ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 164.

An Act for incloſing Lands in the Pariſhes of *Wargrave* and *Warfield*, in the County of *Berks*.

[17th *June* 1814.]

WHEREAS there are within the Pariſhes of *Wargrave* and *Warfield*, in the County of *Berks*, ſeveral Common Fields, Common Meadows, and Common Paſtures, containing in the Whole, by Eſtimation, One thouſand four hundred Acres, or thereabouts; and alſo many Open Commonable Grounds and Waſte Lands, containing in the Whole, by Eſtimation, Six hundred Acres, or thereabouts: And whereas the Right Honourable *Richard Aldworth Griffin* Lord *Braybrooke* is Lord of the Hundred of *Wargrave*, within which the ſaid Pariſhes of *Wargrave* and *Warfield* do lie: And whereas the ſaid *Richard* Lord *Braybrooke* is alſo Lord of the ſeveral Manors of *Wargrave* and *Warfield*, and of *Newnham Lakes* and *Aylands*, within the ſaid reſpective Pariſhes; and is Owner of the Soil of the Commons and Waſte Grounds, and the Timber growing thereon, within the ſaid reſpective Manors, except ſuch Part thereof within the ſaid Manor of *Warfield* as was granted and conveyed, with other Hereditaments, by *Richard Neville Neville* Eſquire, the late Lord of the ſaid Manor of *Warfield*, to *John Walſh* Eſquire, ſince deceaſed,

deceaſed, by Indentures of Leaſe and Releaſe, bearing Date reſpectively the Twenty-eighth and Twenty-ninth Days of *November* One thouſand ſeven hundred and ſixty-four: And whereas the Honourable *Frederick Weſt* is Lord of the Manor or reputed Manor of *Culham*, within the ſaid Pariſh of *Wargrave*, and as ſuch claims to be entitled to the Soil of all the Waſte Lands within the ſame Manor: And whereas Sir *Moris Ximenes* is Lord of the Manor or reputed Manor of *Bear Place*, within the ſaid Pariſh of *Wargrave*, and as ſuch claims to be entitled to the Soil of all the Waſte Lands within the ſame Manor: And whereas *Edward Fromont* claims to be Lord of the Manor of *Bowſey* or *Endalls*, in the Pariſh of *Wargrave* aforeſaid, and in reſpect thereof claims to be entitled to the Soil of the Waſte Lands within the ſame Manor: And whereas Sir *John Benn Walſh* Baronet, or the Truſtees under the Will of the aforeſaid *John Walſh* Eſquire, deceaſed, claim to be entitled to a Rabbit Warren, and to the Soil of that Part of the Waſte Lands within the ſaid Manor of *Warfield*, which by the ſaid Indentures of Leaſe and Releaſe were conveyed or granted by the ſaid *Richard Neville Neville* to the ſaid *John Walſh* as aforeſaid: And whereas *Richard Parry* Eſquire is Lord of the Manor of *Maſons*, within the ſaid Pariſh of *Warfield*, and as ſuch is entitled to the Soil of all the Waſte Lands within the ſaid Manor: And whereas the ſaid *Richard Aldworth Griffin* Lord *Braybrooke*, the Right Honourable *James* Earl of *Malmeſbury*, the Honourable *Frederick Weſt*, Sir *Moris Ximenes* Knight, *Harry Fonnereau* Eſquire, *James Leigh Perrot* Eſquire, and divers other Perſons, are Owners and Proprietors of the Common Fields, Common Meadows, and Common Paſtures, and of the incloſed Lands, within the ſaid Pariſh of *Wargrave*, and are entitled to Rights of Common, and other Rights in and upon the Commonable Lands and Waſte Grounds within the ſaid Pariſh, in right of their reſpective Eſtates: And whereas the ſaid Lord *Braybrooke*, Sir *John Benn Walſh*, or the ſaid Truſtees, and the ſaid *Richard Parry*, and divers other Perſons, are Owners and Proprietors of the Common Fields, Common Meadows, and Common Paſtures, and of the incloſed Lands, within the ſaid Pariſh of *Warfield*, and are entitled to Rights of Common, and other Rights in and upon the Commonable Lands and Waſte Grounds within the ſame Pariſh, in right of their reſpective Eſtates: And whereas *John Terry* Gentleman is Impropriator of the Rectory of *Warfield*, and as ſuch is entitled to the Great Tithes ariſing and renewing from and out of all the Lands within the ſaid Pariſh, except ſome ſmall Parts thereof, which belong to the Vicarage of the Pariſh Church of the ſaid Pariſh; and the ſaid Rectory and Great Tithes ſo belonging to the ſaid *John Terry* is and are charged with and liable to the Payment of Five Quarters of Wheat, Three Quarters of Oats, Three Quarters of Beans, and One Quarter of other Grain, annually, to the Vicar of the ſaid Vicarage for the Time being: And whereas the ſaid *John Terry* is Patron of the ſaid Vicarage of the Pariſh Church of *Warfield* aforeſaid, and the Reverend *John Faithfull* is the preſent Vicar and Incumbent of the ſame Vicarage and Pariſh Church: And whereas the Reverend *Philip Nind* is the preſent Vicar and Incumbent of the Vicarage and Pariſh Church of *Wargrave*, and as ſuch is entitled to certain Glebe Lands within the ſaid Pariſh of *Wargrave*: And whereas an Act was paſſed in the Forty-firſt Year of the Reign of His preſent Majeſty, intituled *An Act for conſolidating in one Act certain Proviſions uſually inſerted in Acts of Incloſure, and for facilitating the*

Mode of proving the ſeveral Facts uſually required on the paſſing of ſuch Acts: And whereas the ſaid Common Fields, Common Meadows, and Common Paſtures, lie intermixed and diſperſed, and in their preſent State are incapable of any conſiderable Improvement; and the ſaid Open Commonable Lands and Waſte Grounds are in their preſent State of little Value, but might be advantageouſly converted into Tillage, or appropriated to the Growth and Preſervation of Timber; and it would be of great public Utility, as well as of great Benefit and Advantage to all Perſons intereſted in the ſaid Common Fields, Common Meadows, Common Paſtures, Commonable Lands and Waſte Grounds, if the ſame were divided, allotted and incloſed, unto and amongſt the ſeveral Perſons intereſted therein, according to their ſeveral and reſpective Rights and Intereſts therein; and it would alſo be deſirable and advantageous to the ſeveral Proprietors thereof, and Perſons intereſted therein, if the Rectorial Tithes of their reſpective Lands were freed and diſcharged from the ſaid annual Payment of Wheat, Oats, Beans, and other Grain, to the ſaid Vicar for the Time being; but as ſuch ſeveral Purpoſes 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 all the ſaid Open and Common Fields, Common Meadows, Common Paſtures, Commonable Lands and Waſte Grounds, within the ſaid ſeveral and reſpective Pariſhes of *Wargrave* and *Warfield*, ſhall, as ſoon as conveniently may be after the paſſing of this Act, be divided, allotted and incloſed, in the Manner, and ſubject to the Rules, Orders, Directions and Regulations, mentioned and contained in the ſaid recited Act, (except in ſuch Caſes where the ſame are hereby altered or varied), and as herein-after enacted and mentioned; and for which Purpoſe *John Davis* of *Bloxham*, in the County of *Oxford*, Gentleman, and his Succeſſors to be elected in the Manner herein-after mentioned, ſhall be and he is hereby appointed ſole Commiſſioner for dividing, allotting, and incloſing the ſaid Open and Common Fields, Common Meadows, Commonable Lands and Waſte Grounds, within the ſaid Pariſhes of *Wargrave* and *Warfield*, and for carrying the Purpoſes and Powers of this and the ſaid recited Act into Execution. Commiſſioner.

II. And be it further enacted, That in caſe the ſaid *John Davis* ſhall die, refuſe to act, or become incapable of acting as ſuch Commiſſioner, it ſhall be lawful for the major Part in Value of the Proprietors of the ſaid Open Common and Commonable Lands and Grounds within the ſaid Pariſhes of *Wargrave* and *Warfield* reſpectively, including the ſaid Lord *Braybrooke*, (ſuch Majority to be aſcertained in every Caſe by the Land Tax Aſſeſſment of the ſaid reſpective Pariſhes), or to or for the reſpective Attornies or Agents of ſuch Proprietors who ſhall be preſent at a Public Meeting or reſpective Public Meetings, to be holden for that Purpoſe in the reſpective Pariſh Churches of *Wargrave* and *Warfield* aforeſaid, in purſuance of Public Notice to be given in the Weekly Newſpaper publiſhed at *Reading*, and by Writing to be affixed to the principal Outer Doors of the ſaid Pariſh Churches reſpectively, Ten Days at leaſt before every ſuch Meeting, (which Notice the Clerk who ſhall have been choſen Appointment of new Commiſſioner.

and

and appointed by the ſaid Commiſſioner in the ſaid reſpective Pariſhes is hereby empowered and required forthwith to give, by Writing under his Hand), to elect and appoint another Commiſſioner in the room and ſtead of the ſaid *John Davis* ſo dying, refuſing to act, or becoming incapable of acting, and ſo from Time to Time as often as any Commiſſioner to be appointed by the ſaid Proprietors in the ſaid reſpective Pariſhes ſhall die, refuſe to act, or become incapable of acting; and every ſuch new Commiſſioner ſo to be appointed ſhall have the ſame Powers and Authorities for putting this Act and the ſaid recited Act into Execution, in all Reſpects whatſoever, as the Commiſſioner herein-before named had or was inveſted with by virtue of this Act.

Allowance to Commiſſioner, Clerk, and Surveyor, &c.

III. And be it further enacted, That out of the Money that ſhall be raiſed or paid for defraying the Expences of obtaining and executing this Act, there ſhall be paid to the Commiſſioner appointed or to be appointed as aforeſaid, as a Recompence for his Pains, Trouble and Expences, the Sum of Four Pounds and Four Shillings, and no more, for each Day he ſhall be employed in attending any Sitting or Adjourned Sitting, or otherwiſe, for the Execution of this Act; and that the ſaid Commiſſioner ſhall defray his Travelling Expences, and alſo his own Expences, (except the Money paid for the Uſe of Rooms), at all ſuch Sittings and Adjourned Sittings as aforeſaid; and that every Proprietor, Attorney or Agent, who ſhall attend the ſaid Commiſſioner at any of his Sittings to be held in purſuance of this Act and the ſaid recited Act, ſhall pay his own Expences at all ſuch Sittings; and that there ſhall be paid to the Clerk or Clerks, Surveyor or reſpective Surveyors to be employed by the ſaid Commiſſioner, ſuch Sum or Sums of Money as the ſaid Commiſſioner ſhall conſider juſt and reaſonable for his or their Pains, Trouble, and Expences in the Execution of this and the ſaid recited Act.

Commiſſioner to give Notice of Sittings.

IV. And be it further enacted, That the ſaid Commiſſioner hereby appointed or to be appointed by virtue of this Act, ſhall cauſe Public Notice to be given in the reſpective Pariſh Churches of *Wargrave* and *Warfield* aforeſaid, upon ſome *Sunday*, by Notice in Writing to be affixed on or at the principal Outer Door of the ſaid reſpective Churches, and alſo by Advertiſement to be inſerted in the Newſpaper called *The Reading Mercury*, or ſome other Newſpaper printed or circulated in the ſaid County of *Berks*, of the Time and Place of his firſt and every other ſubſequent Sitting for the Execution of this Act, at leaſt Ten Days before every ſuch Sitting, (Sittings by Adjournment only excepted); and all the Sittings of the ſaid Commiſſioner ſhall be held at ſome convenient Place within the ſaid Pariſhes of *Wargrave* and *Warfield*, or within Eight Miles of the Boundaries of each reſpective Pariſh.

Other Notices how to be given.

V. And be it further enacted, That all other Notices neceſſary to be made and given by the ſaid Commiſſioner ſhall be made and given by Notice in Writing, to be affixed on or at the principal Outer Door of the ſaid reſpective Pariſh Churches, upon ſome *Sunday*, and by Advertiſement to be inſerted in the ſaid Newſpaper called *The Reading Mercury*, or in ſome other Newſpaper printed and circulated in the ſaid County of *Berks*.

VI. Pro-

Clerk may adjourn.

VI. Provided always, and be it further enacted, That if at any Sitting appointed to be holden for the ſaid reſpective Pariſhes as aforeſaid, the ſaid Commiſſioner ſhall not attend, it ſhall be lawful for the Clerk to the ſaid Commiſſioner to adjourn ſuch Sitting to ſuch Time and Place within the ſaid reſpective Pariſhes, or within Eight Miles of the Boundaries thereof reſpectively, as ſuch Clerk ſhall think moſt convenient, cauſing Notice of ſuch Adjournment to be given to the ſaid Commiſſioner.

Proceedings to be entered in a Book.

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

Power of Commiſſioner to ſettle Diſputes.

VIII. And be it further enacted, That in caſe any Diſpute or Difference ſhall ariſe between any of the Parties intereſted or claiming to be intereſted in the ſaid intended Diviſion, Allotment and Incloſure, touching or concerning the reſpective Rights and Intereſts which they or any of them ſhall have or claim to have in the ſame, or touching or concerning any other Matter or Thing relating to the ſaid Diviſion, Allotment, and Incloſure reſpectively, it ſhall be lawful to and for the ſaid Commiſſioner, within the ſaid reſpective Pariſhes, and he is hereby authorized to examine into, hear, and determine the ſame: Provided always, that nothing in this Act contained ſhall authorize the ſaid Commiſſioner to determine the Title to any Meſſuages, Cottages, Lands, Tenements, or Hereditaments whatſoever.

Right of Poſſeſſion not to be determined by the Commiſſioner.

IX. Provided alſo, and be it further enacted, That nothing in this Act contained ſhall extend to enable the ſaid Commiſſioner to determine any Right between any of the Parties contrary to the Poſſeſſion of any ſuch Parties, (except in Caſes of Incloſure or Encroachment, as is herein-after mentioned), but in caſe the ſaid Commiſſioner ſhall be of Opinion againſt the Right of the Perſon or Perſons ſo in Poſſeſſion, he ſhall forbear to make any Determination as to ſuch Right, 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.

X. And be it further enacted, That in caſe the ſaid Commiſſioner ſhall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to him in purſuance of this or the ſaid recited Act, ſee cauſe to award any Coſts, it ſhall be lawful for the ſaid Commiſſioner, and he is hereby empowered, upon Application made to him for that Purpoſe, to ſettle, award, and aſſeſs ſuch Coſts and Charges as he ſhall think reaſonable, to be paid to the Party or Parties in whoſe favour any Determination of the ſaid Commiſſioner ſhall be made, by the Perſon or Perſons whoſe Claim or Claims, Objection or Objections, ſhall be thereby diſallowed or over-ruled; and in caſe the Perſon or Perſons

who ſhall be liable to pay ſuch Coſts and Charges ſhall neglect or refuſe to pay the ſame, for the Space of Fourteen Days next after Demand ſhall be made thereof, then and in ſuch Caſe it ſhall be lawful to and for the ſaid Commiſſioner, and he is hereby authorized and required, by Warrant under his Hand and Seal 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 ſuch Perſon or Perſons ſo neglecting or refuſing to pay the ſame, rendering the Overplus (if any) upon Demand, to the Perſon or Perſons whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold, after deducting the Coſts and Charges attending ſuch Diſtreſs and Sale: Provided always, that in caſe the Perſon or Perſons whoſe Claim ſhall have been ſo over-ruled or diſallowed by the ſaid Commiſſioner ſhall, within the like Space of Fourteen Days next after ſuch Demand ſhall be made thereof, cauſe an Action to be brought in Manner herein-after mentioned, and ſhall upon the Trial of ſuch Action eſtabliſh the Claim which ſhall have been ſo over-ruled or diſallowed by the ſaid Commiſſioner, the Coſts and Charges ſo aſſeſſed and awarded by the ſaid Commiſſioner ſhall not, nor ſhall any Part thereof, be paid by or be levied upon the Goods and Chattels of the Perſon or Perſons by whom the ſaid Commiſſioner ſhall have awarded the ſame to be paid as aforeſaid.

Allowing Parties to try their Rights at Law.

XI. Provided always, and be it further enacted, That in caſe any Perſon or Perſons intereſted or claiming to be intereſted in the ſaid intended Diviſion, Allotment and Incloſure, ſhall be diſſatisfied with any Determination of the ſaid Commiſſioner, touching or concerning any Claim or Claims or other Rights or Intereſts in, over, or upon the Lands and Grounds hereby directed to be divided, allotted and incloſed, or any Part thereof, it ſhall be lawful for the Perſon or Perſons ſo diſſatisfied to proceed to a Trial at Law of the Matter ſo determined by the ſaid Commiſſioner, at the Firſt or Second Aſſizes to be holden for the ſaid County of *Berks* next after ſuch Determination, firſt giving Twenty-one Days Notice of his, her, or their Intention to the ſaid Commiſſioner, or his Clerk; and for that Purpoſe the Perſon or Perſons who ſhall be diſſatisfied with the Determination of the ſaid Commiſſioner ſhall cauſe an Action to be brought, upon a feigned Iſſue, againſt the Perſon or Perſons in whoſe favour ſuch Determination ſhall have been made, within Three Calendar Months next after ſuch Determination of the ſaid Commiſſioner; and the Defendant or Defendants in ſuch Action or Actions ſhall, and he, ſhe, or they is and are hereby required to name an Attorney or Attornies, who ſhall appear thereto, or file Common Bail, and accept one or more Iſſue or Iſſues, whereby ſuch Claim or Claims, and the Right or Rights thereby inſiſted on, may be tried and determined, ſuch Iſſue or Iſſues to be ſettled by the proper Officer of the Court in which the ſaid Action or Actions ſhall be commenced, in caſe the Parties ſhall differ about the ſame, and the Verdict or Verdicts which ſhall be given in ſuch Action or Actions ſhall be final, binding, and concluſive upon all and every Perſon and Perſons whomſoever, unleſs the Court wherein ſuch Action or Actions ſhall be brought ſhall ſet aſide ſuch Verdict or Verdicts, and order a new Trial to be had therein, which it ſhall be lawful for the Court to do, as is uſual in other Caſes; and after ſuch Verdict or Verdicts ſhall be obtained, and not ſet aſide by the Court, the ſaid Commiſſioner ſhall and he is hereby required to act in conformity thereto, and to allow or diſallow the Claim

or

or Claims thereby determined, according to the Event of ſuch Trial or Trials: Provided always, that the Determination of the ſaid Commiſſioner in the ſaid reſpective Pariſhes, touching ſuch Claim or Claims, or other Rights or Intereſts, in, over, or upon the Lands and Grounds hereby directed to be divided, allotted and incloſed, or any Part thereof, 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, binding, and concluſive upon all Parties.

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

XII. And be it further enacted, That no ſuch Difference, Suit, or Proceeding as aforeſaid, or any Difference, Suit or Proceeding, touching the Title to any Lands, Tenements or Hereditaments, ſhall impede or delay the ſaid Commiſſioner in the Execution of this and the ſaid recited Act, but the Diviſion, Allotment, and Incloſure hereby directed to be made in the ſaid reſpective Pariſhes, ſhall be proceeded in notwithſtanding ſuch Difference, Suit or Proceeding; and if any of the Parties in any Action to be brought in purſuance of this or the ſaid recited Act ſhall die pending the ſame, ſuch Action ſhall not abate by reaſon thereof, but ſhall be proceeded in as if no ſuch Event had happened.

In caſe of Death of Parties before Action brought, the ſame to be carried on, or defended in their Names.

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

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

XIV. And be it further enacted, That if any of the Parties intereſted in the ſaid intended Diviſion, Allotment and Incloſure, ſhall die before the ſame ſhall be completed, the Powers and Authorities hereby given to the ſaid Commiſſioner ſhall not be determined or ſuſpended, but that the ſaid Commiſſioner ſhall and may proceed to execute the Powers given to him by this Act and the ſaid recited Act, in ſuch Manner as he might have done if ſuch Parties had not died; and that the Share or Shares of the Perſon or Perſons ſo dying ſhall be allotted to ſuch Perſon or Perſons who, by Deſcent, Will, or otherwiſe, ſhall become entitled to the ſame, and ſhall be accepted by him, her or them, according to the Directions of this or the ſaid recited Act, and he, ſhe, or they ſhall be liable to the

Charges

Charges and Expences, and other Conditions, of this and the ſaid recited Act.

For extinguiſhing Rights of Common of Turbary.

XV. And be it further enacted, That from and immediately after the paſſing of this Act, all Rights of Common of Turbary, or of cutting up the Turf, Soil, or Heath for Fuel, or any other Purpoſes within the ſaid reſpective Pariſhes, ſhall ceaſe and be extinguiſhed: Provided nevertheleſs, that it ſhall be lawful for the ſaid Commiſſioner, by Writing under his Hand, to allow and licenſe ſuch poor Perſons as ſhall be recommended to him by Writing under the Hand or Hands of the Miniſter and Churchwardens of the ſaid reſpective Pariſhes, to cut and take, for their own Uſe and Conſumption only in their reſpective Dwellings, ſuch a Quantity or Number of Turves from Time to Time as the ſaid Commiſſioner ſhall in his Diſcretion think proper.

For extinguiſhing or ſuſpending Rights of Common of Paſture.

XVI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioner, and he is hereby authorized, within the ſaid reſpective Pariſhes, at any Time previous to the Execution of his Award to be made under the Authority of this and the ſaid recited Act, by Notice in Writing under his Hand, to be affixed upon or at the principal Outer Doors of the reſpective Pariſh Churches of *Wargrave* and *Warfield* aforeſaid, to order and direct all or any Part of the Rights of Common of Paſture in, over, or upon the ſaid Common Fields, Commons or Waſte Grounds, in the ſaid reſpective Pariſhes, or any Part thereof, to be extinguiſhed, or the Exerciſe thereof to be ſuſpended during ſuch Time as ſhall be expreſſed in ſuch Writing; and that all ſuch Rights of Common as the ſaid Commiſſioner ſhall by ſuch Writing order and direct to be extinguiſhed, or the Exerciſe thereof to be ſuſpended as aforeſaid, ſhall, from the Time of affixing ſuch Writing on or at the Church Door of each reſpective Pariſh, ceaſe, determine, and be extinguiſhed, or the Exerciſe thereof be ſuſpended accordingly, any Law, Uſage, or Cuſtom to the contrary thereof notwithſtanding; and if any Perſon or Perſons whomſoever ſhall uſe or exerciſe ſuch Rights of Common, or any of them, in, over, and upon the ſaid Common Fields, Commons and Waſte Grounds, or any Part of either of them, contrary to ſuch Order and Direction, then and in every ſuch Caſe the ſaid Commiſſioner, upon due Proof before him upon Oath, which Oath the ſaid Commiſſioner is hereby authorized to adminiſter, ſhall and he is hereby required, by Warrant under his Hand and Seal, directed to any Perſon or Perſons whomſoever, to cauſe any Sum, not exceeding Five Pounds, to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo offending in the Premiſes, rendering the Overplus (if any) upon Demand, to the Perſon or Perſons whoſe Goods and Chattels ſhall be ſo diſtrained and ſold, deducting the Coſts and Charges attending ſuch Diſtreſs and Sale; and the Money to be levied as aforeſaid ſhall be applied towards the Payment of the Coſts and Charges of obtaining and executing this Act.

Power to ſhorten Boundary Fences.

XVII. And be it further enacted, That, in order to ſhorten the Boundary Fences between the Lands and Grounds by this Act directed to be divided, allotted and incloſed, or any of them, and the Lands and Grounds in any adjoining Pariſh, or to make the ſame Boundary Fences reſpectively regular, it ſhall be lawful for the ſaid Commiſſioner, with the

Conſent in Writing under the Hand or Hands of the Lord or Lords, Lady or Ladies of the Manor or Manors, or Owner or Owners of the Soil, and under the Hands of the major Part in Value of the Land-owners in any Pariſh or Pariſhes intereſted in any Commons or Waſte Grounds adjoining to the ſaid reſpective Pariſhes of *Wargrave* and *Warfield*, and alſo under the Hand or Hands of the Owner or Owners of any adjoining Lands upon which ſuch Fence or Fences are intended to be made, to ſet out and aſcertain the Boundary Fences to be made between the ſaid Commons and Waſte Grounds, or other Lands and Grounds adjoining to the Lands and Grounds hereby directed to be divided, allotted and incloſed, and any Pariſh or Pariſhes, Tithing or Tithings, in ſuch Manner as he may judge proper for the Purpoſes aforeſaid; and after ſuch Boundary Fences ſhall be ſet out and aſcertained as aforeſaid, the ſame ſhall be fenced by ſuch Perſon or Perſons, in ſuch Manner, and at ſuch Time or Times, as the ſaid Commiſſioner ſhall order and direct in and by his Award, and ſhall be for ever thereafter deemed and taken to be the Boundaries between the Lands and Grounds hereby directed to be divided, allotted and incloſed, and the Lands and Grounds in ſuch adjoining Pariſh or Pariſhes as aforeſaid, any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

Encroachments.

XVIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioner to enquire and determine what Encroachments have been from Time to Time made upon or taken from the ſaid Commons or Waſte Lands, or any of them, by any Perſon or Perſons whomſoever; and that all ſuch Encroachments as ſhall have been made with the Conſent in Writing of the Lord of the Manor, and alſo ſuch as have been made with Conſent of a Pariſh Veſtry, and where a Sum of Money has been paid for the ſame to the Uſe of the Pariſh; and alſo all ſuch other Encroachments as ſhall have been peaceably and quietly enjoyed for the Space of Seven Years previous to the paſſing of this Act, without any Interruption, ſhall, after the paſſing of this Act, be abſolutely veſted in the Perſon or Perſons holding the ſame in Fee Simple, or other Tenure, according to the Tenure of the Lands to which any ſuch Encroachment ſhall be attached; and that all other Encroachments ſhall be deemed Part and Parcel of the ſaid Commons or Waſte Lands; and that it ſhall be lawful for the ſaid Commiſſioner, where the ſame can be done without Prejudice or Inconvenience to the Proprietors or Occupiers of Meſſuages or Lands within the ſaid Pariſhes reſpectively, to allot ſuch laſt-mentioned Encroachments to the Perſon or Perſons who ſhall at the Time of the paſſing of this Act, or of the Execution of the Award of the ſaid Commiſſioner, be in Poſſeſſion thereof, or in the Receipt of the Rents and Profits thereof, as the Whole or Part of the Share or Proportion of the ſaid Commons or Waſte Lands to which ſuch Perſon or Perſons ſhall be entitled by virtue of this Act, without conſidering the Value of any Buildings thereon; and if ſuch Perſon or Perſons ſhall not be entitled to any Allotment or Allotments under this Act, equal to the Value of ſuch Encroachments, but ſhall be willing to purchaſe the ſame, then the ſaid Commiſſioner ſhall (where the ſame can be done without ſuch Prejudice or Inconvenience as aforeſaid) aſcertain the Price thereof, or of ſuch Part thereof as ſhall exceed the Rights of ſuch Poſſeſſor or Poſſeſſors thereof in reſpect of any other Property as aforeſaid; in aſcertaining of which

Price the ſaid Commiſſioner ſhall not value the Buildings thereon, but ſhall value the Land only; and upon ſuch Perſon or Perſons paying ſuch Price to the ſaid Commiſſioner, at ſuch Time and Place as he ſhall for that Purpoſe appoint, and taking his Receipt for the ſame, every ſuch Encroachment, or ſuch Part or Parts thereof as ſhall be ſo purchaſed, and alſo all Buildings thereon, ſhall thereupon become veſted in ſuch Purchaſer or Purchaſers, and his and their reſpective Heirs and Aſſigns, in Fee Simple, or other Tenure as aforeſaid, without any further or other Conveyance, Aſſurance, Inſtrument, or Writing whatſoever; and the ſaid Commiſſioner ſhall apply ſuch Purchaſe Money as aforeſaid as Part of the Monies to be raiſed for defraying the Expences of applying for and obtaining this Act, and carrying the ſame into Execution within each reſpective Pariſh; and in caſe any Surplus of the Monies ſhall remain after all ſuch Charges and Expences ſhall have been fully paid and ſatisfied, ſuch Surplus ſhall be diſtributed in a due Proportion among the ſeveral Perſons intereſted, and ſeverally paid to them in caſe they ſhall be Tenants thereof in Fee Simple, and the Shares of the others of the ſaid Perſons ſhall reſpectively be paid into the Bank of *England*, in the Manner directed by the ſaid recited Act with reſpect to Money to be paid for the Purchaſe or Exchange of Lands, Tenements or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchaſe of other Lands, Tenements or Hereditaments, to be ſettled to the ſame Uſes; and where ſuch Perſon or Perſons in Poſſeſſion of any Encroachment as laſt aforeſaid ſhall not be entitled to any Allotment equal to the Value of ſuch Encroachment, and, by reaſon of the Poverty of ſuch Perſon or Perſons, he, ſhe, or they ſhall not be enabled to purchaſe ſuch Encroachment as aforeſaid, it ſhall be lawful for the ſaid Commiſſioner and he is hereby authorized (where the ſame can be done without any Prejudice or Inconvenience as aforeſaid) either to allot ſuch laſt-mentioned Encroachments to ſuch reſpective Perſons as laſt aforeſaid in Fee, or for Term of their Lives reſpectively, or otherwiſe, or to permit them to remove any Houſes or Buildings erected or Trees planted thereon, or to make them any reaſonable Compenſation, either by Allotment to them of any other Part of ſuch Commons or Waſtes, or in Money, to be paid by the Perſons to whom the Reſidue of ſuch Commons or Waſte Lands ſhall be allotted, as to the Commiſſioner ſhall ſeem reaſonable and expedient; and in caſe any Difference or Diſpute ſhall ariſe touching any ſuch Encroachments, or the Extent thereof, ſuch Difference or Diſpute ſhall be determined by the ſaid Commiſſioner in the ſaid reſpective Pariſhes: Provided always, that no Perſon or Perſons who hath or have made, or who is or are in Poſſeſſion of any ſuch Encroachments, ſhall in reſpect thereof be entitled to any Part or Share of or in the Commons and Waſte Grounds intended to be divided, allotted, and incloſed by virtue of this Act.

Old Roads may be ſtopped or diverted;

XIX. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioner, and he is hereby authorized and empowered, in caſe he ſhall think proper, within the ſaid reſpective Pariſhes, 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 in Manner, and ſubject to Appeal, as in the ſaid recited Act is directed, to ſtop up and diſcontinue, or to divert, turn, or vary the Direction of, or to widen, any old or accuſtomed

accuſtomed Road or Roads, Way or Ways, Path or Paths, Track or Tracks, paſſing or leading through any Part of the old Incloſures, or over any Part or Parts of the ſaid reſpective Pariſhes of *Wargrave* and *Warfield*, (the Conſent of the Owner or Owners of ſuch old Incloſures being firſt had and obtained in Writing under his, her, or their Hand or Hands for that Purpoſe); and all ſuch Roads, Ways, Paths or Tracks, as ſhall be ſtopped up or diſcontinued, ſhall be deemed Part of the Lands hereby intended to be divided, allotted and incloſed, and ſhall be allotted to ſuch of the Proprietors of the adjoining Lands, as the ſaid Commiſſioner ſhall think fit, preferring ſuch Proprietors whoſe Gardens, Orchards, Paddocks or Pleaſure Grounds, may happen to adjoin ſuch Roads, Ways, Paths or Tracks, ſo to be ſtopped up as aforeſaid.

but not till new Roads are made.

XX. Provided always, and be it further enacted, That none of the preſent Roads, Ways, Paths or Tracks, within the ſaid Pariſhes reſpectively, ſhall be ſhut up or diſcontinued until the ſeveral Roads or Ways intended to be and remain Public Roads or Highways ſhall be ſet out in Manner by the ſaid recited Act and this Act directed, and until the ſame ſhall be properly fenced, and made ſafe and convenient for the Paſſage of Horſes, Cattle, and Carriages.

Commiſſioner may ſcour old Drains and direct new Drains to be made.

XXI. And be it further enacted, That the ſaid Commiſſioner ſhall and may ſcour out and widen, or cauſe to be ſcoured out and widened, all or any of the ancient Ditches, Drains, Watercourſes, Tunnels, and Bridges in the ſaid reſpective Pariſhes of *Wargrave* and *Warfield*, and alſo ſhall and may ſet out and appoint, or cauſe to be ſet out and appointed, ſuch new Ditches, Drains, Watercourſes, Tunnels and Bridges, as well in, through, and over the reſpective Lands and Grounds under and by virtue of this Act intended to be divided, allotted and incloſed, as alſo in, over, and through any ancient Incloſures within the ſaid reſpective Pariſhes, (making ſuch Satisfaction to the Proprietors of ſuch ancient Incloſures for the Damage done thereby as they ſhall think reaſonable, and the Expences thereof to be borne and defrayed as the Expences of executing this Act are hereby directed to be borne and defrayed), and of ſuch Breadth, Depth, and Dimenſions, and in ſuch Directions, as the ſaid Commiſſioner ſhall think proper; and the ſaid Commiſſioner ſhall and may and he is hereby directed and required, in and by his Award, to order and determine by whom, and at whoſe Expence, in what Proportions, and at what Time, and in what Manner, the ſaid Ditches, Drains, Watercourſes, Tunnels, and Bridges ſhall be made, and afterwards cleanſed, ſcoured, and maintained; and alſo ſhall and may direct, order and award, all or any of the Streams, Springs of Water and Watercourſes, within the ſaid Open and Common Fields, Meadows and Paſtures, Commons and Waſte Grounds hereby directed to be divided, allotted, and incloſed to be carried, diverted, and turned in ſuch Courſes, and through over and acroſs ſuch Parts of the Lands and Grounds hereby directed to be divided, allotted and incloſed, as the ſaid Commiſſioner ſhall in his Diſcretion judge proper; provided that ſuch Streams or Springs be not diverted or turned without the Conſent in Writing of the reſpective Perſon or Perſons from or out of whoſe Lands the ſame ſhall be diverted, and of the Perſon or Perſons through or into whoſe Lands the ſame ſhall be turned.

XXII. And,

What Lands shall be allotted.

XXII. And, for the better ascertaining what Lands shall be divided allotted, and inclosed pursuant to this Act, be it further enacted, Tha all Fields or Inclosures containing the Property of Two or more Person within one Fence shall be deemed Part of the Lands to be divided, allotted, and inclosed, by virtue of this Act, and shall be divided, allotted, and inclosed accordingly.

Allotments for Materials and Pits.

XXIII. And be it further enacted, That the said Commissioner shall, if he shall judge it expedient and necessary, but not otherwise, set out and allot unto the Surveyors of the Highways within the said respective Parishes of *Wargrave* and *Warfield* for the Time being for ever, such Part of the Common Fields, Common Meadows, Commons and Waste Grounds hereby directed to be divided, allotted and inclosed, as the said Commissioner shall judge necessary, as and for Watering Places for Cattle, and as and for Public Gravel, Stone, Chalk, and Clay Pits; and the same Allotment or Allotments when so set out shall thereafter be used by the Surveyors of the Highways, and by the Proprietors of Lands and Tenements within the said respective Parishes, and their Tenants for the Time being, in such Manner, and under such Rules and Regulations, as the said Commissioner shall by his Award direct or appoint.

Allotments to the Lord of the Manor of Wargrave and Warfield for the Soil.

XXIV. And be it further enacted, That the said Commissioner shall and he is hereby required to set out, allot and award, unto and for the said Lord *Braybrooke*, as Lord of the Manors of *Wargrave* and *Warfield* aforesaid, or to the Lord or Lords of the said respective Manors for the Time being, such Parts and so much of the said Common and Waste Grounds within the said Manors respectively, and hereby directed to be divided, allotted and inclosed, as in his Judgment shall be equal in value to One Sixteenth Part of the said Commons and Waste Lands, (except of such Part thereof as was granted by the said *Richard Neville Neville* to the said *John Walsh* as aforesaid), as a Compensation and Satisfaction for his or their Rights and Interests in and to the Soil of the same Manors respectively.

Allotments to other Lords.

XXV. And be it further enacted, That the said Commissioner shall and he is hereby required to set out, allot and award, unto and for the said several other Lords of Manors, and Owner or Owners of the Soil of Waste Lands within the said respective Parishes of *Wargrave* and *Warfield*, their Heirs or Assigns respectively, such Part and Parts of the Waste Lands and Grounds hereby directed to be divided, allotted and inclosed, as, in the Judgment of the said Commissioner, shall be equal in value to One Sixteenth Part of so much of the said Waste Lands and Grounds as they shall be respectively entitled to within the same Manors respectively, and such Allotment or Allotments shall be in Lieu, Bar, Compensation, and Satisfaction for all the Rights of Soil in such Waste Lands and Grounds respectively.

Allotments to Lords of Manors in Right of Soil, not to affect their Rights as Proprietors.

XXVI. Provided always, and be it further enacted, That the several Allotments herein-before directed to be made to the several Lords of Manors or others as aforesaid, for and in lieu of their respective Rights to the Soil of the respective Commons and Waste Grounds in the said several Manors respectively, shall not in any Manner affect or prejudice the

the reſpective Rights of the ſaid ſeveral Lords of Manors or others as aforeſaid to their ſeveral and reſpective proportional Allotments as Proprietors of or as being intereſted in the ſaid Open Waſte Ground and Common Lands ſo to be divided and incloſed, further than with reſpect to their ſeveral and reſpective Rights to the Soil of the ſeveral and reſpective Commons and Waſtes for which Allotments are herein-before directed to be ſeverally and reſpectively made.

Allotment for Glebe.

XXVII. And be it further enacted, That the ſaid Commiſſioner ſhall in the next Place, ſet out, allot and award, unto and for the Reverend *Philip Nind*, the preſent Vicar and Incumbent of the Vicarage and Pariſh Church of *Wargrave* aforeſaid, and his Succeſſors Vicars as aforeſaid for the Time being, ſo much and ſuch Part or Parts of the Lands and Grounds hereby directed to be divided, allotted and incloſed, within the ſaid Pariſh of *Wargrave*, as, in the Judgment of the ſaid Commiſſioner, ſhall be a full Equivalent, Compenſation and Satisfaction, for all the Glebe Land or other Land belonging to him or them as Vicars as aforeſaid, within the Open and Common Fields, and other Commonable Lands in the ſaid Pariſh of *Wargrave;* and that the Lands ſo to be ſet out and allotted unto the ſaid *Philip Nind*, and his Succeſſors Vicars as aforeſaid, ſhall be incloſed and fenced on the outward Boundaries thereof, with Ditches and Quickſet Hedges, as the ſaid Commiſſioner ſhall direct, to be made in a proper and huſbandlike Manner, in ſuch Parts thereof as the ſaid Commiſſioner ſhall judge proper; and that the whole Expence of making and keeping ſuch Fences in Repair, for the Space of Seven Years next after the planting of ſuch Quickſet Fences, ſhall be deemed and conſidered as Part of the Expences of carrying this and the ſaid recited Act into Execution, within the the ſaid Pariſh of *Wargrave*, and ſhall be borne and defrayed accordingly.

For ſecuring Frontages.

XXVIII. And be it further enacted, That inaſmuch as many Parts of the Common Lands and Waſte Ground within the Pariſhes of *Wargrave* and *Warfield* aforeſaid do adjoin the Gardens, Orchards, Paddocks, Pleaſure Grounds, and Lands of many Proprietors of Meſſuages, Manſion Houſes, and Lands near to the Roads within the ſaid reſpective Pariſhes, and it would be a great Detriment and Injury to the Proprietors of ſuch Meſſuages, Manſion Houſes, and Lands reſpectively to have ſuch Common or Waſte Land which ſo adjoins their ſaid reſpective Gardens, Orchards, Paddocks, Pleaſure Grounds, and Lands, or any Part thereof, allotted to any other Perſons, it ſhall be lawful for the ſaid Commiſſioner in the ſaid reſpective Pariſhes, and he is hereby authorized and required, to ſet out, allot and award, to the ſaid Proprietors of ſuch Meſſuages, Manſion Houſes or Lands, their Heirs or Aſſigns reſpectively, ſo much and ſuch Part or Parts of the ſaid Common or Waſte Land as ſhall adjoin and lie between any ſuch Garden, Orchard, Paddock, Pleaſure Ground, or other Lands, and any Carriage Road bounding the ſame; and if in any Caſe ſuch Allotment or Allotments to any ſuch Proprietor or Proprietors ſhall exceed in value the Proportion to which he, ſhe, or they would otherwiſe be entitled to under this Act, then ſuch Proprietor or Proprietors, his, her, or their Heirs or Aſſigns, ſhall, immediately upon ſuch Allotment or Allotments being ſo made and ſet out, provide and give up in exchange ſo much other Land in ſome convenient Situation within the ſaid reſpective

Pariſhes of *Wargrave* and *Warfield*, to be approved of by the ſaid Commiſſioner, as the ſaid Commiſſioner ſhall adjudge and determine to be a full Compenſation and Satisfaction for ſuch Exceſs; and the ſaid Land ſo to be provided and given up by ſuch Proprietor or Proprietors, in lieu of or Exchange for ſuch Exceſs, ſhall be divided, allotted, and awarded by the ſaid Commiſſioner to any other Proprietor or Proprietors, in ſuch and the ſame Manner, in every reſpect, as if ſuch Land had been originally Part of the Lands and Grounds by this Act directed to be divided, allotted, and incloſed; and immediately after ſuch Exchange and Compenſation made by ſuch Proprietor or Proprietors, he, ſhe, or they ſhall hold and enjoy ſuch Allotment or Allotments of Land to him and them for ever, freed and abſolutely diſcharged of and from all Rights of Common, and other Rights whatſoever, of the ſeveral other Proprietors of Meſſuages, Lands, and Tenements in the ſaid Pariſh; but in caſe ſuch Proprietor or Proprietors ſhall not provide and give up to the ſaid Commiſſioner ſuch Land in exchange for ſuch Exceſs as aforeſaid, within ſuch Time as he ſhall order and direct, then it ſhall be lawful for the ſaid Commiſſioner, and he is hereby required to allot and award ſuch Exceſs of Allotment to any other Proprietor or Proprietors: Provided nevertheleſs, that where it ſhall be made to appear to the ſaid Commiſſioner that any ſuch Allotment of Frontage to any Lands, not being a Garden, Orchard, Paddock or Pleaſure Ground, or not being held with any Manſion Houſe, would be of no peculiar Advantage to the Owner of ſuch Lands, and might impede and prevent the ſaid Commiſſioner from allotting any ſuch Frontage Ground in as full an Extent as practicable to the Proprietor of any ſuch Garden, Orchard, Paddock or Pleaſure Ground, then and in ſuch Caſe it ſhall be lawful for the ſaid Commiſſioner to allot ſuch Frontage in ſuch Manner, and to ſuch Perſon or Perſons as may moſt advantageouſly carry into Effect the Allotment of ſuch Waſte Lands, according to the Proviſions herein-before made.

Allotment of Reſidue of Waſte and of Open Fields, Meadows, and Paſtures.

XXIX. And be it further enacted, That the ſaid Commiſſioner ſhall and he is hereby authorized and required to divide, ſet out, and allot the Reſidue and Remainder of the ſaid Commons and Waſte Lands, and alſo the ſaid Open and Common Fields, Meadows and Paſtures, and Fields or Incloſures containing the Property of Two or more Perſons, unto and amongſt the reſpective Owners thereof, and to Perſons entitled to Rights and Intereſts ariſing therein or therefrom, in ſuch Quantities, Shares and Proportions, and in ſuch Parts and Places, as the ſaid Commiſſioner ſhall adjudge and determine to be a juſt Compenſation and Satisfaction for and equal to their ſeveral and reſpective Lands, Grounds, Rights of Common, or other Intereſts in and over the ſame, due Conſideration being had to the Quantity, Quality, and Convenience of Situation for ſuch Owners and Perſons reſpectively, and ſo as the Land ſet out and allotted to each reſpective Owner and Perſon intereſted in any of the Common Meadows by this Act intended to be divided, allotted and incloſed, be a Part or Parts of the ſaid Common Meadows, unleſs the ſame be otherwiſe ſet out and allotted with the Conſent and Approbation in Writing of ſuch Owner or Owners.

Fencing.

XXX. And be it further enacted, That the ſeveral Allotments of the Lands and Grounds to be made purſuant to and by virtue of this Act ſhall

ſhall be ring-fenced by and at the Expence of the reſpective Proprietors thereof, (except as to the Vicar's Allotment), in ſuch Manner, within ſuch Time, in ſuch Shares and Proportions, and the Mounds and Ring Fences be for ever after maintained and kept in Repair, as the ſaid Commiſſioner ſhall in and by his Award order and direct.

Allotments to be ſet out before a certain Time.

XXXI. And be it further enacted, That the ſaid Commiſſioner ſhall and he is hereby required and directed (unleſs prevented by ſome inevitable Cauſe) to make and ſet out all the Allotments by this Act directed to be made, ſo as that the ſame may be known by the ſaid ſeveral Perſons intereſted, ſome Time previous to the Tenth Day of *October* One thouſand eight hundred and fifteen.

Perſons ſelling their Allotments before Execution of Award.

XXXII. And be it further enacted, That if any Perſon or Perſons hath or have ſold, or ſhall at any Time before the Execution of the Award of the ſaid Commiſſioner ſell, his, her, or their Right, Intereſt or Property, or any Part thereof, in, over, or upon the Lands or Grounds to be divided, allotted, and incloſed by virtue of this Act, to any other Perſon or Perſons, then and in every ſuch Caſe it ſhall be lawful for the ſaid Commiſſioner, and he is hereby authorized and required, to make the Allotment or Allotments of the Vendor unto the Vendee or Purchaſer in every ſuch Sale, or to his or her Heirs or Aſſigns, for or in reſpect of ſuch Right, Intereſt, or Property ſo ſold, and every ſuch Vendee or Purchaſer, and his, her, or their Heirs and Aſſigns, ſhall and may, from and after the Execution of the Award of the ſaid Commiſſioner, hold and enjoy the Lands ſo to be allotted to him, her, or them as aforeſaid, in the ſame Manner, to all Intents and Purpoſes, as the Vendor in every ſuch Sale might, could, or 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 at the Time of making ſuch Allotment or Allotments as aforeſaid.

Allotments to be delineated upon a Plan, and Notice given to Proprietors.

XXXIII. And be it further enacted, That when and ſo ſoon as the ſaid Commiſſioner ſhall have aſcertained the reſpective Rights and Intereſts of the ſaid Proprietors in the Lands and Grounds to be divided, allotted and incloſed, by virtue of this Act, and alſo the reſpective Shares and Proportions by them propoſed to be allotted to ſuch Proprietors reſpectively in lieu thereof, the ſaid Commiſſioner ſhall give Notice in Manner aforeſaid of a convenient Time and Place when and where the ſaid Proprietors may be informed of ſuch intended Allotments, and ſee the ſame as they are then ſet out and delineated upon a Map or Plan thereof, to be produced for their Inſpection; and, as ſome Proprietors may upon Inſpection of ſuch Map be diſſatisfied with the intended Allotments, the ſaid Commiſſioner ſhall at ſuch Time and Place as laſt aforeſaid, or ſome other Time or Place to be appointed by him for that Purpoſe, receive Statements in Writing of the Complaints and Objections againſt ſuch Allotments, and ſhall forthwith, or as ſoon after as may be, determine the ſame, and his Determination as to the Quantity and Situation of ſuch Allotments ſhall be final and concluſive upon all Parties.

Powers to make Exchanges.

XXXIV. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioner to ſet out, allot and award, any Lands, Tenements or Hereditaments, within the ſaid reſpective Pariſhes of *Wargrave* and *Warfield*,

field, in lieu of and in Exchange for any other Lands, Tenements or Hereditaments, within the ſaid reſpective Pariſhes, or within any adjoining Pariſh, Hamlet, Townſhip or Place, or any Pariſh or Place within Five Miles of the ſaid reſpective Pariſhes of *Wargrave* and *Warfield*; provided that all ſuch Exchanges be aſcertained, ſpecified, and declared in the Award of the ſaid Commiſſioner, and be made with the Conſent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements or Hereditaments, which ſhall be ſo exchanged, whether ſuch Owner or Owners, Proprietor or Proprietors, ſhall be a Body or Bodies Politic, Corporate or Collegiate, or a Tenant or Tenants in Fee Simple, or for Life, or in Fee Tail, General or Special, or by the Courteſy of *England*, or for Years determinable on a Life or Lives, by and with the Conſent of the Leſſor or Leſſors, and not otherwiſe; or with the Conſent of the Guardians, Truſtees, Feoffees for Charitable or other Uſes, Huſbands, Committees, or Attornies of or acting for ſuch Owners or Proprietors as aforeſaid, who, at the Time of making ſuch Exchange or Exchanges, ſhall be reſpectively Infants, Femes Covert or Lunatics, or under any other legal Diſability, or who ſhall be beyond the Seas, or otherwiſe diſabled to act for themſelves, himſelf or herſelf, ſuch Conſent to be teſtified in Writing under the Common Seal of the Body Politic, Corporate or Collegiate, and under the Hands of the other conſenting Parties reſpectively; and all and every ſuch Exchange and Exchanges ſo to be made ſhall be good, valid, and effectual in the Law, to all Intents and Purpoſes whatſoever: Provided always, that no Exchange ſhall be made of any Lands, Tenements or Hereditaments, held in right of any Church, Chapel, or other Eccleſiaſtical Benefice, without the Conſent, teſtified as aforeſaid, of the Patron thereof, and of the Biſhop of the Dioceſe in which ſuch Lands, Tenements, Tithes or Hereditaments, ſo to be exchanged, ſhall lie or be ſituate.

Exchange between the Rector and Vicar.

XXXV. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioner, and he is hereby required, to ſet out, allot and award, unto and for the ſaid *John Faithfull*, as Vicar of *Warfield* aforeſaid, and his Succeſſors Vicars as aforeſaid for the Time being, ſo much and ſuch Part of the Lands and Grounds of him the ſaid *John Terry*, as, in the Judgment of the ſaid Commiſſioner, ſhall be a full Equivalent, Compenſation, and Satisfaction for the ſaid annual Payment of Five Quarters of Wheat, Three Quarters of Oats, Three Quarters of Beans, and One Quarter of other Grain; and immediately from and after ſuch Land ſhall have been ſo ſet out, allotted, and awarded to the ſaid Vicar as aforeſaid, as a Compenſation for and in lieu of the ſaid annual Payment of Wheat, Oats, Beans, and other Grain as aforeſaid, ſuch annual Payment ſhall ceaſe and be no longer paid or payable; and the ſaid Rectory and Great Tithes ſhall thenceforth be wholly exonerated and diſcharged therefrom; provided that the Land ſo to be ſet out, allotted and awarded, as a Compenſation for and in lieu of ſuch annual Payment, ſhall be in ſuch a convenient Situation near the Vicarage Houſe as ſhall be approved of by the Biſhop of the Dioceſe in which the ſaid Pariſh Church is ſituate, and alſo by the ſaid *John Faithfull*, or his Succeſſors in the ſaid Vicarage, and with the Conſent of the ſaid *John Terry*, ſuch Approbation and Conſent to be teſtified in Writing under the Hands of the ſaid Biſhop and Vicar, and of the ſaid *John Terry*, or his Heirs reſpectively.

 XXXVI. Provided

Costs of Exchanges to be borne by the Parties.

XXXVI. Provided always, and be it further enacted, That all the Costs, Charges, and Expences attending the making and completing of any Exchanges and Partitions, or of making any Allotment or Allotments to any Vendee or Purchaser as before mentioned, shall be borne, paid, and defrayed by the several Persons making such Exchanges and Partitions, or as such Vendor and Purchaser shall agree; and in Default of such Agreement, as the said Commissioner shall by his Award order and direct, and shall be recovered in the same Manner as is herein-before directed respecting the Recovery of any Penalty or Sum of Money by this Act directed to be levied.

Lands held under Lease.

XXXVII. And be it further enacted, That the several Lessees or Tenants who have on Lease any Estate or Estates at Rack Rent, of which or of any Part or Parts whereof there shall be any Division, Allotment or Inclosure, by virtue of the Powers of this Act, or in respect of which any Allotment or Allotments of the said Commons or Waste Grounds shall be made as aforesaid, shall, at such Time or Times as the said Commissioner shall by Writing under his Hand order and direct, surrender and yield up, to the Person or Persons to whom any Part of the Estate or Estates so on Lease to any such Lessees or Tenants as aforesaid shall be allotted, such Part or Parts as shall be so allotted to such Person or Persons, such Lessees or Tenants receiving from the Owners or Proprietors of such allotted Lands or Hereditaments respectively, such Compensations as the said Commissioner shall ascertain, order, and direct.

For directing the Course of Husbandry.

XXXVIII. And be it further enacted, That the said Commissioner shall and he is hereby required to order, direct, and appoint the Course of Husbandry that shall be used in the Tillage Parts of the said Common Fields respectively, until such Time as he shall have completed his Award respectively; and that the Lands of all and every Person or Persons in the said Common Fields shall, during the Time aforesaid, be subject and liable to such Orders and Directions as the said Commissioner shall by Writing under his Hand appoint, as well with regard to the stocking or depasturing with Cattle or Sheep, as to the manuring, ploughing, harrowing, sowing, or laying down the same with Grass Seeds of any Kind; and that the Costs and Charges attending the Execution of any such or other Orders and Directions of the said Commissioner, which he is empowered to make by this or the said recited Act, and for the Recovery of which no express Provision is hereby made, shall be paid by the Person or Persons so ordered to pay the same, unto such Person or Persons, at such Times and in such Shares and Proportions, as the said Commissioner shall in and by his Award, or any Order or Direction in Writing under his Hand, to be signed antecedent to the Execution of his Award, direct and appoint, and in case of Nonpayment thereof shall be recovered by the Ways and Means herein-after appointed for the Recovery of the General Expences of passing and executing the Powers of this and the said recited Act.

Grass Lands not to be ploughed.

XXXIX. And be it further enacted, That no Meadows, Pastures, or Grass Lands, Part of the said Lands and Grounds hereby directed to be divided, allotted and inclosed, shall, from and after the passing of this Act, and before the staking out of the Allotments to be made in pursuance of this Act, be ploughed, broken up, or converted into Tillage or

Garden Ground; and that every Proprietor, Occupier or Tenant, who ſhall ſo plough, break up, or convert into Tillage or Garden Ground, any ſuch Meadow or Paſture or Graſs Land, ſhall forfeit and pay for every Acre of ſuch Meadow and Paſture or Graſs Land ſo ploughed, broken up, or converted into Tillage, any Sum not exceeding Twenty Pounds; and ſo in proportion for a greater or leſs Quantity than an Acre, to be recovered by any Perſon or Perſons who will inform and proſecute for the ſame in the Manner preſcribed by the ſaid recited Act, touching the Recovery of Penalties and Forfeitures, together with reaſonable Coſts.

Directing Compenſation to be made for growing Crops.

XL. And be it further enacted, That the ſaid Commiſſioner ſhall and may, by ſome Writing or Writings under his Hand, aſcertain, order, and appoint what Recompence and Satisfaction in Money ſhall be paid to the Owner or Owners of any Crops growing on any Part of the ſaid Open and Common Fields at the Time of making the ſaid intended Diviſion, Allotment, and Incloſure for the ſaid Crops, by the Perſon or Perſons to whom the Lands on which ſuch Crops are growing ſhall be allotted, unleſs ſuch Owner or Owners ſhall, within the Time to be appointed by Writing under the Hand of the ſaid Commiſſioner for that Purpoſe, declare his, her, or their Intention to reap and take away the ſame, and ſhall have Permiſſion from the ſaid Commiſſioner ſo to do; and in caſe of Non-payment of ſuch Recompence and Satisfaction in Money for ſuch Crops at the Time and in the Manner to be appointed by the ſaid Commiſſioner for that Purpoſe, or in caſe of any ſuch Election to reap and take away the ſame, then it ſhall be lawful for ſuch Owner of ſuch Crops, and his, her, or their Servants, Workmen or Agents, to enter into and upon the Lands and Grounds whereon ſuch Crops ſhall be growing, and to cut, reap, and carry away the ſame, and to diſpoſe thereof to his, her, and their own Uſe; and alſo that the ſaid Commiſſioner ſhall, by ſome Writing or Writings under his Hand, aſcertain, order, and appoint what Recompence and Satisfaction ſhall be paid, and to whom, for the Standage of Crops, by ſuch Owner or Owners electing and having Permiſſion from the ſaid Commiſſioner to take away the ſame as aforeſaid; and alſo what Satisfaction in Money ſhall be paid, and by whom, to any Tenant or Tenants, Occupier or Occupiers of Lands, within the ſaid ſeveral Pariſhes, as well for ploughing, tilling, and manuring of any Lands or Grounds which ſhall be allotted to ſome other Perſon or Perſons, for the Profit and Advantage which any Perſon or Perſons to whom the ſaid Grounds ſhall be allotted will obtain thereby, as for any Loſs or Damage which any ſuch Tenant or Tenants, Occupier or Occupiers, ſhall or may ſuſtain by Means of the ſaid Diviſion, Allotment, and Incloſure; and if in either or any of the ſaid Caſes laſt mentioned ſuch Recompence and Satisfaction ſhall not be made at the Time and in Manner to be appointed by the ſaid Commiſſioner, then the ſaid Commiſſioner ſhall and may, by any Warrant or Warrants under his Hand and Seal, directed to any Perſon or Perſons whomſoever, (and which Warrant or Warrants he is hereby authorized and empowered to grant accordingly), cauſe the ſame to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons required to make ſuch Satisfaction and Recompence as aforeſaid, together with the Coſts and Charges of ſuch Diſtreſs and Sale, rendering the Overplus (if any) upon Demand to the Owner or Owners of ſuch Goods and Chattels.

XLI. And

To prevent depasturing Sheep on Roads.

XLI. And be it further enacted, That it shall not be lawful for any Person or Persons, during the Term of Seven Years next after the Execution of the Award of the said Commissioner, to depasture or keep any Cattle, Lambs or Sheep, in or upon any of the Roads or Ways to be set out by the said Commissioner, in or over the Lands and Grounds hereby directed to be divided, allotted and inclosed, or in any of the intended new Inclosures to be made under this Act, unless the Person or Persons so depasturing or keeping such Cattle, Lambs or Sheep, do at his, her, or their own Expence effectually guard and fence his or their Neighbours Quicksets adjoining to such Roads or Ways and Inclosures respectively, in which Cattle, Lambs, or Sheep shall be depastured and kept as aforesaid, so as to prevent any Damage or Injury being done to such Fences or Quicksets by any such Cattle, Lambs or Sheep; and that the Person so depasturing or keeping Cattle, Lambs or Sheep, in or upon the said Roads or Ways as aforesaid, or in the said new Inclosures, and neglecting or refusing to guard his Neighbours Quicksets as aforesaid, shall be liable in every Case to pay all such Damages as shall be sustained by any other Persons whomsoever, by reason or on account of such depasturing and keeping Cattle, Lambs or Sheep as aforesaid, to be recovered by Action of Debt, or on the Case, in any of His Majesty's Courts of Record at *Westminster*, with full Costs of Suit.

Allotments to be held under the same Tenure as the Premises in respect of which such Allotments were made.

XLII. And be it further enacted, That all Lands and Hereditaments which shall be allotted by virtue of this or the said recited Act to any Person or Persons shall be held by such Person or Persons, under the same Tenure, Rents, Customs and Services, as the Messuages, Cottages, Lands, and other Hereditaments, in respect of which such Allotments shall be respectively made or given were respectively held under or enjoyed, by such Person or Persons as aforesaid, before the passing of this Act, or would have been held under and enjoyed by in case this Act had not passed; and the several Lands and Hereditaments which shall be allotted for any Freehold Messuages or Cottages, Lands or Hereditaments, shall be deemed Freehold, and shall be held of the Lord or Lords of the Fee thereof, under the same Rents, or other Payments, as the Freehold Messuages, Cottages, Lands, and Hereditaments for which they were allotted, were before that Time held under; and the several Lands and Hereditaments which shall be allotted for any Copyhold or Customary Messuages, Cottages, Lands or Hereditaments, shall in like Manner be deemed Copyhold or Customary Lands and Hereditaments, and shall be held of the Lord or Lords of the Fee thereof, under the same Rents, and by the same Customs and Services as the Copyhold or Customary Messuages, Cottages, Lands, and Hereditaments for which they were so allotted, were or ought to have been held under, and shall pass by the like Surrenders and Admittances, as the Copyhold or Customary Messuages, Cottages, Lands and Hereditaments, in respect whereof such Allotments shall be made, do now pass by; and that all and every such Copyhold or Customary Lands and Hereditaments, which shall be allotted as aforesaid, shall, immediately after the Execution of the respective Awards of the said Commissioners, be and become vested in the Person or Persons to whom such Copyhold Allotments shall be made as aforesaid, without any new Admission, and without any Fine or other Charge, to the Lord or Lords, or to the Steward or Stewards of the said Manors; and that such Copyhold or Customary

Lands and Hereditaments ſo to be allotted as aforeſaid ſhall at all Times be held under and ſubject to the ſame Tenures, Fines, and other Payments, as the preſent Copyhold or Cuſtomary Meſſuages, Cottages, Lands and Hereditaments, in reſpect whereof ſuch Lands and Hereditaments were allotted are now held under and are ſubject to, and as the ſame Eſtate or Part thereof, but in no Caſe to be ſubject to any additional Heriot.

Deductions may be made of Land as an Equivalent for Fines, &c. to the Lord of the Manor.

XLIII. Provided nevertheleſs, and be it further enacted, That in caſe any of the Owners or Proprietors of or Perſons intereſted in any Copyhold or Cuſtomary Meſſuages, Lands, Tenements or Hereditaments, entitled to any Share in the Commons and Waſte Lands to be incloſed by virtue of this Act, ſhall be deſirous of having Land deducted or taken from their reſpective proportionate Allotments of the ſaid Commons and Waſte Lands in reſpect of ſuch Meſſuages, Lands, Tenements or Hereditaments, equivalent in Value to the Fines, Rents, and Services which would otherwiſe become due and payable to the Lord of the Manor, of which ſuch Meſſuages, Lands, Tenements or Hereditaments, ſhall be holden, in reſpect of the Tenure of ſuch Allotments, and ſhall by themſelves or Agents ſignify the ſame in Writing to the ſaid Commiſſioner, then and in every ſuch Caſe it ſhall be lawful for the ſaid Commiſſioner to deduct from the reſpective Allotments to be made to ſuch Owners or Proprietors or Perſons intereſted as aforeſaid, and to add to the Allotment of the Lord of the Manor for the Time being, of whom ſuch Eſtates ſhall be holden, ſo much Land as ſhall, in the Judgment of the ſaid Commiſſioner, be equal in Value to the Fines, Rents, and Services which would otherwiſe become due and payable to the Lord of the Manor for the Time being of whom ſuch Copyhold or Cuſtomary Eſtates ſhall be holden, for and in reſpect of the Allotments to be made for ſuch Eſtates, according to the Tenure thereof reſpectively, and thereupon to allot and award the Reſidue of ſuch Allotments, after ſuch Deduction ſhall have been made as aforeſaid, to ſuch Owners and Proprietors or Perſons intereſted, as Freehold; and the ſame ſhall be thenceforth held by ſuch Owners and Proprietors or Perſons intereſted, as his, her, or their Freehold of Inheritance in Fee Simple, diſcharged of all Fines, Rents, Heriots, and Services whatſoever in reſpect thereof.

Wills and Settlements not to be affected.

XLIV. Provided always, and be it further enacted, That nothing herein contained ſhall extend or be conſtrued to extend to revoke, annul, make void, or alter any Will, Codicil, Settlement, Jointure, Dower, Portion, Debt, Mortgage, Charge or Incumbrance, affecting any of the Lands, Grounds or Hereditaments, intended to be divided, allotted, and incloſed as aforeſaid, or which ſhall be exchanged as aforeſaid, further or otherwiſe than by ſubſtituting the Lands, Grounds, Tenements or Hereditaments ſo to be allotted, or received in Exchange for and inſtead of the Lands, Grounds, Tenements and Hereditaments, in lieu of which the ſame ſhall be ſo allotted or received in Exchange.

For protecting the Waterworks of Harry Fonnereau

XLV. Provided always, and be it enacted, That it ſhall and may be lawful to and for *Harry Fonnereau* Eſquire, his Heirs and Aſſigns, and his and their Servants, Workmen and Artificers, from Time to Time, and at all Times hereafter, to have free Ingreſs, Egreſs and Regreſs, into, from, and

and upon ſuch of the Waſte Lands to be divided, allotted and incloſed, within the ſaid Pariſh of *Wargrave*, through which the Water is conveyed from an incloſed Spring or Reſervoir of him the ſaid *Harry Fonnereau*, on a Part of the ſaid Waſte, called *Cooks Hill*, to the Dwelling Houſe of him the ſaid *Harry Fonnereau*, and to dig, open, and remove the Earth and Soil there, in ſuch Manner and as often as it ſhall be neceſſary for repairing or cleanſing the Pipes or other Works by which ſuch Water is conveyed through the ſame Waſte Lands, and that it ſhall and may be lawful to and for *Sarah Hill* Widow, and *Joſeph Jekyll* Eſquire, and each of them, and the Heirs and Aſſigns of the ſaid *Joſeph Jekyll*, and her, his, and their Servants, Workmen and Artificers, from Time to Time and at all Times hereafter, to have free Ingreſs, Egreſs and Regreſs, into, from, and upon any of the Lands to be divided, allotted and incloſed, within the ſaid Pariſh of *Wargrave*, through which the Water is conveyed from certain Springs or Reſervoirs at *Highfield Farm*, to the Dwelling Houſe of her the ſaid *Sarah Hill*; and to dig, open, and remove the Earth and Soil there in ſuch Manner, and as often as it ſhall be neceſſary for repairing or cleanſing the Pipes or other Works by which ſuch Water is conveyed through the ſame Lands, they the ſaid *Harry Fonnereau*, *Sarah Hill*, and *Joſeph Jekyll* reſpectively, their Heirs or Aſſigns, doing as little Damage as may be thereby, and making reaſonable Compenſation for any ſuch Damage as may happen to be done thereby; and that it ſhall not be lawful for any Perſon or Perſons whomſoever to do or commit any Act, Matter, or Thing whatſoever, whereby or by Means whereof any of the Waters may be drained or taken from the ſaid Springs or Reſervoirs reſpectively, or whereby the Fences, Pipes, Tunnels, or other Works belonging thereto, or conducting the Water therefrom, may be deſtroyed, injured or damaged, in any Manner howſoever. Eſquire, and others.

XLVI. And be it further enacted, That the Coſts and Charges of and incident to and attending the obtaining and paſſing this Act, and of ſurveying, meaſuring, planning, dividing, valuing, allotting, and incloſing the ſaid Open and Common Fields, and Commonable Lands and Waſte Grounds ſo intended to be divided, allotted, and incloſed, and of making the Public Roads, Drains, Watercourſes and Bridges, to be ſet out by virtue of this Act and the ſaid recited Act, within the ſaid Pariſhes reſpectively, and of preparing and inrolling the ſeveral Awards, and the Allowances to the ſaid Commiſſioner, Surveyors and Clerk, and to the ſeveral Perſons to be employed by them, either before or after the Execution of the ſaid reſpective Awards, in or about or concerning the Execution of this Act and the ſaid recited Act, and not hereby otherwiſe provided for, ſhall from Time to Time be borne, paid, and defrayed by and at the Expence of all the ſaid Proprietors and Owners, or other Perſons intereſted in the ſaid Diviſion, Allotment and Incloſure, according to the Benefits derived under this and the ſaid recited Act, (other than and except the Vicars of the ſaid Vicarages for the Time being, in reſpect of the Allotment to be made to them reſpectively in lieu of Glebe, and other than and except the Surveyors of the Highways for the Time being of the ſaid reſpective Pariſhes, in reſpect of the Allotment or Allotments herein-before directed to be made to them as aforeſaid), in ſuch Shares and Proportions, at ſuch Time or Times, and to ſuch Perſon or Perſons, Expences of the Allotments to Proprietors how to be defrayed.

as the ſaid Commiſſioner ſhall by Writing under his Hand, to be affixed on the principal outer Doors of the ſaid ſeveral and reſpective Pariſh Churches, at leaſt Fourteen Days before the Time of ſuch Payment, order and direct; and in caſe any Perſon or Perſons ſhall refuſe or neglect to pay his, her, or their Proportion of ſuch Charges and Expences as aforeſaid within the Time, and to ſuch Perſon or Perſons as the ſaid Commiſſioner ſhall appoint, then and in ſuch Caſe the ſaid Commiſſioner ſhall and may, by Warrant under his Hand and Seal, directed to any Perſon or Perſons whomſoever, cauſe the ſame, together with lawful Intereſt, to be computed from the Day on which the ſame ought to have been paid as aforeſaid, to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo neglecting or refuſing to pay the ſame, rendering the Overplus (if any) on Demand to the Owner or Owners of ſuch Goods and Chattels, after deducting the Coſts and Charges of taking and making ſuch Diſtreſs and Sale, or the ſame, together with lawful Intereſt as aforeſaid, ſhall and may be recovered by Action at Law in any of His Majeſty's Courts of Record at *Weſtminſter*; or it ſhall and may be lawful to and for the ſaid Commiſſioner, or any Perſon or Perſons authorized by him, immediately after ſuch Neglect or Refuſal, to enter in and upon the Premiſes ſo to be allotted to ſuch Perſon or Perſons as aforeſaid, and demiſe the ſame, and receive and take the Rents, Iſſues, and Profits thereof, until thereby or therewith, or otherwiſe, ſuch Share or Proportion, Shares or Proportions, with lawful Intereſt for the ſame, to be computed from the Time ſuch Sum or Sums of Money ſhall be ordered to be paid, and alſo all the Coſts, Charges, and Expences occaſioned by or attending ſuch Entry upon and Receipt of the Rents and Profits of the ſaid Premiſes, ſhall be fully paid and ſatisfied.

Allowing incapacitated Perſons to ſell for Expences.

XLVII. And be it further enacted, That in caſe any Body or Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, or any of the Owners or Proprietors of or Perſons intereſted in any Meſſuages, Lands, Tenements or Hereditaments, entitled to any Share in the Lands to be incloſed by virtue of this Act, who by virtue of this or the ſaid recited Act ſhall have Power to raiſe Money on Mortgage, for paying and defraying their reſpective Proportions of the Charges and Expences incident to or attending the carrying the Incloſure hereby intended into Execution, ſhall, inſtead of exerciſing ſuch Power of borrowing Money as aforeſaid, be deſirous of having Land deducted or taken from their reſpective Allotments, equivalent to the Amount in Money with which they are by this Act or the ſaid recited Act enabled to charge their reſpective Allotments, and ſhall by themſelves or Agents ſignify the ſame in Writing to the ſaid Commiſſioner, then and in every ſuch Caſe it ſhall be lawful for the ſaid Commiſſioner to deduct from the reſpective Allotments to be made to ſuch Body or Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, or to ſuch other Owners or Proprietors or Perſons as aforeſaid reſpectively, ſo much Land as ſhall, in the Judgment of the ſaid Commiſſioner, be equal in Value to ſuch Sum or Sums of Money as ſuch reſpective Owners or Proprietors or Perſons ſhall be warranted or empowered by virtue of this Act or the ſaid recited Act to raiſe or charge for the Purpoſes aforeſaid, and no more, and to allot and award the ſame to ſuch other Perſon or Perſons who ſhall give for the ſame ſuch Sum or Sums of Money as aforeſaid, and the ſame ſhall be thenceforth held by

ſuch Perſon or Perſons as his, her, or their Freehold of Inheritance in Fee Simple, diſcharged of all Commonable Rights and other Rights for which Compenſation ſhall have been provided and made upon or under ſuch Diviſion or Incloſure: Provided always, that in all Caſes where any Land ſhall be deducted from the Allotment of any of the ſaid Proprietors or Perſons towards Payment of Expences as aforeſaid, it ſhall not be lawful for the Commiſſioner to deduct, from any Allotment to be made to any Proprietor or Proprietors, any further or greater Quantity of Land than would be equal in Value to the Sum of Money that ſuch Proprietor or Proprietors is or are by this or the ſaid recited Act empowered to borrow and charge on his, her, or their Lands, Tenements or Hereditaments; nor ſhall it be lawful for the Proprietor or Perſon, from whoſe Allotment Land ſhall be deducted as aforeſaid, to charge his, her, or their Lands, Tenements or Hereditaments, by virtue of the ſaid recited Act or this Act, with any Money towards Payment of ſuch Expences.

Reſtriction from deducting and borrowing alſo, unleſs the Land deducted be leſs than 5*l.* an Acre.

XLVIII. Provided always, and be it further enacted, That it ſhall not be lawful to raiſe by ſuch Sale or Sales as aforeſaid, any further or greater Sum of Money than the Perſon or Perſons (Part of whoſe Allotment ſhall be ſold as aforeſaid) would have been empowered or authorized to borrow or charge upon his, her, or their Allotment or Allotments, under or by virtue of the ſaid recited Act or this Act; nor ſhall it be lawful for the Perſon or Perſons, from whoſe Allotment Land ſhall be deducted as aforeſaid, to charge his, her, or their Allotment or Allotments, by virtue of the ſaid recited Act or this Act, with any Money towards the Payment of ſuch Expences, unleſs the Money to ariſe by ſuch Sale ſhall not amount to the Sum of Five Pounds *per* Acre of ſuch Allotment or Allotments; 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 by ſuch other Ways and Means as mentioned in the ſaid recited Act or this Act, the Remainder of ſuch Money for the Payment of the Expences of obtaining and executing this Act, ſo as that the whole Sum to be raiſed by virtue of this Act ſhall not exceed the Sum of Five Pounds *per* Acre, according to the Number of Acres contained in ſuch Allotment or Allotments.

In caſe the Money raiſed by Sales is not ſufficient, the Deficiency to be paid by the Proprietors.

XLIX. Provided always, and be it enacted, That in caſe the Money to be produced by ſuch Sale or Sales, where the ſame ſhall take place, ſhall not be ſufficient to defray all ſuch Coſts, Charges, and Expences as aforeſaid, then and in ſuch Caſe the Deficiency ſhall be borne, defrayed, and paid by the reſpective Perſons, Body or Bodies Politic, Corporate or Collegiate, to whom the ſaid Lands and Grounds ſhall be allotted by virtue of this Act, in proportion to the Value of their reſpective Allotments, ſuch Proportion to be ſettled and aſcertained by the ſaid Commiſſioner, and ſuch Proportions when ſo ſettled and aſcertained ſhall be paid to ſuch Perſon or Perſons, and at ſuch Time or Times, as he ſhall order and direct; and in caſe any Perſon or Perſons, Body or Bodies Politic, Corporate or Collegiate, ſhall refuſe or neglect to pay his, her, or their Share or Proportion of the ſaid Deficiency, then and in ſuch Caſe the ſaid Commiſſioner ſhall and he is hereby empowered and required, by Warrant under his Hand and Seal, to cauſe the ſame to be levied by Diſtreſs and Sale of the Goods and Chattels of the Owner or Owners, or the Occupier or Occupiers, of the Allotment or Allotments ſo refuſing or neglecting

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ing such Payment as aforesaid, together with the Costs and Charges of such Warrant, Distress and Sale, rendering the Overplus (if any) on Demand to the Owner or Owners of such Goods and Chattels, upon Demand; and every Occupier or Tenant who shall make such Payments under such Distress, or otherwise, by Order of the said Commissioner, is hereby authorized to deduct and retain out of his, her, and their next Payment of Rents so much Money as he, she, or they shall so pay on that Account.

Persons advancing Money to be paid legal Interest.

L. And be it further enacted, That the Person or Persons who shall have advanced and lent or who shall advance and lend any Sum or Sums of Money for defraying the Expences of applying for and obtaining this Act, and carrying the same into Execution, shall be repaid the same out of the first Monies which shall be raised and collected in pursuance hereof, with Interest at the Rate of Five Pounds *per Centum per Annum* from the Time of advancing and paying the same respectively.

Auditing Commissioner's Accounts.

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

Commissioner to make Awards.

LII. And be it further enacted, That the said Commissioner shall and he is hereby authorized and required to make separate Awards, in Writing, for each of the said Parishes of *Wargrave* and *Warfield*, of and concerning the several Matters and Things directed to be done by him in each of the said Parishes in pursuance of this Act, in such Manner, and to cause the same to be inrolled within such Time, and at such Place, as is set forth and directed by the said recited Act; and that the said respective Awards (after the same shall have been enrolled in the Manner directed by the said recited Act) shall, together with a Map or Plan thereto respectively annexed, be deposited in the respective Parish Churches of *Wargrave* and *Warfield* aforesaid.

Supplementary Instrument may be executed by the Commissioner for supplying Omissions in certain Cases.

LIII. And be it further enacted, That when the Proprietors of any Lands or other Hereditaments which shall be allotted, partitioned, or exchanged by virtue of this or the said recited Act, shall hold their respective Lands or Hereditaments by different Tenures, or for different Estates, or under different Titles, the said Commissioner shall, upon the Request of such respective Proprietors in Writing under their Hands, ascertain and distinguish the Lands or other Hereditaments held by each of such Tenures for each of such Estates respectively, and shall accordingly in his Award

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ſet out and diſtinguiſh diſtinct and ſeveral Allotments for ſuch reſpective Lands or other Hereditaments; and when, for Want of the neceſſary Information before the ſaid Commiſſioner, or from any other Cauſe, his Award ſhall omit diſcriminating, as herein-before is mentioned, ſuch Title, different Eſtates, and different Tenures, and within Twelve Calendar Months after the making the ſaid Award Requeſt ſhall be made to the ſaid Commiſſioner, by any Perſon or Perſons intereſted, by Writing under his, her, or their Hand or Hands, to have ſuch Omiſſion ſupplied by a ſeparate Inſtrument or Inſtruments, then and in every ſuch Caſe the ſaid Commiſſioner is hereby authorized to 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 the Award had not been made; and when he ſhall have obtained what he ſhall think ſufficient Information, he is hereby alſo authorized, by any Deed under his Hand and Seal, to aſcertain and diſtinguiſh the Differences of Tenures, Eſtates, and Titles reſpectively, and accordingly to make diſtinct and ſeveral Allotments in the ſame Manner as is hereby required ſuch Diſcrimination ſhould be contained in the ſaid Award; and every ſuch ſeparate Inſtrument, after having been duly executed by the ſaid Commiſſioner, ſhall have the ſame Effect as if it was contained in the ſaid Award, and ſhall be delivered unto the Perſon or Perſons upon whoſe Requeſt the ſaid Omiſſion ſhall have been ſupplied, or 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 Commiſſioner, moſt properly belong for the Time being; and all Expences which ſhall be reaſonably incurred in and about any ſuch Supplementary Inſtrument as aforeſaid ſhall be payable and paid by the Perſon or Perſons who ſhall have ſo requeſted the ſaid Commiſſioner as aforeſaid, or by his, her, or their Executors or Adminiſtrators.

Perſons aggrieved may appeal to the Quarter Seſſions.

LIV. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved, by any Thing done in purſuance of this or the ſaid recited Act, then and in every Caſe (except where the Orders, Determinations, and Proceedings of the ſaid Commiſſioner is hereby or by the ſaid recited Act declared to be final and concluſive, and excepting in ſuch Caſes where an Iſſue at Law ſhall be tried as herein-before mentioned) he, ſhe, or they may appeal to the General Quarter Seſſions of the Peace which ſhall be held in and for the ſaid County of *Berks*, within Six Calendar Months next after the Cauſe of Complaint ſhall have ariſen, ſuch Appellant or Appellants firſt giving to the ſaid Commiſſioner, or his Clerk, and to the Party or Parties intereſted therein, Fourteen Days Notice in Writing of ſuch Appeal, and of the Matter thereof; and the Juſtices at ſuch General Quarter Seſſions are hereby required to hear and determine the Matter of every ſuch Appeal, and make ſuch Order therein, and award ſuch Coſts, as to them in their Diſcretion ſhall ſeem reaſonable, and by their Order and Warrant to levy the Coſts which ſhall be ſo awarded by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties liable to pay the ſame, rendering the Overplus (if any) to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of ſuch Diſtreſs and Sale; which Determination of the ſaid Juſtices ſhall be final and concluſive upon all Parties concerned, and ſhall not be removed by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*, or elſewhere.

Saving to Lords of the Manor.

LV. Provided always, and be it further enacted, That nothing in this Act contained ſhall prejudice, leſſen, or defeat the Right, Title, or Intereſt of the Lord or Lords, Lady or Ladies, of the ſaid reſpective Manors for the Time being, of, in, or to the Seigniories, Royalties, Rights and Services, incident to or belonging to ſuch Manors reſpectively; but the Lord or Lords, Lady or Ladies of the ſaid Manors reſpectively, ſhall and may from Time to Time, and at all Times hereafter, hold, receive, take, and enjoy all the Rents, Fines, Services, and Profits of Courts, and all the Rights, Royalties, and Privileges to ſuch Manors reſpectively incident, appendant, belonging or appertaining, in as full, ample, and beneficial a Manner, to all Intents and Purpoſes, as he, ſhe, or they might or ought to have held and enjoyed the ſame in caſe this Act had not been paſſed.

General Saving.

LVI. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and to all and every other Perſon or Perſons, Body or Bodies Politic, Corporate or Collegiate, his, her, and their Heirs, Succeſſors, Executors and Adminiſtrators, (except the ſeveral Perſons to whom any Allotment or Allotments ſhall be made in purſuance of this Act, for and in reſpect of ſuch Rights and Intereſts as are hereby meant and intended to be barred, deſtroyed or extinguiſhed, and all Perſons reſpectively claiming under them, or in Remainder after them,) all ſuch Eſtate, Right, Title and Intereſt, as they, every, or any of them, could or ought to have had and enjoyed, of, in, to, or out of the Lands and Grounds hereby directed to be divided, allotted and incloſed, before the paſſing of this Act, or in caſe this Act had not been paſſed.

Evidence Clauſe.

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

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