for Public Pits and Quarries, and to the ſaid *Thomas Bowles*

as Lord of the ſaid Manor as aforeſaid) and from and out of all the Homeſteads, Gardens, Orchards, incloſed Arable, Meadow, Paſture and Wood Lands, and other ancient Incloſures and Lands held in Severalty, in the ſaid Pariſh of *Streatley* (except the ſaid Farm and Lands called *Southridge Farm*, containing by Eſtimation Two hundred and ſixty-nine Acres or thereabouts; and except certain Woods called *College Wood*, *Nut Grove*, *Crabtree Coppice*, *Gangley Strouds Field*, and *Langcroft Shaws*, containing together Forty-five Acres or thereabouts, belonging to the ſaid Preſident and Scholars of *Corpus Chriſti College*, and Part of *Gold*'s Farm, in the ſaid Pariſh; and alſo except *Lewingdon* Wood, belonging to the Reverend *John Ruſh*; and alſo except ſo much and ſuch Share of the ſaid Piece or Parcel of Down Land called *Streatley Warren*, as by this Act is hereafter to be holden in Severalty by the ſaid *John Berkeley Monck*, and all Perſons claiming under him), ſuch Portion or Portions of the Lands and Grounds hereby directed to be divided and allotted, and ſuch Portion and Portions of the old Incloſures and Lands in Severalty, belonging to the ſaid *Thomas Bowles*, *William Stephens*, and *John Tull* reſpectively, in the ſaid Pariſh, as in the Judgment of the ſaid Commiſſioners ſhall be equal in Value to One Fifth Part of all the Arable Lands, as well open as incloſed, One Seventh Part of all the Meadow Lands, as well open as incloſed, and One Ninth Part of all the other Lands, as well open as incloſed, including Wood Lands (ſave as to the Wood thereon growing) in the ſaid Pariſh of *Streatley*, after deducting for the Lands to be ſet out for and allotted to the ſaid Vicar, for his Glebe Lands as aforeſaid, (except as to the ſaid Farm and Lands called *Southridge Farm* as aforeſaid; and except the ſaid Woods belonging to the ſaid Preſident and Scholars and *John Ruſh*; and except as to the Homeſteads, Gardens, Orchards, old Incloſures, and Lands in Severalty, in the ſaid Pariſh, the reſpective Proprietors whereof have no Lands or Common Rights, or not ſufficient, in the Open Fields, Common Meadows, Common Paſtures, Open Downs, Waſte or Commonable Lands aforeſaid, from whence a Compenſation for Tythes can be taken and ſet out for the ſame reſpectively, and which, ſo far as not exonerated by an Equivalent in Land, ſhall be exonerated by the Payment of Money Rents or Corn Rents in lieu of Tythes in Manner herein-after mentioned); which ſaid Portion or Portions of the Lands and Grounds hereby directed to be divided and allotted ſhall be taken and deducted from and out of the reſpective Shares of the ſame Lands and Grounds of and belonging to the ſeveral and reſpective Perſons, Bodies Politic and Corporate, whoſe Homeſteads, Gardens, Orchards, new Allotments of Land (including the Allotments to be made to the ſaid *Thomas Bowles*, as Lord as aforeſaid), and old Incloſures and Lands in Severalty, ſhall be reſpectively exonerated from the ſaid Tythes and Redecimations, or from or out of the Lands to be ſet out and aſſigned to them reſpectively in lieu of their Rights in and over the ſaid Lands and Grounds hereby intended to be divided and allotted; and the ſaid Portion and Portions of the ſaid old Incloſures and Lands in Severalty belonging to the ſaid *Thomas Bowles*, *William Stephens*, and *John Tull* reſpectively, ſhall only be ſuch as in the Judgment of the ſaid Commiſſioners ſhall be convenient for Allotment to them reſpectively for the Purpoſes hereinafter mentioned; and no more of the ſaid Lands and Grounds, whether open or incloſed, ſhall be deducted and taken by the ſaid Commiſſioners from the reſpective Proprietors than what ſhall be ſufficient for their reſpective Exonerations from ſuch Tithes and Redecimations as aforeſaid (except

(except as before is excepted); and the ſaid Portion and Portions of the Lands and Grounds hereby directed to be divided and allotted, and of the ſaid old Incloſures and Lands in Severalty, together with ſuch Money Rents and Corn Rents as aforeſaid, ſhall be in full Recompence, Satisfaction and Diſcharge of and for all the Vicarial Small and Great Tythes, Redecimations, and Rectorial or Impropriate Tythes, ariſing, coming, and renewing, as well from and out of the ſaid Lands and Grounds hereby directed to be divided and allotted, as from and out of all the Homeſteads, Gardens, Orchards, and incloſed Arable, Meadow, Paſture and Wood Lands, and other ancient Incloſures and Lands held in Severalty in the ſaid Pariſh of *Streatley* (ſave and except *Eaſter* Offerings, Surplice Fees and Mortuaries, which ſhall remain due and payable in the ſame Manner as before the paſſing of this Act; and except in reſpect of *Southridge* Farm aforeſaid, belonging to the ſaid *Mary Tull*, concerning which another Proviſion is herein-after made; and alſo except the ſaid Woods belonging to the ſaid Preſident and Scholars, and Part of *Gold*'s Farm, and the ſaid *Lewingdon* Wood, belonging to the ſaid *John Ruſh*, and the ſaid Share of the ſaid *John Berkeley Monck* in the ſaid Down Land called *Streatley Warren*; which excepted Woods, and the Ground and Soil thereof, and Down Land, and the Corn and other Profits to ariſe upon or from the ſaid Grounds, ſhall remain ſubject to ſuch Tythes as the ſame are or ſhall or may be ſubject to, in caſe this Act had not been made or paſſed).

Subdiviſions of Lands ſet outfor Tythes to be made.

XXXI. Provided always, and be it further enacted, That when and as ſoon as conveniently may be after the ſaid Portion or Portions of the Lands and Grounds hereby directed to be divided and allotted, and the ſaid Portion and Portions of the ſaid old Incloſures and Lands in Severalty, ſhall be ſet out and appointed unto and for the ſaid *John Wetherall*, and his Succeſſors, and the ſaid *Philip Puſey*, *Thomas Bowles*, *William Stephens*, and *John Tull* as aforeſaid, the ſaid Commiſſioners ſhall and they are hereby auhorized and required to ſubdivide, allot and award all the ſaid Portions unto and between the ſaid *John Wetherall* and his Succeſſors, Vicars as aforeſaid, and the ſaid *Philip Puſey*, *Thomas Bowles*, *William Stephens*, and *John Tull*, ſeverally in Proportion to their ſeveral and reſpective Shares, Rights, and Intereſts, in the Tythes and Redecimations in lieu whereof the ſaid Portions are herein-before directed to be ſet out and appointed, and in Proportion to the annual Value of ſuch Tythes and Redecimations reſpectively; ſubject nevertheleſs to ſuch further Regulations and Directions, concerning the ſeveral Allotments for Tythes and Redecimations, as are herein-after contained.

Order in which the Allotments in lieu of Tythes ſhall be made.

XXXII. Provided alſo, and be it further enacted, That an Allotment or Allotments of Land, according to the Diſcretion of the ſaid Commiſſioners, ſhall firſt be made and awarded to the ſaid *John Wetherall* and his Succeſſors, Vicars as aforeſaid, out of the Portion or Portions of Open Land and Ground herein-before directed to be ſet out and appointed in lieu of Tythes, for his and their Small and Vicarial Tythes, whole Great Tithes, and Redecimations of Rectorial or Impropriate Tythes, in whatſoever Parts of the ſaid Pariſh ariſing, ſo far as ſuch Tythes and Redecimations belonging to the ſaid Vicar can be exonerated by Deductions from the reſpective Open and Unincloſed Lands and Properties of the reſpective Proprietors, ſubject to the ſame Tythes and Redecimations reſpectively; and

and in the next place Allotments in Land, according to the Diſcretion of the ſaid Commiſſioners, ſhall be made and awarded to the ſaid *Philip Puſey* and *Thomas Bowles* reſpectively, in Proportion to their Rights, out of the ſame Portion or Portions of Open Land and Ground, for their reſpective Rectorial or Impropriate Tythes (after and ſubject to ſuch Redecimations as aforeſaid) ariſing and renewing from and out of all the Open Lands and Grounds by this Act directed to be divided and allotted; and then a further Allotment or Allotments of Land, if neceſſary, ſhall be made and awarded to the ſaid *Philip Puſey* and *Thomas Bowles* reſpectively, in Proportion to their Rights, or to either of them, as the Caſe may require, to be taken and deducted as aforeſaid from the Share or Shares of any other Proprietor or Proprietors of the ſaid Open Lands and Grounds by this Act intended to be divided and allotted, having any old Incloſures or Lands in Severalty whereof the ſaid *Philip Puſey* and *Thomas Bowles* reſpectively are, or either of them is, entitled to take Rectorial or Impropriate Tythes (ſubject to Redecimation as aforeſaid), for the Purpoſe of exonerating and ſo as to exonerate as far as may be the ſaid old Incloſures and Lands in Severalty of ſuch Proprietor or Proprietors reſpectively from the ſaid Rectorial or Impropriate Tythes belonging to the ſaid *Philip Puſey* and *Thomas Bowles* reſpectively, or to either of them; and then a further Allotment or Allotments of Lands, if neceſſary, ſhall be made and awarded to the ſaid *Philip Puſey* (to be taken from his own Allotment or Allotments in the Open Fields, to be awarded for his Open Lands and Property, or for his Tythes, under this Act), in lieu of his the ſaid *Philip Puſey*'s Rectorial or Impropriate Tythes (ſubject to Redecimation as aforeſaid) ariſing from his own old Incloſures and Lands in Severalty in the ſaid Pariſh, ſo as wholly to exonerate the ſame old Incloſures and Lands from ſuch Tythes; and then a further Allotment or Allotments of Land ſhall be made and awarded to the ſaid *Thomas Bowles*, to be taken from his own Open Lands and Property in the firſt Place, and if not ſufficient, then the Deficiency to be taken from his own old Incloſures and Lands in Severalty herein-before directed to be ſet out and appointed by the ſaid Commiſſioners as aforeſaid, in lieu of his Rectorial or Impropriate Tythes (ſubject to Redecimation as aforeſaid) ariſing from his own old Incloſures and Lands in Severalty in the ſaid Pariſh, ſo as wholly to exonerate the ſame old Incloſures and Lands from ſuch Tythes; and then a further Allotment or Allotments of Land ſhall be made and awarded to the ſaid *William Stephens*, to be taken from his own Open Lands and Property in the firſt place, and if not ſufficient, then the Deficiency to be taken from his own old Incloſures and Lands in Severalty herein-before directed to be ſet out and appointed by the ſaid Commiſſioners as aforeſaid, in lieu of his Rectorial or Impropriate Tythes (ſubject to Redecimation as aforeſaid) ariſing from his own old Incloſures and Lands in Severalty in the ſaid Pariſh, ſo as wholly to exonerate the ſame old Incloſures and Lands from ſuch Tythes; and then a further Allotment or Allotments of Land ſhall be made and awarded to the ſaid *John Tull*, to be taken from his own Open Lands and Property in the firſt place, and if not ſufficient, then the Deficiency to be taken from his own old Incloſures and Lands in Severalty herein-before directed to be ſet out and appointed by the ſaid Commiſſioners as aforeſaid, in lieu of his Rectorial or Impropriate Tythes (ſubject to Redecimation as aforeſaid) ariſing from his own old Incloſures and Lands in Severalty in the ſaid Pariſh, ſo as wholly to exonerate the ſame old Incloſures and Lands from ſuch Tythes.

XXXIII. And be it further enacted, That in the Allotment or Allotments of Land by this Act directed to be set out and awarded to the said *John Wetherall* and his Successors, Vicars as aforesaid, there shall be comprized not less than Ten Acres in such Part of the Common Field called *South Field*, in the said Parish of *Streatley*, as is or are contiguous to the Vicarage House, Barn and Garden of *Streatley*.

Southridge Farm to be exonerated from the Vicar's Tythes, but to remain subject to Mr. John Tull's Tythes; or a Compensation if any lost.

XXXIV. And be it further enacted, That the said Commissioners shall apply and set out, deduct and award to the said *John Wetherall* and his Successors, Vicars as aforesaid, for and in lieu of the Small and Vicarial Tythes of the said Farm and Lands called *Southridge Farm*, containing by Estimation Two hundred and sixty-nine Acres or thereabouts, being or chiefly being in the *Above Hill* Tything of the said Parish, and now in the Possession of *Mary Tull*, and for and in lieu of the Vicar's Redecimation of the Rectorial or Impropriate Tythes, now or lately belonging to the said *John Tull*, and arising from the said Farm and Lands, so much of the Share and Proportion of the Proprietor of the same Farm, of and in the Open Lands and Grounds by this Act intended to be divided and allotted, as in the Judgment of the said Commissioners shall be equal in Value to the said last-mentioned Small and Vicarial Tythes, and Redecimation of Tythes, or as far as may be to compensate for the same; and if such Share shall not be sufficient to make Compensation for the same Small and Vicarial Tythes and Redecimation of Tythes, then the Deficiency thereof shall be paid and satisfied by a Money Rent or Corn Rent (as the Case may require), to be adjusted in Manner herein-after mentioned; and the said Farm and Lands shall thereupon be exonerated from the said Small and Vicarial Tythes and Redecimation of Tythes; but the present inclosed Parts of the said Farm and Lands, and the new Allotment or Allotments of the said *Mary Tull*, if any, in lieu of the Open Lands in the *Hitch* Field or elsewhere, Parcel of the said Farm and Lands, shall remain subject to the Rectorial or Impropriate Tythes now or lately belonging to the said *John Tull*, in the same Manner as before the passing of this Act; and for the true and just rendering of the said last-mentioned Tythes, the said Farm Lands and new Allotment or Allotments last-mentioned shall be tythed in the following Manner, (that is to say) the Rectorial or Impropriate Tythes arising, coming, and renewing from the said Farm and Lands and new Allotment or Allotments, if any, shall be set out yearly in due Seasons and Manner according to the Common Law Tenth for tything Lands in general; and then a Redecimation (or One full Tenth Part) of such Rectorial or Impropriate Tythes shall from Time to Time be made and fairly set out by the Owner for the Time being of the remaining Nine Parts of the same Tythes before he shall carry away such Nine Parts; and such Redecimation (or Tenth Part) of the said Rectorial or Impropriate Tythes shall be left on the Ground, fairly set out from Time to Time, to be taken to and enjoyed by the Owner or Occupier for the Time being of the said Farm and Lands, as Part of the Profits thereof; provided that if there shall be no such new Allotment as aforesaid, or an Allotment for Part only of the said Open Lands, by reason of the Exoneration from the said Vicar's Tythes and Redecimation as aforesaid, then and in either of such Cases, a Compensation shall be made to the said *John Tull*, his Heirs and Assigns, for his and their Rectorial or Impropriate Tythes of such of the said Open Lands for which no Allotment or no sufficient Allotment shall be made; and to that end the said Commissioners shall order and appoint so much

and such Part of the said Farm and Lands as to them shall appear just, to be subject to the Payment of the full Rectorial or Impropriate Tythes to the said *John Tull*, his Heirs and Assigns, without any such Redecimation as aforesaid; and the same shall be paid and rendered accordingly as shall be awarded by the said Commissioners, who shall delineate, in a Plan to be annexed to the said Award, the particular Closes and Plots of Land the Rectorial or Impropriate Tythes whereof shall be set out and taken free from such Redecimation.

Allotment for the Vicar's Glebe intermixed with old inclosed Land.

XXXV. And be it further enacted, That the said Commissioners shall and they are hereby authorized and empowered, to set out, allot and award to the said *John Wetherall* and his Successors, Vicars as aforesaid, in lieu of and in exchange for any Plot or Plots of Glebe Land belonging to the said Vicarage, which lie intermixed or dispersed in or among any old Inclosures or Lands in Severalty in the said Parish belonging to any other Proprietor or Proprietors, an Equivalent and Compensation for the full Value of such Plot or Plots of Glebe Land to be taken from the Open Lands and Properties of such Proprietor or Proprietors respectively, who shall have sufficient for that Purpose; and thereupon such Plot or Plots of Glebe Land shall be vested in the respective Proprietor or Proprietors making such Compensation as aforesaid, and the Lands allotted and awarded for the same shall be and remain vested in the said *John Wetherall* and his Successors, Vicars as aforesaid, for ever.

Allotments of Money and Corn Rents in lieu of certain Homesteads and old Inclosures.

XXXVI. And be it further enacted, That in case any of the Proprietors of Homesteads, Gardens, Orchards, old Inclosures or Lands in Severalty in the said Parish of *Streatley* (except the Proprietor of the said Farm and Lands called *Southbridge Farm*, and except in respect of the before excepted Woods, and Share of the Piece or Parcel of Down Land called *Streatley Warren*, which are to remain subject to Tythes), shall not be entitled to any Lands or Common Rights in the said Open Fields, Common Meadows, Common Pastures, Open Downs, Waste and Commonable Lands, or any of them, or shall not be entitled to a sufficient Share or Shares and Rights therein, to make full Compensation in Land to the said Vicar, for his Small or Vicarial and Great Tythes, and his said Redecimations, or any Part or Parts thereof, or to the said *Philip Pusey* and *Thomas Bowles* respectively for their respective Rectorial or Impropriate Tythes arising and renewing from and out of the said old Inclosures or Lands in Severalty, or any Part or Parts thereof, then and in every or any such Case, the said Commissioners shall and may, and they are hereby required to ascertain, limit, and appoint, in and by their Award to be made in pursuance of this Act, such respective yearly Rents in Money, if under Ten Shillings *per Annum* in Amount, and such respective yearly Corn Rents, if to that Amount or more (such Corn Rents to be calculated and subject to Variation as herein-after is mentioned) to be issuing and payable out of the said respective Homesteads, Gardens, Orchards, old Inclosures and Lands in Severalty, in lieu of the respective Tythes thereof, or of such Part or Parts thereof, for which a sufficient Compensation in Land cannot be made as aforesaid, as in the Judgment of the said Commissioners shall be and make up a full Equivalent and Compensation (to be according to the Proportions of One Fifth for Arable Land, One Seventh for Meadow, and One Ninth for any other Land),

Land), to the ſaid Vicar, and the ſaid *Philip Puſey* and *Thomas Bowles* reſpectively, for ſuch their reſpective Tythes and Redecimations not compenſated in Land, or for the reſpective Deficiencies of Land to compenſate the ſame; which ſaid reſpective Money Rents and Corn Rents ſhall be aſſigned and proportioned to and between the ſaid Vicar and the ſaid *Philip Puſey* and *Thomas Bowles* ſeverally and reſpectively according to their reſpective Rights, and ſhall for ever be iſſuing and payable from the Premiſes reſpectively out of which the ſame ſhall be limited and appointed to be paid as aforeſaid, and ſhall be payable to the ſaid Vicar and his Succeſſors, Vicars as aforeſaid, and to the ſaid *Philip Puſey* and *Thomas Bowles* reſpectively, and their reſpective Heirs and Aſſigns, clear of all Parochial and other Taxes, except a proportionate Share of the Land Tax and the Property Tax, on the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September*, by equal Half-yearly Payments in every Year for ever; the firſt Payment whereof ſhall grow due and be made on ſuch of the ſaid Days as ſhall be aſcertained and ſet forth by the Award of the ſaid Commiſſioners; and the ſaid Vicar and his Succeſſors, and the ſaid *Philip Puſey* and *Thomas Bowles* reſpectively, and their reſpective Heirs and Aſſigns, ſhall and may, at all Times after the Execution of the ſaid Award, have and exerciſe ſuch and the ſame Remedies and Powers, by Entry, Diſtreſs, and Sale, or otherwiſe, for recovering the ſaid reſpective yearly Rents (whether Money or Corn Rents), ſo to be aſcertained and appointed to be paid as aforeſaid, when the ſame ſhall be in Arrear, as by the Laws in force are or ſhall be provided and given to Landlords for the Recovery of Rack Rents in Arrear; and upon the Death of the preſent or any future Vicar of the ſaid Pariſh of *Streatley*, all and every the Arrears of the ſaid Money Rents and Corn Rents, and a Proportion of the Half-year's Rents, when ſuch Death ſhall happen, ſhall be payable to and received by the Executors or Adminiſtrators of ſuch Vicar ſo dying, up to the Day of his Death.

Allotments to the other Proprietors.

XXXVII. And be it further enacted, That the ſaid Commiſſioners ſhall and may, and they are hereby authorized and required to ſet out, allot, and award, all the Reſidue and Remainder of the Lands and Grounds hereby directed to be divided and allotted, unto and amongſt the ſeveral Owners and Proprietors thereof, and Perſons and Bodies Politic and Corporate intereſted therein (except the ſaid Vicar and his Succeſſors), in ſuch Quantities, Shares, and Proportions as the ſaid Commiſſioners ſhall deem reaſonable and juſt, and ſhall determine to be a fair Compenſation and Satisfaction for their ſeveral and reſpective Lands, Rights of Common and Paſturage, and other Rights, Intereſts, and Properties in and over the ſame; Regard being had by the ſaid Commiſſioners to ſuch Deductions as ſhall be made from the ſaid Lands and Grounds in favour of any of the ſaid Proprietors and Owners, for the Purpoſe of exonerating old Incloſures and Lands holden in Severalty from any Tythes, or for the Purpoſe of Exchange, ſo as to do juſtice to all Parties; provided that no Part of the ſaid Four Acres of an average Value herein-before directed to be deducted from the ſaid *Thomas Bowles*'s Allotment, as Lord, ſhall be apportioned or awarded to the ſaid *Thomas Bowles* in reſpect of his Rights of Common or Paſturage to his Meſſuages, Farms, or Lands attached or appurtenant, or reputed ſo to be, or therewith uſually enjoyed.

XXXVIII. Pro-

An Allotment of 3 Acres, Part of the Green Hill, to be made specially to Thomas Bowles Esq.

XXXVIII. Provided always, and be it further enacted, That as and for Part and out of the Share of the said Residue to be allotted to the said *Thomas Bowles* as One of the said Proprietors, for his Land and Rights, shall be taken Three Acres, Part of the *Green Hill* in *Streatley* aforesaid, lying Southward of *Coombe Bottom*, which Three Acres shall lay and extend along the Front of the said *Common Wood*, between such Wood and the rest of the said Hill; and the said Three Acres shall be awarded to the said *Thomas Bowles*.

The rest of the Green Hill to be awarded to Trustees to be preserved in Pasturage.

XXXIX. Provided also, and be it further enacted, That after taking out the said Three Acres for the said *Thomas Bowles* as aforesaid, the Residue of the said *Green Hill*, lying Southward of *Coombe Bottom*, which will contain Thirty-three Acres or nearly thereabouts, shall by the said Commissioners be set out, allotted, and awarded to the Lord of the Manor of *Streatley* aforesaid for the Time being, the Vicar of the Church of *Streatley* aforesaid for the Time being, the Owner of *Streatley* Farm (now the Property of the said *William Stone*), in the Parish of *Streatley* aforesaid, for the Time being, and the Mayor of the Borough of *Reading* for the Time being, as Trustees, to the End and for the Purpose that the said Residue of the said *Green Hill*, and every Part thereof, may for ever hereafter be preserved and kept in Pasturage, and not subdivided or broken up; and the Grass and Herbage of the same shall be assigned and awarded to such of the said Proprietors (not being less than Six in Number) as the said Commissioners shall approve, giving the Preference to those (if any) who shall request the same, and shall not be objected to by the said Commissioners; which Grass and Herbage shall be taken by the said Proprietors in Part of their respective Shares of the Lands and Grounds by this Act directed to be divided and allotted, according to such Proportions and Value as the said Commissioners shall compute the same; and by their said Award the said Commissioners shall determine and direct what Number of Cows and Sheep, or either of them (but no other Cattle) shall yearly be stocked in common on the said Residue, by each of the said Proprietors respectively, and their respective Heirs and Assigns, and whether such Cows and Sheep shall be stocked thereon together or separately, and for what Time or Times respectively, and how and in what Manner, in every Year for ever; and the Rights of Stocking and Pasturage in the said Residue of the said *Green Hill* as aforesaid, shall be annexed and be deemed appurtenant to the respective Allotments of the said Proprietors in the said Lands and Grounds so to be divided.

For calculating and adjusting the Corn Rents.

XL. And be it further enacted, That when and as soon as the said Commissioners shall have computed and ascertained the true, full, and just annual Value of the respective Tythes and Redecimations of Tythes of the said Homesteads, Gardens, Orchards, old Inclosures, and Lands in Severalty, from which Corn Rents are to be issuing and payable as aforesaid, they shall and may, and are hereby authorized and required, to ascertain from the *London Gazette*, or other satisfactory Sources, what hath been the Average Price of good marketable Wheat in the said County of *Berks*, during the Term of Fourteen Years next preceding the passing of this Act; and shall in and by the said Award, or some Schedule thereto, distinctly ascertain and set forth, what Quantities of such Wheat shall in their Judgment, according to such Average Price, be equal to the said annual

annual Value of the ſaid laſt-mentioned Tythes and Redecimations of Tythes, diſtinguiſhing and allotting the ſeparate Quantity of ſuch Wheat in reſpect of and for each Proprietor's Homeſtead, Land, or other Property, to be charged with ſuch Corn Rent or Corn Rents reſpectively; and there ſhall be paid and payable from Time to Time, yearly and every Year (ſubject to Variation, as herein-after is mentioned), to the Vicar for the Time being of the ſaid Pariſh, and to the ſaid *Philip Puſey* and *Thomas Bowles* reſpectively, and their reſpective Heirs and Aſſigns, or ſuch of them as ſhall be entitled thereto, according to the Directions herein-before contained, on the Days and in Manner herein-before mentioned, ſuch reſpective yearly Rents or Sums of Money, out of the ſeveral Eſtates to be charged with Corn Rents as aforeſaid, as ſhall be equal in Value to the ſeveral Quantities of Wheat ſo to be aſcertained and allotted to the reſpective Proprietors of Eſtates as aforeſaid, which ſaid reſpective yearly Rents or Sums of Money ſhall be deemed Corn Rents for the Purpoſes of this Act, and ſhall be in Satisfaction for and Extinguiſhment of ſuch Tythes and Redecimations reſpectively, in lieu of which the ſame ſhall be payable.

Corn Rents to be varied every Fourteen Years.

XLI. And be it further enacted, That it ſhall be lawful for the Vicar for the Time being of the ſaid Pariſh of *Streatley*, or ſuch of them the ſaid *Philip Puſey* and *Thomas Bowles*, or their reſpective Heirs or Aſſigns, as ſhall be entitled to any of the ſaid Corn Rents, or for a Majority in Value of the Proprietors for the Time being of the Eſtates ſo to be charged with Corn Rents as aforeſaid, at any Time after the Expiration of Fourteen Years from the Date of the ſaid Award, by Writing under his, her, or their Hand or Hands, to apply to the Juſtices at any Quarter Seſſions of the Peace to be holden for the ſaid County of *Berks*, (firſt giving Notice in Writing to the other Party or Parties One Calendar Month at leaſt before ſuch Application of his, her, or their Intention ſo to do), to have the Average Price of Wheat again enquired of and aſcertained; and the ſaid Juſtices ſhall and they are hereby authorized and required, at the ſame or at the next Quarter Seſſions of the Peace to be holden for the ſaid County of *Berks*, to nominate and appoint Two Perſons, together with a Third Perſon, to be choſen by ſuch Two Perſons as Referees, to enquire into, compute, and aſcertain, by or from or by means of the *London Gazette*, ſo long as the Returns of the Average Price of Corn and Grain ſhall be publiſhed therein, and in caſe of no ſuch Publication, then by ſuch other Ways and Means as they ſhall think proper, the Average Price of good marketable Wheat within the ſaid County of *Berks*, for the Term of Fourteen Years next preceding ſuch Application; and after ſuch Average Price ſhall have been ſo aſcertained and fixed, the Amount of all future Payments of the ſaid reſpective yearly Rents or Sums of Money (as Corn Rents in lieu of Tythes or Redecimations as aforeſaid) ſhall be increaſed or diminiſhed, ſo as to be equal in Value to the reſpective Quantities of Wheat ſo diſtinguiſhed and allotted to each Eſtate as aforeſaid, according to the Average Price which ſhall have been laſt aſcertained and fixed by the ſaid Court of Quarter Seſſions as aforeſaid, and ſo to continue until varied; and the ſame to be varied again, and from Time to Time, as often as any Application ſhall be made in Manner aforeſaid; but no ſuch Application ſhall be made before the Expiration of Fourteen Years from the Time any ſuch Average Price ſhall have been laſt aſcertained and fixed in purſuance of this Act.

XLII. And

Schedules to be made of Rents.

XLII. And be it further enacted, That for the future Aſcertainment and better Collection of the Money Rents and Corn Rents aforeſaid, the ſaid Commiſſioners ſhall inſert in their ſaid Award, or in a Schedule to be annexed thereto, a Liſt or Liſts, containing the ſeveral Homeſteads, Gardens, Orchards, old Incloſures, and Lands in Severalty, to be exonerated from Tythes and Redecimations by Payment of ſuch Rents reſpectively; the Valuations of ſuch Tythes and Redecimations reſpectively; the reſpective Money Rents to be paid for ſuch of the ſaid Eſtates reſpectively as are to be exonerated by Money Rents; the reſpective Rents in lieu of Wheat or Corn Rents, to be paid by ſuch of them reſpectively as are to be exonerated by Corn Rents, until ſuch Variation as aforeſaid ſhall take place; and the Quantity of Wheat diſtinguiſhed and allotted to each of the ſaid Eſtates.

Tythes to remain until a certain Period.

XLIII. And be it further enacted, That until the Execution of the Award to be made by the ſaid Commiſſioners, or until ſuch previous Time as the ſaid Commiſſioners ſhall by Writing under their Hands direct or appoint, the ſaid Vicar for the Time being, and the ſaid *Philip Puſey* and *Thomas Bowles* reſpectively, and their reſpective Heirs, ſhall be entitled to, and ſhall have, receive, recover, and enjoy, all and ſingular the Tythes and Redecimations to them reſpectively belonging, or Compoſitions in lieu of the ſame, in the ſame Manner as if this Act had not been paſſed.

Vicar's Ring Fences to be made by the other Proprietors, or an Equivalent given.

XLIV. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby authorized and required, to charge, raiſe, and levy (in the Manner and by the Means herein-after directed for raiſing the Expences of obtaining and paſſing this Act) upon and from the Proprietors of the Homeſteads, Gardens, Orchards, and Lands and Grounds, as well open as incloſed, which ſhall be exonerated, by Compenſations given in Land or by Money Rents or Corn Rents from the Vicar's Tythes and Redecimations of Tythes (except the Incloſures belonging to or any Allotment or Allotments of Land to be ſet out and allotted to the ſaid *Philip Puſey*) in Proportion to the Value of ſuch Vicar's Tythes and Redecimations reſpectively to be exonerated in favour of each reſpective Proprietor, ſuch Sum and Sums of Money as the ſaid Commiſſioners ſhall deem and adjudge to be ſufficient for making and raiſing the Ring or Outward Mounds and Fences of the Allotment or Allotments of Land to be ſet out and awarded to the ſaid Vicar in lieu of his Glebe Lands and Common Rights, and in lieu of his Tythes and Redecimations of Tythes in the ſaid Pariſh, ſo far as the ſaid Commiſſioners ſhall be of opinion that any Ring or outward Mounds and Fences may or ought to be made and raiſed, and keeping the ſame in Repair for the Space of Seven Years, and until the ſame are ſufficient and good Mounds; and the Money ſo to be raiſed ſhall be laid out and expended by the ſaid Commiſſioners in the making ſuch Ring or outward Mounds and Fences, and keeping the ſame in Repair for Seven Years, and until the ſame are ſufficient and good Mounds; which ſaid laſt-mentioned Fences ſhall, at and for ever after the End of the ſaid Seven Years, and being raiſed to good Mounds, be maintained and kept in Repair by and at the Expence of the ſaid Vicar and his Succeſſors, or by the ſaid Vicar and his Succeſſors and the Poſſeſſor or Poſſeſſors of any other Allotment or Allotments which ſhall be fenced adjoining to the

ſaid

said Vicar's Land, in such Manner, Shares, and Proportions as the said Commissioners shall award.

Provision for Mr. Pusey's Ring Fencing.

XLV. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required, to charge, raise, and levy (in the Manner and by the Means herein-after directed for raising the Expences of obtaining and passing this Act) upon and from the Proprietors of the Lands and Grounds, as well open as inclosed, which shall be exonerated from the said *Philip Pusey*'s Rectorial or Impropriate Tythes (except any Allotment or Allotments to the said Vicar in Right of his Vicarage, or to the said *Philip Pusey* in lieu of his Estate in the said Parish of *Streatley*), in Proportion to the Value of such Rectorial or Impropriate Tythes to be exonerated in favour of each respective Proprietor, such Sum and Sums of Money as the said Commissioners shall deem and adjudge to be sufficient for making and raising the Ring or outward Mounds and Fences of the Allotment or Allotments of Land to be set out and awarded to the said *Philip Pusey* in lieu of his said Rectorial or Impropriate Tythes, so far as the said Commissioners shall be of opinion that any Ring or outward Mounds and Fences may or ought to be made and raised, and keeping the same in Repair for the Space of Seven Years, and until the same are sufficient and good Mounds; and the Money so to be raised shall be laid out and expended by the said Commissioners in the making such Ring or outward Mounds and Fences, and keeping the same in Repair for Seven Years, and until the same are sufficient and good Mounds; which said last-mentioned Fences shall at and for ever after the End of the said Seven Years, and being raised to good Mounds, be maintained and kept in Repair by and at the Expence of the said *Philip Pusey*, his Heirs and Assigns, or by the said *Philip Pusey*, his Heirs and Assigns, and the Possessor or Possessors of any other Allotment or Allotments which shall be fenced adjoining to the said *Philip Pusey*'s Land, in such Manner, Shares, and Proportions, as the said Commissioners shall award.

Allotments in the Common Meadows, and some other Allotments, to be fenced, and Shares of Fencing to be specified.

XLVI. And be it further enacted, That the several Allotments of the Common Meadows to be set out and awarded by virtue of this Act, and the said Residue of the said *Green Hill*, containing about Thirty-three Acres of Land as aforesaid, and which is to be stocked in common as aforesaid; and such other Parts and Proportions of the Lands and Grounds by this Act directed to be divided and allotted, lying on the East Side of the Turnpike Road leading from *Reading* to *Wallingford*, and in the Common Field between the said *Green Hill* and the Highway leading towards *Westridge*, called *The Stonehill Road*, as the said Commissioners shall appoint, shall be mounded and fenced by and at the Costs of such of the said Proprietors and Persons, Bodies Politic or Corporate, interested in the said intended Division and Allotment, at such Time or Times, in such Manner, and in such Shares and Proportions, as the said Commissioners shall direct and award; and the Mounds and Fences of the same Allotments and Lands, shall for ever afterwards be maintained and kept in Repair by such Person or Persons, and in such Manner as the said Commissioners shall in and by their said Award direct; and the Shares or Proportions of all Fencing to be done under or by virtue of this Act shall be specified and set forth in the said Award, or in some Plan or Schedule to be annexed thereto; but nothing herein or in the said recited Act contained,

tained, ſhall extend or be conſtrued to extend to compel or oblige any Perſon or Perſons to whom any other Allotment or Allotments ſhall be made by virtue of this Act, to fence or mound ſuch other Allotment or Allotments (except ſo far as any ſuch Allotment or Allotments ſhall adjoin to any of the Allotments herein-before directed to be fenced, and in ſuch Caſe the Fencing between them ſhall be made and maintained by ſuch Perſons, or Bodies Politic or Corporate, and in ſuch Manner as the ſaid Commiſſioners ſhall award): 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.

Openings to be left in Fences.

XLVII. And be it further enacted, That convenient Gaps and Openings ſhall be left in the Fences to be made by virtue of this Act, for the Space of Six Calendar Months next after the Execution of the Award of the ſaid Commiſſioners, for the Paſſage of Perſons, Cattle, Carts, and Carriages, in and through the ſame; unleſs the ſaid Commiſſioners ſhall order and direct the contrary, and then for ſuch Time only as they ſhall order and direct.

Diſtinct Allotments to be made for Lands holden by different Titles.

XLVIII. And be it further enacted, That in caſe the Proprietor or Proprietors of any Lands, Tenements, or Hereditaments, by this or the ſaid recited Act authorized to be allotted, exchanged, or exonerated from Tythes, ſhall hold their reſpective Lands, Tenements, or Hereditaments, by different Titles, or for different Eſtates, or by or under different Tenures, Rents, or Services, or ſubject to different Truſts, Charges, or Incumbrances, or with the Land Tax charged thereon partly redeemed or purchaſed, the ſaid Commiſſioners ſhall aſcertain and diſtinguiſh the Lands, Tenements, or Hereditaments ſo held, and ſhall alſo ſet out and diſtinguiſh the different Allotments, Tenements, or Hereditaments to be accepted and taken as an Equivalent in reſpect of each of them ſo circumſtanced; and the ſaid Commiſſioners ſhall and they are hereby authorized and empowered to ſet forth and declare, in and by their ſaid Award, in right of what Lands, Tenements, or Hereditaments, in particular, ſuch Allotments ſhall have been reſpectively made, and therein alſo ſeparately deſcribe and aſcertain the Situation and Boundaries of every ſuch Allotment; and if, for Want of Information or from any other Cauſe, the ſaid Commiſſioners ſhall have omitted in their Award to diſtinguiſh and aſcertain the Allotments in reſpect of Lands, Tenements, or Hereditaments ſo circumſtanced, and within Twelve Calendar Months after the making of ſuch Award, Requeſt in Writing ſhall be made to the ſaid Commiſſioners by any Perſon or Perſons, Body or Bodies Politic or Corporate, intereſted, to have ſuch Omiſſion ſupplied by a ſeparate Inſtrument, then and in every ſuch Caſe the ſaid Commiſſioners ſhall and they are hereby authorized to do

Commiſſioners may aſcertain and declare the ſame by Deed after their Award.

do every Thing neceſſary for ſupplying ſuch Omiſſion, and ſo far as that Purpoſe ſhall require, to examine Witneſſes, and in every other Reſpect to proceed and act as if their Award had not been made; and having obtained what they ſhall deem ſufficient Information, they are hereby alſo authorized, by any Deed under their Hands and Seals, to make diſtinct and ſeveral Allotments in reſpect of the Lands, Tenements, or Hereditaments ſo circumſtanced, in the ſame Manner as they might have done in their Award; and every ſuch ſeparate Inſtrument ſhall be enrolled in the ſame Place, and Evidence thereof given in the ſame Manner, as by the ſaid recited Act and this Act, or either of them, are or is directed concerning the ſaid Award; and all reaſonable Expences which ſhall be incurred in or about ſuch ſeparate Inſtrument or Inſtruments as aforeſaid, ſhall be payable by the Perſon or Perſons, Body or Bodies Politic or Corporate, who ſhall have ſo requeſted the ſaid Commiſſioners to make and execute the ſame, or by his, her, or their Heirs, Succeſſors, 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 or Subſtance thereof had been inſerted and contained in their ſaid Award; and the ſame ſhall, after ſuch Enrolment as aforeſaid, be delivered to the Perſon or Perſons, Body or Bodies Politic or Corporate, upon whoſe Requeſt any ſuch Omiſſion ſhall have been ſo ſupplied, or to the Perſon or Perſons to whom the Cuſtody of the Deeds and Writings, concerning the Title to the Premiſes in queſtion, ſhall in the Opinion of the ſaid Commiſſioners moſt properly belong.

Perſons ſelling their Rights before the Execution of the Award, Commiſſioners to allot to the Purchaſers.

XLIX. And be it further enacted, That if any Perſon or Perſons, at any Time before the ſaid Commiſſioners ſhall have executed their Award, ſhall ſell his, her, or their Right, Intereſt, or Property, in, over, or upon the ſaid Open Fields, Common Meadows, Common Paſtures, Downs, Waſte and Commonable Lands, or any Part thereof, to any other Perſon or Perſons, then and in every ſuch Caſe it ſhall be lawful for the ſaid Commiſſioners, and they are hereby required, upon the Requeſt in Writing under the Hand or Hands of the Vendor or Vendors reſpectively, to make an Allotment or Allotments of Land unto the Purchaſer or Purchaſers reſpectively, and to his, her, or their reſpective Heirs, Executors, Adminiſtrators, and Aſſigns, for and in reſpect of ſuch Right or Rights, Intereſt or Intereſts, and Property ſo ſold as aforeſaid; and every ſuch Purchaſer, and his or her Heirs or Executors, Adminiſtrators or Aſſigns, ſhall and may, from and after the Execution of the ſaid Award, hold and enjoy the Land ſo to be allotted to him, her, or them reſpectively as aforeſaid, in the ſame Manner to all Intents and Purpoſes as the Vendor or Vendors in every ſuch Sale might, could, or of Right ought to have held and enjoyed the ſame in caſe ſuch Sale had not been made, or ſuch Right, Intereſt, or Property had been veſted in ſuch Vendor or Vendors reſpectively at the Time of making the ſaid Award as aforeſaid; but ſubject nevertheleſs to all Incumbrances affecting the ſame, and to the Charges of the ſaid Diviſion, Allotment, Incloſure, and Exoneration.

Exchanges.

L. And be it further enacted, That the Commiſſioners acting under or by virtue of this Act for the Time being, ſhall and may ſet out, allot, and award, any Lands, Tenements, or Hereditaments, within the ſaid Pariſh of *Streatley*, in lieu of and in exchange for any Lands, Tenements, or Hereditaments,

reditaments, within the ſaid Pariſh, or within any adjoining Pariſh, Hamlet, Townſhip, or Place; provided that each and every ſuch Exchange be aſcertained, ſpecified, and declared in the Award of the ſaid Commiſſioners, and be made with the Conſent in Writing of the Proprietor or Proprietors reſpectively ſeiſed or poſſeſſed of the ſaid Lands, Tenements, or Hereditaments, whether ſuch Proprietor or Proprietors ſhall be a Body or Bodies Politic, Corporate, or Collegiate, Aggregate or Sole, or a Tenant or Tenants in Fee Simple, Fee Tail, for Life, or for Years determinable on a Life or Lives, by and with the Conſent of the Leſſor or Leſſors, and not otherwiſe, or with the Conſent in Writing of the Guardian or Guardians, Huſband or Huſbands, Committee or Committees, or Attorney or Attornies, of or acting for any ſuch Proprietor or Proprietors, who at the Time of making ſuch Exchange or Exchanges, ſhall be reſpectively an Infant or Infants, Feme Covert or Femes Covert, Idiot or Idiots, Lunatic or Lunatics, or under any other legal Diſability, or who ſhall be beyond the Seas, or otherwiſe diſabled to act for himſelf, herſelf, or themſelves, or with the Conſent in Writing of the Guardian or Guardians, Manager or Managers, Truſtee or Truſtees of any Lands or Hereditaments given or ſettled to any Charitable, Parochial, or other Public Uſes, (ſuch Conſent, in Caſes of Bodies Politic, Corporate, or Collegiate, to be teſtified by ſome Writing under the Common Seal of ſuch Body or Bodies Politic, Corporate, or Collegiate, and in other Caſes to be teſtified by ſome Writing under the Hands of the conſenting Parties); and each and every ſuch Exchange ſo 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 Eccleſiaſtical Benefice or Preferment, without the Conſent in Writing teſtified as aforeſaid, of the Biſhop of the Dioceſe in which ſuch Lands, Tenements, or Hereditaments ſhall be ſituate, and of the Patron of ſuch Eccleſiaſtical Benefice or Preferment.

This Act not to alter or revoke Wills, &c.

LI. Provided always, and be it further enacted and declared, That nothing in this Act contained ſhall extend to revoke, make void, annul, or alter any Settlement, Deed, or Will, or to prejudice any Perſon having any Right or Claim of Dower, Jointure, Annuity, Rent, Debt, Charge, or Incumbrance whatſoever, in, out of, upon, or affecting any of the Lands, Tenements, or Hereditaments hereby directed to be divided and allotted, or which ſhall be exchanged or aſſigned in Compenſation for any other Eſtate or Right in purſuance of this Act; but as well the new Allotments of Land as the Tenements and other Hereditaments which ſhall be aſſigned or appointed in Exchange or in Compenſation for any other Eſtate or Right in purſuance of this Act, ſhall, immediately after ſuch Allotment, Exchange, Aſſignment, or Appointment, ſhall be made, be, remain, and enure, and the ſeveral Perſons to whom the ſame ſhall be reſpectively allotted, given in Exchange, aſſigned or appointed as aforeſaid, ſhall from thenceforth ſtand and be ſeiſed or poſſeſſed thereof reſpectively, to, for, and upon ſuch and the ſame Uſes, Eſtates, Truſts, Intents, and Purpoſes, and ſubject and liable to ſuch and the ſame Wills, Settlements, Limitations, Powers, Remainders, Conditions, Tenures, Services, Rents, Charges, and Incumbrances, and exonerated or not exonerated from Land Tax, as the ſeveral Lands, Tenements, or Hereditaments in lieu or in reſpect whereof ſuch Allotments, or exchanged, aſſigned, or appointed Premiſes ſhall reſpectively

tively be made, had, or taken, are now limited, or ſubject or liable to, or held under or charged with or affected by, or might or would have been limited or ſubject or liable to, or held under or charged with or affected by, in caſe this Act had not been paſſed; except only as to ſuch Leaſes and Tenantcies at Rack Rent as ſhall be made void under this Act.

Certain Leaſes at Rack Rent to be void.

LII. 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 *Streatley*, 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 Pariſh of *Streatley* aforeſaid, held therewith, or included in ſuch Leaſes, Demiſes, or Agreements (except the Leaſe of *Townſend* Farm to the ſaid *William Stone*, and the Leaſe of the ſaid *Streatley* Farm to *John Child*), 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 Six 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.

LIII. 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

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 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.

Commiſſioners to direct the Courſe of Huſbandry.

LIV. And be it further enacted, That from and immediately after the paſſing of this Act, until the Execution of the Award of the ſaid Commiſſioners, all the Lands and Grounds hereby directed to be divided and allotted, ſhall be ſubject and liable to ſuch Directions and Regulations as the ſaid Commiſſioners ſhall from Time to Time by Writing under their Hands appoint, as well with regard to the Stocking as to the Ploughing, Folding, Tilling, Sowing and Laying-down the ſame; and it ſhall and may be lawful 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 Lands or Grounds, to be paid by any Perſon or Perſons intereſted therein, or by 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 refuſe or neglect to pay the ſame accordingly, within the Space of Twenty-eight 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)

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 to receive the Rents, Issues, and Profits of the same, 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, and 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.

No Sheep or Lambs to be kept in the new Inclosures, without Fencing.

LV. And be it further enacted, That no Sheep or Lambs shall be kept in any of the new Allotments to be set out and fenced by virtue of this Act, during the Space of Seven Years next after the Execution of the Award of the said Commissioners, unless the Person or Persons so keeping the same shall first, at his, her, or their own Expence, make and maintain a good Post and Rail or other Fence, sufficient to guard the young Quickset Fences upon any adjoining Allotment or Allotments from being cropped or injured in any Manner by such Sheep or Lambs.

For paying Expences.

LVI. And be it further enacted, That the Allowances to the Commissioners and Umpire, and their Clerks, for the Time being, who shall act in the Execution of the Powers of this and the said recited Act; and the Expences of obtaining and passing this Act, and of surveying, admeasuring, planning, and valuing the Lands and Grounds hereby directed to be divided and laid in Severalty, and the Homesteads, Gardens, old Inclosures and Lands in Severalty, to be exonerated from Tythes; and of valuing the Tythes and Redecimations aforesaid; and of calculating and making Allotments, and adjusting Money and Corn Rents, and of making the Public Roads to be set out; and of preparing and enrolling the Award of the said Commissioners, and the Costs and Charges of the Assistants to the said Commissioners, and all other Charges and Expences in, about, or concerning the Execution of this Act and the said recited Act, either before or after the Execution of the Award (except such Costs, Charges, and Expences as are herein otherwise provided for or directed to be charged and paid), shall be borne and defrayed by the respective Proprietors of, and Persons, and Bodies Politic, Corporate and Collegiate, interested in the Lands, Grounds, Tenements, and Estates, open and inclosed, hereby directed to be divided, laid in Severalty, allotted, inclosed, or exonerated from Tythes, as well below Hill as above (except by the said *John Wetherall* or his Successors, Vicars of the said Parish, in respect of his or their said Vicarage, or the Tythes or Glebe Lands thereto belonging; and except the said *Philip Pusey*, his Heirs or Assigns, in respect of his said Rectorial or Impropriate Tythes and Glebe Lands; and also except the said *John Berkeley Monck*, in respect of the said Piece or Parcel of Down Land called *Streatley Warren*, and in that respect only; and

and alſo except the Surveyors of Highways, in reſpect of the ſaid Allotment or Alloments for Public Pits and Quarries), in ſuch Shares and Proportions, and ſhall be paid to ſuch Perſon or Perſons, and at ſuch Time or Times either before or after the Execution of the ſaid Award, as ſhall be ſettled, ordered and directed by the ſaid Commiſſioners, by any Writing or Writings under their Hands, to be entered in the Minutes of their Proceedings, or affixed on the principal outer Door of the Pariſh Church of *Streatley* aforeſaid, and the Determination of the ſaid Commiſſioners herein ſhall be final and concluſive; and in caſe any Perſon or Perſons, or Body or Bodies Politic, Corporate or Collegiate, ſhall refuſe or neglect to pay his, her, or their Share or Proportion, or Shares or Proportions of ſuch Allowances, Coſts, Charges, and Expences, to ſuch Perſon or Perſons, and at ſuch Time or Times, as the ſaid Commiſſioners ſhall order and direct, then and in every ſuch Caſe the ſame ſhall and may be levied and recovered in the Manner directed by the ſaid recited Act: Provided always, that every Proprietor and other Perſon intereſted in the Execution of this Act, and their Solicitors and Agents who ſhall attend any Meeting to be held by the ſaid Commiſſioners, ſhall bear and pay his and their own Expences of ſuch Attendance.

Coſts of Exchanges and Partitions to be paid by the Parties.

LVII. Provided always, and be it further enacted, That the Expences attending the reſpective Exchanges or Partitions to be made by virtue of the ſaid recited Act or this Act, ſhall be paid by the reſpective Parties, or ſome of them, making ſuch Exchanges or Partitions diſtinct from the other Expences attending the Execution of this Act, in ſuch Manner as the ſaid Commiſſioners ſhall direct; except that in no Caſe ſhall the ſaid Vicar be liable to any Expence to be occaſioned by the Exchange of Glebe Lands or other Rights, either before or after the Execution of the ſaid Award.

Money advanced to be repaid with Intereſt.

LVIII. And be it further enacted, That the Money that ſhall be advanced by any Perſon or Perſons for the Purpoſe of defraying the Expences of applying for and obtaining this Act, or which after the paſſing of this Act ſhall be advanced or lent to, or be paid by the Direction of the ſaid Commiſſioners for carrying the ſame into Execution, ſhall be repaid, with lawful Intereſt, to the Perſon or Perſons lending, advancing or paying the ſame, out of the firſt Money to be raiſed for defraying the Expences of obtaining and executing this Act.

Power to borrow Money.

LIX. And be it further enacted, That it ſhall be lawful for the Huſbands, Guardians, Truſtees, Committees, or Attornies, and for any Perſons acting as Guardians, Truſtees, Committees or Attornies, of or for any of the Proprietors of the Allotments to be ſet out and awarded by virtue of this Act, being under Coverture, Minors, Lunatics, beyond the Seas, or under any other Diſability or Incapacity to act for themſelves, or for any of the ſaid Proprietors, being Managers, Truſtees or Feoffees for any Parochial, Charitable, or other Public Uſe or Uſes, or Tenants in Tail or for Life of any Freehold or Copyhold Lands, or Tenants in Dower, or during Widowhood, of any Freehold or Copyhold Lands, or Leaſeholders or Aſſignees of Leaſes for any Term or Terms of Years determinable on a Life or Lives in being, to charge the ſaid Allotments, whereof ſuch Proprietors ſhall reſpectively be in Poſſeſſion or Receipt of

the Rents and Profits, or any Part thereof, with such Sum or Sums of Money (not exceeding Five Pounds an Acre) as the said Commissioners, by any Writing or Writings under their Hands and Seals, shall allow and declare to be necessary to pay and defray the said Proprietors respective Shares and Proportions of the Allowance, Costs, Charges and Expences aforesaid; which Money shall be paid to such Person or Persons, and applied in such Manner as the said Commissioners shall direct; and for securing the Repayment of such Sum or Sums of Money, with Interest, to grant, mortgage, or demise the Lands or Tenements so to be charged unto the Person or Persons respectively who shall advance such Money, his, her, or their Executors, Administrators, and Assigns for any Term or Number of Years, subject to the Terms and Conditions of Redemption and other Provisions and Restrictions mentioned concerning such Charges in the said recited Act.

Impowering Commissioners to sell Allotments of incapacitated Persons, under certain Conditions.

LX. And be it further enacted, That it shall and may be lawful for the said Commissioners, on Application being made to them in Writing by any Body or Bodies Politic, Corporate, or Collegiate, or by the Husbands, Guardians, Trustees, Committees or Attornies of any of the said Owners or Proprietors being under Coverture, Minors, Lunatics, Persons beyond the Seas, or under any other Disability, or by any of the said Owners or Proprietors being Tenants in Tail or for Life or Lives, or for any other Contingency, and at the Expence of the Person or Persons, or Party or Parties making such Application, to sell and absolutely to dispose of any Part or Parts of the said Allotments in the Parish of *Streatley* aforesaid, belonging to such incapacitated Persons, for the Purpose of defraying his, her, or their Share or Shares of the Costs and Charges of obtaining and executing this Act and the said recited Act, and of fencing, inclosing and subdividing his, her, or their Allotment or Allotments, and such Part or Parts of the said Allotment shall be sold by Public Auction, after Ten Days Notice thereof at least shall have been inserted in the Newspaper called *The Reading Mercury*, or some other Newspaper circulated in the Parish of *Streatley* aforesaid, of the Time and Place appointed for such Sale; and the Purchaser or Purchasers at such Sale shall immediately pay (by way of Deposit) into the Hands of the said Commissioners, or such Person or Persons as they shall appoint, One Seventh Part of his, her, or their Purchase Money, and shall pay the Remainder thereof within Two Calendar Months next after, or at such other Time as the said Commissioners shall appoint; and in Default thereof, the Money so deposited shall be forfeited, and shall be applied towards such Expences as last aforesaid; and the said Commissioners are hereby authorized and empowered to bargain, sell, convey, and assure the same in Fee Simple to any Person or Persons who shall be the highest Bidder or Bidders for the same, or Purchaser or Purchasers thereof, by Indentures of Lease and Release, or by Bargain and Sale, to be inrolled in the High Court of Chancery; and the Money arising from such Sale shall be paid to the said Commissioners, to enable them to pay such last-mentioned Charges and Expences; and that such Purchaser or Purchasers shall not be liable to see to the Application, or be answerable for the Misapplication of such Purchase Money, or any Part thereof; and that the Receipt of the said Commissioners shall be a full and ample Discharge to such Purchaser or Purchasers: Provided always, that it shall not be lawful to raise by such Sale, any further or greater Sum of Money than the Person or Persons, Part of whose Allotment or Allotments

to

to be ſold or diſpoſed of as aforeſaid, would have been empowered and authorized to borrow or charge upon his, her, or their Allotment or Allotments, under and by virtue of the ſaid recited Act: Provided alſo, that in all Caſes where any ſuch Sale of any ſuch Allotment or Allotments, or of any Part or Parts thereof, or any Deduction therefrom, ſhall have been made for the Payment of ſuch Coſts, Charges, and Expences as aforeſaid, it ſhall not be lawful for the Perſon or Perſons, or Body or Bodies Politic, Corporate or Collegiate, whoſe Allotment or Allotments, or any Part or Parts of whoſe Allotment or Allotments ſhall have been ſold as aforeſaid, or from which any Deduction ſhall be made, to charge the Lands and Grounds allotted to him, her, or them, or any Part or Parts thereof, by virtue of the ſaid recited Act or this Act, with any Money towards defraying ſuch Coſts, Charges, and Expences, unleſs the Money to ariſe by ſuch Sale ſhall be leſs than the Sum of Five Pounds *per* Acre; and then and in ſuch Caſe it ſhall be lawful for ſuch Perſon or Perſons to charge his, her, or their Allotment or Allotments, or to raiſe by Mortgage thereof, or other Ways and Means as mentioned in the ſaid recited Act or this Act, the Remainder of ſuch Money for Payment of the Expences of obtaining and executing this Act, ſo as that the whole Sum to be raiſed by virtue of this Act and the ſaid recited Act ſhall not exceed the Sum of Five Pounds *per* Acre, according to the Number of Acres contained in ſuch Allotment or Allotments.

Allowance to the Commiſſioners and Umpire.

LXI. And be it further enacted, That every Commiſſioner and Umpire and Clerk, employed by virtue of this Act, ſhall be allowed the Sum of Three Pounds and Three Shillings, and no more, for each Day he ſhall neceſſarily attend in the Execution of the Powers of this and the ſaid recited Act (Days of travelling to and from his Home included), the ſame to be in full Satisfaction for all the Trouble and Expences which he ſhall be put to in and concerning the Execution of this Act or the ſaid recited Act, and the Powers thereof (other than and except the Expence of Fire and Candle, and the Uſe of the Room in which the Meetings ſhall be holden).

Commiſſioners to account.

LXII. 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 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 and Expences, in the Execution of this Act 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 Two or more of His Majeſty's Juſtices of the Peace for the ſaid County of *Berks*, not intereſted in the ſaid intended Diviſion, Allotment, and Incloſure, or Tythes, to be by him or them examined and balanced; and ſuch Balance ſhall by ſuch Juſtice or Juſtices be 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 Accounts ſhall be binding on the Parties concerned, or valid in Law, unleſs the ſame ſhall have been duly allowed by ſuch Juſtice or Juſtices.

Award to be depoſited.

LXIII. And be it further enacted, That the Award to be made by the ſaid Commiſſioners, when inrolled in Manner directed by the ſaid recited Act, together with a Map or Plan annexed thereto, ſhall be placed in a Box, and depoſited and kept in the Pariſh Church of *Streatley* aforeſaid.

Allowing an Appeal.

LXIV. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf or themſelves aggrieved by any Thing done by or under the Authority of the ſaid Commiſſioners in purſuance of this Act or the ſaid recited Act (other than and except ſuch Claims, Matters, and Things as are herein-before or by the ſaid recited Act directed or authorized to be aſcertained, ſettled, tried, or determined by the Verdict of a Jury, or where, by any of the Proviſions of the ſaid recited Act or of this Act, the Determinations, Acts, or Proceedings of the ſaid Commiſſioners are directed to be final and concluſive), then and in every ſuch Caſe, he, ſhe, or they may appeal to any General Quarter Seſſions of the Peace which ſhall be holden for the ſaid County of *Berks*, within Six Calendar Months next after the Cauſe of Complaint ſhall have ariſen, giving Twenty-eight Days Notice of ſuch Appeal, and of the Matters thereof, to the ſaid Commiſſioners and to the Parties intereſted therein; and the Juſtices in their ſaid General Quarter Seſſions are hereby required to hear and determine the Matter of ſuch Appeal, and to make ſuch Order therein, and to award ſuch Coſts to be paid by or to any of the Parties, as to them in their Diſcretion ſhall ſeem reaſonable; and by their Warrant or Order 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, 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 to all Parties concerned, and ſhall not be removed or removeable by Certiorari, or by any other Writ or Proceſs whatſoever into any of His Majeſty's Courts of Record at *Weſtminſter* or elſewhere.

General Saving.

LXV. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and to the Lord and Lords for the Time being of the ſaid Manor of *Streatley*, and his and their Heirs, and to all and every other Perſon and Perſons, Bodies Politic and Corporate, his, her, or their Heirs, Succeſſors, Executors, Adminiſtrators, and Aſſigns, (other than and except the reſpective Perſons, Bodies Politic and Corporate, to whom or to whoſe Benefit any Allotment or Allotments of Land or other Compenſation ſhall be ſet out or made by virtue of this Act, in reſpect of the Intereſt or Property for which ſuch Allotment or Allotments or Compenſation ſhall be ſet out or made, and all Perſons reſpectively claiming by or under them, or in Remainder after them, or any of them; and except ſuch other Rights and Intereſts as the Intents and Purpoſes of the Allotment, Incloſure, and Exoneration from Tythes reſpectively hereby authorized to be made and done, ſhall require to be barred, extinguiſhed or deſtroyed, by this Act) all ſuch Eſtates, Rights, and Intereſts, as they, every, or any of them had or enjoyed of, in, to, or in reſpect of the Lands and Grounds hereby directed to be divided and allotted, before the paſſing of this Act, or could or might have had or enjoyed if this Act had not been paſſed.

LXVI. And be it further enacted, That this Act shall be printed by the several Printers to the King's most Excellent Majesty, duly authorized to print the Statutes of the United Kingdom; and a Copy thereof, so printed by any of them, shall be admitted as Evidence thereof by all Judges, Justices, and others. Act to be printed by the King's Printers.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1814.